

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 15 JULY 2020

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 15 JULY 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Martin Straker-Welds and Mary Locke.

ALSO PRESENT

Bhapinder Nandhra – 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

- 1/150720 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.

2/150720 **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

- 3/150720 Apologies were submitted on behalf of Councillor Eustace and Councillor Locke was the nominated Member.
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MINUTES

4/150720 The minutes of meeting held on 6 May 2020 and 13 May 2020 were circulated and confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – MINI
SUPERMARKET, 121 WITTON LODGE ROAD, PERRY COMMON,
BIRMINGHAM, B23 5JD**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Mijanur Rahman – Representative

Those Making Representations

No one attended.

* * *

The Chairman introduced the Members and officers present then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

Afterwards, the Chairman invited the applicant's representative to make their submission. At which stage Mijanur Rahman, made the following points on behalf of the applicant: -

- a) That the application was for a convenience store and off licence.
- b) The representation received in email format highlighted the hours of trading as the main issue, due to noise nuisance. They had responded to the email and tried to outline steps they could take to ensure noise was controlled and also pointed out the conditions agreed with Licensing Enforcement (LE) and West Midlands Police (WMP). Unfortunately, the objector did not withdraw their objection.
- c) The shop was positioned within a 'ring' of shops, some of which were food premises; pizza shop, café, and a fish and chip shop. Some of those premises had licences until midnight and the community centre had a licence until 0100 hours everyday. There was also a late-night Pharmacy within the ring of shops.
- d) That the application was in keeping with the other shops in the area.

- e) The applicant had another 24-hour licence and had never had any issues or complaints.
- f) The store was marketed as a mini market – a convenience type store.
- g) People would be purchasing eggs, milk, bread and alcohol.
- h) They had agreed the conditions with LE and WMP.

In summing up Mr Rahman, on behalf of the applicant made the following points:

- - That his client was an experienced licence holder who currently held a 24-hour licence. He was also family man and it would be a family run business.
 - They had considered reducing the hours, but they were in keeping with the area and therefore felt the hours were necessary.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

5/150720

RESOLVED:-

That the application by Tesfit Meles for a premises licence in respect of Mini Supermarket, 121 Witton Lodge Road, Perry Common, Birmingham, B23 5JD be granted.

Those matters detailed in the operating schedule, and the relevant mandatory conditions under the Licensing Act 2003, will form part of the licence issued, together with those additional conditions which were agreed by email in advance of the meeting (and reproduced in the Report) following discussions between the applicant, West Midlands Police and Licensing Enforcement, namely:

- If for any reason the CCTV hard drive needs to be replaced or repaired the previous/ old hard drive will be kept on site for a minimum of 28 days and made immediately available to any of the responsible authorities on request
- Cameras outside the premises are required to be able to still function in conditions of reduced lighting in order to be able to provide recordings of an evidential quality
- All staff with the exception of personal licence holders will receive training in their responsibilities under the Licensing Act 2003, the licensing objectives and the Challenge 25 policy
- A record of training will be maintained and this will be signed by both the trainer and trainee. The training will be documented, kept on site and produced upon request to an authorised person. It will be

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refreshed every 6 months. No staff will be permitted to work in the premises if they have not completed this training

- A sales refusals book will be kept on site and completed by the member of staff each time they refuse a sale of an age restricted product. The refusals book will be signed off by the DPS every month
- Single cans or bottles of less than 75 ml of beers, ciders and alcopops, and plastic cups to accompany purchases of alcohol, are not to be sold
- A notice will be displayed at the exit of the premises requesting customers to leave quietly and respect the local neighbourhood

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted.

Members carefully considered the representations made by another person, who submitted a written objection, but were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. Other licensed premises in the area already operated to similar, or even later, hours. The applicant was an experienced person who currently held a 24 hour licence elsewhere, and had been operating at that premises without problems. It would be a family-run convenience store with 'off' sales of alcohol. All in all, the Sub-Committee was satisfied that the applicant had sufficient experience to manage such a shop in the Witton Lodge Road area responsibly.

The Sub-Committee considers the conditions agreed between the applicant, West Midlands Police and Licensing Enforcement to be appropriate, reasonable and proportionate to address concerns raised by the objector.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant via his representative.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

Please note, the meeting ended at 1023.