

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Thursday 9 September 2021
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	6 & 7 Chad Square, 43 Hawthorne Road, Edgbaston, Birmingham, B15 3TQ
Ward affected:	Edgbaston
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises only) to operate from 24hours (Monday to Sunday).

Due to the nature of the application the public will not have access to the premises.

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 21st July 2021 in respect of 6 & 7 Chad Square, 43 Hawthorne Road, Edgbaston, Birmingham, B15 3TQ.

Representations have been received from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Quick Commerce Ltd applied on 21st July 2021 for the grant of a Premises Licence for 6 & 7 Chad Square, 43 Hawthorne Road, Edgbaston, Birmingham, B15 3TQ.

Representations have been received from other persons, which are attached at Appendices 1 to 8.

The application is attached at Appendix 9.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 10.

Site Location Plans at Appendix 11.

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

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1 to 8
Application Form, Appendix 9
Conditions agreed with West Midlands Police, Appendix 10
Site Location Plans, Appendix 11

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

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

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

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

From: Councillor Deirdre Alden
Sent: 30 July 2021 19:14
To: Licensing
Subject: RE: Licensing Act 2003 - List of Licensing Applications

I wish to object to the application on this list for what appears to be a “dark kitchen” at Units 6 & 7 Chad Square Edgbaston. I represent Edgbaston Ward and this is also my own local shopping centre with my local newsagent as I live on Harborne Rd.

I am very concerned that such an operation will result in a number of delivery drivers taking up the limited car parking spaces in the private shoppers’ car park and maybe causing mayhem on the neighbouring roads of the estate which are all private roads owned by Calthorpe Estates and are not the public highway. I do not think therefore there will be adequate space for the delivery drivers this operation will attract, and question whether a small local shopping centre is the correct location for such an operation.

Further there is likely to be noise nuisance and coming and going from what is going to be a 24 hour operation and there are flats above these shops, as well as other flats and houses very close by so the potential for noise disturbance through the night is great.

What actions are you taking to ensure there are correct extractor fans because the nuisance of 24 hour cooking smells again could be very objectional to the residents who live above these shops.

I don’t know if such a change of use requires Planning permission and I am asking Planning about this, but please note my very strong objection to this application as I think it is an unsuitable business to open in a small local shopping centre, with limited car parking, and residential units above it.

Cllr Deirdre Alden

From:

Sent: 02 August 2021 15:45

To: Licensing

Subject: Licensing Act 2003 - List of Licensing Applications - Chad Square

I wish to object to the application in connection with premises at Units 6 & 7 Chad Square, Edgbaston, Birmingham, B15 3TQ.

I live opposite the proposed site and we would have to bear the full brunt of a 24 hour business and traffic, which is not in keeping with a residential area.

This is a residential area with a small limited retail area on the square and very limited parking. The proposed use of these units is not suitable for this area, as much as we would like to see the space used.

24 hour use would considerably increase the noise, nuisance and air pollution out of all proportion for a residential area.

The increased volume of traffic would be completely disproportionate with the area which already has parking problems for residents with the extra traffic wishing to park following the start of the Clean Air Zone.

There is also the safety issue to be considered in addition to the health issues. Pedestrians cross the car park regularly. Also many children cross this area on their way to and from the many schools in this area, and they do not take into account that traffic uses the car park as it is, and this would, therefore, increase the possibility of more accidents taking place. There have been several near misses in the past, and this would increase if the proposed use of these premises is granted.

I, therefore, strongly object to a license being issued.

From:

Sent: 02 August 2021 17:53

To: Licensing

Subject: FW: Objection to Licensing Application for Chad Square - correction, it should be B15

Dear Sir,

I understand there is a general Licensing Notification in the system for what is basically I think a "Dark Kitchen" at Units 6/7 Chad Square, B15. These are the former newsagents and men's outfitters, and are directly opposite my Flat at Malmesbury Park on Hawthorne Road B15.

I have been informed that the following issues with "Dark Kitchens" have arisen in other parts of the city:

1. Lots of Deliveroo type delivery drivers waiting around for deliveries, taking up all the car park spaces in the shoppers' car park and lining neighbouring streets. Also noise nuisance from the waiting drivers/bike riders.
2. Continuous cooking smells if there are not adequate extractor fans

As I am semi-retired I spend a lot of time in my study which looks out over the Square and am not at all happy about having what is essentially a busy light industrial unit staring me in the face at all hours of the day and evening.

Please take this email as a very strong objection to this application from an affected local resident. I urge the Council to respect the quiet residential nature of this whole development (which is why most of us have chosen to live here).

Regards

From:
Sent: 02 August 2021 17:51
To: Licensing
Subject: Licensing application for Chad Square B15

Dear Sir,
I wish to object to the application in connection with premises at Units 6/7 Chad Square, Edgbaston, Birmingham, B15 3TQ.

I live opposite the proposed site in the block of Flats at Hawthorne Road. This area is mainly residential and Chad Square is currently a small quiet retail precinct in keeping with the character of the neighbourhood. The proposed application will completely change the nature of the Square with round-the-clock noise and parking disruption.

There are a fair number of elderly people living in the surrounding blocks of Flats who use the Square for their local shopping, together with children from the local Academy, so there is a significant risk that the increased traffic will end up causing injuries or worse to these two groups.

I am therefore strongly objecting to the proposed application. ind regards,

Flat Malmesbury Park
Edgbaston
Birmingham
B15

From:

Sent: 04 August 2021 11:33

To: Licensing

Subject: Application 121101 units 6 & 7 Chad Square, Edgbaston

I wish to object to this application which I understand will support a 'dark kitchen'. There is already a parking problem. There will be noise and delivery drivers waiting in what is a shoppers' car park. This is our local shopping area and we need parking. There is also the very real problem of 24 hour cooking smells if adequate extraction is not fitted. It is a residential area which is visited by many school children after school.

Malcolmson Close, B15

From:

Sent: 17 August 2021 10:04

To: Licensing

Subject: Premises Licence Application for 6-7 Chad Square, 43 Hawthorne Road, Edgbaston, Birmingham, B15 3TQ

Dear sir

I wish to object to the Premises Licence Application by Quick Commerce Ltd at the above address. I live overlooking the service yard at the back of the Chad Square shops. This is a mainly residential area and the proposal for the intended use replacing retail shops is wholly inappropriate for the area.

It will be a general nuisance with vehicles going in and out of the service yard 24 hours a day, 7 days a week.

In the event of the granting of a Licence, the following restrictions should be imposed:
Waste collections & deliveries of bulk supplies to be only between 08.00 & 19.00 Monday to Friday & delivery of bulk supplies only in the service yard.

Roll cages to be kept in the service yard only.

Delivery personnel for customers to have a waiting area accessed from the service yard, to park their means of transport in the service yard and nowhere else in the nearby area.
The area does not seem at all suitable for access by larger heavy goods vehicles.
Yours

Lloyd Square
Niall Close
Edgbaston
Birmingham
B15

From:

Sent: 17 August 2021 12:33

To: Licensing

Subject: Objection to Application ref: 121101, 6&7 Chad Square, Edgbaston

Dear Sirs

Having been provided with information relating to the above application, I wish to lodge an objection on the following grounds:

The unit/s in question are located within a small, peaceful residential shopping parade serving the surrounding residents in what is, essentially, a very quiet residential area, particularly in the evening.

The junction from Hawthorne Road (opposite the White Swan) can be difficult to pull out of in busy times due to the speed of the traffic and poor visibility from the bend in the road (coming away from Harborne) and a considerable increase in traffic using this junction will only exacerbate the issue, leading to potentially more accidents. The junction nearby with Richmond Hill Road is also busy and there are several accidents or near misses in this area fairly regularly, notwithstanding the fairly regular flow of ambulances from the QEHB that use this route. Highways should certainly be consulted in respect of the huge increase in traffic the proposed scheme would attract.

Has there been any consideration/survey in respect of the local wildlife population? There are notably many varieties of wildlife on this estate, including bats and owls that can be heard in the quiet of the night by the shops and in the locality. Any use that increases night-time activity can only serve to deter the nocturnal wildlife in an area which should be celebrated (and encouraged) in the city.

I live in the flats opposite with two young boys. Night time disturbances are thankfully very rare at present (perhaps the odd late night taxi drop off) but continued night time disturbance would be incredibly detrimental – not only to our quality of life, but to all other residents in the locality. It does seem incomprehensible to me that a unit such as this would be considered for this type of operation, with residential flats above and in close proximity, the increased traffic, pollution, noise and general disturbance that a unit of this nature will inevitably attract. There are a great many empty light industrial locations in reasonable proximity that would be far more suited to this type of operation.

Please do consider the consequences of this application carefully as it could easily destroy what is a peaceful, family orientated residential area.

Yours faithfully

Malmesbury Park
Hawthorne Road
Birmingham
B15

From:
Sent: 18 August 2021 14:01
To: Licensing
Subject: Fw: Licensing Application 121101. Re 6 & 7 Chad Square, Edgbaston

Please see email below.

From:
Sent: 18 August 2021 12:55
To:
Subject: Licensing Application 121101 6 & 7 Chad Square, Edgbaston
Dear Sir/Madam

I am writing to object to this licensing application in Chad Square.

This is a quiet residential area, consisting mostly of retirees, unsuitable as a location for a commercial cooking/delivery enterprise. Besides the obvious concerns over congestion and noise at all hours from multitudes of motor bikes servicing this business, consideration must be given to the dangerous character of the adjoining road junction of Hawthorne Road, Harborne Road and Richmond Hill Road. I live right next to this junction and not a week passes without an accident/traffic collision occurring here, most of which go unreported as fortunately they mostly occur between two cars with the incidence of personal injury being low. However, should such inevitable accidents occur between motor bikes/scooters/mopeds prevalent in this type of enterprise and cars/buses, personal injuries, possibly fatalities, are inevitable. It would be negligent to locate a delivery business in this particular location, they are more suited to an industrial estate.

Yours sincerely

Malmesbury Park.



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

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

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

Registration number

Business name

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

VAT number

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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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

Details

Registered number (where applicable)

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

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality

Documents that demonstrate entitlement to work in the UK

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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.

The premises will be stocked with convenience goods including alcohol for packaging and delivery to fulfill customer orders made Online or via an App. There will be no customer access to the premises.

Continued from previous page...

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

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

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...

SUNDAY

Start 00:00

End 24:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

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

State any seasonal variations

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

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

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

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

Name

First name Joseph

Family name Falter

Date of birth
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="2020/01118/LAPER"/>
Issuing licensing authority (if known)	<input type="text" value="London Borough of Hammersmith & Fulham"/>

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'.

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ADULT ENTERTAINMENT

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

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

NA

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

Members of the public will not have access to the premises at any point in time.

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.

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LICENSING OBJECTIVES

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

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

Continued from previous page...

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

The sale of alcohol from the premises shall be for delivery only by a delivery rider. Members of the public will have no access to the premises.

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose and to be to the reasonable satisfaction of the police.

2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.

3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection within 24 hours of request.

4. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.

5. The system will display, on any recording, the correct time and date of the recording.

6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

7. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request.

c) Public safety

Members of the public will not be allowed to enter the premises.

d) The prevention of public nuisance

1. Between the hours of 1800 and 0800 riders will be permitted to collect orders and deliver on foot, by pedal bike, electric bike (or other electric vehicle) only.

2. Riders will not be permitted to smoke in the immediate vicinity of the premises.

3. Riders will not be permitted to congregate in the immediate vicinity of the premises.

4. Riders will be instructed not to loiter in the vicinity of residential premises.

5. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.

6. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being

Continued from previous page...

sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. All delivery riders shall receive training in age restricted sales.

- Induction training must be completed and documented prior to the delivery of alcohol by the rider.
- Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

Training records will be electronically stored by the licence holder for a period of 12 months.

3. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.

4. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:

- details of the time and date the refusal was made;
- the identity of the rider refusing the sale;
- details of the alcohol the person attempted to purchase.

This log/register will be available for inspection by a police officer or other authorised officer on request.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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 (£)

100.00

DECLARATION

1

Continued from previous page...

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

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

- 1 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

6-7 Chad Square, 43
Hawthorne Road,
Edgbaston

Legend



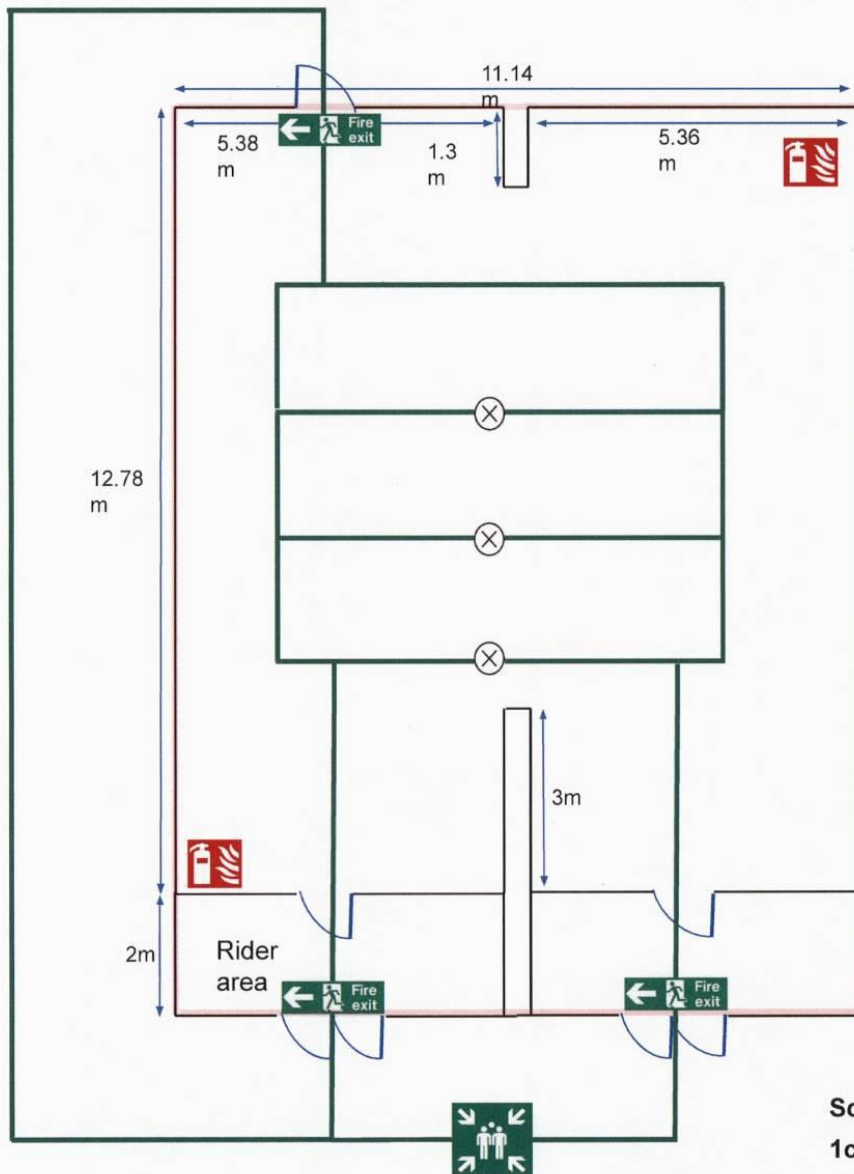
Fire Exit
Assembly
Point



Fire
Extinguisher
Escape Route



Smoke
Detector
Licensed
area



Scale: A4 Paper
1cm:1m

The entire premises is to be licensed for the sale of alcohol

From: Robert Botkai
Sent: 12 August 2021 15:37
To: Mark Swallow <
Cc: Andrew Sanders
Subject: RE: 6 + 7 Chad Sq, Hawthorne Road, Edgbaston. B15 3TQ.

Thanks Mark

Robert

From: Mark Swallow <
Sent: 12 August 2021 14:29
To: Licensing <
Cc: Robert Botkai <
Subject: 6 + 7 Chad Sq, Hawthorne Road, Edgbaston. B15 3TQ.
This message originated outside Winckworth Sherwood

Good Afternoon Licensing,

With regard to the premises license application for 6 +7 Chad Sq, Hawthorne Road, Edgbaston. B15 3TQ. West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted. The conditions have been agreed with the applicant as per below email chain who is also copied to this email.

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

Regards and thanks,

MARK SWALLOW
WEST MIDLANDS POLICE BIRMINGHAM CENTRAL LICENSING TEAM.

Hi Mark

I have taken instructions and attach what I hope is now a final set of conditions.

Quick Commerce Ltd
Edgbaston
Amended operating schedule as at 6 August 2021

1. The sale of alcohol from the premises shall be for delivery only by a delivery rider. Members of the public will have no access to the premises.
2. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose and to be to the reasonable satisfaction of the police.
3. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium. A member of staff trained in the use of the CCTV system must be available at the premises at all times that the premises are being used for a licensable activity.
4. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection within 24 hours of request.
5. The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
6. The system will display, on any recording, the correct time and date of the recording.

7. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
8. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request.
9. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
10. All delivery riders shall receive appropriate training in respect of the law relating to the sale of alcohol such training to cover:
- age restricted sales;
 - sale and delivery to persons who are intoxicated
 - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
 - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
- Training records will be available for inspection by a police officer or other authorised officer on request. Training records will be electronically stored by the licence holder for a period of 12 months.
11. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
12. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
- details of the time and date the refusal was made;
 - the identity of the rider refusing the sale;
 - details of the alcohol the person attempted to purchase.
- This log/register will be available for inspection by a police officer or other authorised officer on request.
13. Members of the public will not be allowed to enter the premises.
14. Between the hours of 1800 and 0800 riders will be permitted to collect orders and deliver on foot, by pedal bike, electric bike (or other electric vehicle) only.
15. Riders will not be permitted to smoke in the immediate vicinity of the premises.
16. Riders will not be permitted to congregate in the immediate vicinity of the premises.
17. Riders will be instructed not to loiter in the vicinity of residential premises.
18. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
19. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area
- Delivery of alcohol shall be to a residential address or place of work
- All delivery riders will be employed directly by the licence holder or a group company of the licence holder
20. Delivery of alcohol shall be to a residential address or place of work
21. The licence holder must carry out and maintain a risk assessment covering:
- site security and the safety of staff; and
 - the delivery of alcohol to customers between the hours of 0200 and 0800.

22. A record will be kept, for a period of 6 months, of every delivery that includes alcohol such record to include the following information:

- The product
- The identity of the rider
- The name and address of the customer

23. All sales of alcohol for delivery must be paid for by credit card, debit card (pre-paid or otherwise) or electronic payment.

