

BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE C

Wednesday 21 September 2022 at
1300 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/UCT2kT7ZRPFCXq6_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 SELLY ACRE NEWS, 1049-1051 PERSHORE ROAD, STIRCHLEY -
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 1200 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 Selly Acre News, 1049-1051 Pershore Road, Stirchley.

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: Selly Acre News

Premise Licence Number: 3795

Premise Licence Holder: Mohammed Shahzad

Designated Premise Supervisor: Mohammed Shahzad

I am a Superintendent in West Midlands Police.

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

An incident takes place inside the premises, in the rear room, whereby a child under 13 is sexually assaulted by a male member of staff at the premises who is believed to be one of the new owners for the premises. Although they are not formally recognised on the premises license as of yet.

This has been crimed as 'an attempted rape of a male child under 13 by male.

The current premises licence holder and designated premises supervisor as listed on the premises license is not the offender in this sexual assault.

I have considered the use of the normal review procedure but I do not feel this would be appropriate in this circumstance due to the above reasons, and the fact that to maintain the licensing objectives of preventing crime and disorder, promoting public safety and protecting children from harm, the normal review procedure would not be sufficient.

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

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

 C/Supt. 22442.



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 - RICHARD NORTH C/SUM. 22442.

(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: **Selly Acre News**

Postal address of premises, (or if none or not known, ordinance survey map reference or description):

**1049-1051
Pershore Road
Stirchley
Birmingham
B30 2YH**

2. Premises Licence details:

Name of premise licence holder (if known): **Mr Mohammed Shahzad**

Number of premise licence (if known): **3795**

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)

Selly Acres News, 1049-1051 Pershore Road, Stirchley, Birmingham, B30 2YH is a convenience store/Off Licence which is licensed the off sale of alcohol Monday-Friday 24hours a day.

Officers have spoken to the current premises licence holder as listed on the current premises licence. He has stated to officers that no longer has control/ownership of the store and passed it to the offender and their brother. Details around this will be given verbally in the hearing.

On Tuesday 13th September 2022, the premises which operates as an off-licence, were open for business and carrying out licensable activities with the sale of alcohol taking place.

On Wednesday 14th September 19:33, West Midlands Police attended a residential address in response to a report of a sexual assault. The report came from a parent who stated their 12-year-old child had been sexually assaulted at the premises, Selly Acre News on the previous day. The officers in attendance have taken a recorded account of the incident from the child, this account states the following.

The child victim had attended the premises twice on Tuesday 13th September, the first approximately between 10.00 and 10:26 to purchase an energy drink. During this visit there was a lone adult male employee, who, after further enquiries, suggest is a co-owner for the premises with a view to officially take over the license. The adult male made a number of inappropriate comments to the child, these of a sexualised nature in regards to appearance and sexual orientation. The child victim did not feel these comments were normal coming from an adult man. The adult male offered the child a cigarette in the back of the premises. The child victim refused as they did not want to owe the adult male anything, believing the offer was relating to sex. The child victim left the premises and suffered a mini panic attack. They left the area and disclosed at around 10:38 to their parent, parts of the exchange and how it made them feel. They were informed by the parent not to return to the premises.

The child returned later that day between 12:30 and 13:30. The child entered the asked the adult male if he fancied him? The adult male confirms they fancy the child. The adult male asks the child if they want a cigarette, the child informs they only vape but the adult insists they go to the back regardless. The child felt obligated to go into the back, however did not expect the sexual assault.

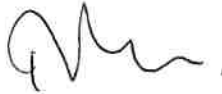
The adult male kisses the child on the mouth, cheek and ear seeking affirmation from the child of their enjoyment, they do not respond. The male puts his hands down the child's trousers caressing their buttocks and attempts to touch the frontal genitalia of the child. However, the child is able to stop the hand. The child is forced to sit on a box in the corner of the room and is seated at crotch level to the adult. The male adult then takes out an erect penis. The adult asks if the child wants to "ride it", "suck it" and "make him cum". The child also states that a customer comes into the shop and the male states he will be with them shortly. The adult male returns his attention to the child and makes several requests for oral sex, the child repeatedly refuses the advances. However, the penis is so close to his face, it touches the child's nose. The child keeps his mouth closed as tight as possible so the adult male cannot inset it, into his mouth. The adult male begins to question why the child is so shy and the child states they want to leave, which they are able to do. Approximately at 14:00 they make their parent aware of what's happened.

The offender at this time as been bailed for further enquiries.

"Serious crime" is defined by reference to S.81 of RIPA Act 2000. An offence for which an adult could reasonably be expected to be sentenced to imprisonment for a period of 3 years or more.

West Midlands Police are concerned that the management failings and number of licensing breaches at the premises have contributed to a number of serious assaults taking place in a short space of time and wish to bring this to the urgent attention of the licensing committee.

Signature of applicant:



Date: 20/09/2022.

Rank/Capacity: CHIEF SUPERINTENDENT 22442.

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.

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3795 / 4

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Selly Acre News 1049-1051 Pershore Road Stirchley	
Post town: Birmingham	Post Code: B30 2YH
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)
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The times the licence authorises the carrying out of licensable activities Monday - Sunday 00:00 - 23:59 M2

The opening hours of the premises Monday - Sunday 00:00 - 23:59
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off Supplies
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BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Mohammed Shahzad	
Post town: Birmingham	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 Mohammed Shahzad	
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 4420	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 21/09/2020



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.

(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.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

Staff Training - All staff will be trained for signs of persons who are intoxicated and made aware of licensing legislation regarding the sale of alcohol to persons intoxicated. Also regarding under age sales, proxy sales and legislation regarding the consumption of alcohol purchased from the premises and consumed in the vicinity. All this training must be recorded on premises and be made available to responsible authority immediately on request.

Signage displaying to customers to "Respect Local residents, please leave quietly" to be on display around location and especially at the exit.

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

CCTV - It will be digital recorded for up to 31 days and will be made available on request to all licensing authorities. There will always be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.

The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.

2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to the Police upon request.

3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested by the Police.

The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any on-going Police investigation.

All CCTV images will be retained for a period of not less than 31 day

An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded.

All persons involved in the sale of alcohol will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include, signature of the member of staff, the DPS or an appropriately accredited training provider together with the date.

At any time when there is no Personal License holder on the premises there must be at least one member of staff on duty inside the premise who has been authorised by the DPS. Any such person should have seen, read and be fully aware of the conditions of the premise licence and take all steps to ensure that such conditions are adhered to whilst they have responsibility for the premise.

A record should be kept detailing, the name and address relative to the person left in charge of the premise and the times and dates when the authority to cover exists, in writing.

These should be individual entries covering short periods of time only and should not exceed more than a three week period.

The authorised person should also sign on each occasion that he/she has physically seen inspected and is fully aware of all the conditions attached to the premise licence. The DPS should sign to acknowledge that they agree to the authorised person being in charge of the premise for any times specified. The records of these matters should be kept fully updated at all times.

All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

BIRMINGHAM CITY COUNCIL

When trading past 23:00hrs then at least one SIA security staff will be on duty after 23:00hrs onwards until 06:00hrs.

The SIA authorisation badge will have to be worn on an upper arm in clear view.

A signing in log would have to be kept up to date reference the working of the SIA security staff. Profiles of security staff will be kept on the premises and available to any responsible authorities upon request.

The profile will include a copy of their SIA licence and photographic identification if photographic ID is not available then a current utility bill no more than three months old will be acceptable.

Mr Changez Hussain will have no involvement in the operation, running and/or control of the premises. This will include what products are sold within the premises (licensable or otherwise).

Alcohol and tobacco products purchased for sale on the premises must be from a legitimate source and VAT invoices must be obtained and kept for inspection by Police, Trading Standards and any other authorised agency in order to substantiate provenance etc.

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

The Licence Holder shall ensure that there is signage requesting patrons to leave the premises quietly.

Entrance door - will be fitted with an electronic locking device or similar that will be utilised between the hours of midnight until close at 05:00 daily. This will ensure staff have control of customers entering the premises.

2e) Conditions consistent with, and to promote the protection of children from harm

A Challenge 25 policy will be adopted in order to reduce the potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.

All staff working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

BIRMINGHAM CITY COUNCIL

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

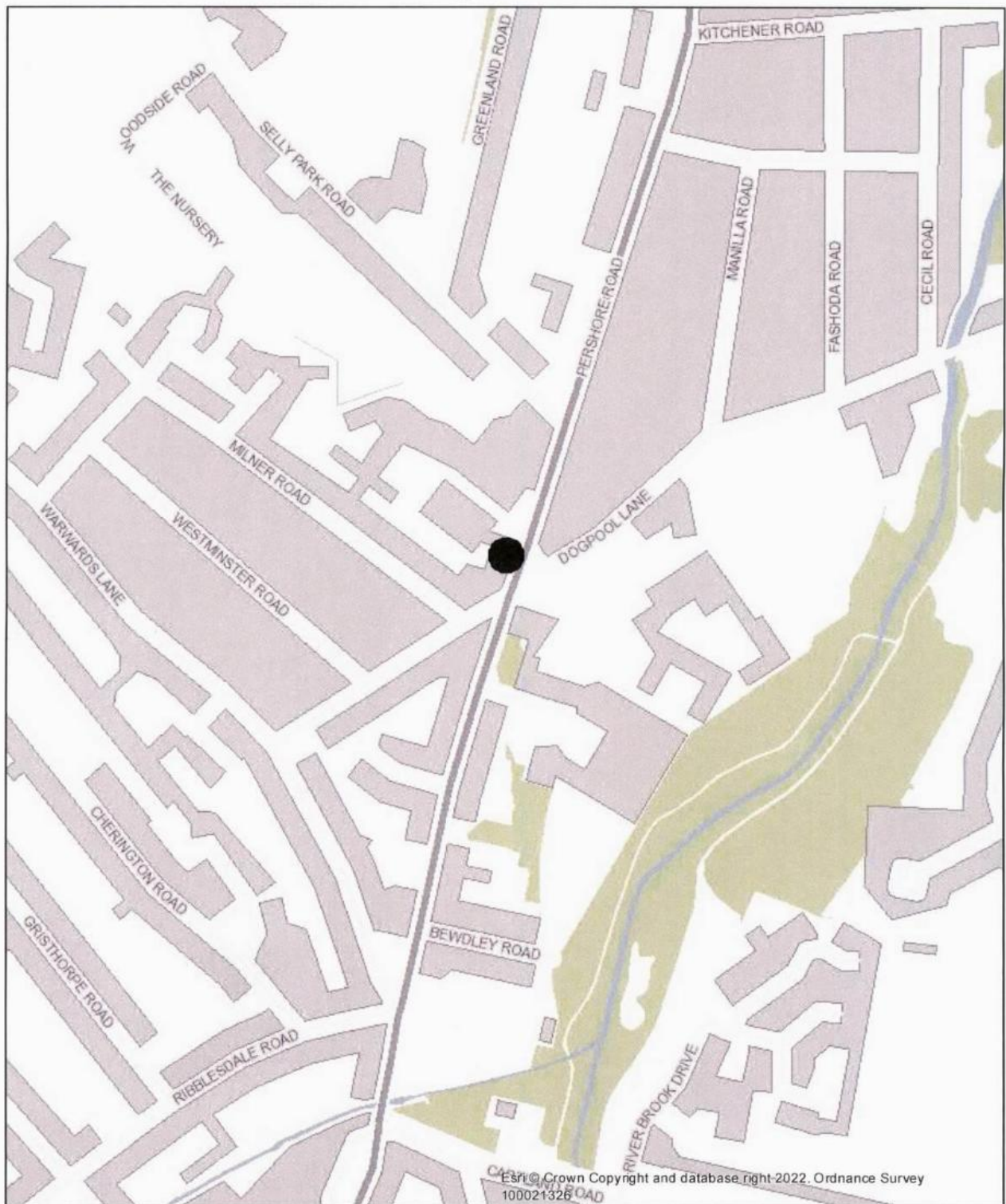
N/A

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **115767-3795/4** 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.



Birmingham
City Council

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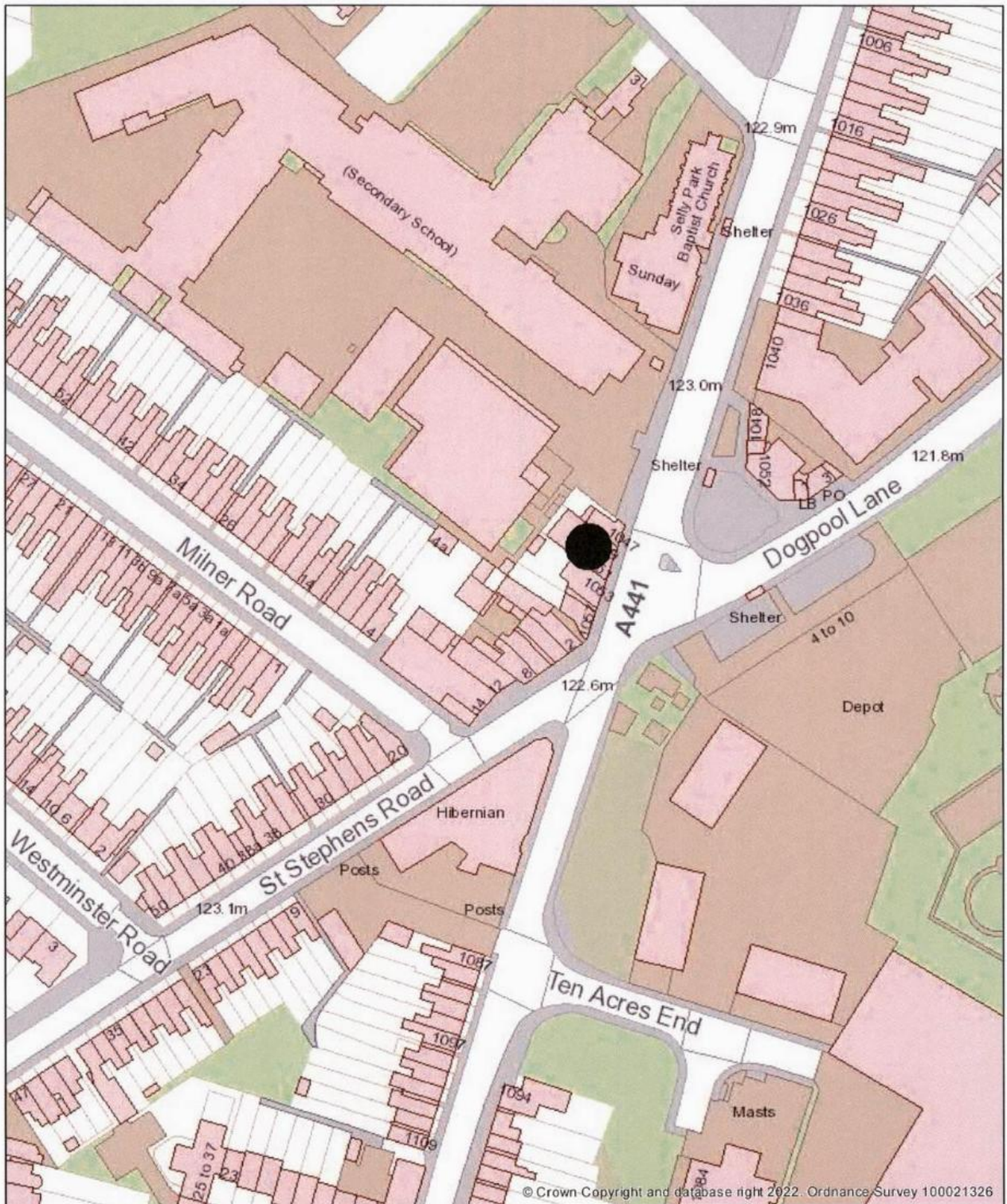
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