

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 21st November 2017
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Moseley Service Station, 45 Alcester Road, Moseley, Birmingham, B13 8AA
Ward affected:	Moseley and Kings Heath
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption off the premises), to operate from 06:00am until 01:00am (Monday to Sunday).

The premises are already permitted to remain open to the public 24hours (Monday to Sunday).

The applicant wishes to remove all existing Conditions within Annex 2 of the current Premises Licence and for the operating conditions to be replaced with the Conditions offered in the variation application.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 2nd October 2017 in respect of Moseley Service Station, 45 Alcester Road, Moseley, Birmingham B13 8AA.

Representations have been received from other persons.

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.

5. Relevant background/chronology of key events:

Rontec Watford Limited applied on 2nd October 2017 to vary the Premises Licence for Moseley Service Station, 45 Alcester Road, Moseley, Birmingham B13 8AA.

Representations have been received from other persons. See Appendices 1 – 14.

The application is attached at Appendix 15.

The current Premises Licence is attached at Appendix 16.

Site Location Plans at Appendix 17.

It should be noted that there is a special policy in force for the Central Moseley area. The effect of a special policy is to create a rebuttable presumption that applications for new licences or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The Council will expect the applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made, the Council will consider the application on its individual merits and decide whether to apply the special policy.

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:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copies of the representations are detailed in Appendices 1 – 14

Application Form, Appendix 15

Current Premises Licence, Appendix 16

Site Location Plans, Appendix 17

7. Options available

To grant the variation application

To refuse the whole or part of the application

To modify the conditions of the Licence

Entered
20

THIS IS AN OBJECTION – I WISH TO ADDRESS THE SUB-COMMITTEE AT THE HEARING

Park Hill
Moseley
B13

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

19th October 2017

BY EMAIL ONLY: licensing@birmingham.gov.uk

Dear Sirs,

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")
Licence Holder Name: Rontec Watford Limited
Application number 103025

Deadline for submissions: Monday 30th October 2017

I object to this application. I object in every aspect.

About me:

Between 1994 and 2000 I lived in Chantry Road. I have lived at Park Hill since 2000. Therefore, over the last 23 years I have accumulated a very detailed factual knowledge of the Premises and the residential area around it. I believe that my point of view therefore carries significant weight and authority.

I now have a young family. My overwhelming concern is how this application (if granted) would affect the 4 licensing objectives, in particular:-

1. crime and disorder (ASB, litter, etc);
2. the risk of harm to children (witnessing ASB, noise affecting schooling/sleep, etc); and
3. public nuisance (ASB, litter, noise, etc).

The application (if granted) would add incrementally to the erosion of this area now being a desirable area for family living.

Background:

I appeared before the Licensing Sub-Committee (A) on 31st October 2016 (Councillors Dring, Kauser and Beauchamp).

I was authorised to speak on behalf of:-

1. my neighbours living close to the Premises;
2. the Chantry Road and Park Hill Residents Association; and
3. the Moseley Society (for the latter part of the hearing after had to leave).

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The application in 2016 started life as a request for permission to sell alcohol 24/7. By the time of the hearing it had been amended and reduced to be an extension to permit alcohol sales until 1am on 7 days a week.

The Sub-Committee's decision:

During a 2 hour hearing, I made submissions. Mr Robert Botkai (a solicitor) made submissions on behalf of Rontec. The Sub-Committee refused Rontec's application on 31st October 2016. The reasons were recorded in writing (copy attached) and included the following:-

1. *"to allow the variation was very likely to add to the cumulative impact on the licensing objectives"; and*
2. *"Members considered that the impact of the proposed operation on those living in this residential/mixed use area would be very likely to be negative, and that incidents of public nuisance (such as noise and litter) in the immediate vicinity of the premises would be exacerbated."*

It is therefore important to note that this reasoning was not a review of historical events. The Sub-Committee was not making a decision based upon fact (events that had occurred). It made a decision based upon its evaluation of what *"would"* happen or was *"very likely"* to happen in the future if the extension was granted.

It therefore follows that there can be no circumstances in which the basis of the application should be reconsidered unless the behaviour of human beings with alcohol changes: a highly unlikely event.

In other words, the passage of time without reports of Anti-Social Behaviour reports ("ASB"), litter, etc would never justify a further application.

In this respect, the decision of the Sub-Committee was *"future proof"*. In other words: final. There would be no circumstances upon which another application could be successful.

The build up to this application:

In the circumstances of a *"future proof"* decision in October 2016 I was therefore startled to discover on 8th June 2017 from _____ at the Moseley Society that Rontec had asked her (living on the other side of Moseley) about whether there had been any ASB or cause for complaint at the Premises (next door to my house).

It was obvious to me from the outset that Rontec's solicitor (Mr Botkai) was avoiding any contact with me (the representative of the main fact holders) and was trying to use a community body to try and secure a favourable reaction to support a second application.

I therefore wrote to Mr Botkai to:-

1. tell him that if he wanted to know fact he ought to speak to fact holders: the residents nearby to the Premises; and

THIS IS AN OBJECTION – I WISH TO ADDRESS THE SUB-COMMITTEE AT THE HEARING

2. ask him why a second application would not:-
 - a. undermine or ignore the reasoning of the 31st October 2016 decision; and/or
 - b. be an attempt at an out-of-time appeal against the 31st October 2016 decision.

We exchanged many emails. Mr Botkai offered to meet the local residents in St. Anne's Church Hall. Before agreeing to a meeting I asked:-

1. that he offer dates that were well clear of the family summer holiday period and into the new autumn term; and
2. him to explain the basis of the proposed application.

Mr Botkai:-

1. offered only two dates to meet which were very close to the beginning of the new school term and therefore not when I had recommended; and
2. refused to be forthcoming with details about the proposed application. In essence, he wanted to meet when we did not know what the meeting was for. He said we would be told at the meeting.

When I refused to call a meeting unless we were told what the application was for in advance he eventually gave some details. At that point it became apparent that the proposed application was a mere repeat application of what had been refused on 31st October 2016. It was therefore pointless to meet.

I told Mr Botkai that a meeting was pointless.

Mr Botkai then contacted the Chairman of the Chantry Road and Park Hill Residents Association and asked him to call a meeting.

Again, this was an attempt to try and get a community body on his client's side.

I therefore petitioned the Residents Association's committee at short notice and showed them all the email correspondence with Mr Botkai and explained why a meeting would be pointless (as it was a mere repeat application).

The committee agreed with me and declined Mr Botkai's invitation of a meeting. In fact, the Chairman (Mr Russell Hall) went further and:-

1. told Mr Botkai that he had been in contact with [redacted] at the Moseley Society and that the Moseley Society Committee had decided to oppose the repeat application to extend alcohol sales to 1am on 7 days a week; and
2. asked Mr Botkai to invite Rentec to reconsider the whole concept of a further application in the light of the universal opposition of the community in Moseley.

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Sadly, that did not happen.

I received a courtesy email from Mr Botkai on 22nd September 2017 (1441hrs) to give notice that he had been instructed to proceed with an application. However, there was a difference: the permission would only be requested for an 8 month period. It was described in his email as a "temporary extension".

I note that the temporary period of 8 months is not stated on the Licensing Public Register.

In case any of the above summary is challenged at the hearing, I attach a paginated bundle of the email correspondence which has been chopped up into individual emails in chronological order for ease of reference.

My grounds of objection:

1. The decision on 31st October 2016 was "future proof". It was not based upon facts existing at the time. It was based upon what "would" happen in the future. The Sub-Committee used their wisdom and judgment based upon their knowledge of the area and experience in licensing matters. However, it is important to note that the language they used was not borderline; it was emphatic. They used the words "very likely", "would be very likely to be negative" and "would be exacerbated". That reasoning and that decision should be final and no further application should be made;
2. The whole of the correspondence with Rontec's solicitor (Mr Botkai) over the summer was on the basis that "as there has been no ASB since October 2016 then an extension was now justified". That is a completely illogical analysis. It is a bit like saying that because a motorcyclist was not in an accident in the last 12 months then it is not necessary to wear a crash helmet any more. That is obviously wrong. The reality is that there has been no ASB *because* the extension was refused;
3. This further application is a transparent attempt to re-run the application refused on 31st October 2016. It is repetitious. Although the Revised Guidance issued under s.182 Licensing Act 2003 which was issued by the Home Office in April 2017 refers to "repetitious grounds of reviews" in Section 11 (paragraphs 11.12 to 11.15), it does not refer to repetitious applications. I submit, by way of analogy, that the application should be treated as "repetitious" and therefore refused.
4. Mr Botkai's email dated 22nd September 2017 said that the application was for a "temporary extension" of 8 months only. This is a very important development because it shows that Rontec now accepts that the absence of reports of ASB, litter and the like since 31st October 2016 does nothing to support its application. However, the 8 month temporary period is obviously going to be the thin end of the wedge. In any event, it also undermines the decision made on 31st October 2016. It would be wholly unacceptable for the residents to suffer ASB, litter and noise for 8 months in some kind of hideous experiment for Rontec. Why should we be guinea pigs for Rontec's commercial benefit? Furthermore, it will place a massive weight upon the residents to document and prove the ASB, litter and noise in order to stop the 8 month period becoming permanent. In effect, Rontec seek to reverse the burden of proof. That is unacceptable. The Sub-Committee's decision stands. No temporary extension should be permitted.

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Is there a need to examine the historical evidence of ASB?

In the circumstances it is not necessary to address you on any of the historical factual matters concerning these premises because there is no need for you to look behind the decision made on 31st October 2017.

However, if you decide it is necessary to re-open that vast amount of evidence then I wish to rely upon all the evidence submitted on the last occasion (copy letter attached).

Summary of objection:

I therefore respectfully ask that you to refuse the application because:-

1. it is an out-of-time appeal from the "future proof" decision dated 31st October 2016;
2. it is a collateral attack on the "future proof" decision made on 31st October 2016;
3. the passage of time does not alter the basis upon which the "future proof" decision was made on 31st October 2016; and
4. the limited period of permission (8 months) does not alter the basis upon which the "future proof" decision was made on 31st October 2016.

Constitution of the Sub-Committee at the hearing of this new application:

To my mind this new application is a plain attack upon the decision made by the Sub-Committee on 31st October 2016. It is a re-run.

The original Councillors' decision is being attacked. Therefore, I believe the appropriate and fair procedural response is for the Licensing Authority to organise a hearing when the original three councillors are available to form the Sub-Committee.

For the avoidance of any doubt, I therefore request that the panel hearing this application consists of:-

- 1. Councillor Dring;**
- 2. Councillor Kauser; and**
- 3. Councillor Beauchamp.**

The purpose of having those original Councillors at the hearing is that *they* can decide themselves whether this is merely a re-run of the application which they rejected on 31st October 2016.

A gap in the s.182 guidance?

As noted above, the s.182 guidance does not cover repetitive *applications* (as opposed to repetitive *reviews*).

There appears to be a gap.

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The s.182 guidance is guidance. It is not an exhaustive list of rules. Not only do I ask that this application be refused (again) but I ask that the Sub-Committee do something to stop everybody's time being expended on this matter in the future.

In the circumstances of the "future proof" decision of 31st October 2016 this further application should never have been issued. I hope it will be refused. However, it would be simply an affront to the rule of law and local government process if another application were ever made again.

I do not suggest a complete prohibition on a further application. That would be unlawful. However, in the civil courts it is possible to make a "civil restraint order" which prevents somebody issuing repetitive applications unless permission is given to issue an application first.

I therefore ask the Sub-Committee to also find as a fact that the 3rd October 2017 application was a repeat of the application refused on 31st October 2016.

As a consequence of such a finding I invite the Sub-Committee to then direct that:

"Rontec Watford Limited shall make no further applications in respect of Licence Number 1983 unless it first obtains the written permission of the Sub-Committee which will need to be satisfied that the further proposed application is not a repeat application."

Nuisance caused by use of the tannoy:

I also enclose with this letter some emails since 31st October 2016 where I have complained about the routine use of the tannoy. It has happened many times. However, I have only taken the time to write a complaint email on:-

1. 12th December 2016;
2. 21st June 2017; and
3. 1st October 2017.

As the emails show, I am always assured that it won't happen again. When it does happen it is not an "emergency". It is laziness. I can tell from the relaxed style of speech which is broadcast that the member of staff is probably just communicating with a customer on the forecourt. I am certain that it is not a warning being communicated in an "emergency".

The reason why I raise this is because I note Rontec offer a series of complex conditions to their application.

My point is simple: they cannot even get their staff to stop using the tannoy for convenience (instead of emergencies) so there is no prospect of the complex conditions being implemented.

Advocacy at any hearing:

At the beginning of this letter I explained by whom I was asked to speak on the last occasion.

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I expect that when other representations on this new application are made to you they might ask that I speak on their behalf at the hearing (if I am available on the hearing date). I confirm that I would be happy to do so.

I therefore ask that you make a note of that authority as it arrives but most importantly notify me of any proposed hearing date as early as possible.

Please confirm safe receipt of this letter.

Enclosures:

1. Previous licensing decision made on 31st October 2016;
2. Copies of emails with Mr Botkai;
3. My letter of objection dated 1st October 2016 and other representations; and
4. Email about tannoy noise nuisance.

Enclosure 1
(previous decision)



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE - A

31 October 2016

Moseley Service Station, 45 Alcester Road, Moseley, Birmingham, B13 8AA

That the application by Rontec Watford Limited to vary the premises licence in respect of Moseley Service Station, 45 Alcester Road, Moseley, Birmingham, B13 8AA under section 34 of the Licensing Act 2003

BE REFUSED

The Sub-Committee carefully considered the proposed variation put forward by the applicant and the likely impact of the variation, but is not satisfied that the licensing objectives would be promoted, specifically the prevention of public nuisance objective.

The Sub-Committee heard from the applicant regarding the proposed use, and also from those making representations.

However, having examined the Central Moseley Special Policy Area (within the City Council's Statement of Licensing Policy), and having observed that the premises are within this area, the Sub-Committee saw no reason to depart from Policy.

Whilst the Sub-Committee took on board that West Midlands Police had no objections to the proposed variation to 0100 hours, and that ordinarily under the s182 Guidance Police views should be highly persuasive, the Sub Committee were mindful that any variation to extend the licensable activities/hours within a Special Policy Area should normally be refused (in accordance with Policy) unless Members considered it unlikely to add to the cumulative impact on the licensing objectives.

Having heard from both the Applicant and from those making representations, the Members were not persuaded that the variation would not add to the cumulative impact on the licensing objectives. On the contrary, having taken into account their knowledge of the Moseley area, and having heard representations from those living nearby, Members considered that to allow the variation was very likely to add to the cumulative impact on the licensing objectives.

Members considered that the impact of the proposed operation on those living in this residential/mixed use area would be very likely to be negative, and that incidents of public nuisance (such as noise and litter) in the immediate vicinity of the premises would be exacerbated. Members did not consider that the proposed Conditions would sufficiently resolve these issues.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy and in particular the Central Moseley Special Policy Area, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application for a variation, the written representations received and the submissions made at the hearing by the applicant & their legal adviser, and by other persons.

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.

Enclosure 2
(emails into Mr Botkai)

EMAILS WITH MR BOTKAI
(RONTec SOL)

From:
Sent: 26 June 2017 12:15
To: Robert Botkai
Cc:
Subject: Texaco petrol station - Moseley

Dear Robert,

I received an email from (secretary of the Moseley Society) recently to explain that you had made contact with her to arrange a meeting to discuss a further application to extend the alcohol licence at the Petrol Station.

I am surprised that you did not contact me direct bearing in mind:-

1. the fact that I spoke at your previous unsuccessful application, together with ; and
2. I am a fact holder (living next to the site) and represented the other fact-holders last time.

The same residents who objected to your last application have been alerted to your plans. I have already received email objections.

If you wish to meet then it can happen in the St. Anne's Church Hall which is on Park Hill (about 70 metres from the site). This is the same location I offered for a meeting before your last unsuccessful application.

It will not cost you very much to hire the room. The phone number of the Benefice Office is

We will require a range of dates so I can canvass availability among those who would be blighted by any alcohol extension to give them a fair chance to turn up. It will have to be an evening meeting. I imagine 7.30pm will be the best time of day.

Ahead of the meeting (to allow circulation) we will need your written:-

1. Proposal; and
2. Reasons (to include why a further application is not an out of time appeal or collateral attack upon the decision of the Licensing Committee in October 2016).

Please note: the summer holidays are ahead of us. It would be totally unacceptable to only offer a meeting between 15th July and 5th September 2017 because of the school holidays which means that many families would be away.

Furthermore, it would be totally unacceptable to make an application without first having such a meeting.

Please also confirm that you will not seek any comment from the Police without them being aware of the views of **the fact holders first**. In fact, it would be good for them to be invited to the meeting to help them form their own views based upon fact, not subjective opinion or desk top speculation.

I say this because on the last occasion you created a conflict of interest between (1) the residents (2) the licensing police officer and (3) our local police team. That caused problems. It should not be repeated.

I look forward to hearing from you.

Yours sincerely,

2

14

On 07 July 2017 at 14:51 Robert Botkai ·

> wrote:

Dear

Thank you for your email.

No discourtesy was intended towards you. We met with as she represented the Moseley Society at the hearing and as such we saw her as representing a group of residents.

I have contacted St Anne's Church Hall and have provisionally booked the following dates;

Wednesday 16 August 7pm

Wednesday 23 August 7pm

Thursday 7 September 7.30pm

Please could you let me know as soon as possible and no later than Friday next week which of these dates and times you prefer.

Kind regards

Robert

3

15

From:
Sent: 10 July 2017 11:48
To: Robert Botkai
Cc:
Subject: Re: Rontec petrol station - Moseley

Dear Robert,

is the Secretary of the Moseley Society: a charity. She is very busy. She lives on the other side of Moseley and therefore does not have any direct factual knowledge (historical or current) about the petrol station.

Your decision to meet with her (without notifying me - and therefore the **actual residents**) because you "*saw her as representing a group of residents*" is something that I will put on the agenda for the meeting in the Church Hall. It is only fair to tell you now that this event will be met with deep suspicion.

In order to persuade the **actual residents** that your meeting was not a tactical ploy to marginalise them or dilute their subsequent comments you ought to consider being ready to tell the meeting:-

1. why you met with her in the absence of the **actual residents**;
2. what was said; and
3. that you will not rely upon anything said at that meeting in any subsequent application.

As to the proposed meeting, in my email dated 26th June 2017:-

1. I proposed dates to avoid; and
2. that you provide written Proposal and Reasons (why a second application is not an out of time appeal or collateral attack upon the decision of the committee on the last occasion).

Whilst you have agreed in principle to meet the **actual residents**, you have not:-

1. confirmed that you will provide us with a written Proposal and Reasons; and
2. offered a range of dates outside of the summer holiday period. The 7th September is too close to the start of the school term for parents (only one as the other will be a baby sitter) to be convenient.

Before I contact the **actual residents** please can you offer two more dates after 7th September? Please also provide a date upon which you will circulate your Proposal and Reasons. There is no reason why they cannot be circulated now, or at least 4 weeks before we meet. That will leave a fair opportunity for the **actual residents** to consider and react to them.

I look forward to hearing from you shortly so we can get dates agreed and circulated.

Yours sincerely,

4

On 11 July 2017 at 14:50 Robert Botkai

wrote:

Dear

The representation of _____ was taken very seriously by the Committee. I recall her demonstrating good knowledge of the area and the community.

I can assure you that there is no plan to marginalise anyone.

I suggest that we proceed with the meeting on 7 September. I believe that most if not all schools will be back by then.

I do not intend to send you written reasons or proposals. Our client is very happy to have an informal engagement with any residents interested in the application.

Kind regards

Robert

5

17

From:
Sent: 11 July 2017 16:12
To: Robert Botkai
Cc:
Subject: RE: Rontec petrol station - Moseley

Robert,

I also recall the Committee taking very seriously the historical factual knowledge I shared with them about the dark old days of anti-social behaviour in this particular location.

You are trying to marginalise the local residents. That is obvious from the following:-

1. I asked for a range of dates to meet outside of the school holidays: you responded with two inside the school holidays and one straight after the holidays (7th September 2017);
2. I asked to you provide other dates in September so I could canvass availability and select the most popular date: you refused to provide other dates and suggested we meet on 7th September even though I told you it was too close to the holidays for there to be a good turn-out;
3. I asked you to circulate a written Proposal and Reasons for this proposed new application (so we know what you have in mind): you have refused to do so;
4. I am trying to organise a meaningful and effective meeting so residents can consider their points of view in advance: you have obstructed that attempt and not even suggested an agenda of topics to discuss.

In your email you also refer to "the application". What application? Are you going to show that to us in advance of issuing it?

What exactly would the purpose of the meeting be?

Please do share your thoughts.

Regards,

6

On 12 July 2017 at 18:48 Robert Botkai ·

· wrote:

Dear

Our client is very happy to meet with you and other interested residents.

The meeting, we hope, will be an informal discussion. We would like to hear any concerns regarding the existing store and we will put forward the plans to vary the licence. No one is being marginalised.

I have provisionally reserved the main hall at 7.30pm Monday 7 September and the smaller side room (up to 25 people) at 7.30pm on Monday 11 September.

Please let me know which of these dates you prefer so I can confirm with the Parish Administrator.

Kind regards

Robert

7

On 12 Jul 2017, at 19:07,

> wrote:

Robert,

If you do not put forward your plans before the meeting you will simply have a resentful group of people listening. They will be resentful because of your refusal to put forward your plans in advance.

A second meeting might therefore be necessary for there to be an exchange of information/views.

Do you want two meetings?

I did ask you to put forward two other dates in September. You have only put forward one. I have not yet checked with the Parish Office. Are there no other available dates after Monday 11th September?

Kind regards,

8

On 12 July 2017 at 19:23 Robert Botkai

wrote:

There is no need for anyone to be resentful.

We are instructed to apply to vary the licence for the sale of alcohol to 1am. I am not sure what other plans you want us to put forward.

I will not trouble the Parish office again. I hope that most interested residents will be able to attend on one of the dates we have suggested. If not I am sure others will be able to brief them or they are welcome to contact me directly.

Kind regards

Robert

Robert Botkai
Partner

9

21

From: . . .
Sent: 12 July 2017 19:42
To: Robert Botkai
Cc: .
Subject: Re: Rontec petrol station - Moseley

Robert,

It is within your gift to avoid anybody being resentful at the meeting.

You now state that Rontec will apply to extend the alcohol licence until 1am but you are not sure what other plans you want me to put forward. Well, please can you consider these points (perhaps just insert text for ease of reference):-

1. 7 days a week or just Friday and Saturday?
2. what safeguards do you propose to avoid "public nuisance" which was the main stay of the reasons to refuse in October 2016 - see attached (rubbish, noise on the way to/from and at the station, violence, increased risk of burglary)?
3. why the proposed application is not just a re-run of the application which was refused in October 2016? If different, please explain how.
4. why you need to sell alcohol anyway at that time of night in a residential area?
5. why your application (if successful) would not then lead to other licensed premises seeking the same extension?
6. whether Rontec has done a costs/benefit analysis of the local community boycotting the petrol station (fuel and food, etc) as a consequence of this unwanted application (if it succeeds)? In other words, you might sell a few extra bottles of Special Brew but lose the existing custom. A Facebook page has been mentioned by one local resident before (not my idea). The community of Moseley is very "local". This should be a serious concern to Rontec.

I will leave you to decide exactly how much information you now provide. I am sure the level of resentment will be directly proportional to the level of information shared.

Kind regards,

10

22

From: Robert Botkai
Sent: 24 July 2017 17:01
To:
Cc:
Subject: RE: Rontec petrol station - Moseley

Dear

Our client does wish to apply to extend the licence to 1am 7 days a week.

Our client is not asking you to put forward any plans. I hope there has been no misunderstanding here. We would like to meet with interested residents so we can understand better any possible concerns that they may have about this variation.

It would be helpful if you could confirm now whether the preference of residents is for a meeting on 7th or 11th of September.

Kind regards

Robert

11

On 31 July 2017 at 15:25 Robert Botkai

wrote:

Dear

I refer to my email below. I appreciate that you may have been away and unable to respond. Are you able to confirm a preference please for 7th or 11th September so I can confirm the room reservation?

Kind regards

Robert

12

24

From:
Sent: 31 July 2017 19:29
To: Robert Botkai
Cc:
Subject: RE: Rontec petrol station - Moseley

Dear Robert,

As to your email of 24.7.17, there is no "*misunderstanding*". I know you are not asking me to put forward any plans. The only "plans" that are relevant are Rontec's plans.

As stated in my previous email here are some examples of the "plans" that Rontec ought to be putting forward before a meeting take place:

1. 7 days a week or just Friday and Saturday?
2. what safeguards do you propose to avoid "public nuisance" which was the main stay of the reasons to refuse in October 2016 – see attached (rubbish, noise on the way to/from and at the station, violence, increased risk of burglary)?
3. why the proposed application is not just a re-run of the application which was refused in October 2016? If different, please explain how.
4. why you need to sell alcohol anyway at that time of night in a residential area?
5. why your application (if successful) would not then lead to other licensed premises seeking the same extension?
6. whether Rontec has done a costs/benefit analysis of the local community boycotting the petrol station (fuel and food, etc) as a consequence of this unwanted application (if it succeeds)? In other words, you might sell a few extra bottles of Special Brew but lose the existing custom. A Facebook page has been mentioned by one local resident before (not my idea). The community of Moseley is very "local". This should be a serious concern to Rontec.

At the moment a meeting would be pointless because you have not provided answers to the above.

Families and residents are now away on holiday, etc. I suggest you book both dates to keep options open. If Rontec answers the above points then it might be worthwhile for a meeting to take place. The decision: is yours.

At the moment I can save you a trip by telling you the obvious: the status quo is not causing ASB. If your client had any extension that would change - so concluded the Committee in October 2016.

Kind regards,

13

----- Original Message -----

From: Robert Botkai

To:

Cc:

Date: 02 August 2017 at 11:58

Subject: RE: Rontec petrol station - Moseley

Dear

I will do my best to answer your questions:

1. 7 days a week or just Friday and Saturday?
- * 7 days a week
2. what safeguards do you propose to avoid "public nuisance" which was the main stay of the reasons to refuse in October 2016 – see attached (rubbish, noise on the way to/from and at the station, violence, increased risk of burglary)?
- * The proposal is to extend the permitted hours to 1am. This is as agreed with the Police prior to the October 2016 hearing.
3. why the proposed application is not just a re-run of the application which was refused in October 2016? If different, please explain how.
- * At the time of the October 2016 hearing the store had not traded beyond 11pm. It does now operated 24 hours a day.
4. why you need to sell alcohol anyway at that time of night in a residential area?
- * There is no requirement in licensing law to demonstrate a "need" for a licence. The store is open 24 hours a day and our client wishes all of its services to be available during these times.
5. why your application (if successful) would not then lead to other licensed premises seeking the same extension?
- * Every application must be considered on its merits. Our client operates many 24 hour petrol stations and the grant of a 24 hour licence does not result in other premises seeking the same hours. Our client is already open and trading 24 hours.
6. whether Rontec has done a costs/benefit analysis of the local community boycotting the petrol station (fuel and food, etc) as a consequence of this unwanted application (if it succeeds)? In other words, you might sell a few extra bottles of Special Brew but lose the existing custom. A Facebook page has been mentioned by one local resident before (not my idea). The community of Moseley is very "local". This should be a serious concern to Rontec.
- * Rontec does not sell Special Brew at the store.
- * I am somewhat surprised at the suggestion of a boycott and do not propose to comment on this save to say that any correspondence between us is open and may be put before the Licensing Committee.

Kind regards

Robert

14
26

On 8 Aug 2017, at 12:37, Robert Botkai <____> wrote:

Dear :

I now have a hearing on the evening of 7 September and so will release the Hall for that date.

Our client wishes to confirm the meeting with residents for 7.30pm on Monday 11 September.

Please confirm that you will be attending. I am told that there is a capacity of 25.

Kind regards

Robert

15

27

From: I
Sent: 08 August 2017 13:32
To: Robert Botkai
Subject: Re: Rontec petrol station - Moseley

Robert,

I am still canvassing availability. As explained previously it is a busy stage of the year for families.

Not in a position to confirm anything.

If you are removing one date do you have another to suggested in its place?

Kind regards,

16

28

From: Robert Botkai <_____
Date: 8 August 2017 at 14:15:32 BST
To:
Cc: _____
Subject: RE: Rontec petrol station - Moseley

Paul

Hopefully with a months' notice those interested will be able to attend on 11 September. It is an informal discussion and not a hearing and those unable to attend are welcome to contact me at any stage.

Kind regards

Robert

17

29

----- Original Message -----

From:
To: rbotkai
Date: 25 August 2017 at 17:20
Subject: Fwd: Re: Rontec petrol station - Moseley

Dear Robert,

I have not heard from you in response to my email dated 8th August.

Nonetheless, I write by way of update.

Point 6 of my email dated 31st July 2017 - your reply dated 2nd August:

I am well aware that our correspondence is "*open*" in the sense that it is not privileged. Ironically, I was trying to be "*open*" (in the normal sense) with you by alerting you and Rontec to the feelings towards the proposed repeat application.

I was merely passing on what I had been told for your information. The facts are the facts whether you like them or not.

I really do think that you and Rontec have misjudged the mood of Moseley. I would therefore invite you and Rontec (which I hope gets to read all of my emails to you) to take a step back before actually embarking upon another repeat application.

You also said in your email dated 2nd August that our correspondence "*may*" be put before the Licensing Committee. I can update you: it "*will*" be put before the Licensing Committee if you make another application - by me.

Proposed meeting on Monday 11th September 2017 - St. Anne's Church Hall:

From the outset I said that a meeting in early September would be difficult for families (returning to school etc). I asked for a range of dates. You provided only two dates which were earlier than I suggested. You subsequently withdrew the earlier date.

Nonetheless, I have canvassed availability.

I have also asked during our correspondence for details of the proposed new application in order to understand what could be discussed at such a proposed meeting to make it worthwhile for you and for the residents (whose lives could be blighted).

You refused to provide any details which meant that the meeting was going to be pointless. It was not until your email dated 2nd August did you provide some information in response to my specific questions.

Your answers reveal that the proposed application is merely a repeat of the application adjudicated upon by the Licensing committee in October 2016.

In her written reasons Councillor Dring said:-

18

30

"On the contrary, having taken into account their knowledge of the Moseley area, and having heard representations from those living nearby, Members considered that to allow the variation was very likely to add to the cumulative impact on the licensing objectives.

Members considered that the impact of the proposed operation on those living in this residential/mixed use area would be very likely to be negative, and that incidents of public nuisance (such as noise and litter) in the immediate vicinity of the premises would be exacerbated."

The passage of time does not change those reasons. The proposed repeat application would still be "very likely" to add to the cumulative impact and/or be negative.

However, the conclusion of "very likely" went further in respect of public nuisance. That was more certain because the words "would be" were used.

The whole of that analysis was based upon what would happen in the future if the extension was granted. It was using wisdom and judgment to avoid ASB in the future.

Your approach is to say that because there has been no ASB since October 2016 it justifies the sale of alcohol after 11pm. That is completely illogical. The reason there has been no ASB since October 2016 is because the Licensing Committee had the wisdom to reject your client's application.

The passage of time does not support a repeat application. On the contrary, it vindicates the judgment of the Licensing Committee last year.

So, in the circumstances I am unable to confirm the meeting you proposed on Monday 11th September. In summary, the reasons are:-

1. inconvenience/lack of availability of residents; and
2. there being nothing to talk about (the proposed application being a mere repeat application).

Please can Rontec take a step back before embarking upon a further application? Surely a cost/benefit analysis of the expense of a repeat application as against the likely profit on post-11pm alcohol sales would conclude that it was uncommercial?

Yours sincerely,

19

On 25 August 2017 at 17:30 Robert Botkai

I am away for a few days but did you not receive my email below?

Kind regards

Robert

Robert Botkai
Partner

20

32

From:
Sent: 25 August 2017 17:41
To: Robert Botkai
Cc:
Subject: Re: Fwd: Kontec petrol station - Moseley

Robert,

I did receive that email (8.8.17 at 15.32hrs) but it did not respond to my email dated 2nd August 2017 which asked: *"If you are removing one date do you have another to suggested in its place?"*

You did not suggest another date - hence the comment in my email sent today which says: *"I have not heard from you in response to my email dated 8th August."*

Kind regards,

21

33

On 04 September 2017 at 14:44 Robert Botkai ·

wrote:

Dear

I should be grateful if you will confirm that you are able to attend the meeting on Monday 11 September and if possible give an indication of the number of other attendees.

Kind regards

Robert

22

34

----- Original Message -----

From:

To: Robert Botkai <

Cc

Date: 04 September 2017 at 15:39

Subject: Re: Rontec petrol station - Moseley

Dear Robert,

I am not able to confirm the meeting for the reasons set out in my email dated 25.8.17, timed at 1720hrs.

Kind regards,

23

35

Robert Botkai

22/09/2017 14:41

Rontec petrol station - Moseley

To

Dear

I am sorry that it has proved difficult to meet with you and your neighbours.

I am instructed to submit an application to vary the licence for the above store.

We will be asking the Licensing Authority to agree an extension to 0100 hours.

We will be offering the following conditions additional to those already included on the licence:

- There shall be no sale of single cans of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml or more than 1500ml.
- Between the hours of 2300 and 0500 there will be a minimum of two members of staff on duty. In the alternative, if there is only one member of staff on duty between 2300 and 0500 the entrance door to the shop will be closed to customers and any sales between these hours will be made through the night pay window.
- Signage notifying customers of the age verification policy adopted at the premises to be displayed at the store entrance, the alcohol display area and at the night pay window.
- There will be no sales/supplies of beers, lagers or ciders of 6.5% ABV or above save for premium products
- As the premises are in a cumulative impact area the variation of the licensable activity namely an increase in the permitted hours for the sale of alcohol to 0100 hours shall be permitted for a period of eight months from the date of this variation and thereafter the said hours shall revert to those prior to this variation.

We do hope that if granted, this temporary variation will allow our client to demonstrate that the later hours will not have a negative impact on the local community.

Please feel free to contact me if you wish to discuss the application further.

Kind regards

Robert

24

Enclosure 3
(previous objections in 2016)

04/10/2016 14:51

Re: Moseley Society objection to Application 98671 re 45
Alcester Rd, B13 8AA

To Licensing

Dear Sir/Madam,

I attach the following:-

1. my letter of objection dated 1st October 2016 (by email only);
2. the letter of objection from . dated 3rd October 2016; and
3. a petition of objection signed by 25 residents who live next to the premises.

Please:-

1. confirm safe receipt of the three attachments and that they can be printed out at your end; and
2. place the attachments on the file ahead of tomorrow's deadline.

I wish to speak at the hearing. Please notify me when a date is fixed. I can also bring the original copies of the attachments to the hearing, if needs be.

Yours faithfully,

Park Hill, B13 7

THIS IS AN OBJECTION – I WISH TO ADDRESS THE COMMITTEE AT THE HEARING

Park Hill
Moseley
B13

Head of Licensing
Crystal Court
Aston Cross Business Village
50 Rocky Lane
Aston
B6 9RQ

1st October 2016
BY HAND

Dear Sirs,

Moseley Petrol Station, 45 Alcester Road, Moseley, B13 8AA
Application number 98671
Deadline for submissions: Wednesday 5th October 2016

I object to this application. I object in every aspect. The structure of my objection is as follows:-

1. to explain the location of my house;
2. to explain the present circumstances;
3. to explain what used to happen in the dark old days of anti-social behaviour in 2005 which has largely stopped since then;
4. to make submissions, including applying the above facts to the 4 licensing principles to show why this application is wholly unacceptable and should be dismissed.

The location of my house:

I have lived at Park Hill since 2001 (15 years). It:-

1. is 3 doors from the top of Park Hill and the premises in question; and
2. has views down into the car park at the rear of the premises.

I am therefore ideally placed to offer direct evidence of the history of this site.

The present circumstances:

At present the petrol station opens at 6am and closes at 11pm. I know this to be true because:-

1. the disturbance my family suffers does not extend beyond 11pm from my awareness of living nearby;

THIS IS AN OBJECTION – I WISH TO ADDRESS THE COMMITTEE AT THE HEARING

2. I have taken digital photographs of the premises recently when it is closed after 11pm; and
3. I have verified this personally with a member of staff.

The access to the rear car park is stopped in the evening and overnight by:-

1. the red and white pole barrier on the north side of the shop; and
2. the car wash shutters being locked on the south side.

Those physical barriers were the product of great effort to stop the anti-social behaviour in or around 2005. It is imperative that this does not change.

The premises cause us the following traffic problems which only be exacerbated if this application is granted.

What happens on a regular basis is somebody leaving Park Hill (naturally on the left hand side of the road) is nearly hit by a car (travelling from the Kings Heath direction) which is entering the petrol station without slowing down from normal traffic speed. It is frightening even for the most experienced driver.

Even if a driver (travelling from the Kings Heath direction) correctly turns into Park Hill first (entering the left hand side of Park Hill) and then performs a separate right turn into the petrol station, it causes a problem because then creates a mini grid lock around the bollards at the top of Park Hill. In effect, the bollards become the centre of a roundabout which cannot operate as such due to space restrictions.

The whole situation is exacerbated when Park Hill School (directly opposite the petrol station) is either opening or closing.

It is a problem which needs to be addressed, not exacerbated by increased traffic on a 24 hours basis.

Historical anti-social behaviour ("ASB"):

I have looked back at my written records. Around 2005 there were a variety of ASB problems. The details are annexed to this letter but can be summarised under the following headings:-

1. the rear car park being used as a meeting point for ASB;
2. loud music from cars;
3. car horns;
4. the unnecessary use of the tannoy (PA) loudspeaker system being used by staff;
5. drug dealing;
6. sinister loitering;
7. the risk of mugging; and
8. dangerous car manoeuvres (on 4th August 2004 I witnessed a red Ford Fiesta perform a handbrake turn entry into the petrol station to an admiring group of onlookers)

THIS IS AN OBJECTION – I WISH TO ADDRESS THE COMMITTEE AT THE HEARING

Submissions:

No defence in law of "coming to a nuisance":

Before addressing the principles of the Licensing Act with the above facts, I wish to remind the committee of one principle of English law which is often misunderstood by the media and the general public.

Simply because you live near a commercial premises does not mean that you lose your rights to ask a court to stop a private of public nuisance (noise, ASB, light, smell, etc).

It is often said (wrongly) in the media that a complaining neighbour "*should not have moved next to*" the premises of which they complain. That is a mere urban myth. It is wrong in principle and wrong in law. Anybody living in Birmingham for the last 20 years will have seen this principle in operation when the Fiddle & Bone closed (before 2004) because the live music (for which it was historically famous) caused a noise nuisance to the residents of the newly erected flats at Brindley Place.

Judges refer to this principle as follows: "*there is no defence in law of coming to a nuisance*".

The legal principle was explained by the Court of Appeal in *Sturges v Bridgman* (1879) 11 Ch D 852, CA. It was recently reviewed and endorsed as the law of the land by the Supreme Court in *Lawrence v Fen Tigers Ltd* [2014] UKSC 13 (paragraphs 51 and 54, per Lord Neuberger PSC).

Even if that was not relevant, I would argue that it is not the current inhabitants of each property which determine "*who was here first*". It should be the properties themselves which, after all, define the character of the Conservation Area. My house was built in 1865 and was the first house built on Park Hill after it was cut into the Moseley Hall Estate. That was long before the petrol station ever came to exist. Therefore, my house trumps the petrol station on that analysis.

How the City Council and other agencies have dealt with the ASB problems in Moseley:

Moseley is very lucky to have so many people who care about it. Through the various voluntary bodies, led by the Moseley Society, policies rooted in legislation have been implemented in the last decade to protect Moseley. They include:-

1. the Central Moseley Special Licensing Policy ("CMSLP"); and
2. the Public Spaces Protection Order ("PSPO").

The CMSLP:

Birmingham City Council's Statement of Licensing Policy 2015 came into force on 7th July 2015. It recognised the problems faced by the residents of Moseley and how their quality of life was affected by introducing the Central Moseley Special Policy Area (page 48).

THIS IS AN OBJECTION - I WISH TO ADDRESS THE COMMITTEE AT THE HEARING

This policy was then extended "to include both on and off sales to prevent further crime and disorder and public nuisance impacting on the licensing objectives."

The PSPO:

This is a recent order made under the new Act (Anti-Social Behaviour, Crime and Policing Act 2014).

The full text of this order has been quoted in the letter from the Moseley Society.

What is most striking in that order in the express recognition of:-

1. the historical problems faced by Moseley; and
2. the detrimental effect "on the quality of life of those in the locality".

General:

It is startling to see that the premises currently have the following permissions:-

1. operating hours - 24 hrs a day (presumably that allows petrol sales 24 hrs a day);
2. hot food sales - until 5am (this does not happen at the moment); and
3. alcohol sales - until 11pm.

In actual fact, the petrol station closes at 11pm. It opens at 6am.

Why would a petrol station that can sell petrol 24 hrs a day and hot food until 5am close at 11pm?

Why?

The answer is obvious: because it cannot sell alcohol after 11pm and without alcohol the extended operation is not economically viable.

So, whilst this application asks to sell alcohol for 24 hours, the reality is that such a permission would make this petrol station in a dense residential area a full 24 hour operation, akin to a 24hr Tesco Express or a 24hr McDonalds Drive-through.

This will have the effect of drawing late night revellers from around the city into Moseley during the night when the residents of Moseley are sleeping.

It is a profoundly shocking proposition which risks undermining decades of progress in Moseley.

That is why the application should be rejected: full stop. It is obvious that the sale of alcohol will be the financial driver to make the 24 hours operation (or anything later than 11pm) commercially viable.

THIS IS AN OBJECTION – I WISH TO ADDRESS THE COMMITTEE AT THE HEARING

Invite the committee to see the full consequence of this application, not just the narrow request it contains.

Any extension of the alcohol sales deadline will mean the **whole** commercial premises will operate to the same hours. That will interrupt the sleep of the families nearby.

The 4 licensing principles:

These submissions are made based upon my direct experience of the historical problems.

Prevention of crime and disorder:

This principle would be breached if this variation is granted because of the following facts:-

1. general ASB (car horns, wheel spins, rowdy people, car music);
2. drug dealing in the rear car park;
3. sinister loitering;
4. risk of mugging; and
5. dangerous car manoeuvres ("show boating" to the loitering crowds).

Public safety:

This principle would be breached if this variation is granted because of the following facts:-

1. drug dealing in the rear car park;
2. sinister loitering;
3. risk of mugging; and
4. dangerous car manoeuvres ("show boating" to the loitering crowds).

Prevention of public nuisance:

1. general ASB (car horns, wheel spins, rowdy people, car music);
2. drug dealing in the rear car park;
3. sinister loitering;
4. risk of mugging; and
5. dangerous car manoeuvres ("show boating" to the loitering crowds).

The protection of children from harm:

1. general ASB (car horns, wheel spins, rowdy people, car music);
2. drug dealing in the rear car park;
3. sinister loitering;
4. risk of mugging; and
5. dangerous car manoeuvres ("show boating" to the loitering crowds).

Conclusion:

I have tried with the limited time available to me to articulate to this committee the drastic consequences of this variation being granted.

THIS IS AN OBJECTION - I WISH TO ADDRESS THE COMMITTEE AT THE HEARING.

I wish to be heard at any committee meeting in order to address any comments you might have.

I also ask the committee to use this application process to expressly provide conditions to the current 11pm licence which will maintain the existing status quo, including:-

1. to prevent vehicular access to the rear car park after 11pm by:-
 - a. closing the shutters of the car wash; and
 - b. closing the red & white barrier.
2. the installation of movement (or PIR) operated lights in the rear car park to disturb persons gathering (NOTE: these lights needs to be fixed to the perimeter wall of the car park and point towards the petrol station itself otherwise the floodlight then shines directly at our houses and into our bedrooms);
3. the installation of (infrared) CCTV to record activity in the rear car park after 11pm to act as a deterrent;
4. to erect warning signs to customers of the premises that it is in a residential area and therefore noise should be kept to a minimum;
5. metal railings to be erected on the 50cm high side wall to the car park to make the height of that boundary up to 1 metre in order to prevent people getting into the rear car park from Park Hill; and
6. // not use the loudspeaker/tannoy system.

(a very nervous and anxious resident of Moseley of over 22 years)

Park Hill
Moseley
Birmingham
B13

Birmingham Licensing Service
Crystal Court
Aston Cross Business Village
50 Rocky Lane
Aston
Birmingham B6 9RQ

3rd October 2016

THIS IS AN OBJECTION

Dear Sir or Madam

Application: 98671

Premises: Texaco Petrol Station, 45 Alcester Road, Moseley, Birmingham, B13 8AA

I have read a copy of letter to you dated 1st October 2016. I have also seen the 25 signatures on the petition which opposes this application.

I also oppose this application strenuously. It seems to have been made by a company which is unaware of the character of Moseley. It is unsympathetic, unnecessary and unwanted by the residents of Moseley. It will only be used by people from outside of the area or drunk people who should go home and sleep when everybody else is sleeping. Not disturbing them.

Please reject it.

Yours sincerely

DO YOU WANT A 24 HOUR "TESCO EXPRESS" STYLE PETROL STATION ON YOUR DOORSTEP?

Moseley Petrol Station, 45 Alcester Road, Moseley, B13 8AA

Application number 98671

Deadline for submissions: Wednesday 5th October 2016

The Texaco Petrol Station at the top of Park Hill has applied to vary its current license to allow alcohol sales 24/7. It is currently restricted to 11pm when it is currently closes.

Surprisingly, the current license conditions allow the sale of hot food until 5am and there is no restriction of general operating hours. Therefore, it is the alcohol restriction that stops this business from operating 24/7.

All that could change unless you express your opinion to the Licensing Committee.

If you wish to do so, please write to: Head of Licensing, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, B6 9RQ (licensing@birmingham.gov.uk)

However, if you are not able to do that, please consider signing this petition.

Dear Head of Licensing,

I have considered application 98671 and read a copy of Paul Dean's letter dated 1st October 2016. I object to the application but do not have time or facilities to write to you in person. Please take into consideration my wishes.

Name:	Address:	Signature:	Any additional comments:
	Park Hill		
	Park Hill		
	Park Hill		

(1)

DO YOU WANT A 24 HOUR "TESCO EXPRESS" STYLE PETROL STATION ON YOUR DOORSTEP?

Moseley Petrol Station, 45 Alcester Road, Moseley, B13 8AA

Application number 98671

Deadline for submissions: Wednesday 5th October 2016

PARK HILL MOSELEY B13	Park Hill B13 8DT	It was 24 hrs some years ago.. which we found very noisy. especially on weekends
Park Hill		Noisy and disruptive, drunk people making noise at night
Park Hill		
PARK HILL		FOR ALL THE REASONS ALREADY EXPRESSED ABOVE !!
Park Hill		I do not want this. It will not be used by local residents.
Park Hill		This is socially irresponsible, children + families here + any other that facilitates driving etc should not be allowed. I think I am 14 but do not want drunks at the top of my road!

(9)

Deadline for submissions: Wednesday 5th October 2016

	ALEXANDER CT PARK HILL. MOSELEY B13 BD A
	Park Hill Alexander Co
	ALT! ALEXANDER PARKBALL COURT
	Flat Alexander CT PARK HILL MOSELEY B13 BD A
	MIA ALEXANDER CT PARK HILL MOSELEY A HAMIS BD
	Flat ALEXANDER CT Park Hill, Moseley B13 BD E
	Flat ALEXANDER CT Park Hill, Moseley B13 BD G
	FLAT ALEXANDER COURT PARK HILL B13 BD J
	ALEXANDER CT PARK HILL MOSELEY B13 BD U

(3)

There are enough alcohol outlets already in Moseley! This is a residential area. Please protect residents for an increase in

DO YOU WANT A 24 HOUR "TESCO EXPRESS" STYLE PETROL STATION ON YOUR DOORSTEP?

Moseley Petrol Station, 45 Alcester Road, Moseley, B13 8AA

Application number 98671

Deadline for submissions: Wednesday 5th October 2016

NAME	ADDRESS	SIGNATURE	ADDITIONAL COMMENTS
	Pace Hill		I don't want homelen driveway sleeping in my front garden and alcohol is against my religion.
	Pace Hill		Due to the noise levels and parking issues this is a continual nuisance causing disruption to families

4

Park Hill
Moseley
B13

Head of Licensing
Crystal Court
Aston Cross Business Village
50 Rocky Lane
Aston
B6 9RQ

1st October 2016
BY HAND

Dear Sirs,

Moseley Petrol Station, 45 Alcester Road, Moseley, B13 8AA
Application number 98671
Deadline for submissions: Wednesday 5th October 2016

I object to this application. I object in every aspect. The structure of my objection is as follows:-

1. to explain the location of my house;
2. to explain the present circumstances;
3. to explain what used to happen in the dark old days of anti-social behaviour in 2005 which has largely stopped since then;
4. to make submissions, including applying the above facts to the 4 licensing principles to show why this application is wholly unacceptable and should be dismissed.

The location of my house:

I have lived at Park Hill since 2001 (15 years). It:-

1. is 3 doors from the top of Park Hill and the premises in question; and
2. has views down into the car park at the rear of the premises.

I am therefore ideally placed to offer direct evidence of the history of this site.

The present circumstances:

At present the petrol station opens at 6am and closes at 11pm. I know this to be true because:-

1. the disturbance my family suffers does not extend beyond 11pm from my awareness of living nearby;

2. I have taken digital photographs of the premises recently when it is closed after 11pm;
and

3. I have verified this personally with a member of staff.

The access to the rear car park is stopped in the evening and overnight by:-

1. the red and white pole barrier on the north side of the shop; and
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The whole situation is exacerbated when Park Hill School (directly opposite the petrol station) is either opening or closing.

It is a problem which needs to be addressed, not exacerbated by increased traffic on a 24 hours basis.

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2. loud music from cars;
3. car horns;
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5. drug dealing;
6. sinister loitering;
7. the risk of mugging; and
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Submissions:

No defence in law of "coming to a nuisance":

Before addressing the principles of the Licensing Act with the above facts, I wish to remind the committee of one principle of English law which is often misunderstood by the media and the general public.

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It is often said (wrongly) in the media that a complaining neighbour "should not have moved next to" the premises of which they complain. That is a mere urban myth. It is wrong in principle and wrong in law. Anybody living in Birmingham for the last 20 years will have seen this principle in operation when the Fiddle & Bone closed (before 2004) because the live music (for which it was historically famous) caused a noise nuisance to the residents of the newly erected flats at Brindley Place.

Judges refer to this principle as follows: "there is no defence in law of coming to a nuisance".

The legal principle was explained by the Court of Appeal in *Sturges v Bridgman* (1879) 11 Ch D 852, CA. It was recently reviewed and endorsed as the law of the land by the Supreme Court in *Lawrence v Fen Tigers Ltd* [2014] UKSC 13 (paragraphs 51 and 54, per Lord Neuberger PSC).

Even if that was not relevant, I would argue that it is not the current inhabitants of each property which determine "who was here first". It should be the properties themselves which, after all, define the character of the Conservation Area. My house was built in 1865 and was the first house built on Park Hill after it was cut into the Moseley Hall Estate. That was long before the petrol station ever came to exist. Therefore, my house trumps the petrol station on that analysis.

How the City Council and other agencies have dealt with the ASB problems in Moseley:

Moseley is very lucky to have so many people who care about it. Through the various voluntary bodies, led by the Moseley Society, policies rooted in legislation have been implemented in the last decade to protect Moseley. They include:-

1. the Central Moseley Special Licensing Policy ("CMSLP"); and
2. the Public Spaces Protection Order ("PSPO").

The CMSLP:

Birmingham City Council's Statement of Licensing Policy 2015 came into force on 7th July 2015. It recognised the problems faced by the residents of Moseley and how their quality of life was affected by introducing the Central Moseley Special Policy Area (page 48).

This policy was then extended *"to include both on and off sales to prevent further crime and disorder and public nuisance impacting on the licensing objectives."*

The PSPO:

This is a recent order made under the new Act (Anti-Social Behaviour, Crime and Policing Act 2014).

The full text of this order has been quoted in the letter from the Moseley Society.

What is most striking in that order in the express recognition of:-

1. the historical problems faced by Moseley; and
2. the detrimental effect *"on the quality of life of those in the locality"*.

General:

It is startling to see that the premises currently have the following permissions:-

1. operating hours – 24 hrs a day (presumably that allows petrol sales 24 hrs a day);
2. hot food sales – until 5am (this does not happen at the moment); and
3. alcohol sales – until 11pm.

In actual fact, the petrol station closes at 11pm. It opens at 6am.

Why would a petrol station that can sell petrol 24 hrs a day and hot food until 5am close at 11pm?

Why?

The answer is obvious: because it cannot sell alcohol after 11pm and without alcohol the extended operation is not economically viable.

So, whilst this application ask to sell alcohol for 24 hours, the reality is that such a permission would make this petrol station in a dense residential area a full 24 hour operation, akin to a 24hr Tesco Express or a 24hr McDonalds Drive-through.

This will have the effect of drawing late night revellers from around the city into Moseley during the night when the residents of Moseley are sleeping.

It is a profoundly shocking proposition which risks undermining decades of progress in Moseley.

That is why the application should be rejected: full stop. It is obvious that the sale of alcohol will be the financial driver to make the 24 hours operation (or anything later than 11pm) commercially viable.

Invite the committee to see the full consequence of this application, not just the narrow request it contains.

Any extension of the alcohol sales deadline will mean the whole commercial premises will operate to the same hours. That will interrupt the sleep of the families nearby.

The 4 licensing principles:

These submissions are made based upon my direct experience of the historical problems.

Prevention of crime and disorder:

This principle would be breached if this variation is granted because of the following facts:-

1. general ASB (car horns, wheel spins, rowdy people, car music);
2. drug dealing in the rear car park;
3. sinister loitering;
4. risk of mugging; and
5. dangerous car manoeuvres ("show boating" to the loitering crowds).

Public safety:

This principle would be breached if this variation is granted because of the following facts:-

1. drug dealing in the rear car park;
2. sinister loitering;
3. risk of mugging; and
4. dangerous car manoeuvres ("show boating" to the loitering crowds).

Prevention of public nuisance:

1. general ASB (car horns, wheel spins, rowdy people, car music);
2. drug dealing in the rear car park;
3. sinister loitering;
4. risk of mugging; and
5. dangerous car manoeuvres ("show boating" to the loitering crowds).

The protection of children from harm:

1. general ASB (car horns, wheel spins, rowdy people, car music);
2. drug dealing in the rear car park;
3. sinister loitering;
4. risk of mugging; and
5. dangerous car manoeuvres ("show boating" to the loitering crowds).

Conclusion:

I have tried with the limited time available to me to articulate to this committee the drastic consequences of this variation being granted.

I wish to be heard at any committee meeting in order to address any comments you might have.

I also ask the committee to use this application process to expressly provide conditions to the current 11pm licence which will maintain the existing status quo, including:-

1. to prevent vehicular access to the rear car park after 11pm by:-
 - a. closing the shutters of the car wash; and
 - b. closing the red & white barrier.
2. the installation of movement (or PIR) operated lights in the rear car park to disturb persons gathering (NOTE: these lights needs to be fixed to the perimeter wall of the car park and point towards the petrol station itself otherwise the floodlight then shines directly at our houses and into our bedrooms);
3. the installation of (infrared) CCTV to record activity in the rear car park after 11pm to act as a deterrent;
4. to erect warning signs to customers of the premises that it is in a residential area and therefore noise should be kept to a minimum;
5. metal railings to be erected on the 50cm high side wall to the car park to make the height of that boundary up to 1 metre in order to prevent people getting into the rear car park from Park Hill; and
6. / not use the loudspeaker/tannoy system.

(a very nervous and anxious resident of Moseley of over 22 years)

Enclosure 4
(annoy noise nuisance)

12/12/2016 23:12

Moseley - Tannoy use

To Robert Botkai

Dear Robert,

Over the weekend the tannoy was used.

It has just been used twice in the last 3 mins.

This is routine use not emergency use.

Please can you provide me with the appropriate contact details to ask that this stops?

Yours sincerely,

15/12/2016 14:48

Moseley service station 237673

To ,

Dear

We have been contacted by our Property Projects Manager regarding your concerns with the above service station.

Further to your correspondence with Robert Botkai, I can confirm all staff have been spoken to regarding the use of the tannoy at the site and we have been assured that this will be used for emergency purposes only.

Should you experience any future issues, please contact our Area Manager 'Abdul Noor' on the below email:

Thank you for bringing the matter to our attention and please accept our apologies for any disturbance caused.

Kind regards



Customer Care Co-Ordinator

--- End of message text ---

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Rontec Watford Limited is registered in Jersey with company number 108486.

2

58

19/10/2017 17:09

21/06/2017 22:49

Re: Moseley service station 237673

To

Despite your previous reassurances, I have noticed that the tannoy is being used around this time of night.

It is not an emergency. It is routine.

It seems like a lazy way to communicate with customers from inside a locked shop.

It must stop.

Please pass this on to Mr Botkai.

Please confirm the noise nuisance will be stopped forthwith.

Yours sincerely

Park Hill

3

59

23/06/2017 09:29

RE: Moseley service station 237673

To _____

Dear _____

Thank you for your email.

Following receipt of the details, your comments were forwarded onto our Area Manager. He has apologised for any disappointment caused and has advised that use of the tannoy during the early hours has been reiterated to all staff. In addition to this, the volume of the tannoy has been reduced to prevent noise disturbance.

We hope that by taking the above steps will tackle the issue at hand however, should you require anything further please feel free to contact me.

Kind Regards



Customer Care Co-Ordinator

4

60

Robert Botkai

01/10/2017 10:23

Re: Tannoy use

To

Dear

Thanks for copying me in. I will ask for this to be investigated.

Robert

Robert Botkai
Partner

On 1 Oct 2017, at 09:19,

Despite the previous complaints about tannoy use and reassurances that it would not happen again, the tannoy has been used.

One instance was about 15 mins ago. I also believe another time was on Saturday. On both occasions it was daytime so it was not an emergency. As usual it seemed like it was being used as a matter of convenience.

Is it a new member of staff? If so, the induction training is not adequate.

Please confirm (yet again) that this public nuisance will not be repeated.

Yours sincerely,

Cyber Crime Alert

Emails can be scammed. Please do not rely on email notification of bank account changes without direct verbal confirmation from a trusted source.

Winckworth Sherwood
Minerva House | 5 Montague Close | London | SE1 9BB | DX 155810 London Bridge 6
T 020 7593 5000 | F 020 7593 5099

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5

61

19/10/2017 17:08

02/10/2017 16:40

RE: Tannoy use

To

Hi

Thank you for your email.

Following receipt of the information, your comments were forwarded onto our Property and Area Manager. They have advised the store have been briefed again and are all aware on the restrictions for the tannoy.

We must advise that the tannoy will need be used under emergency circumstances however, we apologise for any disturbance caused.

Kind Regards

Customer Care Co-Ordinator

-----Original Message-----

From:

Sent: 01 October 2017 09:19

To:

Cc: Robert Botkai

Subject: Tannoy use

Despite the previous complaints about tannoy use and reassurances that it would not happen again, the tannoy has been used.

One instance was about 15 mins ago. I also believe another time was on Saturday. On both occasions it was daytime so it was not an emergency. As usual it seemed like it was being used as a matter of convenience.

Is it a new member of staff? If so, the induction training is not adequate.

Please confirm (yet again) that this public nuisance will not be repeated.

Yours sincerely,

----- End of message text -----

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6

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
REF NO	ENTERED SY.
INITIALS	

Park Hill
Moseley
B13

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

9th October 2017
By email only: licensing@birmingham.gov.uk

Dear Sirs,

Re: Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")

Licence Holder Name: Rontec Watford Limited

Application number 103025

Deadline for submissions: Monday 30th October 2017

I object to this application on a number of grounds, in particular:-

1. crime and disorder (ASB, litter, etc);
2. the risk of harm to children (witnessing ASB, noise affecting schooling/sleep, etc); and
3. public nuisance (ASB, litter, noise, etc).

Background:

There was a previous Licensing Sub-Committee hearing on 31st October 2016 (Councillors Dring, Kauser and Beauchamp) at which spoke on my behalf. He continues to have my support, and I adopt his more detailed objections.

The application in 2016 started life as a request for permission to sell alcohol 24/7. By the time of the hearing it had been amended and reduced to be an extension to permit alcohol sales until 1am on 7 days a week.

During a 2 hour hearing, made submissions. Mr Robert Botkai (a solicitor) made submissions on behalf of Rontec. The Sub-Committee refused Rontec's application. The reasons were recorded in writing and included the following:-

1. *"to allow the variation was very likely to add to the cumulative impact on the licensing objectives"; and*
2. *"Members considered that the impact of the proposed operation on those living in this residential/mixed use area would be very likely to be negative, and that incidents of public nuisance (such as noise and litter) in*

the immediate vicinity of the premises would be exacerbated."

It is therefore important to note that this reasoning was not a review of historical events. The Sub-Committee was not making a decision based upon fact (events that had occurred). It made a decision based upon its evaluation of what "would" happen or was "very likely" to happen in the future if the extension was granted.

It therefore follows that there can be no circumstances in which the basis of the application should be reconsidered unless the behaviour of human beings with alcohol changes: a highly unlikely event.

In other words, the passage of time without reports of Anti-Social Behaviour reports ("ASB"), litter, etc would never justify a further application.

In this respect, the decision of the Sub-Committee was "future proof". In other words: final. There would be no circumstances upon which another application could be successful.

This application:

In the circumstances of a "future proof" decision in October 2016 we were therefore startled to discover on 8th June 2017 from [redacted] at the Moseley Society that Rontec had asked her (living on the other side of Moseley) about whether there had been any ASB or cause for complaint at the Premises.

It was obvious to from the outset that Rontec's solicitor (Mr Botkai) was avoiding any contact with [redacted] (the representative of the main fact holders) and was trying to use a community body to try and secure a favourable reaction to support a second application. [redacted] entered into communication with Mr. Botkai on my behalf. He regularly kept me and my family abreast of developments. I anticipate that he will set out "chapter and verse" to you.

Further, I am a member of the local residents association, and am aware of their communications with Mr. Botkai. I endorse the views they expressed also.

Primary basis of objection:

The decision on 31st October 2016 was based upon an assessment of what would happen if a license was extended in the future. There has been no material change in circumstances, and to permit a fresh application, rather than requiring an appeal against the previous refusal, is an abuse of process. It should be refused on that basis.

Summary of objection:

I therefore respectfully ask that you to refuse the application because:-

1. it is an out-of-time appeal from the decision dated 31st October 2016;
2. it is a collateral attack on the decision made on 31st October 2016;

3. the passage of time does not alter the basis upon which the previous decision was made on 31st October 2016; and
4. the limited period of permission (8 months) does not alter the basis upon which the previous decision was made.

Constitution of the Sub-Committee at the hearing of this new application:

It seems clear to me that this new application is a re-run of the application made by the Sub-Committee on 31st October 2016, and the decision of the Councillors present on that occasion is being impugned. Those Councillors are best placed to determine that question as a preliminary issue. I would therefore submit that the appropriate and fair procedural response is for the Licensing Authority to organise a hearing when the original three councillors are available to form the Sub-Committee.

For the avoidance of any doubt, I therefore request that the panel hearing this application consists of:-

1. Councillor Dring;
2. Councillor Kauser; and
3. Councillor Beauchamp.

The purpose of having those original Councillors at the hearing is that they are best placed to decide themselves whether this is merely a re-run of the application which they rejected on 31st October 2016.

Advocacy at any hearing:

If I am able to attend the meeting, I would wish to do so. However, in my absence, is authorised to speak on my behalf against the application.

Please confirm safe receipt of this letter.

Yours faithfully,

Park Hill
Moseley
Birmingham B13

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham B6 9ES

BY EMAIL ONLY: licensing@birmingham.gov.uk

12 October 2017

BCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
15 OCT 2017
REF NO
INITIALS

Dear Sirs,

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")

Licence Holder Name: Rontec Watford Limited

Application number 103025

Deadline for submissions: Monday 30th October 2017

Please note that we both object to this application. We object in every aspect.

About us:

We have lived in Park Hill since August 2002. Over the last 15 years we have accumulated a very detailed factual knowledge of the Premises and the residential area around it. I believe that my point of view therefore carries significant weight and authority.

We have a 10 year old and a 15 year old daughter. We are concerned that this application significantly affects both our and their wellbeing.

My overwhelming concern is how this application (if granted) would affect the 4 licensing objectives, in particular:-

1. crime and disorder (ASB, litter, etc);
2. the risk of harm to children (witnessing ASB, noise affecting schooling/sleep, etc); and
3. public nuisance (ASB, litter, noise, etc).

The application (if granted) would add incrementally to the erosion of this area now being a desirable area for family living.

Summary of objection:

We therefore respectfully ask that you to refuse the application because:-

1. it is an out-of-time appeal from the "future proof" decision dated 31st October 2016;
2. it is a collateral attack on the "future proof" decision made on 31st October 2016;
3. the passage of time does not alter the basis upon which the "future proof" decision was made on 31st October 2016; and
4. the limited period of permission (8 months) does not alter the basis upon which the "future proof" decision was made on 31st October 2016.

Constitution of the Sub-Committee at the hearing of this new application:

To our mind this new application is a plain attack upon the decision made by the Sub-Committee on 31st October 2016. It is a re-run.

The original Councillors' decision is being attacked. Therefore, we believe the appropriate and fair procedural response is for the Licensing Authority to organise a hearing when the original three councillors are available to form the Sub-Committee.

For the avoidance of any doubt, I therefore request that the panel hearing this application consists of:-

1. Councillor Dring;
2. Councillor Kauser; and
3. Councillor Beauchamp.

The purpose of having those original Councillors at the hearing is that they can decide themselves whether this is merely a re-run of the application which they rejected on 31st October 2016.

A gap in the s.182 guidance?

As noted above, the s.182 guidance does not cover repetitive applications (as opposed to repetitive reviews).

There appears to be a gap.

The s.182 guidance is guidance. It is not an exhaustive list of rules. Not only do I ask that this application be refused (again) but I ask that the Sub-Committee do something to stop everybody's time being expended on this matter in the future.

In the circumstances of the "future proof" decision of 31st October 2016 this further application should never have been issued. I hope it will be refused. However, it would be simply an affront to the rule of law and local government process if another application were ever made again.

We do not suggest a complete prohibition on a further application. That would be unlawful. However, in the civil courts it is possible to make a "civil restraint order" which prevents somebody issuing repetitive applications unless permission is given to issue an application first.

We therefore ask the Sub-Committee to also find as a fact that the 3rd October 2017 application was a repeat of the application refused on 31st October 2016.

As a consequence of such a finding we invite the Sub-Committee to then direct that:

"Rontec Watford Limited shall make no further applications in respect of Licence Number 1983 unless it first obtains the written permission of the Sub-Committee which will need to be satisfied that the further proposed application is not a repeat application."

Advocacy at any hearing:

We have authorised our neighbour, _____, to speak on our behalf at the hearing and he has confirmed that he is happy to do so.

Please kindly acknowledge receipt of this letter.

Yours faithfully,

From:

Sent: 14 October 2017 17:30
To: Licensing
Cc:
Subject: Objection to Application number 103025
Attachments: Letter to Licensing Committee[9-10-17].docx

Dear Sirs,

RE: Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises"). Licence Holder Name: Rontec Watford Limited. Application number 103025

Objection from . Park Hill, Moseley, Birmingham B13

I have seen a draft version of letter of objection. I agree with its content and wish to adopt it as the substance of my representation that the application should be refused.

I also wish to bring to your attention an incident related to the petrol station. One night in July 2017, a middle-aged man, intoxicated, holding a can of cider, knocked on my door, asking for money to get 'home'. I asked where he lived and where did he get the money for the cider. He said he spent his last few pounds at the petrol station up the road and did not realise he had spent all his money. He immediately turned to face my wall and urinated. He then proceeded to leave the premises without a further word. To say the least my family, including my children, were petrified by his aggressive tone when asking for money and mortified by his actions.

We have had a number of occasions when intoxicated men and women knocked on our doors begging for money, all of whom we promptly turned away.

I do not believe this application is in the best interest of the residents here on Park Hill and fearful that its success will make the above mentioned occurrences more frequent. Making alcohol readily available will promote anti-social behaviour, as clearly laid out in letter. My family is also fearful that we may not be so fortunate the next time we refuse someone at the door who is begging for money.

I urge you to strongly consider the objection to the application (103025) by myself and the residents of Park Hill, Moseley.

Yours faithfully

The Licencing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES
16/10/17

Chantry Rd
Moseley
Birmingham
B13

Dear Sirs,

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")
Licence Holder Name: Rontec Watford Limited
Application number 103025

Please accept this letter as formal notice that I object to the above application to extend the hours for selling alcohol.

I have read and agree with the content of letter of objection (dated 9/10/17) and wish to adopt it as the substance of my representation that the application should be refused.

I have petitioned the licence holders' legal representative on several occasions to ask his client to withdraw the application and respect the strong concerns/wishes of the local residents that I represent as chairman of the residents association.

In addition to the background data contained in letter, I strongly believe that increasing the hours that alcohol can be purchased late into the night will attract nuisance and antisocial behaviour into the surrounding residential area as people arrive and depart the premises to make alcohol purchases and then again through uncontrolled consumption of alcohol in public.

We have a lot of vulnerable people living in Moseley (many of whom are homeless) and late night availability of out-sales of alcohol will only add to their problems.

There is nothing socially responsible about selling alcohol that can be consumed in public late into the night and this application could set an undesirable precedent for other outlets that may wish to sell out-sales of alcohol late into the night.

The long term impact of this application will erode the desirability and well balanced community values of this area. Furthermore it is unreasonable to seek to overturn the well-considered rejection of a previous application to extend the licence.

Regards,

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED REF NO <u>ENTERED SY.</u> INITIALS _____

1 Park Hill, Moseley, Birmingham, B13

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

By email only: licensing@birmingham.gov.uk

20 October 2017

Dear Sirs,

Moseley Petrol Station, 45 Alcester Road, Moseley, B13 8AA
Application number 103025
Licence Holder Name: Rontec Watford Limited
Deadline for submissions: 30th October 2017

I object strongly to this application.

I am also extremely disappointed that only a year since the last application by the Licence Holder another (identical) application has been submitted. I would have thought that the Licence Holder would have realised that their ongoing applications are unwelcome especially in a residential area. I had thought that the very clear rejection only a year ago by the Licensing Sub-Committee was intended to safeguard the local residents from this ongoing issue – i.e. it was “future proof”. We then find, only twelve months later, that the Licence Holder (who is not a local resident and only interest in the local area is this petrol station) feels it appropriate to attempt to vary the licence yet again.

The structure of my objection is as follows:

1. to explain the location of my house;
2. to explain the present circumstances;
3. to make submissions to show why this application is wholly unacceptable and should be dismissed.

The location of my house

My family (including two young children) and I have lived at 1 Park Hill since 2010 (seven years). The house is approximately two thirds of the way down Park Hill away from the Alcester Road. To leave Park Hill by road or foot requires travelling past the petrol station at 45 Alcester Road.

This is a quiet residential area and part of “Moseley Village”.

The present circumstances

I understand that the petrol station currently sells alcohol until 11pm. Its application to extend this to 1am was clearly declined in October 2016.

There are already considerable traffic issues around the garage and the top of Park Hill. The junction at the top of Park Hill (which is a residential area) is currently a dangerous one. The approval of Tipu Sultan increased this. This is a clear traffic problem (with associated noise and danger to pedestrians) which needs to be addressed, not exacerbated by increased traffic from this application.

Indeed, sadly, a motorcyclist was killed in the area only a matter of weeks ago.

Previous rejection

The Sub-Committee's reasons for the previous rejection just twelve months ago included the following:

1. *"to allow the variation was very likely to add to the cumulative impact on the licensing objectives"; and*
2. *"Members considered that the impact of the proposed operation on those living in this residential / mixed use area would be very likely to be negative, and that incidents of public nuisance (such as noise and litter) in the immediate vicinity of the premises would be exacerbated."*

I cannot see how anything has changed to impact this forward looking conclusion and, just a year on, I do not see why the Sub-Committee should vary away from its (recent) previous decision.

Anti-social behaviour ("ASB")

I understand that until 2006 there were a variety of ASB problems at the petrol station and which then impacted down Park Hill and the surrounding residential area. These have largely been eradicated, but permitting a petrol station to sell alcohol until 1am is likely to create ASB in a dense residential area.

Operating conditions

As part of its application, I understand that the Licence Holder has listed various operating conditions in an attempt to "soften" the impact and, possibly, to try and differentiate its (rejected) application from October 2016. I don't believe that these have any material effect and the only way to ensure no increase in ASB is to not allow an extension to the current licence.

For completeness, I explain below my reasons:

- Installation of CCTV. I understand that there is already a CCTV system installed and I don't see how this is a change from last year. Whilst it may be a useful deterrent it does not eradicate ASB.
- Adequate levels of staff. I would expect that this is a requirement for any business. It does not state what those levels are. I'm sure employees will be instructed not to get involved in any ASB, merely report it. Therefore this does not stop any ASB that is only being created by this proposed licensing change.
- Age verification policy. Again, this is a standard requirement and I don't believe will have any impact on ASB caused by the proposed change in licence. The installation of a sign cannot be seriously considered a deterrent can it?

- No sale of individual cans and none above 6.5% ABV. I do not consider the banning of individual cans to be a deterrent that will remove the risk of ASB. The 6.5% restriction excludes wines and spirits and, remarkably, "premium products". This seems to have no real impact.
- Door to be closed after 23.00. I am sure that this is primarily for the safety of the staff and there is no change to people being able to purchase alcohol, merely that they use a different point of sale.

How the City Council and other agencies have dealt with the ASB problems in Moseley

This was dealt with at the previous hearing. However, for completeness I have included an extract from my objection a year ago:

"Through the various voluntary bodies, led by the Moseley Society, policies rooted in legislation have been implemented in the last decade to protect Moseley. They include:

1. *the Central Moseley Special Licensing Policy ("CMSLP"); and*
2. *the Public Spaces Protection Order ("PSPO").*

The CMSLP

Birmingham City Council's Statement of Licensing Policy 2015 came into force on 7th July 2015. It recognised the problems faced by the residents of Moseley and how their quality of life was affected by introducing the Central Moseley Special Policy Area.

This policy was then extended "to include both on and off sales to prevent further crime and disorder and public nuisance impacting on the licensing objectives."

The PSPO

This is a recent order made under the new Act (Anti-Social Behaviour, Crime and Policing Act 2014).

The order contains the express recognition of:

1. *the historical problems faced by Moseley; and*
2. *the detrimental effect "on the quality of life of those in the locality".*

Overall

I understand that whilst the petrol station currently has permission for 24 hour operation, this is only for fuel and the sale of alcohol is restricted to 11pm (in line with many bars in the wider Moseley area).

Why does the petrol station need to sell alcohol until this time especially when it was rejected only a year ago? Let's remember that it is in Moseley VILLAGE – not the ring road around Birmingham or similar. Without a doubt, it will attract unsavoury behaviour and the car park at the rear (which backs

onto houses) is ideal for this. If anywhere is to serve alcohol until 1am then surely it should be in proximity to the village centre and the bars etc. rather than in a residential area. (For the record, I don't see the need for any shop to be selling alcohol at that time in the morning – leave it to the bars that have specialist staff to control any unsavoury behaviour).

The decision of October 2016 was "future proof". It was based upon what "would" happen in the future. The Sub-Committee used its wisdom and judgment based upon its knowledge of the area and experience in licensing matters. However, it is important to note that the language it used was very clear. The Sub-Committee used the words "very likely", "would be very likely to be negative" and "would be exacerbated". That reasoning and that decision should be final and no further application should be made.

This further application is a transparent attempt to re-run the application refused in October 2016. It is repetitious. I understand that the three councillors who heard the application a year ago are still in role and it would seem logical that they hear this new application. It will allow them to assess whether there are any new grounds (or whether the application is just repetitious) and avoids the risk of undoing the previous sound work of the councillors.

Conclusion:

I ask the Sub-Committee to reject the application. It is a repeat of the application from just twelve months ago that was rejected by the same Licensing Committee on solid and unambiguous grounds.

It isn't required and risks undermining years of progress in Moseley Village.

Yours faithfully



Grove Avenue, Moseley
Birmingham, B13

THE MOSELEY SOCIETY

Formed to protect a unique area of Birmingham

Charity No. 512211

Birmingham City Council Licensing Section
licensing@birmingham.gov.uk

22 October 2017

**Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA.
Application 103025**

I am writing to object to this application on behalf of The Moseley Society.

We appreciate that the applicant has offered special conditions to try to overcome the risk of alcohol being sold to people with an addiction. We would like those conditions to be mandatory for all off-licences in the area covered by the Cumulative Impact Policy for Central Moseley and hope that this will be considered when the Council next reviews its Statement of Licensing Policy.

However the proposed special conditions do not ameliorate our concern about any extension to off-licence hours in our area. In addition to the Cumulative Impact Policy this premises is also within the area of the Public Spaces Protection Order. That Order has just been renewed, with stronger provisions, in recognition of the extreme problems being suffered by residents and businesses in Moseley. The nuisance caused by alcohol-fuelled anti-social behaviour (ASB) has reached an all-time high in recent months. ASB is exhibited by alcohol-addicted street drinkers and drug takers. Many of these people also beg and leave evidence of their drinking, drug taking and bodily functions all over the area. In September St Mary's Church recognised that the problem had become so serious that they took the lead in organising a training session, about how to safely collect and dispose of items such as hypodermic needles, for residents, church and voluntary organisation staff and volunteers.

In addition to these special problems of extreme ASB, the level of general rowdiness, caused by the large influx of drinkers into Moseley at weekends, is also increasing. The amount of broken glass left on pavements and the level of minor vandalism caused by people who have drunk too much is also increasing. Alcohol causes people to be noisier than normal and also to find things funny that they might not when sober – such as moving floral displays in pots into the road.

Meanwhile policing resources continue to be reduced. We have been told that Moseley is a 'hot spot' area because of the number of complaints about ASB and the area does therefore receive more attention than some others – but nevertheless the

overall cut in police resources is leading many residents living in central Moseley to despair.

In the light of these problems The Moseley Society will object to any proposal to increase the hours of operation of any of the off-licence premises in our area, however well run and whatever special conditions are offered. We have recently been successful in preventing an application reaching you for extended hours at Moseley Wines. We are therefore very anxious to prevent any increase of hours at any premises. If one extension is allowed that encourages others to think they could also apply for increased hours.

We hope this application will be refused.

Yours sincerely,

The Moseley Society

Cc Cllr Lisa Trickett
Cllr Claire Spencer
Cllr Martin Straker-Welds
Birmingham Central Licensing Team, West Midlands Police
Sgt Tom O'Keefe, West Midlands Police

Park Hill
Moseley
Birmingham
B13

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

21st October 2017

BY EMAIL ONLY: licensing@birmingham.gov.uk

Dear Sirs,

THIS IS AN OBJECTION

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")
Licence Holder Name: Rontec Watford Limited
Application number 103025

Deadline for submissions: Monday 30th October 2017

I have read a copy of letter to you dated 19th October 2017. I wish to adopt the content of his letter to support my objection to this application.

I also oppose this application strenuously. It seems to have been made by a company which is unaware of the character of Moseley. It is unsympathetic, unnecessary and unwanted by the residents of Moseley. It will only be used by people from outside of the area or drunk people who should go home and sleep when everybody else is sleeping; not disturbing them.

Please reject it.

Yours sincerely

Chantry Road
Moseley
Birmingham
B13

21 October 2017

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

Email: licensing@birmingham.gov.uk

Dear Sir/ Madam

TEXACO PETROL STATION, 45 ALCESTER ROAD, MOSELEY, B13 8AA
LICENCE HOLDER NAME: RONTEC WATFORD LIMITED
APPLICATION NUMBER 103025 - OBJECTION

I write on behalf of the Chantry Road and Park Hill Residents Association. The Association considers matters of interest and concern to the residents of the two roads at its monthly committee meetings.

At the meeting of 4 October 2017 the Association considered the above application, which seeks permission to extend the hours during which alcohol can be sold at the local Texaco Petrol Station. Developments at the Petrol Station are of particular relevance to the Association as part of the site runs along Park Hill itself, and Chantry Road joins both Alcester Road and Park Hill. It was noted that a number of the local residents were very concerned by the proposal, and that some had previously raised objections to a similar unsuccessful application for a licence variation made by the applicant just one year ago.

The Association has previously welcomed the designation of Central Moseley as a Special Policy Area, recognising the particular concentration of licensed premises and the problems of alcohol misuse to be found in the area. Separately, we were pleased to learn that Moseley's Public Space Protection Order ("PSPO") has just been renewed for a 3-year period, following a significant intensification of the problems associated with alcohol and drug abuse, and with begging activities, during the course of the last year.

It is the view of the Association that any variation in a licence to sell alcohol should be tested by examining whether it is more or less likely that it would exacerbate the problem

of nuisance drinking in the Special Policy Area and the area covered by the PSPO. It is the view of the Residents' Committee that the extension of the licence under consideration beyond 11pm would in fact serve only to undermine the impact of these two measures.

During the last year, residents have noticed a significant increase in the number of drug and alcohol-dependent individuals present on the streets of Moseley. A number of these individuals are rough sleepers, frequently basing themselves in the backyards of disused business premises in Central Moseley or local car parks and churches. A number of them have been begging in order to fund their addictions. As far as can be discerned, this particular community of alcoholics purchases cheap alcohol from local shops rather than pubs, presumably for reason of cost. At the moment their ability to purchase alcohol from such outlets at least finishes at 11pm. We see no benefit to the community, or to them, in providing an opportunity to source alcohol in this way beyond 11pm. In fact, there is a real risk that extended hours could act as a draw to a wider community of problem drinkers. Pubs have the benefit of several staff and numerous customers to be able to deal with problem drinkers. We are concerned that one individual staff member at an all-night petrol station would find it difficult to turn away such individuals or groups.

In addition to the disturbing increase in hardened drinkers in the area, residents continue to experience nuisance behaviour from binge drinkers, simply visiting Moseley for the evening. For instance, cans and bottles are frequently deposited in the front gardens of the houses on Chantry Road and Park Hill, as drinkers return from a night out. Some of this probably comes from local pubs but our concern is that the presence of a late-opening shop will simply encourage the purchase of yet more alcohol around the time of pub closing. It goes without saying that individual drinkers can often be heard shouting or arguing on the street and this is not something that the residents want to see extended further.

Residents at the top end of Park Hill are particularly concerned, in addition, at the likely increase in traffic, and the attendant noise of slamming car doors etc., which might reasonably be expected were the licence to sell alcohol extended.

We hope you will find the above of assistance in considering the application. If the licensing committee is in agreement with us that the variation to the licence should be refused, we would ask the committee to consider recommending to the applicant that no further application to extend the licensed hours should be made whilst the area remains a Special Policy Area and/or the subject of a PSPO.

Yours faithfully

Park Hill
Moseley
Birmingham
B13

By email to licensing@birmingham.gov.uk

Dear Sirs

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")

Rontec Watford Limited

Application number: 103025

I refer to the above application and write to confirm my objection to the same. I should add that I have read the letter of objection and agree entirely with the contents. I am duly authorised to speak on my behalf at the hearing of the renewed application.

I would like to add that from my perspective, my property overlooks the back of the Premises and I am very concerned about the renewed application and the impact this will have on me and my property. I am concerned about people roaming around the car park at the back and trying to gain access to my property. I do not think that having the barrier to the car park down will make much difference on the basis that people will be able to walk round it. I would point out that I was burgled two years ago and that is how they gained access to my property – via the car park at the Premises

I agree with the Licensing Sub-Committee's decision on 31 October 2016 that the impact of allowing the sale of alcohol until 1am for seven days a week would be negative and that incidents of public nuisance would be exacerbated. I consider that to have been a self evident that allowing somewhere to sell alcohol up to 1 am is only going to attract people who will most likely already have been out drinking and therefore likely to be noisy and cause a nuisance. Further, I cannot see that there is any need for somewhere to be selling alcohol up to 1 am in a residential area.

I also agree that the application is nothing more than an attempt to repeat of a previously refused application. This is intolerable and an abuse of the process.

Entered
21

From:
Sent: 25 October 2017 20:41
To: Licensing
Subject: Re: Objection - Texaco Petrol Station (45 Alcester Road, B13 8BB)
Attachments: Letter of Objection (Service Station).pdf

Alcester Road
Moseley
Birmingham B13

17th October 2017

BY EMAIL ONLY: licensing@birmingham.gov

Dear Sirs

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA

Licence Holder Name: Rontec Watford Limited

Application number 103025

I write to you in relation to the above address to object to the proposed extension to sell alcohol and would ask that you refuse the application.

I objected to the previous application at the location, No 98671 in September 2016, and at that time the committee saw fit to refuse the submission. Although the conditions have changed slightly, my views have not. The reasoning behind my objection has not changed. In fact, since the establishment has been reopened 24 hours daily, there are beggars who sit underneath the kiosk late at night seeking money from those who fill up. They sometimes have a can of beer or cider to hand, and I suspect that this would only encourage similar behaviour with them spending the money they have taken from late night revellers to buy alcohol. Therefore, I would ask that you take into consideration the points I made in the last letter I sent attached to this email, along with this note I now pen to you when making your deliberations.

Yours Sincerely

Alcester Road
Moseley
Birmingham B138BB

29/9/2016

Birmingham City Council Licensing Section
licensing@birmingham.gov.uk

29th September

**Moseley Service Station, 45 Alcester Road, Moseley, B13 8AA,
Application 98671**

Dear Sir/Madam

As a resident who resides virtually opposite the applicant, I would like to object to the above application for the following reasons;

- We already suffer great inconvenience from the venue next door to the applicant's premises, Tippu Sultan. An ex public house, now with an oversized extension, converted into a wedding centre; it was approved by the city council planning department in 2011. Though the venue is alcohol-free, we are often subjected to noise (including loud drumming), car horns and congested traffic and the loitering of young people drinking outside the venue well into the evening. The police have been called out on many occasion. My fear is that there will be a risk of increased public nuisance as alcohol will be readily available at the venue next door.
- Notwithstanding my comments above, Tipu Sultan is a non-alcoholic establishment, and I wonder whether it would be insensitive to have 24/7 access to alcohol so close nearby.
- We have had long standing issues with aggressive street drinkers who begged in Moseley Village. It came to head where the public were regularly complaining about urination, defecation, exposure of genitalia and sexual intercourse in public within Moseley Village. The Community Alcohol Partnership was put together to tackle what was a long-standing issue. The CAP was community/stakeholder led supported by a court injunction (222). This is an order designed to restrain anti-social behaviour that would be considered a public nuisance such as prostitution, begging, drug dealing or kerb crawling. As a consequence, a number of individuals were

prohibited from the entering the area due to the nature of their behaviour which constituted public nuisance. The injunction resolved matters, as did the wrap around support that was provided by key stakeholders. Unfortunately, the 222 injunction expired in 2014/15, and now street drinking is back on the increase. My fear is that the 24/7 sale of alcohol will only exacerbate the problem and return us back to those 'bad old days.'

- The center of Moseley is a Special Policy Area, which is designed to restrict the sale of alcohol and deter street drinking. 24/7 sales of alcohol will inevitably undermine this policy.
- We live next door a women's refuge where access for men is limited. The young women, and sometimes their partners, will often sit on our party wall with a few cans of beer chatting loudly well into the evening. While I have some sympathy for the young couples, I do have some concern that 24/7 access to alcohol might help to exacerbate the issue.
- There are two other sites locally that sell alcohol 24/7, one in Balsall Heath which is approximately three quarters of a mile away, the other is in Kings Heath, just one mile away. I do wonder whether we need another in such close proximity. Not to mention the nearby pubs, some of whom hold a late license anyway.

Given the scale of my concerns, I was hoping the department would be kind enough to consider having a hearing where the evidence can be heard?

Yours sincerely

Appendix 12

THIS IS AN OBJECTION

Name:

Address:

OVERDALE COURT
PARK ROAD
MOSELEY B13

Email:

Entered by

BCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
REF NO

The Licensing Team

Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

[25] October 2017

Dear Sirs,

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")

Licence Holder Name: Rontec Watford Limited

Application number 103025

Deadline for submissions: Monday 30th October 2017

I understand that Rontec has applied again for an extension to its license so it can sell alcohol until 1am every day of the week.

At present it only sells alcohol until 11pm every day of the week.

I object to this application. I object in every aspect.

Why I object:

The same application was refused on 31st October 2016. There have been no material changes in circumstance since then to justify a different decision. I urge the Sub-Committee to refuse this new application.

[other reasons:]

We get enough disturbance from Tipu Sultan customers and feel that attracting late night drinkers to the area would not serve the residents well. We, in Overdale Court, have had to put locks on our bin sheds as we kept finding drinkers had removed the bins and were sleeping in them!

We also get enough disturbance from people going to and from moseley village pubs

Yours sincerely,

[Sign:]

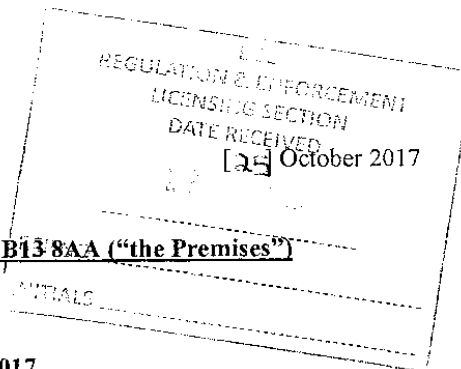
THIS IS AN OBJECTION

Name:
 Address: ...F.B.T...
 ...QUEENSDALE COURT
 ...BARK ROAD...MOSELEY
 Email: ...BIRMINGHAM B13...

The Licensing Team
 Birmingham City Council
 PO Box 17013
 Birmingham
 B6 9ES

Dear Sirs,

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")
Licence Holder Name: Rontec Watford Limited
Application number 103025



Deadline for submissions: Monday 30th October 2017

I understand that Rontec has applied again for an extension to its license so it can sell alcohol until 1am every day of the week.

At present it only sells alcohol until 11pm every day of the week.

I object to this application. I object in every aspect.

Why I object:

The same application was refused on 31st October 2016. There have been no material changes in circumstance since then to justify a different decision. I urge the Sub-Committee to refuse this new application.

[Other reasons:]

I think not a very good idea. If allowed all the drunk late night drinkers from far around will be drawn to the petrol station. It will be like a magnet. There will be noise as they pass our houses going there. There will be noise when they are there. There will then be noise as they go home past our houses. It will be a triple whammy. We put up with a lot of noise coming from the Restaurant next door to the petrol station.

Yours sincerely,

[Sign:]

Park Hill
Moseley
B13

29 October 2017

The Licensing Team
Birmingham City Council
PO Box 17013
Birmingham
B6 9ES

Dear Madam/Sir,

Texaco Petrol Station, 45 Alcester Road, Moseley, B13 8AA ("the Premises")
Licence Holder Name: Rontec Watford Limited
Application number 103025

We object to this application.

We understand that a previous application (2016) to extend the licensed hours at this premises was refused for (amongst others) the following reasons:-

1. "...to allow the variation **was very likely to add to the cumulative impact on the licensing objectives**"; and
2. "... the impact of the proposed operation on those living in this residential/mixed use area **would be very likely to be negative, and that incidents of public nuisance (such as noise and litter) in the immediate vicinity of the premises would be exacerbated.** "

No changes have occurred in the local environment that would indicate these risks are reduced. The application should be refused on the same basis.

In addition, you should treat this application as a vexatious attempt to circumvent the guidance on repetitious appeals, and make clear your disapproval of the resulting waste of public money.

We urge you to consider the inexorable creep of licensed premises both geographically and into the night, a change allowed by you over the years. A once residential area is being transformed into an entertainment district - to the detriment of its residents. The council should prevent further creep, and seriously consider rolling back recent changes wherever possible.

Yours faithfully



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

Not Currently In Use

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

Your reference

AGS/32991/344

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.
 REGULATION & ENFORCEMENT
 LICENSING SECTION
 DATE RECEIVED

Applicant Details

* First name

Rontec Watford Limited

* Family name

Rontec Watford Limited

REF NO

* E-mail

INITIALS

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.

Is the applicant's business registered outside the UK?

☒ Yes

☐ No

Commercial register

Jersey

Registration number

108486

Business name

Rontec Watford Limited

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

Continued from previous page...

VAT number

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

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Business Address

Address for the applicant's business that appears on the commercial register.

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

Agent Business

Is your 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 your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Continued from previous page...

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

<i>Continued from previous page...</i>	
Non-domestic rateable value of premises (£)	<input style="width: 90%;" type="text" value="39,500"/>
Section 3 of 18	
VARIATION	
<p>Do you want the proposed variation to have effect as soon as possible? <input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>Do you want the proposed variation to have effect in relation to the introduction of the late night levy? <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p style="text-align: right; margin-right: 100px;">You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.</p> <p>If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend <input style="width: 80px;" type="text"/></p> <p>Describe Briefly The Nature Of The Proposed Variation</p> <p>Describe 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.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>A petrol forecourt store located at 45 Alcester Road, Moseley, Birmingham, B13 8AA.</p> <p>The variation is to do the following:</p> <ol style="list-style-type: none"> 1. Extension of the hours for the sale of alcohol to between 0600 and 0100 daily. 2. To remove the conditions listed in Annex 2. 3. To include in Annex 2 the conditions in Section 16 of the application. </div>	
Section 4 of 18	
PROVISION OF PLAYS	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide plays be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
Section 5 of 18	
PROVISION OF FILMS	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide films be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No</p>	

<i>Continued from previous page...</i>
Section 6 of 18
PROVISION OF INDOOR SPORTING EVENTS
See guidance on regulated entertainment
Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 18
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
See guidance on regulated entertainment
Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 18
PROVISION OF LIVE MUSIC
See guidance on regulated entertainment
Will the schedule to provide live music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 9 of 18
PROVISION OF RECORDED MUSIC
See guidance on regulated entertainment
Will the schedule to provide recorded music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 18
PROVISION OF PERFORMANCES OF DANCE
See guidance on regulated entertainment
Will the schedule to provide performances of dance be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 18
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE
See guidance on regulated entertainment
Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No

Continued from previous page...

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 06:00

End 01:00

Start

End

Provide 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 06:00

End 01:00

Start

End

WEDNESDAY

Start 06:00

End 01:00

Start

End

THURSDAY

Start 06:00

End 01:00

Start

End

FRIDAY

Start 06:00

End 01:00

Start

End

SATURDAY

Start 06:00

End 01:00

Start

End

SUNDAY

Start 06:00

End 01:00

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

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 alcohol at different times from those listed above, 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 14 of 18

ADULT ENTERTAINMENT

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.

Provide 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.

The premises sells alcohol and other age restricted products.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Provide 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.

Start

End

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start 00:00

End 24:00

Start

End

THURSDAY

Start 00:00

End 24:00

Start

End

FRIDAY

Start 00:00

End 24:00

Start

End

SATURDAY

Start 00:00

End 24:00

Start

End

SUNDAY

Start 00:00

End 24:00

Start

End

State any seasonal variations.

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

The opening hours of the store are not a licensable activity and the applicant asks that the hours not be restricted by the premises licence.

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

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

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

All conditions listed under Annex 2, to be replaced with those listed under Section 16 of this application form.

☐ I have enclosed the premises licence

Continued from previous page...

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

The premises licence was returned for amendment.

Section 16 of 18

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.

As the premises are in a cumulative impact area the variation of the licensable activity namely an increase in the permitted hours for the sale of alcohol to between 0600 and 0100 daily shall be permitted for a period of eight months from the date of this variation and thereafter the said hours shall revert to those prior to this variation.

b) The prevention of crime and disorder

1. A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of recordings will be capable of being recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The CCTV system will incorporate a camera covering the entrance door and the alcohol display areas and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. A system will be in place to maintain the quality of the recorded image.
7. The CCTV system will be maintained so as to be fully operational throughout the hours that the premises are open for any licensable activity.

c) Public safety

The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

Continued from previous page...

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
2. There shall be no sale of single cans of beer, lager or cider from the premises and no single bottles of beer, lager or cider in vessels of less than 500ml or more than 1500ml.
3. There will be no sales/supplies of beers, lagers or ciders of 6.5% ABV or above save for premium products.
4. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600. Any sales between these hours will be made through the night pay window.
5. Signage notifying customers of the age verification policy adopted at the premises to be displayed at the store entrance, the alcohol display area and at the night pay window..

Section 17 of 18

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 18 of 18

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 (£)

315.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE
* STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON
SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

☒ 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

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/change-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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

OFFICE USE ONLY

Applicant reference number
Fee paid
Payment provider reference
ELMS Payment Reference
Payment status
Payment authorisation code
Payment authorisation date
Date and time submitted
Approval deadline
Error message
Is Digitally signed ☐

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

1983 / 5

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Moseley Service Station
45 Alcester Road
Moseley

Post town:

Birmingham

Post Code:

B13 8AA

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

L Late night refreshment
M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities

Monday- Sunday	06:00	-	23:00	M2
	23:00	-	05:00	L

The opening hours of the premises

Monday - Sunday	00:00	-	23:59
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Rontec Watford Limited 13-14 Esplanade	
Post town: St Helier	Post Code: JE1 1BD
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 108486

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Tilak Wickrama	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number -	Issuing Authority

Dated 13/09/2016

David Kennedy
Senior Licensing Officer
For Director of Regulation and Enforcement

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Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum of one calendar month. Recordings shall be made available upon the receipt of a request by an authorised officer of the police or local authority.

There shall be 'CCTV in Operation' signs prominently displayed at the premises.

An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or Local Authority.

The premises shall operate a proof of age scheme, such as Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport or any other recognised form of photographic identification incorporating the PASS logo.

The premises will be fitted with a burglar alarm system.

The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

2c) Conditions consistent with, and to promote, public safety

The Licence holder shall ensure -

There is adequate levels of staff. Such staff levels will be disclosed, on request to the licensing authority and police

2d) Conditions consistent with, and to promote the prevention of public nuisance

The Licence holder shall ensure -

There is adequate waste receptacles, for use by customers, will be provided in and immediately outside the premises.

The premises licence holder will, upon request, provide the telephone number of their Customer Relations Contact Centre.

2e) Conditions consistent with, and to promote the protection of children from harm

All staff to be trained in relation to the proof of age policy.

All staff to receive comprehensive training regarding their responsibilities under the Licensing Act 2003. They will not be permitted to sell alcohol before the training has been successfully completed.

A til prompt system will be used in relation to alcohol.

A refusals register will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

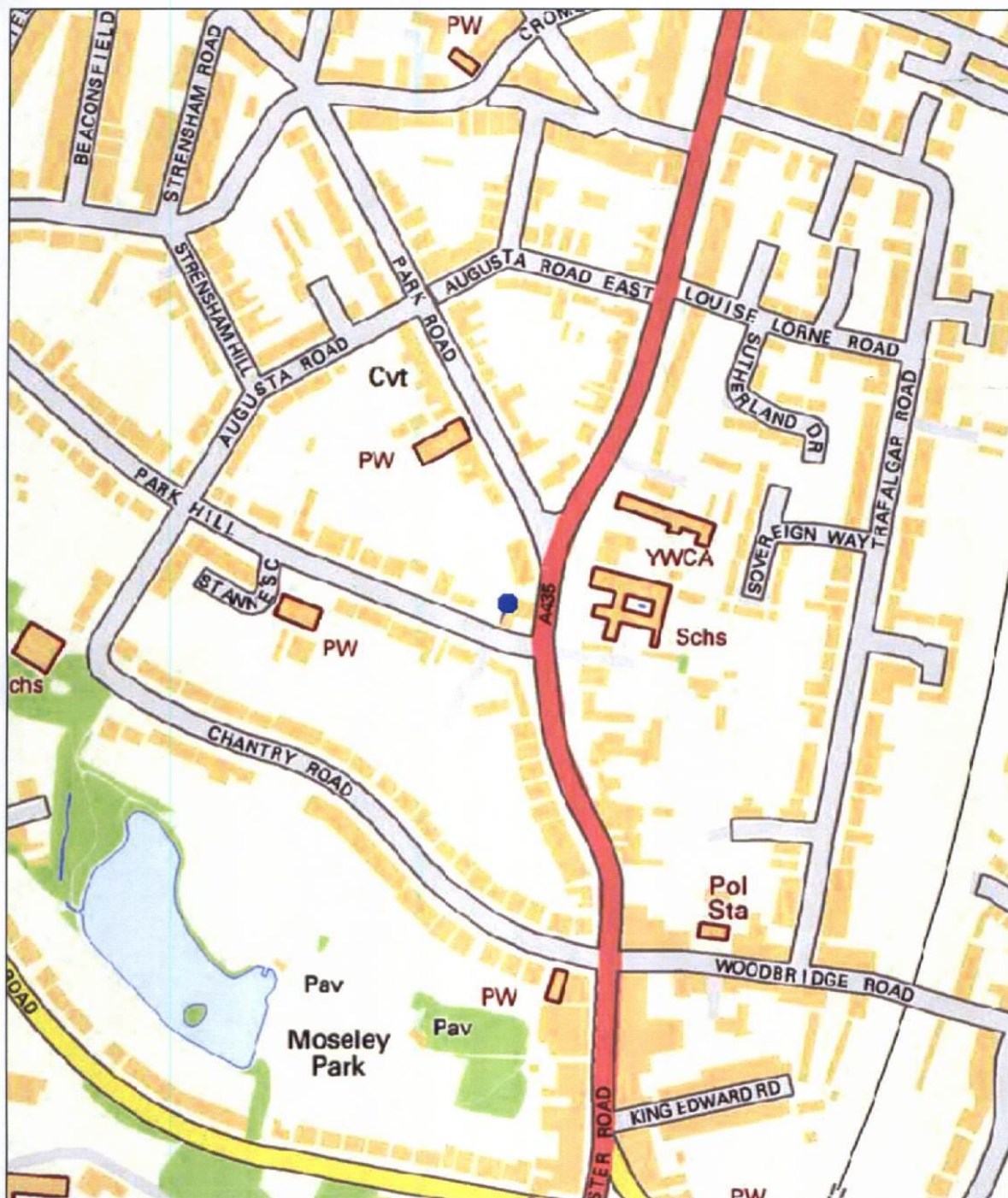
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **98298-1983/5** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Birmingham City Council

Map Created By:

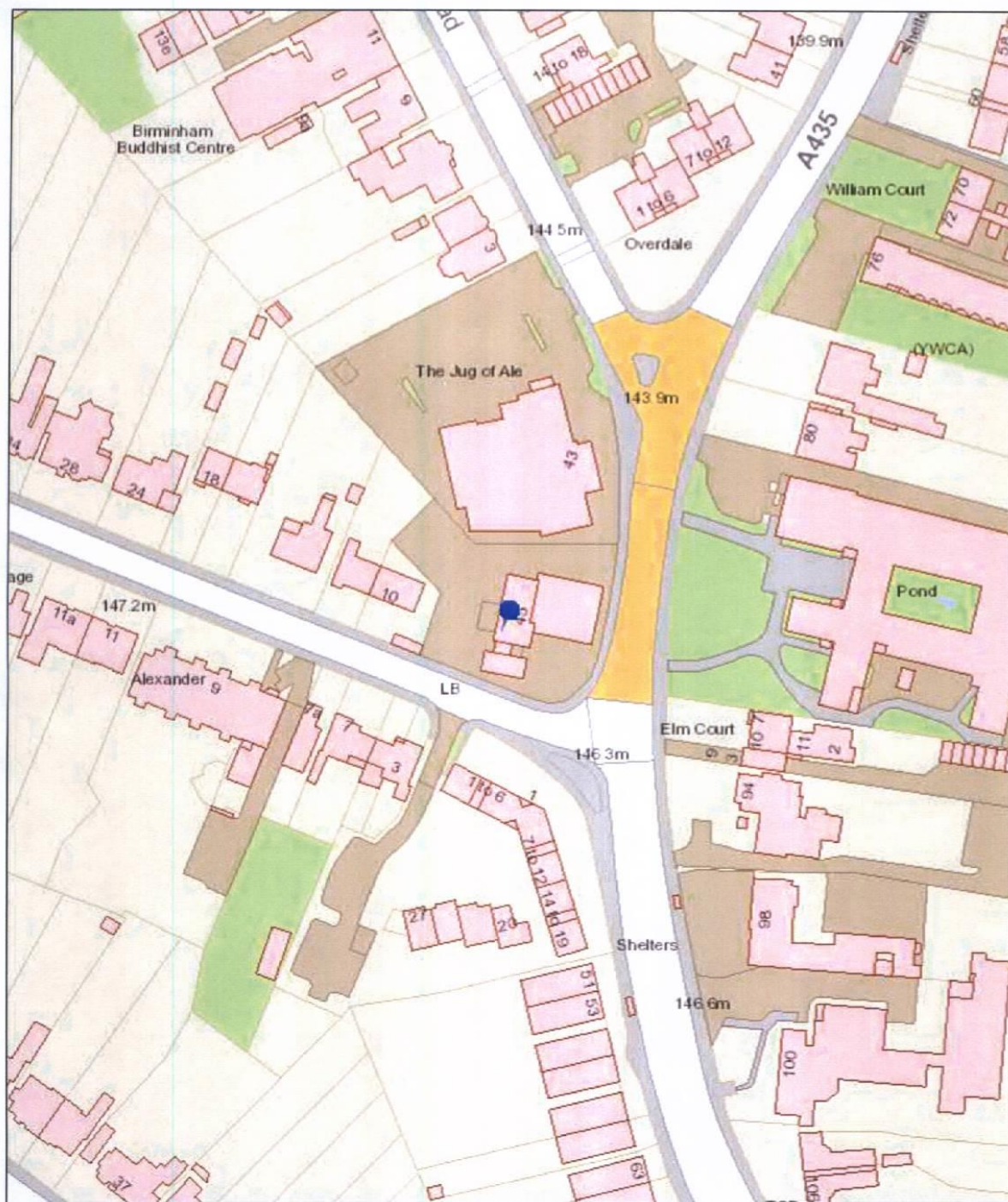
Notes

Date of Map Creation: 10/10/2017



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Notes

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