

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 22 JANUARY 2019 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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

A G E N D A

1 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

3 - 58

4 LICENSING ACT 2003 PREMISES LICENCE – REVIEW DRINKS R US, 3 LITTLE BROMWICH ROAD, BORDESLEY GREEN, BIRMINGHAM, B9 5JU

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 09:30am.

59 - 84

5 LICENSING ACT 2003 PREMISES LICENCE – GRANT YUM YUM PIZZA, 2266 COVENTRY ROAD, SHELDON, BIRMINGHAM, B26 3JR

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 11:00am.

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the 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 22nd January 2019
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Drinks R Us, 3 Little Bromwich Road, Bordesley Green, Birmingham, B9 5JU
Ward affected:	Heartlands
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider and determine the review application.

3. Brief Summary of Report:
Review application received on 27 th November 2018 from the Chief Inspector of Weights and Measures in respect of Drinks R Us, 3 Little Bromwich Road, Bordesley Green, Birmingham, B9 5JU. A representation has been received from West Midlands Police, as a responsible authority.

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:

<p>The Chief Inspector of Weights and Measures applied on 27th November 2018 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Drinks R Us, 3 Little Bromwich Road, Bordesley Green, Birmingham, B9 5JU.</p> <p>A representation has been received from West Midlands Police, as a responsible authority, which is attached at Appendix 1.</p> <p>Review application is attached, see Appendix 2.</p> <p>The Premises Licence is attached at Appendix 3.</p> <p>Site location plans are attached 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.</p> <p>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; andd. The protection of children from harm.

6. List of background documents:

<p>Copy of the representation as detailed in Appendix 1</p> <p>Review Application Form, Appendix 2</p> <p>Copy of Premises Licence, Appendix 3</p> <p>Site location plans, Appendix 4</p>

7. Options available

<p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.</p>

From: Abdool Rohomon -
Sent: 30 November 2018 10:47
To: Licensing
Cc: Paul Ellson
Subject: Review application - Drinks R Us, 3 Little Bromwich Road, Birmingham

Dear Licensing

West Midlands Police have received the review application under section 51 of the Licensing Act 2003, against Drinks R Us, 3 Little Bromwich Road, Birmingham. The review application has been issued by Birmingham City Council Chief Inspector of Weights and Measures.

Having reviewed this application West Midlands Police wish to support The Chief Inspector of Weights and Measures and join in the representations against Drinks R Us, 3 Little Bromwich Road, Birmingham. Looking at the circumstances of the review application it is clear that the premise licence holder has no regard to the promotion of the licensing objectives, and is more concerned with making as much profit as possible.

The premises have had two visits just over a year apart. On the first inspection on the 1st August 2017 193 bottles of suspected illicit non-duty paid were seized as well as a quantity of illegal packaged cigarettes. This alone is a very serious incident and on its own merits is worthy of the premises being reviewed. Having been caught out a first time, it could easily be expected of a professional licence holder that they would have learnt their lesson and not do it again.

However on a further visit on the 18th September 2018 a further 54 bottles of suspect illicit non-duty paid alcohol was seized from the premises.

The trade in illicit non-duty paid alcohol is a serious crime, conducted by serious organised crime groups who use it to fund their operations. In a report from HMRC in 2016 it was estimated that the illegal trade cost the treasury £2.7billion in lost revenues in alcohol and tobacco sales. This shows the scale of the problem. In an article from April 2018 the Association of convenience stores has even gone as far to ask for tougher penalties to be used against premises that sell illicit, non-duty paid goods.

Non duty paid goods are meant for distribution outside the UK, and therefore exempt from Duty being paid on them. The duty payable is variant to the strength of the product but still adds to a considerable amount, shops that get such goods are then able to sell them at lower than normal prices, to attract more customers, as well as generate more profit for themselves.

The Section 182 guidance within the Licensing act 2003 is very clear around the expectation of licensing committees where premises are associated with serious crime. Sec 11.27 relates to a number of serious offences which if a licensed premises is associated with then even at the first review the licensing authority should seriously consider revocation of the licence. One of those offences is the sale or storage of smuggles tobacco or alcohol. This is not the first time that these premises have been caught selling smuggled non duty paid goods and so the recommendations of West Midlands Police is that the licence be revoked.

West Midlands Police therefore wish these representations to be heard at the review hearing and wish to attend

Kind regards

Abs Rohomon

PC 4075 Rohomon
BW Licensing
Police headquarters

Drinks R Us, 3 Little Bromwich Road, Birmingham, B9 5JU

**Application for the review of a premises licence or club premises certificate
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 Paul Ellson (on behalf of Donna Bensley Chief Inspector of Weights & Measures)

(Insert name of applicant)

apply for the review of a premises licence under section 51/apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details; DRINKS R US

Postal address of premises or, if none, Ordnance Survey map reference or description	
3 Little Bromwich Road Bordesley Green	
Post town BIRMINGHAM	Post code (if known) B9 5JU

Name of premises licence holder or club holding club premises certificate (if known)
Mr Gurdev Singh KHAKH

Number of premises licence or club premises certificate - 822
--

Part 2 - Applicant details

I am

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 27 NOV 2018 REF NO INITIALS
--

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below) ☐

2) a responsible authority (please complete (C) below) **yes**
☒

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ☒ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other
title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ☒ yes
☐

**Current
postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address; Paul Ellson, Enforcement Officer for and on behalf of Donna Bensley Chief Inspector of Weights & Measures. Birmingham City Council Trading Standards PO Box 16586 Birmingham B33 3EH In all correspondence please quote our reference: 8747480
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | Please tick one or more boxes |
|---|-------------------------------|
| 1) the prevention of crime and disorder | yes |
| 2) public safety | yes |
| 3) the prevention of public nuisance | yes |
| 4) the protection of children from harm | yes |

Please state the ground(s) for review (please read guidance note 2)

In June 2017 Birmingham Trading Standards Service received a complaint from a member of the public that the premises known as Drinks R Us, 3 Little Bromwich Road, Bordesley Green, Birmingham, B9 5JU was selling cigarettes in packets of 10 which is illegal under the Tobacco & Related Products Regulations 2016.

This regulation brought in minimum quantity requirements for packets of cigarettes supplied to the public; it came into force 20 May 2017.

On 1 August 2017, Enforcement Officer Paul Ellson visited the premises to follow up the complaint. Officer Ellson spoke with the assistant who said was the wife of the Licence Holder who was asleep upstairs. Officer Ellson carried out an inspection of the tobacco products. During examination of the cigarettes Officer Ellson found 9 packets of Silk Cut cigarettes containing 10 cigarettes; these were illegal to be supplied; Mr Khakh voluntary the cigarettes.

While collecting the cigarettes from the display gantry Officer Ellson then noticed that the 1 litre High Commissioner Whisky on the top shelf next to the tobacco gantry appeared to be illicit, that is with a counterfeit back label .

In view of this Officer Ellson continued to check stock. Further products were found that were considered to be illicit.

There was also a quantity Glens Vodka on the shelves for sale, both 70 cl and 1 litre which had the labelling in various states of dishevelment and shoddiness. Various other brands were found in the retail shop area and the stockroom that indicated that the Exercise duty was not paid, this included Teachers Whisky, Woods Rum, Bacardi Rum, Bells Whisky and various gins and distilled spirits.

They all had missing duty stamps or the duty stamp had been interfered with.

Further illegally packaged cigarettes were also seized, totally 19 packs from. Of more concern from a public nuisance point of view and child protection, two opened 35 cl bottles of vodka, a half full bottle cola drink and a quantity of plastic cups were found by the counter. This would indicate that cups of vodka have been sold to the public direct from behind the counter.

The items seized on that day were:

- 1 88 Bottles of 1 litre High Commissioner Whisky(on shelf some hidden behind other bottles)
- 2 26 Bottles of 70 cl Glens Vodka(on shelf)
- 3 16 Bottles of 1 litre Teacher Whisky(on shelf)
- 4 12 Bottles of 70 cl Berkeley Spirit (unknown spirit 30%)
- 5 2 Bottles of Larious gin(on shelf)
- 6 2 Bottles of Woods Rum(on shelf)
- 7 9 Bottles of Circoc(on shelf)
- 8 4 Bottles of Napoleon Mandarin Brandy(on shelf)

- 9 5 Bottles of Bacardi Rum
- 10 5 Bottles of 1 litre Glens Vodka
- 11 6 Bottles of 70 cl Bells Whisky (from the stockroom)
- 12 Street drink pack 2 Bottles of 35 cl vodka, cola drink and plastic cups. (Open)

- 13 Cigarettes
 - a) 15 x Bright Leaf Cigarettes
 - b) 4 x Royal Cigarettes
 - c) 1 x Marlboro Cigarettes
- 14 20 Bottles of 70 cl High Commission Whisky (on shelf and in stockroom)

A revisit was undertaken on the 18 September 2018. Officer Ellson accompanied by Trading Standards Officer Martin Williams carried out a full inspection following the issue of a Search Notice to Mr Khakh. A further amount of stock was found and considered to be illicit as the duty labels appeared to be counterfeit. They were seized from the retail area and the stock room.

- 1. 11 Bottles of 70 cl Glens Vodka (Shop)
- 2. 12 bottles of 1 litre Glens Vodka (Shop)
- 3. 20 Bottles of 70 cl Glen Vodka (stock room)
- 4. 1 Bottle of Berkeley Spirit (unknown spirit)
- 5. 1 x bottle of High Commission Whisky

These items will be subject to examination by the manufacturer in due course, but it is suspected that the items are again illicit (non-duty paid) items that is with counterfeit back labels

Please provide as much information as possible to support the application(please read guidance note 3)

On the 1 August 2017 193 bottles of suspected illicit non-duty alcohol were found on the premises along with a quantity of illegally packaged cigarettes. All bottles of spirits were scattered throughout the shop and the stock area.

On the 18 September 2018 a further 54 bottles of suspect illicit non-duty paid alcohol were seized from the same premises. Alcohol spirit with tampered, altered or counterfeit duty stamps imply that the alcohol can be sold in the UK when in fact this is not the case. Originally intended for export they cannot be purchased by any legal means in the UK, and can only be supplied by illegal sources.

The products were intended to be sold abroad as no UK duty has been paid on them and they have been diverted into this country by some illicit means at best through smuggling routes if not by other illegal means. Much of this is done by organised criminal gangs who pay no tax on the products and undermine legitimate trade in the process.

More often than not the trade is by means of cash only transactions with no traceability of where products have been obtained from, which makes it impossible to trace the source in case of problems with the products contents. There is a requirement on retailers to be able to trace the provenance of food products they supply.

Those buying such items are well aware that such products may present problems as the products will be supplied to them by illegitimate means and as they are passing them on to members of the public they should act more responsibly.

When there have been scares about unsafe spirits being supplied that are injurious to public health it is always when they are illicit products, such as the ones found at these premises. Although none of the products found were injurious to health on this occasion.

Where these items came from it anyone's guess. Buying these items from anyone other than an authorised wholesaler should automatically alert the Licence holder that the products are of a dubious origin and/or illegal in nature. Such "under the counter" or "off a back of a lorry" transactions are unlikely to have gone through its books of the business.

The activities of the licence holder not only contribute to potential health issues around alcohol (not knowing the provenance) and tobacco misuse but selling illegal products undermines legitimate traders who operate within the law.

Due to the quantities found and the mix of illegal products the committee is asked to consider a revocation of the licence.

Have you made an application for review relating to the premises before

no

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate **yes**

- I understand that if I do not comply with the above requirements my application will be rejected **yes**

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Paul A. Ellen

Date 19/11/18

Capacity for and on behalf of Donna Bensley Chief Inspector of Weights & Measures Paul A. Ellen

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) (see details in section C)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

822

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**Drinks R Us
3 Little Bromwich Road**Post town:**

Birmingham

Post Code:

B9 5JU

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

M2 Sale of alcohol by retail (off the Premises)

The times the licence authorises the carrying out of licensable activities

Monday – Saturday	08:00	-	23:00	M2
Sunday	10:00	-	22:30	M2
Good Friday	08:00	-	22:30	M2
Christmas Day	12:00	-	15:00	M2
	19:00	-	22:30	M2

The opening hours of the premises

Not Specified

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

Off Supplies

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Part 2

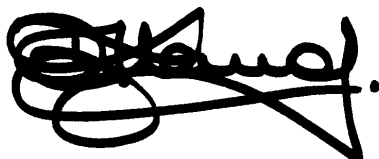
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Gurdev Singh Khakh	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Gurdev Singh Khakh	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 1238	Issuing Authority Birmingham City Council

Dated 06/11/2005



David Kennedy
Senior Licensing Officer
For Senior Assistant Director, Regulatory Services

BIRMINGHAM CITY COUNCIL

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.

Embedded Restrictions

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) 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;

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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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 **31139-822/1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



Birmingham City Council Map Created By:

Date of Map Creation: 27/11/2018

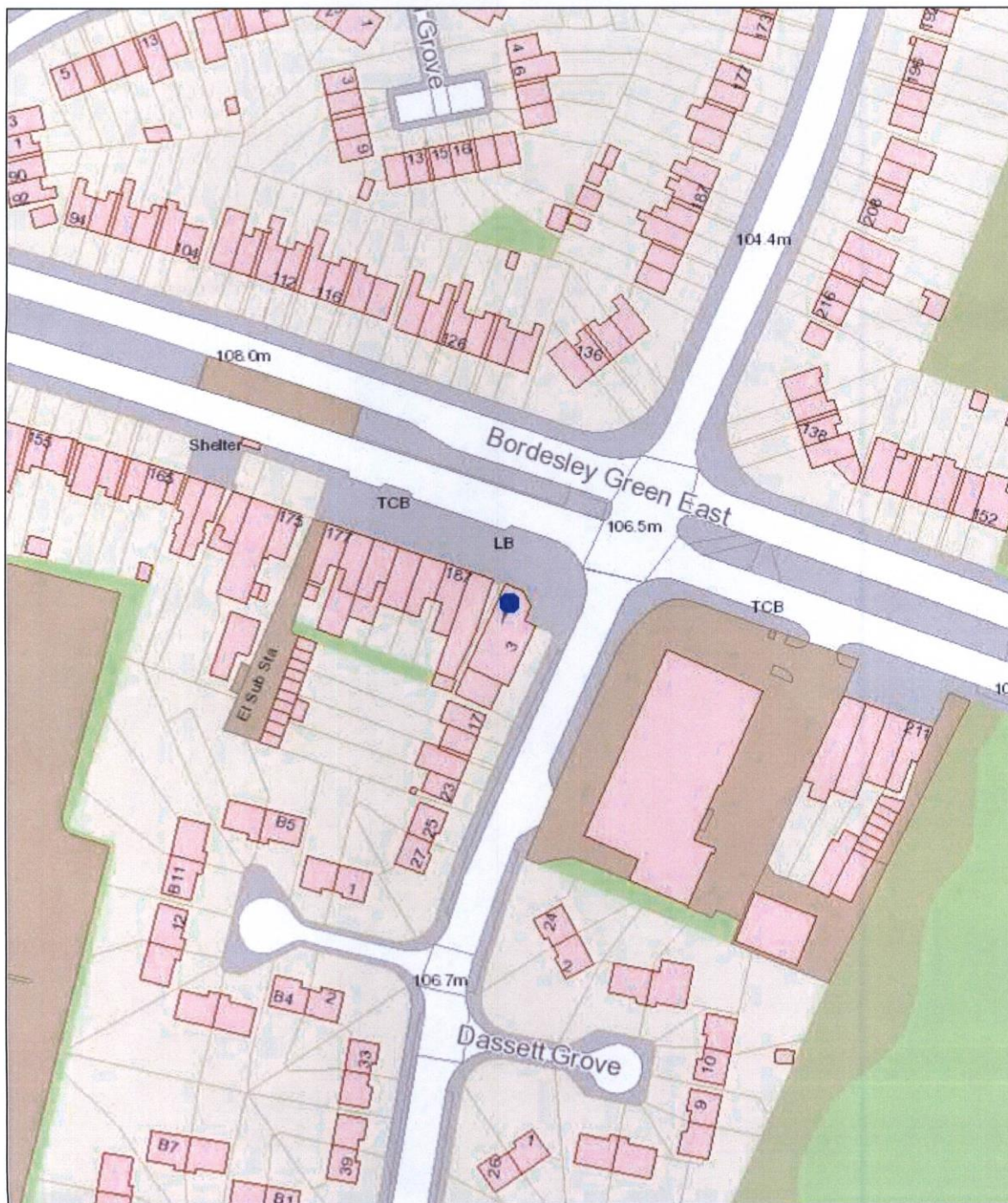
Notes

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Scale:
1:4,000



Map Created By:

Date of Map Creation: 27/11/2018

Notes



Scale:
1:1,250

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STATEMENT OF GURDEV SINGH KHAKH

I, Gurdev Singh Khakh will say as follows:

1. My business address is DrinksRus at 3 Little Bromwich Road, Birmingham B9 5JU and I am the Premises Licence Holder and DPS. I have been a licence holder since 1984 and my Personal Licence was granted on conversion as I was an existing licence holder and I have not attended a licensing course.
2. In about 2001 I extended the premises to their current size by way of an application to Birmingham Magistrates Court and subsequently converted that licence under the Licensing Act 2003 with the new Licence taking effect on 6th November 2005.
3. On 6th October 2010 A Mr Sajid Mahmood applied for a Premises Licence for the next door premises T & S Stores, 189 Bordesley Green East, Birmingham B9 5SR. I objected and put in a written representation but the Licence was granted on 29th November 2010 and he commenced trading as a licensed convenience store. It appears that trade was not good and at some stage Mr Mahmood offered me his entire stock which I took off him and paid about £2,500 cash for it. I did not check the stock in any detail and took it in one lot and it was a good deal and some went on the shelves and some into my store room.
4. At no time other than the above deal have I ever purchased any alcohol from anyone but recognised cash and carry outlets such as Maini and Bestway.
5. Sajid Mahmood subsequently disappeared and the business has been taken over by someone else who does not sell alcohol although I understand the Licence has not been surrendered and is still current.
6. On a date which is difficult to read but would appear to be 5th December 2012 I received a visit from Trading Standards who saw my stock and handed me the document referred to and made no further comment although he must have seen the stock that I had in the premises.
7. I was present in the shop on 1st August 2017 when Mr Paul Ellson from Trading Standards Regulation attended at the premises and produced document No. 00141 and seized that product detailed in document 12342, 12343, 12344 and 12345 and took the products away as detailed and handed me the document "Tobacco etc". At no stage did he ask where the product had come from and I did not give him an explanation. At no time have I ever been asked to attend a PACE interview about this. I absolutely deny that any vodka was ever sold to the public for consumption in the shop as is alleged.

8. I was also present on the second occasion that Mr Ellson attended on 18th September 2018. He seized the product referred to in search book No. 120. That which he took had been left or missed on the previous visit of 1st August 2017. I can say there were also some other questionable items which were the balance of the purchase from Mr Mahmood both in the shop and in the store room which he left at the shop. On advice I have removed them from sale and from the shop completely. Again I was not asked where the product had come from? So far as the product is concerned we refer over to the evidence and items seized on 1st August 2017 there is 12 of them and I have written by the side of them where they came from.

No. 1 – bought Mahmood

No. 2 – bought Mahmood

No. 3 – bought Mahmood

No. 4 – old stock 5 – 10 years old

No. 5 – old stock duty paid

No. 6 – old stock duty paid

No. 7 – a slow seller and probably purchased from a cash and carry

No. 8 – old stock purchased from a cash and carry

No. 9 – bought Mahmood

No. 10 – bought Mahmood

No. 11 – bought Mahmood

No. 12 – I deny that any alcohol was sold for consumption on the premises as is alleged

No. 13 – Cigarettes all duty paid which was to go back to the supplier

No. 14 – bought from Mahmood

9. Revisit on 18th September

No. 1 – bought from Mahmood

No. 2 – bought from Mahmood

No. 3 – bought from Mahmood

No. 4 – old stock duty paid

No. 5 – bought from Mahmood

10. If my licence was revoked it would have a catastrophic effect on my business. I have a mortgage of in the region of £200,000 paying £2,000 a month and wife who works in the shop and two dependant children. We also have two members of staff who work at Drinks R Us, one man who has a family with children who are still dependent on him financially. Also, a single older lady, [REDACTED] who does not claim any benefits as such and solely relies on this job as her source of income. The revocation of my Licence would not only have an effect on me, my family and my customers, the community livelihood but also my staff members would be left without a job. I have owned the store since 1986 and have integrated into the community and my store has become part of the local community.

Jacqui Kennedy
Director of Regulation and Enforcement

(822)
M.R. GUARDEV SINGH KURATH

Enquiries to: *Steve Corley*

DRINKS R US

Telephone:

8 LITTLE GLOMINCH ROAD B39 5TD Date: *3rd December 2012*

Legislation: *Preventing Illegal Sales*

The above trader has received the trader information pack relating to age restricted sales and has signed this notice agreeing to be a responsible retailer under the above initiative.

Please ensure all staff and yourself are aware of the current legislation with regards to age restricted products.

from time to time trading Standards Complaints Indrago Sales to assess compliance with the above.

Reprints Book issued

Received by: *Dellandur sit*

Authorised Officer: *[Signature]*

*DALBINDER
JIT*

SEE IMPORTANT NOTICE OVERLEAF

TRADING STANDARDS
Regulation & Enforcement
Garretts Green Industrial Estate
Valepits Road
Garretts Green
Birmingham B33 0TD



FS 26188



INVESTOR IN PEOPLE



The Government Standard

061103

U V Lamp, Maple

TRADER INFORMATION LEAFLET



Fight the Fakes – illegal alcohol

In 2011, Trading Standards and Environmental Health officers from the Central England region, accompanied by officers from HMRC, visited over 879 licensed premises. More than 25% of these premises were found to be selling illegal alcohol. Over £150,000 worth of illegal alcohol was seized with many premises facing further investigations, including prosecution and licence review.

Trading Standards/Environmental Health are determined to stamp out this problem and would like your help.

This leaflet contains advice on the problems associated with illegal alcohol and includes tips on how retailers can avoid selling illegal alcohol.

What is illegal alcohol?

Any alcohol which is not supplied via a legitimate supplier is likely to be illegal for sale. Illegal alcohol generally falls into one of three categories:

- 1) bootleg / illicit brands – these are unknown brand names which are produced illegally.
- 2) counterfeit goods – these are produced illegally, but labelled with copies of known brands, e.g. Smirnoff, Glens.
- 3) smuggled goods – these are genuine spirits which are not UK Duty Paid. They may, however, carry a counterfeit UK Duty Stamp

Problems with stocking illegal alcohol:

- 1) Safety of the drink – counterfeit and illicit brands are likely to have been produced with little or no regard for the safety of the drink. Last year we found chemicals including chloroform and high levels of methanol, to be present in counterfeit and illicit spirits. These can cause symptoms of nausea, dizziness, blurred vision and coma. Long term effects can include kidney and liver damage, or blindness.
- 2) Misleading your customers.
- 3) Financial – the trade in illegal alcohol boosts profits of organised criminals and causes huge losses to UK tax revenues.
- 4) Unfair competition for legitimate, honest, traders.

- 5) Risk of prosecution, confiscation of assets and losing your alcohol licence.

How to avoid stocking illegal alcohol:

- **Never buy alcohol, from anyone who brings the goods to the shop.** The drink will undoubtedly be illegal in some way – smuggled, bootleg, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – without a means of contacting the seller the responsibility for any offence will be yours alone. Counterfeit cigarettes, tobacco, batteries, condoms, DVDs and unsafe cosmetics are also sold in this manner.
- **Only deal with reputable traders** and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still check purchased goods, especially if the seller is not a business you know and trust. If smuggled, bootleg or counterfeit goods are found then we will expect you to be able to produce these invoices.
- **Control your stock** so you can be sure what goods come from where eg. mark boxes of alcohol with the supplier and date of purchase. Be careful about accepting returns from customers who have changed their minds.

How do I tell if alcohol is illegal?

It is not always easy to tell if goods are illegal as the methods used change over time. However, the below checks are relevant and will assist in identifying illegal alcohol:

1. Check the Duty stamp

Is a duty stamp required? Spirits must carry a UK Duty stamp, normally on the back label if:

- the alcohol content is at least 30% alcohol by volume (abv)
- the bottle size is at least 35cl.

- 2. Does it fluoresce?** The stamp will be pink in colour, but will glow white, yellow or green when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

3. **Check the label:** When possible compare with a bottle which you know to be genuine. Warning signs that should make you suspicious are:

- Poor printing or spelling errors on the label.
- If the label is crooked or bumpy where it has not been stuck on properly.
- If the label is not in English, it was clearly not produced for the UK market.
- Back labels stuck over another label, labels without duty stamps used on export stock are often replaced with labels with fake duty stamps on.



Example

of a UK Duty
stamp

4. **Is the case resealed?** If spirits are sold in cases that have been resealed with tape or have the 'UK Duty Paid' statement crossed through – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp – don't buy them.
5. **Is anything about the deal odd?** Is the price too low? The excise duty on a bottle of wine is £1.81 (£10.86 per case of 6) and £7.15 on a standard bottle of spirits (£10.21 per litre). This has to be added to the cost of the product; transportation costs and VAT.

We Want Your Help.

As a retailer you have responsibility for ensuring that the stock you sell is legal for sale. However, at Trading Standards/Environmental Health we appreciate that the problem of illegal alcohol exists further up the supply chain and whenever possible we will take action at the source of the problem. For this to happen we need intelligence on how the supply is taking place and who is supplying the illegal goods. If you are offered any products which you suspect may be illegal please contact us using the details below with as much information as possible about the seller, including a description, and any information you have about addresses or vehicles used.

Birmingham City Council
Regulation And Enforcement
c/o 21/22 Calthorpe Road
Edgbaston
Birmingham
B15 1RP

Tobacco etc – labelling, packaging & advertising

A guide to the law on the packaging of tobacco products and the distribution and advertising of e-cigarettes

In the guide

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[General rules about the presentation of all tobacco products](#)

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[Tobacco products for smoking](#)

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This guidance is for England, Scotland & Wales

There are Regulations in place that are designed to reduce the appeal of tobacco products (particularly to young people), to prevent misleading claims about benefits of tobacco products and to make the required health warnings more noticeable. The overall aim is to reduce rates of smoking.

The law

The Tobacco and Related Products Regulations 2016 deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, e-cigarettes and refill containers as well as smokeless and novel tobacco products.

The Standardised Packaging of Tobacco Products Regulations 2015 standardize the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardized format and the UK

duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour; all other colours, trademarks, logos and promotional graphics are prohibited.

This guide will help you to understand your obligations to ensure that all tobacco and related products that you offer for supply or sale in the UK comply with the Regulations. There are some general rules that apply to all tobacco products, which you will find at the beginning of the guide. For ease of reference, the other key requirements of both Regulations have been combined in a way that clearly identifies how they apply to each type of product.

It may be useful for you to refer to the illustration below, which shows a typical cigarette pack that is fully compliant with both Regulations:



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General labelling requirements

General conditions for all health warnings

Warnings on tobacco products make users aware of the health risks associated with smoking. There are new rules that apply to all health warnings on tobacco products:

- a health warning must cover the entire area that is reserved for it and must not be commented on or altered in any way

- it must be in English, fully visible, permanent, irremovably printed on the pack and surrounded by a black border. For a unit pack of a tobacco product other than cigarettes or hand-rolling tobacco in a pouch, the warning may be printed on a sticker fixed to the pack as long as the sticker is irremovable
- a health warning must remain intact when the pack is opened. However, the combined health warning (described in more detail below) may be split in the case of a unit pack with a flip-top lid. This is fine as long as the graphical integrity, visibility of the text and smoking cessation information remains in place

A health warning must not:

- be partially or totally hidden or interrupted by wrappers, jackets or boxes (except when a unit pack is inside a container pack)
- be partially or totally interrupted by any other item such as a tax stamp, price mark or security feature
- partially or totally hide or interrupt any tax stamp, price mark, tracking and tracing mark, security feature or any other mark required by law

General rules about the presentation of all tobacco products

These are rules that prohibit the packaging of tobacco products from misleading consumers.

No one may produce or supply a tobacco product where the package labelling or the product itself contains the following elements or features (including texts, symbols, names, trademarks, figurative signs and other types of sign):

- promotes a tobacco product or encourages its consumption by creating a false impression about its characteristics, health effects, risks or emissions
- information about the nicotine, tar or carbon monoxide content
- suggests that the tobacco product:
 - is less harmful than others
 - aims to reduce harmful effects of smoke
 - has vitalising, energising, healing, rejuvenating, natural or organic properties or has other health or lifestyle benefits
- refers to taste, smell, flavourings or additives or their absence (flavours are permitted in tobacco products other than cigarettes and hand-rolling tobacco, and cigarettes may have menthol flavour until 2020, but these are *not* permitted to be depicted or mentioned on the packets)
- resembles a food or a cosmetic product
- suggests a particular product has improved biodegradability or other environmental advantage

- must not contain printed vouchers or offer discounts, free distribution, two-for-one or similar offers

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Labelling requirements by product

Tobacco products for smoking

(does not include large cigars, individually wrapped cigars or cigarillos)

Combined health warnings:

- a unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a colour photograph, as well as the smoking cessation statement 'Get help to stop smoking at www.nhs.uk/quit (<http://www.nhs.uk/quit>)'
- it must appear on the front and back surfaces of the unit pack and any container pack using the same warning and photograph on each surface and in a format that includes the requirement to cover 65% of the area of the surface on which it appears
- the EU has laid out technical specifications for the layout, design and shape of the combined health warnings
- the photographs used as part of the combined health warning must be selected from a set specified for the production year during which the pack is produced

General warnings and information messages:

- a unit pack and any container pack of a tobacco product for smoking must carry the general health warning 'Smoking kills - quit now' and an information message 'Tobacco smoke contains over 70 substances known to cause cancer'
- the format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears:
 - on most unit packs of cigarettes this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface
 - on a unit pack of cigarettes or hand-rolling tobacco in a shoulder box, the general warning and the information message must be complete on the larger of the two split parts of the box
 - on a cylindrical unit pack of hand-rolling tobacco that has a lid, the general warning must appear on the outside of the lid and the information message

must appear on the inside surface of the lid
- there are specific rules that apply to the general warning and information message that appears on a unit pack of hand-rolling tobacco in the form of a rectangular pouch

Large cigars & individually wrapped cigars & cigarillos

The Regulations only apply to a unit pack or container pack that contains a single cigar or cigarillo, or two or more cigars each with a unit weight of more than three grams.

A unit pack and any container pack must carry the general health warning 'Smoking kills - quit now' and one of the text warnings that is listed in [annex I \(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1464017278967&uri=CELEX:02014L0040-20150106>\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1464017278967&uri=CELEX:02014L0040-20150106) of the EU directive on tobacco products (please scroll down the linked web page to see the annexes).

There are rules that cover the rotational use of text warnings by producers.

The format for the general health warning includes a requirement that it must appear on the most visible surface of the pack and cover 30% of that area.

The text warning must appear on the next most visible surface (or if the pack has a hinged lid, the surface that appears when the pack is opened) and cover 40% of that area.

Smokeless tobacco products

This means a tobacco product that is consumed in a way that does not involve a combustion process. It includes chewing tobacco and nasal tobacco.

Health warnings:

- a unit pack and any container pack of a smokeless tobacco product must carry the health warning 'This tobacco product damages your health and is addictive'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the pack and covers 30% of that area

Herbal products for smoking

Herbal products for smoking are defined as products based on plants, herbs or fruits that do not contain tobacco and can be consumed via a combustion process.

The Standardised Packaging of Tobacco Products Regulations 2015 do not apply to herbal products for smoking but the Tobacco and Related Products Regulations 2016 introduce new requirements as set out below.

Health warnings:

- a unit pack and any container pack of a herbal product for smoking must carry the health warning 'Smoking this product damages your health'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the unit pack and any container pack and covers 30% of that area

A unit pack and any container pack of a herbal product for smoking must not state that it is free of additives or flavourings. Nor must it include any element or feature (including texts, symbols, names, trade marks, figurative signs or other types of sign) that:

- promotes or encourages the consumption of a herbal product for smoking by creating a false impression about its characteristics, health effects, risks or emissions
- includes any information about nicotine, tar or carbon monoxide content
- resembles a food or cosmetic product
- suggests a particular herbal product for smoking is:
 - less harmful than other herbal products for smoking
 - aims to reduce the effect of some harmful components of smoke
 - has vitalising, energising, healing, rejuvenating, natural or organic properties
 - has other health or lifestyle benefits

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Standardized packaging requirements

Cigarette packs, individual cigarette sticks and hand-rolling tobacco packs must be produced and supplied in standardized packaging, which means they have to meet requirements laid down in the Standardised Packaging of Tobacco Products Regulations 2015.

Cigarette packs:

- the only permitted colour for the external packaging of a unit or container packet of cigarettes is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets must be made of carton or soft material and cuboid in shape (bevelled or rounded edges are permitted)

- the packaging's surface must be smooth and flat and have no irregularities of shape or texture
- flip-top or shoulder boxed lids are permitted
- slim packets are prohibited but slim individual cigarette sticks are allowed
- inserts and additional material are prohibited
- any internal lining must be silver coloured foil (with no variation in tone or shade) with a white paper backing
- wrappers must be clear and transparent, not coloured or marked (except for any black marks required to cover a barcode), smooth and flat with no irregularity of shape or texture

A unit packet of cigarettes must contain a minimum of 20 cigarettes.

Individual cigarette sticks:

- cigarette paper, filter, casing or other material forming part of a cigarette must be plain white with a matt finish, apart from the end of the cigarette, the colour of which can imitate cork
- brand and variant names are permitted on the cigarette itself, subject to conditions

Hand-rolling tobacco:

- the only permitted colour or shade for the external packaging of a unit or container pack of hand-rolling tobacco is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets may be cuboid (bevelled or rounded edges are permitted), cylindrical or take the form of a pouch
- packets must be smooth and flat (if cuboid in shape) with no irregularities of shape or texture
- wrappers must be clear and transparent and not coloured or marked with no irregularities or shape or texture
- the internal packaging must be either white or Pantone 448C with a matt finish
- inserts and additional materials are prohibited, except for cigarette papers or filters as long as they are not visible before the packet is opened
- any tabs for resealing the packet must be clear and transparent and not coloured or marked
- any foil seal that forms part of the internal packaging must be silver coloured with no variation in tone or shade

A unit packet of hand-rolling tobacco must contain at least 30 grams of tobacco.

The packaging of cigarette packs, individual cigarette sticks or hand-rolling tobacco must not make a noise, nor contain or produce a smell that is not normally associated with the product. In addition, packaging must not change after retail sale; this means that features such as heat activated inks, inks that appear fluorescent in certain light and removable tabs are not allowed.

The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode, and calibration mark are permitted on the packaging but must be in a standardized format and the UK duty-paid mark must be displayed.

Take note that whilst large cigars, individually wrapped cigars and cigarillos must carry health warnings, the standardized packaging requirements do not apply to cigars and cigarillos, nor are there any restrictions on the number of these products in a unit packet.

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Other requirements

Images of tobacco products aimed at consumers

Be aware that if you publish an image of a unit or container pack of a tobacco product (when it is lawful to do so according to tobacco advertising rules), the pack must comply with all the labelling and packaging requirements set out in both Regulations.

No vitamins, colourings or prohibited additives in tobacco products

No one may produce or supply a tobacco product containing:

- vitamins or other additives that create an impression that it has health benefits or reduces health risks
- caffeine, taurine or other additives or stimulants that are associated with energy and vitality
- additives that give colouring effects to any emissions
- additives that aid inhalation or nicotine uptake in the case of tobacco products for smoking
- additives with CMR properties or that can affect CMR properties (carcinogenic, mutagenic or toxic for reproduction)

No flavoured cigarettes or hand-rolling tobacco

Cigarette packs, individual cigarette sticks or hand-rolling tobacco, including any filter, paper, package or capsule component of the product, must not be produced or supplied with a characterising flavour. A filter, paper or capsule must not contain tobacco or nicotine and any technical features that would modify the smell, taste or smoke intensity of a product are not allowed.

These rules do not apply to menthol cigarettes until 20 May 2020.

Cross-border distance sales of tobacco products & e-cigarettes

If a retailer wants to sell tobacco products and e-cigarettes to consumers elsewhere in the European Economic Area (EEA) they must register (<https://www.gov.uk/government/publications/tobacco-products-and-e-cigarette-cross-border-sales-registration>) their intention with the UK government. As part of this registration, a retailer must operate an age verification system that confirms that before or at the time of sale the consumer's age is not lower than the minimum age in the EU country where the consumer is located.

If a retailer outside the UK wants to sell tobacco products and e-cigarettes to consumers within the UK they must register (<https://www.gov.uk/government/publications/tobacco-products-and-e-cigarette-cross-border-sales-registration>) their intention with the UK government.

The European Commission will make available a list of all countries that have banned such sales and details of the registration schemes in operation in other countries.

Product requirements

The Tobacco and Related Products Regulations 2016 set out new rules covering e-cigarettes. No one must produce or supply an e-cigarette or refill container unless they meet the following requirements:

- nicotine-containing liquid for retail sale must be in a dedicated refill container in a maximum volume of 10ml or in a disposable e-cigarette, single use cartridge or a tank in a maximum volume of 2ml
- the capacity of the tank of a refillable e-cigarette must not be more than 2ml
- there is a nicotine limit of 20mg per ml that applies to nicotine-containing liquids in an e-cigarette or refill container

Nicotine-containing liquid must:

- be manufactured using only ingredients of high purity
- not contain certain additives (the **'No vitamins, colourings or prohibited additives in tobacco products'** section of this guide gives more details) but can contain flavours
- not contain substances other than the ingredients that were part of the formal notification process laid down in the Regulations
- not include ingredients (except nicotine) that pose a risk to human health

In normal use the e-cigarette must deliver a consistent dose of nicotine.

An e-cigarette or refill container must be child-resistant and tamper-evident, protect against breakage and leakage and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable e-cigarettes).

Information & labelling

No one may produce or supply an e-cigarette or refill container unless they meet the requirements set out below:

- each unit packet of the e-cigarette or refill container must include a leaflet with the following information:
 - instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
 - contra-indications
 - warnings for specific risk groups of people
 - possible adverse effects
 - addictiveness and toxicity
 - the producer's contact details (if the producer is not based in the EU then a contact person within the EU)
- each unit packet of the e-cigarette or refill container must include:
 - a list of all ingredients in descending order by weight
 - nicotine content and delivery per dose
 - batch number
 - recommendations to keep the product out of reach of children
- each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces and cover 30% of that area

Product presentation

An e-cigarette or refill container must meet the following requirements before it is produced or supplied. The unit packet and any container pack may not include any element or feature (including text, symbols, names, trademarks, figurative or other types of sign) which:

- promotes or encourages consumption by creating a false impression about its characteristics, health effects, risks or emissions
- suggests it is less harmful than other e-cigarettes or refill containers, has vitalising, energising, healing, rejuvenating, natural or organic properties or has other lifestyle benefits
- refers to taste, smell or other additives (except flavourings) or their absence
- suggests that a particular e-cigarette or refill container has improved biodegradability or other environmental advantage
- must not contain printed vouchers, offer discounts, free distribution, two-for-one or other similar offers

E-cigarette advertising

E-cigarettes and refill containers cannot be advertised or promoted, directly or indirectly:

- on TV or on-demand TV
- on radio
- through internet advertising, commercial email and any other information society services
- in certain printed publications, such as newspapers, magazines and periodicals

The following activities are also prohibited:

- sponsorship of television and radio programmes that promote e-cigarettes
- product placement of e-cigarettes
- sponsorship of cross-border activities or events (those that have an effect in two or more EEA countries) or individuals that take part in cross-border activities or events

The rules on advertising do not prevent you from supplying information about e-cigarettes and refill containers as long as it is supplied at the request of a consumer and given in a non-promotional manner.

The requirements of the Standardised Packaging of Tobacco Products Regulations 2015 do not apply to e-cigarettes or refill containers.

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Offences & defences

Tobacco and Related Products Regulations 2016

A person is guilty of an offence if they breach a provision of the Tobacco and Related Products Regulations 2016. A producer or retailer is guilty of an offence if they knowingly or recklessly provide information that is false or misleading to someone who has obligations under the Regulations.

There is a general defence available to suppliers of tobacco or other related products that they exercised all due diligence to avoid committing the offence. The same defence is available to anyone who has committed an offence related to advertising and sponsorship. There are further defences available to anyone who has committed offences relating to e-cigarette advertising: that they did not know and had no reason to suspect that the advertisement was an e-cigarette advertisement or that the newspaper, periodical or magazine contained an e-cigarette advertisement.

Standardised Packaging of Tobacco Products Regulations 2015

A person who produces or supplies a tobacco product in breach of the Standardised Packaging of Tobacco Products Regulations 2015 is guilty of an offence. It is a defence if the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of the 2015 Regulations.

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Penalties

The maximum penalty is a fine and two years' imprisonment.

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Further reading

Brief [guidance on standardized packaging \(https://www.acs.org.uk/advice/tobacco/\)](https://www.acs.org.uk/advice/tobacco/) has been produced by the Association of Convenience Stores and is available on its website.

More detailed [guidance on the packaging of tobacco products](https://www.gov.uk/government/publications/packaging-of-tobacco-products) (<https://www.gov.uk/government/publications/packaging-of-tobacco-products>) and [guidance on the distribution and advertising of e-cigarettes](https://www.gov.uk/government/publications/proposals-for-uk-law-on-the-advertising-of-e-cigarettes) (<https://www.gov.uk/government/publications/proposals-for-uk-law-on-the-advertising-of-e-cigarettes>) has been produced by the Department of Health.

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Key legislation

[Standardised Packaging of Tobacco Products Regulations 2015](http://www.legislation.gov.uk/uksi/2015/829/contents/made)

(<http://www.legislation.gov.uk/uksi/2015/829/contents/made>)

[Tobacco and Related Products Regulations 2016](http://www.legislation.gov.uk/uksi/2016/507/contents/made)

(<http://www.legislation.gov.uk/uksi/2016/507/contents/made>)

Last reviewed / updated: May 2017

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to UK legislation can be found on each link's 'More Resources' tab; amendments to EU legislation are usually incorporated into the text.

Related Quick Guides

[Underage sales](https://www.businesscompanion.info/en/quick-guides/underage-sales) (<https://www.businesscompanion.info/en/quick-guides/underage-sales>)

[Miscellaneous](https://www.businesscompanion.info/en/quick-guides/miscellaneous) (<https://www.businesscompanion.info/en/quick-guides/miscellaneous>)

What type of feedback would you like to leave *

- ask a particular question
- provide feedback on the content on this page
- provide feedback about this website
- raise some other sort of issue

Business enquiries are dealt with by your local council. Use the Chartered Trading Standards Institute's [postcode finder](https://www.tradingstandards.uk/consumers#postcodesearchform) (<https://www.tradingstandards.uk/consumers#postcodesearchform>) to locate your local trading standards team.

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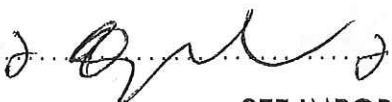
Submit

Mr GURDEV SINGH KHAKH.
M. DRINK R U S Enquiries to: P. A. ELLSON
3 LITTLE BROMWICH ROAD Telephone:
B9 5QU Date: 1/8/2017

Legislation: STANDARDISED PACKAGING AND
TOBACCO PRODUCTS DIRECTIVE.

This department has received information
that packs of 10's cigarettes are
being supplied / sold from your premises.
Upon entry to the premises and being
informed of the complaint you volunteered
to 4 packs of 10 Soft Cut that you
had on the tobacco display rack. These
items were removed from sale. Such product
can not be sold from your premises under
the new Standardised Packaging and Tobacco
Products Directive.

Info given: 1) ACS - STANDARDISED PACKAGING
2) Tobacco labelling - (B/C).

Received by: 

Authorised Officer: P. A. Ellson

SEE IMPORTANT NOTICE OVERLEAF

9 PACKS SEIZED - 04869025

TRADING STANDARDS
Regulation and Enforcement
PO Box 16586
Birmingham
B33 3EH



FS 26188



INVESTOR IN PEOPLE

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard

47.27



822-LICENCE 1238/1. LICENCE.

M. GURDEV SINGH KHAKH

Enquiries to: P. A. ELLSON

DRINK R US

Telephone:

3 LITTLE BROMWICH W
B9 5JU

Date: 1/8/2017

Legislation: CONSUMER PROTECTION ACT 1987, CONSUMER

PROTECTION FROM UNFAIR TRADING REGULATIONS

2008, TRADE MARKS ACT 1994, LICENSING

ACT 2003, FOOD SAFETY ACT 1990

FOLLOWING ITEMS HAVE BEEN REMOVED...

AFTER THE NOTICE OF POWOW & HUNDY.

& CONSUMER RIGHTS & INFORMATION ISSUES

ITEMS SUSPENDED ILLICIT.

1.) 10P SHELF 1 LITRE HIGH COMMISSION

(SOME HIDDEN) BEHIND COUNTER.

10x 1L HIGH COMMISSION - 06054076

10x 1L H/C - 06054101, 10x 1L H/C 06054049

10x 1L H/C - 06054071, 10x 1L H/C 06054068

10x 1L H/C - 06054067, 10x 1L H/C 06054069

10x 1L H/C - 06054080, 8x 1L H/C 06054079.

Received by:

Authorised Officer:

Paul A. Ellson

SEE IMPORTANT NOTICE OVERLEAF




M.....
CONTINUUM PHUM
12343

Enquiries to: P. A. ELLSON
Telephone:
Date: 1/8/2017

Legislation:

- 2) 70 CL HIGH COMMISSIONER
10x 06054096, 10x 06054176 (20)
- 3) GUNS VODKA 70CL 13x 06054110
13x 0605 4078 (26)
- 4) HATCHES WHISKY 1Ltr 8x 06054077
8x 06054066 (16)
- 5) BUCKLEY SPIRIT 70CL 12x 06054065
- 6) LARROW GIN x2 06054092
- 7) WOODS RUM x2 06054095
- 8) CROC X9 06054094
- 9) MANDARIN NAPOLCON XL - 06054093
- 10) BUKHT LGA FAGE COLD PATCH CIGS ⁰⁶⁰⁵⁴⁰⁷³ x15
- 11) 4x ROYALS 06054072
- 12) 11x MANLABORO CIGS 06054075
- 13) NATIONWIDE CATN BUCKEN M. A. NORTON. FOUNDS
BLIND S CHCEN

Received by:  Authorised Officer: Paul A. Ellson

SEE IMPORTANT NOTICE OVERLEAF

14) BACARDI CANTA BLANCA 4x 06054109
RUM

TRADING STANDARDS
Regulation and Enforcement
PO Box 16586
Birmingham B33 3EH

15) 4x GUNS (NOW)

16. 06054097



FS 26188



INVESTOR IN PEOPLE

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EXCELLENCE



The Government Standard

47.27

DATE RECD 01/1, CLONS 166



Birmingham
City Council

No. 12345

BELLS 7000
R13-44

PRICES. CLONS £11.00 TEACHING ~~£11.00~~ £18.00
VODKA.

HIGH COMMISSION £5.50

M.....

Enquiries to: P. A. ELSON

CONTINUED 12343

Telephone: 0.....

Date: 1/8/17

Legislation:

16) CLONS VODKA (NEW) ^{x1} LU-06054/07

17) BAND AID ^{x1} 06054/08

18) RUAM STUCK ROOM BELLS WINDUP 7000

X6 06054049

4) Photo of 2 CL/20 PANT USED VODKA

CLONS & SMIRNOFF + PLASTIC CUPS + COLA

(UPON) 06054098

~~Advice told me
not to sell
empty cups
every shop selling
courage cup~~

Received by:

Authorised Officer: Paul A. Elson

SEE IMPORTANT NOTICE OVERLEAF

RADING STANDARDS
egulation and Enforcement
O Box 16586
irmingham
33 3EH



FS 26188



INVESTOR IN PEOPLE

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard

47.27

Regulation and Enforcement**Inspection of Premises by Officer using statutory powers
With/Without Warrant****NOTICE OF POWERS AND RIGHTS**

Issued in accordance with Paragraph 6.7 of Code of Practice B of the Police and Criminal Evidence Act 1984.

Your premises are being inspected because the officer in charge suspects that an offence may have been committed. Your rights and the officer's powers are explained overleaf.

Address of Premises to be inspected:

DRINKS R US
3 LITTLE BROMWICH ROAD
B4 5JU

Entry Warrant used (tick box) ☐

Statutory powers under which this inspection is made are contained within the Acts indicated below or Regulations made under them:

- ☐ Consumer Credit Act 1974
- ☒ Consumer Protection Act 1987
- ☐ European Communities Act 1972
- ☐ Fair Trading Act 1973
- ☐ Hallmarking Act 1973
- ☐ Prices Act 1974/75
- ☒ The Consumer Protection from Unfair Trading Regulation 2008
- ☐ The Business Protection from Misleading Marketing Regulation 2008

- ☐ Timeshare Act 1992
- ☐ Trade Descriptions Act 1968
- ☒ Trade Marks Act 1994
- ☐ Video Recordings Act 1984
- ☐ Weights and Measures Act 1985
- ☐ Other

LICENSING ACT

Name of person given notice: GURDEV SINGH KHAKH

Signature: _____

Status relevant to premises: OWNER

Authorised Officer: Paul. A. ELSON

Other Officers & persons present: _____

Date & Time of inspection 1/8/12 1145.

NOTICE OF POWERS AND RIGHTS POWER OF ENTRY NOT UNDER WARRANT

Protection of Freedoms Act 2012 Consumer Rights Act 2015

This notice is issued by Trading Standards under the above legislation to advise you of your rights, and of the officer's powers, during this inspection/visit to your premises.

Name and address of premises:

GURDEV SINGH KHARKH
DRINKS R US
34 LITTLE BROMWICH ROAD

This inspection/visit is being carried out using statutory powers contained within the legislation detailed below. The statutory powers available may vary depending upon the legislation concerned. Some of the powers the officer may wish to exercise have been summarised, as far as practicable, on the reverse of this notice, together with a summary of your rights. This inspection/visit is being conducted under powers contained within the following legislation:

Consumer Rights Act 2015 (specify any other legislation below):

LICENSING ACT 2003

The purpose of the inspection/visit is:

INSPECTION FOLLOWING A COMPLAINT

Inspection/visit date:

1/8/17

Inspection/visit time:

1145

Where possible, Trading Standards will make reasonable effort to seek your consent to enter your premises for the purpose of this inspection/visit. However, you should be aware that a statutory power may exist to enter your premises without your consent. You should also be advised that obstructing a duly authorised officer is a criminal offence. Obstruction includes where a person intentionally obstructs an officer, intentionally fails to comply with instructions given by an officer, without good reason fails to give an officer assistance or information reasonably required and/or makes a statement or a reckless statement which they know is false or misleading.

I have read and understood the details contained within this notice and have received a copy for my records. I give my consent to officers from Birmingham City Council Trading Standards to enter my premises for the purposes of this inspection/visit.

Signed:

Print name:

ASIM

Position:

OWNER

Authorised officer:

Signed:

Print name:

PAUL ELSON

Position:

ENFORCEMENT OFFICER

NOTICE OF POWERS AND RIGHTS 238/1
POWERS OF ENTRY WITH / WITHOUT WARRANT BCC ISSUED**Police and Criminal Evidence Act 1984, Code of Practice B**
Consumer Rights Act 2015

This notice is issued under the above legislation to advise you of your rights, and of the officer's powers, during this inspection of your premises. Your premises are being inspected because the officer in charge suspects that a criminal offence may have been committed.

Name and Address of Premises:

DRINK R US
3 LITTLE BROMWICH ROAD

This inspection is being carried out using statutory powers contained within the legislation detailed below. The statutory powers available may vary depending upon the legislation concerned. Some of the powers the officer may wish to exercise have been summarised, as far as practicable, on the reverse of this notice, together with a summary of your rights.

This inspection is being conducted under powers contained within the following legislation:

TRADE MARKS ACT 1994
CRIMINAL PRODUCT SAFETY REGS 2005.

The purpose of the inspection is:

INSPECTION FOR ILLICIT ALCOHOL & TOBACCO

Date of Inspection:

Time of Inspection:

Entry Warrant Used:

18/9/2018

14.30

Yes ☐

No ☒

You should be advised that obstructing a duly authorised officer is a criminal offence. Obstruction includes where a person intentionally obstructs an officer, intentionally fails to comply with instructions given by an officer, without good reason fails to give an officer assistance or information reasonably required and/or makes a statement or a reckless statement which they know is false or misleading.

I have read and understood the details contained within this notice and have received a copy for my records.

Signed:

[Signature]

Print Name:

1

Position:

WIFE OF LICENCE HOLDER

Authorised Officer Signature:

Paul A. Ellison

Print Name:

P.A. ELLISON

Position:

ENFORCEMENT

LICENCE NO. PREMISES, 922

SEIZED PROPERTY RECORD

Occupier's Name:

Date:

DRINKS R US

18/4/2018

Premises Name and Address:

3 LITTLE BROWN H ROAD
GURDEV SINGH KHAKHI.

Officer in Charge Name:

Officer in Charge Telephone:

P. A. ELLSON

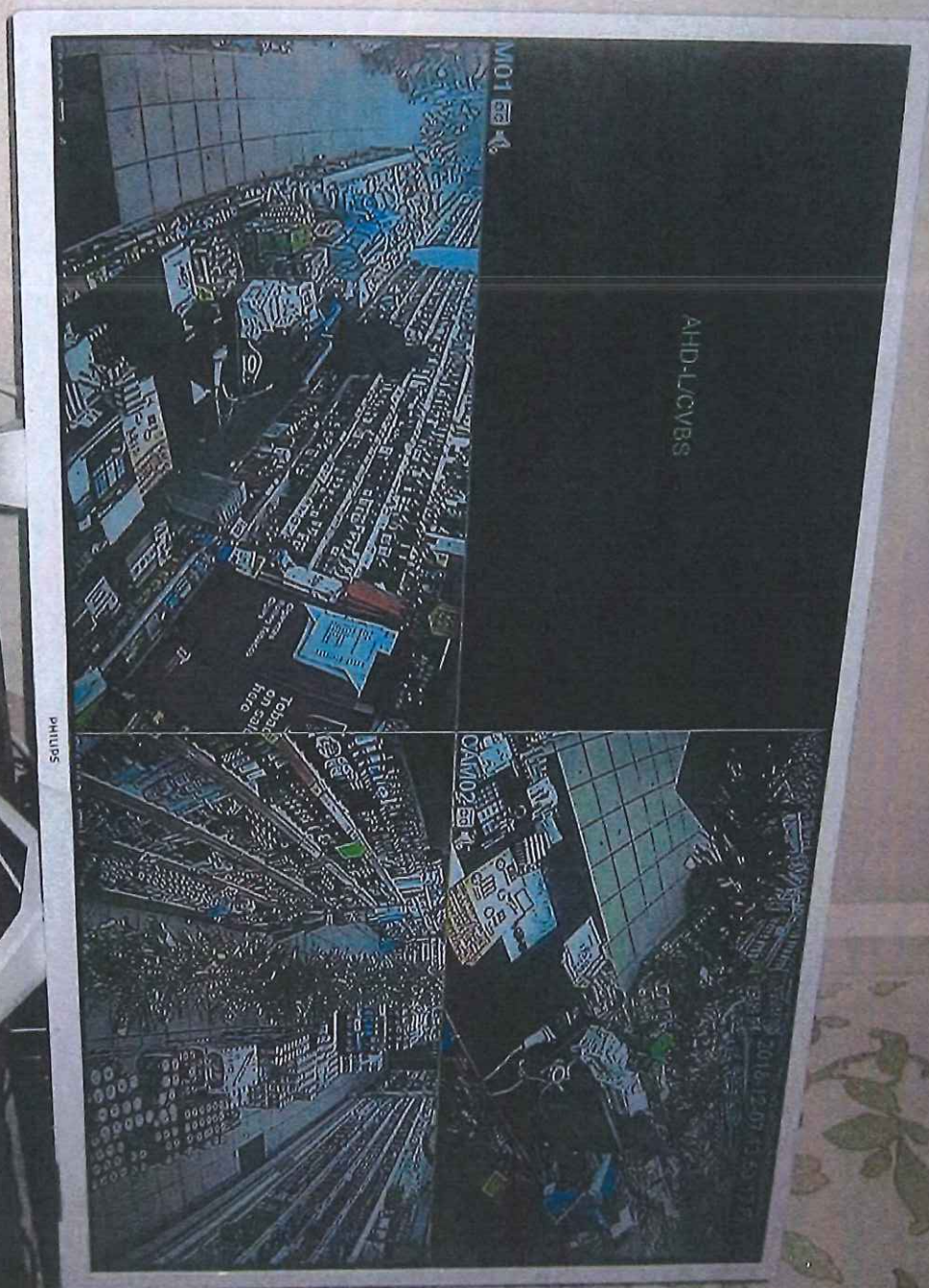
Exhibit Ref	Description	Location Found	Time Found	Seal Number	S.50/51 Seizure
	11 BOTTLES OF CLON 700L	ON SHELF BEHIND TILL.	1440	0487 - 457137 31385 0487, 1700	
	12 BOTTLES OF CLON 1Lb	ON SHELF BEHIND TILL.	1445	0487 31385 0487, 1700	
	1x BENTLEY SPIRIT	ON SHELF BEHIND TILL	1450	0487 31385	
	CLON VODKA ^{OPEN} BOX 20 x 700L	IN REAR STOCK ROOM BOX	1500	0487 3060	
	OPEN BOX CLON VODKA 10 x 700L + ONE H/C COMBINATION	IN REAR STOCK ROOM BOX	1500	0487 3056	
	FLATIST + 38 H/C LEFT ON PREM.		1500		

Exhibits Officer's Signature:

Occupier's Signature:

P. A. Ellson







BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 22nd January 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Yum Yum Pizza, 2266 Coventry Road, Sheldon, Birmingham, B26 3JR
Ward affected:	Sheldon
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 6920, 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 Late Night Refreshment, to operate indoors only, from 11:00pm until 05:00am (Monday to Sunday).</p> <p>Premises to remain open to the public from 11:00am until 05:00am (Monday to Sunday).</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 20th November 2018 for Yum Yum Pizza, 2266 Coventry Road, Sheldon, Birmingham, B26 3JR.</p> <p>A representation has been received from Environmental Health, as a responsible authority.</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>

5. Relevant background/chronology of key events:

Yum Yum Pizza Bhm Ltd applied on 20th November 2018 for the grant of a Premises Licence for Yum Yum Pizza, 2266 Coventry Road, Sheldon, Birmingham, B26 3JR.

A representation has been received from Environmental Health, as a responsible authority. See Appendix 1.

The application is attached at Appendix 2.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.

A condition has been agreed with Birmingham City Council Licensing Enforcement and the applicant, which is attached at Appendix 4.

Site Location Plans at Appendix 5.

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 representation as detailed in Appendix 1

Application Form, Appendix 2

Conditions agreed with West Midlands Police, Appendix 3

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 4

Site Location Plans, Appendix 5

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.

From: Martin Key on behalf of Pollution Team
Sent: 11 December 2018 11:52
To: Licensing; r
Cc:
Subject: Application for Premises License – Licensing Act 2003 - Yum Yum Pizza, 2266
Coventry Road, Birmingham, B26 3JR
Attachments: 181211 yum yum pizza.pdf

Hi

I, Martin Key, as a representative of Environmental Health, formally raise a representation on the above application. My representation concerns the likely effect of the grant of the licence on the promotion of the licensing objective relating to the prevention of public nuisance. I attach a copy of my representation.

Best Regards

Martin Key on behalf of Pollution Team
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

To:	Licensing Section, PO Box 17013, Birmingham, B6 9ES	Date: 11 December 2018
From:	Martin Key, Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	Tel:
Subject:	Application for Premises License – Licensing Act 2003 Address – Yum Yum Pizza, 2266 Coventry Road, Birmingham, B26 3JR	

I, Martin Key, as a representative of Environmental Health, formally raise a representation on the above application. My representation concerns the likely effect of the grant of the licence on the promotion of the following licensing objective:-

- (c) the prevention of public nuisance.

Prevention of Public Nuisance

I am concerned that the grant of the licence would potentially result in noise nuisance to neighbouring properties due to noise breakout from the building arising from the supply of late night refreshment after 23.00 hours and the associated noise generated by visiting patrons and deliveries from the premises until 05.00 every day of the week. There is also the significant risk of noise and odour from the cooking of food affecting the locality given the current arrangements. This concern is based on the proposed operating hours, the type of operation, the absence of any effective operating conditions to mitigate the impact on the licensing objective, the existing noise environment (including the operating hours of nearby premises) and the proximity of noise sensitive receptors in what is a main road with significant adjacent and attached residential premises.

The proposed hours will be significantly out of character with the area and are likely to result in noise nuisance to neighbouring residential premises. I do not believe that my concerns can be dealt with by the use of appropriate conditions as it is principally about the termination hours proposed and would therefore recommend refusal.

If however, contrary to my recommendation, the licence is granted the conditions I suggest to mitigate this concern are C1 to C6 below.

C1 – No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 23.00 and 08.00.

C2 - All external doors and windows to the premises shall be kept closed except as necessary for safe and effective access and egress.

C3 - To avoid nuisance being caused to neighbours the premises licence holder or other nominated person/staff, shall monitor the external areas of the premises after 23.00 hours, including any area used for parking for collections or deliveries. If necessary, they shall remind customers to be respectful of neighbours and they shall take appropriate steps to avoid customers causing a nuisance.

C4 – The supply of late night refreshment shall not commence until details of the extract ventilation and odour control equipment, including details of any noise levels, noise control, noise impact and external ducting has been submitted to and approved in writing by the Environmental Protection Unit of Birmingham City Council. The installation and operation of the extract ventilation and odour control systems shall be in accordance with the approved details and thereafter maintained.

C5 – Patrons shall not consume late night refreshment provided at the premises.

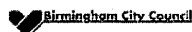
C6 – Any vehicle used for deliveries shall not be allowed to remain stationary with the engine running in the vicinity of the premises whilst collecting or awaiting deliveries.

In light of the matters set out above I object to the licence being granted.

A handwritten signature in black ink, appearing to read 'M Key', with a stylized flourish at the bottom.

Martin Key

Environmental Protection Officer



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

YUM YUM 2266

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

Mahrukh

* Family name

ALI

* 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
 20 NOV 2018
 REF NO
 Include country code.
 INITIALS

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

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

10745361

Business name

yum yum pizza

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 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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

YUM YUM PIZZA BHM LTD.

Details

Registered number (where applicable)

10745361

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

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

WE ARE FAST FOOD ESTABLISHMENT LOOKING TO SELL HOT FOOD IN LATE NIGHT HHOURS

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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

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?

Continued from previous page...

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

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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...

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

--

State any seasonal variations

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

--

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

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

--

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes ☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

--

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

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

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

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

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

--

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

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

--

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

CCTV DOOR SUPERVISION FIRE /SMOKE ALARM FIRE ASSAMBLY AREA

b) The prevention of crime and disorder

CCTV DOOR SUPERVISION

c) Public safety

FIRE /SMOKE ALARM FIRE ASSAMBLY AREA

d) The prevention of public nuisance

CCTV RECORDING DOOR SUPERVISION

e) The protection of children from harm

CCTV RECORDING DOOR SUPERVISION

Continued from previous page...

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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 by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **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.
- 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.

Continued from previous page...

- 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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.

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.

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

1

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

* ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

* PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

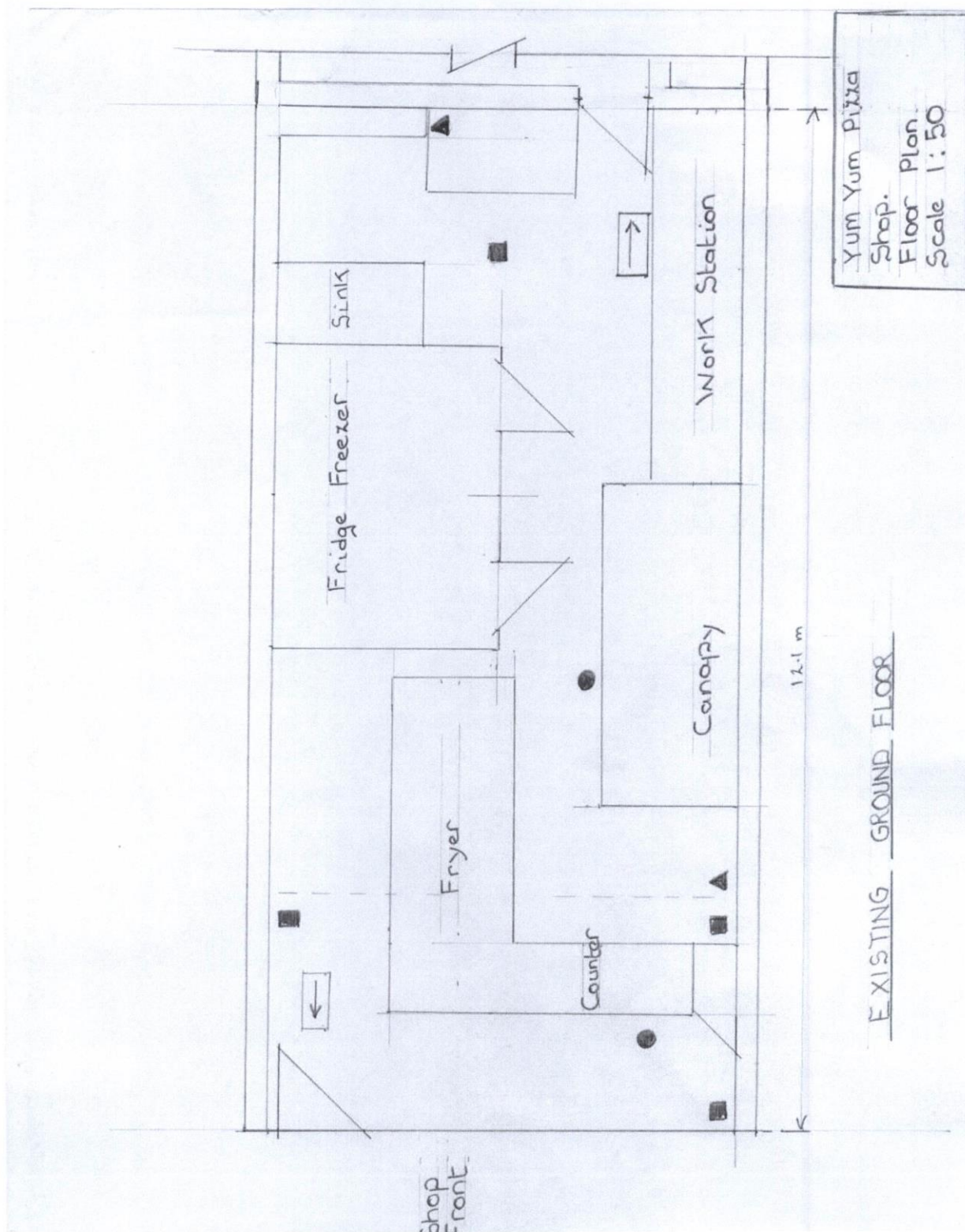
Once you're finished you need to do the following:

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.

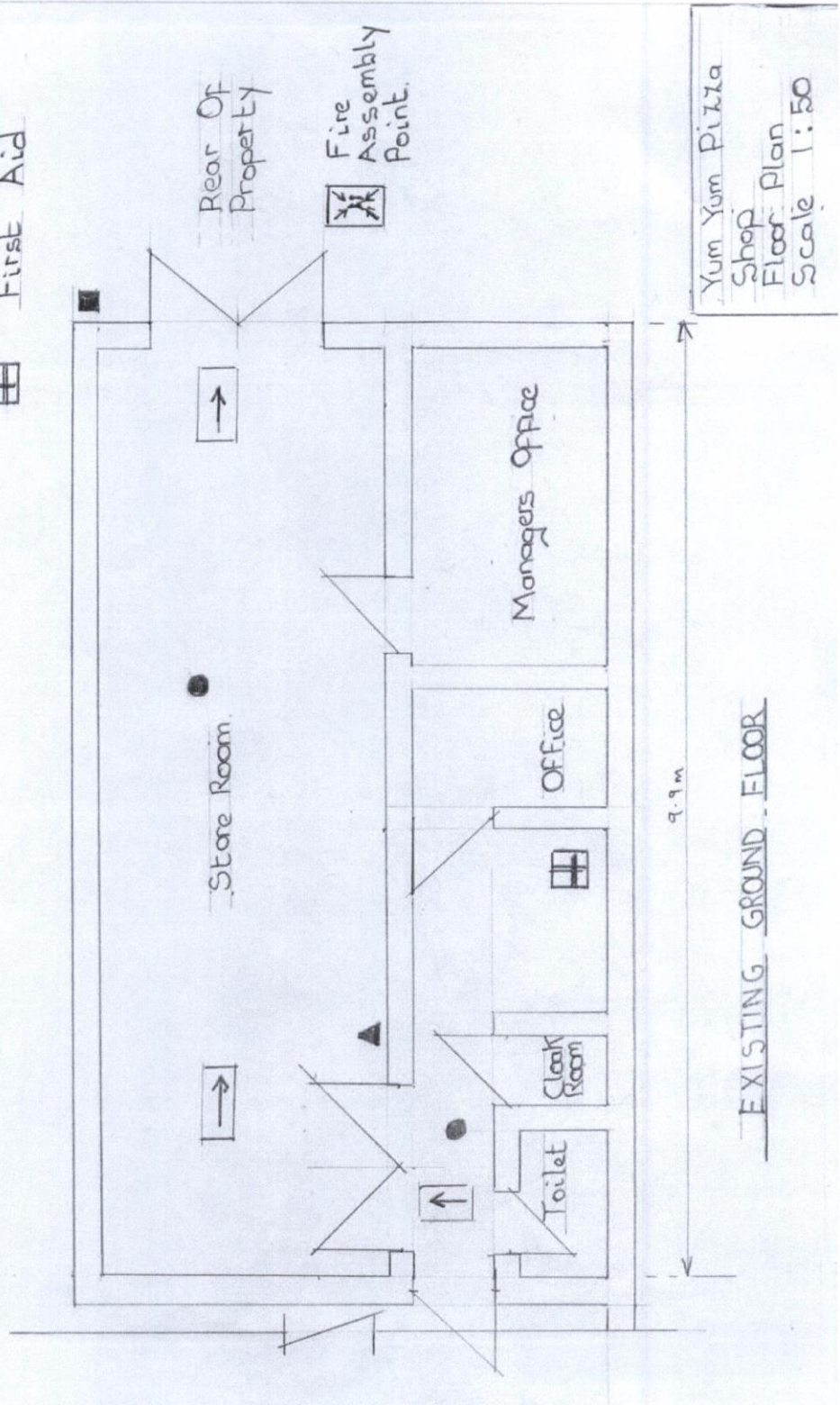
Don't forget to make sure you have all your supporting documentation to hand.

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



- KEY
- Smoke Alarm
 - CCTV
 - ▲ Fire Extinguisher
 - ← Fire Exit Signs
 - ⊞ First Aid



From: Mahrukh Ali
Sent: 20 December 2018 16:35
To: Deano Walker
Subject: Re: 2266 Coventry road .

Pc Walker ,

Thank you for getting back to us .
Yes I confirm that we are happy with these conditions . Please proceed .
Many thanks .

On 20 Dec 2018, at 14:37, Deano Walker wrote:

Mr Ali,

I have adjusted the conditions slightly, can I confirm you are happy with these adjustments?

Prevention of Crime & Disorder

- A digital CCTV system will be installed on premises, it will record and retain images from the previous 28 days and it will be made available to all responsible authorities on request.
- Customers will not be allowed to gather/loiter in the vicinity of the premises.

1. Promotion of Public Safety

- An incident recording book shall be kept upon the premises in which shall be entered particulars of inspections or incidents made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- Adequate access is provided for emergency vehicles.

2. Prevention of Public Nuisance

- Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- Deliveries of materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
- The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

- Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
- A specific taxi operator has been nominated for staff and customers use. The company's telephone number is advertised to customers. The operator, and all drivers, are aware that they should arrive and depart as quietly as possible, should not sound vehicle horns as a signal of their arrival or leave engines running unnecessarily.
- The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
- Bright lights on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
- Adequate waste receptacles for use by customers will be provided in the local vicinity.

3. Protection of Children from Harm

- Notice will be displayed no unaccompanied children will be allowed after 11:00 PM in premises .

Regards

Deano

PC 1978 Deano Walker
Birmingham Police Central Licensing Team
Birmingham Partnerships
Lloyd House
Federation Health & Safety Lead.

From: Christina McCullough
Sent: 14 December 2018 15:28
To: Licensing
Subject: FW: application for the grant of a premises licence - Yum Yum Pizza, 2266 Coventry Road, Sheldon

From: Mahrukh Ali
Sent: Thursday, December 13, 2018 9:30 PM
To: Christina McCullough
Subject: Re: application for the grant of a premises licence - Yum Yum Pizza, 2266 Coventry Road, Sheldon

Hi , Christina ,
Yes we agree to extend storage of video recording up to 28days . Should be done in couple of days .

Also ,
Notice have appeared in Birmingham post Thursday 13 dec 2018 at page 67 .
Please find attached picture . Many thanks .

Sent from my iPhone

On 13 Dec 2018, at 11:56, Christina McCullough wrote:

Dear Mr Ali,

As you are aware I have been submitted a copy of the application form for a Premises Licence submitted in respect of the above premises.

It is important that any conditions attached to a premises licence are clear, precise and enforceable in order to effectively promote the four licensing objectives.

One of the conditions you have requested is CCTV. I seek to clarify this and ask if you are willing to keep the CCTV footage for 28 days.

If you accept this condition it will replace the wording you have submitted, namely "CCTV".

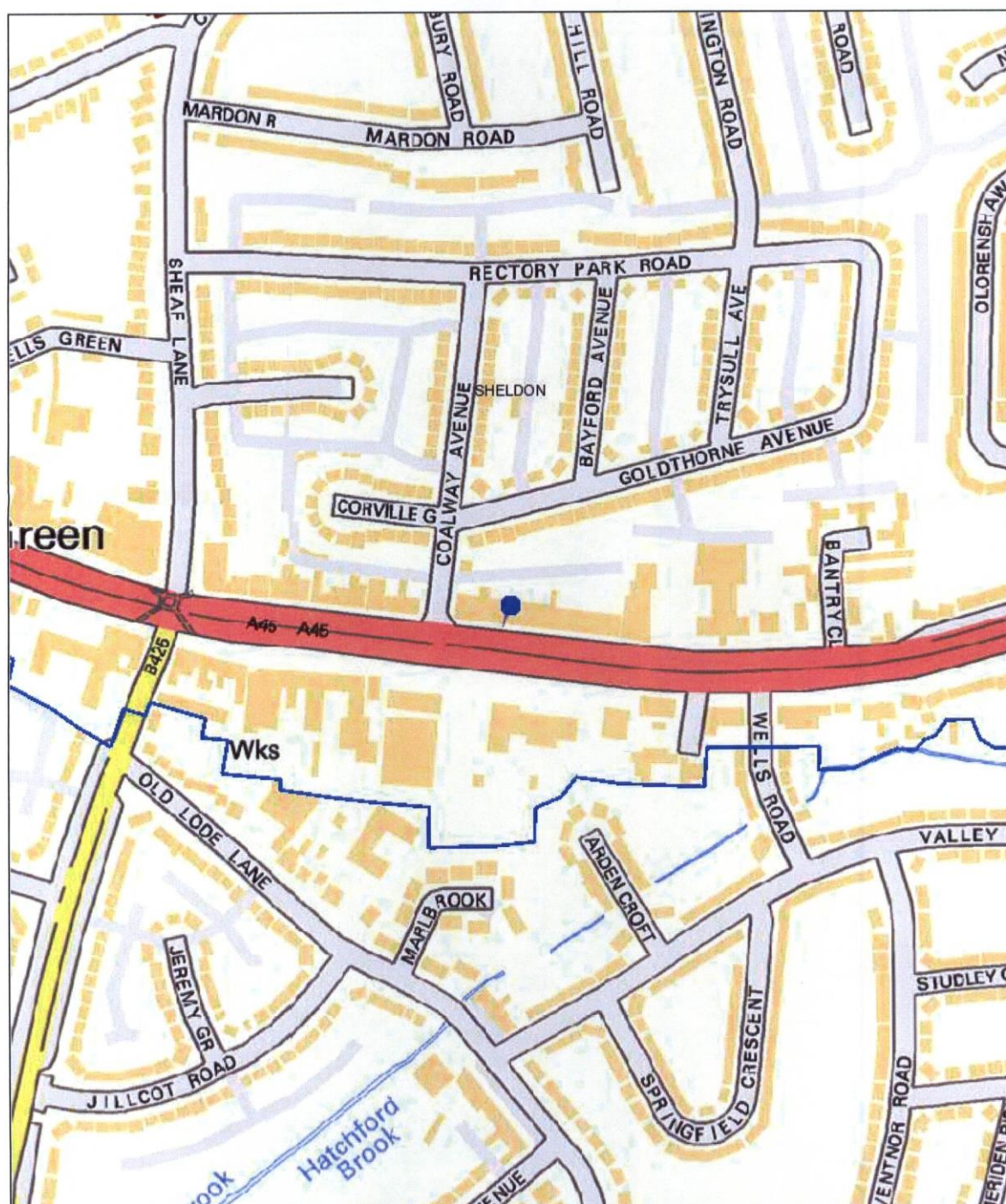
"The premises licence holder will ensure that a CCTV system is installed and will record at all times when licensable activity is taking place. Footage must be kept for a minimum of 28 days. Images will be made available to any responsible authority immediately upon request. Recordings must be available in a downloadable format."

I would be grateful if you could let me know your decision in due course.

Should you require any further information please don't hesitate to contact me.

Regards

Christina McCullough
Licensing Enforcement Officer
Birmingham City Council,
Licensing Section,



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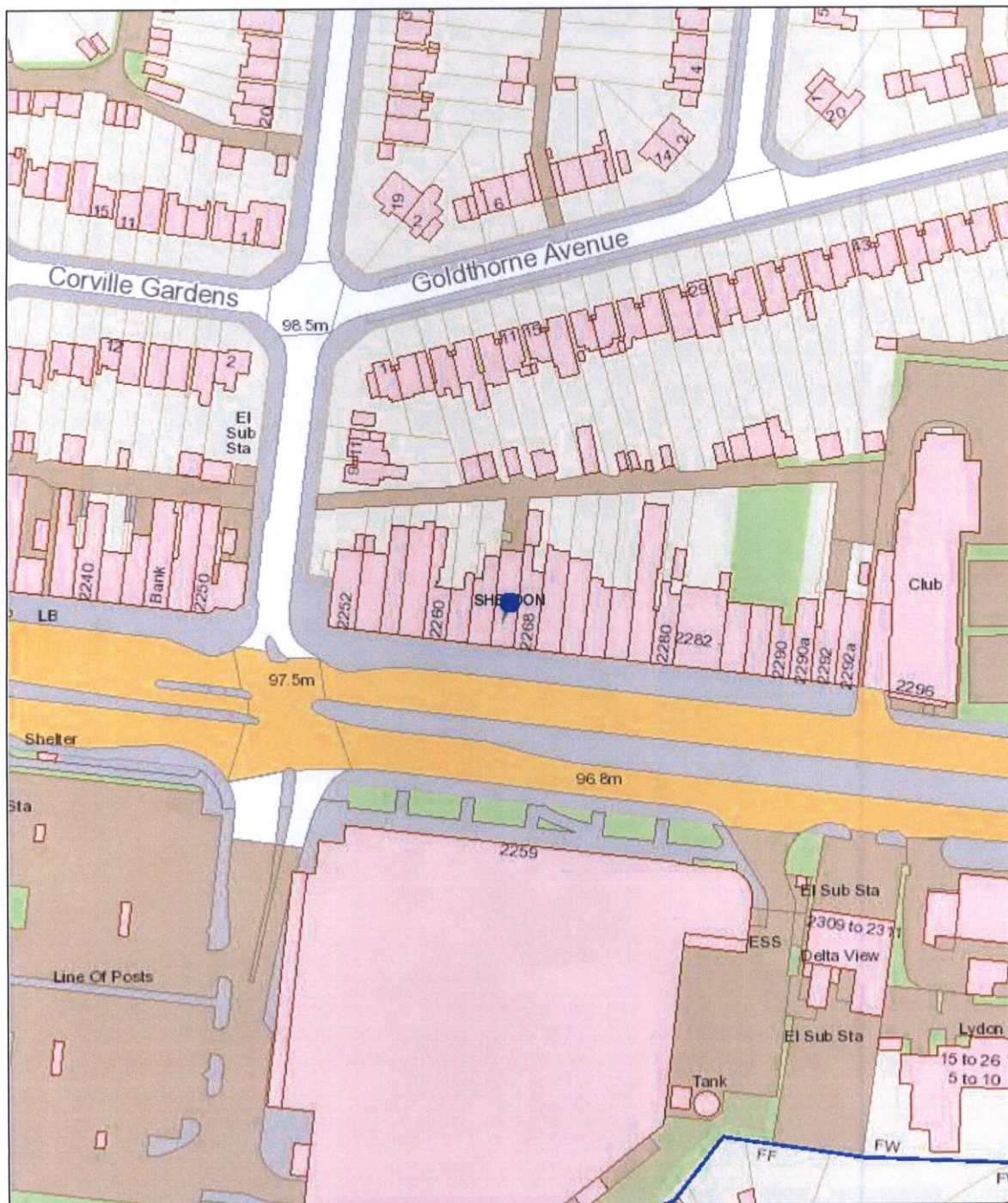
Date of Map Creation: 09/01/2019

Notes



Scale:
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