

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE A**

**MONDAY, 04 SEPTEMBER 2023 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

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

## **A G E N D A**

### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**4 - 25**

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 28 April 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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

To note the public part of the Minutes of the meeting held on 7 August 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 14 August 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

**26 - 44**

5 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW JOEL’S CONVENIENCE, 12 BODINGTON ROAD, MERE GREEN, SUTTON COLDFIELD, B75 5ET**

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

6 **OTHER URGENT BUSINESS**

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

7 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

**PRIVATE AGENDA**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 28 April 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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

To note the private part of the Minutes of the meeting held on 7 August 2023

at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 14 August 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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

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

# BIRMINGHAM CITY COUNCIL

<p><b>LICENSING SUB-COMMITTEE A 24 JULY 2023</b></p>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 24 JULY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Penny Wagg.

### **ALSO PRESENT**

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

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

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1/240723

### **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/240723

### **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/240723 Apologies were submitted on behalf of Councillors Phil Davis and Simon Morral and Councillors Diane Donaldson and Penny Wagg were the nominated substitute Members.
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**MINUTES**

- 4/240723 That the minutes of the meeting held on 12 June 2023 at 1000 hours, 26 June 2023 at 1200 hours and 3 July 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

The Public section of the minutes of the meetings held on 19 June 2023 at 1000 hours and 26 June 2023 at 1000 hours were noted.

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**EXCLUSION OF THE PUBLIC**

- 5/240723 **RESOLVED:-**

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

Exempt information under Paragraph 1 of Schedule 12A of the Local Government Act 1972 - (information relating to any individual).

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# BIRMINGHAM CITY COUNCIL

<p><b>LICENSING SUB-COMMITTEE A 7 AUGUST 2023</b></p>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 7 AUGUST 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Diane Donaldson.

### **ALSO PRESENT**

Bhapinder David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole – Committee Services

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

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### 1/070823 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### 2/070823 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/070823 Apologies were submitted on behalf of Councillor Simon Morrall and Councillor Diane Donaldson was the nominated substitute Members.

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**MINUTES**

4/070823 The Public section of the minutes of the meetings held on 20 July 2023 at 1000 hours were noted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – PICKWICK ATHLETIC CRICKET CLUB, WINDERMERE ROAD, SPRINGFIELD, BIRMINGHAM, B13 9JS.**

**On Behalf of the Applicant**

Kerry Cox – Representing the applicant  
Waheed Jahib – Applicant

**On Behalf of Those Making Representations**

Councillor Izzy Knowles – Local Ward Councillor  
Mrs Connor – Local Resident  
Janice Burns – Local Resident  
Sarah Bowers – Local Resident  
Mendie De Vos – Local Resident  
Jean Gilkison – Local Moseley Society  
John Wilson – Local Resident

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

Kerry Cox, representing the applicant on behalf of Duncan Craig (Barrister) made two preliminary points. Firstly, that the address (which had been incorrectly documented as 20 Windermere Road by the Birmingham City Council Licensing Section) on the Blue Notices had been correctly advertised. Secondly, she made an application to adjourn the hearing outside of the statutory hearing window in order to allow all parties time to engage and work to resolve any issues. Furthermore, she confirmed that there was 'overwhelming support' for such an application and asked the Committee to grant the adjournment request.

Councillor Izzy Knowles confirmed that she was content with the adjournment being granted.

David Kennedy, Licensing Section further advised that Peter Brown (Environmental Health) had confirmed via email that he was also in agreement with the adjournment application.

At this stage (1012 hours), the Members, Committee Lawyer and Committee Manager withdrew into a separate private MS Teams meeting in order to consider the request for an adjournment.

At 1017 the Members, Committee Lawyer and Committee Manager returned to the public session and the Chair announced that the request for an adjournment was approved and a date and time outside the hearing window would be confirmed to all parties in due course. A full written decision in relation to the agreed adjournment was sent to all parties as follows;

5/070823 **RESOLVED:-**

That the application by Pickwick Venue Ltd for a premises licence in respect of Pickwick Athletic Cricket Club, Windermere Road, Springfield, Birmingham B13 9JS, be adjourned to a date outside the statutory hearing window, in accordance with regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee heard from the applicant's agent that more time would enable discussions to take place. None of those attending to make representations objected to this course. The meeting was therefore adjourned to a date to be confirmed.

The rescheduled hearing date will be announced to all parties as soon as practicable. It will be an online meeting conducted via Microsoft Teams.

**EXCLUSION OF THE PUBLIC**

6/070823 **RESOLVED:-**

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

Exempt Paragraph 3.

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# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE A,  
FRIDAY 28 APRIL, 2023**

## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON FRIDAY, 28 APRIL, 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Izzy Knowles and Mary Locke

### **ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Louisa Nisbett - Committee Services  
Saanya Khattak – (Trainee Solicitor)

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

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### 1/280423 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site ([www.youtube.com/channel/UCT2kT7ZRPFCXq6\\_5dnVnYlw](https://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.

### 2/280423 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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There were no interests declared.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/280423 An apology was submitted on behalf of Councillor Simon Morrall. Councillor Izzy Knowles was the nominee Member.

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### **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW FRANCY, 348 SOHO ROAD, HANDSWORTH, BIRMINGHAM, B21 9QL**

3/280423 The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

#### **On Behalf of the Applicant**

David Dodds – Legal Representative  
Adriana Pesea – Premises Licence Holder

#### **Those Making Representations**

Mark Swallow – WMP (West Midlands Police)  
Huram Taj - WMP

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

Mark Swallow, WMP requested that the hearing be held in private owing to the on-going police investigation. A number of people had been arrested however there were some outstanding warrants for arrests.

David Dodds, Solicitor confirmed that they had no objection to the hearing being held in private.

The meeting was adjourned at 1007 hours for the Sub-Committee to consider the request and reconvened at 1011 hours. The Chairman announced the decision of the Sub-Committee that the meeting be held in private.

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

Following this and at 1034 hours it was

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**EXCLUSION OF THE PUBLIC**

4/280423 **RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

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After an adjournment, and at 1125 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/280423 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Adriana Camelia Pesea in respect of Francy, 348 Soho Road, Handsworth, Birmingham B21 9QL, following an application for an expedited review made by a Superintendent of West Midlands Police, this Sub-Committee hereby determines that:

- the interim step of suspension of the licence, which was imposed at the Interim Steps meeting of 4th April 2023, is lifted
  - the designated premises supervisor Adriana Camelia Pesea is removed
  - all of the conditions which were agreed between the licence holder and West Midlands Police in advance of the meeting shall be adopted both as a modified interim step and as the substantive decision following the review of the licence. Those agreed conditions are as follows:
1. Adriana Camelia Pesea, who is removed as the designated premises supervisor for the premises, shall be replaced
  2. When the premises is trading at least one of the members of staff on duty will be first aid trained and the licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises
  3. The premises will operate a vulnerability policy. This policy will be available to any of the responsible authorities on request
  4. The premises will operate a dispersal policy. This policy will be made available to any of the responsible authorities on request
  5. The doors to the premises will be locked to the outside and customers will only be allowed access to the premises after speaking with staff at the premises via an intercom and then passing through a staff-controlled door. The area around the front door will be covered by the premises CCTV system
  6. All drinks supplied will be decanted into glasses. No bottles or other containers will be in the customer area of the premises
  7. The premises will only re-open when all these measures are in place

The Sub-Committee's reasons for this determination were due to the recommendation from West Midlands Police in relation to matters pertaining to serious crime and/or serious disorder, which had come to light as outlined in the Superintendent's certificate and application.

The Sub-Committee had determined at the Interim Steps meeting of 4<sup>th</sup> April 2023 that the cause of the serious crime and/or serious disorder had originated from a style of management which had been incapable of upholding the licensing objectives. The style of management had been the responsibility of Adriana Camelia Pessea as premises licence holder of Francy, a restaurant licensed for 'on' sales of alcohol ancillary to the purchase of a meal (licence number 11570). Adriana Camelia Pessea had also been the person named on the licence as the designated premises supervisor.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. West Midlands Police reminded the Sub-Committee of the ongoing criminal investigation, and of the CCTV evidence showing the violent incident inside the premises. The solicitor for the licence holder company agreed that it would be difficult to separate the evidence across public and private sessions, and therefore confirmed that he did not object to the holding of the meeting in private session.

The Sub-Committee therefore decided to hold the meeting in private session, particularly as none of the three Members in the meeting had been part of the panel for the Interim Steps meeting, and had not viewed the CCTV evidence.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police. The Police summarised the investigation thus far – exactly as detailed in the Report. The incident had been the subject of crime reports for wounding, per s18 of the Offences Against the Person Act 1861. A criminal investigation was under way.

CCTV from inside the premises was played to the Sub-Committee. The Police stated that they had serious concerns regarding the promotion of the licensing objectives at the premises. The CCTV had clearly shown that the licence holder had carried on licensable activity beyond the hour that it should have ceased – drinks were shown being served at 23.14, when alcohol sales were required to end at 23.00. Furthermore, alcohol was being served whilst not ancillary to a meal, and vertical drinking could be seen taking place.

The Sub-Committee was aware that the premises licence had only been in place for approximately six months, yet such a serious incident had occurred within a short time of the grant of the licence; furthermore, the incident would perhaps not have happened had the operating conditions of the premises licence been followed.

It was the advice of the Police that conditions were required in order to deal with the causes of the serious crime and/or serious disorder and to ensure that the premises could safely reopen. Seven suitable conditions had been agreed between the Police and the licence holder, in advance of the meeting. The

members noted that these new measures included a vulnerability policy and a dispersal policy; the Police explained what these would entail.

The Police advised the Sub-Committee that the adoption of the agreed conditions would ensure that the licensing objectives could be promoted and that therefore the incident would not be repeated. The Police invited the Sub-Committee to lift the interim step of suspension which had been imposed on the 4<sup>th</sup> April 2023, and to replace it with the seven agreed conditions.

The Sub-Committee then heard from the licence holder, via her solicitor. The solicitor noted that no other party had made representations – whether the other responsible authorities, businesses or local residents. Moreover, he noted that the Police, who had brought the Review of the licence, had confirmed that the seven agreed conditions were all that was required to allow the premises to resume trading.

The solicitor drew the attention of the Sub-Committee to paragraph 9.12 of the Guidance issued by the Secretary of State under s182 of the Act, which explained that each responsible authority was an expert in their respective field, and was likely to be the licensing authority's main source of advice in relation to a particular licensing objective; the Police were therefore the licensing authority's main source of advice on the crime and disorder licensing objective. The solicitor agreed entirely with the Police that the adoption of the seven agreed conditions was the correct course.

Whilst the solicitor acknowledged that the licence holder had been operating beyond the terms of the licence, he noted that the CCTV had been working and was made available to the Police, and had therefore provided crucial evidence. The solicitor also stated that in his opinion "the incident could have happened anywhere", as it had involved an invasion by persons who were not connected to either the licence holder or her staff. The premises itself had therefore played no part in the incident, he said.

The solicitor was arranging for all documents to be translated into the Romanian language for the licence holder, after he noted that there had possibly been some confusion among the management over whether or not trading was permitted at the time in question (on the night of the incident). Apart from that, the solicitor was confident that the incident had been "a one-off", and had not been connected to the licence holder or the operational side of the business. He urged the Sub-Committee to take the expert advice of the Police and to impose the seven agreed conditions; he observed that to do this would be "appropriate and proportionate".

In summing up, the Police confirmed that there was no link between the premises and the persons who had entered on the night in question. However, the Police's view was that the incident was in fact directly related to the premises, because of the fact that it was trading beyond the permitted hour. Nonetheless, and leaving that aside, the Police recommendation was to lift the suspension and to adopt the seven agreed conditions, as this would be the most effective way to promote the licensing objectives.

Having heard all of the evidence, the Members agreed with the Police that it was not possible to have any trust in the designated premises supervisor, and in particular agreed that the incident would not have happened at all if the premises had been observing the conditions of the licence; it was obvious that the decision to trade after the terminal hour had been the cause. However, there was no connection between those who had invaded and the licence holder.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime and/or serious disorder, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives – even leaving aside the serious crime incident of the wounding/ grievous bodily harm offences, the Sub-Committee looked askance at the breaches of the conditions of the licence (trading beyond permitted hours, selling alcohol beyond the permitted time and not ancillary to meals, and offering regulated entertainment), all of which were serious matters.

Regarding the sale of alcohol, the Members observed that the CCTV had shown that there was no sign of any food service whatsoever. It therefore appeared that the sale of alcohol had definitely not been ‘ancillary to meals’.

The Sub-Committee was also unamused that a weapon(s) had been brought into any restaurant at a time when the premises should have been closed to customers with nobody able to enter. This was not at all the standard expected of premises licence holders in Birmingham.

The licence holder’s language difficulties had been a worry to the Sub-Committee at the previous meeting, and the Members were therefore pleased to hear that translations of documents were being prepared for her.

All in all, whilst it had been a very serious and dangerous incident, the Sub-Committee was satisfied that the Police, who were the experts on the prevention of crime and disorder, had recommended a course which would allow the suspension to be lifted, such that the premises could resume trading. Upon examining the agreed conditions, the Sub-Committee found the Police recommendation to be the proper course, and agreed with the licence holder’s solicitor that the new conditions were appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of serious crime and/or serious disorder, and to ensure safe operation.

The Sub-Committee also accepted that the removal of Adriana Camelia Pesea as designated premises supervisor, as recommended by the Police, was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. The failings seen on the night in question had been a significant risk to the upholding of the licensing objectives in Birmingham. Public safety was of paramount importance, and the safest course was to replace her with a more suitable person.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the latest version of the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application and certificate issued by West Midlands Police under section 53A of the Licensing Act 2003, the written representations, and the submissions made at the hearing by West Midlands Police, and by the solicitor acting for the licence holder.

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.

The determination of the Sub-Committee, save for the imposition of the agreed conditions as a modified interim step, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.

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The meeting ended at 1131 hours.

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Chair

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE A 14 AUGUST 2023</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 14 AUGUST 2023 AT 1330 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Izzy Knowles.

### **ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Alex Cerutti – Trainee Solicitor  
Katy Poole – Committee Services

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

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### 1/140823 **NOTICE OF RECORDING/WEBCAST**

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### 2/140823 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/140823 Apologies were submitted on behalf of Councillors Davis and Morrall and Councillors Donaldson and Knowles were the nominated substitute Members.
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**MINUTES**

- 4/140823 That the Minutes of the meeting held on 24 July 2023 at 1000 hours were noted, and the Minutes as a whole were confirmed and signed by the Chair.
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**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – THE ARK BIRMINGHAM, 74 JOHN BRIGHT STREET, BIRMINGHAM, B1 1BN.**

**On Behalf of the Applicant**

Mark Swallow – West Midlands Police (WMP)

**On Behalf of the Premises Licence Holder**

Adrian Curtis – Solicitor

Jugdeep Singh – Director, Premises Licence Holder (PLH) company.

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

Mark Swallow, on behalf of WMP, stated that he did have CCTV footage showing the incident but he didn't believe he needed to show it again unless Members requested to see it. However, if the Committee were minded to see the footage then he requested that the CCTV evidence be screened in private due to the on-going investigation and sensitivity around the footage.

Adrian Curtis on behalf of the PLH company did not object to the application submitted by WMP.

David Kennedy, Licensing Officer asked Mark Swallow to clarify if the application was for part or all of the hearing to be heard in private.

Mark Swallow requested that all of the hearing be held in private.

Chair advised that the Committee were minded to view the CCTV as they had not seen it and approved the request for the CCTV to be screened privately.

David Kennedy, Licensing Section, outlined the report.

The Chair then advised that the private session would start, and all parties moved over to the separate private Teams session.

At this stage the Members, officers and other parties joined a separate MS Teams meeting which was held privately.

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**EXCLUSION OF THE PUBLIC**

5/140823 **RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

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The public were readmitted into the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

6/140823 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Ark Indian Dining & Bar Limited, in respect of The Ark Birmingham, 74 John Bright Street, Birmingham B1 1BN, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines:

1. That the interim steps which were imposed at the Sub-Committee meeting of 20th July 2023 shall be modified, in that they shall be replaced with the conditions below, and thereafter shall remain in place pending the determination of any Appeal
2. That the conditions of the premises licence be modified, as follows:
  - All of those conditions offered by the premises in its document entitled "Licence Plan August 2023" which was submitted in advance of the Sub-Committee meeting are adopted as conditions of the licence [see *below*]
  - There shall be no entry to the nightclub part of the operation after 00.00 hours, and any person re-entering shall be subjected to the search procedure, as a condition of the licence
  - First Aid training shall be undertaken to the satisfaction of West Midlands Police, as a condition of the licence
  - An ACS-approved security provider shall be appointed to the satisfaction of West Midlands Police, as a condition of the licence

## Licensing Sub-Committee A – 14 August 2023

<b>MODIFY CONDITIONS as per the 'Licence Plan August 2023' document</b>		
That the conditions of the premises licence be modified as follows, in order to manage the risks of serious crime ad/or serious disorder, and to promote the licensing objectives in the Act:		
A.	Modification of Opening Hours – Reduction of Closing Time for Second floor of the premises.	<p>The second floor of the premises (nightclub-style operation) will be closed by 2am on a Friday &amp; Saturday night.</p> <p>No new entries into the venue after 00.00 hours (midnight).</p>
B.	ID scanner	<p>The licence holder shall maintain and operate an ID Scan to all persons entering the nightclub premises whenever licensable activities are being carried on. The premises to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY". The ID Scanner to be used for the second-floor club nights from 22.00 hours until last admission.</p> <p>Door staff re-trained to enforce 'Challenge 25'. Management to conduct regular refresher training on different methods of adopting this policy, which will be documented.</p>
C.	Security body searches	<p>All persons including staff, DJs and entertainers entering the nightclub second floor area to be subject to a full body search. This includes pockets being emptied, males patted down and metal detection equipment used (metal detection wands), DJ equipment including bags to be searched, female handbags to be handed over to SIA approved guards and searched, then to be metal detected. Strict enforcement of the premises' rule of "NO SEARCH, NO ENTRY".</p> <p>Searches to always be carried out by one of at least 3 security staff at the front door. Any patron migrating from the restaurant area to the second-floor area to be subject to the same search.</p> <p>Any and each person who may decide to leave and re-enter the second-floor nightclub premises to be subject to the same searches upon re-entering.</p>
D.	Vulnerability policy	<p>The premises to operate a vulnerability policy which will be made available to any of the responsible authorities on request. Premises to offer a safe space for vulnerable people such as an area on the restaurant floor away from patrons.</p>
E.	Staff training on the Licensing Act 2003	<p>All existing and new staff to be trained on the requirements of the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. Training to cover the conditions on the premises licence; the 'Challenge 25' policy and the</p>

**Licensing Sub-Committee A – 14 August 2023**

		premises' document 'Licence Plan August 2023'. All training including refresher training to be documented and signed off by the Premises Licence Holder and the trainee. All training records to be made available to any of the responsible authorities on request. Staff other than personal licence holders involved in the sale/ supply of alcohol to receive documented refresher training every six months.
F.	Incident log	A refusals/ incident log to be maintained at the premises. The incident log to be made available to the responsible authorities on request.
G.	Security staff	<p>The premises to appoint an ACS-approved security provider which holds Safe Contractor Approved status, to the satisfaction of West Midlands Police.</p> <p>Management to work with the guards on duty to deploy staff in their designated positions in and outside the venue. Security staff must without fail sign in and out, prepare for the nightclub event by wearing fluorescent jackets, check all equipment provided by the venue, which includes radios, earpieces, clickers, body camera and metal detection wands. The premises to keep a profile of all door staff on duty which will include a copy of the SIA licence and photographic ID. The signing in and out log, along with the incident log, to be made immediately available to any of the responsible authorities on request. Guards to remain on duty until all patrons have dispersed from the venue and the front vicinity is all clear. The management to carry out a risk assessment for the front door and for all nightclub nights proposed and work with West Midlands Police who will retain a power of veto over any proposed new club nights which will include the number of door staff required. Details of club nights to be recorded and available to any responsible authority immediately on request. The premises to introduce one dedicated role for an extra member of door staff which includes double checking ID, enforce 'Challenge 25' and ensure that patrons are observing the strict dress code to enter the premises. Dress code policy for the venue is to refuse entry to those patrons wearing tracksuits, sportswear, shorts, manbags, baseball caps.</p>
H	Age restriction (patrons aged under 18 years)	No persons under the age of 18 years will be allowed into the second floor of the premises when licensable activities are taking place. No persons under 18 years will be allowed to be in the restaurant after 22.00 hours.
I	Venue promotion/ hire to external promoters	The premises to no longer use external promoters. The venue will not be hired/used by external promoters. All nights at the venue will be promoted by the premises itself using only employees and contractors who work for the premises.

J	Event bookings	<p>The venue will not be hired out/used by outside promoters. When bookings for the premises or part of the premises for private parties and events are made, the premises to take details of persons booking the venue including the name, address, telephone number of the person making the booking. Details to be confirmed by photographic ID. Booking details to be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request. All bookings to be subject to a refundable deposit being taken along with a written invoice detailing the agreed booking conditions. All persons booking events to be informed that the premises will be deploying door staff as per the premises risk assessment, and that all persons will be subject to the premises search/entry policy including metal detection.</p>
K	Dispersal policy	<p>Patrons to be reminded to be mindful of local residents as they leave. Door staff to be trained on the importance of the dispersal policy, crowd management and health &amp; safety. Security staff to be equipped with radios and earpieces to ensure coordination with those at the second floor, the first-floor landing and the main entrance. Any large grouped patrons that may wish to leave prior to closing to be advised to wait on the first-floor landing whilst security staff can monitor any patrons gathered outside (if any) before allowing any further patrons to leave the premises. Regular patrols in and out of the premises to be conducted to remind patrons to be respectful of neighbours. Patrons to be advised at point of entry and exiting that there shall be no form of gathering outside the premises. The premises to continue to use the 30-minute cooling down period by reducing the music volume and switching on the main ceiling lights to help the dispersal process. Nearing closing time the premises to implement an additional exit strategy to reduce patrons gathering on the street outside. Barriers to be set up at a minimum of 11 metres in each direction and patrons shown which direction to take.</p> <p>No ropes with metal cordons to be used. Confectionery/sweets will be offered free of charge for patrons leaving. The dispersal policy to be regularly reviewed and updated where necessary.</p>
L	Signage	<p>The premises to ensure notices and signs are displayed around the premises advising patrons to be mindful and respect the nearby residents. Door staff to remind patrons to keep noise levels to a minimum as they depart and leave the street.</p>
M	No alcoholic drinks to be taken outside	<p>No alcoholic drinks in open containers to be taken off the premises including by persons wishing to exit to smoke.</p>

**Licensing Sub-Committee A – 14 August 2023**

N	First floor hours restrictions	There will be no regulated entertainment on the first floor between 23.00 hours and 10.00 hours the following day.
O	Noise	<p>The advice given in the acoustic impact assessment carried out by Blue Acoustics (NS363) to be observed, including:</p> <ul style="list-style-type: none"> <li>• A Noise Limiting Device (Ashly Protea DSP360 in-line limiter) is installed to the sound system on the second floor to ensure the volume of music is pre-set and locked to 95dBA so as not to cause a noise nuisance to the occupiers of nearby buildings.</li> <li>• The NLD is an in-line limiter linked to the PA system which has been reviewed by a qualified acoustic specialist. If the system is changed at any point it will be re-approved by a specialist.</li> <li>• The device is lockable and capable of limiting signal output to the speaker system</li> <li>• The only amplification system used will be the house PA and no other sound equipment shall be used.</li> <li>• The NLD shall be maintained in full working order and at the pre-set volume (95dBA) whilst the amplification system is operational. Any damages or malfunction will be reported within 24 working hours of the damage being recorded. The NLD will not be used if damaged or malfunctioning until further approval.</li> </ul>
P	Further staff training	<p>Further training programmes to be introduced for all staff relating to Screening and body language training (to include recognition of the early signs of intoxication, a change in body language, how to screen patrons on entry, how to recognise the antecedents to aggression and violence).</p> <p>Search methods training to include hand wands, drug awareness and dress code training.</p> <p>Emergency First Aid training and Bleed Control training to be introduced. (Premises to purchase a Bleed Control Kit).</p>
Q	General	<ul style="list-style-type: none"> <li>• Clicker system to be used to control and keep a track on the correct number of patrons within the venue capacity limit.</li> <li>• Ensure event log sheets, door staff logs and incident logs are documented.</li> <li>• Security staff to be vigilant looking for patron behaviour change, unusual body language and any early signs of patrons being intoxicated.</li> <li>• Any unruly customers are not to be allowed entry and details to be documented in the incident log. Patrons banned from the premises to not be allowed entry documented by 24 hour CCTV recording, written statements from staff members and a signed management acknowledgment.</li> <li>• All complaints concerning unwanted noise generated by the premises to be directed to the duty manager. Duty manager to record and investigate the complaint, including</li> </ul>

## Licensing Sub-Committee A – 14 August 2023

		<p>date, time, name, cause and action taken. Reasonable and practical actions to be taken to reduce noise levels and monitor for the rest of the working period.</p> <ul style="list-style-type: none"><li>• All managers to be fully aware and conversant with the 'Licence Plan August 2023' document. Staff to receive adequate training on new conditions and policies, all to be documented. A record of such training to be kept by management on site.</li><li>• The premises to reinforce 'Challenge 25' policy as the proof of age scheme in operation during licensed hours. Any counterfeit documentation produced by any patrons will be recorded and logged with the ID scanner.</li></ul>
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Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

The Sub-Committee's reasons for imposing the modification of the interim steps and the modification of the licence conditions are due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime and/or serious disorder, which had come to light as outlined in the Superintendent's certificate and application, and which had been discussed at the Interim Steps meeting of 20<sup>th</sup> July 2023.

The Sub-Committee determined that the cause of the serious crime and/or serious disorder originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of Ark Indian Dining & Bar Limited, as licence holder for The Ark Birmingham premises. Mr Jugdeep Singh, one of the company directors, attended the meeting, represented by a solicitor.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that to play the CCTV evidence in public would undermine an ongoing criminal investigation, and asked for the Sub-Committee to go into private session for the whole meeting. The solicitor for the premises licence holder had no objection to this course.

The Sub-Committee was a fresh panel of Members (not the same Members who had heard the evidence on 20<sup>th</sup> July 2023), and therefore none of them had seen the CCTV recording, which was an important part of the evidence. The Sub-Committee agreed that the best course was to hear all of the evidence in private session. This was to ensure fairness to all parties, and to ensure that the licence holder was able to properly address the Police submissions without the need to avoid mentioning those parts of the evidence shown in private.

The Police outlined the incident, as per the Superintendent's certificate in the Committee Report. Since the last Sub-Committee meeting in July 2023, discussions had been held between the Police and the licence holder. The Police had told the premises that they expected to see "robust and far-reaching" measures to lessen the likelihood of any further serious crime and/or serious disorder.

The Police had examined the 'Licence Plan August 2023' document which the licence holder had submitted in advance of the meeting, and considered that the premises had properly considered the issues. The Police advised the Sub-Committee that if the measures in the 'Licence Plan August 2023' were to be adopted as conditions of the premises licence, the new procedures would be satisfactory.

The Police asked for two additional conditions – the first relating to entry after 00.00 hours/ re-entry, and the second relating to First Aid training. If these were to be added, the Police considered that the new conditions would be sufficient and adequate as an alternative to the current Interim Steps.

The solicitor for the premises then addressed the Sub-Committee to confirm that the Police had made it abundantly clear that nothing less than a complete overhaul of the licence conditions was required. Those at the premises had therefore carefully gone through all aspects of the operation to identify the risk areas, and the substantial document ('Licence Plan August 2023') had been the result. The premises had shown a willingness to make the fundamental changes required by the Police; equally, the Police had been supportive and had advised on what should be done.

Mr Jugdeep Singh also addressed the Members, to state that the incident on the night in question had been unacceptable. He asked the Sub-Committee to note that he personally had been "extremely embarrassed and upset" by what had happened. The solicitor reminded the Members that it had been one isolated incident, and had tarnished the premises' reputation. The licence holder had learnt a hard and expensive lesson. However, the licence holder was confident that the new, focused conditions were sufficient to identify and address the root cause of the issues which had led to an outbreak of serious crime and/or serious disorder.

In summing up, the Police observed that the incident had been "a very serious and sad moment" for The Ark Birmingham. The previous decision, to impose a suspension and removal of the designated premises supervisor, had been entirely correct at that time. However, in the intervening weeks the Police had been reassured by the efforts made by those at the premises to comprehensively tackle the areas of concern. The 'Licence Plan August 2023' document contained what the Police felt were some of the strictest conditions in the city; as such, the Police recommended that these conditions should replace the interim steps imposed at the previous hearing.

When deliberating, the Members were very concerned at how the events on the night in question had been handled, and indeed they agreed with Mr Singh's remark that the incident had been "appalling". However, since the imposition of interim steps at the previous hearing, the Sub-Committee noted the considerable efforts being made by the premises licence holder to remedy and improve the style of operation. The solicitor had called it a 'proactive' response; the Members accepted this, and were pleased to note that the lengthy document submitted by the premises, suggesting a suite of stringent conditions, had been approved by the Police as the correct course to take.

The Sub-Committee considers the modification of the interim steps and the modification of the licence conditions to be appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of further serious crime and/or serious disorder.



**Licensing Sub-Committee A – 14 August 2023**

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the application and certificate issued by West Midlands Police under s53A of the 2003 Act, the written representations made, and the submissions made by West Midlands Police, and by the licence holder company via its solicitor and company director, at the hearing.

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.

The determination of the Sub-Committee, save for the maintenance of the interim step conditions as modified by the Sub-Committee during today's meeting, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the Appeal is determined.

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**Please note the meeting ended at 1226 hours.**

CHAIR.....

**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 4<sup>th</sup> September 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Review</b>
<b>Premises:</b>	<b>Joel's Convenience, 12 Bodington Road, Mere Green, Sutton Coldfield, B75 5ET</b>
<b>Ward affected:</b>	<b>Sutton Mere Green</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 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 14<sup>th</sup> July 2023 from the Chief Inspector of Weights & Measures in respect of Joel's Convenience, 12 Bodington Road, Mere Green, Sutton Coldfield, B75 5ET.

A representation has been received from other persons.

**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.

<b>5. Relevant background/chronology of key events:</b>
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The Chief Inspector of Weights & Measures applied on 14<sup>th</sup> July 2023 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Joel's Convenience, 12 Bodington Road, Mere Green, Sutton Coldfield, B75 5ET.

A representation has been received from other persons, which is attached at Appendix 1.

The Review application is attached. See Appendix 2.

The 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.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

<b>6. List of background documents:</b>
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Copy of the representation as detailed in Appendix 1

Review Application Form, Appendix 2

Copy of Premises Licence, Appendix 3

Site location plans, Appendix 4

<b>7. Options available</b>
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Modify the conditions of Licence

Exclude a Licensable activity from the scope of the Licence

Remove the Designated Premises Supervisor

Suspend the Licence for a period not exceeding 3 months

Revoke the Licence

No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

From:  
Sent: 07 August 2023 17:46  
To: Licensing  
Subject:

To whom it may concern,

In regards to the license review of Joel's convenience, i would like to make the following statement.

All of the members of staff are amazing and very helpful. The family have become a pillar in the local community.

During the covid pandemic when everyone was scared and unsure of things to come, the brothers stayed open and served the local community safely.

Even now they still offer support and help to the elderly & vulnerable people, from carrying their shopping home to delivering it to them when they are not up to actually get out and about.

They are not ones to back down in fear when teens/groups may become loud and disruptive in the area, they be firm and polite in getting them to quiet down and move on.

I truly believe the area would go down hill without this shop, the previous few owners have failed the community. The shop is so convenient to so many people now.

Kind regards,

**Application for the review of a premises licence or club premises certificate under the  
Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**I Paul Ellson (on behalf of Martin Williams, Chief Inspector of Weights & Measures)**

Apply for the review of a premises licence under section 51 of The Licensing Act 2003 for the premises described in part 1 below.

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Joels Convenience 12 Bodington Road Four Oaks Sutton Coldfield Birmingham	
<b>Post town</b> BIRMINGHAM	<b>Post code (if known)</b> B75 5ET
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Mr JASPREET JOALL	
<b>Number of premises licence or club premises certificate (if known)</b>	
3477	

**Part 2 – Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

YES

3) a member of the club to which this application relates  
(please complete (A) below)

☐

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title  
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

☐

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address;  Paul Ellson Birmingham Trading Standards  Our Ref: 10586052/10619675  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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

**Yes**

**No**

**No**

**Yes**

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

On 19 January 2023 Birmingham Trading Standards received information via West Midlands Police that the premises of Joel's Convenience, 12 Bodington Road, Four Oaks, Sutton Coldfield, B75 5ET was selling counterfeit tobacco/snuff to children from Arthur Terry School. On 27 January 2023 the Service also received an allegation from a member of the public that Joel's Convenience was selling e-cigs/ vaping products to children.

On 13 February 2023 Trading Standards Enforcement Officer Paul Ellson visited the premises of Joel's Convenience, 12 Bodington Road, Four Oaks, Sutton Coldfield B75 5ET. Officer Ellson spoke to Mr G Johal the brother of the licence holder. A female member of staff was also present. Officer Ellson explained the nature of the allegations and, detailed legislation surrounding the sale of nicotine inhaling products, commonly known as e-cigs or vapes as well as tobacco products to persons under 18 years old. A Trader Advisory Notice /Officer Warning was issued by Officer Ellson. A full set of information sheets which cover all aspects of tobacco and e-cigs /vapes legislation was issued to the premises with the instruction that all staff should read and abide by them. The Notice also had the statement on "Check vapes compliant." The Refusal Log was checked and found in good order and a new one was issued.

On 16 February 2023 Joel's Convenience was included in an operation to detect and seize illicit and non-compliant tobacco products using search dogs with the assistance of West Midlands Police. At approximately 12.15 pm a team of Trading Standards enforcement staff and Police entered Joels and carried out an inspection of the premises with the assistance of a tobacco search dog. Mr G Johal was again in the premises along with a female member of staff. No illicit tobacco or snuff was found, however, 464 non-compliant and therefore illegal e-cigs/vapes were found in the counter area both underneath and on the racking behind it. A further 525 illegal e-cigs/ vapes were found in the stock room adjacent to the counter.

Underneath the counter there was an open cigar tin containing single cigarettes marked at 75p. There were also two opened bottle of vodka and an open bottle of rum. On the floor behind the counter and running parallel to it was a baseball bat and machete, these items were handed to the police officers. In the stockroom open bottles of whisky, gin and malibu, (a rum based spirit) were found next to the microwave by the door into the retail area. All the illegal e-cigs vape products were seized and Mr Johal was told to remove out of the premises all the opened bottles of alcohol and the single cigarette tin.



PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE TO SUPPORT THE APPLICATION

The Licence for Joel's Convenience, 12 Bodington Road, Four Oaks, B75 5ET is held by Mr Jaspreet Joall and has been since 2012. It is a small but very busy family owned and operated convenience store serving a large residential area.

**Previous history of this shop.**

In April 2022 The Trading Standards Service received an allegation that illegal e-cigs /vaping products were being supplied from the premises. The shop was visited and advice given by an officer. As previously stated Trading Standards received a further two allegations concerning underage sale of vaping and tobacco products. A further visit was undertaken to ensure compliance. This visit was designed to engage, explain and encourage the premises to comply if the allegations were true or remind the premises of the obligations if they were not.

**Recommendations.**

An alcohol licence confers on a business a responsibility towards its customers and the community around it. This responsibility should mean that the citizens of Birmingham have confidence in the management of the shop and, especially that they do not trade carelessly or illegally. There is an obligation to ensure good practice, safety of the public and the greater welfare and protection of the local community.

Before recommendations are made there are several circumstances that should be considered. Firstly the premises serves a residential area where a number of local people use it often, and, over years it has provided an essential service particularly during the pandemic. If the Licence was removed the premises may close altogether as it is already operating in a harsh retail environment. On the pre-enforcement visit and the enforcement visit itself the Licence holder was not in attendance. It could be said that the day to day control of the premises may have lapsed. However there was a number of illegal e-cigs /vapes were found despite an explicit instruction to check them. Evidence of single cigarettes being sold was found along with a number of opened alcoholic bottles that were found in the retail area and the stockroom. No adequate explanation could be given for this other than certain local residents asked the shop to keep the open bottles for them so they could collect them later. Under no circumstance should this be happening. There was also no lawful reason to have a baseball bat and a machete secreted behind the counter.

I would therefore suggest that the following conditions be added to the Licence;

**GENERAL**

I. Alcoholic drinks in open containers or bottles of any kind may not be stored / sold / supplied/ kept or removed from the premises.

### INCIDENT BOOK

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

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

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

### TRAINING

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

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

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

5. Documented training records must be kept at the premises and made available to all Responsible authorities.

### THE PROTECTION OF CHILDREN FROM HARM

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

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

There has been quite clearly a breach of trust to some extent in the overall thrust of the four Licensing objectives.

The Licence that the Council issues is a privilege not a right. That privilege should ensure that the citizens of Birmingham have confidence in the management of the shop and that they do not engage in illegal activity. With that privilege there are a series of duties to ensure good practice, safety of the public and the greater welfare and protection of the local community, none of those obligations are too onerous. These conditions would be beneficial to the trader and the community at large ensure that the premises continues to serve the local community.

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.

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 .....

14 / 7 / 23

Capacity    Trading Standards Enforcement Officer .....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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

Premises Licence Number:

3477 / 2

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Joels Convenience 12 Bodington Road	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B75 5ET
<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          07:00          -          22:00          M2
---

<b>The opening hours of the premises</b> Monday-Sunday          07:00          -          22:00
--

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

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Jaspreet Singh Joall	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<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> Mr Jaspreet Singh Joall	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<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> 6850	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 09/05/2012*

David Kennedy  
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 shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

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 a holographic mark.

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

The licence holder shall ensure all staff are trained with regard to the Licensing Act 2003.

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

The licence holder shall install and maintain a CCTV system at the premises.

A refusal book shall be kept and maintained at the premises.

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

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

The licence holder shall ensure all emergency lighting will be checked weekly.

The licence holder shall ensure all entrances, exits and passageways are kept clear at all times.

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

Prominent signs will be displayed requesting customers to have regard for local residents when leaving the premises.

Adequate bins shall be made available for customers to dispose of litter.

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

The premises will operate a challenge 21 policy.

A record will be kept of all attempted purchases by under 18's.



**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**

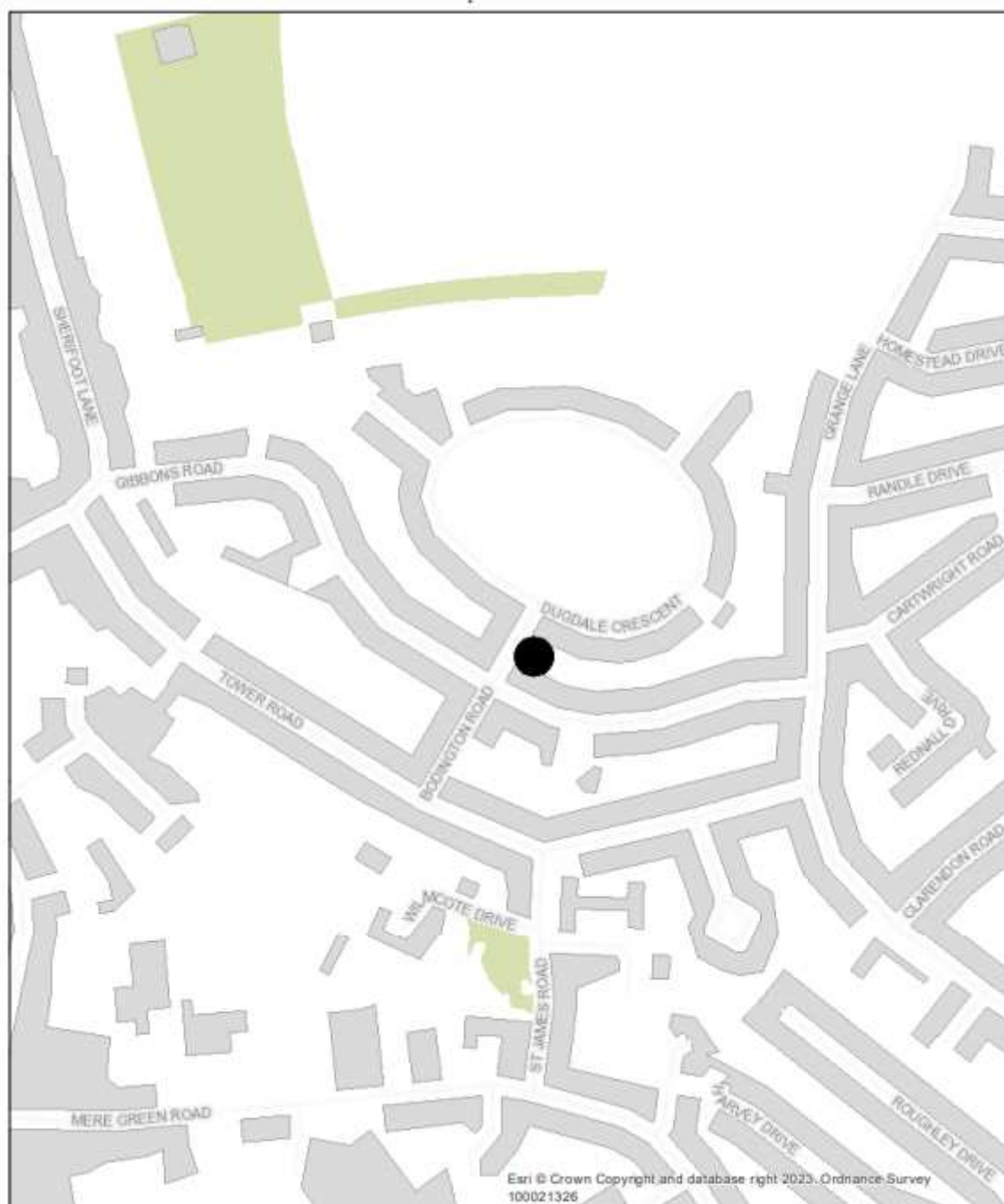
N/A

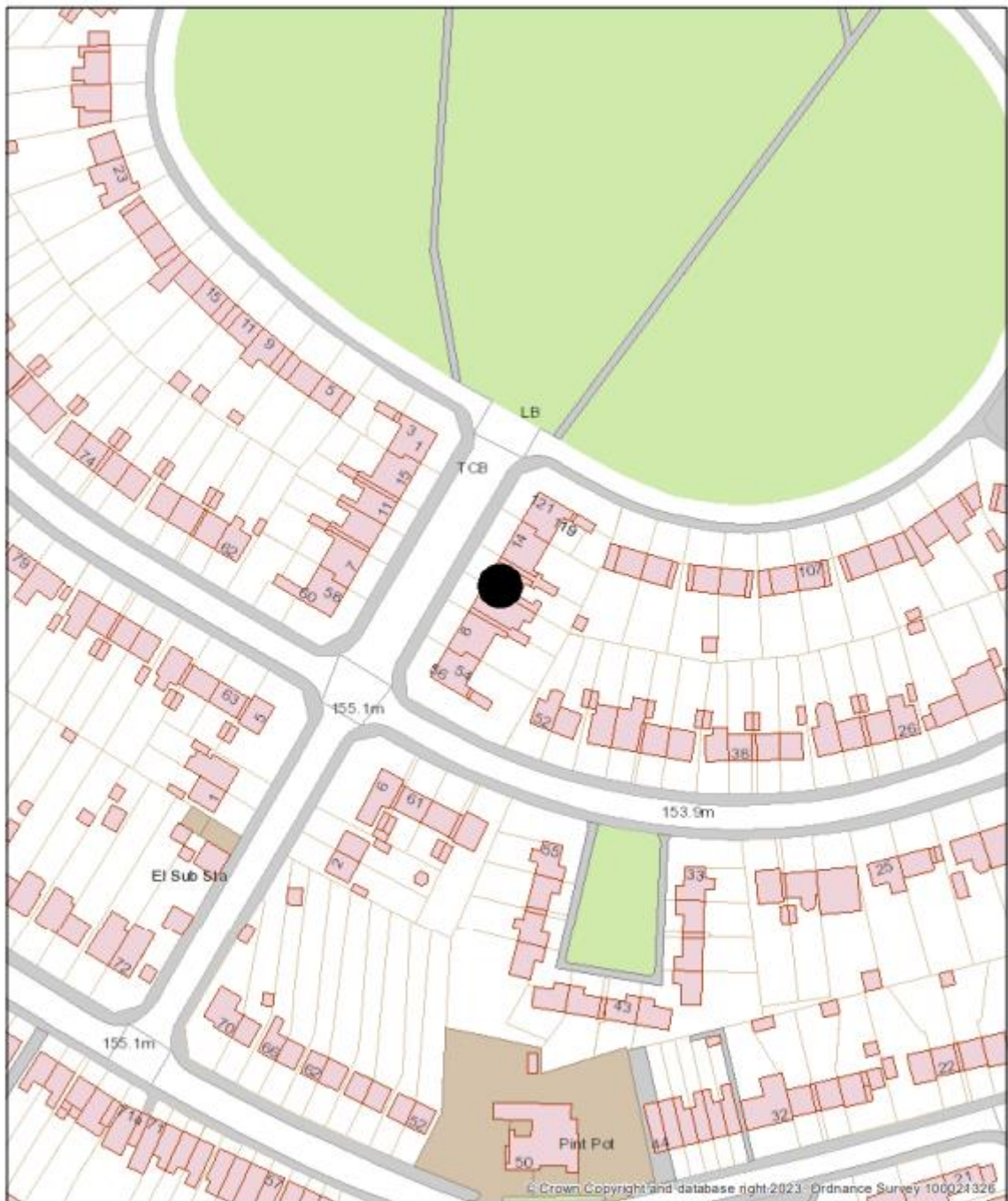
**3e) Committee conditions to promote the protection of children from harm**

N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number **77775-3477/2** 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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