

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE A  
MONDAY 26 JUNE 2023**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE  
A HELD ON MONDAY 26 JUNE 2023 AT 1000 HOURS AS AN ON-  
LINE MEETING.**

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

Councillors Mary Locke and Saddak Miah.

**ALSO PRESENT**

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

Applicants:

Mr Singh – Applicant Company Director  
Professor Roy Light – Barrister  
Richard Baker – Agent

Representations:

Hurum Taj – West Midlands Police (WMP)  
Sergeant Lampitt - West Midlands Police  
Rakesh Soni – Soho Road Bid  
Shurnjeet Singh  
Mani Gill

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

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1/260623 **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 Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/260623 **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.

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.

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3/260623

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

Apologies were submitted by Councillor Davis. Councillor Donaldson attended as a substitute.

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4/260623

### **MINUTES**

That the Public section of the Minutes of the meeting held on 5 June 2023 at 1000 hours was noted, and the Minutes as a whole were confirmed and signed by the Chair.

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### **LICENSING ACT 2003 PREMISES LICENCE – GRANT SOHO ROAD CONVENIENCE STORE AND POST OFFICE, 206 SOHO ROAD, HANDSWORTH, BIRMINGHAM, B21 9LR**

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

The Chair invited the applicant to make their submission and Professor Roy Light, on behalf of the applicant, made the following statements:-

- a) A note had been sent assisting with outlining the applicant's case. This note was detailed on p169 of the agenda pack. It had been drafted with the benefit of police evidence which had allowed the concerns of WMP to be seen. There had not yet been an opportunity to discuss the issue with WMP.

- b) The premises was a well-established Post Office with a convenience store. Mr Singh had taken over the premises in January 2023.
- c) Post Offices were valuable, but many were closing. As many people were now communicating online rather than going to a Post Office.
- d) The salary for the Post Office was not sufficient to keep the premises operating.
- e) The convenience store was an essential part of the store.
- f) Many elderly people came to the store to collect their pensions and get groceries.
- g) It was hoped that a way through the problems in the area could be found to allow the premises to trade without an increase in difficulties.
- h) The premises was not in a Cumulative Impact Zone (CIZ).
- i) The stores had been reshelved and new fridges had been added.
- j) The off-licence was an important part of the service. The sale of other goods increased by 10-15% due to the off-licence. Most people used the store to buy everything in one place (i.e. wine and an evening meal), they would not use the premises just for food as going to one place saved making two trips.

Mr Singh, director of the applicant company, made the following statements:-

- a) He held a business across the road from the premises which transferred money to India. The business had been vetted by HMRC. The post-mistress was the wife of Mr Singh and had also been vetted.
- b) The people running the premises were used to running regulated premises which needed to comply with rules and regulations.
- c) They had not been involved with licenced trade before, which is why they had employed the agent, Mr Baker. He had found someone (also named Mr Singh) with 11 years of experience, who would be the Designated Premises Supervisor (DPS) for the store. This would mean that there would be an experienced person running the store and the Post Mistress running the Post Office.
- d) Mr Singh had run the business across the road for 11 years and therefore knew the issues in the area regarding street drinkers etc.

and the application had been drafted with this in mind. The concerns of the Police had been addressed.

- e) WMP had made representations, no other residents associations had. Other persons had made representations and the wording of the Soho Road BID had been repeated in the other representations and as such it was a petition rather than original written representations.
- f) Mr Baker had drawn a map to show where those making representations were located. None of the representations were from within 250m of the premises. From outside 250m there were seven representations, six of those had reproduced the representations from the BID manager.
- g) One resident had come forward and there were no letters of representation from them.
- h) Some letters that had come in form letters reproducing the BID were some distance away.
- i) Police had concerns about the area and the application, and they had put together a package protection zone.
- j) BID was an organisation that seemed to be making block objections to any applications for licences in the area.
- k) It was notable that no Councillors were making representations.
- l) Regarding public safety, the Premises itself posed no danger.
- m) Issues such as underage sales were covered and as such was not for consideration from BID.
- n) No Crime and Disorder or Public Nuisance was associated with the Premises. No WMP intelligence was directly linked to the premises.
- o) Shop lifting had been an issue, but this had been an issue for many premises.
- p) Representations from BID seemed automatic rather than based on the application itself and seemed to be a 'backdoor' way of introducing a CIZ.
- q) Street-drinking was the main concern. There was no suggestion that prostitution or drug-use was an issue at the premises. The concern over street-drinking was based on the idea that another outlet would be an opportunity for those who abuse alcohol to get more alcohol. However, the way that the premises was run and the

measures in place meant that there would not be an open opportunity for alcohol abusers to obtain alcohol. The way the application was framed and the way the premise would be run would not undermine the licensing objectives.

- r) Not everyone in Soho Road was an alcohol-abusing troublemaker. There were many respectable ordinary people who lived and worked in the area who used the Post Office. It was suggested that these people should be able to buy wine along with their groceries and Post Office items. The bad behaviour of some people should not prevent the store operating properly to assist the area.
- s) It was thought that generally, street-drinkers wanted large containers of high-strength alcohol for low costs. As such, the store would not sell high-strength beer or cider.
- t) The application had previously included a terminal hour of 8pm. This had been reconsidered due to the evidence from WMP regarding trouble in the area generally starting around 6-7pm. This in mind the store would close at 6pm (opening at 9am).
- u) The stock of alcohol had been reduced and all alcohol would be behind the counter in order to prevent shop-lifting. Staff were also trained to assess the people in the store.

Members were invited to ask questions and Mr Singh and Professor Light gave the following responses:

- a) There were no deliveries on the main road. Waste was collected every other week by a private supplier.
- b) Other licensed premises in the area could be taken into account, however there was no CIZ. It was not known how many of the licenced premises in the area were pubs or shops. As there were so many licenced premises in the area where people could get alcohol, the store would not be introducing a new issue.

Huram Taj of WMP made the following statements:-

- a) The opening hours of the off-licence had been amended.
- b) There was a short stretch of road with a high density of shops with provision to sell alcohol and a high level of crime and disorder occurred.
- c) The local neighbourhood team had been consulted with.

- d) The location was saturated in issues which were of detriment to the community. Problems occurred at all times of day so a reduction in hours would not necessarily help.

Sergeant Lampitt of WMP made the following statements:-

- a) It was believed that the premises would bring a negative impact to the issues of crime, public nuisance and anti-social behaviour (ASB) on Soho Road.
- b) The area was a draw for people with complex unsupported needs. Police conducted controls of the road with bodycameras. The Police worked closely with BID to conduct joint controls. The main issues were ASB, drugs, drunk and disorderly crime and prostitution.
- c) Sergeant Lampitt read out his statement as detailed in the agenda pack at pages 4-5 of WMP's supporting document pack.

Members were invited to ask questions and Mr Taj and Sgt Lampitt gave the following responses:

- a) There were 22 premises in the area licenced for off-sales. The scope of the area had changed drastically. If an additional premises licence was granted then it would be the 23<sup>rd</sup>, arguing that one more licence would not make a difference would mean that the same argument could be applied to the 24<sup>th</sup> and 25<sup>th</sup>. There needed to be a cut-off.
- b) The location was at the widest part of the footpath with benches next to it. It could be a place for homeless people etc to gather. These people would not drink in silence and begging would be persistent. This was another opportunity for vulnerability.

Rakesh Soni – Soho Road Bid, made the following statements:-

- a) Street drinking was impacting all businesses and the residential community. Greggs had closed after constantly complaining about beggars and street drinkers.
- b) He had been a street warden on Soho Road and was now manager. He had observed street drinking and ASC getting worse in the area, including people urinating in the streets. Primary and Secondary School pupils were being exposed to this.
- c) These combined issues impacted the community negatively and there was a need to prevent the problem from becoming worse.

- d) The area was densely populated with vulnerable adults with easy access to alcohol. This was not helping them.
- e) BID operated daytime hours and ASB and street drinking were visible during daytime. Women and children did not feel safe and BID were trying to sort a public protection order.
- f) The application for a licence to sell alcohol had previously been rejected. This carried some weight.
- g) The location was central to the issues.
- h) The Premises was only two doors away from Paddy Power betting shop. ASB was known to happen outside. BID officers had to sort these issues.

Shurnjeet Singh, a local resident, school governor and volunteer, made the following statements:-

- a) People in the community had deep and genuine concerns.
- b) Whilst she appreciated the work of the applicant, the best intentions of the business did not align with the area.
- c) The application was objected to on the grounds of the three licencing objectives.
- d) She agreed with WMP that the area had high levels of crime and ASB.
- e) In the area outside the Post Office there were significant instances of alcoholism.
- f) Public safety in the area had poor health outcomes in relation to alcohol misuse. She had worked with people with these difficulties.
- g) Double the national average.
- h) Regarding the objective of protection of children from harm, there were a lot of children in poverty in the area who were looking to build a better life. Adding another level of alcohol sale was a further risk to children, including exposure to violence, neglect, abuse and underage drinking.

Mani Gill, made the following statement:-

- a) It was important to consider whether the success of the business came at the expense of the community and whether there could be negative consequences to others.

The Chair then invited the parties to make a closing submission.

West Midlands Police made the following closing statements:-

- WMP were concerned about the location of the premises. Off-licences around it could become a central hub for ASB and crime and disorder, especially alcohol-related.
- Whilst the applicant had put in a stringent application, there were still issues and further alcohol in the community would be detrimental.

Rakesh Soni – Soho Road Bid, made the following closing statement:-

- The Community would suffer from this application. It was asked to be rejected.

Shurnjeet Singh made the following closing statement:-

- The application was asked to be rejected.

Mani Gill made the following closing statement:-

- The application would make the situation worse.

Professor Light made the following closing statements:-

- The store provided a valuable service that people needed to use, particularly the Post Office.
- It was not simply for financial reasons that the store was continuing to be operated. People had gone to the store to collect pensions and asked if alcohol could be sold there.
- The applicant had good staff and an experienced DPS. The Post office had rules and procedures.
- The Police had said that it was a stringent application, and the issue was to do with the number of licenced premises in the area.
- Attention was drawn to the conditions in the previous application.
- There had been no representations from Councillors.
- There had been no representations from businesses, the library and Birmingham College.



- Schools had been mentioned but there had been no representations from them.
- It was accepted that there were serious issues in the area, but people were trying to remedy them.
- Some premises could operate, and some could benefit the community.
- Off-licence hours had been limited.
- Police evidence had not contained the timings of what they had talked about.
- On the balance of probabilities, this licence would not negatively impact the licensing objectives.
- Public health was not an objective and there had been no representations from public health bodies.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and a full written decision was sent to all parties as follows;

5/260623

**RESOLVED:-**

That the application by Bappa Ltd for a premises licence in respect of Soho Road Convenience Store and Post Office, 206 Soho Road, Handsworth, Birmingham B21 9LR, be refused. In reaching this decision, the Sub-Committee was mindful of the promotion of the prevention of crime and disorder and public nuisance objectives in the Act.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by West Midlands Police, and by other persons, regarding the impact of the proposed operation on the particular locality of the premises in an area closely associated with crime, disorder and antisocial behaviour of all kinds.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application, but were not persuaded that the proposed operation of the premises would satisfactorily promote the licensing objectives in a challenging area; nor did the Sub-Committee feel that the conditions could be modified to an extent sufficient to mitigate against the risks to the licensing objectives.

At the start of the meeting the parties were introduced. The applicant was a limited company, the sole director of which was Mahinder Singh, who attended the meeting. He was represented by counsel and also a licensing consultant who had assisted with submitting the application and

the supplementary training manual; both of these documents were in the Committee Report.

The persons who had attended to make representations were as follows: West Midlands Police – an officer from the Central Licensing Team and also the Police Sergeant who was the supervisor for the Lozells and East Handsworth Neighbourhood Police Team; the Soho Road BID Manager; a local resident (who was also a community volunteer and housing advocate); and a director of the Soho Road BID.

Counsel for the applicant company drew the Sub-Committee's attention to his written submission in support of the application; this was in the Committee Report. It had been drafted with the benefit of seeing the Police evidence, which had allowed the applicant company to see the full extent of the Police concerns regarding the application; thereafter some further modifications had been made in light of the Police concerns. The applicant company hoped that the Police would be reassured by the modifications which had been offered.

The background of the premises was that it was a well-established post office with a convenience store. The company director, Mr Singh, had taken the store over in January 2023. Counsel observed that post offices in general provide a valuable service to the local community; he noted that many post offices were closing.

Counsel explained that the income from the post office was not sufficient to keep the premises operating viably, and moreover that a number of services were being taken away from post offices – for example through the rise of online services. However, customers on Soho Road would still go into the shop to buy groceries and drinks. A convenience store was therefore an essential part of a post office nowadays, and counsel felt that trade in the convenience store would perhaps be driven by the post office, namely via “people coming there to get their pensions”.

Mr Singh had found that a number of elderly people who came to use the post office to get their pensions had asked him why he did not sell alcohol with the other convenience store offerings, because they would wish to be able to come to collect their pension, do a bit of shopping and buy a bottle of wine or beer; counsel observed that they would be happier to do that in this particular premises, as opposed to one of the other retailers. Counsel remarked that this was because the area had problems, in particular from antisocial behaviour, and those problems were visited on the people who lived and worked there. The applicant company was keen to find a way through that, in order to allow the post office and convenience store to trade without causing any increase in the difficulties.

Counsel reminded the Sub-Committee that no cumulative impact policy applied to the Soho Road area, and therefore the presumption under the Guidance issued under s182 of the Act was that the licence would be

granted unless it was proven on the balance of probabilities that a grant would undermine the licensing objectives. The Sub-Committee noted this.

Counsel assured the Sub-Committee that the premises would be able to trade without any adverse effects; the store had been reshelved and refrigeration units had been installed to improve the convenience store operation. An off-licence was an important part of that service; as well as the income from the sale of alcohol, there would be a consequent increase of some 10 to 15% in the sale of other goods. Customers wanted to buy all of their grocery items in one place. Industry research had shown that an alcohol offer was an important part of a convenience store service, and that those not selling a full range of convenience products would be at a disadvantage compared to competitors.

The director of the applicant company had knowledge of the area. He operated a separate business which offered money transfers, vetted by HMRC. He was therefore accustomed to complying with regulations. Similarly, his wife was the postmistress and was therefore required to be vetted and to be seen to act responsibly.

The director had been running retail premises for 11 years. Counsel reassured the Sub-Committee that although the director had not previously been in the licensed trade, together the couple were used to running regulated premises which had to conform with particular standards and rules. They intended to appoint a person they had recruited as the designated premises supervisor [DPS]; that person had 11 years' experience as a DPS and intended to come and live in the area. There would therefore be an experienced person running the convenience store for the alcohol and the groceries, and the director's wife as postmistress running the post office.

The director had run the money transfer business regulated by HMRC (from a premises situated across the road) for around 11 years, and therefore knew the issues facing the area. He was aware that there was a serious problem with street drinkers in particular, and the application was originally drafted with that in mind. Counsel had then seen the police evidence, which he described as very comprehensive, and had noted that they had genuine concerns about the application. The redrafted operating schedule had addressed those concerns, he said.

Counsel noted that whilst West Midlands Police had made representations, there had been nothing from any of the other responsible authorities. The only relevant objective was therefore the prevention of crime and disorder objective. A number of other persons had made representations in writing; three of these persons had attended the meeting in person to address the Sub-Committee.

Counsel noted that the wording of the BID representation had been reproduced in twelve of the others; his submission was that the Sub-

Committee should attach less weight to them because of that. He directed the Members' attention to the map drawn up by the agent (which was in the Report) which showed where the people making representations lived.

There were no representations from anybody within 250 metres of the premises, and counsel remarked that no near neighbours (whether businesses or residents) had made a representation. Further on than 250 metres, there were seven representations. There was only one resident, and one local businessperson, other than those from the BID, said counsel; he further noted that of the objections which had duplicated the BID representations, some had come from quite far afield, several miles away to the north and to the east. No Ward Councillors had made representations.

Counsel noted that the Police documents included the material relating to the public protection zone which they had wanted to introduce. He also remarked that the BID was "an organisation which seems to be making block objections to any applications for licences in this area". He observed that the BID representations mentioned the risks to the public safety objective, but he reminded the Sub-Committee that the public safety objective was not in fact engaged, as there was no suggestion of any danger on the premises itself. The protection of children from harm had been mentioned, but that related to the risk of underage sales, and the premises was not yet trading; in any event, underage sales had been covered in the usual way in the operating schedule with the conditions about training, Challenge 25 and what forms of ID would be accepted.

Counsel said that the only relevant objections related to crime and disorder, and perhaps public nuisance, but noted that there had been no past history of this kind associated with the premises itself – the Police Sergeant's statement in the Report confirmed that there was no current intelligence or related crime regarding alcohol misuse connected with the premises. The shop had not caused any issues for the Police, and indeed in the past had only suffered some shoplifting, in common with many retailers.

Returning to the Soho BID representations, counsel remarked that it was a general objection to any licence application in the area; the BID manager had stated that he wished to discuss the possibility of setting a default objection on all new applications for alcohol premises licences within the postcode of the Soho Road Business Improvement District. Counsel observed that this was in effect a request of the Sub-Committee to automatically allow, by way of default, an objection without the BID even seeing the application.

Whilst this would not happen, counsel considered that this "said something about the BID's view towards making representations as far as these applications are concerned", showing that it was simply an automatic objection, rather than one based on the detail of the

application itself; counsel felt that it seemed almost like a back door way of introducing a cumulative impact area when the City Council had chosen not to do so.

Counsel acknowledged that there were genuine concerns from the BID, but reminded the Sub-Committee that the director was alive to them all, having run a business in Soho Road for 11 years.

Street drinkers were the central concern of the Police, together with a range of other issues including prostitution, drugs, use of gas canisters, antisocial behaviour and crime. There was no suggestion that prostitution or drug dealing was a feature of the post office, and it did not sell gas canisters. The issue was therefore only the sale of alcohol, and the effect on the street drinking problem.

The Police objections had been based simply on that possibility – namely the worry that if there were to be another alcohol retail outlet, it would be another opportunity for alcohol abusers to get alcohol. However, the applicant company asked the Sub-Committee to examine the way in which the premises intended to operate in terms of both the opening hours and the operating schedule. Not everybody in Soho Road was an alcohol abuser or other troublemaker; many respectable ordinary people lived and worked in the area, and would be going the post office to buy their groceries and to get their pensions. Counsel asked why they should not also be able to buy alcohol as part of their grocery shopping.

Counsel asked that the Members consider whether the bad behaviour of some should stop the grant of a licence, observing that the post office was an asset to the area and that it was wanted by local people. There was not any great risk of the shop becoming a magnet for street drinkers, because such people wanted high strength and low price alcohol, which would not be part of the offer at the premises.

11 conditions had been offered; one aimed directly at the street drinkers was that no beer or lager above 6.6% ABV would be sold. The terminal hour had been reconsidered in the light of the police evidence relating to nuisance activities such as prostitution; as a result of this, counsel observed, the premises was “basically just a very old fashioned shop” in terms of the opening times. There would be no alcohol sales first thing in the morning, and nor was it open late.

Regarding the plan of the premises, space for alcohol display had been significantly reduced; moreover, it had all been put behind the counter. Customers would not be able to self-select it, but instead would have to come to the counter and ask for it. Should the staff member see that the customer was under the influence of alcohol, they would be able to refuse the sale. Furthermore, in the training manual (in the Report), the staff would be trained to assess the people in front of them and to say no if the alcohol was likely to be abused; they would get to know the

people in the area, including street drinkers, and therefore the operation would be strictly controlled.

Counsel directed the attention of the Sub-Committee to the Guidance issued under s182 of the Act, which advised that shops and supermarkets should normally be free to provide sales of alcohol for consumption off the premises, at any times when that premises was open for shopping, unless the Sub-Committee had good reasons for restricting those hours, such as where they had received Police representations, and in the case of shops known to be a focus of crime and disorder or disturbance.

Counsel reiterated that the premises was definitely not known for any such thing. The problem was in the general area, but that being the case, it meant that the problem was being caused by a number of different outlets. Generally, a cumulative impact area policy would be considered to cover that; however there was not one in force for Soho Road. Counsel asked the Sub-Committee to note that there were no issues with the premises itself, and the hours were going to be 09.00 to 18.00. Deliveries would arrive at the alleyway at the rear; commercial waste collection was every other week via a private supplier.

There were numerous alcohol licensed premises in the area licensed for off-sales of alcohol; counsel remarked that “the fact is that as there are so many there already, we're not introducing something new into the area”, and added, “it's almost like a drop compared to what's already there. It won't make any difference because of the numbers already there”. He reminded the Sub-Committee that there was a different sort of atmosphere in a post office convenience store, because it had a degree of security and formality about it, and also added that the hours were very modest.

Finally, counsel asked the Sub-Committee to reflect on the fact that it must be the case that the street drinkers were getting their alcohol from somewhere. It was clearly not from the post office, which was not yet licensed. Counsel questioned whether the police had made any inroads into trying to find out which of the other (numerous) outlets were selling to people who were street drinking in the area.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives by considering the submissions of those making representations.

The Police were aware that the hours had been shortened. They observed that there were 4 licensed gambling premises and 41 premises licences active on the High Street, 30 of which were permitted to sell

alcohol. The location was characterised by high levels of crime and disorder. When assessing the applicant company's ability to uphold the crime prevention objective, and whether the granting of the licence could have detrimental impacts on that objective, the Police had sought local expert knowledge from the neighbourhood Police Sergeant.

The Police Sergeant for Lozells and East Handsworth Neighbourhood addressed the Sub-Committee to direct the attention of the Members to his statement (in the Report). He had been responsible for the Handsworth area for a period in excess of 10 years and was fully aware of the antisocial behaviour and crime trends within that locality. He had also been involved in many civil interventions to reduce crime and antisocial behaviour; he informed the Sub-Committee that alcohol had been the key factor for these.

The objection had been made against the application because the Police were certain that it would negatively impact the already-affected area around Soho Road in terms of crime and antisocial behaviour. The Soho Road had numerous shopping establishments, betting shops and established licensed premises and was known to attract "people with complex, unsupported needs who have chaotic lifestyles". The Neighbourhood Police teams that covered Soho Road worked closely with the BID and other partners, and conducted joint patrols, as well as sharing information.

Due to its proximity to local social housing, the Soho Road location drew individuals who engaged in a range of activities that contributed to crime and disorder and public nuisance. The main issue was antisocial behaviour from drug taking, public drunkenness and disorderly behaviour, prostitution and associated public indecency, and also persistent begging. Criminal activities ranged from shoplifting to public place violence, including the use of weapons, and which had also included serious assaults and grievous bodily harm, and even attempted murder.

These issues therefore formed the principal part of the Police objection. The concern was that the premises would be a licensed location that would encourage groups engaged in public nuisance, crime and disorder. They would centre around or even base themselves at the premises; the Police remarked that "the establishment is likely to be a target itself of crime and disorder".

The already-established licensed premises nearby regularly requested police assistance due to thefts and aggressive customers. This was creating a strain on Police resources. The Neighbourhood team had a large, complex area to cover in addition to Soho Road and the linked roads, and an increase in reports would be detrimental to the wider area who would be unable to access policing resources.

Operation Erasmus had commenced, a multi-agency approach to tackle the ongoing issues of antisocial and drunken behaviour, crime and begging; in addition, there had been numerous operations involving both uniformed and plain clothes officers, as well as using specialist resources such as drones, police dogs and partners such as the BID and the City Council. Community events had been conducted with the assistance of partners and a strong police presence.

Despite this, criminal activities were persistent and ongoing; the Police had observed that local miscreants “seemed to have little fear of the criminal justice system”. This had led to a lack of confidence in the Police and the criminal justice system from shopkeepers and the wider public who used the Soho Road.

A number of dispersal orders had been authorised by senior officers under section 34 of the Anti-social Behaviour Crime and Policing Act 2014, and there was an ongoing application for a public space protection order in and around Soho Road to tackle these persistent issues.

The Police accepted that there was no current intelligence relating directly to the premises; the only reports were of shoplifting going back to August 2022, which was almost a year ago. A nearby space in front of other retailers was used to consume alcohol in public because of the benches and wide footpath. Begging was commonplace, and many of the street beggars had been seen to be alcohol and drug dependent. The alleyway to the rear was known to be used later into the night and in the early hours of the morning for prostitution. Recently the Police had noted an increase in street drinking and aggression a short walk away from the shop, towards the library and Birmingham College.

All in all, the Police considered that the area was plagued by alcohol related antisocial behaviour and to grant the application would add further detriment to the community “with no benefit other than profit for the applicant”. Increased availability of alcohol in the area was likely to create more calls for the police to deal with alcohol related crime at the premises, whether inside (such as shoplifting) or directly outside and in the vicinity.

The Police advised the Sub-Committee that whilst there had been some consideration of the licensing objectives in the application, and practical conditions such as Challenge 25, training, restrictions on the alcohol by volume percentage, CCTV and shortened hours, these were not sufficient to ensure that the crime prevention objective would be promoted. Problems had been observed to occur at all times of the day, so the reduced hours would not in fact lower the risk. Regarding the reduction of the alcohol by volume percentage, the Police felt that persons buying alcohol may not be visibly drunk or intoxicated when purchasing, and would therefore be served by staff without any hesitation.



The Police directed the Sub-Committee's attention to what they called their "hefty evidence bundle". This included a selection of images of the type of antisocial behaviour seen in the vicinity, the enforcement attempts, applications for the public space protection order with associated statements, and a crime map.

The Chairman of the Sub-Committee asked about the risks of adding the instant premises to the number of alcohol-licensed premises already operating in the area. The Police remarked that they could not fully understand the point that had been made, namely that one more premises within an existing number might not make a difference, but pointed out that the nature of the area had dramatically changed over time. Alcohol-related crime had risen over the years, and within the last 12 months had become a very significant problem. Whilst the Police had no concerns about the applicant company, the circumstances in and around Soho Road were a significant worry and drain on resources.

The location was a problem in itself, on the widest part of the footpath, and with benches conveniently situated nearby for use by street drinkers and beggars. The Police fear was that the premises "will become vulnerable. It will become a target and it will become an attraction, and it will be a place to gather" for those renowned for creating problems in Soho Road. The Police had grave concerns that the location of the post office would make it "a central hub and a flashpoint for further antisocial behaviour, crime and disorder", all of which would be alcohol related.

The Police added that the current situation was that such persons would sit and drink alcohol from open containers, in public view of local residents; moreover they did not sit and drink in silence, but congregated in numbers and created disturbance. The begging was persistent, said the Police, from those who would spend the day sitting on the ground demanding money from passers-by whilst drinking alcohol. The Police saw the instant application as "another opportunity of vulnerability" in terms of the burden on the Neighbourhood Police team.

The Police had seen the training manual supplied by the applicant company and accepted that staff at the shop would be appropriately trained. They accepted that the application had taken the licensing objectives into consideration, and also that the company had amended the application further upon seeing the Police evidence by adding stringent conditions, all of which was pleasing.

However, the Police impressed upon the Sub-Committee that their expertise in all matters of crime, disorder and antisocial behaviour had led them to conclude that there were "no conditions that would appease [their] position" in relation to the risks to the crime prevention and public nuisance (antisocial behaviour) objectives; for these reasons the Police strongly urged the Sub-Committee to reject the application in its entirety.

The Sub-Committee then heard from the three other persons, all of whom endorsed the Police submissions and stated that, from their own local knowledge and experience of the Soho Road area, the Police recommendation to reject the application was the only correct course.

The Soho Road BID Manager remarked that the issue was not necessarily that the addition of one more alcohol-licensed business would impact the area. The point was rather that the particular site of the post office was a key location. It was sited at an “absolutely central location to Soho Road” and consequently an increase in crime and antisocial behaviour would have an impact on others.

The Manager represented 750 businesses on Soho Road and had found that the increase in street drinking was impacting every group in the community, both the business community and the residential community. He had observed the area since the days of his previous role as a street warden, and remarked that in recent times antisocial behaviour had significantly worsened due to easily-accessible alcohol.

He said that the BID was keen to reduce the impact on the area, noting that local women and children did not feel safe given that street drinkers had become such a feature of the area. There were nearby schools - two grammar schools, secondary schools and primary schools – and his fear was that local schoolchildren were being exposed to street drinking, antisocial behaviour and public urination on the streets. He remarked that “all of these things combined impact the community very, very negatively”.

He was aware that the area was very densely populated with houses in multiple occupation, and asked the Sub-Committee to note that vulnerable adults in the area would become aware of any nearby licensed premises; easily-accessible alcohol would make the situation a lot worse. He remarked “we are not helping these individuals by making sure that they can easily access alcohol”. Street drinkers started from early morning throughout the day, he said.

The post office location was two doors away from Paddy Power bookmakers; he had observed that those buying alcohol would then go straight to Paddy Power. It was his feeling that the two together (alcohol and gambling) were “feeding off each other” and making the problem a lot worse.

He accepted that the applicant company was not a problem, and that there was not any high likelihood of antisocial behaviour within the premises, but asked the Sub-Committee to note that it had been seen to be happening directly outside the premises. The BID officers and security staff were having to step in to try and prevent, or defuse, problems that were happening directly outside the site.

The BID Manager was keen to ensure a safer area for the wider community; this included businesses and residents. He urged the Sub-Committee to follow the Police advice to reject the application.

The local resident addressed the Sub-Committee next. He was a local school governor and a community volunteer around the Handsworth area; he worked in mental health research and had run a local charity mental health service. He also worked closely with children and young people and was knowledgeable about how “licensing choices can support communities to live their lives to the fullest”.

Regarding the prevention of crime and disorder objective, he wholeheartedly agreed with the comments made by West Midlands Police, recognising that the area had a high level of crime and antisocial behaviour, particularly compared with the national average.

As someone who walked along the Soho Road almost every day, he had seen for himself that the area directly outside the post office was already characterised by significant public intoxication (street drinkers and beggars). He considered that this posed a risk to all – whether residents, businesses, communities or those who experienced alcohol misuse challenges themselves. He was worried about the risks to the community of violence, neglect and abuse caused by irresponsible consumption of alcohol. He urged the Sub-Committee to reject the application as it would undermine the licensing objectives and “would have a negative impact on many, many members of the local community”.

The director of the Soho Road BID then spoke to confirm that he supported the Police representations and felt that the other persons had covered the majority of the concerns that he had. Whilst he supported the right of a local businessman to make a living, he asked the Sub-Committee to consider whether the application was for the betterment of the community or for personal profit, noting that anything which had a negative effect on the crime prevention objective would be to the detriment of the local community. He asked the Sub-Committee to reject the application for the benefit of the local community.

In summing up, counsel reminded the Sub-Committee that the store would in fact provide a valuable service to the local community, as it was not simply a convenience store, but also a post office which local people needed and used. It was indeed a benefit to the area, and was definitely not operated simply for financial reasons; the application had been made to allow the post office and shop to continue to operate, and the service was valued by local people, many of whom had specifically requested that alcohol should become part of the offer there.

Counsel observed that after hearing what the rest of the road was like, the post office was probably something of a haven for people to be able to go there rather than to risk one of the other premises in what sounded like a very difficult area.

The director had wide retail knowledge and would employ an experienced DPS. The premises would have to operate to a particular standard because of the post office; counsel remarked that it was therefore different from some of the other premises in the vicinity.

Counsel noted that the Police had agreed that it was a stringently-conditioned application and had been grateful for it being further modified, yet still felt that the addition of one extra licensed premises was not possible. Nobody had felt that either the company or the director were unsuitable; it was therefore simply a question of “one more”.

Counsel asked the Sub-Committee to consider whether or not it would be better for the community to allow “the limited alcohol for the limited hours requested, in a well-run, well-structured shop, with all alcohol behind the counter” rather than the arrangements perhaps seen at some of the other retailers, where presumably alcohol was being purchased from open shelves.

Counsel observed that to have the shutters being pulled down on any new application at all, as desired by the BID, could not be right. The application was suitable, the director was a responsible person with excellent knowledge of the area and had utilised this knowledge together with the services of a licensing retail consultant; he had also acted on the police evidence and was offering a comprehensive suite of conditions (updated to reflect the Police evidence).

The store would improve the commercial wellbeing of the area, said counsel, and would provide a service to residents. Only one resident (and no Ward Councillors) had objected. No businesses themselves had made representations, only the BID had done so. A library and Birmingham College had been mentioned as being places that had suffered – yet there had been no representation from the library or from Birmingham College; similarly, none of the numerous schools which were mentioned had objected. Counsel asked the Sub-Committee to reflect on the fact that it could therefore well be that these persons did not in fact feel that the grant of the application would undermine the licensing objectives.

Counsel remarked that whilst everyone accepted that there were serious issues in the area, and everyone accepted the good intentions of those working to try and remedy them, it was important that the Sub-Committee should not overlook the fact that some premises could in fact operate in a manner which would benefit the community; those premises should therefore be allowed to have the limited off-licence permissions which they wanted.

Counsel stated that on the balance of probabilities, if granted, the licence would not negatively impact on the licensing objectives. He urged the Sub-Committee to disregard the local resident’s comments about public

health, and mental and physical wellbeing, as there was no public health licensing objective. The only relevant considerations were crime and disorder, and public nuisance.

It was accepted by all that the area was beset by problems, but counsel recommended that the question should be: “will the licence, in the terms applied for and with the management that will operate it, cause any problems?”

Having heard all of the evidence, the Sub-Committee retired to determine the application. The Sub-Committee examined the operating schedule put forward by the applicant company, and considered that under different circumstances the application, the company and the director would all have been satisfactory.

However, in the particular circumstances of the instant matter, the Sub-Committee found the Police observations to carry significant weight. The Police were of course the experts in crime, disorder and antisocial behaviour. Very detailed submissions had been made by both the Police Central Licensing team and also the Police Sergeant with direct responsibility for the Soho Road area. The submissions had been supported by a hefty evidence bundle.

These representations had been compelling evidence of the extent of the problems in the vicinity, as observed by a senior Police Officer with specific knowledge of what was required to ensure that the crime prevention objective would be upheld.

The Sub-Committee was careful to note that there was no cumulative impact policy in force for the area, and therefore the presumption was that the application should be granted in the absence of evidence-based risks to the promotion of the licensing objectives. The Members therefore reflected on all of the submissions, whether written or oral, to ensure that concerns raised were not merely speculative, but based on evidence.

Taking all the evidence into consideration, the Sub-Committee determined that the area was indeed plagued by problem behaviours which were largely driven by alcohol misuse. The Members agreed with the Police that the specific location of the post office premises, situated as it was in a spot which had become renowned as a place for street drinkers to congregate, made the premises very likely to become a magnet for problem individuals of all kinds – whether drinkers, beggars or sex workers. It was apparent from the evidence presented that there was something of a preponderance of these types of persons in Soho Road. They were already known to gather near the premises, due to the wide footpath and benches.

Accordingly, to grant the licence would be a significant risk to the promotion of the licensing objectives of the prevention of crime and disorder, and of public nuisance. The Police recommendation had been

that the only correct course was to reject the application, in order to ensure that these objectives could be upheld. The Sub-Committee noted that the Police's position had also been endorsed by those making representations, all of whom had direct knowledge and experience of the situation in Soho Road and of how matters had worsened over the years.

The applicant company had redrafted the operating schedule and conditions in the light of the Police evidence. This Members would ordinarily have looked favourably upon this, but in this particular case the Police had advised that the modified application was not satisfactory in terms of what was required on Soho Road.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the licence might be granted; however, the Police had already advised in the meeting that the licence could not be appropriately conditioned any further, due to the nature of the problems in the area and the specific location of the site. The Sub-Committee therefore resolved to reject the application.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant company via its counsel, and by all of those making representations.

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.

**EXCLUSION OF THE PUBLIC**

6/260623

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 to the Local Government Act 1972 - (information relating to any individual)

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