

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Wednesday 15 September 2021
at 1400 hours in On-Line Meeting,
Microsoft Teams

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 meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXg6_5dnVnYlw) 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

Attached **4 SIMPLY LOCAL, UNIT 8 NORFOLK HOUSE, 84-86 SMALLBROOK QUEENSWAY, BIRMINGHAM, B5 4EG - LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 - APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS**

N.B. Application scheduled to be heard at 1400 hours.

Documents submitted.

- A. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- B. Application for Review of Licence
- C. Copy of Premises Licence
- D. Location maps

West Midlands Police have applied for an expedited review of the premises licence in respect of Simply Local, Unit 8 Norfolk House, 84-86 Smallbrook House, Queensway, Birmingham, B5 4EG.

The application has been made under Section 53A of the Licensing Act 2003 (as amended) and has been accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises have been associated with serious crime and disorder. (See A and B above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item C.

The interim steps that must be considered at the hearing are:

- Modification of the conditions of the premises licence;
- Exclusion of the sale of alcohol by retail from the scope of the licence;
- Removal of the designated premises supervisor from the licence;
- Suspension of the licence

5 OTHER URGENT BUSINESS

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

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Simply Local

Premise Licence Number: 4084

Premise Licence Holder: Mr Lakhbir Singh

Designated Premise Supervisor: Mr Lakhbir Singh

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

On Wednesday 8th September 2021 an illegal immigrant who was working at the premises was arrested by Home Office Immigration Service.

This male made significant statements to officers:

- He stated that he was an over stayer on a student visa
- He stated that he had worked at the premises for about a year
- He stated that he worked about 45 hours per week
- He stated that he was paid cash in hand
- He stated that he was paid £5.50 per hour

Under the Section 182 Guidance -11.27 the employing of illegal workers is a very serious offence which warrants the use of this power.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incident is a matter that needs to be brought to the attention of the Licensing Committee immediately.

I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

Manda Gop

SUPT 6839 MANDA FOX



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 the 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

1. *SUPT MARIA FOX (6839)*

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: **Simply Local**

Postal address of premises, (or if none or not known, ordinance survey map reference or description): **Unit 8 Norfolk House. 84-86 Smallbrook Queensway, Birmingham. B5 4EG.**

2. Premises Licence details:

Name of premise licence holder (if known): **Lakhbir Singh**

Number of premise licence (if known): **4084**

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:
(Please read guidance note 2)

Simply Local is a large double fronted convenience store located on Smallbrook Queensway in Birmingham city centre.

On the Wednesday 8th September 2021 a joint operation was conducted at the premises. The operation involved officers from the Home Office Immigration Service, Birmingham City Council licensing team and West Midlands Police licensing team.

The operation was organised by the immigration service following information that the premises were employing illegal immigrants.

When officers attended the premises at approximately 10.50hrs they found the premises open, with customers inside and one member of staff would was stood behind the counter. This member of staff was wearing a grey fleece with the words 'simply local' across the left hand chest area of the garment.

Officers from the Immigration Service detained this male who was confirmed as being an illegal worker, working at the premises.

This male fitted the description given in the intelligence the officers had received.

The male was arrested and is being dealt with by the immigration service.

At the premises the arrested male made signification statements to the officers –

- **He stated that he was an over stayer on a student visa**
- **He stated that he had worked at the premises for about a year**
- **He stated that he worked about 45 hours per week**
- **He stated that he was paid cash in hand**
- **He stated that he was paid £5.50 per hour**

Of note this member of staff had shop keys in his possession and was prepared to lock and alarm the premises if none of the management had arrived prior to his departure with immigration officers.

Where a premises licence holder is prepared to employ illegal workers they are not only committing offences but are also actively involved in criminal activity and the exploitation of vulnerable persons for financial gain.

- **Illegal workers have no employment rights, or protections and are unable to declare themselves to the authorities to seek assistance should they require any assistance.**
- **Illegal workers have no rights to be paid the minimum wage, which benefits the employer financially.**
- **Illegal workers that are paid 'cash in hand' by the employer means the correct tax and national insurance deductions are not taken into account, and therefore not declared to HMRC.**

The employing of illegal workers is a very serious offence and this is reflected within the Section 182 guidance under section 11.27 which lists the employment of illegal immigrants/workers as a serious offence and is placed in the same category as possession of illegal firearms, allowing gang activity, allowing child grooming and prostitution.

Employing illegal immigrants carries a five year prison sentence and unlimited fine which meets the criteria identified as a serious crime.

It should be noted that a male arrived at the premises just before immigration officers were about to escort the male off site.

The male introduced himself as a friend of the owner and said he would take charge of the premises.

Officers were not going to let this happen and the shop was going to be secured by the member of staff.

Only after questioning and discussion with immigration officers, the male eventually identified himself as Lakhbir Singh – (the DPS and PLH)

Mr Singh then stated he wasn't aware he was detailed on the premises licence.

Signature of applicant:

Mona Singh

Date:

14/9/21

Rank/Capacity:

SUPT 6839 FOX

Contact details for matters concerning this application: BW Licensing

Address: Licensing Dept c/o Birmingham West and Central Police Station, Birmingham

Telephone Number(s): 0121 626 6099

E-mail - bw_licensing@west-midlands.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4084 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Simply Local Unit 8 Norfolk House 84 - 86 Smallbrook Queensway	
Post town: Birmingham	Post Code: B5 4EG
Telephone Number: Not Specified	

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 - Sunday 07:00 - 23:00 M2

The opening hours of the premises Monday - Sunday 07:00 - 23:00
--

Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off Supplies
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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Lakhbir Singh	
Post town:	Post Code:
Telephone Number: Not Specified	
Email N/A	

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 Mr Lakhbir Singh	
Post town:	Post Code:
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 036190	Issuing Authority SANDWELL METROPOLITAN BOROUGH COUNCIL

Dated 11/09/2019

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

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.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

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(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence and a log of this training will be maintained. The training log can be inspected by any Responsible Authority on request.

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

Digital CCTV will be installed at the premises to the reasonable satisfaction of the Police. The system must be operational at all times when licensable activity is taking place. The system must have an image download capacity. All recorded images must be kept for a minimum of 28 days. Full access to recordings must be given to Responsible Authorities immediately upon request.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. The register will be produced and made available for inspection upon request by Responsible Authorities.

The business will not sell beer/lager/cider over 6% in alcohol volume.

The business will be protected by CCTV internally and externally and stills/footage will be available to WM Police and Facewatch should this be requested by Police or the BID.

The business will be a member of Pubwatch, adhering to its list of banned individuals.

The business will receive a Southside Crime Radio and train his staff to use this and to use the Facewatch scheme. (Radios and facewatch training provided FOC from Southside BID)

The business will be a high quality convenience store which will stock locally sourced fresh produce.

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

All alcohol sale refusals will be noted in a refusals register.

The premises shall operate a challenge 25 policy.

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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

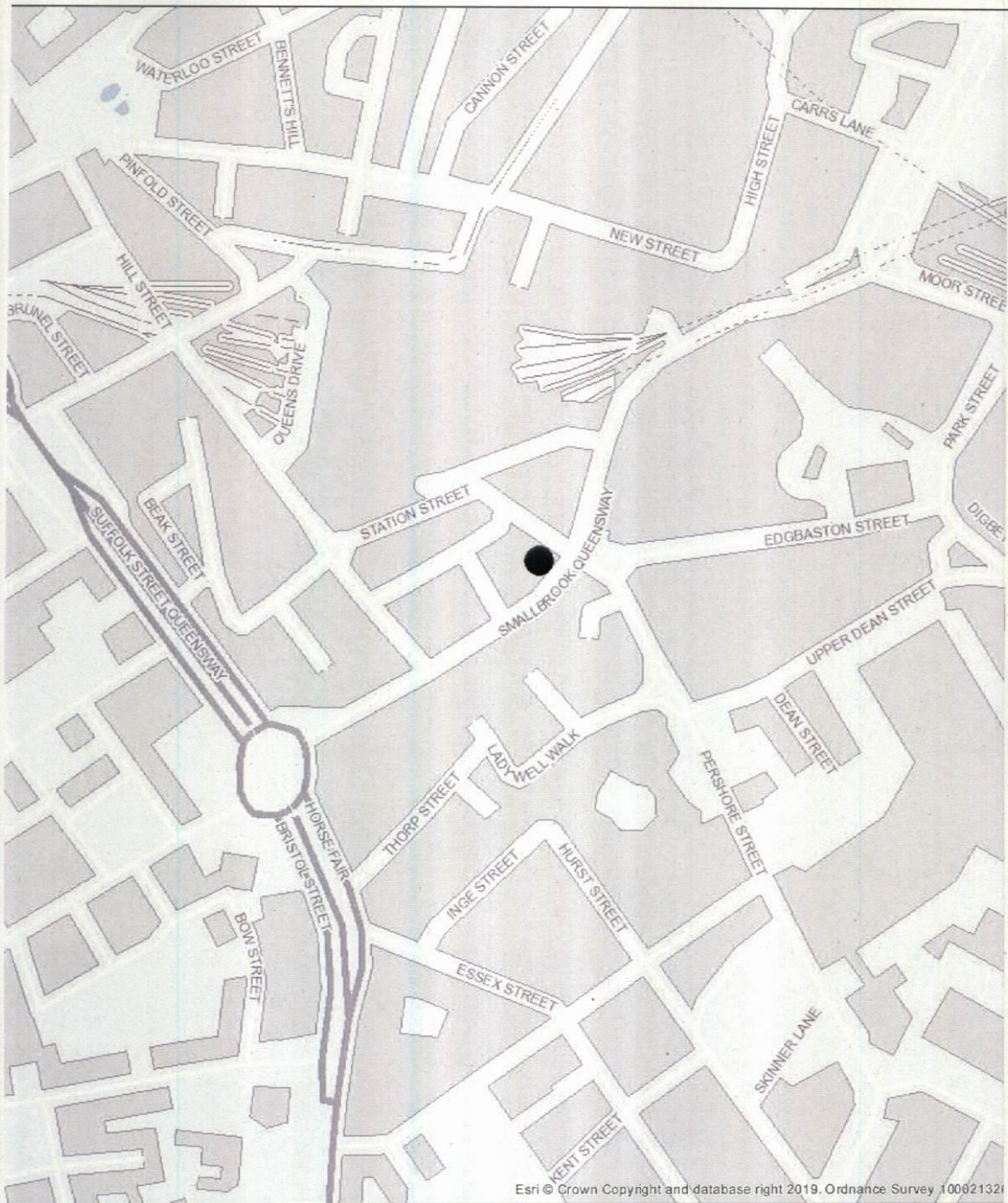
N/A

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **112015-4084/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



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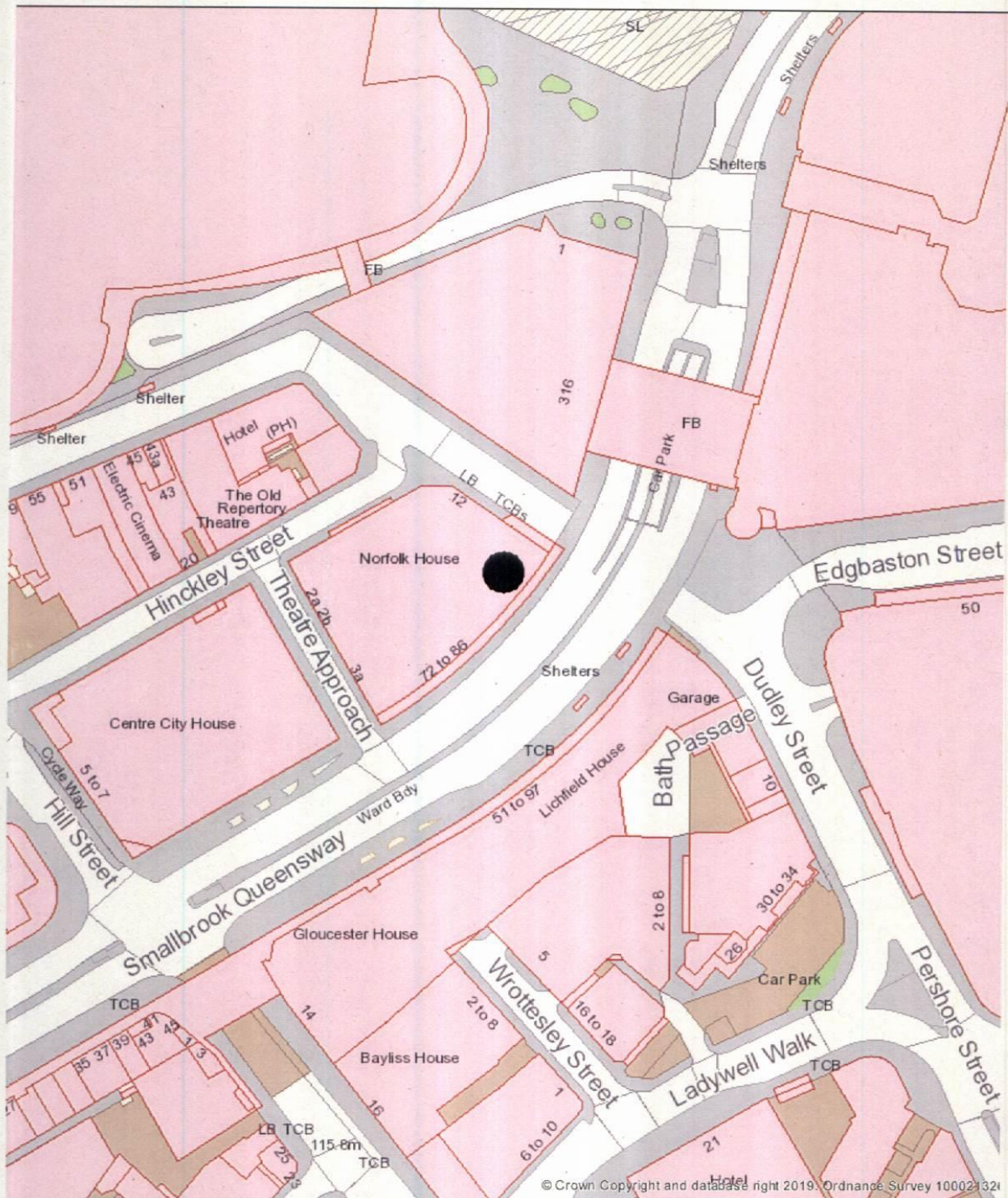
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