

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 14 JUNE 2023 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

5 - 28

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 24 May 2023 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 24 May 2023 at 1200 hours.

To confirm and sign the Minutes of the meeting held on 31 May 2023 at 1000 hours.

29 - 48

5 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW S & J STORES
T/A BOOZE AND BEVERAGE, 314 SLADE ROAD, ERDINGTON,
BIRMINGHAM, B23 7LU**

Report of the Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

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

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

P R I V A T E A G E N D A

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 24 May 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to

be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 24 MAY 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 24 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Penny Wagg.

ALSO PRESENT

David Kennedy – 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)

1/240523 **NOTICE OF RECORDING/WEBCAST**

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.

2/240523 **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.

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Councillor Izzy Knowles declared that she was a Member of Licensing and Public Protection Committee and occasionally sat on Licensing Sub Committees as a substitute Member. She confirmed she had not discussed this matter with any other Members of the panel and is attending in the capacity of an objector.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/240523 No apologies were submitted.

MINUTES

4/240523 That the Minutes of the meeting held on 22 December 2021 at 1000 hours were confirmed and signed by the Chair.

That the public section of the Minutes of the meeting held on 22 February 2023 at 1200 hours, 17 March 2023 at 1000 hours, and 12 April 2023 at 1000 hours were noted.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – PUNJABI DHABA, 124 BILLESLEY LANE, KINGS HEATH, BIRMINGHAM, B13 9RD.

* * *

On Behalf of the Applicant

Nira Suresh – Arka Licensing
Sukhdave Singh - Applicant

On Behalf of Those Making Representations

Councillor Izzy Knowles – Local Ward Councillor
Martin Mullaney – Resident
John and Janette Brenan - Resident

* * *

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. David Kennedy, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Nira Suresh on behalf of the applicant made the following points: -

- a) The premises is situated in a residential area, but it has been operating as a commercial premises for a long time. It used to be a wine shop, off licence and a burger bar/takeaway.
- b) The premises has been taken over by the applicant who is very experienced. He has run Indian restaurants for some time. Lives in the area and knows it well.
- c) There are 16 objections mainly concerned about noise from cars, anti-social behaviour, and general noise nuisance.
- d) There is also mention of a planning concern from one objector, but that isn't for consideration at this hearing.
- e) One objector recommended a 2230 hours terminal licence hour.
- f) 11 of the objectors mentioned the wine shops terminal hour of 2230 hours.
- g) There is lots of concerns about parking and noise.
- h) The applicant does not want to cause trouble to local neighbours.
- i) There is only 30 seats outside and that would usually only be 4/5 families dining outside.
- j) The applicant would put signs up asking customers to leave quietly and respect the neighbours.
- k) Most customers would be local and therefore wouldn't need parking.
- l) There is parking on side roads.
- m) The premises doesn't have a car park.
- n) Customers wont be loud and rowdy, they know it's a residential area.
- o) They currently don't use the shutter.
- p) The electric shutters done make noise.
- q) Most of the seating is inside.
- r) They have offered to stop serving food at 8pm in the outside area to limit noise and ease concerns of residents.
- s) The restaurant wont be open beyond 2300 hours. Therefore they would consider a 2230 terminal hour.

Mr Singh told the Committee that he had been a chef for 25 years and the majority of customers were professionals, the prices for food and alcohol were high. This would not attract the normal customer base. The restaurant only

serves Vegan food and there is not many in Birmingham, especially Indian restaurants.

The Chair asked the Applicant/Agent to clarify the application made in terms of the external area.

Nira Suresh advised that the terminal hour would be 8pm for the external area.

At this stage the chair invited those making objections to make their presentation and Councillor Izzy Knowles made the following points: -

- a) That she welcomed the business and hoped it was a success.
- b) She made the representation after speaking with a number of residents in the area.
- c) Many of the residents have made representations, and they wanted to ascertain the hours the premises wished to serve alcohol and food.
- d) The area was highly residential with houses next door and flats above and opposite the premises.
- e) The local concern is that the premises will add to noise nuisance and the lateness of people leaving causing a disturbance and nuisance to residents.
- f) There are families with children sleeping late at night.
- g) The applicant has suggested to stop outside serving at 2000 hours.
- h) However, the inside area needed to be closed by 2300 hours, otherwise it would be 2330 hours before people left.

Mr Mullaney was then invited to make his objection and he made the following points: -

- a) He lived 4 doors away from the restaurant and echoed what Councillor Knowles had said.
- b) He is not against the premises but the closing times were an issue.
- c) There is also concern about the wording of the conditions.
- d) He had not been sent the final report and he didn't know what the conditions were that the Licensing Officer talked about.
- e) That he welcomed an 2000 terminal hour.
- f) He is also needed clarification of what that meant, are people still allowed outside beyond 2000 hours or will it be closed.

- g) Also, he wanted clarification about the inside terminal hour and what that means.
- h) That he needed clarification on whether the 2300 hours is just the sale of alcohol or where the premises would be closed at 2300 hours.
- i) The wine shop closed at 2230 hours, and they were content with that and that's why he suggested 2230 hours and a 30-minute drinking up time so the premises would close at 2300 hours.

Janette Brennan then made the following points: -

- a) That she mirrored what others have said.
- b) She wanted to know how they would manage the 2000 hours terminal hour in the external area. What is stopping patrons remaining outside beyond 2000 hours?
- c) How will the noise level be managed?
- d) She also wanted clarification on when the restaurant will actually close.
- e) There have already been instances of people lingering outside the premises, talking loudly and revving motorbikes for 3-4 minutes at 2315 hours. Noise nuisance is a concern.

The Members asked questions and Janette Brennan gave the following responses: -

- a) That her family had lived in the area since 1927 and purchased the house which belonged to her grandfather.
- b) It is a quiet residential area.
- c) The premises used to be a wine shop which closed at 2230 hours at the very latest and terraced houses sit at the end of it.
- d) The butchers are now closed.
- e) The Co-op used to open until 2300 hours but due to robberies it now closes at 2230 hours.
- f) There are a few garages locally but other than that it is a fairly quiet area.
- g) There are allotments on the corner of the road which are well used.

The Chair invited all parties to make a closing submission. None of the objectors had anything further to add.

The applicant's agent Nira Suresh made the following closing statements: -

- That it is important for any restaurant business to grow.
- It will only have a small number of patrons passing through and would not be busy 7 days a week, primarily would be busier on weekends.
- They will stop serving alcohol at 2230 hours and all patrons would be gone by 2300 hours.
- Not all customers would leave at the same time.
- They will stop serving alcohol or food outside at 2000 hours. Clearing up can take a bit of time and therefore request that the outside area is clear by 2200 hours, but they would also consider 2100 hours.
- They have address concerns, agreed conditions and amended the licence therefore they requested that the licence be granted.

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;

5/240523

RESOLVED:-

That the application by Rattan Loha for a premises licence in respect of Punjabi Dhaba, 124 Billesley Lane, Kings Heath, Birmingham B13 9RD, be granted as follows:

1. For the outdoor area, service of food and alcohol shall cease at 20.00 hours, with the outdoor area to be cleared of patrons by 21.00 hours
2. For the indoor area, service of food and alcohol shall cease at 22.30 hours, followed by thirty minutes' drinking up time, with the indoor area to be cleared of patrons by 23.00 hours
3. All of the conditions which were agreed between the applicant company and Licensing Enforcement of Birmingham City Council in advance of the meeting shall be adopted, namely:

General

- All members of staff will receive training regarding the:
 - four licensing principles contained in the Licensing Act 2003
 - responsible retailing of alcohol, and law regarding sales of alcohol
 - protection of children from harm and this must include how to competently check customers' identification where necessary
 - permitted hours during which licensable activities can take place, and the conditions

attached to the premises licence

- The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided. Refresher training will

be done at least every 12 months

- The staff training records will be kept at the premises and made available to any responsible authority upon request

Prevention of Public Nuisance

A notice must be prominently displayed in the premises requesting that customers respect the needs of local residents and other businesses in the vicinity and to leave the premises quietly

Protection of Children from Harm

- The premises licence holder will implement and operate a challenge 25 age verification policy to prevent the sale or supply of alcohol to persons under 18 years of age. A copy of the written age verification policy must be signed by all members of staff to confirm they have read and understand the policy and this signed copy must be maintained at the premises and available for inspection by any responsible authority on request
- A notice will be displayed at the premises and will be clearly visible to customers informing them that a Challenge 25 policy is in operation at the premises

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 was represented at the meeting by an agent. The agent addressed the Sub-Committee on behalf of the applicant, and explained the background to the application. The premises was situated in a residential area and had been a commercial premises for some time; in recent years it had been a branch of the Victoria Wine off-licence chain, and had also been a burger bar/takeaway style restaurant.

The premises had recently been taken over by the applicant, who was very experienced in operating Indian restaurants; these had also been in residential areas. He knew the area well, and lived in Birmingham himself.

The applicant confirmed that he had been a chef for 25 years and would be operating the venue as a small restaurant. The restaurant would offer vegetarian foods. His patrons were generally professional types, as his “food prices were high, alcohol prices were high”. It would not be the normal customer base, with all of the risks associated with that; instead, the noise levels at Punjabi Dhaba would be restricted due to the type of clientele.

The applicant had also noted that in Birmingham there were not many vegan-style Indian restaurants. He remarked that as he had been a chef for some years, running licensed restaurants, he was “very prepared” and aware of his responsibilities in terms of the licensing objectives. All in all, he was confident that he could operate well, because he was accustomed to managing licensed premises.

He had submitted the application in order to be able to offer alcohol in the restaurant. Sixteen objections had been received, one from the local Ward Councillor and the rest from local residents; the applicant had taken these very seriously. He had noted that the potential for noise nuisance was the concern raised by all of them. Some were also concerned about the likelihood of intoxicated patrons, parking issues, the likelihood of noise from patrons' cars, the use of the roller shutter, and also bottles creating litter.

However, leaving these specific issues apart, the applicant had also noted that those making representations were broadly happy with the proposals – for example, the objectors had accepted that the licence could safely be granted to 22.30 hours for 'indoor' activities, and 22.00 hours for those dining outside. The applicant noted that these comments from the objectors about the use of the outdoor area were in fact more generous than the terms he had requested in the application (the application had requested operation in the outdoor area until 20.00 hours, not 22.00).

The applicant had noted that one resident had said that she would be happy as long as the premises was managed properly, and had stated that she wanted what she described as "sensible opening hours". Some residents mentioned that the Victoria Wine branch at the site had operated to 22.30 without issues. Residents had concerns generally about late-night trading – in particular, the outdoor area operating beyond 22.00 seemed to be a worry to all of the objectors. The applicant was therefore confident that he could operate safely, as he had only requested use of the outdoor space to 20.00.

The applicant was acutely aware that Billesley Lane was a residential area; the agent confirmed that "the last thing he wants would be trouble to the local neighbours". The noise concerns were understandable to him, but there was seating for thirty patrons outside. The agent felt that this would mean that in the busiest times there would be perhaps 4-5 families in the outside area. Previous operators at the site had also used the outside area for patrons, without problems.

One of the concerns raised had been the potential for noise from patrons leaving the premises. The applicant had agreed with Licensing Enforcement that he would put a sign outside requiring customers to leave quietly and to consider residents. The majority of customers would be local, and parking might not be as much of an issue as the residents feared.

Regarding the use of the shutter, the premises was not currently using the shutter, and it was only there because it had been installed previously. The agent also remarked that "nowadays, the electric shutters, they don't make any noise". Regarding concerns about noise from patrons chatting, the applicant asked the Sub-Committee to note that it was a small restaurant and would normally expect perhaps 8-9

people sitting outside (unless it was a busy time).

The applicant had no desire to disturb local residents and therefore had decided to stop serving outside at 20.00 hours. As for service inside, the terminal hour for all activities was 23.00, and in any event, alcohol was limited because the premises would be providing a wide variety of other drinks, such as Indian lassi, to accompany the vegan/vegetarian cuisine. The applicant confirmed that he was happy to consider 22:30 hours as the end time for alcohol sales, as opposed to 23.00 hours in the application, given that the majority of those making representations had requested this.

The Sub-Committee noted that there had been no objections from any of the responsible authorities; Licensing Enforcement had been satisfied that the application was suitable with the addition of some agreed conditions. The Sub-Committee therefore 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 and three of the local residents attended the meeting in person and addressed the Sub-Committee. The Ward Councillor spoke first; she welcomed the applicant to Moseley and wished him success with his business. She had submitted a representation after speaking to a number of residents in the area; the purpose of making the representation had been to try and ascertain the hours that the premises wished to serve alcohol and food, as it was a highly residential area with houses immediately next door and flats opposite.

She considered that there was something of a concern locally that a restaurant could add to local noise levels, especially if operating to late hours, which would create nuisance for residents. There were many families in the area, and later in the evening children would be sleeping.

However, she had seen that the applicant had made a suggestion that he would cease the use of the outside area early; she was pleased by this, she said, “because that's the real concern” (due to the potential for noise associated with the outdoor area).

She confirmed that her concerns about noise from people leaving the outdoor area had been reduced after the applicant confirmed that service in the outdoor area would be brought to a close earlier in the evening. She asked if the applicant could clarify that he would not use the outside area for food or drink at a late hour, as she felt that this would be very reassuring to the residents. She remarked that her other request was for the applicant to be able to close the restaurant such that all patrons had left the premises by 23.00 hours; this would ensure that noise did not continue late into the night.

The Sub-Committee then heard from a resident living four doors away

from the premises, who remembered when it had been a branch of Victoria Wine. He echoed the comments of the Ward Councillor, remarking that he was not against the principle of the grant of a premises licence to Punjabi Dhaba, but had concerns about the closing time. He had noted that the proposal was to stop service at the outdoor area at 20.00 and asked for a reassurance on the wording of this, requesting that the frontage would be cleared of customers promptly.

Regarding the end time for activities inside, he noted that Victoria Wine had closed at 22.30 hours, remarking “we could live quite happily with that”. He said he would be happy if the premises stopped the sale of alcohol by 22.30, and then the restaurant to be cleared by 23.00 hours.

A third representation was then presented by a couple living nearby. They reiterated the points made by the Ward Councillor and the other resident regarding the hours, particularly for the outside area, stating that their concern was that patrons could linger there, into the late night. They had the same concerns as the first resident regarding the indoor area, and confirmed that they did not want this to operate late into the night. They assisted the Chair of the Sub-Committee by describing the nature of the area, and explained where nearby houses and business premises were in relation to the restaurant.

In summing up, the applicant via his agent urged the Sub-Committee to take into account that the restaurant was a business which intended to promote the licensing objectives carefully, and to address the concerns of the residents. The number of patrons frequenting the premises would be small, as it was not a large venue, and moreover it was very unlikely that the venue would be busy across seven days of the week. The applicant expected busy trading times to be on Thursday, Friday and Saturday; as with most other restaurant premises, the other days would be quiet.

The applicant had been keen to address the concerns of the residents, and therefore was happy to confirm that the 22.30 end time for the service of alcohol inside the building would mean a further half-hour drinking up time before the door would be shut at 23.00 hours and all patrons told to leave. He reminded the Sub-Committee that not all patrons would leave the premises as late as this – some would already have gone. The applicant was therefore confident that there would not be any undue creation of noise at 23.00. These proposals for a drinking up time and terminal hour were in line with the request from most of the objectors.

Regarding the outdoor area, service of all food and alcohol outside would cease at 20.00, but the applicant was concerned that clearing might take a little more time. In order to be reasonable and to ensure that the conditions were manageable, he asked that clearing of patrons from the outdoor area should be done by 21.00 hours. He reminded the Sub-Committee that the majority of the residents had

recommended 22.00 hours as the end time for the outdoor area, and therefore felt that this was a generous offer.

The premises had been open and trading for one month, using temporary permissions to sell alcohol, with no problems whatsoever. The applicant added that the previous operators at the site had not caused any complaints either. The agent reassured the Sub-Committee that in the future, residents were very welcome to talk to the applicant about any concerns, remarking that the applicant had “been in the business for a long time and definitely can listen to them and do something about” any issues. He was alert to the fact that it was a business in a residential area, and that it was therefore important to work with residents.

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 carefully considered the written representations and the oral submissions made by the objectors in the meeting but, given the applicant’s flexible approach to the curtailing of the hours (particularly outdoors), did not find that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. The applicant had offered hours which were effectively shorter than those suggested by the objectors – particularly for the outside space.

When deliberating, the Members agreed with the remarks of the applicant and felt that the application could safely be granted with a few conditions, including those agreed with Licensing Enforcement. The application had been straightforward, with no objection from West Midlands Police, or from any of the other responsible authorities.

The applicant had put forward an operating schedule which properly addressed the promotion of the licensing objectives. The premises, whilst in a residential area, had previously been an off-licence shop, and there were numerous other business-use premises in the area - as outlined by the couple living nearby who addressed the Sub-Committee in the meeting. It was therefore unlikely that significant public nuisance would arise in connection with operation as a vegan/vegetarian Indian restaurant licensed to sell alcohol by retail.

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. All in all, the application inspired confidence. The application was therefore granted with conditions.

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 agent., 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.

**GAMBLING ACT 2005 – LICENSING PREMISES GAMING MACHINE PERMIT –
THE ARTHUR ROBERTSON, ONE STOP SHOPPING CENTRE, PERRY BARR,
BIRMINGHAM, B42 1AA.**

* * *

This is a non-invite application.

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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. David Kennedy, Licensing Section, outlined the report.

The Members had no questions.

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;

6/240523

RESOLVED:-

That the application by JD Wetherspoon PLC for the variation of a Licensed Premises Gaming Machine Permit in respect of The Arthur Robertson, One Stop Shopping Centre, Perry Barr, Birmingham B42 1AA, be granted.

The Sub-Committee deliberated the application put forward by the applicant company. The Sub-Committee considered the likely impact of the application, and concluded that by granting this application, the three licensing objectives contained in the Act will be properly promoted.

The application was to operate a total of five Category C Gaming Machines within an alcohol licensed premises. Licensing Enforcement had confirmed that everything was in order after carrying out a site visit. The Sub-Committee therefore granted the variation as requested.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under section 25 of the Gambling Act 2005 by the Commission, the application for a Licensed Premises Gaming Machine Permit, and the written representations received.

EXCLUSION OF THE PUBLIC

7/240523 **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.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 24 MAY 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 24 MAY 2023 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Penny Wagg.

ALSO PRESENT

David Kennedy – 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)

9/240523 **NOTICE OF RECORDING/WEBCAST**

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10/240523 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

11/240523 No apologies were submitted.

LICENSING ACT 2003 – TEMPORARY EVENT NOTICE – SECTOR 57 T/A NO 21 DIGBETH, 21-27 MILK STREET, BIRMINGHAM, B5 5TR,

* * *

On Behalf of the Applicant

Christopher Brown - Applicant

On Behalf of Those Making Representations

Huram Taj – WMP (West Midlands Police)

* * *

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. David Kennedy, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Christopher Brown made the following points: -

- a) That the proposed event is a festival style event. The premises and the adjacent road will be used for licensable activity.
- b) There is also an arena/stage area outside. The music style is house, garage and RnB music.
- c) The event will be held on Sunday 4 June 2023.
- d) They have worked with promoters and the premises hasn't had any issues since it opened.
- e) It's a clean business.
- f) They have done policies and procedures and a noise management plan.
- g) The highways agency has been notified and they are in the process of granting the road closure.
- h) That he is working with WMP to cover all aspects of the event.

- i) That a lot of time had been spent on this event.
- j) They are late planning this due to the first venue wasn't successful. So, they were approached quite late.
- k) Therefore, the application has been rushed.
- l) Due to annual leave of officers on both the highways agency and licensing there has been another week delay.

The Chair asked a number of questions and Mr Brown gave the following responses: -

- a) That he had considered the overall capacity numbers in relation to the licence which is already in place.
- b) The allowance on the road would be 499 persons, 250 persons upstairs and 300 in the bar area. That had all been figured out.
- c) That he had considered the overlap with the licence already in place and the TEN was submitted in the form he wanted.

At this stage the chair invited those making objections to make their presentation and Hiram Taj, WMP made the following points: -

- a) This is a daytime event inside the premises and outside in the street.
- b) They don't yet have permission for the road closure so WMP have concerns about this.
- c) Although the road closure is likely to be granted having spoken with the highways employee dealing with the application, it isn't as of today and therefore WMP were concerned.

The Chair invited all parties to make a closing submission. Christopher Brown, the applicant, advised that he had anything further to add.

Hiram Taj, WMP made the following closing statements: -

- That the street closure hasn't been granted and we don't know how long that will take.
- Time frames may not be met.
- Any use of that space unless permission is granted would be unlawful and therefore WMP have to maintain their objection.

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;

12/240523 **RESOLVED:-**

That, having considered the objection notice from West Midlands Police in respect of the temporary event notice, as submitted by Christopher Brown, the premises user, for an event to be held on 4th June 2023 at Sector 57, 21-27 Milk Street & Rea Terrace, Birmingham B5 5TR, this Sub-Committee determines that a counter notice be issued under section 105 of the Licensing Act 2003.

The Sub-Committee's reason for issuing a counter notice is to prevent the temporary event from taking place to promote the prevention of crime and disorder, and prevention of public nuisance, licensing objectives in the Act.

The Sub-Committee noted that the temporary event notice had been submitted via the standard online form. The section of the form dealing with location asked for further details about the location of the event. In response to this, the premises user had stated “event held on Rea Terrace and on the premises”. The temporary event notice therefore was to cover both the building and the street together.

The Sub-Committee heard from Mr Brown the premises user, who explained that the proposed event was to be a festival-style operation which would be running inside the ‘No 21 Digbeth’ venue as well as the adjacent road, namely Rea Terrace. All refreshment and lavatory facilities would be inside the premises. There would be a stage erected at the bottom of Rea Terrace; the Rea Terrace area would be an arena and stage area.

The event was proposed for Sunday 4th June 2023, with the event name to be Sunday Sessions. The music style was to be a mixture of festival style music, namely house, garage and R&B. The premises user had completed a risk assessment based on the type of event that the Sector 57 premises was accustomed to holding; he remarked that to hold a daytime event would lower the risk. He had worked with the event promoters in the past.

The premises had had no incidents since opening in the last two to three years and he considered that the licence holder had “run a very clean business”. Policies and procedures were in place; this included a noise management plan. He had sought help and assistance from the Highways Department of the City Council in order to make arrangements for the street closure (Rea Terrace). He had also been speaking to West Midlands Police Central Licensing Team to make sure that everything was in order.

He remarked to the Sub-Committee that the only issue had been timing. Due to some delays with the promoters, and with the application for the street closure, the submission of the temporary

event notice had been “slightly rushed”.

Members asked about the overall effect on numbers that the temporary event notice would have – in particular, the number of patrons that would be allowed to attend the event. The premises user confirmed that as part of his project plan, he had looked at capacity figures and had planned which areas were going to be used for what specific type of music. There would be one arena outside on Rea Terrace, there was a further arena inside the building, and thirdly there would be a “cool off area” upstairs, which would have refreshment and toilet facilities, and bar facilities.

The Chair of the Sub-Committee asked the premises user if he had considered the legal implications regarding the numbers permitted to be inside the premises (ie the building) – namely the effect of the temporary event notice on the total number of patrons permitted to attend the event. The premises user confirmed that the number on Rea Terrace would be 499; the Sub-Committee noted that this was the maximum permitted under a temporary event notice.

However, the premises user went on to say that inside the building there would be 250 patrons upstairs, then another 350 outside in the courtyard, and also a further 100 in the bar. The Chair therefore asked him to confirm whether, having considered the overlap between the existing premises licence (which covered the patrons inside the building) and the temporary event notice which had been submitted (which permitted a grand total of 499 patrons, whether those patrons were in the premises or on the street), he was content that the application that he had presented was in the form that he wished. The premises user confirmed that it was.

The Sub-Committee then heard from West Midlands Police, who confirmed that under the temporary event notice both the premises and the road were to be used together for a single event. The premises user had supplied an event safety manual including arrangements for site security and deployment, First Aid and St. John's Ambulance provisions, dog handlers, a Challenge 25 policy, a drug policy and noise management plans.

There would be one entrance point, namely 21 - 27 Mill St, to manage the capacity of the event. The maximum capacity under the premises licence was 1,199 patrons. Rea Terrace was not covered by this, but instead was covered by the temporary event notice, the terms of which would not permit more than 499 persons due to the statutory limit. The 499 would be the capacity limit for the whole event (both the building and the street).

Rea Terrace would be closed off to the general public - only patrons attending the event would be allowed to occupy Rea Terrace, and it would also be the exit for patrons to leave. The Police noted that the event safety manual also highlighted the intended use of land owned

by a neighbouring business, and remarked that the use of that land would require further permissions. The intention was that the land would host the St. John's Ambulance, toilets and food stores.

The Police also noted that a previous temporary event notice had been submitted by the premises user, but had been withdrawn after the Police observed that there was no application for the necessary road closure, and that therefore premises user would not legally be permitted to use Rea Terrace for the event, and to do so without permission would undermine the promotion of the crime and disorder licensing objective.

The premises user had then applied for the road closure, but permission had not yet been granted by the Highways department. Additionally, the premises user had not yet been granted permission by the neighbouring business to use their land, although he had arranged a contingency plan which would no longer require the use of that land.

In summing up, the Police advised the Sub-Committee that they did not know the status of the street closure application, or when it would be completed. Whilst the Police felt that the premises user “had been very cooperative” in his attempts to address key concerns, given the short notice, the timeframes might not be met. There was every likelihood that the street closure application would probably be granted, which would permit the use of the space, but it had not yet actually been granted, so currently any use of Rea Terrace for the event would be unlawful. It was for that reason that the Police were maintaining their objection in the interests of the promotion of the licensing objectives.

After hearing from West Midlands Police, the Sub-Committee accepted that allowing the event to proceed at the premises was a risk to the licensing objectives. The necessary permissions for the road closure were not in place.

Although due regard was given to the premises user's representation, the Sub-Committee was not confident that the proposed event could run well due to the restriction of the numbers which was required under any temporary event notice. Whilst the premises user had outlined the proposed numbers of patrons for each area, the temporary event notice he had submitted had stated that the location was to be both the building and Rea Street; the Sub-Committee was aware that to permit the event to take place would restrict the grand total of patrons (in the building and the street together) to 499.

This was not the premises user's stated intention; he had carefully planned an event which was for a far greater number of patrons. The Members therefore felt in all the circumstances the correct course was to issue a counter notice. The Sub-Committee had no desire to spoil the plans for the event by permitting it in the terms requested in the

notice, which would severely restricted number of patrons. The Members considered that perhaps the premises user would submit a further notice in due course.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report, the Guidance issued by the Secretary of State under section 182 of the Act, and its own Statement of Licensing Policy.

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. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

The meeting ended at 1229 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 31 MAY 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 31 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Penny Wagg.

ALSO PRESENT

David Kennedy – 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)

1/310523 **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.

2/310523 **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 interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/310523 No apologies were submitted.

**LICENSING ACT 2003 – MULTIPLE TEMPORARY EVENT NOTICES – THE
PRINTMAKERS ARMS, 82 FAZELEY STREET, DIGBETH, BIRMINGHAM, B5
8RD.**

On Behalf of the Applicant

Kerry Cox – Agent

On Behalf of Those Making Representations

Huram Taj – WMP (West Midlands Police)

* * *

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

Huram Taj advised the Committee that he wished to formally withdraw his representation. Initially when he made the objection, he hadn't received a response from the applicant in relation to further additional information that WMP had requested. He had since spoken with the applicant, and they have supplied all the required information for both TENs. All concerns have been appeased and met.

At this stage, the Chair requested an adjournment to seek legal advice. All members and the Legal officer, and Committee Manager withdrew into a separate MS Team meeting.

After 5 minutes all parties returned, and the Chair announced that as the representation had been withdrawn the hearing would be dispensed with.

CHAIR.....

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 14th June 2023
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	S & J Stores T/A Booze and Beverage, 314 Slade Road, Erdington, Birmingham, B23 7LU
Ward affected:	Stockland Green
Contact Officer:	Bhapinder 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 the review application received and to determine this matter, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

3. Brief Summary of Report:

Review application received on 25th April 2023 from the Chief Inspector of Weights & Measures in respect of S & J Stores T/A Booze and Beverage, 314 Slade Road, Erdington, Birmingham, B23 7LU.

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 25th April 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for S & J Stores T/A Booze and Beverage, 314 Slade Road, Erdington, Birmingham, B23 7LU.

The Review application is attached. See Appendix 1.

The Premises Licence is attached at Appendix 2.

Site location plans are attached at Appendix 3.

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:

Review Application Form, Appendix 1
Copy of Premises Licence, Appendix 2
Site location plans, Appendix 3

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.

**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 Paul Ellson (on behalf of Martin Williams, 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	
S and J Stores t/a Booze and Beverage (Apple & Apple) 314 Slade Road Erdington Birmingham	
Post town BIRMINGHAM	Post code (if known) B23 7LU

Name of premises licence holder or club holding club premises certificate (if known)
MRS JASVIR KAUR

Number of premises licence or club premises certificate (if known)
1566

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

I am 18 years old or over

Please tick ✓ yes

☐

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; Paul Ellson Birmingham Trading Standards 1-3 Ashted Lock Way Aston Birmingham B7 4AZ Our Ref: 10641072/10549994
Telephone number (if any)
E-mail address (optional)

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

- | | |
|---|--|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓
No |
| 2) public safety | Yes |
| 3) the prevention of public nuisance | No |
| 4) the protection of children from harm | Yes |

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

On 10th November 2022 Trading Standards Enforcement Officer James McCormack visited the premises of Booze and Beverage, 314 Slade Road, Edington, B23 7LU, Birmingham. During the visit Officer McCormack spoke to an employee of the business called Rajan Verma and explained legislation surrounding the sale of nicotine inhaling products, commonly known as e-cigs or vapes. This included an information letter concerning which e-cig products can be sold under the Tobacco and Related Products Regulations 2016 and that there are age restrictions under the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. The letter also contained the warning statement.

"IMMEDIATELY REMOVE THEM FROM SALE, RETURN THEM TO YOUR SUPPLIER AND NOTIFY THIS SERVICE OF WHERE THE STOCK WAS PURCHASED FROM. IT IS YOUR RESPONSIBILITY TO CHECK AND ENSURE ALL YOUR STOCK COMPLIES FULLY AND THAT YOU ARE ABLE TO PROVIDE PROOF OF PURCHASE WHEN AND IF REQUESTED "

Also was a list of four contact addresses where further compliance information could be found. Mr Verma was also verbally advised to check that all e-cigs/vaping stock in the premises was compliant and to remove stock of e-cigs with over 600 puffs that are not registered with the Medicines Healthcare Products Agency who regulate e-cigs and vapes.

On 29th November 2022 the premises of Booze & Beverage, 314 Slade Road, Erdington B23 7LU was visited in an operation to detect and seize illicit and non-compliant tobacco products using tobacco detection dogs. At approximately 12.43 pm a team of Trading Standards enforcement staff entered the premises and carried out an inspection with the assistance of a search dog. No illicit tobacco was found on the premises however 156 non-complaint and therefore illegal e-cigs were found under the counter. These e-cigs were seized, and a record of the seizure was left with Mr Simran Singh who was in charge of the premises at the time. The officers then left the premises stating that the facts would be reported.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE TO SUPPORT THE APPLICATION

The Licence for Booze & Beverage, 314 Slade Road, Erdington B23 7LU is held by Mrs Jasvir Kaur under the trading name of S and J Stores. The premises is run by a limited company called Booze and Beverages Limited company number 1233447 under the directorship of Kiranjeet Singh Chugh. The Licence was a straight 'conversion' or 'imbedded' from the previous licencing regime and contains very few enforceable conditions. Bearing in mind the discovery of illegal e-cigs/vaping products on the premises after the premises had been given information on how to comply this request to introduce a set of conditions on the licence should be considered.

Recommendations of licence conditions;

GENERAL

- I. Alcoholic drinks in open containers may not be removed from the premises.
2. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
 - i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
 - ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
 - iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
 - iv. The system will record and retain CCTV footage for a minimum of 28 days.
 - v. The system will record at all times when the Premises are open.
 - vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
 - vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
 - viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
 - ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
 - x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

INCIDENT BOOK

3. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- ii. All crimes reported to the venue
- iii. Any faults in the CCTV system, equipment searching equipment or scanning
- iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

REFUSALS REGISTER

4. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol/tobacco products/electronic cigarettes or any other age restricted products to a customer and the name and signature of member of staff refusing the sale.

5. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

6. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

TRAINING

7. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he/ she makes a sale or supply of alcohol/tobacco products /electronic cigarettes and at least every six months thereafter.

8. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained date, time and content of the training.

The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

9. Documented training records must be kept at the premises and made available to West

THE PREVENTION OF CRIME AND DISORDER

10. Invoices and receipts must be provided for alcohol/tobacco/electronic cigarettes purchased by the Premises Licence Holder or the Designated Premises Supervisor or any person authorised to purchase alcohol/tobacco products/electronic cigarettes on their behalf for sale at the Premises. All Invoices and receipts of alcohol/tobacco products/electronic cigarettes purchased for sale at the Premises must be retained for a period of at least twelve months from the date of the Invoice or receipt. All invoices and receipts of alcohol/tobacco products/electronic cigarettes purchased for sale at the Premises are to be made available to authorised officers of responsible authorities within 48 hours of such a request.

11. The Premises Licence Holder shall maintain a list of suppliers it approves alcohol/tobacco products/electronic cigarettes to be purchased from. That list must include the name, address, AWRs number or reason why there is no such number and contact details. That document to be made available to authorised officers of responsible authorities on request or during an inspection.

THE PREVENTION OF PUBLIC NUISANCE

12. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

PUBLIC SAFETY

13. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

THE PROTECTION OF CHILDREN FROM HARM

14. The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage and age restricted identity poster will be placed at the entrance to the premises and throughout the store. The premises will operate a policy whereby any person attempting to buy alcohol/tobacco products /electronic cigarettes or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

15. The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premises.

There has been quite clearly a lack of observance with regard to the four Licensing objectives, but I would leave it to the committee to decide on the

final determination.

These conditions proposed may be beneficial to the trader and the community at large.

Previous history of this shop.

During the visit of 10th November 2022, the officer attending the premises believed there were indications that illicit tobacco was on sale. On the 21st February 2023 a test purchase of alcohol was attempted at the premises using a underage 18 year old. The premises refused the sale and therefore complied with their legal obligations under the Licensing Act 2003.

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

25/4/2023.

Capacity Trading Standards Enforcement Officer

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:

1566

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

S & J Stores
 314 Slade Road
 Erdington

Post town:

Birmingham

Post Code:

B23 7LU

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	10:00	-	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 Mrs Jasvir Kaur	
Post town:	Post Code:
Telephone Number:	
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 Mrs Jasvir Kaur	
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 CV205000355	Issuing Authority COVENTRY CITY COUNCIL

Dated 30/11/2005

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.

Embedded Restrictions

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 **30138-1566/1** 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.





