

Agenda

Licensing Sub Committee 2

Monday, 7 August 2023 at 10.00 am
At Committee Room 1 - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence 5 - 6

To receive any apologies for absence.

2 Declarations of Interest 7 - 8

Members to declare any interests in matters to be discussed at the meeting.

3 Application for the grant of a New Premises Licence at Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS 9 - 52

To consider an application for a new premises licence for Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS.



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Distribution
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Councillors Hussain and J Singh

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Licensing Sub Committee 2

Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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Licensing Sub Committee 2

Declarations of Interests

Members to declare any interests in matters to be discussed at the meeting.



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Report to Licensing Sub Committee 2

7 August 2023

Subject:	Application for the grant of a New Premises Licence at Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS.
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Dubb Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

1. To consider the application for the grant of a new premises licence under section 17 of the Licensing Act 2003 in respect of Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS.
2. Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 5.


2. Reasons for Recommendations

- 2.1 The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy and to give reasons for their decision.



2.2 To consider an application for the grant of a new premises licence in respect of Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS following receipt of representations from local residents objecting to the grant of the application due to Public Safety, The Prevention of Public Nuisance and The Protection of Children from Harm.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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4. Context and Key Issues

- 4.1 Under the Licensing Act 2003, a responsible authority or any other person may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 4.2 Representations has been received from local residents. Copies of the representations are attached at Appendix 2.

CURRENT POSITION

- 4.3 An application has been made by KMBS 1 Limited for the grant of a new premises licence.
- 4.4 A copy of the full application is attached at Appendix 1.



- 4.5 The application is for Late Night Refreshments (Indoors only) Monday – Sunday 23:00 – 04:00.
- 4.6 The proposed hours the premises will be open to the public is Monday – Sunday 11:00 – 04:00.
- 4.8 **Operating Schedule/Proposed Conditions**

General

Crime, disorder, public safety and public nuisance will be contained by trained members of staff should any incident happen the responsible authority will be notified. CCTV is in operation 24/7 with notices/signs containing warnings to users. The café will also have at least 1 Member of staff who will be trained for first aid.

The prevention of crime and disorder

Signage will be put up to state any persons to causer a nuisance, fighting or any drug related offences will be banned from the premises. Should any serious incidences occur members of staff will notify the responsible authority. CCTV will be installed to the satisfaction of West Midlands Police. This will be in operation whenever the premises is open to members of the public. It will maintain recordings for 28 days. The recordings of which will be made available immediately by a member of staff on reasonable request of a responsible authority.

Public Safety

There will be at least one member of staff who has first aid training at any one time. Should any incidents happen; the trained member of staff will assess the situation and call emergency services when appropriate. All incidences will be logged by all staff.

The prevention of public nuisance

Should trouble/public nuisance occur outside the premises staff will inform the appropriate authority and will work with any authorities



involved if required to control a situation. All members of staff are given training for different situations.

The Protection of children from harm

No adult services, activities or entertainment to be provided at the premises at any time. All training records for all staff, in regard to drunkenness, and for the protection from harm for children to be maintained and to be available upon request from any regulatory body.

4.9 Under the licensing objectives General and The Prevention of Crime and Disorder above, the applicant states that the CCTV is in operation 24 hours a day, 7 days a week and that the CCTV will be in operation whenever the premises is open to members of the public The CCTV operating times have been clarified with the applicant in Appendix 3.

4.10 A location map of the premises is attached at Appendix 4.

4.11 Consultation (customers and other stakeholders)

A notice has been published in a local paper and a public notice has been displayed at the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing a closing date for these to be received. Details of the application were also published on the Council's website.

5. Alternative Options

5.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- to grant the licence subject to conditions consistent with the operating schedule accompanying the application, and any mandatory conditions which must be included in the licence
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;



- to reject the application

5.2 Conditions may be altered or omitted, or any new condition added.

5.3 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be appropriate to impose similar duties.

5.4 Members of the Sub Committee should be advised that the applicant, or any other person who made relevant representations in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.

6. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p> <p>The application relates to a privately owned property.</p>
Legal and Governance:	<p>Members of the Licensing Sub Committee when making their decision on the application must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. The applicant and those who have made relevant representations have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court, so the Committee are asked to give reasons for their decision wherever possible.</p> <p>Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the</p>



	application having had an opportunity to consider all relevant facts.
Risk:	<p>The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and applicants have to demonstrate how they will achieve this objective by volunteering measures in the operating schedule submitted with the Licence application.</p> <p>The Police have not made a representation to this application.</p> <p>Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public online, in line with data protection protocols.</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>
Health and Wellbeing:	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.
Social Value	This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

7. Appendices

- Appendix 1 – Application Form
- Appendix 2 – Representations
- Appendix 3 – Confirmation of CCTV Operational Times
- Appendix 4 – Location Map

8. Background Papers



- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005



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

Please read the following instructions first

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

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

I/We KMBS 1 LIMITED
(Insert name(s) of applicant)

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

Part 1 – Premises details

560 Bearwood Road			
Post town	Smethwick	Postcode	B66 4BS

Telephone number at premises (if any)	0121 592 9993
Non-domestic rateable value of premises	£ 29,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individual *		
	i as a limited company/limited liability partnership	X	please complete section (B)
	ii as a partnership (other than limited liability)		please complete section (B)
	iii as an unincorporated association or		please complete section (B)
	iv other (for example a statutory corporation)		please complete section (B)

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

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Second individual applicant (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

(B) Other applicants

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

KMBS 1 LIMITED
28 Blackwood Road, Sutton Coldfield, B74 3PH

Registered number (where applicable) 13050264
Description of applicant (for example, partnership, company, unincorporated association etc.) Director
Telephone number (if any)
E-mail address (optional) Km@bsgrouplimited.com

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

<p>Please give a general description of the premises (please read guidance note 1)</p> <p>THE PREMISES IS A SINGLE STOREY TYPE COMMERCIAL PROPERTY WHICH HAS A DINING AND KITCHEN/PREPERATION AREA ON THE GROUND FLOOR AND STORAGE TO THE REAR. THE PREMISES CURRENTLY SELLS HEALTHY GRILLED BURGERS AND REFRESHMENTS.</p> <p>INDOOR SEATING IS PROVIDED SHOULD CUSTOMERS WISH TO EAT INSIDE THE PREMISES.</p>
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If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

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

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

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	

e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	X
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<u>Please give further details here</u> (please read guidance note 4)	Both
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	23.00	04.00	<u>Please give further details here</u> (please read guidance note 4) PROVISION OF FOOD AND REFRESHMENT.		
Tue	23.00	04.00		THERE IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.	
Wed	23.00	04.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	04.00			
Fri	23.00	04.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	04.00			
Sun	23.00	04.00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

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

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

CRIME, DISORDER, PUBLIC SAFETY AND PUBLIC NUISANCE WILL BE CONTAINED BY TRAINED MEMBERS OF STAFF SHOULD ANY INCIDENT HAPPEN THE RESPONSIBLE AUTHORITY WILL BE NOTIFIED. CCTV IS IN OPERATION 24/7 WITH NOTICES/SIGNS CONTAINING WARNINGS TO USERS. THE CAFE WILL ALSO HAVE AT LEAST 1NO. MEMBER OF STAFF WHO WILL BE TRAINED FOR FIRST AID.

b) The prevention of crime and disorder

SIGNAGE WILL BE PUT UP TO STATE ANY PERSONS TO CAUSE A NUISANCE, FIGHTING OR ANY DRUG RELATED OFFENCES WILL BE BANNED FROM THE PREMISES. SHOULD ANY SERIOUS INCIDENCES OCCUR MEMBERS OF STAFF WILL NOTIFY THE RESPONSIBLE AUTHORITY. CCTV WILL BE INSTALLED TO THE SATISFACTION OF WEST MIDLANDS POLICE. THIS WILL BE IN OPERATION WHENEVER THE PREMISES IS OPEN TO MEMBERS OF THE PUBLIC. IT WILL MAINTAIN RECORDINGS FOR 28 DAYS. THE RECORDINGS OF WHICH WILL BE MADE AVAILABLE IMMEDIATELY BY A MEMBER OF STAFF ON REASONABLE REQUEST OF A RESPONSIBLE AUTHORITY.

c) Public safety

THERE WILL BE AT LEAST ONE MEMBER OF STAFF WHO HAS FIRST AID TRAINING AT ANY ONE TIME. SHOULD ANY INCIDENTS HAPPEN; THE TRAINED MEMBER OF STAFF WILL ASSESS THE SITUATION AND CALL EMERGENCY SERVICES WHEN APPROPRIATE. ALL INCIDENCES WILL BE LOGGED BY ALL STAFF.

d) The prevention of public nuisance

SHOULD TROUBLE/PUBLIC NUISANCE OCCUR OUTSIDE THE PREMISES STAFF WILL INFORM THE APPROPRIATE AUTHORITY AND WILL WORK WITH ANY AUTHORITIES INVOLVED IF REQUIRED TO CONTROL A SITUATION. ALL MEMBERS OF STAFF ARE GIVEN TRAINING FOR DIFFERENT SITUATIONS.

e) The protection of children from harm

NO ADULT SERVICES, ACTIVITIES OR ENTERTAINMENT TO BE PROVIDED ON THE PREMISES AT ANY TIME. ALL TRAINING RECORDS FOR ALL STAFF, IN REGARD TO DRUNKENNESS, AND FOR THE PROTECTION FROM HARM FOR CHILDREN TO BE MAINTAINED AND TO BE AVAILABLE UPON REQUEST FROM ANY REGULATORY BODY.

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	X
•	I have enclosed the plan of the premises.	X
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	X
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	
•	I understand that I must now advertise my application.	X
•	I understand that if I do not comply with the above requirements my application will be rejected.	X
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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.

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> [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
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	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	M S Malik
Date	09/06/2023
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect

of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be issued to an individual or an individual in a partnership which is not a limited liability 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 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 the right 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 which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 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).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, 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 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, 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 shared digitally. 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 copies of documents as set out above.

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.

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Licensing Act 2003


Representation form from interested parties

Are you a (tick as appropriate):

Responsible authority:	
Police	
Fire	
Environmental health	
Child protection	
Trading standards	
Planning authority	

Or a

Resident or business	X
----------------------	---

Your name/organisation name/name of body you represent (see note 3)	Councillor submitted form on behalf of resident
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	
Contact telephone number	

Name of premises you are making a representation about	Burger & Sauce
Address of the premises you are making a representation about	560 Bearwood Road

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or no	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety	X	Significant increase in the number of cars driving/parking the wrong way down Sherwood Rd posing a risk to other drivers and pedestrians.
To prevent public nuisance	X	The block of Bearwood Road that Burger & Sauce is located on is mixed residential and retail, and Sherwood Road is a residential street. The premises being open until 4am every night will create a public noise nuisance throughout the night by way of additional hours of current loud extractor fan noise, and staff/customer cars arriving/departing, and customers banging car doors and shouting.
To protect children from harm	X	Babies and children living in Sherwood Road and Bearwood Road need to be able to sleep.

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account	An amendment to the licence to allow opening until 2am on Friday/Saturday nights only would be a reasonable compromise. It's great to have lively businesses in Bearwood, but the need of residents for sleep, and road safety, has to be taken into account.
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Signed: Bobbie Petford

Date: 04.07.23

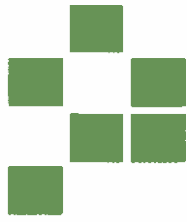
Notes

1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made. Any representations you do make will be made available to all those attending the hearing including the applicant. This Authority will not accept anonymous representations.
2. This form must be returned within the statutory period of 28 days from the date the application was displayed on the premises and the date given in the public notice in a local newspaper or other local publication.
3. Please be aware that your name and address will be shared with the applicant and those persons attending the hearing and may appear on agenda papers unless you provide the Council with exceptional circumstances that justify withholding those details. This is a requirement of the Licensing Act 2003 and further details on the requirement to disclose personal details of persons making representations can be found in paragraphs 9.26 to 9.30 of the [Revised guidance issued under section 182 of Licensing Act 2003](#) issued April 2018.
4. These can only relate to the four licensing objectives.
5. Please return this form when completed to:

Sandwell Metropolitan Borough Council
General Licensing Team
Sandwell Council House
PO Box 2374
Oldbury
B69 3DE

Email: licensing_team@sandwell.gov.uk

May 2022



Licensing Act 2003

Representation form from interested parties

Are you a (tick as appropriate):

Responsible authority:	
Police	
Fire	
Environmental health	
Child protection	
Trading standards	
Planning authority	

Or a

Resident or business	<input checked="" type="checkbox"/>
----------------------	-------------------------------------

Your name/organisation name/name of body you represent (see note 3)	C Saunders
Organisation name/name of body you represent (if appropriate) (see note 3)	
Postal and email address	[REDACTED]
Contact telephone number	[REDACTED]

Name of premises you are making a representation about	Burger and Sauce
Address of the premises you are making a representation about	560 Bearwood Road, B66 4BS

Your representation must relate to one of the four Licensing Objectives (see note 4)

Licensing Objective	Yes or no	Please detail the evidence supporting your representation or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		

To prevent public nuisance	x	<p>The establishment is located at the corner of a residential road which is one way. There has already been an increase in traffic on the road with delivery drivers collecting orders and parking on the pavements, yellow lines or with engines idling. Despite the Corks club on the corner opposite of the same street being an entertainment venue, activities finish by a reasonable hour and so disruption is minimal or at least curtailed. There is already an increase in littering associated with a fast food restaurant. Increasing the hours of operation serves no purpose other than providing a place for people to gather during the night as there is no other establishment nearby that is open so late. It would possibly draw in people from outside the area and would certainly be noisy with vehicles and people at a time which is not reasonable. When the premises were shops there was a reasonable cut off point, even for those other food and drink establishments on the Bearwood Road.</p> <p>Being open until 4am further encourages antisocial behaviour and noise to disturb the neighbouring residents.</p>
To protect children from harm		

Please suggest any conditions that could be added to the licence to remedy your representation or other suggestions you would like the	
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Signed:

C Saunders

Date: 9/7/23

Notes

1. If you do make a representation you will be expected to attend a meeting of the Licensing Authority's Committee and any subsequent appeal proceeding. If you do not attend, the Committee will consider any representations that you have made. Any representations you do make will be made available to all those attending the hearing including the applicant. This Authority will not accept anonymous representations.
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4. These can only relate to the four licensing objectives.
5. Please return this form when completed to:

Sandwell Metropolitan Borough Council
General Licensing Team
Sandwell Council House
PO Box 2374
Oldbury
B69 3DE

Email: licensing_team@sandwell.gov.uk

Kiran Dubb

From: Mohammed Malik <ms-malik1@hotmail.co.uk>
Sent: 21 July 2023 11:56
To: Licensing Team for Alcohol & Gambling
Subject: RE: Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS

Categories: Kiran

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachr

Hi Kiran

Yes CCTV is in operation 24 hours a day 7 days a week

Regards

M S Malik

From: Licensing Team for Alcohol & Gambling <Licensing_Team@sandwell.gov.uk>
Sent: 21 July 2023 11:54
To: ms-malik1@hotmail.co.uk
Subject: Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS

Dear Mr Malik,

LICENSING ACT 2003 – New Premises Licence Application
Burger & Sauce, 560 Bearwood Road, Smethwick B66 4BS

I would like to clarify a condition written under general and the prevention of crime and disorder licensing objectives.

We have to vet the licence conditions and only the relevant ones go on a premises licence. Your client mentions the below about CCTV operation. As this is important, I need to know if CCTV is only operational when the premises is open to the public (Monday to Sunday 11:00 – 04:00) or if it operational 24 hours a day, 7 days a week. Could you check with your client and confirm which is correct.

General

CCTV is in operation 24 hours a day, 7 days a week.

The prevention of crime and disorder

The CCTV will be in operation whenever the premises is open to members of the public.

Please could you come back to me before the end of the day with confirmation about the CCTV operating times.

Kind Regards,

Kiran Dubb
Licensing Officer



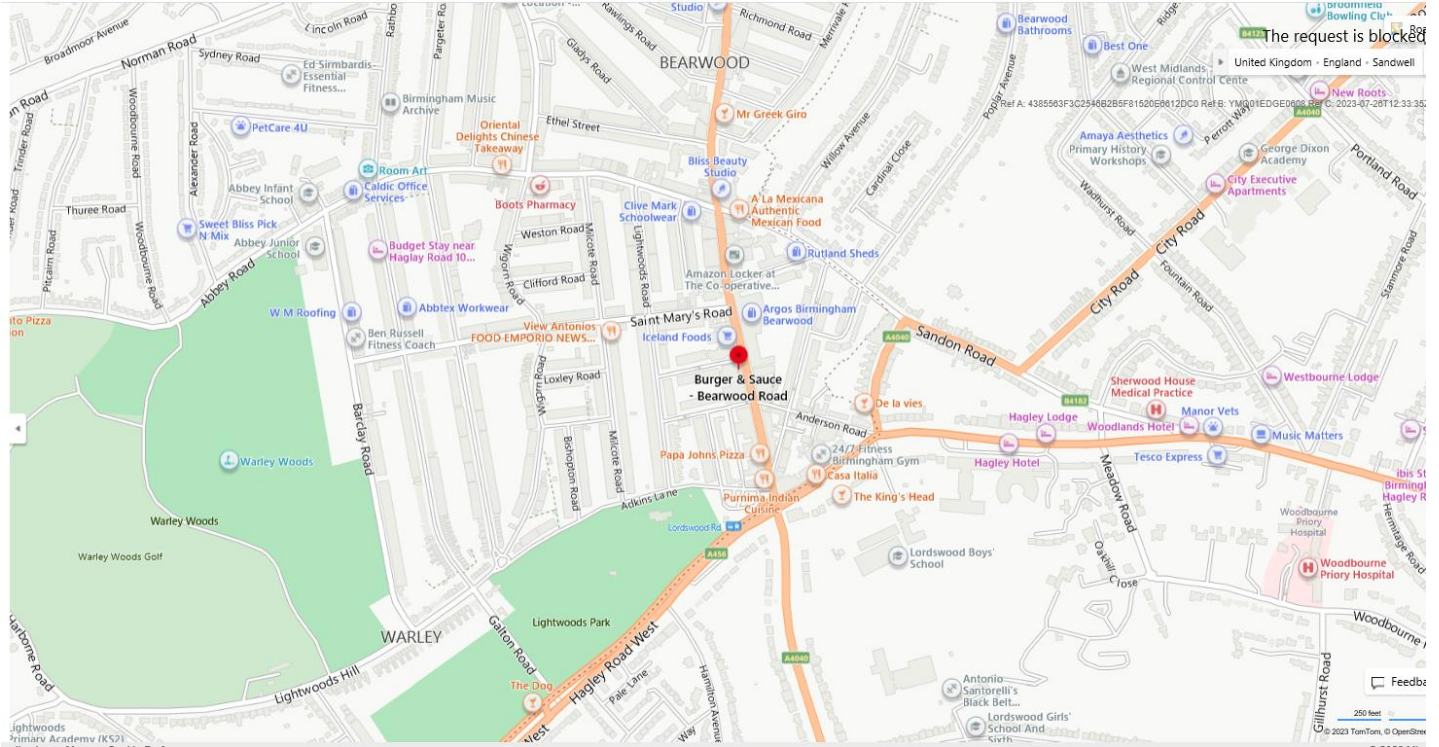
Email: kiran_dubb@sandwell.gov.uk
Mobile: 07776548832

Website: www.sandwell.gov.uk

General Licensing Team, Regulated Services, Borough Economy, Sandwell Council House, Freeth Street, Oldbury, B69 3DE



Location Plan



Burger & Sauce
560 Bearwood Road
Smethwick
B66 4BS

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