

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 31 JULY 2019 AT 11:00 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

4 **MINUTES**

3 - 8

To confirm and sign the Minutes of the meeting held on 3 July 2019.

5 **LICENSING ACT 2003 - PREMISES LICENCE - GRANT - LA BUFET, 136**
BOULTON ROAD, HANDSWORTH, BIRMINGHAM, B21 0RE

9 - 66

Report of the Assistant Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 1100 hours

6 **OTHER URGENT BUSINESS**

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

6A **LICENSING ACT 2003 TEMPORARY EVENT NOTICE THE SUN AT THE STATION, 7 HIGH STREET, KINGS HEATH, BIRMINGHAM, B14 7BB**

Report of the Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 12:30pm

PLEASE NOTE APPLICATION HAS BEEN WITHDRAWN

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 3 JULY 2019
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 3 JULY 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nicky Brennan in the Chair

Councillors Mike Sharpe and Neil Eustace

ALSO PRESENT

Shaid Yasser, Licensing Section
Joanne Swampillai, Committee Lawyer
Errol Wilson, Committee Manager

NOTICE OF RECORDING

1/030719 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/030719 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/030719 None submitted.

MINUTES

4/030719 That the Minutes of the meetings held on 3 May 2019; 8 May 2019 and the 30 May 2019 were confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE - VARIATION SID'S OFF
LICENCE, 284 ALCESTER ROAD SOUTH, KINGS HEATH, BIRMINGHAM B14
6EN**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Patrick Burke – Agent, PMB Licensing
Santhi Praba Rajakaruna – Premises Licence Holder

Those making representations

Those making representation did not attend the meeting.

* * *

Following introductions by the Chair, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

Mr Patrick Burke, Agent PMB Licensing made the following points on behalf of the Premises Licence Holder (PLH):-

- a) That they PLH had taken over the business seven months ago and had revamped the premises. Having spoken with people in the area they had expressed a need for the premises licensing hours to be extended.
- b) The PLH had worked for Birmingham City Council (BCC) for 10 years and was still in employment with BCC on a part-time basis with people who had suffered domestic violence.
- c) She had a wealth of experience within Birmingham itself and did a lot of campaigns for the community and knows the pitfalls that may arise for a 24 hour licence.
- d) They needed to have some points of difference from Tesco and the other business within the area that closes at 2300 hours.
- e) With regards to the objection, the objector expressed concerns about problems within the area. The premises was near a busy main road and the police had no objection to the application for the variation of hours.
- f) It was not just alcohol, but a variety of other things will be sold.
- g) The PLH had agreed the following conditions with West Midlands Police:

- Between 2300 hours and 0500 hours customers will only be served via a serving hatch and not allowed inside the premises. The serving hatch will be constructed in such a way that the customer will not have access into the hatch when the internal (shop side) of the hatch is open.
 - Premises will not sell any beers, ciders, lagers alcopops or premixed spirit drinks above 5.5% ABV between 2300 hours and 0500 hours.
 - No single sales of any beers, ciders, lagers, alcopops or premixed spirit drinks between 2300 hours and 0500 hours.
 - Premises to display prominent signage to inform customers of the restrictions between 2300 hours and 0500 hours.
- h) Bullet point 2 of the conditions agreed with the police dealt directly with the objection received.
- i) In relation to the *mental health issues*, it was strange for the objector to make this statement unless he was educated in mental health issues.
- j) Mr Burke reiterated that there was no objection from the Police or from any of the other responsible authorities. He made reference to a case – lighter touch beaucracy and stated that the case highlighted the facts that the decision should be based on facts and not on speculations.
- k) In his opinion the objection was based on speculations. There were no issues with the premises as the family would be used to run the business.
- l) He had represented a lot of applicants for Alcester Road South etc., and had received a number of objections, but the current applicant had only one objection.

In response to questions from the Members of the Sub-Committee, Mr Burke and the PLH made the following statements:

- The CCTV was outside the premises and will be recording all activities.
- There will be 2 people in the shop after 2300 hours.
- There was parking to the side of the premises and a car park was also located on the opposite side of the road which was owned by a Public House.
- They will be selling to people that work in services such as the Police, fire and hospital – shift workers.
- As Tesco closed at 2300 hours, a number of people had approached them to purchase alcohol, but they could not sell them anything as they were also closed at 2300 hours.

At this stage in the meeting the Chair asked members if representatives wished to make any closing submissions.

Both confirmed they had nothing more to add and felt they had been able to have their say.

At 0950 hours, the meeting was adjourned. All parties with the exception of Members, the Committee Lawyer and Committee Manager left the meeting.

At 1010 hours the meeting was reconvened and all parties were invited back into the meeting room and the decision was read out as follows:-

5/030719

RESOLVED:-

That the application by Santhi Praba Rajakaruna to vary the Premises Licence in respect of Sid's Off Licence, 284 Alcester Road South, Kings Heath, Birmingham, B14 6EN under section 34 of the Licensing Act 2003

BE GRANTED SUBJECT TO THE CONDITIONS WHICH WERE AGREED IN ADVANCE WITH WEST MIDLANDS POLICE, namely:

- Between 2300 hours and 0500 hours customers will only be served via a serving hatch and not allowed inside the premises. The serving hatch will be constructed in such a way that the customer will not have access into the hatch when the internal (shop side) of the hatch is open
- The premises will not sell any beers, ciders, lagers, alcopops or premixed spirit drinks above 5.5% between 2300 hours and 0500 hours
- No single sale of any beers, ciders, lagers, alcopops or premixed spirit drinks between 2300 hours and 0500 hours
- Premises to display prominent signage to inform customers of the restrictions between 2300 hours and 0500 hours

In addition to the above conditions, those matters detailed in the opening schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The Sub-Committee considered the written objection made by a local resident, but noted that the applicant had proposed sufficient conditions to satisfactorily address the issues raised and to ensure that the licensing objectives could be promoted. The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

The Sub-Committee also noted that the applicant stated that her intention was to have two people on duty at night, which reassured the Members.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, and the written and oral representations made by the applicant, her adviser, and 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 decision.

GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES GAMING MACHINE PERMIT THE BILLESLEY, BROOK LANE, KINGS HEATH, BIRMINGHAM, B13 0AB

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 2)

Shaid Yasser, Licensing Section, made introductory comments relating to the report.

Councillor Eustace voiced his objection to a permit being granted for the additional gaming machine and stated that there were gambling problems. He added that he felt that four was enough. A brief discussion ensued and the Sub-Committee indicated that they were likely to adjourn the hearing for the applicant to make representation to the Sub-Committee.

The Licensing Officer advised that the gaming machines were categories C and D and referred the Sub-Committee to Appendix 4 to the report. The Licensing Officer further drew the attention of the Sub-Committee to the supporting documents at Appendix 1 to the report detailing the plan which showed where the applicant will position the additional gaming machine.

The Committee Lawyer advised that the Birmingham City Council (BCC) Enforcement Officer had visited the premises and had no objections to the application for a variation of the licence for the gaming machine permit.

The Licensing Officer advised that the applicant could be invited to attend a hearing with the Sub-Committee where they could ask questions of the applicant, but that the applicant may not attend the hearing, but could make a written representation.

6/030719

RESOLVED:-

That the application by Regal Gaming and Leisure, for the variation of a Licensed Premises Gaming Machine Permit in respect of The Billesley, Brook Lane, Kings Heath, Birmingham B13 0AB has been considered, and at this initial stage the Sub-Committee is minded to refuse.

As per the Gambling Act 2005 at Schedule 13, paragraph 6, a Licensing Authority may not refuse an application, or grant it in respect of a different category or number of gaming machines, without first notifying the applicant and giving the applicant an opportunity to make representations - either in written form, or oral form, or both. Therefore you are requested to make representations (either written, oral, or both).

The Sub-Committee's reasons for proposing to refuse this application for variation were that it was a public house frequented by families and therefore children. The Sub-Committee was mindful of the promotion of the licensing objectives, particularly protecting children and other vulnerable persons from being harmed or

exploited by gambling.

The Sub-Committee was not persuaded that the proposed variation would not pose a risk to protecting children and vulnerable people from harm or exploitation. Safeguarding is taken very seriously in Birmingham and the Members felt that the application as it stood did not give any justification for permitting the variation given the risk of exploitation of children and vulnerable people.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the Licensed Premises Gaming Machine Permit variation application could be granted; however Members considered that in general the application as it stood was not satisfactory.

The applicant is therefore invited to submit to the Licensing Department any representations they wish to make without delay, and in any event within 28 days of the date of this interim decision. If representations are not received within 28 days then it shall be assumed that the applicant no longer wishes to pursue the application and it will be deemed to have been withdrawn.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under Section 25 of the Gambling Act 2005 by the Commission, the application for variation and the opinion of the City Council's Licensing Enforcement Department.

OTHER URGENT BUSINESS

7/030719 There was no urgent business.

Meeting ended 1021 hours.

Chairman

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 31st July 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	La Bufet, 136 Boulton Road, Handsworth, Birmingham, B21 0RE
Ward affected:	Soho & Jewellery Quarter
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 10:00am until 10:00pm (Monday to Sunday).

Premises to remain open to the public from 10:00am until 10:00pm (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 11th June 2019, in respect of La Bufet, 136 Boulton Road, Handsworth, Birmingham, B21 0RE.

Representations have been received from West Midlands Police, as a responsible authority, and 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.

<p>5. Relevant background/chronology of key events:</p> <p>Stefan Mustatea applied on 11th June 2019 for the grant of a Premises Licence for La Bufet, 136 Boulton Road, Handsworth, Birmingham, B21 0RE.</p> <p>A representation has been received from West Midlands Police, as responsible authority, which is attached at Appendix 1.</p> <p>Representations have been received from other persons. See Appendices 2 to 4.</p> <p>The application is attached at Appendix 5.</p> <p>Site Location Plans at Appendix 6.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copies of the representations as detailed in Appendices 1 - 4</p> <p>Application Form, Appendix 5</p> <p>Site Location Plans, Appendix 6</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

Entered

m

From: Abdool Rohomon
Sent: 02 July 2019 14:44
To: Licensing
Subject: Licence application - 136 Boulton Road

Dear Licensing,

West Midlands Police have received the application for a new premise licence for the above location. West Midlands Police wish to object to the granting of this licence on the following grounds.

The premises is currently subject to a criminal investigation following an incident this year when a family were sold antibiotics from this shop. The shop is currently unlicensed to dispense such medication.

Even though this investigation is on-going it is of serious concern to West Midlands Police, alcohol is classed as a legalised drug and so premises need to show the greatest degree of knowledge and control to make sure that it is sold and dispensed in a safe manner, and in such a way as to not undermine the licensing objectives. They have already shown that they can sell antibiotics (another legalised drug) whilst apparently not having the correct authorisation to do so.

This premises is also situated in a location currently suffering from high levels of alcohol related crime and disorder and Asb. The management of this area takes considerable time and resources, and even though this happens regularly the levels of alcohol related issues still remain high.

West Midlands Police are currently preparing and scoping evidence to apply for the area to have a special policy as a result of the levels of alcohol related crime and disorder and Asb. To have more premises open in the area, and it is noted that there is another licensed premises next door to the proposed one, will only add to these issues.

The fact there is another premises next door is not used as the sole reason for this objection, but merely as a demonstration to how many licensed premises are in this locality, all of which adds to the continually problems.

West Midlands Police therefore object to this application and seek a hearing

Kind regards

Abs Rohomon

**PC 4075 Rohomon
 BW Licensing
 Police headquarters
 Lloyd House
 Colmore Circus
 Birmingham
 B4 6NQ**

ENTERED @J

From:
Sent: 23 June 2019 18:15
To: Licensing
Subject: Complain to licensing

I am the owner of Boulton Road off license shop.
My business address is Boulton road B21 ORE, I have a complain about La buffet 136 Boulton road B21 Ore. The owner has applied for alcohol license. First of all it is a very noisy shop and secondly they have too many cars parked outside and have left no place for my customers to park their cars. If you provide them with the license it will become noisier and I will file a big complaint in that regard to the police if the city council does not take action.

Entered
21

From:
Sent: 23 June 2019 17:46
To: Licensing
Subject: Complaint

Hello as a resident of Boulton road i have complaint in regard the city council providing alcohol license to LA Bufet 136 boulton road b21 Ore to Mr Stefan Mustatea. I have a complaint that it is noisy neighbour and if you provide the shop with alcohol license it will become noiser and makes my life more difficult.
Kind regards

Entered

DU

From:
Sent: 23 June 2019 23:31
To: Licensing

Dear Sir/Ma'am,

I My address is
Boulton Road B21 0RE

I'm writing to complain about the shop LA BUFET at 136 Boulton Road Birmingham B21 0RE.
I understand they applied to get license to sell alcohol and I'm strongly against it, as I live next to this shop and there's already too much trouble, noise and other disturbing things going on..

I can see they are not allowed to be open after 10pm but still some time they open till 11pm or even later which is illegal,
Shop also makes big mess, lots of rubbish around the shop instead of putting it into the bin. They also blocking pedestrian pathway by parking cars in front of the shop on the pavement.
Thus lots of drunk people who are their customers make too much problem for the neighborhood.

Therefore, myself and many other people living close by would be very grateful if you do not grant that horrible shop license to sell alcohol.

Kind Regards,



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

Applicant Details

* First name

Stefan

* Family name

Mustatea

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

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

BCC	
REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED	
11 JUL 2009	

REF NO	-----
INITIALS	-----

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Mijanur"/>
* Family name	<input type="text" value="Rahman"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

☐ 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 private individual acting as an agent

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

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	<input type="text" value="7021919"/>
Business name	<input type="text" value="Optimised Training Centre"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Manager"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Optimised Training Centre
Street	1 Guildford Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	United Kingdom

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	La Bufet
Street	136 Boulton Road
District	
City or town	Birmingham
County or administrative area	
Postcode	B21 0RE
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	4,350

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Stefan

Family name

Mustatea

Is the applicant 18 years of age or older?

☒ Yes

☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/>
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

Continued from previous page...

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.

Convenience Shop

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start 10:00

End 22:00

Start

End

SATURDAY

Start 10:00

End 22:00

Start

End

SUNDAY

Start 10:00

End 22:00

Start

End

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 in the column on the left, list below

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

--

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Stefan

Family name

Mustatea

Date of birth

dd

mm

yyyy

Continued from previous page...

Enter the contact's address

Building number or name	136
Street	Boulton Road
District	
City or town	Birmingham
County or administrative area	
Postcode	B21 0RE
Country	United Kingdom
Personal Licence number (if known)	
Issuing licensing authority (if known)	

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End 22:00

Start

End

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

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

There is a strong management and security procedures in place which encompass the four licensing objectives as below. A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the Shop allows for good viewing coverage. CCTV cameras are installed which covers both inside and outside the shop.

b) The prevention of crime and disorder

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. No consumption of alcohol will be permitted inside the premises.

c) Public safety

Suitable fire extinguishers are in place.

I will fully support any directives received from the authorities. Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

Notices will be displayed at the exit of the premises asking patrons to leave the premises quietly. All deliveries will be conducted during daytime to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises. The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

e) The protection of children from harm

We recognise the importance of protecting children from harm and this is supported by our commitment to health and safety in the operation and maintenance of the premises and also our approach to managing the risk of under age drinking. The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age id. The premises will operate Challenge 25 policy. No adult entertainment is permitted at these premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

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

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

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

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

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

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

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

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

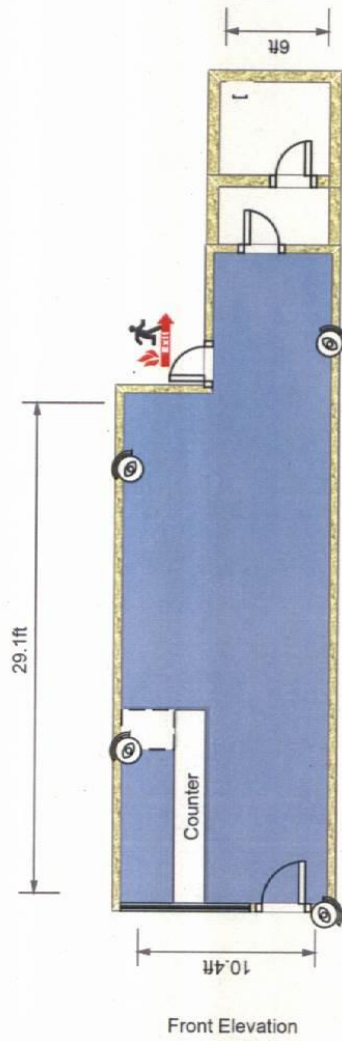
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

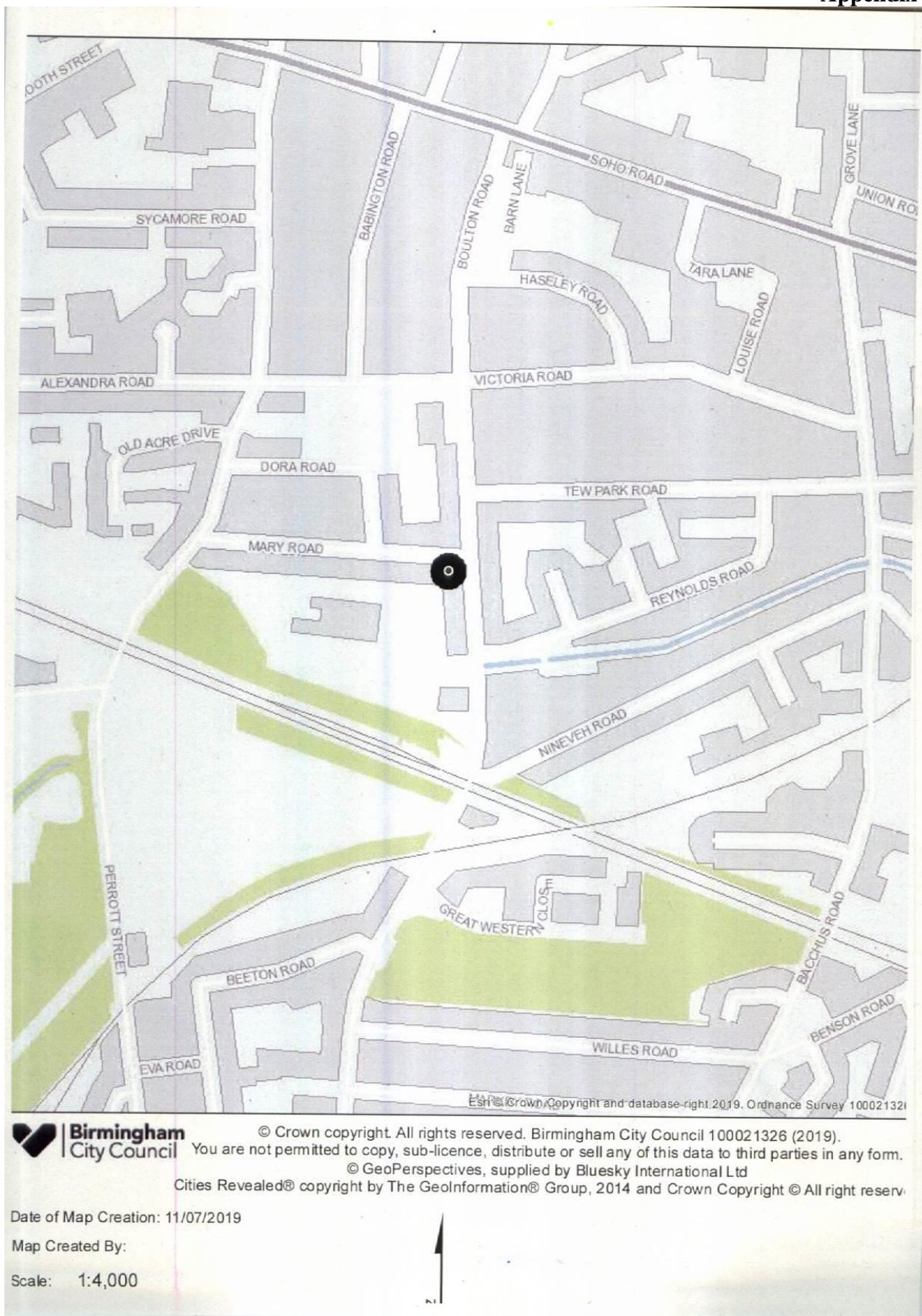
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

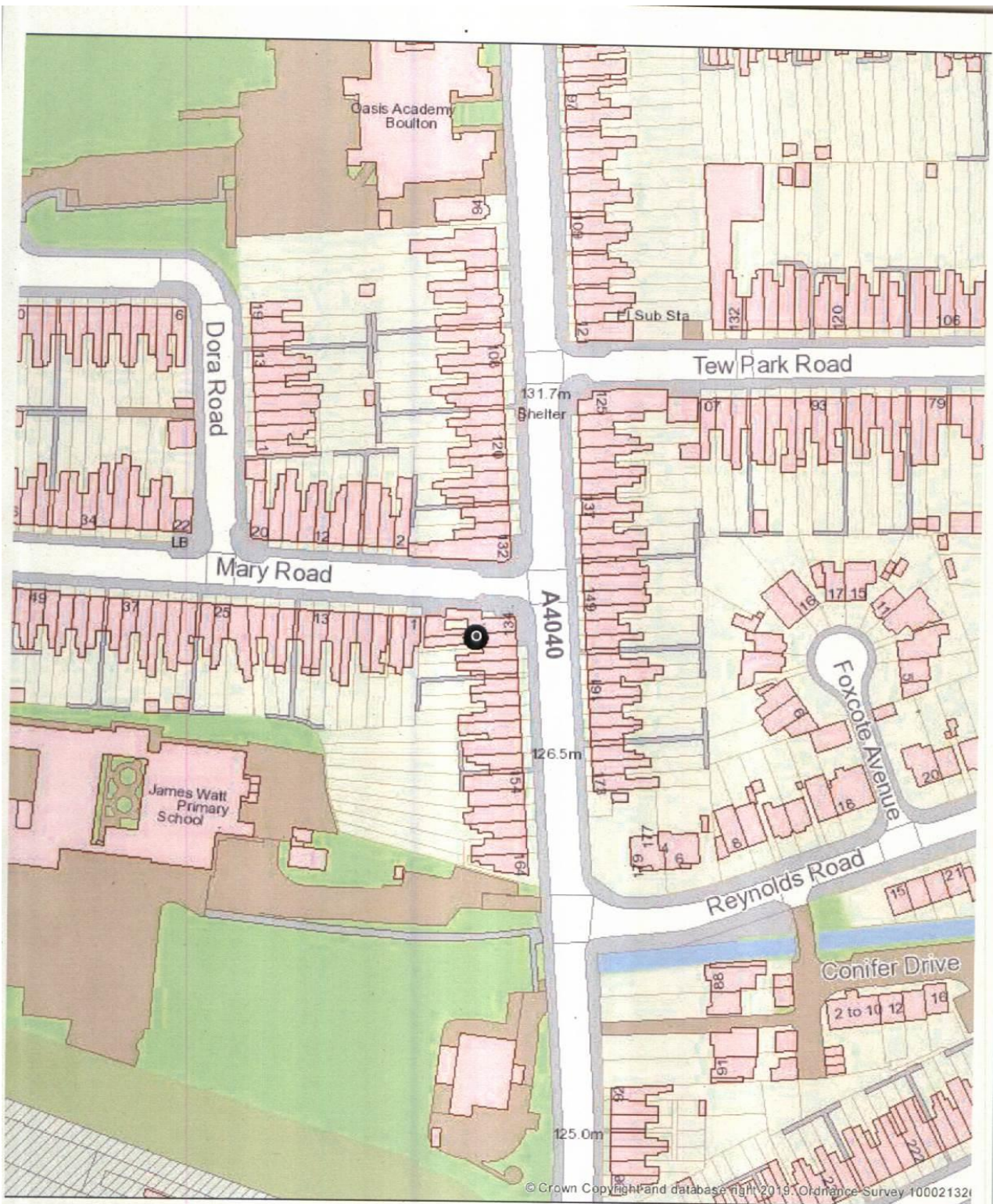
La Bufet Ltd
136 Boulton Road
Handsworth
Birmingham
B21 0RE

Floor Plan
Scale 1:100

= Licensable
Area







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Date of Map Creation: 11/07/2019

Map Created By:

Scale: 1:1,250



Handsworth
Birmingham
B20 .

Date: 22 July 2019

TO WHOM IT MAY CONCERN

Dear Sir/ Madam,

**Re: Mr Stefan Mustatea
136 Boulton Road, Birmingham B21 0RE.**

I write to confirm that I own the above property and Mr Stefan Mustatea has been operating a retail business at the property for the last year. I also confirm that Mr Mustatea is up to date with his rent payments and it is paid regularly before the due dates. In my opinion, he is very honest, reliable and trustworthy person.

I also confirm that I check the premises on a regular basis, and it is very well maintained and kept clean by the tenant.

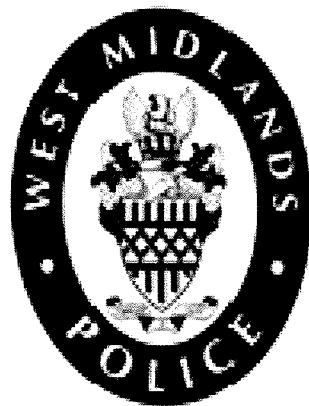
Yours Faithfully

Boulton
Road
Birmingham
Handsworth
B21
21/07/2019

Dear Sir/Madam

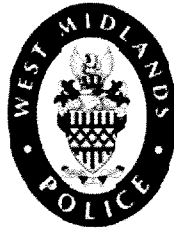
I have no concerns with my neighbour Stefan Mustatea and his family whose shop La Bufet LTD is next door. Stefan Mustatea and his family had moved to 136 Boulton Road around one year ago and since then I can tell you they are very cheerful and welcoming people, every time I see them they are always smiling and greeting me. They have also been very supportive of me and my family. When my mother died they gave us food and drink while also comforting us. Overall I am very happy they are our neighbours as they are good positive people and we have never had any problems.

Yours faithfully,



Evidence for the
Licensing Hearing for
La Bufet
136 Boulton Road

RESTRICTED DOCUMENT



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Photos	17-19
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Alcohol Licensing – Case Law	22-28

WITNESS STATEMENTCrime Number: **20BW/284519B/18****Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**URN

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Statement of: **ANDREW WAREHAM SGT 7181**Age if under 18: **over 18** (if over 18 insert 'over 18') Occupation: **POLICE SERGEANT**

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Andrew Wareham 7181

Date 17th July 2019Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Sergeant 7181 Wareham of West Midlands Police, currently posted to the Soho Road Neighbourhood Police Team and based at Summerfield Police station, Winson Green, Birmingham.

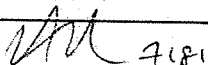
I have been a Police officer for 16 years and have been in my current posting as neighbourhood policing Sergeant for the Soho Road Neighbourhood team since February 2019. I Manage a small team of Police Constables and Police Community Support Officers, I am responsible for dealing with issues of crime, anti social behaviour and reassurance with the residents and traders in the area. This statement is provided based on my own knowledge and belief and is made in response to the license application made by the owners of 136 Boulton Road, Handsworth.

Overview of area:

The Soho Ward is an area on the borders of Central Birmingham and Smethwick, approximately 2 miles north west of Birmingham city centre on the A41. Soho covers an area of 4.8km squared and is a very ethnically diverse area. The Soho Road itself stretches for approximately 1 mile and has hundreds of independent retailers and is well established. Examples of such establishments are jewellery shops, clothing shops, financial services, food outlets and restaurants. During recent years the Soho road business improvement district (BID) has become a key partner in ensuring we address the key issues that are associated with a busy high street. To ensure better partnership working we have set up a neighbourhood tasking process where key statutory partners such as Birmingham city council, Soho BID, waste management, environmental services and third sector community groups such as residents associations and street-watch meet on a monthly basis to discuss issues and attempt to work in partnership to address these concerns. Boulton Road is a main arterial route linking the Soho Road to Winson Green.

Issues identified:

The priorities on the Soho Ward include begging, Anti-social behaviour, street drinkers and prostitution. Sex workers are often seen on a daily basis from 4pm loitering for the purpose of prostitution. They are drug and alcohol dependant and often refuse to engage with the Police. There are high levels of crime in the area including business robberies and street robbery. As a result of alcohol and drug addiction, there are high levels of violent offences including one incident recently whereby a shop keeper was stabbed in the neck with a knife on the Soho Road. There are high levels of shop lifting and business burglaries that are often committed to finance their alcohol and drug addiction.



The area of Soho road, Boulton Road, Holyhead Road, villa road and Rookery road have become priority locations and need a robust policing response on a daily basis. As a Neighbourhood Sergeant, if I fail to ensure officers are patrolling those areas, the consequence will be a significant increase in crime. I have reviewed all of the crime across the Soho Ward and can confirm that the majority occur around licensed premises. This is often fuelled by alcohol or drugs and is concentrated in and around convenience stores and late night refreshment houses. The large number of licensed premises selling cheap alcohol and counterfeit cigarettes help in making the area less desirable to attend and live.

Action taken:

Through our neighbourhood tasking process we have attempted to tackle these rising concerns. A street-watch group has been created made up of local residents which contribute weekly patrols in tackling the prostitution, litter, street drinking and begging issues. A few months ago a review of the officer coverage on the Soho Road was made and at that time both Neighbourhood Policing Teams were on identical shifts. It was concluded that the area would benefit by changing the shift of the Soho Road team so that it offered a more consistent Police presence in the area. Although this has had a positive impact initially, we have still seen an increase in Robbery, alcohol and drug related offences.

The Soho Road Team have had heavy involvement with three licensed premises on the Soho Road who have been involved in allowing street drinking and drug dealing to take place in and around their premises. Examples are the 'Cross Guns Public House' situated at the junction of Boulton Road and Soho Road and the 'Moreish Restaurant' which is also on the Soho Road near to the junction with Boulton Road. Both of these locations cause a high level of demand in relation to street drinkers and alcohol related ASB. My team have conducted multi agency operations to tackle the sale of counterfeit cigarettes and alcohol in this area.

We have discussed the impact and context of a cumulative impact zone to local businesses and some residents, they are fully supportive.

Consequences of these issues:

Despite the best efforts of our policing teams and partnership working crime continues to rise by around 20% each year and the impact is that communities in Handsworth are feeling less safe. I believe that if we continue to grant license applications, then this will have a detrimental effect on the reputation of Handsworth and the Soho Ward in particular.

I have come to the conclusion that despite the best efforts of West Midlands police and our key partners we are not in a position to reduce crime unless other approaches are adopted such as introducing a cumulative impact policy which will help us get a degree of control of licensed premises in an already saturated area such as Handsworth.

136 Boulton Road, Handsworth:

I have reviewed the impact licensed premises have had in our locality and we have responded to 903 incidents to these premises which have resulted in 249 crimes being reported in the last 12 months. This is not an insignificant number. In the immediate vicinity of Boulton Road, we have 32 licensed premises which have contributed to 498 incidents to those premises and 118 crimes being recorded. I can produce this spreadsheet as Pol. Ref. (AW/1-17/07/19), Exh. No ().

On 07/05/19 log 1443 was created by West Midlands Police in response to a parent reporting that her 12 month old baby had been taken A&E following the consumption of anti-biotics purchased from the convenience store at 136 Boulton Road. The summary of the log is that the parents purchased some medicine called Augmentin ES - 600mg for £21.50 over the counter without prescription in powder form. They were told to mix the contents with water themselves before giving a single dose to their 12 month old baby to treat what they thought was an infection as the medicine is an anti-biotic. They have then attended City Hospital when the child didn't improve (he had cold like symptoms and a high temperature later diagnosed as the common cold) and have produced the

AM 7181

bottle to consultant [REDACTED] who has then become worried, not in terms of safeguarding of the child as she was happy with the parents explanation and did it in the best interests of their child, but for greater public safety issues.

[REDACTED] has explained that the medicine itself is a bone fide medical product but is not available for sale in the UK at all and is only available in Europe/Romania (actually where it can be brought over the counter), therefore it is not a prescription drug. [REDACTED] also explained that whilst on this occasion, with this particular child there was no danger, but stated that the product contained Penicillin that can be deadly if someone is allergic to it. Under the Human Medicines Regulation (HMR) 2012, it is a criminal offence to sell or supply medicines without an appropriate license. This matter is still being investigated by MHRA. The fact that these premises can knowingly sell medicine over the counter that is not legal in the UK and by untrained/unlicensed persons is extremely worrying and raises my suspicions with regards to whether they would try and sell illegal alcohol and cigarettes too. I can produce the above log as Pol. Ref. (AW/2-17/07/19), Exh. No. (). I have also taken three photographs of street drinkers on Grasmere Road, Handsworth which is in the vicinity of Boulton Road and highlights the issues that the Police are having in the area with alcohol related ASB. The photos show the litter that is left behind by the street drinkers and this is a daily occurrence in the area. I can produce the 3 x photographs as Pol. Refs. (AW/3- 17/07/19), (AW/4- 17/07/19) and (AW/5- 17/07/19), Exh. Nos. (), () and ().

In light of all of the above, I feel it is right and necessary to object to the license application made by the owners of 136 Boulton Road. I feel it is vital in helping to safeguard the living conditions of local residents. Soho is a vibrant place to live, indeed that is why people choose to live there, but there has to be reasonable checks in place to stop the balance tipping irredeemably in favour of commercial gain at the detriment of quality of life for local residents.

The following comment is made by Lionel Idan, the Deputy Chief Crown Prosecutor for the West Midlands Region. "Community Impact Statements provide important relevant and useful information about the impact a crime or a particular incident is having on a particular community. These statements illustrate the concerns and priorities of a specific community over a set time period and ensure that all law enforcement agencies are better informed when making decisions in each case. Such decisions may include charging decisions, sentencing offenders, restorative justice and reparation interventions. These statements therefore play a key role in enabling communities to have a stronger voice in the criminal justice system as a whole." Lionel Idan.

Signature: Andrew Wareham SGT 7181



Signature witnessed by:

WITNESS STATEMENT

Crime Number:.....

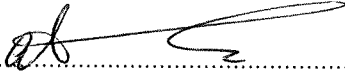
Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN

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Statement of: Abdool Rohomon

Age if under 18: +18 (if over 18 insert 'over 18') Occupation: Police Officer.....

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  Date: 24/7/19

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above named person currently a serving Police officer within West Midlands Police with 28 years of experience. For the last 16 years I have been a specialist Licensing Officer covering Birmingham. I sit on the National Police Chief Council sub licensing group, and hold qualifications in risk management, risk assessment, inspection of licensed premises, science of people movement and level 2 BiiAb.

This statement is in relation to a licence application made by a Mr Stefan Mustatea for a new licence for a premises called La Bufet, 136 Boulton Road, Birmingham. The application seeks to allow the sale of alcohol for consumption off the premises between the hours of 1000 x 2200.

West Midlands Police have objected to this application and the reasons for this objection are described in pertinent detail within the statement of Sergeant Andrew Wareham.

There are several legal points that I wish to explain to the committee around the substantial weight West Midlands Police seek to place on this evidence and how this is supported within the Licensing Act 2003.

The section 182 guidance gives clear guidance on evidence provided by any responsible authority. At section 9.12 it states " Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authorities main source of advice in relation to a particular licensing objective....." it then goes on to say " The Police should usually therefore be the licensing authorities main source of advice on matters relating to the promotion of the crime and disorder licensing objective". At the end of this section it does state "it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing"

With this in mind I am asking the committee to carefully consider the evidence from Sgt Wareham and what he has produced. Firstly, this is an officer who has first-hand knowledge and experience of the local area, he runs a small team that deal with the issues in the area. This is a strong indication of the level of knowledge he has as the officers are tasked to deal with issues that come to them. The evidence of alcohol related crime and disorder and

ASB is well documented in his statement and the reason he can give such detail on it, is again due to the fact that they have to deal with it, and so this is strong relevant evidence, in terms of the issues in the area. This is supported with physical photographic images of the alcohol related problems in the area. The context of the area and its problems are very important, especially as the licensing act states that each application is determined on its own merits.

This is shown again through the Section 182 guidance and also relevant case law. Section 8.41 of the 182 guidance is around the steps to promote the licensing objectives. This section shows that the guidance expects applicants to have knowledge of the local area when describing the steps to promoting the licensing objectives. Firstly and this is not uncommon there is no reflection of the issues in the area contained within the application.

The operating schedule has generic wording that actually have no bearing as conditions and mean very little. For example the operating schedule says –

“The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. No consumption of alcohol will be permitted inside the premises”

If this is broken down there is no detail in what their responsibilities are, there is no detail in what is meant by “a responsible attitude to the marketing and sale of alcohol” so in effect these are pointless and unenforceable conditions. The schedule then goes on to replicate of parts of the legislation with conditions, such as no drunk person on premises or allow alcohol to be consumed on the premises. The guidance is clear that conditions should not replicate what is contained in other legislation.

So the applicant has not shown any knowledge for the area, which has easily be shown by the officer to be easily obtainable.

The application also states that they have a strong management and procedures to encompass the 4 licensing objectives. I would like to draw the committee’s attention to the incident that happen on the 7th May 2019. The incident is described by Sgt Wareham and the Police log is also attached but it is clearly evident that they do not have a strong management team, they are not aware of British law and on this occasion administered a drug to a minor that could have had serious consequences.

The circumstances are that on the 7th May 2019 West Midlands Police were called by a hospital, as the parents of a child had presented them at hospital suffering from side effects of goods they had bought over the counter. The drug that was bought over the counter is not available in the UK but available in places like Romania and Europe, it comes in powder form and needs to be mixed by a professional pharmacist. It is very concerning that these premises were willing to sell goods that should not be sold in the UK, and also in a form that should normally be mixed by a professional trained pharmacist. It does pose the question that if they are prepared to do this and have products to sell that are not authorised in the UK what would they do with alcohol.

This is still being investigated but I will draw the committee's attention to the point that it is not for the committee to determine any guilty but to look at the merits of what happened and whether these undermine the licensing objectives. It is the opinion of West Midlands Police that these premises have already shown that they cannot be trusted to uphold the licensing objectives.

I would like to draw the following case law and guidance issued, to the attention of the committee this has been obtained through the Home Office and Gov.uk website. I have included it in the bundle and it is labelled Alcohol Licensing: using case law.

No 3 is Hope and Glory Public House v City of Westminster Magistrates' Court and others. The guidance states – "the decision is important because it illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation. Confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises"

It is important to note that this is a direct lift from the guidance and the interpretation of what the case means is made by the Home Office, who issue all the guidance and advice for practitioners and enforcers alike.

This case shows that committee can look to the impact already in the area, which we have shown is already having a detrimental impact on residents with street drinkers, rubbish and alcohol on the street, prostitution and other crimes.

In Daniel Thwaites plc v Wirral Magistrates' Court and others – the guidance very helpfully indicates the role responsible authorities have in providing information to decision makers to contextualise the issue.

There is another very poignant paragraph which states –

"this case is sometimes misconstrued as requiring decisions to be based on "real evidence", and that conditions cannot be imposed until problems have occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications"

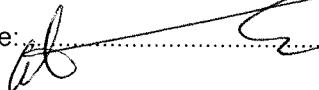
This paragraph is critical to the position of West Midlands Police in relation to this application. We have shown real evidence of the issues in the area, evidence of the fact that the premises are prepared to sell drugs not authorised for sale in the UK, so these representations should be given considerable weight and the application refused.

In East Lindsay District Council v Abu Hanif – it was the decision of the court and reaffirmed the principle that Responsible Authorities need not wait for the licensing objectives to be undermined before objecting to a licence being granted.

All this case law is significant to the objection of West Midlands Police and supports the position of us, and guides the committee that they do not need to wait for issues, and place significant weight to the Police evidence.

This argument is one I pursued in another application for a premises on the Soho Road (not far from this location)

and the decision of Sub Committee B on 12th March 2019 was to refuse the application. West Midlands Police are seeking that the committee refuse this application on the basis of the evidence contained in the statement from Sgt Wareham, this statement, the guidance under Section 182 and the relevant case law.

Signature: 

Signature witnessed by:

OFFICIAL (when complete)

Witness contact details

URN : / / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name.....*Email address:

*Email address needed for correspondence i.e. support material to be sent

Address.....Postcode:

Preferred telephone number:..... Alternate telephone number:.....

Agreed means of contact and frequency :

Gender..... Date and place of birth..... Ethnicity Code (16+1).....

DATES OF WITNESS NON-AVAILABILITY: (12 months)

AW / 2 - 17/07/19

Incident [REDACTED] of the 07/05/2019

Log Details CLOSED	
Urn	[REDACTED]
Date	07/05/2019 15:26
Owner	BVSP1
Initial Classification	CRIME
Response	P3 PRIORITY INV
Last Updated	10/05/2019
Reported by	TELEPHONE CALL [REDACTED]
Brief Incident Details	CHILD PRESENTED AT A&E PARENTS HAVE BOTTLE OF ANTI BIOTICS BOUGHT OVER THE COUNTER AT A SHOP ON ROOKERY ROAD, ROMANIAN SHOP IN HANDSWORTH. CHLD ATTENDINTG WAS NOTHING TO DO WITH THE DRUGS
Location of Incident	
Feature	[REDACTED] SE, 136
Street	BOULTON ROAD
Area	HANDSWORTH, BIRMINGHAM, WEST MIDLANDS
Postcode	B21 0RE
Beat	BWJC
OSGR	404293 289157
Location Ref	2/43/14/89
Caller	
Name	[REDACTED]
Title	[REDACTED]
House	CITY HOSPITAL NHS TRUST, DUDLEY ROAD HOSPITAL, MAIN HOSP
Street	DUDLEY ROAD
Area	WINSON GREEN, BIRMINGHAM, WEST MIDLANDS
Telephone Number	[REDACTED]
Ex-Directory	N
Warning Markers	
Crime Number	
Status	CLOSED
Date Closed	10/05/2019
Result	FURTHER ENQUIRIES/OBS
Final Incident Type	PUBLIC SAFETY/WELFARE SUSPICIOUS CIRCUMSTANCES
Closing Qualifiers	NONE
Free Text	
Number of Arrests	0

Log Updates				
Date	Time	User	Terminal	Text
07/05/2019	15:26	57073	WBCHD4	CHLD ATTENDINTG WAS NOTHING TO DO WITH THE DRUGS
07/05/2019	15:26	57073	WBCHD4	HOSPITAL HAVE MOMS DETAILS IF NEEDED BUT SHE MIGHT
07/05/2019	15:26	57073	WBCHD4	NOT BE TERRIBLY COOP. SHE PAID £21.50 FOR THESE

Date	Time	User	Terminal	Text
07/05/2019	15:26	57073	WBCHD4	DRUGS OVER THE COUNTER, WRONG DOSAGE AND CHILD DIDNT
07/05/2019	15:27	57073	WBCHD4	NEED THEM ANYWAY. NO ALLERGY CHECKS SO CONSEQUENCES
07/05/2019	15:27	57073	WBCHD4	COULD HASVE BEEN VERY SERIOUS
07/05/2019	15:27	57073	WBCHD4	.
07/05/2019	15:28	57073	WBCHD4	LOTS OF SHOPS ON ROOKERY ROAD BUT FROM GOOGLE SEARCH
07/05/2019	15:29	57073	WBCHD4	MIGHT BE [REDACTED]
07/05/2019	15:29	57073	WBCHD4	[REDACTED]
07/05/2019	15:29	57073	WBCHD4	.
07/05/2019	15:29	57073	WBCHD4	[REDACTED] ROOKERY ROAD
07/05/2019	15:29	57073	WBCHD4	.
07/05/2019	15:30	57073	WBCHD4	P3 POTENTIAL RISK TO PUBLIC BY UNAUTHORISED SALE OF
07/05/2019	15:30	57073	WBCHD4	PRESCRIPTION DRUGS
07/05/2019	15:30	57073	WBCHD4	Incident Routed to Radio Operators
07/05/2019	15:30	57073	WBCHD4	Route To All Operators
07/05/2019	15:30	50377	BWR3	Incident Transfer Accepted by terminal BWR3
07/05/2019	15:31	50377	BWR3	IS THE MOM SAYING THAT THESE ANTIBIOTICS ARE FOR TEH
07/05/2019	15:31	50377	BWR3	CHILD THEY HAVE?
07/05/2019	15:41	50377	BWR3	Incident Switch to Terminal WBCHD4
07/05/2019	15:41	50377	BWR3	AS
07/05/2019	15:41	50377	BWR3	Incident Switch
07/05/2019	15:44	57073	WBCHD4	Incident Switch Accepted By WBCHD4
07/05/2019	15:45	57073	WBCHD4	MOM WENT INTO SHOP AND BOUGHT THE ANTIBIOTICS FOR
07/05/2019	15:45	57073	WBCHD4	HER CHILD WITHOUT A PRESCRIPTION AND INCORRECT
07/05/2019	15:45	57073	WBCHD4	DOSAGE INSTRUCTIONS WERE GIVEN
07/05/2019	15:50	50377	BWR3	ALL NHT COMMITTED WITH PICS..SHOULD BE ON AT 8AM
07/05/2019	15:50	50377	BWR3	WEDNESDAY 08/05#
07/05/2019	15:50	50377	BWR3	Defer to BWR3 Date 08/05/19 Time 0800
07/05/2019	15:50	50377	BWR3	TO TRY NHT
07/05/2019	16:28	53123	BVSD11	Changed Class From MISCELLANEOUS
07/05/2019	16:28	53123	BVSD11	Amending Incident Type
08/05/2019	02:11	58386	BWR3	Wednesday 08 May 2019
08/05/2019	08:00	Syscon	SYSCON3	Defer Time Reached
08/05/2019	11:21	52354	BWR3	Incident Deferral Accepted by terminal BWR3
08/05/2019	11:24	52354	BWR3	BWS32 WILL VIEW LOG

Date	Time	User	Terminal	Text
08/05/2019	12:18	2858	IncApp	FROM PS MCGRATH TO [REDACTED]
08/05/2019	12:18	2858	IncApp	[REDACTED]
08/05/2019	12:18	2858	IncApp	[REDACTED] THIS WILL NEED THE MOM TO
08/05/2019	12:18	2858	IncApp	IDENTIFY EXACTLY WHAT SHOP THE PRODUCT WAS PURCHASED
08/05/2019	12:18	2858	IncApp	SO WE CAN INFORM [REDACTED]
08/05/2019	12:18	2858	IncApp	[REDACTED] CAN I REQUEST
08/05/2019	12:18	2858	IncApp	THAT OFFICERS ESTABLISH MOMS DETAILS AND REQUEST HER
08/05/2019	12:18	2858	IncApp	TO SHOW US THE EXACT LOCATION. WE NEED TO BE
08/05/2019	12:18	2858	IncApp	CONSIDERING SEIZING THE MEDICATION FRPM HOSPITAL AND
08/05/2019	12:18	2858	IncApp	COMPLETING A STATEMENT FROM MOTHER AND DR WITH A VIEW
08/05/2019	12:18	2858	IncApp	OF CRIMING ENCASE THE CHILD DETERRIATES. PLEASE CAN
08/05/2019	12:18	2858	IncApp	WE HAVE THIS REVIEWS BY RESPONSE SUPERVISOR.
08/05/2019	17:25	Syscon	SYSCON3	Overdue Time Reached
09/05/2019	02:00	59331	BWR3	Thursday 09 May 2019
09/05/2019	02:03	59331	BWR3	FOR A CALL BACK IN THE AM TO ACTION THE ABOVE
09/05/2019	08:03	Syscon	SYSCON3	Overdue Time Reached
09/05/2019	09:48	59543	BWR3	RCV19 Automatic STM notification generated
09/05/2019	09:48	59543	BWR3	RCV19 Allocated to Incident
09/05/2019	09:53	59543	BWR3	[REDACTED]
09/05/2019	09:53	59543	BWR3	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	A [REDACTED]
09/05/2019	10:20	3607	WebOASIS	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	[REDACTED]
09/05/2019	10:20	3607	WebOASIS	SELLING MEDICATION ILLEGALLY/INAPPROPRIATELY? 3 - ARE
09/05/2019	10:20	3607	WebOASIS	THERE ANY OTHER CHILDREN IN THE ADDRESS THAT NEED
09/05/2019	10:20	3607	WebOASIS	SAFEGUARDING. CAN WE PLEASE DISPATCH SOMEBODY TO THE
09/05/2019	10:20	3607	WebOASIS	HOSPITAL IN THE FIRST INSTANCE TO PROGRESS THIS
09/05/2019	10:20	3607	WebOASIS	MATTER.
09/05/2019	10:27	21506	BWR4	WILL FIND A UNITN ASAP
09/05/2019	10:33	20992	BWRA	RCF1 Automatic STM notification generated

Date	Time	User	Terminal	Text
09/05/2019	10:33	20992	BWRA	RCF1 Allocated to Incident
09/05/2019	10:52	20992	BWRA	RCF1 Arrived at Incident
09/05/2019	12:18	5203	WebOASIS	RCF1 - I HAVE ATTENDED CITY HOSPITAL AND BY LUCK THE
09/05/2019	12:18	5203	WebOASIS	CALLER, CONSULTANT [REDACTED], WAS ON DUTY
09/05/2019	12:18	5203	WebOASIS	OVERSEEING THE DEPARTMENT TODAY. I HAVE SPOKEN TO HER
09/05/2019	12:18	5203	WebOASIS	ABOUT WHAT SHE HAS MENTIONED ABOVE AND SHE HAS
09/05/2019	12:18	5203	WebOASIS	CONFIRMED TO ME THAT THE CHILD [REDACTED]
09/05/2019	12:18	5203	WebOASIS	[REDACTED] 4/18 OF [REDACTED]
09/05/2019	12:18	5203	WebOASIS	[REDACTED] BUT HOSPITAL DID NOT
09/05/2019	12:18	5203	WebOASIS	RECORD THEM SO WE DO NOT HAVE THEIR DETAILS) WAS
09/05/2019	12:18	5203	WebOASIS	PRESENTED AT THE HOSPITAL BY MOM AND GRANDFATHER WITH
09/05/2019	12:18	5203	WebOASIS	COLD LIKE SYMPTOMS AND WITH A SLIGHTLY HIGH
09/05/2019	12:18	5203	WebOASIS	TEMPERATURE. WHEN THEY WERE SEEN BY [REDACTED] THE BOTTLE
09/05/2019	12:18	5203	WebOASIS	OF MEDICATION (AUGMENTIN ES 600MG) WAS PRODUCED AND
09/05/2019	12:18	5203	WebOASIS	ADVISED THAT THEY HAD GIVEN THE CHILD A SINGLE DOSE
09/05/2019	12:18	5203	WebOASIS	OF THE MADE UP MEDICATION (IT COMES AS A POWDER FORM
09/05/2019	12:18	5203	WebOASIS	AND SHOULD BE DONE BY A QUALIFIED PHARMACIST) THE
09/05/2019	12:18	5203	WebOASIS	CONSULTANT WAS INFORMED THAT THEY HAD BROUGHT THE
09/05/2019	12:18	5203	WebOASIS	MEDICATION OVER THE COUNTER AT A 'ROMANIAN SHOP' ON
09/05/2019	12:18	5203	WebOASIS	ROOKERY ROAD BUT COULD NOT PROVIDE DETAILS OF THE
09/05/2019	12:18	5203	WebOASIS	SHOP PROBABLY DUE TO A LANGUAGE BARRIER AS NEITHER
09/05/2019	12:18	5203	WebOASIS	MOM NOT GRANDFATHER SPOKE GOOD ENGLISH. IT APPEARS
09/05/2019	12:18	5203	WebOASIS	THAT WHOEVER SOLD IT THEM DID SO WITHOUT A
09/05/2019	12:18	5203	WebOASIS	PRESCRIPTION AND WAS OVER THE COUNTER CHARGING THE
09/05/2019	12:18	5203	WebOASIS	PARENT £21.50 FOR THE MEDICATION. WHILST THE
09/05/2019	12:18	5203	WebOASIS	MEDICATION IS BONA FIDE AND DID THE CHILD NO HARM, IT
09/05/2019	12:18	5203	WebOASIS	DOES CONTAIN PENICILLIN WHICH CAN BE VERY DANGEROUS
09/05/2019	12:18	5203	WebOASIS	IF A CHILD OR ANYONE IS ALLERGIC TO IT. THE PRODUCT
09/05/2019	12:18	5203	WebOASIS	IS NOT SOLD IN THE UK AND WILL ONLY HAVE EVER BEEN
09/05/2019	12:18	5203	WebOASIS	SOLD IN ROMANIA/EUROPE. THE CHILD WAS CHECKED OVER
09/05/2019	12:18	5203	WebOASIS	AND DISCHARGED BACK TO THE HOME ADDRESS WITH A
09/05/2019	12:18	5203	WebOASIS	REFERRAL COMPLETED BY THE HOSPITAL FOR HEALTH VISITOR
09/05/2019	12:18	5203	WebOASIS	TO ATTEND. THE CONSULTANT WAS/IS NOT WORRIED ABOUT
09/05/2019	12:18	5203	WebOASIS	THE SAFEGUARDING OF THE CHILD AS SHE IS HAPPY THAT

<https://weboasis3.wmpad.local/Incident/2019-05-07/1443>

Date	Time	User	Terminal	Text
09/05/2019	13:43	Syscon	SYSCON3	Defer Time Reached
09/05/2019	13:43	20992	BWRA	Incident Deferral Accepted by terminal BWRA
09/05/2019	13:43	20992	BWRA	Incident Transferred by terminal BWRA to SDRAD
09/05/2019	13:43	20992	BWRA	FOR SD RESOURCES PLSE
09/05/2019	13:43	20992	BWRA	Incident Transfer
09/05/2019	13:44	20992	BWRA	RCF1 Automatic STM notification generated
09/05/2019	13:44	20992	BWRA	RCF1 Allocated to Incident
09/05/2019	13:44	52694	SDR3	Incident Transfer Accepted by terminal SDR3
09/05/2019	13:50	52694	SDR3	Incident Transferred by terminal SDR3 to WFSP4
09/05/2019	13:50	52694	SDR3	TO HOLD
09/05/2019	13:50	52694	SDR3	Incident Transfer
09/05/2019	13:53	59540	BVRES3	Incident Transfer Accepted by terminal BVRES3
09/05/2019	13:54	20992	BWRA	RCF1 WILL BE TAKING OUT A CHILD NON ABUSE NUBMER
09/05/2019	13:55	20992	BWRA	THIS IS FOR DUDLEY OFFICERS TO ATTEND AS PER THE
09/05/2019	13:55	20992	BWRA	REQUEST FOR A SAFE AND WELL ON THE CHILD AND OBTAIN
09/05/2019	13:55	20992	BWRA	DETAILS OF PARENTS AND IF ANY OTHER CHILDREN PRESENT
09/05/2019	13:55	20992	BWRA	Incident Switch to Terminal SDR3
09/05/2019	13:55	20992	BWRA	AS PER THE LAST FOR DY OFFICERS TO ATTEND THE LOCN
09/05/2019	13:55	20992	BWRA	Incident Switch
09/05/2019	13:56	52694	SDR3	NOTED
09/05/2019	13:56	52694	SDR3	PLSE SEND THE LOG TO SDR4
09/05/2019	13:56	52694	SDR3	Incident Switch Accepted By SDR3
09/05/2019	13:58	59540	BVRES3	Incident Transferred by terminal BVRES3 to SDR4
09/05/2019	13:58	59540	BVRES3	AS PER REQUEST
09/05/2019	13:58	59540	BVRES3	Incident Transfer
09/05/2019	14:12	59540	BVRES3	Transferred, but not accepted
09/05/2019	14:12	59540	BVRES3	Incident Transferred by terminal BVRES3 to SDR4
09/05/2019	14:12	59540	BVRES3	AS PER REQUEST
09/05/2019	14:12	59540	BVRES3	Incident Transfer
09/05/2019	14:17	59540	BVRES3	Transferred, but not accepted
09/05/2019	14:18	59540	BVRES3	Incident Transferred by terminal BVRES3 to SDRAD
09/05/2019	14:18	59540	BVRES3	PER REQUEST
09/05/2019	14:18	59540	BVRES3	Incident Transfer
09/05/2019	14:18	52694	SDR3	Incident Transfer Accepted by terminal SDR3

Date	Time	User	Terminal	Text
09/05/2019	14:18	52694	SDR3	Incident Transferred by terminal SDR3 to SDR4
09/05/2019	14:18	52694	SDR3	DY
09/05/2019	14:18	52694	SDR3	Incident Transfer
09/05/2019	14:18	50306	SDR4	Incident Transfer Accepted by terminal SDR4
09/05/2019	14:19	56717	BWR1	OFFICERS WILL ATTEND RCF1
09/05/2019	14:19	56717	BWR1	RCF1 Automatic STM Notification generated
09/05/2019	14:19	56717	BWR1	RCF1 Despatched
09/05/2019	14:38	5203	IncApp	CHILD IS SAFE AND WELL. I HAVE ATTENDED THIS ADDRESS
09/05/2019	14:38	5203	IncApp	BEFORE AND CAN CONFIRM THE OCCUPANTS SPEAK VERY
09/05/2019	14:38	5203	IncApp	LITTLE ENGLISH. THE ADDRESS HAS BEEN IDENTIFIED AS 136
09/05/2019	14:38	5203	IncApp	BOULTON ROAD, HANDSWORTH.
09/05/2019	15:19	5203	WebOASIS	RCF1 - THIS WILL NEED REFERRING TO LICENCING
09/05/2019	15:19	5203	WebOASIS	POTENTIALLY AS CST ARE UNABLE TO ADVISE AS TO WHAT
09/05/2019	15:19	5203	WebOASIS	OFFENCES, IF ANY, HAVE BEEN COMMITTED. I WILL DO THIS
09/05/2019	15:19	5203	WebOASIS	TOMORROW WHEN I'M BACK ON DUTY (I'VE TRIED CALLING
09/05/2019	15:19	5203	WebOASIS	JUST BUT THERE WAS NO ANSWER).
09/05/2019	16:11	59416	BWRA	RCF1 Not attached to this Incident
09/05/2019	16:11	59416	BWRA	RCF1 Cancelled
09/05/2019	16:11	59416	BWRA	BOOK OFF
09/05/2019	17:11	52644	SDR4	APPEARS RCF1 HAS COMPLETED SAFE AND WELL ON CHILDREN
09/05/2019	17:12	52644	SDR4	NOT SURE IF 136 BOULTON ROAD IS THE OFFENCE LOCATION
09/05/2019	17:12	52644	SDR4	Changed Incident Location From [REDACTED]
09/05/2019	17:12	52644	SDR4	[REDACTED]
09/05/2019	17:12	52644	SDR4	Amend Incident Location
09/05/2019	17:12	52644	SDR4	Incident Transferred by terminal SDR4 to BWRAD
09/05/2019	17:12	52644	SDR4	FOR FURTHER UPDATES FROM RCF1
09/05/2019	17:12	52644	SDR4	Incident Transfer
09/05/2019	17:12	9350	BWR2	Incident Transfer Accepted by terminal BWR2
09/05/2019	17:17	9350	BWR2	Resources Dealing with this Incident Enquiry
09/05/2019	17:17	9350	BWR2	NOTED - OFFICER THAT DEALT (PC5203) IS NOT SHOWING
09/05/2019	17:18	9350	BWR2	ON DUTY, BOOKED OFF AT 1600HRS AND NO FURTHER UPDATE
09/05/2019	17:18	9350	BWR2	ON LOG. WILL BE FOR UPDATE WHEN HE RETURNS TO DUTY
09/05/2019	17:18	9350	BWR2	AT 1700HRS (10/5/19).
09/05/2019	17:18	9350	BWR2	Incident Transferred by terminal BWR2 to BVSP1

Date	Time	User	Terminal	Text
09/05/2019	17:18	9350	BWR2	DEFER FOR PC5203 PLEASE
09/05/2019	17:18	9350	BWR2	Incident Transfer
09/05/2019	17:21	55259	BVSP1	Incident Transfer Accepted by terminal BVSP1
09/05/2019	17:22	55259	BVSP1	Defer to BVSP1 Date 10/05/19 Time 1700
09/05/2019	17:22	55259	BVSP1	AS LAST
10/05/2019	07:15	59584	BVRES3	Incident Transfer Accepted by terminal BVRES3
10/05/2019	15:17	59416	BVSP1	Incident Transfer Accepted by terminal BVSP1
10/05/2019	17:00	Syscon	SYSCON3	Defer Time Reached
10/05/2019	17:16	59416	BVSP1	Incident Deferral Accepted by terminal BVSP1
10/05/2019	17:17	59416	BVSP1	RCO35 Automatic STM notification generated
10/05/2019	17:17	59416	BVSP1	RCO35 Allocated to Incident
10/05/2019	17:17	59416	BVSP1	FOR 5203 UPDATE
10/05/2019	17:59	5203	WebOASIS	[REDACTED]
10/05/2019	17:59	5203	WebOASIS	[REDACTED]
10/05/2019	17:59	5203	WebOASIS	[REDACTED]
10/05/2019	17:59	5203	WebOASIS	[REDACTED]
10/05/2019	17:59	5203	WebOASIS	[REDACTED]
10/05/2019	17:59	5203	WebOASIS	[REDACTED]
10/05/2019	17:59	5203	WebOASIS	THIS INCIDENT LOG CAN BE CLOSED PENDING ACTION TAKEN
10/05/2019	17:59	5203	WebOASIS	BY NHT.
10/05/2019	18:00	59416	BVSP1	Incident Close/Result Failed
10/05/2019	18:00	59416	BVSP1	All Resources Leave Scene/Dispatch Cancelled etc
10/05/2019	18:00	59416	BVSP1	Incident Closed By Terminal BVSP1
10/05/2019	18:00	59416	BVSP1	Incident End (Result / Close)

Incident Response THRIVE+ Assessments

Grade		Date	Time	Operator	Terminal
Original, Current	P3 PRIORITY INV Decision	07/05/2019	15:26	57073	WBCHD4
	THRIVE+ Assessment	07/05/2019	15:31	57073	WBCHD4
THREAT TO PUBLIC EXISTS, HIGH RISK OF HARM, VULN UNSUSPECTING VICTIMS. P3 PRESCRIPTION DRUGS BEING SOLD THROUGH SHOP					

Log Resources

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
INSP	HILL	3607					09/05/2019 09:48	09/05/2019 13:41		RCV19

Rank	Name	Collar No	Dispatched	Arrived	Left	Cancelled	Informed	Informed Cancelled	Dealt With	Call Sign
PC	ASBY	5203		09/05/2019 10:52	09/05/2019 13:41		09/05/2019 10:33			RCF1
PC	ASBY	5203	09/05/2019 14:19			09/05/2019 16:11	09/05/2019 13:44			RCF1
PC	DEMUTH	4424					10/05/2019 17:17	10/05/2019 18:00		RCO35
PC	ASBY	5203					10/05/2019 17:17	10/05/2019 18:00		RCO35

PNC Results

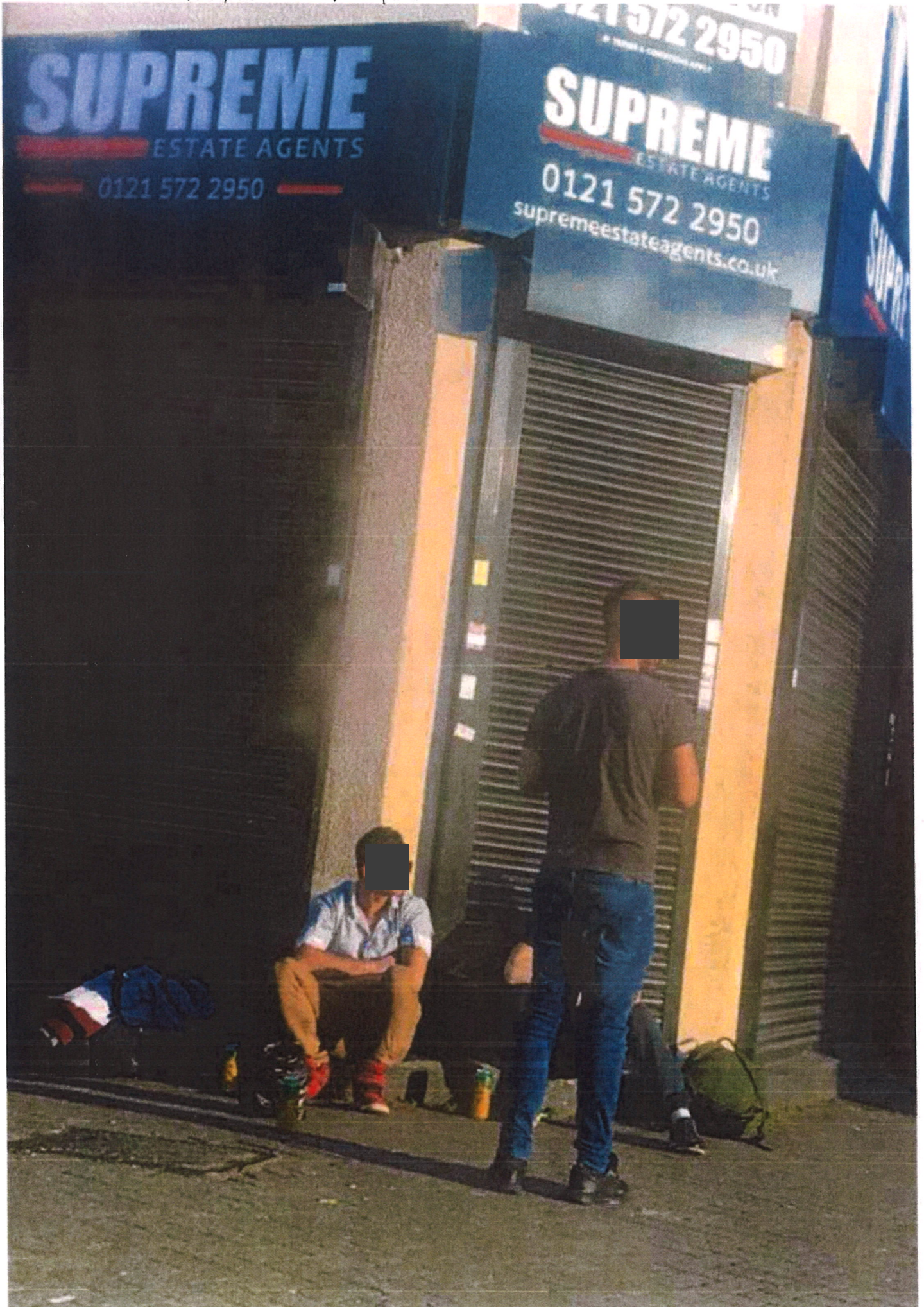
No PNC checks have been made against this incident

Vehicle Recovery System

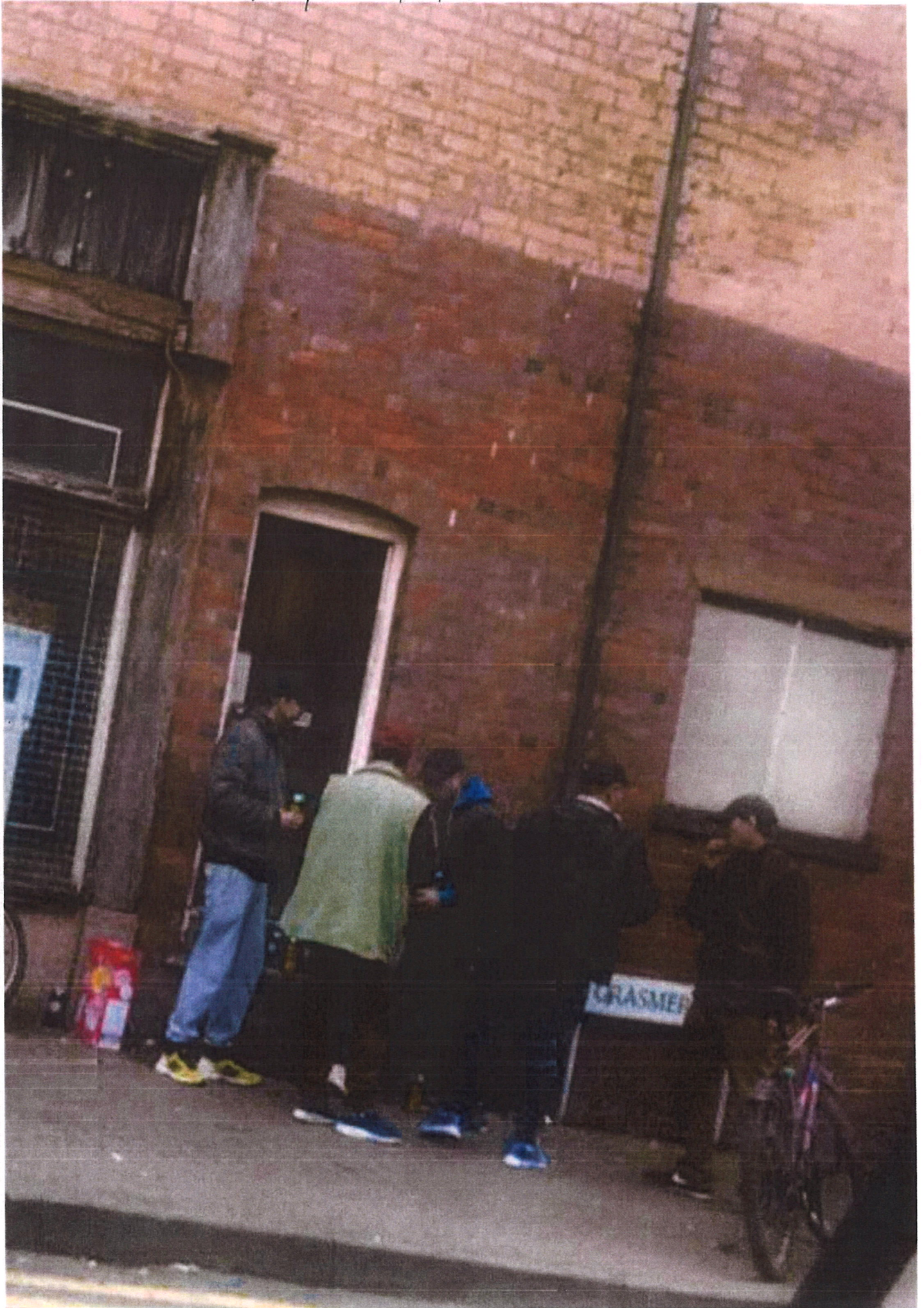
No Elvis records are associated with this incident

Incorrect use of this facility may be an offence under the Computer Misuse Act 1990 and the data displayed is subject to the provisions of the Data Protection Act 1998.
Version: 3.0.1.0

AW/3-17/07/19



AW/S - 17/07/19



AW/4- 17/07/19





BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B

TUESDAY 12 MARCH 2019

**Clearance Zone & Post Office, 206 Soho Road, Handsworth,
Birmingham, B21 9LR**

That the application by Joga Singh for a premises licence in respect of Clearance Zone & Post Office, 206 Soho Road, Handsworth, Birmingham, B21 9LR **be refused**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder and the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by other persons and the local Inspector from the West Midlands Police, for the Handsworth Ward covering Soho Road, regarding the impact of the proposed operation of a Post Office with an off licence.

The Sub Committee considered the local knowledge of the area highlighted by the Soho Road Bid Manager, and personal experiences of the HCAG Streetwatch representative around the issues affecting residents and businesses in the locality of Soho Road, such as; the availability of alcohol in influencing negative drinking behaviours and associated alcohol-related problems, as an important feature of the licensing regime that could not be ignored.

Members noted the other person's concerns focused on the increase in the availability of alcohol from yet another off-licensed premises not just to the catchment of Post Office customers but to those with alcohol dependencies, irrespective of the alcoholic strength by volume sold which would escalate current alcohol related issues that the area suffers from.

The Sub Committee thought it was significant that Soho Road, on which the premises is located, is the second highest crime and anti-social behaviour hot spot outside Broad Street as per Inspector Ahmed's witness statement. Member's considered this evidence to be relevant and important as it derived from the expert on crime and disorder who identified street drinking and prostitution particularly as an on-going problem on the stretch of road where the premises is situated.

Members did give due consideration to the applicant's submissions made during the hearing and felt there was not much of an awareness to the ongoing problems despite operating this business together with another one in the Handsworth ward.

The Sub Committee recognised the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest. A proposal to reduce licensable hours and proffer new additional conditions did not surmount the concerns of the Responsible Authority nor the other persons. Members could foresee another off-licence would lead to increased consumption and increased harm through the availability of another alcohol outlet and deemed a refusal was appropriate in the public interest.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant, their legal adviser, and those making representations.

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.



1. Home (<https://www.gov.uk/>)
2. Alcohol licensing: using case law (<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law>)

1. Public Health
England (<https://www.gov.uk/government/organisations/public-health-england>)

Guidance

Alcohol licensing: using case law

Published 13 March 2017

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1. Case law and the Licensing Act

The Licensing Act 2003 is the Act of Parliament that establishes the statutory framework for regulating licensable activities in England and Wales. When cases are brought before the courts, the decisions can help us to interpret the Act.

When a case is decided by the courts the decision can provide an example of the interpretation of the Act. This can then be used to guide other committees and courts when they are making decisions on cases with similar facts.

It can be helpful for public health teams contributing to a new case to look at previous decisions and to understand the judgments that have been passed down. This can help you to make a more convincing case.

As a rule, the higher the court, the more weight a judgment carries. For example, a decision in a magistrates' court may be persuasive but a decision in the Court of Appeal will be binding. This means that another committee or court can consider the judgment from the magistrates' court and decide differently, but they must follow the decision of the Court of Appeal.

When you are relying on the decision in a particular case it is important to refer to the judgment itself rather than commentary, because commentators can interpret the judgment in different ways – it is always best to quote what the judge actually said.

Case names will be set out as 'the name of the party that brought the claim' versus 'the name of the party that the claim was against', followed by the year, then the court it was brought to and the case number. This is known as a 'neutral citation', and will help you find the judgment.

For example, R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 31 indicates that in 2011 Hope and Glory Public House Ltd brought a claim against Westminster Magistrates' Court which was heard in the Civil Division of the Court of Appeal of England and Wales, and was the 31st case of the year.

There have been many cases decided by the courts since the Act came into force, but those described below are most frequently relied on.

2. The British Beer and Pub Association v Canterbury City Council

The British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005] EWHC 1318 (Admin)

This is an important case looking at what Licensing Authorities can and should include in their Statements of Licensing Policy. This case would be most relevant when you are involved in updating your local policy.

Mr Justice Richards said:

A policy ... not only guides the decision-maker but also serves to inform an applicant about what he should consider in preparing his application... An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions.

And:

The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if a failure to take account of those expectations gives rise to representations...An applicant who does not tailor his application to the policy therefore faces an uphill struggle.

Responsible Authorities should be encouraged by this case to take an active role in the preparation and drafting of Statements of Licensing Policy, because these policies are an important tool in shaping the activities that take place in each vicinity. A well drafted policy gives a strong and clear basis for representations on individual matters and helps licensing committees make robust decisions.

The full judgment is available on the Licensing Resource
(<http://www.licensingresource.co.uk/sites/all/files/la2003/bbp.pdf>).

3. Hope and Glory Public House v City of Westminster Magistrates' Court and Others

R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312

This case, referred to as 'Hope and Glory', is essential reading for Responsible Authorities and licensing committees. It is relevant to most hearings.

The decision is important because it:

- illustrates that licensed premises, and the activities that take place in those premises, exist in a dynamic environment and should not be looked at entirely in isolation
- confirms that this can include the impact that licensable activities have on a range of factors such as crime, the quality of life for residents and visitors to the area, and demand for licensed premises
- sets out the approach that should be taken when making licensing decisions

Lord Justice Toulson said:

Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance.

Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.

Responsible Authorities should be encouraged by this decision to make representations so that their information can be taken into account, and appropriate measures put in place for the licensing objectives to be promoted.

The full judgment is available from the British and Irish Legal Information Institute
(<http://www.bailii.org/ew/cases/EWCA/Civ/2011/31.html>).

4. Daniel Thwaites plc v Wirral Magistrates' Court and Others

R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008) EWHC 838 (Admin)

<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>

This case, referred to as 'the Thwaites case', is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.

This case is sometimes misconstrued as requiring decisions to be based on 'real evidence', and that conditions cannot be imposed until problems have actually occurred. This is wrong. The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense. The case recognises that Responsible Authorities are experts in their fields, and that weight should be attached to their representations. It is most relevant when opposing grant applications.

The Honourable Mrs Justice Black said:

[D]rawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.

The approved judgment is available from Guildford Council (https://www.guildford.gov.uk/media/10669/Item-27%E2%80%9420Thwaites-Casepdf/pdf/pdf210_1.pdf).

5. Murco Petroleum Ltd v Bristol City Council

R (on application of Murco Petroleum Ltd) v Bristol City Council [2010] EWHC 1992 (Admin)

This case is important because it confirms that licensing committees and courts can require applicants to provide any information that they believe will help them make a decision about the promotion of the licensing objectives. It is relevant to most hearings.

Responsible Authorities should be encouraged by this case to ask applicants to provide further information they believe will help them understand the application more fully. If that information is not provided by the applicant, Responsible Authorities can make representations to committees who have the power to require the request is met.

Mr Justice Cranston said:

The sub-committee [has the power] to ask a question of a party, where the question is calculated to elicit an answer which will facilitate the function of considering and adjudicating upon the relevant question

The full judgment is available from the British and Irish Legal Information Institute (<http://www.bailii.org/ew/cases/EWHC/Admin/2010/1992.html>).

6. East Lindsey District Council v Abu Hanif

East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant) 2016

In this case, the High Court upheld the Licensing Committee's decision to revoke a premises licence where the licensee had employed an illegal worker.

The significance of the case is that it reaffirms the principle that Responsible Authorities need not wait for the licensing objectives to actually be undermined before objecting to a licence being granted. This case would be most relevant when opposing a grant application.

Commenting on the way committees and courts should approach the promotion of the licensing objectives, Mr Justice Jay said:

[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

The full Judgement is only available from subscription services such as Westlaw (<http://login.westlaw.co.uk/maf/wluk/app/authentication/formLogin>) or Lawtel (<https://www.lawtel.com/Login?ReturnUrl=%2f>).

7. General principles proven in case law

There are also cases that do not directly relate to the Licensing Act but provide general principles that are relevant.

7.1 R (on application of Westminster City Council) v Middlesex Crown Court and Chorion plc (2002) EWHC 1104 (Admin)

This case is important because it sets out the approach that courts on appeal should take where a council has a policy. Responsible Authorities should be encouraged by this case to help shape their council's licensing policy so that it sets out a strategic approach to promoting the licensing objectives in their particular area. A clear policy will provide a strong basis to impose conditions, refuse licences and so on, which should then be upheld by the court on appeal because the reasons for the conditions or refusals will be well-founded and readily understood. It would be most relevant when updating Statements of Licensing Policy.

Mr Justice Scott Baker said:

It must accept the policy and apply it as if it were standing in the shoes of the Council considering the application.

The full judgment is available from the British and Irish Legal Information Institute (<http://www.bailii.org/ew/cases/EWHC/Admin/2002/1104.html>).

7.2 Stepney Borough Council v Joffe [1949] 1KB 5997

This case, alongside Sagnata Investments Ltd v Norwich Corporation [1971] 2 QB 614, is important because it has long established the principle that the court on appeal should only overturn a decision where it is wrong. This would be most relevant in appeal hearings.

[On appeal the Court ought] to pay great attention to the fact that the duly constituted and elected local authority have come to an opinion on the matter and ought not lightly, of course, to reverse their opinion. It is constantly said (although I am not sure that it is always sufficiently remembered) that the function of a court of appeal is to exercise its powers when it is satisfied that the judgment below is wrong, not merely because it is not satisfied that the judgment is right.

This means that although appeals are re-hearings, the onus is on the appellant to persuade the court that the decision being appealed is wrong – not for the council to persuade the court that the decision is right. Responsible Authorities should provide the council with any information they believe is relevant to place before the court on appeal, so that the court can make a fully informed decision.

8. An example of using case law in a representation

This is an illustrative example of how you may wish to refer to the case law above in your representations to licensing committees:

The premises are not yet trading so the Licensing Objectives have not yet been undermined; but I believe that it is likely they will be undermined if the licence is granted.

In the case of *East Lindsey District Council v Abu Hanif (t/a Zara's Restaurant)* (2016) Mr Justice Jay said:

[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

I believe that the fact the premises are proposing to sell alcohol and play music 24 hours a day in a residential area means it is likely that there will be nuisance caused to residents through late night noise and anti-social behaviour. Having regard to the existing levels of alcohol-related crime and anti-social behaviour, I believe that this will be worsened if this application is granted.

This guidance has been produced by Lawyers in Local Government and Public Health England, and is intended to give a brief overview of the case law most relevant to the Licensing Act. It does not constitute legal advice, and should be used as a guide for more detailed consideration of the cases depending on the individual facts in question.

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 31st July 2019
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	The Sun at the Station, 7 High Street, Kings Heath, Birmingham, B14 7BB
Ward affected:	Brandwood & Kings Heath
Contact Officer:	Shaid Yasser, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:
To consider the objections to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and the provision of late night refreshment on 4 th August 2019, to operate from 12:00midday until 03:00am (the following day).

2. Recommendation:
To consider the objection notices made by West Midlands Police and Environmental Health.

3. Brief Summary of Report:
A Temporary Event Notice was received on 17 th July 2019 in respect of The Sun at the Station, 7 High Street, Kings Heath, Birmingham, B14 7BB.
An objection notice has been received from West Midlands Police and Environmental Health.

4. Compliance Issues:
When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p>5. Relevant background/chronology of key events:</p> <p>Darren Paul submitted on 17th July 2019 a Temporary Event Notice in respect of The Sun at the Station, 7 High Street, Kings Heath, Birmingham, B14 7BB.</p> <p>The Temporary Event Notice is attached at Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>An objection notice has been received from Environmental Health, see Appendix 3.</p> <p>The current premises licence is attached at Appendix 4.</p> <p>Site location plans are attached, see Appendix 5.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <p>If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.</p>
--

<p>6. List of background documents:</p> <p>Temporary Event Notice is attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Objection Notice from Environmental Health, attached at Appendix 3.</p> <p>Current premises licence, Appendix 4.</p> <p>Site location plans, Appendix 5.</p>
--

<p>7. Options available</p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>

**Birmingham
Temporary Event Notice
Licensing Act 2003**

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

*required information

Section 1 of 9

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

4THJD

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

Are you an agent acting on behalf of the applicant?

☐ Yes☒ No

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

Applicant Details

* First name

darren

* Family name

paul

* E-mail

Main telephone number

Other telephone number

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

Are you:

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

REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED

17 JUL 2009

REF NO

INITIALS

Include country code.

Applicant 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

11069269

Business name

station t/as central trading sites

If your business is registered, use its registered name.

VAT number

-

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

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 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

station p/h no 7

* Street

kings heath

District

kings heath

* City or town

birmingham

County or administrative area

west mids

* Postcode

b14 7bb

* Country

United Kingdom

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

* Premises licence number

64

Location Details

* Provide further details about the location of the event

event to take place on the premises. the premises in question has a premises license already

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

public house

Describe the nature of the event below (see also guidance on completing the form, note 5)

bbq, cocktail party, live music & dj

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☒ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

04	/	08	/	2019
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

05	/	08	/	2019
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

12:00pm on 4th to 03:00am on 5th

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises

during the times when you intend to carry on licensable activities, including any staff, organisers or performers

500

(see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

12:00 pm on 4th august to 03:00am on 5th august 2019

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority WEYMOUTH & PORTLAND COUNCIL

Licence number PA9030917203

Date of issue 15 / 10 / 2007
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes

☒ No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

☐ Yes

☒ No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

- * THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:
- * (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
- (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS
- * LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

☒ 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/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.

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

From: bw licensing
Sent: 23 July 2019 12:42
To: Licensing Online; bw licensing; Pollution Team
Subject: RE: TEN; Station P/H No 7

Licensing,

West Midlands Police formally make representation to the grant of this temporary events notice on the grounds we believe that the licensing objectives the prevention of crime and disorder and public safety will not be promoted.

West Midlands Police believe that the event is not been planned and risk assessed correctly with information on websites that the event is in conjunction with another venue and there will be over 2000 people attended this event alone!

Regards

PC 1978 Walker
Birmingham Police Central Licensing Team
Birmingham Partnerships
Lloyd House

From: Martin Key
Sent: 23 July 2019 15:05
To: Licensing; Licensing Online
Cc: Pollution Team; URL Urban Rural Leisure; 'bw_licensing@west-midlands.pnn.police.uk'; Pollution Team
Subject: RE: TEN; Station P/H No 7
Importance: High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I have received an application from Darren Paul for a TEN for alcohol sale, regulated entertainment and late night refreshment for an event described as a BBQ, cocktail party, live music & DJ on 4/5 August 2019 between the hours of 12.00 and 03.00 at The Station, & High Street, Kings Heath, Birmingham, B14 7BB. The form indicated it was a late TEN but I assume as it was sent on 18 July 2019 it would be a standard TEN.

I have reviewed the application and sought additional information from the applicant (which they provided below). My primary concerns were:-

1. The late hour requested (03.00 on Monday 5 August 2019)
2. The hours requested overlaps the existing hours under the premises licence which would effectively disapply all licence
3. No effective operational controls
4. lack of detail of where the event is proposed to take place given that it proposes 499 people
5. The application refers to relevant entertainment – what is proposed?
6. No details of what steps will be employed to address the licensing objectives particularly public nuisance.

The applicant has responded but the information provided does not satisfy me that the event will be held avoiding public nuisance. Based on the information provided, the absence of any real detail of the event and how the licensing objectives will be addressed and given the proposed event type, terminal hour and location, I would object to the grant of the TEN on the basis of the of impact on the licensing objective of the prevention of public nuisance.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE
(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)
🌐: www.birmingham.gov.uk/eh | Facebook: ehbbham | Twitter: @ehbbham

locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors

🖨 Please consider the environment before printing this email

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LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

64

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
The Sun at the Station 7 High Street Kings Heath	
Post town:	Post Code:
Birmingham	B14 7BB
Telephone Number:	
Not specified	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

B	Films
E	Live music
F	Recorded music
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Sunday – Wednesday	10:00	-	00:00	B,E,F,H,M3
	23:00	-	01:00	L
Thursday – Saturday	10:00	-	01:00	B,E,F,H,M3
	23:00	-	02:00	L

Private entertainment for gain may be provided throughout the premises without limitation.

An additional hour into the following morning every Friday, Saturday, Sunday and Monday of each statutory bank holiday weekend, the Thursday preceding Good Friday and Christmas Eve.

An additional hour into the following morning every St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrews Day subject to seven days notice to, and agreement with, the Police.

On no more than 12 occasions of local, national or international significance or charitable events per year the finish time may be extended by one hour subject to 21 days notice to, and agreement with, the Police; the Police to have absolute discretion to agree the extension.

New Year's Eve – from end of permitted hours to commencement of permitted hours New Year's Day

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The opening hours of the premises

Sunday – Wednesday	09:00	-	01:00
Thursday – Saturday	09:00	-	02:00

An additional hour into the following morning every Friday, Saturday, Sunday and Monday of each statutory bank holiday weekend, the Thursday preceding Good Friday and Christmas Eve.

An additional hour into the following morning every St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrews Day subject to seven days notice to, and agreement with, the Police.

On no more than 12 occasions of local, national or international significance or charitable events per year the closing time may be extended by one hour subject to 21 days notice to, and agreement with, the Police; the Police to have absolute discretion to agree the extension.

New Year's Eve – from end of standard hours to commencement of standard hours New Year's Day

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Both On and Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Punch Taverns Limited Jubilee House Second Avenue	
Post town: Burton-Upon-Trent	Post Code: DE14 2WF
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 03752645
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Darren John Paul Station Public House 7 Kings Heath High Street	
Post town: Birmingham	Post Code: B14 7BB
Telephone Number: None Specified	

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 PA9030917203	Issuing Authority WEYMOUTH & PORTLAND BOROUGH COUNCIL

Dated 31/07/2007



Annette Wright
Principal 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 responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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.

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) Where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(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

BIRMINGHAM CITY COUNCIL

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.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

Embedded Restrictions

Licensable activities may continue beyond the times specified in the embedded restrictions up to the times the premises licence authorises the carrying out of licensable activities.

The times the Licence authorises the sale of alcohol do not prohibit: (a) during the first twenty minutes after the said times, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (d) the sale of alcohol to a trader or club for the purposes of the trade or club; (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; (f) the taking of alcohol from the premises by a person residing there; or (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

This licence is granted subject to compliance with the conditions attached to the Public Entertainment Licence, previously issued in respect of these premises, as detailed in document reference number: PEL4.6 (copies of which are available upon request from the Licensing Section)

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure the provisions of Section 12 of The Children and Young Persons Act 1933 are complied with.

The embedded restrictions set out above are subject to the sub-heading below:-

Conditions formally imposed on the Licence which have been removed as a consequence of the variation application reference number **28145-64/1**

To remove the restrictions and effects of Section 168 and 171 Licensing Act 1964 so as to allow the provisions under the Licensing Act 2003 to apply in relation to children.

To remove the restrictions on the consumption of alcohol as set out in Section 63(1) Licensing Act 1964

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(drinking up time).

To remove the restrictions on credit sales in place by Section 166 Licensing Act 1964.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No adult entertainment or services are permitted on the premises, with the exception of AWP machines.

Regulated entertainment is permitted to take place inside the premises only.

Where appropriate, non alcoholic refreshment will be available in the extended period.

The Licence Holder will ensure the premises respect Spirit Group's Approach to Responsible Drinking.

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

The Licence Holder shall ensure a zero tolerance towards illegal drugs will be enforced at all times on the premises.

If a disk jockey is used on any night at the premises, then he/she will ask patrons to leave the premises quietly.

The Licence Holder shall ensure that all instances of crime and disorder are reported to the police and an incident log book will be kept and maintained on the premises.

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

The Licence Holder shall ensure that all management and staff are trained to the standards required by the relevant Health and Safety legislation.

Free drinking water will be available at all times.

Maximum occupancy figures apply as follows:-

Function Room - 100.

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

The Licence Holder shall ensure additional patrols are carried out by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises..

Notices will be displayed on the premises, asking customers to respect local residents when leaving the premises.

Soft drinks and non-alcoholic refreshment will be available during any extended period between the cessation of the supply of alcohol and the closure of the premises.

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

Whenever children are permitted on the premises, any entertainment offered within the premises will be suitable for persons of that age.

Persons under the age of 16 must be supervised by an accompanying adult at all times.

A no-smoking area will be provided on the premises.

Soft drinks and non-alcoholic drinks will be available.

A recognised Proof of Age Policy is in force on the premises.

Persons under the age of 18 are not permitted to play on Section 34 permitted AWP machines.

Persons under the age of 16 are not permitted in the area immediately adjacent to the bar servery.

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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

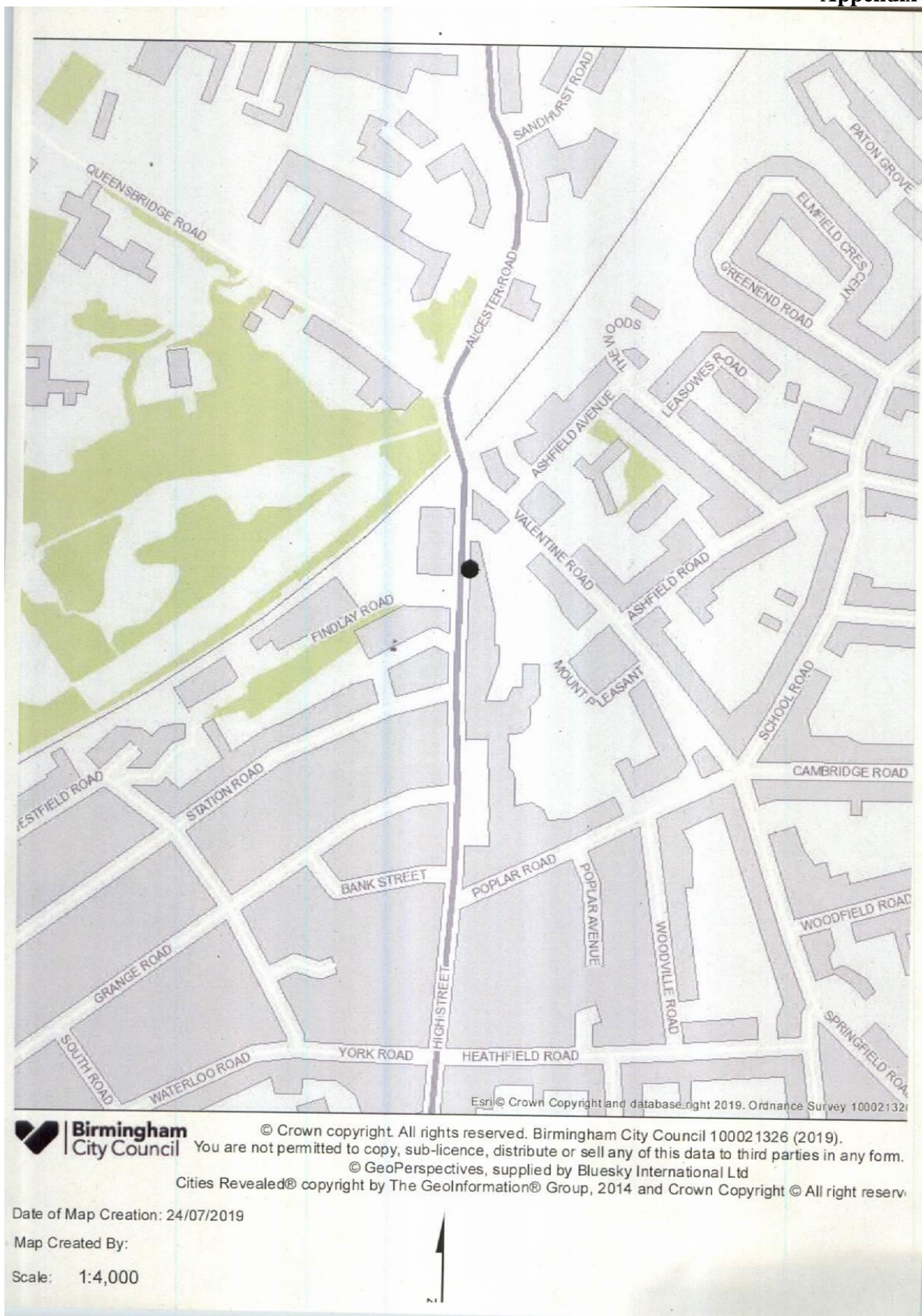
3e) Committee conditions to promote the protection of children from harm

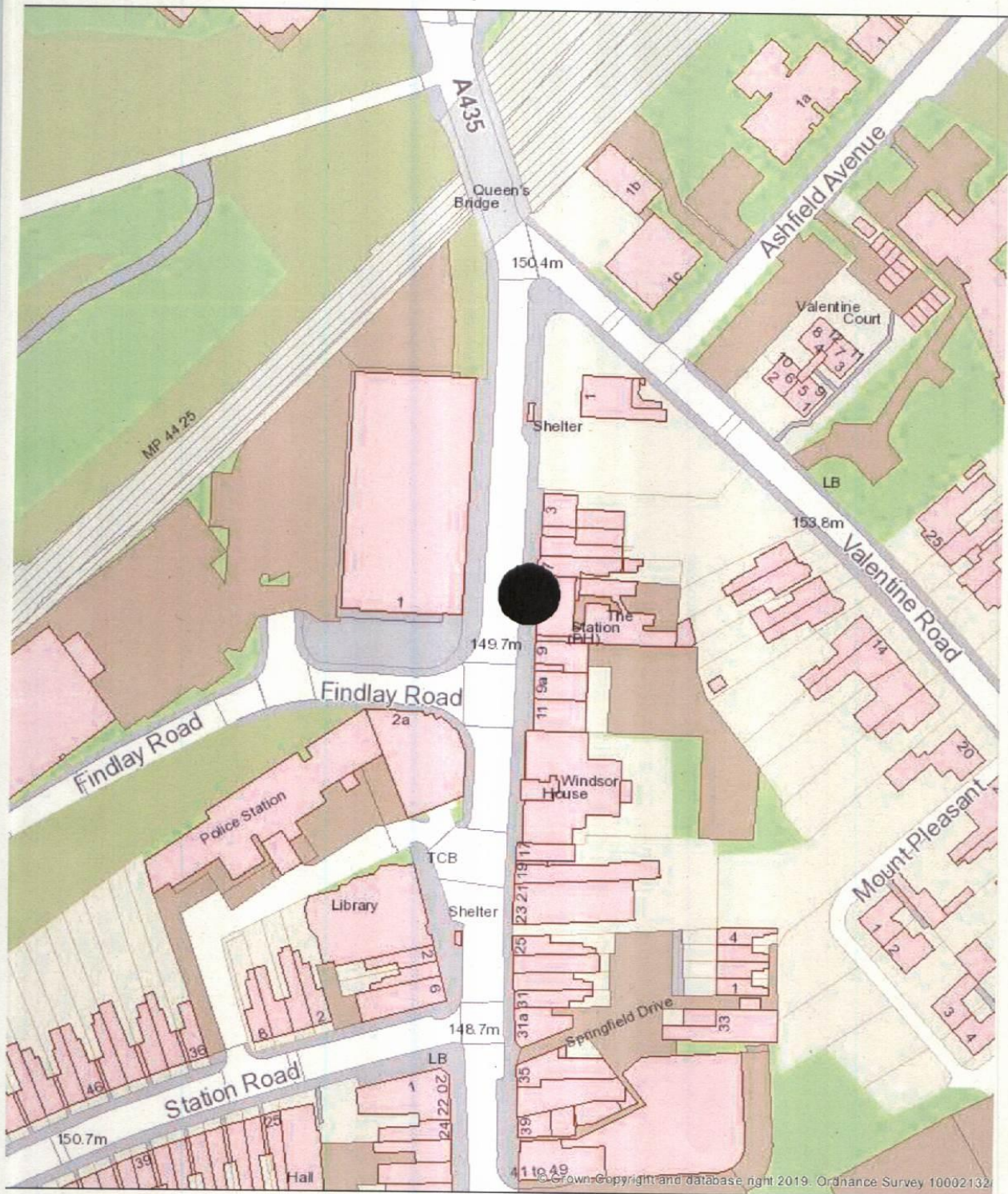
N/A

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Annex 4 – Plans

The plan of the premises with reference number **48122-64/3 (Drawing No. M2299)** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.





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Date of Map Creation: 24/07/2019

Map Created By:

Scale: 1:1,250



