

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 1 SEPTEMBER 2020

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 1 SEPTEMBER 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Martin Straker-Welds and Adam Higgs.

ALSO PRESENT

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

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

NOTICE OF RECORDING/WEBCAST

- 1/010920 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.

2/010920 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/010920 Apologies were submitted on behalf of Councillor Nicky Brennan and Councillor Martin Straker-Welds was the nominated Member.
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MINUTES

4/010920 The Minutes of the meeting held on 4 August 2020 were circulated to all Members and were confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – ROSE
SUPERMARKET, 159 HAGLEY ROAD, EDGBASTON, BIRMINGHAM, B16 8UQ**

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

(See document No. 1)

On Behalf of the Applicant

Rob Edge – Agent

Those Making Representations

No one attended.

* * *

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

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

Afterwards, the Chairman invited the applicant's agent to make their submission. At which stage Rob Edge made the following points: -

- a) That they had attempted mediation with those who objected and had attended extensive meetings with West Midlands Police and Licensing Enforcement.
- b) They had agreed conditions with WMP.
- c) None of the responsible authorities had objected to the application.
- d) He had attached documents with the application including operations and staff training manuals, refusals log, incident log and a Covid-19 risk assessment.
- e) Only one objector wished to engage in the mediation.
- f) The one objector who did attend mediation owned the shop next door. It was more of a commercial objection and therefore, he wasn't keen on engaging.
- g) The windows would be screened, so people wouldn't be able to see inside.

- h) The alcohol would be situated further to the rear of the premises.
- i) There would be signage to deter people from congregating outside and the DPS or manager would speak to anyone who did.
- j) The applicant had previously run premises in Walsall.
- k) It would be a father and son team to begin with and the applicant had made enquiries for his son to attend the personal licence course.

In summing up, Rob Edge, on behalf of the applicant made the following points: -

- That the premises should not be pre-judged before its even open. The applicant should be given a chance to prove himself.
- The applicant had previously managed premises and intended for his son to do the personal licence course.
- The application had considered the local community and demonstrated a strong operating schedule with reasonable opening hours.
- The premises would be run in a professional manner.
- They would promote the licensing objectives at all times.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

5/010920

RESOLVED:-

That the application by Rose Supermarket (Brum) Ltd for a premises licence in respect of Rose Supermarket ,159 Hagley Road, Edgbaston, Birmingham B16 8UQ, **BE GRANTED.**

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued together with those conditions as agreed with West Midlands Police and Licensing Enforcement, as follows:

- The premises will install/update CCTV to the recommendations and specifications of West Midlands Police Central Licensing Team. There will be cameras that cover the frontage of the premises. These cameras will have the capability of capturing evidential quality images in low light conditions. CCTV images/recordings will be held for a minimum of 31 days, display the correct time & date stamp and be downloadable immediately on request of any of the responsible authorities.
- If for any reason the CCTV hard drive needs to be replaced

the previous/old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

- All staff will receive training prior to commencing employment on their responsibilities under the Licensing Act 2003, the licensing objectives and underage sales. No staff will work at the premises while it is carrying out licensable activity until this training has been completed. Refresher training will be conducted a minimum of every 12 months. Staff training will be documented and signed & dated by both the trainer & trainee. Training records are to be made immediately available to any of the responsible authorities on request and the training records shall remain on site for a period of three months from the date the employment ceases.
- Fire training: All serving and newly-appointed staff are to be trained in the action to be taken in case of fire and their duties with respect to the evacuation of the premises prior to commencing employment. This training will be documented and signed by each member of staff as having been completed. The documentation will remain at the premises and will be produced on request to any responsible authority.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months from the date of the last entry, and made available on request to any responsible authority, and will be used to record incidents that occur within the premises and also directly outside the premises, in particular the following incidents, including pertinent details:
 - (a) all crimes reported to the venue, or by the venue to the police
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- There will be no posters or advertisement of alcohol outside the premises or in the front window.
- The licence holder will take appropriate measures to ensure that people are discouraged from congregating in groups outside the premises.
- Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises and will be refused service.
- The premises licence holder will have a written age verification policy – Challenge 25. A copy of the age verification policy must be signed and dated by all members of staff to confirm they have read and understand the policy in operation. The signed copy of the policy must be maintained at the premises and available for inspection by any Responsible Authority on request.

The Sub-Committee carefully considered the written representations made by other persons, none of whom attended the meeting. However, the Members were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. The objections seemed to focus on noise and drunkenness caused by people congregating in the area, but the agreed conditions covered this. The Sub-Committee also observed that other premises in the area were licensed to later hours.

The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The applicant had three to four years' previous experience of running licensed premises in Walsall/ Bromsgrove, and would be operating the shop together with his son. The intention was that the son would undertake the Personal Licence qualification. There was no reason to believe that the premises would not be properly managed, and so the Sub-Committee resolved to grant the application with the agreed 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's adviser.

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.

Please note, the meeting ended at 1025.