

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 26<sup>th</sup> January 2021</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Transfer</b>
<b>Premises</b>	<b>Sam's Corner Express, 41 Grove Road, Kings Heath, Birmingham, B14 6SR</b>
<b>Ward affected:</b>	<b>Brandwood and Kings Heath</b>
<b>Contact Officer</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **1. Purpose of report:**

To consider an application to Transfer a Premises Licence.

### **2. Recommendation:**

To consider and determine the Transfer Application.

### **3. Brief Summary of Report:**

A transfer application was received on 17<sup>th</sup> December 2020 in respect of Sam's Corner Express, 41 Grove Road, Kings Heath, Birmingham, B14 6SR.

An objection notice to this application has been received from West Midlands Police.

### **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:**

An application to transfer a premises licence was received from Amrik Arora on 17<sup>th</sup> December 2020 in respect of Sam's Corner Express, 41 Grove Road, Kings Heath, Birmingham, B14 6SR.

Consent to transfer the licence was received from Gurnek Dhesi.

As the application sought to have immediate effect since the time of the application, Amrik Arora has been responsible for the provision of licensable activities at the premises, pending the determination of the transfer application by this Sub Committee.

In line with statutory requirements the application was served on West Midlands Police who have subsequently given an objection notice to the transfer application on the basis that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective under the Licensing Act 2003.

Amrik Arora's transfer application is attached, see Appendix 1.

West Midlands Police Notice of objection is attached at Appendix 2.

The current Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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.

When holding a hearing to consider an objection notice under s44 (5) a licensing authority is confined to consideration of the crime prevention objective in the Licensing Act 2003. Members must therefore only consider matters that relate to the crime prevention objective.

## **6. List of background documents:**

Transfer Application form, Appendix 1  
West Midlands Police Objection, Appendix 2  
Current Premises Licence, Appendix 3  
Site location Plans, Appendix 4

## **7. Options available**

To Grant the transfer application.  
To Reject the transfer application.



**Birmingham**  
**Application to transfer premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 7**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader  
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

### Address

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

### Agent Details

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="The Clock House"/>
Street	<input type="text" value="361 High St"/>
District	<input type="text"/>
City or town	<input type="text" value="West Bromwich"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B70 9QG"/>
Country	<input type="text" value="United Kingdom"/>

**Section 2 of 7**

**PREMISES DETAILS**

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

**Premises Licence**

\* Premise licence number

**Name Of Current Premises Licence Holder**

\* Name

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

Building number or name	<input type="text" value="Sams Corner Express"/>
Street	<input type="text" value="41 Grove Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B14 6SR"/>
Country	<input type="text" value="United Kingdom"/>

**Further Details**

Please give a brief description of the premises

<input type="text" value="General Store and off license"/>
--

Continued from previous page...

Telephone number at the premises if any

### Section 3 of 7

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- ☒ An individual or individuals
- ☐ A limited company/limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Please confirm the following:

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 7

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Amrik Singh

Family name

Arora

Continued from previous page...

Is the applicant 18 years of age or older?

☐ Yes ☐ No

#### Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

#### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

E-mail

Telephone number

Other telephone number

\* Date of birth   
dd mm yyyy

\* Nationality

Add another applicant

### Section 5 of 7

#### FURTHER INFORMATION

Are you the holder of the premises licence under an interim authority notice?

☐ Yes ☒ No

Do you wish the transfer to have immediate effect?

☒ Yes ☐ No

Have you attached the consent form signed by the existing premises licence holder?

☒ Yes ☐ No

*Continued from previous page...*

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

☒ Yes      ☐ No

Have you attached the previous licence?

☐ Yes      ☒ No

Please enter your reasons

The license is lost

**Section 6 of 7**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## Section 7 of 7

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

Continued from previous page...

## DECLARATION

I/WE UNDERSTAND THAT 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.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP, BUT NOT COMPANIES OR LIMITED LIABILITY PARTNERSHIPS] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT  
\* TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK. I HAVE INCLUDED DOCUMENTS DEMONSTRATING MY ENTITLEMENT TO WORK IN THE UK (PLEASE SEE NOTES ON ENTITLEMENT TO WORK IN SECTION 6).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-3> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Consent of premises licence holder to transfer

I/we Mr Gurnek Dhesi

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number 3076

*[insert premises licence number]*

relating to

*Smus Corner Retail*  
Tim's Express  
41 Grove Road, Kings Heath,  
Birmingham, B14 6SR

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

3076

*[insert premises licence number]*

to

Amrik Singh Arora

*[full name of transferee]*

signed

name

(please print)

Mr Gurnek Dhesi

dated

18/11 /20

**From:** Mark Swallow  
**Sent:** 21 December 2020 11:35  
**To:** Licensing  
**Cc:** pmblicensing  
**Subject:** SAMS CORNER EXPRESS REFS 1031052 & 1031054

Good Morning Licensing,

Having reviewed the application for the transfer of a premises license and to become DPS for Sams Corner Express references 1031052 and 1031054 by Mr Amrik Singh Arora date of birth West Midlands Police wish to make an objection to this application.

West Midlands Police are concerned in regard to Mr Aroras suitability and being a responsible person to sell alcohol. This is as a result of his unspent conviction(s).

There is a reliance on a premises licence holder and DPS, who can authorise the sale of alcohol to be able to promote the licensing objectives and West Midlands Police are concerned in his ability to do this due to his convictions.

West Midland Police believe this warrants the use of their right to object under the grounds of exceptional circumstances.

I have informed Mr Arora's agent who is also copied into this email.

West Midlands Police will supply any hearing with the relevant evidence to support this and would ask that consideration be given to this being in private.

Regards,  
MARK SWALLOW  
WEST MIDLANDS POLICE  
BIRMINGHAM CENTRAL LICENSING TEAM

**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

3076 / 6

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Tim's Express 41 Grove Road Kings Heath	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B14 6SR
<b>Telephone Number:</b>	

<b>Where the licence is time limited the dates</b> N/A
---

<b>Licensable activities authorised by the licence</b> M2          Sale of alcohol by retail (off the premises)
--

<b>The times the licence authorises the carrying out of licensable activities</b> Monday - Sunday          07:30          -          20:00          All
--

<b>The opening hours of the premises</b> Monday - Sunday          07:30          -          20:00
--

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> Off Supplies Only
---

**Part 2**

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

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
---

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Talvinder Dhesi	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 036032	<b>Issuing Authority</b> SANDWELL METROPOLITAN BOROUGH COUNCIL

*Dated 14/09/2017*

SHAID YASSER  
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**

All staff will be trained with regard to the Licensing Act 2003, including the service of alcohol and tobacco.

The licence holder shall ensure staff keep a record of all attentive purchases made by under 18's.

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

The Licence holder shall ensure the premises will display prominent signs with regard to alcohol and tobacco sales.

The licence holder shall ensure to liaise with the local Police Licensing Officer on a regular basis.

The licence holder shall ensure CCTV cameras are installed and maintained at the premises.

A refusal book will be kept at the premises, and completed at all times necessary.

### **2c) Conditions consistent with, and to promote, public safety**

The licence holder shall ensure all emergency lighting will be checked on a weekly basis and all passageways, entrances and exits re kept clear.

### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

The Licence Holder shall ensure that the premises will display prominent signs requesting customers to have regard for local residents when leaving the premises.

The Licence Holder shall ensure the premises will have adequate bins available for customers to dispose of litter.

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

The licence holder and staff will ensure they operate a challenge 21 policy.

## **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 **102679-3076/6** 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.





