

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 18th May 2020
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Brooklyn News, 3 Birdbrook Road, Birmingham, B44 8RA
Ward affected:	Oscott
Contact Officer:	Bhupinder 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 23rd March 2020 from the Chief Inspector of Weights & Measures in respect of Brooklyn News, 3 Birdbrook Road, Birmingham, B44 8RA.

A representation has been received from West Midlands Police as a responsible authority.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

The Chief Inspector of Weights & Measures applied on 23rd March 2020 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Brooklyn News, 3 Birdbrook Road, Birmingham, B44 8RA

A representation has been received from West Midlands Police, as a responsible authority, 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.

The Premises Licence Holder, through their appointed agent, has submitted supporting documents in respect of this Review application. These documents have been published as separate appendices to this report.

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.

Supporting documents submitted by the Premises Licence Holder, published as separate appendices to this report.

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: Abdool Rohomon
Sent: 27 March 2020 09:25
To: Licensing
Cc: Donna Bensley
Subject: Brooklyn News licence review

Dear Licensing,

West Midlands Police have received the review application submitted by Trading Standards in relation to Brooklyn News.

West Midlands Police wish to support this application and join in with the review application. The grounds for the review application appear serious in their nature. The sale of alcohol to minors is a serious issue, especially to the health and wellbeing of the child.

There are numerous reports from acclaimed charities and professionals into the effects of alcohol on children. The importance of not selling to underage persons cannot be expressed enough, and there are no excuses for selling to underage persons.

It is noted in this case that the person that conducted the sale was in fact both the DPS and the Premise licence holder. This is especially concerning as being both the DPS and PLH this person has ultimate control over the premises both in terms of the sale of alcohol and how it is run.

West Midlands Police wish to join in the review application

regards

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

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West Midlands Police

**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 Naseem Shamas (on behalf of Donna Bensley Chief Inspector of Weights & Measures)

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	
Brooklyn News 3 Birdbrook Road Birmingham B44 8RA	
Post town BIRMINGHAM	Post code (if known) B44 8RA

Name of premises licence holder or club holding club premises certificate (if known) Mr Paramjit SINGH
--

Number of premises licence or club premises certificate (if known) 31027 (reference number)

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)

YES

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

☐

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

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

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; Naseem Shamas Birmingham Trading Standards Manor House 40 Moat Lane Birmingham B5 5BD Our Ref: 9640018
Telephone number (if any)
E-mail address (optional)

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

- | | |
|---|---------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | Yes |
| 2) public safety | Yes |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | Yes |

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

The Trading Standards Service conducted an underage test purchase exercise with two female volunteers who were 14 and 15 on Thursday 20 February 2020.

The volunteers went into Brooklyn News at approximately 14.50hrs and the 15-year-old volunteer was sold 2 bottles of 4.0% alcohol; namely blue WKD for £5.98. The sale was observed by Trading Standards Enforcement Officer Dawn BUNSIE.

They were not asked their age or for any identification at all during the sale process.

After the sale was made and the young persons had left the premises Officer BUNSIE and Enforcement Officer Geary WARMINGTON went back into the shop; Officer BUNSIE identified the seller who gave his name as Mr Paramjit SINGH . The officers advised that he had been observed selling alcohol to a person under the age of 18 and that it was an offence under The Licensing Act 2003 and that the facts would be reported.

Mr SINGH was the Premises Licence Holder and the Designated Premises Supervisor.

This was confirmed in written form in a trader notice No. 12287 which Mr SINGH signed and was given a copy.

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

There had been previous advisory to the Premises by the Trading Standards Service:

- 22 September 2011 Trading Standards carried out a joint advisory visit for alcohol & tobacco with Licensing to the premise.
- 24 May 2013 Trading Standards visited the premise and provided an advisory pack for tobacco and alcohol on age restricted products.

Although there had been no recent complaints the sale of alcohol to persons under the age of 18 is a serious offence under The Licensing Act 2003. It can have serious consequences when it gets into the hands of young people. It can make them vulnerable and put them in compromising situations as well as causing serious health issues if taken in excess.

There is no excuse at all for making the sale to the volunteer; this was done by Mr Paramjit SINGH.

As the Premises Licence Holder and the Designated Premises Supervisor he should have known better.

The current licence for this premises was a conversion granted on 28 July 2005; therefore, no specific conditions are made in relation to preventing age restricted sales.

Recommendations.

The Premises has previously been advised in the past; albeit a while ago. However, the person in charge and who made the sale was the person who received that advice. There is a greater responsibility on the Premises Licence Holder/Designated Premises Supervisor to comply with the law.

I would ask that the Committee consider all outcomes at their disposal; this could include more robust conditions as currently there are none other than the mandatory conditions that exist. These could include reference to a Challenge 25 proof of age scheme, Staff Training and record keeping, the use of a refusals register and CCTV.

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

No

If yes please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

.....

Date 23/03/2020

.....

Capacity Chief Inspector of Weights and Measures

.....

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.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

1179

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

Brooklyn News
3 Birdbrook Road

Post town:

Birmingham

Post Code:

B44 8RA

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

N/A

Licensable activities authorised by the licence

M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities

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

The opening hours of the premises

Not Specified

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

Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence 3 Birdbrook Road	
Post town: Birmingham	Post Code: B44 8RA
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable)
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Paramjit Singh	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 1061	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 06/11/2005

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

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 am. to 11 pm.
- b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm.
- c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm.
- d. On Good Friday, 8 am. to 10.30 p.m.

The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

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

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

The plan of the premises with reference number **31027-1179/1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



