

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 18 APRIL 2017 AT 10:00 HOURS
IN COMMITTEE ROOM 1, 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 where there are confidential or exempt items.

2 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 30

3 LICENSING ACT 2003 PREMISES LICENCE – GRANT CLASSIC FISH BAR & KEBAB HOUSE, 319 WYNDHURST ROAD, STECHFORD, BIRMINGHAM, B33 9DL

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard on Tuesday 18th April 2017 at 10:00am

31 - 64

4 LICENSING ACT 2003 PREMISES LICENCE – GRANT GOURMET BURGER KITCHEN, 41 NEW STREET, BIRMINGHAM, B2 4RQ

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard on Tuesday 18th April 2017 at 11:30am

5 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.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 18th April 2017
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Classic Fish Bar & Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL
Ward affected:	Stechford and Yardley North
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
<p>To consider a relevant representation that has been made in respect of an application for a Premises Licence which seeks to permit the provision of late night refreshment, for consumption on and off the premises, to operate from 11:00pm until 12:00midnight (Sunday to Thursday) and 11:00pm until 01:00am (Friday & Saturday).</p> <p>Premises to remain open to the public from 11:30am until 12:00midnight (Sunday to Thursday) and 11:30am until 01:00am (Friday & Saturday).</p>

2. Recommendation:
<p>To consider the representation that has been made and to determine the application.</p>

3. Brief Summary of Report:
<p>An application for a Premises Licence was received on 17th February 2017 in respect of Classic Fish Bar & Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL.</p> <p>A representation has been received from other persons.</p>

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>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>

<p>5. Relevant background/chronology of key events:</p> <p>Ahmed Mir applied on 17th February 2017 for the grant of a Premises Licence for Classic Fish Bar & Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL.</p> <p>A representation has been received from other persons. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Conditions agreed with West Midlands Police, Appendix 3</p> <p>Site Location Plans, Appendix 4</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>

Appendix 1

Entered *N*

From:
Sent: 07 March 2017 18:14
To: Licensing
Subject: Licensing Application No. 100747 – Mr Ahmed Ayaz Mir

Wyndhurst Road
Stechford
Birmingham

B33

7 March 2017

Dear Sir Madam

Your Ref: **Licensing Application No. 100747 – Mr Ahmed Ayaz Mir**
Classic Fish Bar & Kebab Takeaway, 319 Wyndhurst Road, Stechford

I wish to submit a formal objection to the above licensing application submitted by Mr Mir to extend the operating hours of the Classic Fish Bar & Kebab Takeaway located on 319 Wyndhurst Road, Stechford, Birmingham.

The Public Register/Licensing report shows his application was first submitted on 17 February 2017. My objection, as dated above, falls within the 28 day deadline during which to raise a formal objection to this application.

I am objecting with regard to the 'Nuisance' conditions set out in the application as follows:

1. The Premises Licence Holder shall ensure that the doors of the premises will be kept closed to reduce any noise or smell nuisance from occurring in the licensable hours

With regard to this condition, I am not satisfied that the requirement for the doors to be kept closed during licensable hours adequately safeguards residents from the noise/smell nuisance generated from this business in the longer term.

This condition fails to set out what measures the business is expected to adopt during the summer months for example, when the shop doors may well be open due to warmer weather. I would like this condition clarified further, particularly if the business is expected to adhere to this condition all year round. It's not clear how this condition would be enforced or policed and would any failure to keep the doors closed at all times during

licensable hours immediately constitute a breach of the condition terms and invalidate the license?

I live in very close proximity to this shop (i.e. houses down) and have already raised concerns with one an Environmental Health representative about the noise that currently comes from the two huge extractor fans situated at the rear of the building. I sleep in the bedroom at the back of my house and I have to keep my windows closed if I want to go to bed any time before 11.00pm due to the disruptive and invasive noise. I don't think it's fair or acceptable to further extend the operating hours until midnight and allow this business to cause further noise nuisance and annoyance to local residents.

2. The Premises Licence Holder shall ensure that employees and customer are encouraged to leave the premises without causing any nuisance to the neighbours.

With regard to this condition, there is a serious issue with litter originating directly from this business and I have complained on a number of occasions to the Council and more recently to my local Councillor (Carol Jones) about this. I am not convinced that the business do or have ever actively 'encouraged' their customers to use the two bins situated directly outside the shop and the amount of discarded chip papers that end up on my driveway (houses down) is testament to this.

Carol Jones MP escalated my concerns directly with Andy McCoy (BCC Fleet & Waste Management) on 1 February 2017 and received an email response from him confirming the following:

'...the bins and shop front are done by the ward crew on a Wednesday and the constituency crew do the bins and shop front on a Monday and Friday...'

The footfall to this business increases significantly over a weekend. Therefore, and assuming that the two crews do actually clear litter from the shop front on the days specified in Andy's email, the bulk of the 'weekend' litter is not cleared until a Monday. Consequently, anything that's not put in the bins provided over a weekend invariably ends up on mine and my neighbours' property or further down the street. Whilst I accept not all litter on the street comes from this business, there can be no doubt as to the origin of the chip wrappers and it angers me that I have to regularly clear my drive of this rubbish, which causes a nuisance to me and fellow residents.

I would ask that the seriousness of the litter problem is taking into consideration when reviewing this licensing application. Whilst I appreciate Mr Mir can't be held entirely accountable for the disrespectful actions of his customers when they leave his shop, he should however be made to accept some responsibility for clearing up litter directly generated from his business. It's not unreasonable to expect a takeaway business situated in a residential area to take responsibility for this and I use MacDonalds (situated on the Stechford Retail Park) as an example. After making numerous complaints to MacDonalds about their takeaway wrappers littering the street, they duly acknowledged the concerns.

raised. They also adopted a responsible and respectful approach and sent members of their own staff out to collect MacDonalds litter discarded around the restaurant and in surrounding streets. If a global business such as MacDonalds is prepared to shoulder some responsibility for litter management in this area, I can see no reason why similar accountability conditions can't be specified in relation to Mr Mir's license application.

I don't think it's unreasonable, by way of a more detailed condition, to stipulate that all takeaway businesses are held accountable and responsible in some way for controlling and managing litter. In the case of Mr Mir's licence application, I would like to see measures put in place that require him to monitor and control litter around his shop, working in partnership with the Council waste collection crews.

This business not only generates excessive and unsightly litter, noise and smells but there is also a further consideration in terms of their customers parking across dropped kerb drive ways and disabled parking spaces when going to the shop. It's not just a serious problem for me but also other residents who live close to the business and I fear this will get even worse if the application to extend operating hours is approved.

I hope the Licensing Section will give due consideration to the points raised in this letter and my reasons for objecting to Mr Mir's licensing application. I have lived on Wyndhurst Road for 26 years and there has always been a chip shop at the end of the street, albeit run by a different owner operating reasonable and sensible opening times. Street litter from the chip shop was never an issue in all that time and has only become a large-scale nuisance since the shop came under Mr Mir's ownership and opening hours were extended.

I look forward to hearing from you in due course. Please feel free to contact me via email at

Yours sincerely

Appendix 2

100747
17/2/17 - 17/3/17

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

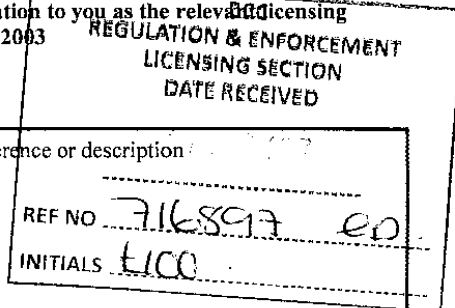
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/we **AHMED AYAZ MIR**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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



Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description CLASSIC FISH BAR & KEBAB HOUSE 319 WYNDHURST ROAD STECHFORD			
Post town	BIRMINGHAM	Postcode	B33 9DL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£2,375.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*** If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MIR			First names AHMED AYAZ		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	5	02 2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THE PREMISES IS SITUATED ON 319 WYNDHURST ROAD IN STECHFORD. THE LICENSABLE ACTIVITY IS THE PROVISION OF LATE NIGHT REFRESHMENTS. THE PREMISES IS ACCESSED VIA A FORECOURT AND THE ENTRANCE LEADS INTO THE SHOP AREA OF THE PREMISES WHERE THE LICENSABLE ACTIVITY WILL TAKE PLACE. THE CUSTOMER SERVICE COUNTER IS SITUATED ON THE LEFT OF THE ENTRANCE AND THE KITCHEN IS AT THE REAR OF THE PREMISES. THE LICENSABLE ACTIVITY IS TO TAKE PLACE ON THE GROUND FLOOR OF THE PREMISES.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☐

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) THE PROVISION OF LATE NIGHT REFRESHMENTS FOR CONSUMPTION ON OR OFF THE PREMISES		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	01:00			
Sat	23:00	01:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises <input type="checkbox"/>
					Off the premises <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue					
Wed			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

THERE ARE NO ACTIVITIES PROVIDED THAT MAY GIVE RISE TO CONCERN IN RESPECT OF CHILDREN. THE LICENSABLE ACTIVITY IS THE PROVISION OF LATE NIGHT REFRESHMENTS. THE MAIN BUSINESS IS THE PROVISION OF FOOD FOR CONSUMPTION ON OR OFF THE PREMISES.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	11:30	00:00	
Tue	11:30	00:00	
Wed	11:30	00:00	
Thur	11:30	00:00	
Fri	11:30	01:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	11:30	01:00	
Sun	11:30	00:00	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

THE LICENCE HOLDER WILL TAKE ALL THE NECESSARY STEPS REQUIRED IN PURSUANCE OF THE LICENSING OBJECTIVES UNDER THE LICENSING ACT 2003 TOGETHER WITH THERE OBLIGATIONS UNDER ANY OTHER LEGISLATION.

b) The prevention of crime and disorder

THE PREMISES IS USED FOR THE PROVISION OF HOT FOOD TO THE PUBLIC AND THE LICENCE HOLDER WILL NOT TOLERATE ANY MISUSE OF THE PREMISES FOR THE FURTHERANCE OF ANY CRIMINAL ACTIVITY AND WILL BE IN LIAISON WITH THE POLICE AUTHORITY SHOULD ANY PROBLEMS ARISE. CCTV HAS BEEN INSTALLED ON THE PREMISES.

c) Public safety

THE LICENCE HOLDER WILL ENSURE THAT ALL REQUIREMENTS IN FURTHERANCE OF PUBLIC SAFETY ARE COMPLIED WITH. ALL FIRE EXITS ARE CLEARLY LABELLED WITH EMERGENCY LIGHTING FITTED. ALL FIRE FIGHTING EQUIPMENT WILL BE CORRECTLY MARKED AND ITS LOCATION WILL BE PUBLICISED. SMOKE AND HEAT DETECTORS ARE ALSO FITTED IN THE PREMISES

d) The prevention of public nuisance

THE DOORS OF THE PREMISES WILL BE KEPT CLOSED TO REDUCE ANY NOISE OR SMELL NUISANCE FROM OCCURRING IN THE LICENSABLE HOURS. EMPLOYEES AND CUSTOMERS WILL BE ENCOURAGED TO LEAVE THE PREMISES WITHOUT CAUSING ANY NUISANCE TO THE NEIGHBOURS.

e) The protection of children from harm

THE PREMISES IS A FAST FOOD TAKEAWAY AND THE LICENSABLE ACTIVITY IS THE PROVISION OF LATE NIGHT REFRESHMENTS. THE LICENCE HOLDER WILL TAKE ALL STEPS NECESSARY TO ENSURE THAT CHILDREN ATTENDING THE PREMISES ARE PROTECTED FROM HARM.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	15 th February 2017
Capacity	SOLICITOR FOR THE APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

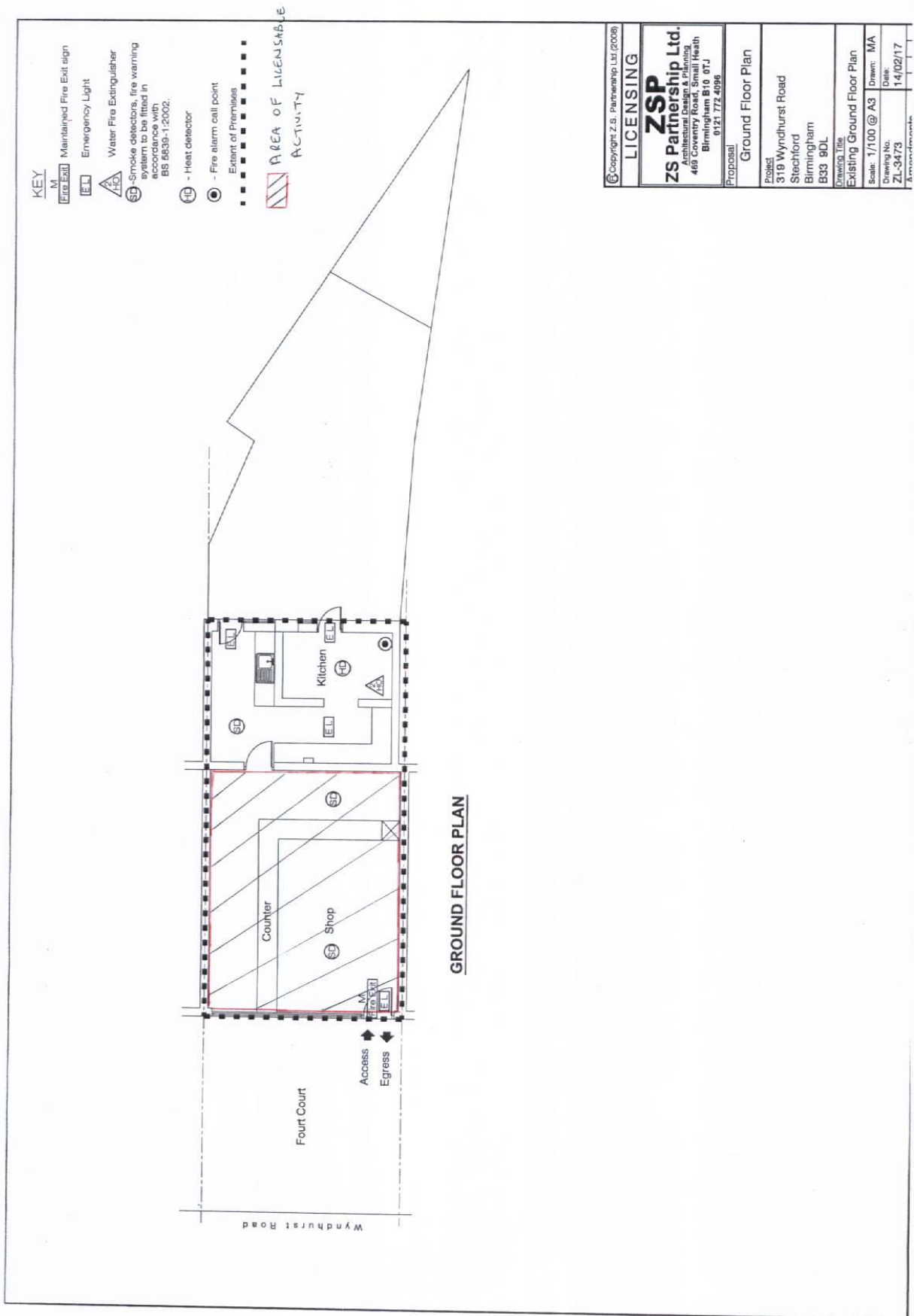
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)
 JR JONES SOLICITORS
 614 STRATFORD ROAD
 SPARKHILL

Post town	BIRMINGHAM	Postcode	B11 4AP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



Appendix 3

From: bw licensing
Sent: 28 February 2017 09:03
To: Licensing
Cc:
Subject: Classic Fish Bar & Kebab House - 319 Windhurst Rd, Stechford. B33 9DL

Dear Licensing,

With regard to the premises licence application for Classic Fish Bar & Kebab House – 319 Windhurst Road, Stechford. B33 9DL.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence application then the licensing objectives will be met and promoted.

The below conditions have been agreed with the applicant via their solicitor, as per below email who is copied into this email as acceptance.

If these below conditions are imposed onto the licence then West Midlands police have no objection to this application.

- All staff training regarding the Licensing Act and licensing responsibilities will be documented and signed by both the trainer and trainee. This documentation to made available to any of the responsible authorities immediately on request.
- CCTV will be downloadable and all recorded / downloaded images will be made immediately available to any of the responsible authorities on request. CCTV will record throughout the whole of the licence activity. Recordings will be held for a minimum of 28 days. There will be at least 1 camera on the external of the premises covering the shop frontage and entrance / exit door. Lighting will be maintained on the external of the premises to ensure clear CCTV footage.
- CCTV signage will be displayed prominently on the front of the premises.
- No alcohol allowed on the premises in open containers and no alcohol to be consumed on the premises.
- No children under 16 years of age will be served / allowed on the premises after 22.00hrs unless accompanied by a responsible adult. Staff will not be left in sole charge of any child.

Many thanks

Regards

Chris Jones 55410
Birmingham Central Licensing Team

West Midlands Police HQ
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

From: Muzir Waheed
Sent: 27 February 2017 10:20
To: bw licensing
Subject: RE: Classic Fish Bar & Kebab House - 319 Windhurst Rd, Stechford. B33 9DL

Good Morning Mr Jones

I have spoken to my client and he has no objections to the proposed conditions being attached to the Licence for 319 Wyndhurst Road. His only concern is in relation to the staff training and he has asked if he can be given any guidance on where he can get the training from. If you can let us know I can forward the details onto him.

Kind Regards
Muzir Waheed
J. R. Jones Solicitors

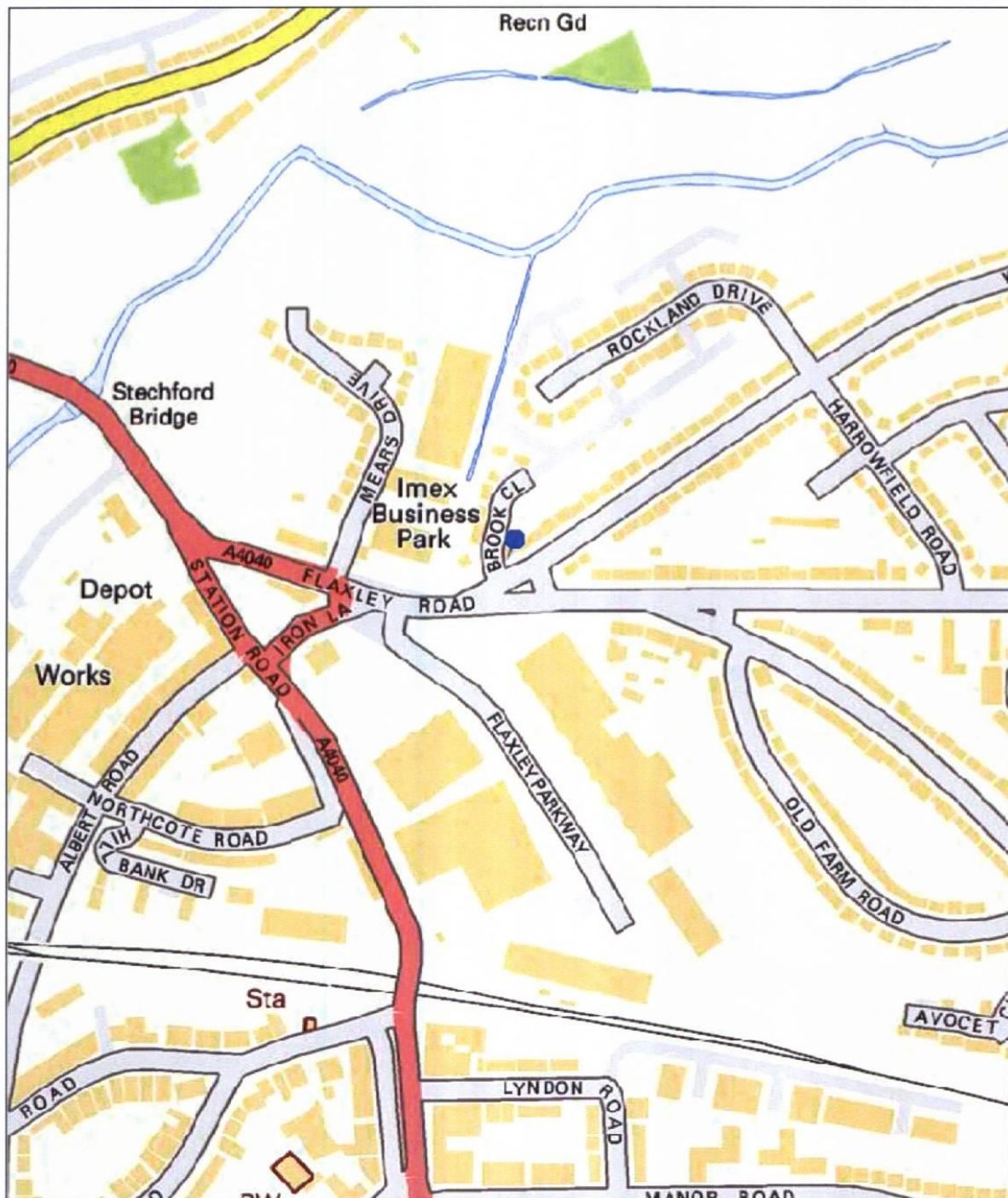
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Map Created By:

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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 18th April 2017
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Gourmet Burger Kitchen, 41 New Street, Birmingham, B2 4RQ
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 10:00am until 12:00midnight (Monday to Sunday).

The application initially sought to permit the provision of Regulated Entertainment consisting of recorded music. However, after discussions with Environmental Health, the applicant has agreed to remove recorded music from the scope of the application.

To permit the provision of Late Night Refreshment to operate from 11:00pm until 12:30am (Monday to Sunday).

Premises to remain open to the public from 10:00am until 12:30am (Monday to Sunday).

Other dates and times as specified in the application form.

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 22nd February 2017 in respect of the Gourmet Burger Kitchen, 41 New Street, Birmingham, B2 4RQ.

Representations have been received from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

Gourmet Burger Kitchen Ltd applied on 22nd February 2017 for the grant of a Premises Licence for the Gourmet Burger Kitchen, 41 New Street, Birmingham, B2 4RQ.

Representations have been received from other persons, including two local Ward Councillors, which are attached at Appendices 1 – 5.

The application is attached at Appendix 6.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 7.

Site Location Plans at Appendix 8.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 5

Application Form, Appendix 6

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 7

Site Location Plans, Appendix 8

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

Appendix 1

Newton Chambers,
Cannon Street,
Birmingham
B2
11th March 2017

Birmingham City Council Licensing Team,

I would like to raise objections to both the change of use class for this unit to the building set forth in the planning application from Gourmet Burger Kitchen (GBK), reference 2017/00554/PA. Any quotations in the text below are taken from the application and associated documents (accessed through the eplanning.birmingham.gov.uk website).

Access

This is an access only road, it is narrow and during the day filled with pedestrians. The morning delivery time is already full of trucks delivering to local shops, and we recently received a letter from the council that because access is so restricted we have to have a special vehicle for recycling collections. I am concerned that a restaurant, which will require daily deliveries and daily waste collection (there is no outside space for rubbish storage), will struggle with this and arrange trucks to come at antisocial hours waking residents, or allow rubbish to pile up in Needless Alley, blocking access here and attracting pests.

There aren't enough fire escapes to accommodate the number of customers GBK is expecting, and existing ones feed into the stairwell of Newton Chambers, which is a communal private area for the residents and allows access to all other communal areas. This raises security concerns for the residents of the apartments.

The building's fire exits are often obstructed and there are frequently access problems on Cannon Street that obstruct fire engines and other emergency service vehicles and prevent them from reaching the front of the building. This has been the case several times in the past. Adding a large commercial kitchen, with associated risks of grease fires and staff injury, would not be safe for staff, customers or residents.

At night this is a quiet road. I am concerned that when the restaurant closes at 11:30pm (or 12:30; the planning application contains conflicting information) cars and cabs/ubers will be idling in the street, running their engines while waiting to pick people up, causing noise disturbance at the time when I'm trying to sleep.

Food will have to be delivered and waste collected every day. Again, this will create significant traffic disruption outside of the building, which is already full of lorries first thing in the morning trying to pass one another in a very narrow space. This will create more noise disturbances for the residents, especially as refrigerated trucks contain extra generators and are significantly louder than regular trucks. My bedroom window is directly above one of the doors to the unit, where deliveries are likely to cause major disturbances very early in the morning. As the road

is surfaced by bricks, rather than tarmac, it's not a smooth finish so dragging or wheeling heavy items creates loud and intrusive noises in my home.

Building Issues

The floor plan in the application is misleading. It indicates that the living space in the building is only in the lobby when in fact on 2 levels of the building the entire floor is flats. There are flats directly above the unit and along both access areas (Cannon Street and Needless Alley).

The floor plan is also incorrect to list the atrium as a "void", this is our shared outside space and paved garden for residents. It is not appropriate for GBK's commercial kitchen or the toilets to vent fumes with "a very high grease content and odour loading" into this space where people spend time. There is certainly not "30 meters" from the nearest "sensitive receptor" as several flats have windows that open directly into the atrium, meaning that they will be directly exposed to all vented kitchen fumes and toilet smells if it was to be converted in this way.

This concerns me because:

- 1) There will be a large and potentially hazardous kitchen where I live. Such a kitchen will inevitably significantly increase the risk of fire within this old, grade II listed building.
The fire brigade has previously had severe access issues to the building when the fire alarm has been triggered due to the narrow road. There is no vehicular access to this area of the building for 12 hours a day over the 2 month Christmas period due to the City Centre German Market (the road is now completely blocked by concrete barriers during this time). If there was a fire, there is very likely that it could not be effectively accessed by the emergency services, risking the lives of the people living in the 24 apartments, and the building itself. I don't think the situation is safe currently, let alone if you add 100 diners and a large commercial kitchen.
- 2) Kitchens attract pests (especially when there is inadequate outside space for waste storage). Allowing a business that serves food to be established on the ground floor is extremely likely to encourage pests such as rats and cockroaches to come into the building. From this point, they will likely infest the homes on the upper floors of the building.
- 3) Noise will travel up from below - we can already hear our neighbours and have heard sounds from below when the unit was occupied before - causing stressful nuisance in my home. This will inevitably be worse from a busy restaurant and kitchen.
- 4) My windows are above the unit's frontage, meaning I will be exposed to all the noise of customers/music and smells. I want to be able to open my windows in the summer without feeling like I'm inside a restaurant. As a vegetarian I find the smell of burgers particularly disgusting and offensive.
- 5) Our building is grade II listed, we have old single glazed windows that we are unable to change at all (i.e. we cannot install double glazing). These provide virtually no sound isolation, so we are significantly more vulnerable to noise than typical residences. Additionally, we can often smell the diesel exhausts of lorries idling on the street below us. We have no other way to ventilate our home with fresh air.

Licensing

12:30 AM is too late to be open for drinkers when there are residents living directly above the unit. If I go to bed at 11 PM, that's potentially another hours of people coming and going, loitering (possibly smoking) in the street (drinkers never do this quietly), calling for lifts, taxis idling in the streets waiting to pick people up (both noise and air pollution). This would all be occurring below my bedroom window. This will cause enormous stress and make my living environment intolerable.

By serving alcohol so late, you will run the risk of drawing-in drinkers from other local pubs who want an extra drink before going home. This is likely to create a spike in noise and foot traffic between 11PM-12:30AM, which again will create an intolerable noise disturbance in my home whilst I am trying to sleep.

Serving alcohol will mean that a lot of food waste recycling will be produced. There is already a significant issue of access for waste/recycling vehicles on this narrow (partially pedestrianised) street. Our domestic recycling is already frequently delayed due to access issues for collection. It would be completely unacceptable to have recycling collections overnight as both the truck and the noise from tipping glass bottles will wake up the entire building. There is also no outside space for storing food waste, so all waste from the restaurant will have to be stored within the building, creating an environment that will both smell terrible and encourage pests such as rats and cockroaches into the building which has 24 homes in it. I have grave concerns regarding this.

I am also concerned that by changing the use class of any units in this building, as precedent will be set that would allow an even more antisocial business to take this unit in the future without a thorough consultation, such as a late night pub restaurant or 24/hour fast food restaurant. For the reasons outlined above it is not appropriate to change the use class of this unit, there is not the infrastructure in place to support it, and it would significantly reduce the quality of life of the residents.

Thank you for your attention in this matter,
Your sincerely,

Appendix 2

From: newton chambers
Sent: 21 March 2017 23:29
To: Licensing
Cc: Councillor Kath Hartley; Councillor Albert Bore
Subject: Objection to Ref application no. 100799 41 New Street

Dear Sir/madam

We strongly object to this licensing application on the basis of its detrimental impact (primarily in regards to noise and anti social behaviour on the amenity of all residents of the 23 apartments within the application building; some of which are located directly above the proposed A3 use, and on residents of apartments in the adjacent Temple House (above Tesco) building on New Street-Needless Alley.

In addition, we do not understand the inconsistency between the later time applied for in this application compared to that proposed in the current planning application. This is an important discrepancy and suggests a lax approach to compliance with legislative requirements by the applicant.

In assessing the impact of the use it is important to be aware that the unit is located in a mixed use building comprising 6 A1 retail units (basement, ground, 1st floor and in the case of the application unit a 2nd floor) with 23 residential apartments on the 2 floors above. The building was not purpose built and converted in 1999/2000 from a mixed retail and office use. Its Grade II listed status results in all the apartments having the original large single glazed windows with limited insulation benefits. It was converted on the basis of residential with A1 retail and therefore does not include the standards and services to mitigate the very different impacts arising from a licensed use on residential apartments (e.g adequate noise insulation and overall layout of the building with apartments being located directly above the retail units). This means that impacts may not necessarily be contained to the apartments immediately located above the unit.

The layout of the building results in 4 apartments being directly located above the application unit, with all the remaining apartments impacted as a result of a combination of noise arising from anti social behaviour as a result of the congregation of customers of the licensed premises on Needless Alley, New Street and Cannon Street. This would be intensified as a consequence of there being no external area assigned to the unit whereby patrons could drink and/or smoke.

The frequency and type of activities associated with a A3 use is far more intensive and generates a higher level of noise and frequency than compared to a A1 use. With a A1 use customers are fewer in number staggered throughout the day and the impact is low intensive.

Moreover these negative impacts are compounded by the licence time being until 12.30am compared to the current latest opening of the A1 units to 7pm. This will also result in an increased level of noise for residents resulting from people congregating and drinking and smoking on the streets beneath the apartments well beyond the closing time. We already endure this from patrons of The Windsor Public House on Cannon Street which like this unit does not enjoy an outside amenity area.

In addition the licensed premises will attract the attention of rough sleepers with their associated anti social behaviour. Residents already endure noise into the early hours from people fighting in surrounding streets, as raised with WM police and Retail Birmingham and local councillors on a regular basis, and this will be exacerbated by the presence of a licensed premises in this location as can be seen in similar units on Bennetts Hill and Temple Street. This is totally unacceptable.

Finally, we are concerned that if approved this will create a precedent for other units within the building to become licences premises with the subsequent cumulative impact of noise and disturbances to residents.

For the reasons outlined above this proposal should be refused.

Newton Chambers Management Company

Entered

20

From:
Sent: 18 March 2017 18:30
To: Licensing
Cc: Councillor Carl Rice; Councillor Albert Bore; Councillor Kath Hartley;
Subject: Opposition to Alcohol License Application

Dear Licensing Department,

Ref 100 799 Gourmet Burger Kitchen, New Street/Cannon Street.

We are emailing to strongly object to this licensing application on the basis of its detrimental impact (primarily in regards to noise and anti social behaviour) on the amenity of all residents of the 23 apartments within the application building; some of which are located directly above the proposed use.

We live at flat . . . Newton Chambers and are concerned about impact to ourselves as well as our neighbours and on residents of apartments in the adjacent Temple House (above Tesco) building on New Street-Needless Alley.

In addition, we do not understand the inconsistency between the later time applied for in this application compared to that proposed in the current planning application for change of use, to which we have also objected. This is an important discrepancy and suggests a lax approach to compliance with legislative requirements by the applicant.

In assessing the impact of the use it is important to be aware that the unit is located in a mixed use building comprising 6 A1 retail units (basement, ground, 1st floor and in the case of the application unit a 2nd floor) with 23 residential apartments on the 2 floors above. The building was not purpose built and converted in 1999/2000 from a mixed retail and office use. Its Grade II listed status results in all the apartments having the original large single glazed windows with limited insulation benefits. It was converted on the basis of residential with A1 retail and therefore does not include the standards and services to mitigate the very different impacts arising from a licensed A3 premises use on residential apartments (e.g adequate noise insulation and overall layout of the building with apartments being located directly above the retail units). This means that impacts may not necessarily be contained to the apartments immediately located above the unit.

The layout of the building results in 4 apartments being directly located above the application unit, with all the remaining apartments impacted as a result of a combination of noise arising from anti social behaviour as a result of the congregation of customers of the licensed premises on Needless Alley, New Street and Cannon Street. This would be intensified as a consequence of there being no external area assigned to the unit whereby patrons could drink and/or smoke.

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Finally, we are concerned that if approved this will create a precedent for other units within the building to become licensed premises with the subsequent cumulative impact of noise and disturbances to residents.

For the reasons outlined above this proposal should be refused.

I have cc'd our councillors, MP and other BCC officers. Please ensure that this objection is seen, and please also confirm you have received this email.

Yours sincerely

Newton Chambers
Cannon Street
Birmingham
B2

Entered
R

From: Councillor Kath Hartley
Sent: 19 March 2017 18:53
To: Ian Hyde; Licensing
Cc: Councillor Carl Rice; Councillor Albert Bore; shabana.mahmood.mp@parliament.uk; Shabana Mahmood MP; Jacqui Kennedy; Chris Neville; Alison Harwood
Subject: RE: Opposition to Alcohol License Application

Having attended the site visit with residents and BCC officers to the area and premises above and around the proposed changed use premises, I give my full support to objections and call upon BCC to turn the Planning and Licensing application down.

Cllr. Kath Hartley, Ladywood Ward

From:
Sent: Saturday, March 18, 2017 6:30 PM
To: Licensing
Cc: Councillor Carl Rice; Councillor Albert Bore; Councillor Kath Hartley; ; Shabana Mahmood MP; Jacqui Kennedy; Chris Neville; Alison Harwood
Subject: Opposition to Alcohol License Application

Dear Licensing Department,

Ref 100 799 Gourmet;Burger Kitchen, New Street/Cannon Street.

We are emailing to strongly object to this licensing application on the basis of its detrimental impact (primarily in regards to noise and anti social behaviour) on the amenity of all residents of the 23 apartments within the application building; some of which are located directly above the proposed use.

We live at flat in Newton Chambers and are concerned about impact to ourselves as well as our neighbours and on residents of apartments in the adjacent Temple House (above Tesco) building on New Street-Needless Alley.

In addition, we do not understand the inconsistency between the later time applied for in this application compared to that proposed in the current planning application for change of use, to which we have also objected. This is an important discrepancy and suggests a lax approach to compliance with legislative requirements by the applicant.

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The layout of the building results in 4 apartments being directly located above the application unit, with all the remaining apartments impacted as a result of a combination of noise arising from anti social behaviour as a result of the congregation of customers of the licensed premises on Needless Alley, New Street and Cannon Street. This would be intensified as a consequence of there being no external area assigned to the unit whereby patrons could drink and/or smoke.

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In addition the licensed premises will attract the attention of rough sleepers with their associated anti social behaviour. Residents already endure noise into the early hours from people fighting in surrounding streets, as raised with WM police and Retail Birmingham and local councillors on a regular basis, and this will be exacerbated by the presence of a licensed premises in this location as can be seen in similar units on Bennetts Hill and Temple Street. This is totally unacceptable.

Finally, we are concerned that if approved this will create a precedent for other units within the building to become licensed premises with the subsequent cumulative impact of noise and disturbances to residents.

For the reasons outlined above this proposal should be refused.

I have cc'd our councillors, MP and other BCC officers. Please ensure that this objection is seen, and please also confirm you have received this email.

Yours sincerely

Newton Chambers
Cannon Street
Birmingham
B2

Entered

2

From: Councillor Albert Bore
Sent: 19 March 2017 19:00
To: Licensing
Cc: Ian Hyde; Councillor Kath Hartley
Subject: RE: Opposition to Alcohol License Application

I am similarly opposed to this licence application. Councillor Kath Hartley <

From: Councillor Kath Hartley
Sent: Sunday, March 19, 2017 6:53 PM
To: Ian Hyde; Licensing
Cc: Councillor Carl Rice; Councillor Albert Bore; shabana.mahmood Shabana Mahmood MP; Jacqui Kennedy; Chris Neville; Alison Harwood
Subject: RE: Opposition to Alcohol License Application

Having attended the site visit with residents and BCC officers to the area and premises above and around the proposed changed use premises, I give my full support to objections and call upon BCC to turn the Planning and Licensing application down.

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From:
Sent: Saturday, March 18, 2017 6:30 PM
To: Licensing
Cc: Councillor Carl Rice; Councillor Albert Bore; Councillor Kath Hartley; Shabana Mahmood MP; Jacqui Kennedy; Chris Neville; Alison Harwood
Subject: Opposition to Alcohol License Application

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For the reasons outlined above this proposal should be refused.

I have cc'd our councillors, MP and other BCC officers. Please ensure that this objection is seen, and please also confirm you have received this email.

Yours sincerely
Ian Hyde and Jon Lord

Newton Chambers
· Cannon Street
Birmingham
B2

100799
22/2/17 - 22/3/17



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 19

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

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

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

☒ A private individual acting as an agent

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 19

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	<input type="text" value="41"/>
Street	<input type="text" value="New Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B2 4RQ"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="0"/>

Section 3 of 19	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input type="checkbox"/> An individual or individuals <input checked="" type="checkbox"/> A limited company <input type="checkbox"/> A partnership <input type="checkbox"/> An unincorporated association <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> 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 <input type="checkbox"/> The chief officer of police of a police force in England and Wales <input type="checkbox"/> Other (for example a statutory corporation)	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 19	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	Gourmet Burger Kitchen Ltd
Details	
Registered number (where applicable)	03970045
Description of applicant (for example partnership, company, unincorporated association etc)	

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Restaurant

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

<i>Continued from previous page...</i>	
Section 6 of 19	
PROVISION OF PLAYS	
Will you be providing plays?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Section 7 of 19	
PROVISION OF FILMS	
Will you be providing films?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Section 8 of 19	
PROVISION OF INDOOR SPORTING EVENTS	
Will you be providing indoor sporting events?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Section 9 of 19	
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS	
Will you be providing boxing or wrestling entertainments?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Section 10 of 19	
PROVISION OF LIVE MUSIC	
Will you be providing live music?	
<input type="radio"/> Yes <input checked="" type="radio"/> No	
Section 11 of 19	
PROVISION OF RECORDED MUSIC	
Will you be providing recorded music?	
<input checked="" type="radio"/> Yes <input type="radio"/> No	
Standard Days And Timings	
<div style="display: flex; justify-content: space-between;"> <div> <p>MONDAY</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Start <input type="text" value="10:00"/></div> <div>End <input type="text" value="00:30"/></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Start <input type="text"/></div> <div>End <input type="text"/></div> </div> </div> <div> <p>TUESDAY</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Start <input type="text" value="10:00"/></div> <div>End <input type="text" value="00:30"/></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Start <input type="text"/></div> <div>End <input type="text"/></div> </div> </div> <div> <p>WEDNESDAY</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Start <input type="text" value="10:00"/></div> <div>End <input type="text" value="00:30"/></div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Start <input type="text"/></div> <div>End <input type="text"/></div> </div> </div> </div>	

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...

THURSDAY

Start 10:00

End 00:30

Start

End

FRIDAY

Start 10:00

End 00:30

Start

End

SATURDAY

Start 10:00

End 00:30

Start

End

SUNDAY

Start 10:00

End 00:30

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations for playing recorded music

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 playing of recorded music 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.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Continued from previous page...		<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 13 of 19		
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE		
Will you be providing anything similar to live music, recorded music or performances of dance? <input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 14 of 19		
LATE NIGHT REFRESHMENT		
Will you be providing late night refreshment? <input checked="" type="radio"/> Yes <input type="radio"/> No		
Standard Days And Timings		
MONDAY	Start <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	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 <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	
WEDNESDAY	Start <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	
THURSDAY	Start <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	
FRIDAY	Start <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	
SATURDAY	Start <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	
SUNDAY	Start <input type="text" value="23:00"/> End <input type="text" value="00:30"/> Start <input type="text"/> End <input type="text"/>	

Continued from previous page...

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

--

State any seasonal variations

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

--

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

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

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start 10:00

End 00:00

Start

End

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 00:00

Start

End

SATURDAY

Start 10:00

End 00:00

Start

End

SUNDAY

Start 10:00

End 00:00

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.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

--

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

Continued from previous page...

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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 19

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.

n/a

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Continued from previous page...

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

The following conditions are proposed:

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
2. Alcohol for consumption on the premises shall be supplied only to persons seated at a table or a bar counter by waiter or waitress service.
3. CCTV will be installed in the premises and used during the provision of licensable activities in the premises, such recordings to be retained for 28 days and to be made available to the Licensing Authority or the police on request.
4. Mandatory conditions will apply requiring a proof of age policy to be implemented in the premises. The premises will adopt a Challenge 21 scheme.
5. Except for any designated external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only.

The applicant will engage in communication with the responsible authorities where required during the consultation period.

b) The prevention of crime and disorder

See above

c) Public safety.

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

Continued from previous page...

Section 19 of 19

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 http://www.voa.gov.uk/business_rates/index.htm

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 (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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

Continued from previous page...

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number	<input type="text" value="RSH/GOU.18.6"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

Appendix 7

From: Jack Spiegler
Sent: 03 March 2017 09:50
To: Shaid X. Ali
Cc: Rachel Hepworth; Wendy Gayle
Subject: Re: Premises Licence - Gourmet Burger Kitchen, 41 New Street. Birmingham B2 4RQ

Dear Shaid Ali

Thank you for your email.

This is agreed.

Kind regards

Jack

From: "Shaid X. Ali"
Date: Friday, 3 March 2017 at 09:31
To: Jack Spiegler
Cc: Rachel Hepworth, Wendy Gayle
Subject: RE: Premises Licence - Gourmet Burger Kitchen, 41 New Street. Birmingham B2 4RQ

Good morning Jack,

If that is the only issue then I do not have a problem with changing the wording to Challenge 21 but would like the rest of the wording to remain as it is.

Please advise if you agree and I will then ask my colleague Wendy to attach this condition to the licence once granted.

Regards

Shaid Ali - Licensing Enforcement Officer
Ashted Lock
Building 1-3
Ground Floor
Birmingham Science Park Aston
Dartmouth Middleway
Aston
Birmingham
B7 4AZ

From: Jack Spiegler
Sent: Thursday, March 02, 2017 5:25 PM
To: Shaid X. Ali

Cc: Rachel Hepworth

Subject: Re: Premises Licence - Gourmet Burger Kitchen, 41 New Street. Birmingham B2 4RQ

Dear Shaid Ali

Thank you for your email to my colleague Rachel below.

GBK operates approximately 80 restaurants across the country. It has a comprehensive and centralised training system. The training system incorporates Challenge 21 across all of its sites. As a result, Challenge 25 would not be consistent with the nationwide procedures. So far as we are aware, GBK has never had an incident of underage sales.

As a result, we would be grateful if you could please consider maintaining Challenge 21 in the circumstances. If necessary, our client could agree your proposed wording of the conditions, albeit with Challenge 21.

Please do not hesitate to call if you would like to discuss.

Thanks and kind regards

Jack

Jack Spiegler
Associate

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP



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From: Shaïd X. Ali
Sent: 28 February 2017 13:21
To: Rachel Hepworth
Cc: Wendy Gayle
Subject: Premises Licence - Gourmet Burger Kitchen, 41 New Street. Birmingham B2 4RQ

Good afternoon Rachel,

I'm advised that you have submitted the application for the above premises for the grant of a premises licence. I have looked at the proposed conditions and I am happy that these are relevant to the application, however there are a couple of extra conditions that I wish to be added under the Protection of Children from Harm objective.

I note that you have a challenge 21 policy but because the premises is in the city centre and which may attract young people it is usual for licenced city centre premises to have a challenge 25 policy rather than challenge 21.

If you are happy I would like the challenge 21 condition to be replaced by the following conditions:

Protection of Children from Harm

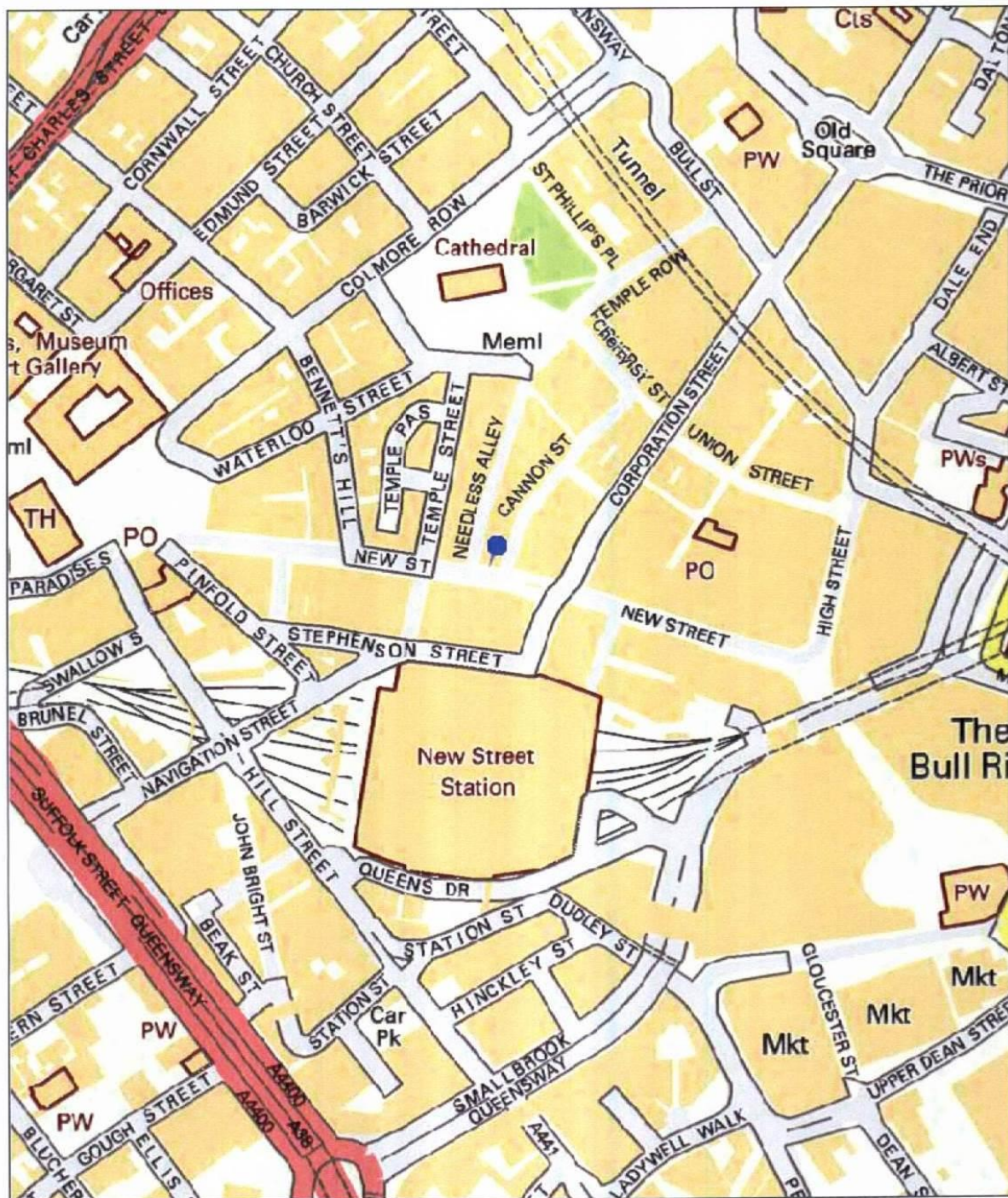
- **The premises licence holder will implement and operate a Challenge 25 age verification policy to prevent the sale or supply of alcohol to persons under 18 years of age.**
- **The premises licence holder will have a written age verification policy – Challenge 25**
- **A copy of the age verification policy must be signed and dated by all members of staff to confirm they have read and understand the policy in operation. The signed copy of the policy must be maintained at the premises and available for inspection by any Responsible Authority on request.**
- **A notice must be displayed at the premises and clearly visible to customers informing them that a Challenge 25 age verification policy is in operation at the premises.**
- **The premises licence holder will maintain a refusals register (or refusal button on EPOS – Electronic point of sale) on the premises whenever a sale is refused to a person who cannot prove they are over the age of 18. The refusal register or record of till recorded refusals must be made available to any responsible Authority.**

If you are happy for these to be added to the licence then please advise and copy my colleague Wendy in to your reply who will arrange to add the conditions on to the licence. If you wish to object to the addition of these conditions then I will have to put in a representation recommending the licence is not granted but hopefully we can agree and have these conditions added to the premises licence if granted.

I look forward to your reply

Regards

Shaïd Ali - Licensing Enforcement Officer
Ashted Lock
Building 1-3
Ground Floor
Birmingham Science Park Aston
Dartmouth Middleway
Aston



Birmingham City Council

Map Created By:

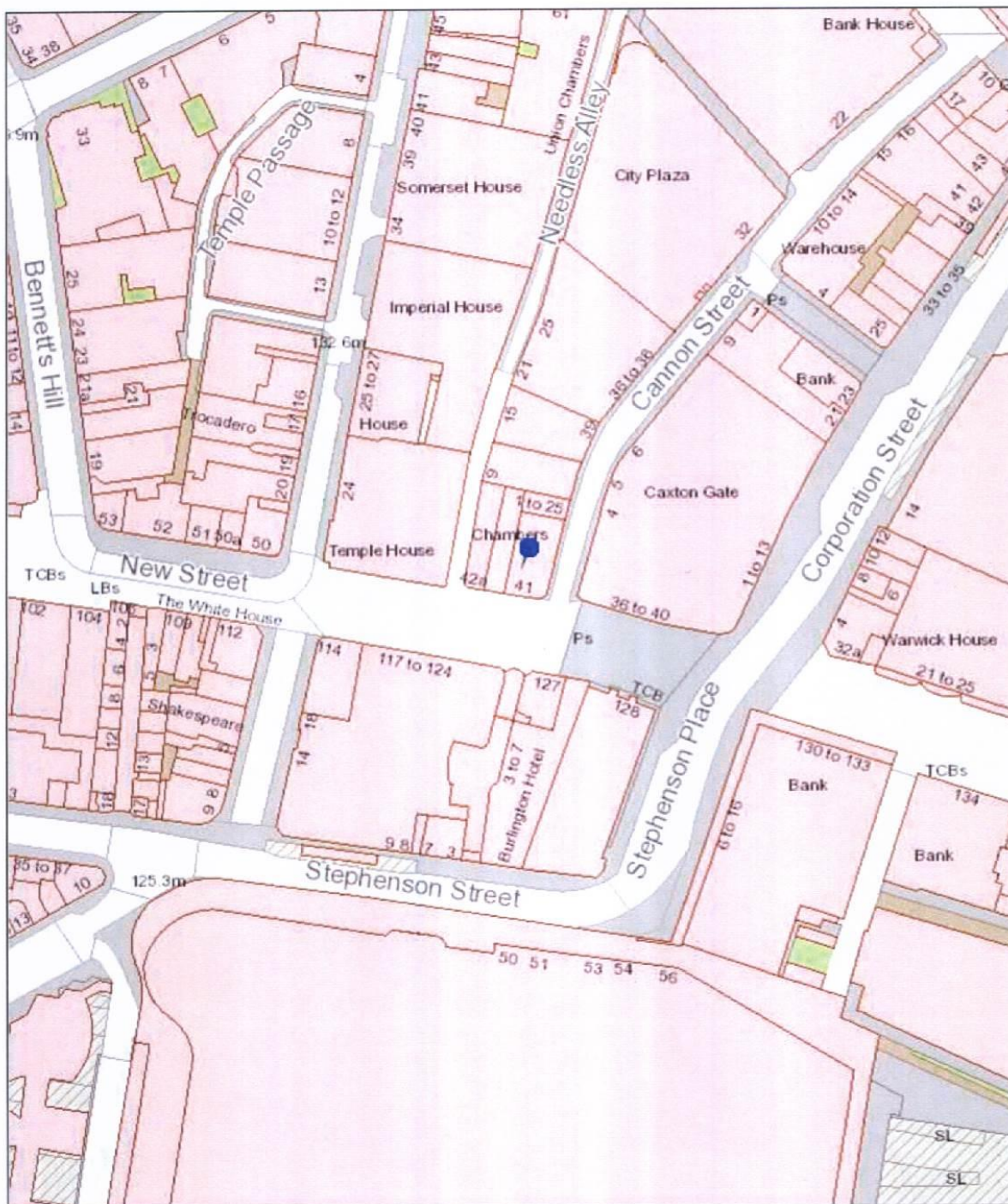
Date of Map Creation: 03/04/2017

Notes



Scale:
1:4,000

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Date of Map Creation: 03/04/2017

Notes



Scale:
1:1,250

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