

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Tuesday 23rd January 2024
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	S & B General Store, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU
Ward affected:	Handsworth Wood
Contact Officer:	David Kennedy, Principal 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 and representation 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 29th November 2023 from Trading Standards in respect of S & B General Store, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU.

A representation has been received from West Midlands Police as a responsible authority.

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.

<p>5. Relevant background/chronology of key events:</p> <p>Trading Standards applied on 29th November 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for S & B General Store, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU.</p> <p>A representation has been received from West Midlands Police as a responsible authority, which is attached at Appendix 1.</p> <p>The Review application is attached at Appendix 2.</p> <p>The Premises Licence is attached at Appendix 3.</p> <p>Site location plans are attached at Appendix 4.</p> <p>It should be noted that an application to transfer the Premises Licence to Hardeep Kaur was considered by Licensing Sub Committee C on Wednesday 10th January 2024, who resolved to reject the application. A copy of the decision notice is attached at Appendix 5.</p> <p>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.</p> <p>The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
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<p>6. List of background documents:</p> <p>Copy of the representation from West Midlands Police, Appendix 1</p> <p>Review Application Form, Appendix 2</p> <p>Copy of Premises Licence, Appendix 3</p> <p>Site location plans, Appendix 4</p> <p>Licensing Sub-Committee decision of Wednesday 10th January 2024, Appendix 5</p>
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<p>7. Options available</p> <p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>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.</p>
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From: Christopher Jones

Sent: 01 December 2023 08:29

To: Licensing

Subject: WMP supports reps for the licence review of S&B general Store - premises licence number 1106

Good Morning Licensing,

Please see below supporting reps from West Midlands Police.

West Midlands Police support the premises licence review by Trading Standards of S&B General Store, 1-3 College Road, Birmingham B20 2HU, premises licence number 1106, under the prevention of crime & disorder and public safety licensing objectives.

It is clear from the application that it was concerned members of the public who have originally contacted the Trading Standards Team, as they were concerned by the operation of the premises. It appears that the original complainants have witnessed what they believed to be illegal or illicit activity within the premises by the members of staff who work there.

Following the complaints from the concerned members of the public, the premises were visited twice by Trading Standards Officers.

On the second visit, illicit vapes were seen for sale at the premises and seized by the officers. At this visit, officers also noticed several bottles of spirits which appeared to be out of place on sale at the premises, in particular officers noting 3rd party stickers attached to bottles and bottles with damaged tops/caps.

Finding such items on sale in the premises is, at this time, is surprising and concerning to West Midlands Police, as on the first visit Trading Standards Officers had advised the premises around not selling illicit items and also had informed them about the complaints and concerns of the members of the public.

West Midlands Police agree with Trading Standards Officers, that with the seized illicit items and the suspicious condition of some of the bottles of spirits on sale at the premises, that the initial complaints and concerns raised by the members of the public seem very credible.

West Midlands Police also note that on each occasion the premises have been visited that the DPS who is also the premises licence holder was not at the shop, in fact other persons have identified themselves as being in charge of the business.

This is of obvious concern, as it appears the staff at the shop are left to their own devices, with little or no understanding of the Licensing Act and their responsibilities. With the person who actually authorises the sale of alcohol, either completely absent from the business or at the best in neglect of their responsibilities and the promotion of the licensing objectives.

Below is an extract taken from a vaping website and details the concerns and health risks with the supply of illegal vapes -

'Many illegal disposable vapes contain dangerous chemicals and substances that can be harmful to the user's health. Some of these vapes contain high levels of heavy metals such as lead, nickel, and chromium, which can cause serious health problems if ingested or inhaled.

Another major concern is that they often contain higher than safe levels of nicotine. Nicotine is addictive and, when mis-used, can have serious health effects, particularly for young people. In some cases, illegal disposable vapes have been found to contain illegal drugs such as THC. THC is an active ingredient in marijuana.

The use of illegal disposable vapes can have serious health consequences, particularly for young people. The high levels of nicotine found in many of these vapes is addictive and long-term mis-use can lead to serious health problems such as heart disease and lung cancer. Additionally, the presence of heavy metals and toxic chemicals in these vapes can cause respiratory problems and other serious health issues.'

The below is taken from the 'GOV.UK' website and is a small extract of a piece by Professor Sir Chris Whitty, Chief Medical Officer of England, who echoes the above concerns on illegal vapes;

'Unsafe, illegal vapes have also been pushed in our communities, with recent reports showing they can contain dangerous chemicals like lead and nickel. High levels of inhaled lead damages children's central nervous system and brain development. Some products contain nicotine when claiming they do not, or contain harmful cannabis THC chemicals.'

West Midlands Police would ask the committee to consider all options open to them when making their final decision regarding the review application.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

**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.

1 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 & B GENERAL STORE 1-3 COLLEGE ROAD HANDSWORTH WOOD	
Post town BIRMINGHAM	Post code (if known) B20 2HU

Name of premises licence holder or club holding club premises certificate (if known)
Mr GURDEEP SINGH SAMRAI

Number of premises licence or club premises certificate (if known)
1106

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)

☐

YES

☐

Please tick ✓ yes

Surname

First names

--

Please tick ✓ yes

☐

--

Post Code

[illegible]

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Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address; Martin Williams Birmingham Trading Standards 1-3 Ashted Lock Way Aston Birmingham B7 4AZ Our Ref: 10736702
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 ✓
Yes |
| 2) public safety | No |
| 3) the prevention of public nuisance | Yes |
| 4) the protection of children from harm | No |

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

During June and July 2023 Birmingham Trading Standards received several complaints from members of the public concerning S & B General Store, 1-3 College Road, Handsworth Wood, Birmingham B20 2HU.

The first complaint in early June said that shoplifters were coming into the shop with stolen goods and the shop was buying bootleg booze and stolen goods and selling it on.

Another said; "this shop is selling stolen goods such a baby milk and illegal cigarettes and vapes and stolen alcohol and many other things"

Later in July an email was received from a member of the public with the following detail;

"To: TradingStandards
Subject: S&B Stores 3 College Road B20 2HU

Hello

I would like to report this shop for illegal trading of vapes, cigarettes, stolen alcohol and illegal substances.

The shop keeper is buying stolen alcohol from supermarkets on a huge scale, his store is full of bottles with supermarkets security tags and the shop celler is also full of stolen or illegal alcohol and illegal substances.

The area around the shop is like a magnet for drug users and I am concerned that young people will also be targeted.

Please can this be investigated.

A very concerned resident. .."

On 8 August 2023 Trading Standards Enforcement Officer Paul Ellison went to S& B General Store to give advice to the shop owners and warn them about selling and stocking illicit items as per the allegations in the complaints received. The officer spoke with a Hardeep Kaur who said she was in charge and issued her with a traders notice to confirm the advice and instruction which she signed for and was given a copy.

On 14 November 2023 Trading Standards Officers re -visited S&B General Store to check compliance with the previous advice.

On arrival at approximately mid-day the officers noticed several unaccompanied men standing around outside the shop and nearby in the street. When the officers went into the shop several of these men were seen coming in and out of the shop.

The officers explained why they had come to the two people who said they were in charge; a woman who identified herself as Hardeep Kaur and a male as Gurbinder Singh who said he was the owner of the business.

Whilst both these people were co-operative they appeared not to understand the seriousness of the allegations and the implications it could have upon the premises alcohol licence.

Officers then began to inspect the goods for sale on the premises and found and seized 96 illicit nicotine inhaling vapes on the sales shelf in view of customers and nearby beneath the sales counter.

Officers also noticed a large number of various brands of spirit bottles that appeared to have damaged cap tops and closures around the bottle necks. (A common reason for this is often the unauthorised or forced removal of security bottle tops as often seen applied to similar high value bottles in supermarkets). Some bottles also had third party security stickers still attached to them.

When the officers asked about these bottles Ms Kaur and Mr Singh said they often purchased alcohol from local supermarkets to sell in their shop rather than from wholesalers.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE TO SUPPORT THE APPLICATION

On going to the shop in November 2023 the officers found that most of the allegations made in the various complaints had some credence; Officers seized illicit vapes which are illegal as they have far larger tanks sizes of content than is legal under current legislation.

There were many bottles of spirits whose provenance appeared to be suspicious based on their condition and appearance in the shop.

There appeared to be a significant number of people wandering in and around the shop whose presence appeared to be unwarranted.

All of this is particularly concerning considering that an officer had been to the shop previously to warn and advise them specifically about the matters raised.

The premises licence holder and DPS is currently listed on the public register as a Mr Gurpreet Singh Samrai. He was not present on the day of the inspection. Both members of staff appeared to give the impression that they were in charge, indeed both appeared to give the impression that each other was. They did not appear to have much knowledge of licensing matters and were not convincing of being in control of the shop or of much of the outward circumstances related to it.

Previous history of this shop.

As indicated above Trading Standards received a number of similar allegations about the activities in and around of the shop in the run up to the visit beforehand in June and July 2023.

It would appear in selling illicit goods and other activities this shop was giving local residents concern that it was contributing to public nuisance and crime and disorder and possibly even running the risk of persons under the age of 18 being implicated.

Recommendations.

There is a concern that the premises licence holder and DPS may have absented himself and abrogated his responsibilities to people with much less experience in the licenced trade than is necessary for a shop of this nature.

This licence was granted in 2005, quite some years ago to a Mr Gurdeep Singh Samrai who is still listed as the premises licence holder and DPS of the premises. He was nowhere to be seen or even mentioned on the day of the visit.

In such a licence review it may be advisable to ensure that a suitably experienced and responsible DPS is in charge of the premises and is present and in control as much as possible.

Such a person should ensure that no illicit products are stocked or supplied to the general public. They should also be able to cope with the environment the shop is located in. The fact that this shop appears to have particularly challenging circumstances surrounding it such a person in charge should not make matters worse by failing to control such behaviour.

The sub-committee may wish to impose a period of suspension of the licence for all these matters to be taken into hand and may wish to consider if there is adequate supervision of the premises on a daily basis.

Equally Trading Standards would support a revocation of the licence in order that matters can be sufficiently turned around under new management.

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 28/11/2023

Capacity Chief Inspector of Weights & Measures

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:

1106

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

S & B General Store
3 College Road
Handsworth

Post town:

Birmingham

Post Code:

B20 2HU

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	08:00	-	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 Mr Gurdeep Singh Samrai	
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 Mr Gurdeep Singh Samrai	
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 1233	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 06/11/2005

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

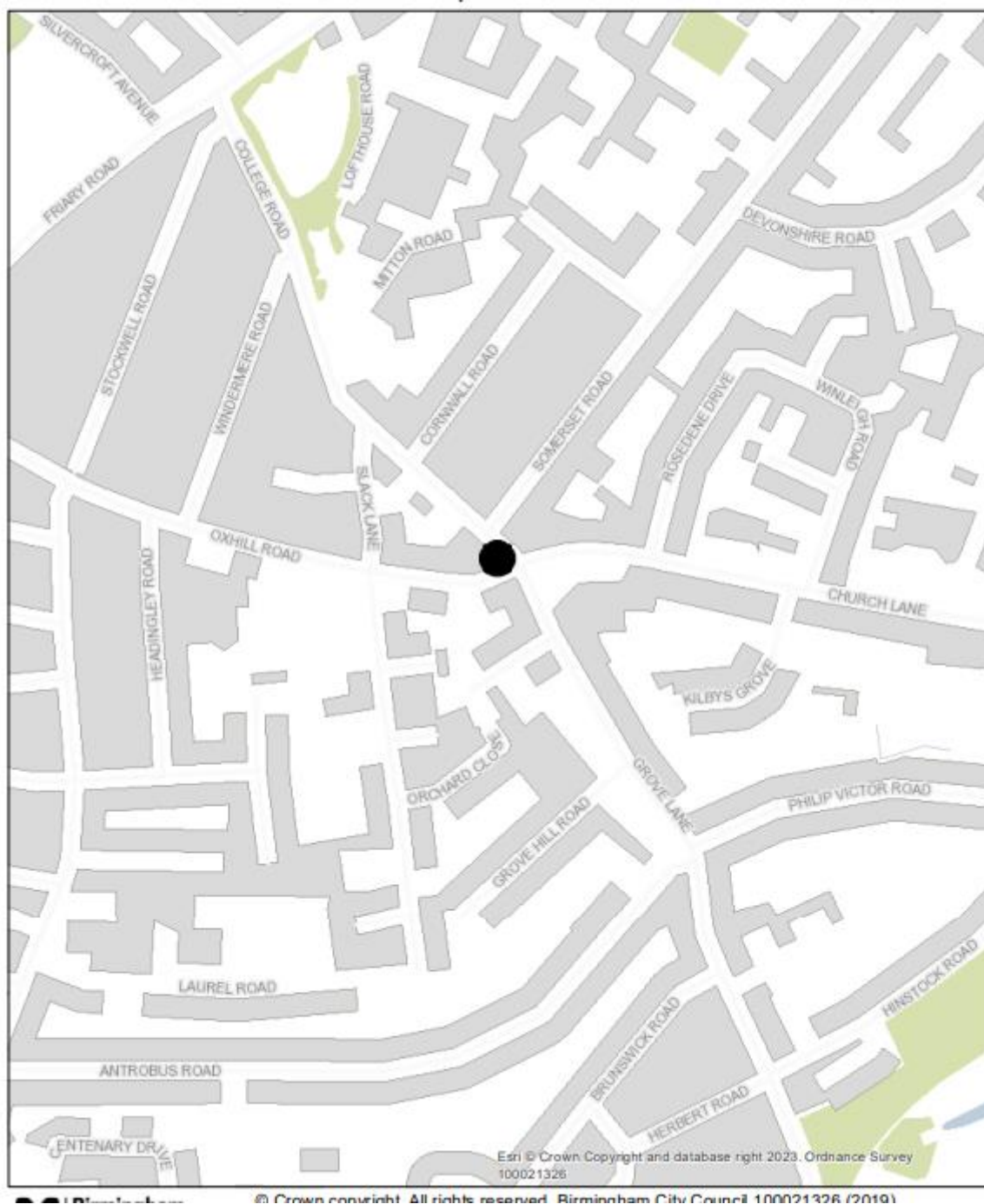
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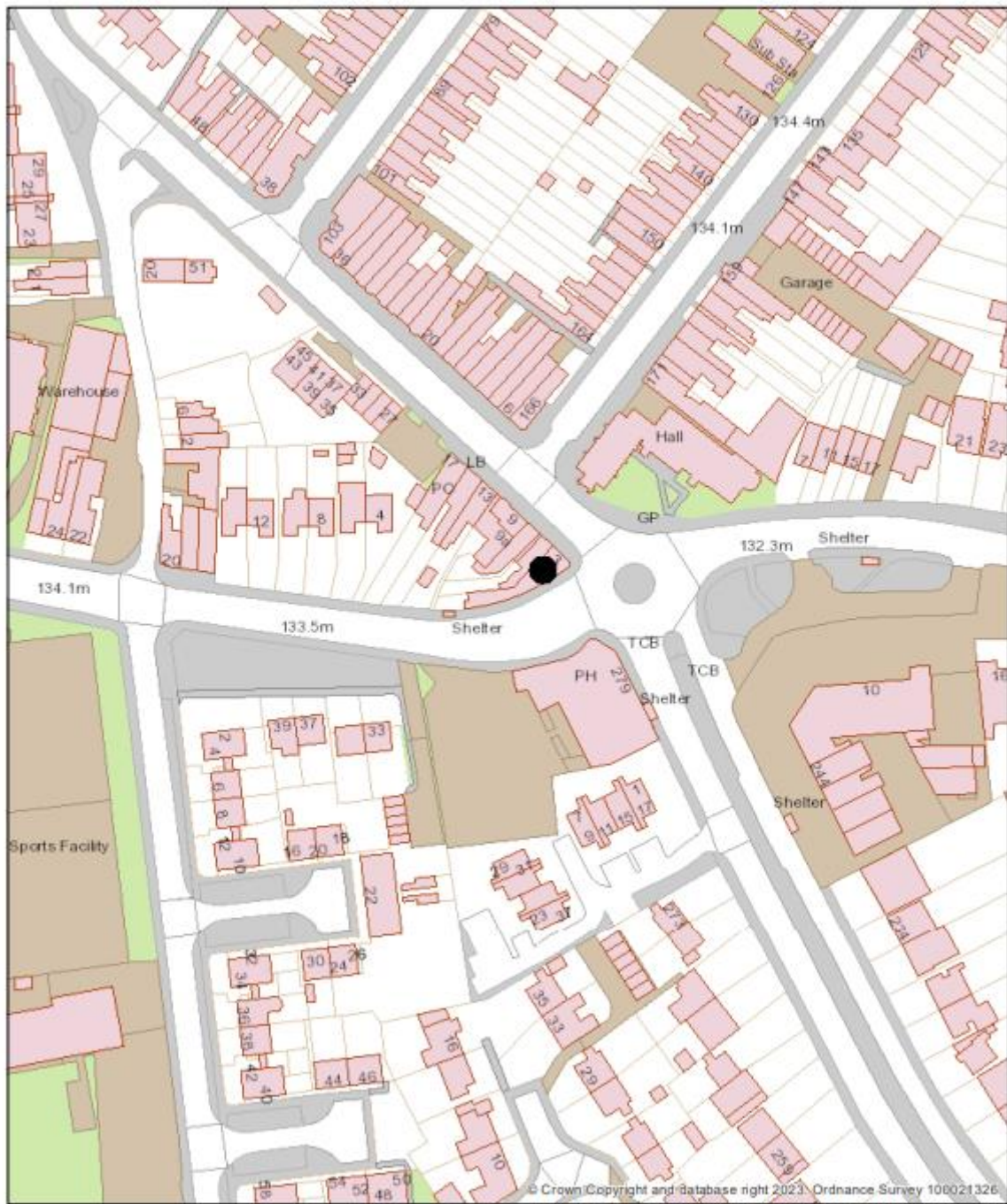
3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans

The plan of the premises with reference number **30219-1106/1** 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.





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BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C

Wednesday 10 January 2024

**S&B STORES, 1-3 COLLEGE ROAD,
HANDSWORTH WOOD, BIRMINGHAM B20 2HU**

That the application by Hardeep Kaur for the transfer of the premises licence under section 42 of the Licensing Act 2003 (the “Act”), in respect of S & B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham B20 2HU, be rejected, on the grounds that the application to transfer would undermine the crime prevention objective in the Act, as the Sub-Committee was not confident, after hearing submissions from both sides, that the applicant was capable of upholding it.

The Sub-Committee considered the documents in the Committee Report carefully. The applicant Mrs Hardeep Kaur attended the meeting, as did the current premises licence holder Mr Gurdeep Singh Samrai; they were represented by a solicitor. Also in attendance were West Midlands Police, who had made representations against the application.

The Sub-Committee heard submissions from the solicitor for the applicant, who explained that such hearings were rare, and that the Guidance was that the Police should only make objections in truly exceptional circumstances. He advised the Sub-Committee that the instant case was unusual because of the background around the premises licence.

The solicitor confirmed that it was accepted by Mrs Kaur and Mr Samrai that there had been an oversight, and that the licence should have been transferred many months ago. Mrs Kaur’s husband had worked with Mr Samrai for many years, and “over a long period of time did a transfer effectively of the business, to be run by Mrs Kaur as the licensee”.

The solicitor further explained that the Police had decided to make a representation against the transfer application because a Review of the licence was due to come before the Sub-Committee in around two weeks’ time. The Review application was being brought by Trading Standards, on the basis of unsatisfactory trading relating to illegal vapes.

The solicitor reminded the Sub-Committee that the instant hearing was solely to consider the transfer application, and was not a Review of the licence. The Members accepted that it was important to focus solely on the transfer application.

The solicitor confirmed that Mrs Kaur’s position was quite straightforward – namely that, due to an oversight, the licence had not been transferred, and it should have been. Mrs Kaur hoped that once the application was granted, and the licence was transferred into her name, she could then be the person to respond properly and substantially to the forthcoming Review of the licence brought by Trading Standards. The solicitor considered that this would be a type of regularisation of the licence, such that the correct person would be defending the licence at the forthcoming Review hearing.

The solicitor confirmed that Mrs Kaur was a personal licence holder (issued by Birmingham City Council), and had no criminal record. The forthcoming Review matter had “not been fully engaged, fully investigated yet, or responded to”, he said. The applicant was simply asking the Sub-Committee to permit the transfer in order that the correct person could respond to the allegations in the forthcoming Review matter.

Mr Samrai then addressed the Sub-Committee, to confirm that Mrs Kaur’s husband had worked for him for a number of years, and had then slowly taken over the shop. There had been a delay over the transfer of the ownership, as paying for the purchase of the business had gone on across a very long period of time. Mr Samrai described the delay in arranging the transfer as “just a complete oversight”.

The Members observed that a period of nineteen months (for the transfer application to have taken) was very slow. Mr Samrai confirmed that an application had been submitted a year earlier, but it had been rejected because it had not been completed correctly. Thereafter, the application had “fallen off the radar”, said the solicitor, and this had been an oversight.

The Sub-Committee then heard from West Midlands Police, who confirmed that to make representations against a transfer application was unusual, and therefore the instant objection showed the level of concern which the Police had regarding the application. The Police fears were based on the Review matter which had been submitted by Trading Standards.

The Police directed the attention of the Sub-Committee to their documents, which were in the Committee Report. The investigation conducted by Trading Standards had been prompted by complaints from members of the public, who suspected that illicit activity was perhaps going on at the premises; thereafter, illegal vape products had been discovered to be on display for sale to customers, and had been seized by officers. Mrs Kaur had identified herself to Trading Standards as the person in charge of the premises, on two occasions. The Sub-Committee noted this.

Upon receiving the transfer application on the 4th December 2023, the Police had noted that Mrs Kaur had requested that the transfer should start from 23rd February 2022, and also noted that she said to the Police that this was the date on which she took over the business. The Police remarked that Mrs Kaur had therefore had responsibility for running the shop for nearly nineteen months before the transfer application had been submitted, and moreover she would have had responsibility for the premises when Trading Standards received the initial complaints from the public.

The Police had concerns as to why Mrs Kaur had submitted the transfer application 19 months after taking control of the business, and five days after a premises licence review application had been submitted by Trading Standards. The Police were not confident that Mrs Kaur’s decision-making was satisfactory, given that the premises appeared to have stocked illegal vapes for sale, and also that she had seemingly ignored advice given by Trading Standards, who had issued her with a Trader’s Notice during a visit in August 2023.

Accordingly, West Midlands Police had little confidence in the applicant’s ability to promote the licensing objectives, and objected to the transfer of the licence in the interests of ensuring the upholding of the prevention of crime and disorder objective.

When summing up, the solicitor observed that “nothing new” had been heard in the submissions from West Midlands Police. He asked the Sub-Committee to note that Mrs Kaur and Mr Samrai had volunteered information about the oversight, and had accepted that the transfer should have been done promptly; moreover, they had taken this approach all the way through all interactions with any responsible authorities visiting the shop. There had been no attempt to hide anything, and the position was simply that the transfer should have been done, but had not been.

The solicitor asked that the licence should be in Mrs Kaur’s name “so she can then be the person dealing with the allegations of what has happened in relation to the Review application”. He

observed that the circumstances regarding the vape stock needed to be addressed at the Review hearing. He stated that the application was simply to regularise the position in order that Mrs Kaur would be the person facing the Review proceedings, not Mr Samrai. He urged the Sub-Committee to note that there was “no further evidence of anything illicit, illegal or any other allegations that that we are aware of that have come up since that date”.

Finally, the Sub-Committee heard briefly from Mrs Kaur, who stated that “we have spent all our savings” on the shop, had three children, and also remarked that it was difficult to deal with these types of issues. She asked that the Sub-Committee grant the application ready for the Review hearing.

The Sub-Committee was aware that in exceptional circumstances, where the Police believed that a transfer might undermine the crime prevention objective, the Police could object to a transfer. Such objections were expected to be rare, and to arise only because the police had evidence that those seeking to hold the licence were involved in some way in crime and/or disorder. Therefore, when deliberating, the Sub-Committee paid very careful attention to the advice of West Midlands Police, who had objected to the transfer on the grounds of the prevention of crime and disorder.

Having considered the submissions of the Police, the Members found themselves quite unable to be certain that the Mrs Kaur was capable of promoting the crime prevention objective properly. The Members noted that the Police had been unimpressed that the application had been submitted some 19 months late. Moreover, the Police had pointed out that it appeared that Mrs Kaur had not followed the advice she had been given in the Trader’s Notice. This was wholly unsatisfactory given that the grant of the transfer application would make her responsible for the upholding of the licensing objectives at the premises.

The Sub-Committee also looked askance at the earlier transfer application, which had been submitted in an incomplete form, such that it could not be granted. Nothing further had been done to correct and resubmit the form at that time - yet the reason given by the applicant for the application submitted on 4th December 2023 was that Mrs Kaur wanted the position to be ‘regularised’. This was not persuasive, given that a period of around a year had passed. The Sub-Committee took on board the Police’s observation that the instant application had been made five days after the Review application had been submitted by Trading Standards.

The Sub-Committee noted that a Review application would in due course come before one of the Licensing Sub-Committees; whilst not taking any view on the particulars of that Review matter, the Sub-Committee noted that the advice of the Police was that the transfer application should be rejected because the crime prevention objective had not been upheld. The Police were the experts in the prevention of crime and disorder, and the Sub-Committee therefore noted their recommendation.

All in all, whilst the Sub-Committee carefully considered the submissions made by all those representing the applicant, the Members could not agree that those submissions ought to justify the grant of the application. To permit the transfer would send a message that unsatisfactory arrangements were not a serious matter - on the contrary, they were indeed a serious matter. There had been an inordinate delay of 19 months, and Trading Standards had found the operating style to be quite unsatisfactory. The Police submissions, dealing with the history of trading at the premises (as per the Committee Report), had demonstrated to the Sub-Committee that there were significant grounds for believing that the transfer of the licence would undermine the crime prevention objective. The Sub-Committee therefore considered that there would be a clear risk to the crime prevention objective to permit the transfer.

It had been the strong advice of the Police that the application should be rejected. Regard was also given to paragraphs 8.99 - 8.102 of the Guidance issued under section 182 of the Act by the Secretary of State, and when deliberating the Sub-Committee considered that a refusal in this instance would be an appropriate and proportionate response in all the circumstances.

Accordingly, the Sub-Committee determined that the correct course was to reject the transfer application, in order to ensure that the crime prevention objective was not undermined.

In reaching this decision, the Sub-Committee gave due consideration to the information contained in the application, the objection notice submitted under section 42(6) of the Act, and the submissions made at the hearing by the solicitor to the applicant, by the licence holder, by the applicant herself, and by West Midlands Police.

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.