

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 01 JUNE 2021 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 APPOINTMENT OF SUB-COMMITTEE

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2021/22.

Members of the Sub-Committee may nominate another member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in Paragraph 9.6 of the Licensing Committee Code of Practice for Councillors and Officers set out in the Constitution.

1 - 6

5 **MINUTES**

To note the public part of the Minutes of the meeting held on 3 March 2020.

To confirm and sign the Minutes of the meeting held on 4 May 2021 at 10am.

7 - 40

6 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW CHICAGO PIZZA (T/A RUBINO’S PIZZA), 1187 BRISTOL ROAD SOUTH, NORTHFIELD, BIRMINGHAM, B31 2SL**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

7 **DELEGATIONS TO SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, when sitting as a statutory Licensing Committee as defined by those Acts, hackney carriage licences private hire licences when sitting as a general Licensing Committee and such business as may be referred by the Assistant Director of Regulation and Enforcement.

8 **OTHER URGENT BUSINESS**

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

9 **EXCLUSION OF THE PUBLIC**

Chair to Move:-

"That, in view of the nature of the business to be transacted, which includes the following exempt information, the public be now excluded from the meeting:-

Agenda Item etc.

Relevant Paragraph of
Exempt Information Under
Revised Schedule 12A of
the Local Government Act
1972

'Private' Minutes of the
last meeting

1

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 3 March 2020 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE B - 3 MARCH 2020

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE B HELD
ON TUESDAY 3 MARCH 2020
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Mike Leddy and Bob Beauchamp

ALSO PRESENT:

Chris Arundel – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services.

NOTICE OF RECORDING

01/030320 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

02/030320 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

03/030320 Apologies were submitted on behalf of Councillor Nicky Brennan and Adam Higgs and Councillor Mike Leddy and Bob Beauchamp were the nominee Members respectively.

MINUTES

04/030320 The public section of the Minutes of meeting held on 28 January 2020 were noted.

05/030320

ANY OTHER URGENT BUSINESS

No urgent business.

EXCLUSION OF THE PUBLIC

06/030320

RESOLVED:

That in view of the nature of the business to be transacted, which includes exempt information under Paragraphs 1 & 7 Part I of Schedule 12A of the Local Government Act 1972, the public be now excluded from the meeting:-
(Paragraphs 1 & 7)

..... Chairman

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 4 MAY 2021

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 4 MAY 2021 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Mary Locke and Adam Higgs.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

- 1/040521 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/040521 **DECLARATION OF INTERESTS**

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/040521 Apologies were submitted on behalf of Councillor Nicky Brennan and Councillor Mary Locke was the nominated substitute Member.
-

MINUTES

4/040521

The minutes of meeting held on the 9 March, 30 March and 9 April 2021 were circulated and confirmed and signed by the Chairperson.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – EUROPEAN AND
ASIAN MINI MARKET, 290 ALUM ROCK ROAD, ALUM ROCK, BIRMINGHAM,
B8 3DD**

On Behalf of the Applicant

Nabaz Ali-Pour – applicant
June Clarke – licensing consultant
Tony Clarke – licensing consultant

Those Making Representations

Cllr Mohammed Idrees – Local Ward Councillor
Azher Hussain – resident

* * *

The Chairman introduced the Members and officers present and before she could read through the procedure and protocols in relation to the hearing Councillor Idrees interjected and raised a preliminary point, namely that the new supporting documents submitted by the applicant were late, and therefore he had not had chance to read or respond to them. He further stated that it was a serious matter and there were allegations made that needed investigating.

Mr Hussain also voiced similar concerns.

In response the applicant's agent, June Clarke, informed all parties that the documents were submitted on Friday due to more evidence being sought on Thursday. The supporting document is a letter in response to Councillor Idrees and the representations received. The information in that email is true, factual and supported by evidence. The applicant does have audio and visual footage to support the allegations. However she did think it was only fair that all parties had time to read the supporting documents.

Subsequently the Chairman asked Councillor Idrees how long he required to read the additional documents.

Councillor Idrees advised that he needed at least a week. At which point June Clarke interjected and advised that it would take around 20 minutes to read the documents.

In response Councillor Idrees advised that there were serious allegations made and therefore they would need sufficient time to address these concerns.

The Chairman took a short adjournment to seek legal advice at 1018. The Members, Committee Lawyer and the Committee Manager left the public meeting and conducted a separate private Teams meeting to seek legal advice.

At 1025 the hearing was reconvened and the Chairman advised that the meeting would be adjourned until 11am in order to give sufficient time to read the additional documents.

Cllr Idrees objected to the short adjournment and advised that they needed sufficient time to investigate the allegations made and submit evidence.

June Clarke advised that the letter they submitted was in response to the false allegations made about her client. It was simply a response to the objection at appendix 5. She confirmed that they also had a TEN in place.

Mr Hussain advised that people had been at the Mosque and they needed to take statements from them.

The Chairman again adjourned to take legal advice. The Members, Committee Lawyer and the Committee Manager left the public meeting and conducted a separate private Teams meeting to seek legal advice.

At 1105 and the chairman announced that the meeting would be adjourned and the decision of the Sub-Committee was sent out to all parties as follows;

5/040521

RESOLVED:-

That the application by Nabaz Ali-Pour for a premises licence in respect of European and Asian Mini Market, 290 Alum Rock Road, Alum Rock, Birmingham B8 3DD, be adjourned.

A Ward Councillor asked for more time to consider the applicant's additional documents, which had been served after close of business on the Friday before a Bank Holiday weekend. It was therefore decided that the hearing shall be adjourned to:

Wednesday 5th May 2021, at 11.30 hours.

This will be an online meeting conducted via Microsoft Teams.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Tuesday 1st June 2021
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Chicago Pizza (T/A Rubino's Pizza), 1187 Bristol Road South, Northfield, Birmingham, B31 2SL
Ward affected:	Northfield
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 13th April 2021 from Birmingham City Council Licensing Enforcement in respect of Chicago Pizza (T/A Rubino's Pizza), 1187 Bristol Road South, Northfield, Birmingham, B31 2SL.

A representation has 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:

Birmingham City Council Licensing Enforcement applied on 13th April 2021 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Chicago Pizza (T/A Rubino's Pizza), 1187 Bristol Road South, Northfield, Birmingham, B31 2SL.

A representation has been received from other persons, which is attached at Appendix 1.

Review application is attached. See Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Copy of the representation as detailed in Appendix 1.

Review Application Form, Appendix 2.

Copy of Premises Licence, Appendix 3.

Site location plans, Appendix 4.

7. Options available

Modify the conditions of Licence

Exclude a Licensable activity from the scope of the Licence

Remove the Designated Premises Supervisor

Suspend the Licence for a period not exceeding 3 months

Revoke the Licence

No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

From:

Sent: 06 May 2021 16:06

To: Licensing

Cc:

Subject: Review of Licence - Rubino's Pizza, 1187 Bristol Road South, Northfield, Birmingham B31 2SL

Persistent Licensing Breaches and Antisocial Behaviour – Rubino's Pizza, 1187 Bristol Road South, Northfield, Birmingham B31 2SL

I submit this response to your licensing review on behalf of the residents affected and myself, in my capacity as:

- A resident with a property on the junction of School Close and Bristol Road South and only 20 yards approximately from Rubin's Pizza
- Resident Director for the private apartments in School Close (Morris House, Wolseley House and Austin House)

I have viewed your Review of Premises Licence notice as posted outside the premises and I would like to make the following comments:

- The current owners and occupants of Rubino's encourage crime, disorder and public nuisance especially late into the early hours of the morning. Not only does their breach of licence times attract drunken behaviour but their staff and drivers act in questionable ways late at night.
- They constantly open well beyond their midnight (Sun to Thurs) and 01.00 (Friday and Saturday) opening hours. It is not unusual to see them open to 03.00am. During the height of the pandemic (summer 2020) the latest they closed was close to 4am on one occasion.
- They try and give the impression that they have closed on time by dropping the shutters by a quarter, but people can still enter, purchase food and their drivers still have access to pick up deliveries. I have footage to this effect.
- Since the council informed them of the licence review, they have ignored it and continue to open well beyond their allowed hours.
- Their disruptive behaviour and that of their drivers keep residents awake, especially those (me included) that have bedrooms on the front of their premises and well within sight and hearing of Rubino's premises.
- A number of angry residents confronted them last year (me included) and the response was always *"The boss not here. My English not good"*
- Their drivers and staff engage in some very dangerous and questionable practice. On more than three occasions last year, several of them including delivery drivers sat outside the front of the premises inhaling little silver cylinders of nitrous oxide (Laughing Gas), which is also covered by the psychoactive substances act of 2016. On three occasions I cleared up dozens of empty cylinders that had been dropped outside their premises and all over the pavement and road.
- During last summer there were little parties at the front of the premises late at night where staff and drivers would sit outside and consume alcohol. The front of the premises, pavement and roadside were often littered with empty alcohol bottles, cans and cigarette boxes.
- There is frequently a strong smell of cannabis coming from the rear of their premises during late evening and at night.
- Delivery drivers regularly engage in loud conversations and shouting at the front of the premises late at night. Some have vehicles that have noisy exhausts and the noise continues well into the early hours when the premises should be closed.
- Drivers have also been witnessed driving dangerously. On one occasion I witnessed one driver drive the wrong way up the Bristol Road against the one-way traffic from the front of the premises and into School Close. I have witnessed their drivers driving without lights on their vehicles too.
- They have been reported for fly-tipping on more than one occasion and the wife of the owner of the building admitted it when she was confronted by
It was a large three-seater settee and a single seat armchair. I personally removed the armchair.
- Rubino's use to regularly dump rotting food in black bags on the front of the premises and the pavement. They were confronted about this and obtained a trade wheelie bin from Ash Commercial Waste. This regularly overflowed until Cllr Armstrong intervened and spoke to them personally on the premises.

- They recently returned their commercial bin and started bagging their commercial waste and placing it out on the pavement each night by the public waste bin. They did this in the early hours when they hoped they wouldn't be noticed. I reported this to the council and residents started to place the offending bin bags back outside the front of Rubino's premises each morning when they were closed. They didn't place the bags back again until the very early hours and residents would again place them back in front of Rubino's each morning. They eventually got the message and have now obtained another commercial waste bin.
- During last summer some of the staff engaged in juvenile behaviour and criminal damage. They broke up chunks from the crumbling tarmac outside the off-licence and started playing target practice with the metal bollards outside my apartment, which is on the junction of School Close and Bristol Road. I was woken by a repeated and loud 'pinging' noise as the broken tarmac hit the bollards. I watched them for a while, breaking off more tarmac and targeting the bollards before I opened the windows and told them to 'bugger off' I collected over half a carrier bag of broken tarmac pieces from in front of my premises and the pavement the next day. I confronted them when they opened. One of the offenders was in the shop and didn't say anything. I gave them the collected rubble and told them to grow up. They denied it and said that they would look at their CCTV, which wouldn't have covered the incident area outside my premises in any case.
- I have witnessed on more than one occasion their drivers urinating against the railings on the opposite side of the road or alongside the wall of the off-licence.
- I have also witnessed their drivers filling the public waste bin with commercial waste such as pizza boxes etc, which means that it regularly overflows between being emptied by the council.

In summary, they are a complete nuisance and have no regard for residents or the terms of their licence. They tell lies and evade responsibility when they have done wrong and been caught.

Regards

Birmingham City Council, Licensing, PO Box 17831, Birmingham, B2 2HJ

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Sarah Lavender of Licensing Enforcement Birmingham City Council

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
1187 Bristol Road South Northfield	
Post town Birmingham	Post code (if known) B31 2SL
Name of premises licence holder or club holding club premises certificate (if known)	
Majid Majidi	
Number of premises licence or club premises certificate (if known)	
3746	

Part 2 - Applicant details

I am

Please tick ✓ yes

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

2) a responsible authority (please complete (C) below)

✓

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

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

Please tick ✓ yes

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

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sarah Lavender Licensing Section Phoenix House Valepits Road Garretts Green Birmingham B33 0TD
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

✓

✓

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

The premises are continually failing to uphold the licensing objectives by breaching the hours they are authorised to supply late night refreshment and therefore committing offences under the Licensing Act 2003.

Under the Act a person commits an offence if they carry on a licensable activity without the required authorisation (premises licence, club premises certificate or temporary event notice) or carrying on a licensable activity in breach of a condition in an authorisation.

The penalty for such an offence on conviction can lead to six months imprisonment and/or a fine of £20,000.

The premises have been advised about the complaints received by Licensing Enforcement and that we are aware that sales have taken place outside of the authorised hours and they have blatantly continued to disregard all advice given to them which has caused problems for the local residents.

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

In May 2020 Licensing Enforcement received a complaint, forwarded by Councillor Armstrong, regarding the premises Rubinos, 1187 Bristol Road South. The nature of the complaint was that the business was operating past the hours believed to be authorised and was causing a nuisance due to delivery drivers disturbing residents in the early hours.

On checking the records, it was identified that a premises licence was in place at the address, but the premises name was different. Licence number 3746 known as Chicago Pizza, licence holder Majid Majidi authorises late night refreshment between 23:00 and midnight every day.

On 13th May 2020 a warning letter was sent to the premises (**appendix 1**). The letter included details of the complaint received and advice regarding the transfer of the licence if Mr Majidi was no longer involved in the business.

On checking our records further, it was identified that the premises had outstanding annual fees.

On 26th May 2020 a telephone call was made to the premises to identify if the licence holder was still present and correct. A male identified himself as a manager and gave his name as Bilal. He was informed about the details of the complaint and denied opening later than authorised. He confirmed that a new owner had taken over the business and he didn't know Majid Majidi, he was informed that a transfer of the licence would need to be completed. Bilal provided the new owners name as Khalil Ahmad Zai and his email address.

On 15th June 2020 an email was sent to Mr Khalil Ahmad Zai with the previously posted warning letter attached and details of the issues raised; the requirements to transfer the licence; the outstanding fees and how to pay them. He was also advised that the licence would be suspended if the fees weren't paid and that he could apply for the grant of a licence at the premises if he didn't want to pay them.

Mr Ahmad Zai replied stating that he had submitted a transfer application in February which we must not have received and that he wished to pay the outstanding fees from the previous owner and extend the times on the licence. Attached copy of the email trail with Mr Ahmed Zai (**appendix 2**).

After checking the records, I found a transfer application that had been submitted in February and was subsequently returned because it had not been completed correctly.

On 2nd June 2020 Mr Ahmed Zai paid the outstanding fees on the licence and received further advice on how to transfer the licence.

A transfer application was not submitted and has not been since.

In July 2020 Councillor Armstrong informed us that residents had been making further complaints that the premises were still operating into the early hours and causing a nuisance.

In September 2020 a test purchase was conducted at the premises, when hot food was purchased by a licensing enforcement officer outside of the times authorised by the licence. See attached **(appendix 3)** Statement of witness.

During December 2020 a letter was sent to Mr Ahmed Zai inviting him to attend a formal interview. However, he stated that he could not attend due to being out of the Country and not knowing when he would return; Upon his return Birmingham had entered Tier 4 restrictions and a national lockdown was implemented in January.

Further complaints and allegations were received in December and January from Councillor Armstrong on behalf of residents.

On 4th January 2021 I contacted Mr Khalil Ahmed Zai to inform him that we had received further allegations that the premises were causing anti-social behaviour and still trading after the authorised hours and that I would be contacting the Police Licensing Team. Mr Ahmed Zai responded stating that sometimes they stay late at the premises with the door closed cleaning and that the antisocial behaviour was nothing to do with them and could be the tenants of the flats above. He also added that he believes his neighbours to be racist and that's why they try and get him in trouble. See attached email chain **(appendix 4)**.

On 4th January 2021 I contacted the Police Licensing Team to make them aware of the situation.

On 17th January 2021 Police licensing Officer Mark Swallow attended the premises at 00:40 and found them to be providing hot food for delivery. Please see attached **(appendix 5)** Mark Swallow statement.

Despite advice being given to the premises and warnings on several occasions no action has been taken to either regularise the licence or to stop providing a licensable activity without authorisation.

The current owners cannot be allowed continue to trade without the correct authorisation and I therefore recommend the licence be revoked.

Please tick ✓ yes

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

If yes please state the date of that application

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

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

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

Date

09/04/2021

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Our ref: WK/009667705

11th May 2020

Mr Majid Majidi
Rubinos Pizza
1187 Bristol Road South
Northfield
Birmingham
B31 2SL

Dear Mr Majidi

Re: Licensing Act 2003: Rubinos Pizza, 1187 Bristol Road South, Northfield, B31 2SL

We are in receipt of a complaint that alleges that you are operating outside of the hours authorised by your premises licence by carrying out a delivery service until after 2:30am.

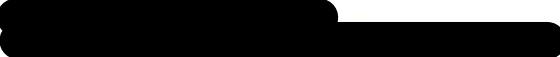
The licence for the above premises is issued to Mr Majid Majidi and is in the name of Chicago Pizza, licence number 3746 authorises late night refreshment between the hours of 23:00 and midnight every day. If Mr Majidi is no longer at the premises, then a transfer application will need to be submitted and any outstanding fees will need to be paid.

It is an offence to carry out a licensable activity without the correct authorisation for which you could be prosecuted.

If you have any queries, please contact me on the email address below.

Yours sincerely

Sarah Lavender
Licensing Enforcement Officer



Regulation and Enforcement
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

Licensing Enforcement
Telephone: 0121 303 9611
Email: licensing@birmingham.gov.uk
Web: www.birmingham.gov.uk/licensing

NEIGHBOURHOODS DIRECTORATE

APPENDIX 2

From: Khalil Ahmadzai [REDACTED]
Sent: 15 June 2020 15:02
To: Sarah Lavender [REDACTED]
Subject: Re: Rubino's Pizza - 1187 Bristol Road South

Good afternoon Sarah an Application was submitted end of February but seems to me that hasn't been received to your department.

Can you please resend me the correct application and advise me how to pay the outstanding balance which was from previous owner but reason is I want to clear this matter quickest way possible.

Also could you please guide me in how I should apply for the amendments of timing of licence working hours.

Kind regards
ahmadzai

On Mon, 15 Jun 2020 at 11:07, Sarah Lavender [REDACTED] > wrote:

Good Morning,

I have been advised that you are the current owner of the above premises. The attached letter was sent out advising that you are operating past the hours authorised by the licence which is also not in your name.

I have since received information that you are still trading after midnight which is an offence for which you could be prosecuted and this unlicensed activity must stop immediately. The police licensing team have also been made aware of the situation.

A transfer application must be submitted at a cost of £23 to continue trading under this licence and the outstanding fees of £540 will need to be paid to enable you to do this, once completed you can then apply to extend your hours if you wish. Please contact me if you wish to transfer the licence so that I can give you the correct form and information on how to pay.

Or you can apply for the grant of a licence, you will then not need to pay the outstanding fees and you can decide what hours you wish to apply for but it may cost more.

I recommend you seek some independent legal advice from a licensing solicitor.

If you continue to trade as you are further enforcement action will be taken.

If you have any queries regarding any of the above please contact me by email as I am currently not in the office.

Regards

Sarah Lavender
Licensing Enforcement Officer

Licensing Section
PO Box 17831
BIRMINGHAM
B2 2HJ

T [REDACTED]
[REDACTED]

"Locally accountable and responsive fair regulation for all achieving a safe, healthy, Clean, green and fair trading city for residents, business and visitors"

Web address: www.birmingham.gov.uk/licensing | Twitter: [@BCCLicensing](https://twitter.com/BCCLicensing)

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**Birmingham City Council
Regulatory Services
STATEMENT OF WITNESS**

(Criminal procedure Rules, R27. 1(1): Criminal Justice Act 1967, S9,
Magistrates Court Act 1980, ss 5A(3)(A) and 5(B))

Name: Gary Callaghan

Age: Over 18

Date of birth:

Occupation: Licensing Enforcement Officer

This statement, consisting of 2 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 7th September 2020

**Signature witnessed by:
Officer's name**

Signed:

I am employed by the Regulation Division of Birmingham City Council as a Licensing Enforcement Officer and as such I am authorised under the Licensing Act 2003

At a request of Licensing Enforcement Officer Sarah Lavender in the early hours of Saturday 5th September 2020 I visited Rubino's Pizza 1187 Bristol Road South, Northfield, Birmingham, B31 2SL. The purpose of the visit was to undertake a test purchase as intelligence suggested that the shop was trading after the permitted hours attached premises licence number 3746

At 00:14 hours I pulled up outside the shop, the lights were on and the 2 front doors wide open, I noted 2 males inside the shop, a black male was waiting in the right hand corner and a Asian male waiting in the left hand corner , who looked like they were waiting for food.

While waiting outside at approximately 00:17 hours I observed a vehicle pull up behind me, 2 white males in their early 20's got out of the vehicle and approached the shop, due to social distancing they waited outside and then appeared to be invited in by staff, they ordered food and then waited outside.

At approximately 00:20 hours a Asian male and female in their early 20's approached the shop and waited outside, before going inside to order food and then wait outside

Signed

Signature witnessed by

**Birmingham City Council
Regulatory Services
STATEMENT OF WITNESS**

(Criminal procedure Rules, R27. 1(1): Criminal Justice Act 1967, S9,
Magistrates Court Act 1980, ss 5A(3)(A) and 5(B))

Continuation sheet One

Statement of Gary Callaghan

It was clear that the shop was open and trading. At 00:23 hours I got out of my vehicle and walked towards the shop, as I did I took a photograph of the shop front, which I produce in evidence as exhibit GC/1. I waited outside the shop while staff got the food orders ready for the other customers.

I noted that that 2 staff were staff on duty, who were both Asian looking in the early 20's who were taking orders and preparing the food. One male had short dark hair and a black top, the second male had stripped t-shirt and a baseball cap worn backwards, there was also another taller Asian looking male in his early 30s with dark hair , in a navy blue tracksuit who was also behind the counter who may have been the manager / owner

At approximately 00:27hours I was waiting outside, when an Asian male in his 20's walked passed me with an empty takeaway food bag and went inside the shop to pick up orders.

At approximately 00:28 Hours the male with the dark t-shirt called out to me and asked me what I wanted. I ordered a Chicken fillet meal deal, I then waited outside after about 5 minutes the staff member with the stripped t-shirt asked me what drink I wanted , to which I replied a can of lilt , the staff said that will be £4 I paid with 2 £2 coins and left the shop,

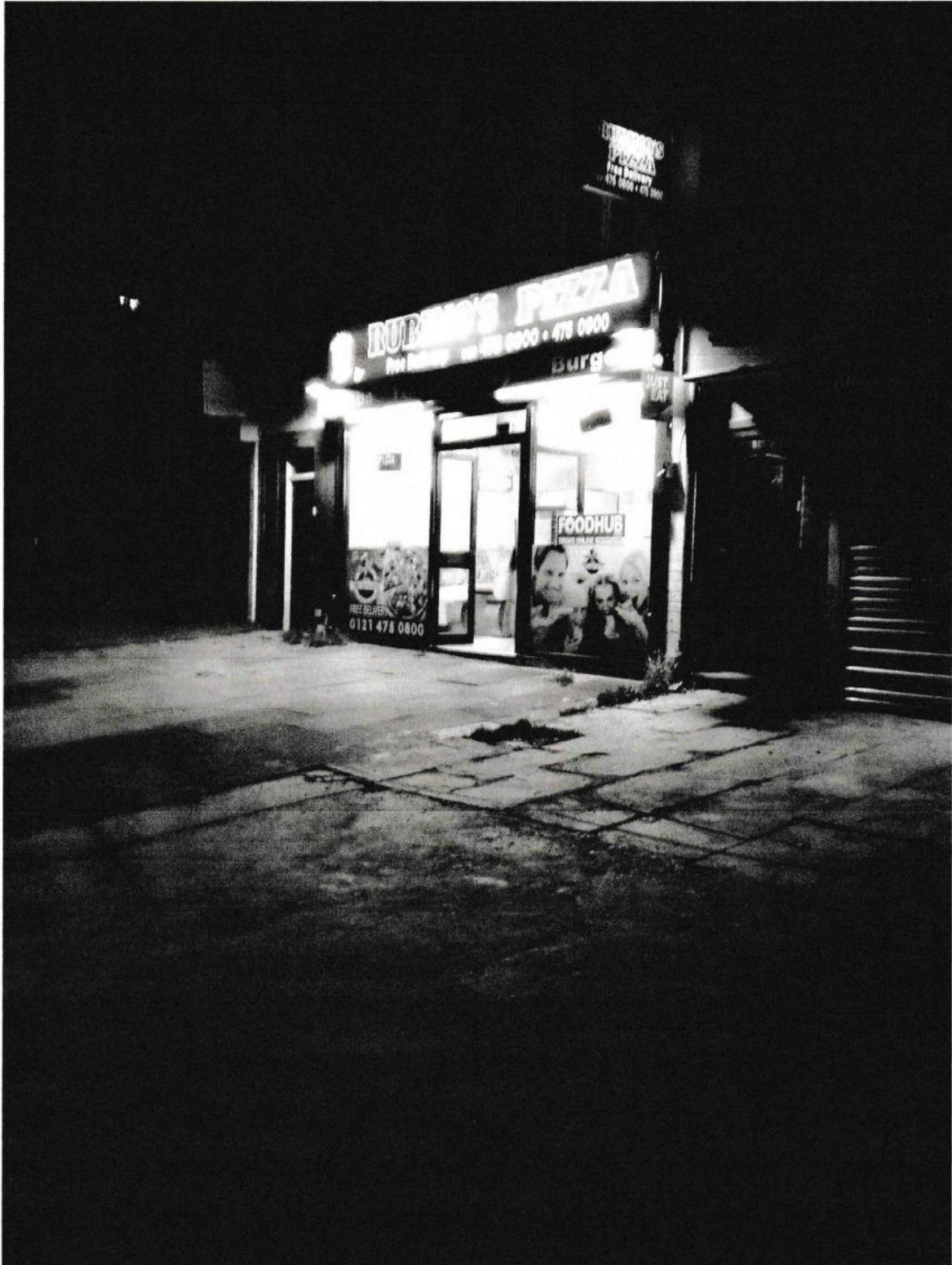
At approximately 00:35 hours I left the shop. I took a photograph of the front of the shop which clearly shows the shop open and trading. I produce the photograph in evidence as exhibit GC/2

At approximately 00:40 hours I pulled over my vehicle and took a photograph of the food that I had ordered. I produce the photograph in evidence as exhibit GC/3

Signed

Signature witnessed by







From: Sarah Lavender
Sent: 04 January 2021 15:41
To: Khalil Ahmadzai [REDACTED]
Subject: RE: Rubinos Pizza - 1187 Bristol Road South, Northfield, B31 2SL

Thank you for your comments.

You still need to transfer the licence into your name as advised when you payed the outstanding fee's on the licence this must be done as a matter of urgency as it is a breach of the Licensing Act 2003.

Regards

Sarah Lavender
Licensing Enforcement Officer

[REDACTED]
[REDACTED]

IMPORTANT - Taxi and private hire drivers, please make sure you are wearing a mask when carrying passengers

Government advice specifically intended for taxi and private hire drivers
<https://www.gov.uk/guidance/coronavirus-covid-19-taxis-and-phvs#drivers>

Licensing I Regulation & Enforcement Division
Postal Address: Licensing, PO Box 17831, Birmingham, B2 2HJ. Office Site: Phoenix House,
Valepits Road, Garretts Green, Birmingham, B33 0TD
Web: www.birmingham.gov.uk/Licensing Twitter: @BCCCLicensing.

From: Khalil Ahmadzai [REDACTED]
Sent: 04 January 2021 14:30
To: Sarah Lavender [REDACTED]
Subject: Re: Rubinos Pizza - 1187 Bristol Road South, Northfield, B31 2SL

Antisocial behaviour is nothing to do with our shop we are some days cleaning late in the close door and doing cleaning as it is a part of our hygiene inside in store
Auntie behaviour could be issue upstairs with the flats tenants and also we have a issue with the next door neighbour which thy are throwing beers bottle rubbish into our Holloway I have already complained to the council officer Who attend the shop couple of weeks ago
Also he advise us that he will send a letter to the next door neighbours regarding that issue
we are thinking there is a skin difference or racism with our neighbours

That's why the get in touch with the counsellor and using Any roots to give us trouble
Many thanks

On Mon, 4 Jan 2021 at 18:24, Sarah Lavender [REDACTED] wrote:

Further to my below.

I have had contact from a Councillor today regarding the premises still not operating within the hours and causing anti-social behaviour into the early hours of the morning.

The premises is not permitted to provide late night refreshment after midnight, the matter will be passed to the police licensing team to investigate further.

Regards

Sarah Lavender
Licensing Enforcement Officer
[REDACTED]
[REDACTED]

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From: Sarah Lavender
Sent: 04 January 2021, 12:46
To: Khalil Ahmadzai [REDACTED]
Subject: RE: Rubinos Pizza - 1187 Bristol Road South, Northfield, B31 2SL

Good afternoon,

Thank you for your response. I will of course rearrange the interview to enable you to attend. The situation is changing all the time so I will aim to book an appointment in provisionally for Monday 15th February at 11am this gives you chance to complete any required quarantine and opportunity to seek legal advice if you wish.

If anything changes in the mean time I will be in touch or I will confirm the appointment with you be email closer to the time.

Regards

Sarah Lavender
Licensing Enforcement Officer

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Web: www.birmingham.gov.uk/Licensing Twitter: @BCCLicensing.

From: Khalil Ahmadzai [redacted]
Sent: 04 January 2021 11:49
To: Sarah Lavender <[redacted]>
Subject: Re: Rubinos Pizza - 1187 Bristol Road South, Northfield, B31 2SL

Also I don't have an idea is there is any quarantine will be will Required after returning back to the UK ?? if that is the case for you and your staff safety can you please arrange the date after quarantine many thanks

On Mon, 4 Jan 2021 at 16:19, Khalil Ahmadzai [redacted] wrote:

Currently away from the country that is the reason the provided number is not working i will be returning back to Uk on the 19th of January 2021 can you please rearrange an appointment for interview I will make my way down so I can attend the interview myself many thanks

On Mon, 4 Jan 2021 at 14:19, Sarah Lavender [redacted] wrote:

Good morning,

The attached letter was sent to you regarding an offence committed at the above premises. I have tried contacting you on the mobile number you provided without success and I've had no response to the letter regarding an interview that was due to be conducted today.

Since the letter was issued and over the Christmas period Birmingham has entered tier 4 restrictions, the interview arranged for today is therefore postponed until I receive clarification from management that we are able to conduct interviews in person or if it will be done by other means.

An interview will be your opportunity to put comments forward regarding the matter.

Regards

Sarah Lavender
Licensing Enforcement Officer

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<https://www.gov.uk/guidance/coronavirus-covid-19-taxis-and-phvs#drivers>

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OFFICIAL – (when complete)

MG11

WITNESS STATEMENT

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

Crime No. URN

Statement of MARK SWALLOW

Age if under 18 OVER 18 (if over 18 insert "over 18")

Occupation POLICE LICENSING OFFICER 60264

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

Signature: M.SWALLOW. (witness)

Date 21.1.21.

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

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police currently stationed at Lloyd House Police Station.

At 0040 hours Sunday 17th January 2021 acting upon information received that the premises were remaining open after the time they were mandated to close I attended Rubinos Pizza at 1187 Bristol Road South, Longbridge Birmingham. Rubinos does have a late night refreshment license which allows them to stay open till midnight each day of the week.

On my arrival there I could see that the premises lights were on and the shutter was half open. In the premises I could see four persons all male. Three were working behind the counter and a fourth was waiting in the public area of the shop. I approached the premises and found the front door was unlocked and could be pushed open. I entered the public area of the shop and the male that I had seen there was approaching me with a food order in his hands that included a pizza box. I identified myself with my identification card and spoke to this male. He identified himself as Sahib who stated that he was an Uber Eats delivery driver and he was taking the food that he had just picked up as a delivery to a customer.

I then approached the three members of staff behind the counter and informed them of who I was. They were Jamil born of phone number Shaked and Jeager. They informed me that orders were behind and that was why they were still open. They stated that they still had orders to fill. I informed them that they were in breach of the license and that they should be shut. They voluntarily agreed to shut and to phone the persons with orders outstanding to offer them a refund.

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of MARK SWALLOW

The manager was not present and therefore I informed the staff that they should not be open at that time as they were in breach of their late night refreshment license and told them that they should shut at 2300 although I have corrected this and informed them that they should close at midnight each night. It is my belief from the actions of the staff at the restaurant that had I not visited then they would have carried on trading.M.SWALLOW.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

3746 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Chicago Pizza 1187 Bristol Road South Northfield	
Post town: Birmingham	Post Code: B31 2SL
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence L Late night refreshment

The times the licence authorises the carrying out of licensable activities Monday - Sunday 23:00 - 00:00 L
--

The opening hours of the premises Monday - Sunday 11:30 - 00:00
--

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Chicago Pizza 1187 Bristol Road South Northfield	
Post town: Birmingham	Post Code: B31 2SL
Telephone Number: Not Specified	
Email Not Specified	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol N/A N/A	
Post town: N/A	Post Code: N/A
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number N/A	Issuing Authority N/A

A.

B. *Dated 07/02/2012*

A large black rectangular redaction box covering the signature of David Kennedy.

David Kennedy
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

N/A - None of the mandatory conditions under the Licensing Act 2003 are currently applicable to these premises.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

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

N/A

Annex 4 – Plans

