

BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE C
6 SEPTEMBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 6 SEPTEMBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah and Penny Wagg.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

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

1/060923

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 Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/060923

DECLARATION OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an

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interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/060923 Apologies were submitted on behalf of Councillors Forsyth and Bermingham and Councillors Donaldson and Miah were the nominated substitute Members.

MINUTES

4/060923 That the public part of the Minutes of the meeting held on 2 August 2023 at 1000 hours and 14 June 2023 at 1000 hours and the minutes as a whole were confirmed and signed by the Chair.

That the Minutes of the meeting held on 18 July 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – PREMISES AT 15A HOLYHEAD ROAD, HANDSWORTH, BIRMINGHAM, B21 0LA.

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On Behalf of the Applicant

Trent Beasley – Applicant
Brittant Beasley – Sign Language Interpreter

Those Making Representations

Councillor Shergill

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Trent Beasley, through his translator made the following points: -

- a) That he rejected the representations against his application.
- b) He felt offended that anyone would think he would sell alcohol to underage children.

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- c) It seemed likely that those who had made representations didn't understand the scope of the application.

He then typed the following in the chat function in MS Teams:

1. Prevention of crime and disorder, access to public is prohibited. The only risk is burglary, our premise is fitted with alarm, there is a haspa padlock with a yale lock, there are surveillance camera surrounding the premise.
2. Public safety, access to the public is prohibited, nobody is allowed on the premise. We will not be operating out of the premise. All order are only online, so there is no risk to public in the premise, the only risk would be is the staff, all of our staff will be trained in fire safety, risk assessment will be conducted annually.
3. prevention of public nuisance, which seem to be the concern of most. I however reiterate to this matter that nobody is permitted on the premise except myself and my staff. The rubbish will be disposed of in appropriate manner, so no risk of littering or nuisance to neighbours.
4. The fourth one, Prevention of children from harm, which seem to be another concern with the representatives. Once again, no sales will be made on the premise, all sales are online, the courier/royal mail have their own age verification service which will verify the age of the individual who ordered the alcohol, upon being verified they can deliver the alcohol.
5. Our product is a high quality spirit, the premise license is solely to fulfill order online, no more no less. I understand there are concerns surrounding the area of Handsworth, however bearing in mind, two stores next to the premise sells alcohol, there's also Lidl not far that sells alcohol, the risk is more significant there as they sell the alcohol on the premise whereas we sell the alcohol off the premises.

The Chair also read them out in order that the whole Committee/public could hear the submissions made by the applicant.

The Members asked questions and Trent Beasley gave the following responses:
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- a) That he only intended to use Royal Mail until a time when other couriers were discovered to have a reputable service and offered a similar age verification process.
- b) He would be advertising on his website and Facebook, but all sales would only be made through the website.
- c) The only products he intended to sell was high quality Gin, Silhill Distillery.

Councillor Shergill was then invited to make her case. She made the following statements: -

- a) That upon receipt of the application, many residents approached her with concerns due to there being so many off licences in the area.
- b) The submissions made by the applicant had eased the concerns as it would only be the sale of Gin online.

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- c) They were also worried about collections due to there being a temple and mosque either side, however if it was just delivery they had no problem with the application.

Both parties were invited to make a brief closing submission, however neither party had anything further to add.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the full written decision was sent to all parties as follows;

5/060923

RESOLVED:-

That the application by Trent Beasley for a premises licence in respect of 15a Holyhead Road, Handsworth, Birmingham B21 0LA, be granted. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting assisted by a British Sign Language interpreter. The applicant addressed the Sub-Committee by making submissions regarding the operating schedule (as set out in the Committee Report). He was aware of his responsibilities in terms of the licensing objectives. He was confident that he could operate well, and the risks to the licensing objectives would be managed well.

Representations had been received, one from the local Ward Councillor and the rest from local residents; the applicant had taken these seriously, but did not agree that there were risks to the licensing objectives.

The applicant asked the Sub-Committee to note that the application for a premises licence had been made in order to offer delivery of premium alcohol (distillery gin). The deliveries would be made by Royal Mail, or other reputable courier service, which would provide age verification as part of the delivery service. Customers ordering online would have to verify their age, then the Royal Mail would verify the age of the individual who ordered when delivering the alcohol. Under this style of operation there was no risk of any underage sales, which otherwise could undermine the protection of children from harm objective.

Regarding public safety, access to the premises by the public would be completely prohibited; nobody but the staff would be allowed inside the premises, and all orders would only be made online. All staff would be trained, including in fire safety, and a risk assessment would be conducted annually.

The applicant recognised that there might be a burglary risk, and

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outlined the security measures he had taken. The Sub-Committee found these to be satisfactory. He did not accept that there were risks to the crime prevention objective, or any potential for an increase in antisocial behaviour.

He had noted that the prevention of public nuisance objective seemed to be the overriding concern of most of those making representations, but assured the Sub-Committee that his style of operation, namely a premium alcohol delivery service available online only (no callers permitted at the premises), was highly unlikely to create any type of public nuisance at all in Handsworth. He added that all waste would be disposed of in the appropriate manner, and there would therefore be no risk of any littering nuisance to neighbours.

The applicant assured the Sub-Committee that whilst he understood that there were concerns from some residents in the surrounding area, it ought to be borne in mind that two shops next to the premises were already selling alcohol. In addition, a branch of the Lidl supermarket, located nearby, sold alcohol; the applicant observed that the risk was much more significant at these other retailers, as they sold alcohol to customers visiting their premises, whereas the applicant simply fulfilled online orders for delivery via Royal Mail or similar. The Sub-Committee noted this.

The Sub-Committee then turned to the large number of written representations which had been received from other persons, and considered these carefully. In addition, the local Ward Councillor attended the meeting in person and addressed the Sub-Committee.

The Ward Councillor stated that whilst she had originally made a written representation, after hearing the submissions made by the applicant during the meeting, she had been reassured. She noted that the only product offered was a premium distillery gin, and that all orders would be online only. She stated that her concern had been that the premises might offer alcohol for collection by customers, and that this had created a worry about the potential effect on the licensing objectives, and also because of the nearby mosque and temple. However, after hearing the applicant's description of the proposal, she had no objection to his style of trading.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

Members had heard that the Ward Councillor no longer objected. They carefully considered the written representations, but considered that the points made had been adequately covered by the applicant, as the

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Ward Councillor had noted. The Sub-Committee therefore did not find that there was an overwhelming evidential and causal link between the issues raised in the written representations and the effect on the licensing objectives.

The application had been straightforward, with no objection from West Midlands Police, or from any of the other responsible authorities. The product would be a high quality spirit, and the permission under the premises license would be solely to fulfil orders made online. The applicant had put forward an operating schedule which properly addressed the promotion of the licensing objectives.

The Sub-Committee was aware that this style of home delivery service of alcohol, which had become popular during the Covid-19 pandemic lockdowns, was going on across the country, and had not been found to have had an adverse impact on the promotion of the licensing objectives nationally.

Members considered that the applicant had drafted a satisfactory operating schedule, and therefore concluded that by granting this application, the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that both the applicant and the operating schedule were suitable.

The Sub-Committee also noted its obligations under the Public Sector Equality Duty, and was pleased that a local businessman assisted by a British Sign Language interpreter wished to start a premium service in Birmingham. All in all, the application inspired confidence. The application was therefore granted. The Sub-Committee wished the applicant well with his business.

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 application for a premises licence, the written representations received and the submissions made at the hearing by the applicant via his British Sign Language interpreter, and by the Ward Councillor.

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.

EXCLUSION OF THE PUBLIC

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RESOLVED:-

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

CHAIR.....