

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 06 OCTOBER 2021 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

2 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 16

4 MINUTES

To confirm and sign the Minutes of the meeting held on 4 August 2021.

17 - 40

5 LICENSING ACT 2003 PREMISES LICENCE – GRANT CHAI GARDEN, 57A ALFRED STREET, SPARKBROOK, BIRMINGHAM, B12 8JP

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 4 AUGUST 2021
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 4 AUGUST 2021 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Martin Straker-Welds and Mike Sharpe.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/040821 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/040821 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/040821 Apologies were submitted on behalf of Councillors Nicky Brennan, Mary Locke and Neil Eustace and the nominated substitute Members were Councillors Mike Leddy, Martin Straker-Welds and Mike Sharpe.

LICENSING ACT 2003 – REVIEW – DC MINIMARKET, 138 CHURCH ROAD, YARDLEY, BIRMINGHAM, B25 8UT.

On Behalf of the Applicant

Paul Ellson – TS (Trading Standards)
Dawn Bunsie – TS (Trading Standards)

Those Making Representations

Chris Jones – WMP (West Midlands Police)
Sharon Watts – LE (Licensing Enforcement)
Ian Howell – Gallagher JTI

Premises Licence Holder

Mohammed Sheikehpour – PLH (Premises Licence Holder).
Victoria Cartmell - Representative

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then continued to explain the hearing procedure prior to inviting the Licensing Officer, Bhupinder Nandhra, to outline the report.

The Chair invited the applicant to make their submissions, at which stage the representative of TS, Dawn Bunsie made the following points: -

- a) On 12 March TS conducted an intelligence led operation visiting businesses suspected of selling illicit products. Officers attended the premises at 1250 hours and spoke to the shop assistant, another male in the premises at the time said he was the licence holder – it was Mr Sheikehpour.
- b) Th sniffer dogs found tobacco concealed on the bottom shelf of the central island which had to be dismantled to gain access. The tobacco was illicit and a total of 107 packets were found – all non-duty paid.
- c) The products had non standard packaging and were suspected of being counterfeit. Samples were sent off to brand representatives and confirmed to be counterfeit.
- d) Enquiries were still on-going.

In answer to Members questions Dawn Bunsie and Paul Ellson made the following points: -

Dawn Bunsie:-

- a) That she was unable to confirm the exact number of illicit cigarettes that were brand names of JTI. However, she would find out.

Paul Ellson:-

- a) That he was present on the day of the visit and the tobacco was extremely well concealed. He had never come across that before – the display unit had to be dismantled.
- b) There was no suspect tobacco on the counter, it was all concealed.
- c) It would have taken them at least 30 minutes to pack all the products inside and TS would never have found it if it wasn't for the sniffer dogs.
- d) There were at least 100 packets of tobacco on display. Only the counterfeit products were concealed.
- e) The products had non-standard packaging in different languages – some English and some foreign.
- f) The gentleman behind the counter didn't look particularly shocked when they discovered the illicit products.
- g) TS received a complaint about illicit products at the premises, the owners had recently changed and so he went and gave them advice and documents detailing what they should and should not be selling.
- h) TS also sent them advice by post in February.
- i) He had all the information.
- j) Counterfeit tobacco meant that the products were not supplied for EU countries and should not be sold in the UK. Its non-duty paid products.
- k) There haven't been any tests on the products to assess the chemicals.

The Chairman then invited the representative of WMP, Chris Jones to make his case, at which point he made the following statements: -

- a) That TS had touched upon what he wanted to say.
- b) The big thing was that the operation was intelligence led – they were supplying illicit products and that information was supplied to TS by a member of the public.
- c) It was strange that all the illicit products were concealed, perhaps they were about to restock from the hidden products.

- d) It suggested they had been selling illicit products which were non-duty paid.
- e) It gave them an unfair advantage over the retail world and had implications for legitimate traders as they couldn't compete with the prices and also may lose traders.
- f) The customers thought they were getting legitimate products and had no idea what was in them. The products didn't meet British standards.
- g) It wasn't possible to know what was in the products – whether they were harmful or not.
- h) There was a total disregard for public safety.
- i) The premises had received previous warnings and advice and had still taken no notice or regard for the licensing objectives of public safety and prevention of crime and disorder.
- j) The trade of illicit tobacco was often run by organised crime groups, draining resources from the welfare system and government.
- k) It was funded by organised criminal activity, putting peoples lives at risk and creating further strain on the NHS.
- l) He had no confidence in the management of the premises and had no belief that they would uphold the licensing objectives.

In answer to Members questions Chris Jones made the following points: -

- a) That they had also found illicit products at another premises where the products were concealed in walls and ceilings. So, it wasn't just this premises.

The Chair invited Licensing Enforcement to make their case and Sharon Watts made the following points: -

- a) The current licence holder was also the DPS and had been since the transfer in February 2021.
- b) 15 June 2021 TS submitted the review as a result of finding illicit tobacco.
- c) Following on from that a licensing inspection was carried out. The licence holder wasn't present at the time, but one of the employees phoned him and he did attend. She went through the conditions with him and a number of them were not being met.
- d) The staff training was not being maintained or recorded, Thee CCTV conditions were not met, as he was unable to produce any recordings for June 2021. The refusals book had nothing to how for 3 months and there was no records of the emergency training procedures.

- e) She informed him of the breaches and told him she would return to ensure compliance.
- f) She revisited the premises yesterday and although the CCTV was operational due to issues with the CCTV and the engineer being called out he was unable to show a 31 day time span due to the problems.
- g) She requested the training records to which he supplied her with a template document, but no actual training record was produced. He stated he only employed one member of staff, but no record was produced for that staff member.
- h) She then requested the emergency procedures and he supplied her with a document on his mobile phone, however nothing was signed to show the staff had even received it. He stated his solicitor had these records.
- i) Under Section 136 he was clearly not complying with the conditions of the licence. He had also not been upholding the licensing objectives of crime and disorder and public safety, which is a serious matter.

In answer to Members questions Sharon Watts made the following points: -

- a) When she spoke to the licence holder on the first visit he said he wasn't aware of the conditions in regard to staff training. However, he did hold a personal licence and therefore should be aware of those things.
- b) That they usually visited premises applying for new licences or varying an existing licence, or as the result of a complaint. They didn't carry out random inspections.
- c) They usually visited premises every day.
- d) She had a great deal of experience under her belt.
- e) That there was a great deal of non compliance with the conditions attached to the licence. The PLH said he didn't understand or realise, but he is a personal licence holder so he would have been aware of what was expected and required in order to comply.
- f) He did not give the impression that he understood what the conditions were.

Ian Howell was then invited to make his submissions and made the following points: -

- a) That WMP and TS had already picked up on the sale of illicit tobacco being a problem. However, concealment wasn't uncommon and they were often opened using remote controls on the counter top. They might appear difficult to gain to access yet were usually designed for easy access.
- b) They did 22 store visits last year in the area and 9 were selling illicit tobacco to test purchasers.

- c) They hoped today's decision acted as a deterrent to those stores and showed that the Council supported legitimate businesses.

In answer to a question from one of the Members Ian Howell responded: -

- a) That he was sure the exact amount of products found which were JTI.

The Chair then invited the PLH/representative to make their case, at which stage Victoria Cartmell made the following statements: -

- a) That she was a prosecutor and illicit tobacco was her 'bread and butter'.
- b) She wouldn't play down the issue.
- c) The fact that the concealment had to be taken apart meant it wasn't sophisticated.
- d) That the PLH went into business with Abdullah (the man in the shop who was present at the time of the visit back in March).
- e) The premises was taken over by the licence holder in February and he went into business with Abdullah because he didn't have a personal licence at the time. Her client was not present at the time of the visit in March.
- f) Her client was shocked about the tobacco because he had no knowledge about it. This led to a fall out between Abdullah and her client.
- g) These activities were carried out whilst he was the licence holder and responsible and subsequently Abdullah is no longer part of the business.
- h) Upon notification of the review the PLH contacted her and then she caught Covid so she couldn't send him the documents. Licensing attended the premises and raised concerns regarding training records. He indicated that he had trained staff verbally and didn't know he needed signed documents.
- i) The CCTV following that visit was immediately rectified – they don't have 31 days of recording because it hasn't recorded for long enough after having a new hard drive.
- j) She emailed him the training documents on 6 July and he confirmed he had done the training. She had seen the signed training documents. He had them at home and not in the file.
- k) She had made it clear to her client that documents needed to be provided immediately.
- l) The documents he showed on his phone were for emergency procedures. He didn't realise there was somewhere to sign them.

- m) The documents were in English, but the staff Members wasn't English and therefore she went through it with him in his language.
- n) Her client was a man of good character with no convictions – he had never been in trouble prior to this.
- o) He understood that these issues would lead to prosecution or even the loss of his licence.
- p) He told her he didn't sell the cigarettes but knows as the licence holder he is ultimately responsible.
- q) The issues had been sorted and they invited the responsible authorities to carry out inspections to check compliance.
- r) He wanted to work in partnership with the responsible authorities and appreciated the seriousness of the issues.
- s) She asked the Committee to give him a chance.

Mohammed Sheikehpour made the following points: -

- a) The man couldn't get a licence so he got the licence and they worked together. He was the licence holder but the other man owned the shop.
- b) When they found the tobacco he asked his partner what it was as he hadn't been told about it. He also asked him why he never told him. The response was that he got them from the previous licence holder and the products were Romanian and Polish so they were sold to them.
- c) After 2 months Abdullah left the shop and he was now the manager, owner and PLH.
- d) The CCTV wiped itself and when he got it sorted, they changed the hard drive.
- e) Everything was recording but there was 3 days missing because it wasn't sorted in time.
- f) He didn't realise he had to get the training documents signed.

In answer to Members questions Mohammed Sheikehpour and Victoria Cartmell made the following points: -

Victoria Cartmell:-

- a) The warnings would have gone to the shop and he wasn't aware.
- b) He was aware of his duties, but not the importance of the records.

Mohammed Sheikehpour:-

- c) That he was responsible for everything. He didn't touch anything from the previous owner and he thought it would be alright.
- d) That he didn't know what had happened with the previous owner and he had done all the training and checked the camera. He didn't realise he needed to sign the documents.
- e) He couldn't read much but was pretty good. He studied in his country and his English was not as good as it should be. (Victoria Confirmed that she had sent documents to him and he could read and write English.)
- f) That he could read English.
- g) That the cigarettes, usually 10 in a box, would sell for £70 - £100.
- h) The 107 packets of cigarettes would be worth roughly £170 - £500.
- i) That they sold roughly 30 packets a week.
- j) He purchased the premises in November 2020, took over in May and got the licence in February.
- k) He received the letter about selling illicit products and gave it to the owner.

When the Councillor asked him to state two of the licensing objectives Victoria Cartmell advised that she had discussed them with him, and he couldn't repeat them but understood about challenge 25 and the stuff behind promoting the licensing objectives.

Mohammed Sheikehpour told the Committee that for challenge 25, he would ask for ID, not serve drunk people or sell alcohol or tobacco to minors. He also told them he could only sell alcohol between the licensable hours.

In summing up Sharon Watts made the following points: -

- That having listened to the submissions, it did seem that Mr Sheikehpour could read English.
- He had not been complying with the licence conditions since February. If he had read the licence conditions he would have understood what was required of him. He clearly had never read them. He had failed to uphold the licensing objectives.

In summing up Chris Jones of WMP made the following points: -

- That the PLH had been involved with the business since TS received intelligence regarding the premises.
- The tobacco was concealed and it took sniffer dogs to discover it – it showed pre-planning and deceit by the premises.

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- LE had advised of the breaches of licence conditions which suggested a lack of management. He clearly wasn't aware of his responsibilities as the PLH.
- The premises and PLH has been given various chances and failed to uphold the licensing objectives.
- The only reason he had taken responsibility was because of the potential that the licence could be revoked.
- WMP asked that the licence be revoked.

In summing up the representatives of TS made the following points: -

- That they echoed what Chris said – the licence holder didn't seem to have a full understanding of his obligations despite having received advice from TS.
- The PLH didn't appear to have read the conditions on the licence and on that basis the Committee should consider all outcomes available to them.
- Back in December Paul Ellson issued an advisory notice at the premises and the PLH was in the shop at the time and signed the notice. He was given a written notice and verbal advice.
- The licence is a privilege and not a right, and it came with a level of control. The licence was granted in November.
- That it was not that hard to comply with the licence.
- The level of control had been haphazard even after intervention from TS. Nothing had changed, he had ignored the advice given.
- There was no control whatsoever.
- He was grateful that Victoria had become involved but after what he had heard he felt it was not good enough and illicit tobacco was just the tip of the iceberg it needed addressing.
- The conditions hadn't been met at all.

In summing up, Victoria Cartmell on behalf of the PLH made the following points:

-

- That she was hoping her involvement would help and she did have breakthroughs with some of her clients.
- That she accepted it wasn't good enough.
- He did have some involvement in the premises in November, but he didn't take over as PLH until February.

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- When the licence was transferred to him, he should have got his house in order.
- Any decision shouldn't go over and above. It was a problem-solving piece of legislation and revocation was used as a last resort.
- The guidance did not suggest that revocation should be seriously considered.
- The review had acted as it should have, Abdullah had gone and her client was now the sole owner of the premises.
- Her client wasn't aware of what was going on.
- She thought it could be dealt with by way of conditions – all alcohol must be purchased by reputable wholesalers and invoices must be made available at all times.
- She had explained that he had to meet the conditions otherwise he could go to jail – it was very serious.
- Another condition could be that invoices must be kept on record at the premises for 6 months.
- The other option would be to remove him as the DPS and the licence be suspended until a new DPS was found.
- If the Committee felt that he wasn't focused enough a short suspension would ensure all documents were in order.
- Perhaps a 7 day suspension and an authority inspection before reopening.
- He wanted to work with the authorities.
- A short suspension would focus his mind and give him a chance. She would also be assisting him.
- That her client would be pro-active.

At this stage the meeting was adjourned in order for the Sub-Committee to make a decision and all parties left the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was sent out to all parties as follows;

4/040821

RESOLVED:-

That, having reviewed the premises licence held under the Licensing Act 2003 by

Mohammed Sheikehpour, in respect of DC Minimarket, 138 Church Road, Yardley, Birmingham, B25 8UT upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines that:

- the Licence be revoked, and that
- Mohammed Sheikehpour be removed as Designated Premises Supervisor

in order to promote the objectives of the prevention of crime and disorder, and public safety, in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns expressed on behalf of the Chief Inspector of Weights and Measures, as outlined fully in the Report. Mr Sheikehpour was both the licence holder and the designated premises supervisor for DC Minimarket.

Officers of the Trading Standards department of the City Council attended the meeting and told the Sub-Committee that on 12th March 2021, officers attended at DC Minimarket, accompanied by a tobacco detection dog and handler. Upon receiving an indication from the tobacco detection dog, they dismantled a display unit in the shop, and found 107 packets of illicit tobacco concealed behind it. Some of the packets were non-duty paid products; the rest were counterfeit products. All of this concealed stock was therefore not legal for supply in England. Samples of some of the seized products were sent to the relevant brand manufacturers for analysis; the manufacturers confirmed that those products were counterfeit.

The application for review was supported by West Midlands Police, who advised the Sub-Committee that illicit goods subvert the normal supply chains of legitimate trade. The supply of such goods is controlled by criminal organisations who seek to maximise profit by avoiding legitimate controls and systems. The Sub-Committee was aware that the purchase and sale of counterfeit products is usually made via cash transactions - therefore with no traceability, and of course no UK duty being paid.

Traders acting unscrupulously in offering counterfeit tobacco for sale cannot have any idea of the provenance of these goods, or even if they are fit for their intended use. The Sub-Committee considered that the only intention behind such practices was to maximise profit by tricking consumers; it was doubly unsatisfactory that that no duty would have been paid on the products either.

The Sub-Committee was also aware that the victim in the sale of illicit/counterfeit tobacco is not only the consumer, but the brand itself. These underground activities cause damage to brand manufacturers, destroying consumer confidence in their products and putting their businesses at risk in these uncertain times. A representative of the tobacco brand JT International Group addressed the Sub-Committee to confirm that this was indeed the case; he observed that brands wanted a deterrent for unscrupulous traders, and support for legitimate businesses.

The illicit tobacco trade was of course also detrimental to other retailers who, in offering genuine products, found themselves unable to compete fairly with those shops which chose to break the law by stocking counterfeit goods.

The Sub-Committee therefore considered that counterfeit products damaged the reputation of successful businesses, both manufacturers and retailers; as such, the Sub-Committee took a very dim view of it.

The trade in illicit tobacco was also a drain on the public purse, as West Midlands Police and Trading Standards had to allocate resources to investigate and deal with a criminal activity which had been undertaken, for profit, by a person who should have been more than aware of the standards expected of all licence holders in Birmingham. The Police in particular observed that they had no confidence whatsoever in Mr Sheikehpour to uphold the licensing objectives.

An Enforcement Officer of the Licensing department of the City Council then addressed the Sub-Committee to confirm that there had been a lack of compliance with the licence conditions in general - such as the requirements relating to CCTV, keeping records, and training. The Sub-Committee considered that Mr Sheikehpour should have been aware of his obligations relating to the licence as he was both the licence holder and the designated premises supervisor.

Mr Sheikehpour, via his solicitor, asked for a chance to prove that he could trade in a responsible manner, and offered to welcome the responsible authorities into the shop in order to work in partnership with them in future.

The Sub-Committee looked at all options when making their decision, and placed particular emphasis on the need to ensure that they had confidence that the management of the shop would not engage in, and encourage, criminal activity; criminal activity affected not only consumers in Birmingham, but also respectable businesses and companies.

The Members of the Sub-Committee gave consideration as to whether they could modify the conditions of the licence as suggested by Mr Sheikehpour's solicitor, or suspend the licence for a specified period, but were not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

The operation had been managed in a way that was not merely irresponsible, but also illegal. The findings had shown a lack of professional supervision and control by Mr Sheikehpour as the licence holder, and he had demonstrated that he was incapable of upholding the licensing objectives. After hearing all the evidence, the Sub-Committee determined that the purchase and sale of illicit and/or counterfeit tobacco was indeed so serious that it could not be tolerated. The Sub-Committee therefore resolved to revoke the licence.

A determination to revoke would follow the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by those representing the Chief Inspector of Weights & Measures, West Midlands Police, Licensing Enforcement and the brand manufacturer JT International Group, and also by the licence holder's solicitor.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 6th October 2021
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP
Ward affected:	Sparkbrook and Balsall Heath
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
<p>To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the provision of late night refreshment (for consumption outdoors) to operate from 11:00pm until 03:00am (Monday to Friday)</p> <p>Premises to remain open to the public from 12:00midday until 03:00am (Monday to Sunday).</p>

2. Recommendation:
To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:
<p>An application for a Premises Licence was received on 14th August 2021 in respect of Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP.</p> <p>Representations have been received from West Midlands Police and Environmental Health, as responsible authorities.</p>

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p>5. Relevant background/chronology of key events:</p> <p>Chaii Revolution Limited applied on 18th August 2021 for the grant of a Premises Licence for Chaii Garden, 57a Alfred Street, Sparkbrook, Birmingham, B12 8JP.</p> <p>Representations have been received from West Midlands Police and Environmental Health as responsible authorities. See Appendices 1 and 2.</p> <p>The application is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representations as detailed in Appendices 1 and 2 Application Form, Appendix 3 Site Location Plans, Appendix 4</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application. To Reject the application. To Grant the licence subject to conditions modified to such an extent as considered appropriate. Exclude from the licence any of the licensable activities to which the application relates.</p>

From: Huram Taj
Sent: 09 September 2021 11:55
To: Licensing Online
Cc: Martin Key ; 'Duncan Craig'
Subject: RE: [External]: GRANT-CHAI GARDEN. 57A ALFRED STREET, SPARKBROOK, B12 8JP

Good Morning Licensing,

West Midlands Police have an application for a premises licence at Chaii Garden, 57A Alfred Street, Sparkbrook B12 8JP.

There are concerns in regards to this application in its ability to uphold and promote the licensing objectives with the proposed operating schedule and current Intel ascertained of the premises.

The concerns are linked to reports of anti-social behaviour and noise coming from the premises that currently operates as an unlicensed desert lounge drive-thru takeaway.

A visit from local officers raised further concerns when they attended to find a completely unsecure premise. Access to the premises kitchen and store areas raised further concerns around public safety.

West Midlands Police are currently in active talks with the applicants representatives to try and mitigate and appease these concerns raised.

Supporting documents have been requested to understand the management of the premises beyond what has been supplied in its operating schedule.

The supporting documents will not be received or reviewed in time before the end representation date of 11/09/2021, it is for that reason West Midlands Police Object to this application on the grounds of crime and disorder, Public nuisances and public Safety.

This objection may be withdrawn dependant on supporting documents supplied and potential amendments to the operating schedule provided.

Regards

Huram Taj 60679

Licensing Department

Birmingham Partnerships Team:Lloyd House Birmingham: West Midlands Police

From: Martin Key
Sent: 10 September 2021 17:42
To: Licensing Duncan Craig
Cc: Licensing Online ; bw_licensing
Subject: GRANT-CHAI GARDEN. 57A ALFRED STREET, SPARKBROOK, B12 8JP
Importance: High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I have received an application for a premises licence from Rajeeb Choudhury for late night refreshment between the hours of 23.00 and 03.00 at Chaii Garden, 57a Albert Street, Sparkbrook, Birmingham, B12 8JP. The premises is described as a park and drive chaii Take away and is further described as a drive through only at night time with no consumption on the premises. The only condition relevant to public nuisance is condition 9 on the offered list which suggests that signage will be erected to request that patrons do not cause noise nuisance.

This department has received a number of complaints relating to noise from amplified music and anti-social behaviour associated with the operation of this business and given the extended hours that are being sought, the existing nuisance and the proximate residential use I object to the premises licence on the basis that the proposal will not meet the crime and disorder and public nuisance licensing objectives. The offered conditions do not provide sufficient mitigation for public nuisance that will address our concerns and I do not feel that any conditions can be attached to offset the adverse noise impact caused by these extended operating hours.

The fundamental issue is the late hour requested and I cannot support the hours requested and my concerns could not be addressed by conditions hence my representation.

Best Regards

Martin Key
Environmental Protection Officer



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☐ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☒ A private individual acting as an agent

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	Chaii Garden
Street	57a Alfred Street
District	Sparkbrook
City or town	Birmingham
County or administrative area	
Postcode	B12 8JP
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	0

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Chaii Revolution Limited

Details

Registered number (where applicable)

13099348

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private limited company

Address

Building number or name
Street
District
City or town
County or administrative area
Postcode
Country

Contact Details

E-mail
Telephone number
Other telephone number
* Date of birth / /

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Park and dine chahi takeaway eatery. Drive through late night refreshment only. No consumption on the premises.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors ☒ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

--

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

--

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes ☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

☐ Electronically, by the proposed designated premises supervisor
☒ As an attachment to this application

Reference number for consent form (if known)

--

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

--

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

--

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Training in relation to the promotion of the licensing objectives must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she commences their first shift and at least every six months thereafter.

2. Documented training records must be kept at the Premises and made available to an officer of a responsible authority on request.

b) The prevention of crime and disorder

3. CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- The system will record and retain CCTV footage for a minimum of 28 days
- The system will record at all times when the premises are open.
- The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- CCTV footage must be made available to be viewed by an officer of a responsible authority during an inspection of or visit to the Premises.
- Upon receipt of a request for a copy of CCTV footage from any officer of a responsible authority, the premises will produce that footage within 24 hours.

4. A refusals register must be kept at the Premises and maintained up to date at all times recording the date, time and reasons for every refusal to serve a customer, along with the name and signature of member of staff refusing the sale. The refusals record must be made available to an officer of a responsible authority upon request.

5. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- All crimes reported to the venue
- Any faults in the CCTV system, searching equipment or scanning equipment
- Any visit by a responsible authority or emergency service

Continued from previous page...

- The incident book must be made available to officers of a responsible authority upon request or during an inspection

c) Public safety

6. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

7. The premises' Fire Risk Assessment will be made available to any officer of a responsible authority upon request.

8. The premises licence holder shall ensure that the maximum number of persons on the premises at any one time shall not exceed the number agreed with West Midlands Fire Service

d) The prevention of public nuisance

9. Signs shall be placed at the exterior of the premises asking customers to respect the needs of local residents and requesting that they leave the premises quietly.

e) The protection of children from harm

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

100.00

DECLARATION

1

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE
* ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS
* PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



