

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 30 MARCH 2021</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 30 MARCH 2021 AT 1100 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Nicky Brennan and Adam Higgs.

### **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)

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### **NOTICE OF RECORDING/WEBCAST**

- 1/300321 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](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/300321 **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.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/300321 Apologies were submitted on behalf of Councillor Nagina Kauser and Councillor Phil Davis was the nominated substitute Member.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – WINE O’CLOCK, 4 SILVER STREET, KINGS HEATH, BIRMINGHAM B14 7QU**

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

(See document No. 1)

**On Behalf of the Applicant**

Ramesh Trishima – Applicant  
Patrick Burke – Agent

**Those Making Representations**

Mrs Idris, on behalf of Mr Idris – Resident

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

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

Afterwards, the Chairman invited the applicant or their representative to outline their application, at which stage Patrick Burke made the following points: -

- a) That the premises previously operated as a hardware essential goods store.
- b) The applicant knew the area and the local residents well and had previous experience working in pubs and nightclubs in London and France.
- c) The applicants Nephew had experience running off licences.
- d) The road the premises was situated on was busy and commercial, there were other shops such as Aldi close by.
- e) His client had already spent time and money refurbishing the shop and making it look nice.
- f) The applicant wanted to specialise in quality goods; no cheap 2 for 1 offers. He would be selling quality beers, wines and spirits.
- g) The objection at Appendix 1 suggested that the new licence would increase public nuisance, drinking culture and the impact on school children. However, there was no evidence and no Responsible Authorities had made any objections to the application.

- h) The objection at Appendix 2 also raised concerns of drunken behaviour and an incident at another store which was not relevant to this application.
- i) There was also reference to drug dealing, however West Midlands Police had made no objection.
- j) That the objections were based on speculation and cited the case of *Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*.
- k) That there were 5 objections from residents, yet no objections from any of the responsible authorities.
- l) His client was looking to open a quality premises selling quality goods.
- m) There were about 30 houses and none of those residents had objected.

In answer to questions from Members, Patrick Burke, on behalf of the applicant made the following points: -

- a) They did not reach out to objectors because there were more than 4 and therefore, it was not something they would usually do.
- b) CCTV would cover the front of the shop and the inside too.
- c) That it was not the kind of premises which would sell super strength, cheap beers. The alcohol would not be the type of products that would attract street drinkers.

The Chairman invited Mrs Idris to make her submission, at which stage Mrs Idris made the following points: -

- a) That she had been living in the area for 15 years and although it was a beautiful area there were issues with men drinking. It wasn't good for her kids.
- b) That there were already 7 off licences in the area and they didn't need another one.
- c) She was scared to go out with the children. One of her children had special needs and it wasn't good for the children.
- d) No matter what hours were applied for, it would not make them feel safe. There were drunks and junkies everywhere.

The Chairman invited the applicant and their representative to make a closing submission, at which stage Patrick Burke on behalf of the applicant made the following points: -

- His client lived in the area and knew it well and although there were 5 objections but none of which were from anyone living on that street.

## Licensing Sub-Committee B - 30 March 2021

- That his client was very brave to take this business on given the current circumstances with the Covid-19 Pandemic.
- The premises was not going to be a normal 'Lifestyle Express' it was going to be a quality off licence selling premium products.
- There were no objections from any responsible authorities.

The Chairman invited Mrs Idris to make a closing submission, at which stage she made the following points: -

- She was scared and felt she had to ask her husband to go to the shop with her.
- She didn't feel safe taking the children out either.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams 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: -

4/300321

### **RESOLVED:-**

That the application by World Wine Store Limited for a premises licence in respect of Wine O'Clock, 4 Silver Street, Kings Heath, Birmingham B14 7QU, **BE GRANTED** with the hours of operation to be from 09.00 hours to 22.00 hours daily. 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 Sub-Committee deliberated the operating schedule put forward by the applicant company, and the likely impact of the application - in particular the offer to shorten the operating hours. The Sub-Committee concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted.

The director of the applicant company explained via his representative that he was experienced in the licensed trade – pubs and clubs in France, and restaurants in London. He lived locally and knew the area well, running a mobile phone shop round the corner from the instant premises. He had invested money in the premises, and had made arrangements for his nephew to assist him in the running of the shop.

Members carefully considered the representations made by other persons, namely local residents (one of whom addressed the Sub-Committee directly in the meeting), but were not convinced that there was an evidential and causal link between the issues raised

and the effect on the licensing objectives. The representations related to street drinking and other antisocial behaviour, which were perhaps attributable to existing premises in the area. Other issues, such as drug use, were not of great relevance to an application to operate as an off-licence. It was not likely that a carefully-managed new premises would add significantly to these problems.

The shop was based in the busy commercial area of Silver Street, which served thousands of residents in the surrounding district. The plan was to specialise in quality wines, beers and spirits – certainly not cheap high-strength alcohol, as favoured by street drinkers.

Those making representations were keen to state that to grant a further licence in the area would have a negative impact on the licensing objectives, but the applicant company's representative cited the case of Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin) in urging the Sub-Committee not to be unduly influenced by speculative representations. The submissions made by the applicant company's representative had made clear that there was no reason to think that either the operation, or the licence holder, would not be capable of upholding the licensing objectives. Moreover, the Sub-Committee noted that no representations had been made by West Midlands Police, and as the applicant company's representative pointed out, no resident of Silver Street had objected either.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 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 company via its representative, and by those making representations.

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.

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Please note, the meeting ended at 1118.