

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 9 OCTOBER 2018</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 9 OCTOBER 2018  
AT 0930 HOURS IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Nagina Kauser in the Chair

Councillors Barbara Dring and Adam Higgs (Cllr Sharpe observed.)

**ALSO PRESENT**

Bhapinder Nandra, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Katy Poole, Committee Manager

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**NOTICE OF RECORDING**

1/020518 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

2/020518 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/020518 There were no Nominee members.

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**MINUTES – PUBLIC**

4/020518 That the Minute of meetings held on 16<sup>th</sup> January 2018 and 24<sup>th</sup> January 2018 were confirmed and signed by the Chairman.

That the public part of the minutes of meeting held on the 31<sup>st</sup> January 2018 and the 28 March 2018 were noted.

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**LICENSING ACT 2003 PREMISES LICENCE – THE MINIMARKET, 235-237  
LOZELLS ROAD, BIRMINGHAM, B19 1RJ**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the applicant**

Saman Kahrahman – Applicant  
Rob Edge - Agent

**Those making representations**

PC Abdool Rohomon – West Midlands Police  
Mahir Akgul – Neighbouring shop owner  
Heath Thomas – Representing Mr Akgul

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Following introductions by the Chairman, Bhupinder Nandhra, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mr Rob Edge, on behalf of the applicant made the following points:-

- a) That the applicant intended to run the business as a professional enterprise.
- b) That his client had put time, money and passion into the business to make it successful, without compromising the licensing objectives.
- c) That he would run the business in accordance with the Licensing Act and work with the responsible authorities to promote the licensing objectives in the act.
- d) That his client had employed a consultant to train staff which evidenced that his client was a responsible applicant.
- e) That they had requested reasonable hours and had taken into consideration the problems in the local area.

- f) That the applicant had previously ran a premises in Dudley Road, Wolverhampton and Telford. The premises were similar and his client was used to managing licensed premises.
- g) That they were aware the Councillors were concerned with behaviours of premises licence holders.
- h) That the general ASB issues should not be related to the applicant as his premises was not even open yet.
- i) He was an experienced operator and the proposed operating schedule would be ran as intended.
- j) That the licensing objectives would not be undermined.
- k) That if any issues arose a review of the premises would address the problems, if the licensing objectives were compromised.

Responding to Councillor Higgs, Mr Rob Edge explained that the hours were greatly reduced from the last application and they had submitted a stronger operating schedule and staff training manual. That the applicant had taken on board everything that was said at the last hearing and was looking to move from Telford to Birmingham, in order to manage the premises better. Staff training would take place prior to the premises trading.

Mr Kahrahman added:-

- a) That he had a shop in Telford; a bigger shop. He wanted to be in Birmingham to earn extra money.
- b) That the other shops he had ran previously had issues with anti-social behaviour. Every area had problems, but it was how the shop was managed and how the staff talked to people.
- c) That he was aware of the issues in the area.
- d) That he was already paying rent on the premises even though it was not open. He was unable to make money without a alcohol licence.

Mr Edge continued:-

- a) That the premises was not located within a Cumulative Impact Zone, therefore, with strict management there was no reason why this premises could not operate successfully and uphold the licensing objectives.
- b) That there was a PSO in the area and the intention was to work with them before opening the premises; whether that is no single can sales to discourage street drinking or whatever it may be.
- c) That they believed the premises could run without impacting the ASB in

the area.

- d) That the conditions would only apply to that premises, they could not apply to crime and disorder down the road as that had been there 10 years.
- e) That the crime and disorder in the area needed addressing by the premises that were causing it.
- f) They could not relate it to their premises as it was not operating.
- g) That they had a good strong operating schedule.
- h) That the premises was only open until 2200 hours.
- i) That the premises would offer a wider range of products, food and other items.
- j) That the premises in Wolverhampton would not tolerate single can sales and not fuel street drinking.
- k) That the premises would have CCTV outside the front of the premises and staff would be trained to look out for proxy sales.
- l) That his clients first intentions were to clean up the area outside the shop and give it a refurbishment. That way it will indicate to customers that the premises was not a place to buy cheap booze and hang around outside.
- m) That anyone lingering outside would be asked in a polite but firm manner, not to hang around outside drinking.

Mr Kahrahman interjected:-

- a) That he would have 4 staff and they would do 6 or 8 hour shifts.
- b) That the shop would sell “everything”.
- c) He asked the Members to give him a 6 month trail and see “how [he] worked”, if anything bad happened they could close the shop.
- d) That the shutters would be closed on the alcohol when alcohol was not permitted for sale.

In response to Members questions, Mr Edge made the following points:-

- a) That they had a strong operating schedule and would offer to change the operating hours to 1000 hours in the morning.
- b) However they were not willing to adjust the evening hours.

At this stage Mr Heath Thomas requested to ask the applicant and his representative a number of questions, through the chair.

The Chairman granted Mr Thomas's request.

Mr Thomas directed a number of questions to the applicant, namely:

1. Between 6<sup>th</sup> August and 9<sup>th</sup> August did they consult with the police?
2. At the last hearing evidence was given that the applicant was living in Telford and would only be attending the shop occasionally, why has that changed?
3. Was it the applicant's intention to give the shop up in Telford?

In response to Mr Thomas's questions Mr Edge made the following points:-

1. That they had not met with the police (PC Abdool Rohomon also confirmed this).
2. That his client had invested a lot of time in the premises and it was crucial he obtained a premises licence in order to run the business successfully. In addition his client had no ties to Telford and therefore had decided that moving to Birmingham was a good option.
3. Mr Edge advised Mr Thomas that his final question was not relevant to today's hearing.

In response to questions from Members of the Sub-Committee, Mr Ali Ali Mohammed made the following points:-

- a) That in 2009 he went to college in Birmingham.
- b) That he had a very close relationship with local shop owners and had never had any issues with licensing.
- c) That everyone in the local area was happy.
- d) That he had spoken with neighbours, who were happy about the shops next door.
- e) That he just wanted to be friendly with people and if he had known it would cause a problem he would not have bothered asking people.
- f) That in 2008 when he was arrested he did not use another name. The police came to his house in Smethwick and he had to go to Wolverhampton Crown Court in 2009 where he explained exactly what had happened. He had never been prosecuted.
- g) That he had been the holder of a personal licence for nearly 3 years. He was given a personal licence from Sandwell Council.

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- h) That the shop is quite big and the licensed area was bigger than the Committee Room.
- i) That the percentage of alcohol sales would be 20% of £1000.
- j) That they would operate a challenge 25 policy, refusals register, incident book. They were aware how difficult the area was and therefore, would not be selling any alcohol to minors.
- k) That he lived in Sandwell but was aware of the issues in Lozells. He was not opening the shop to create problems

Mr Duncan Craig continued to answer Members questions:

- a) That the licensable activity would only cover the shelving at the front.
- b) That if the shop was granted a licence they would be installing CCTV and a panic alarm.

In response to Members questions, PC Abdool Rohomon, on behalf of West Midlands Police made the following points:

- a) That they had to have the upmost trust in licence holders given the alcohol related crime and disorder in the area.
- b) That he looked at the application on the day it arrived. Upon looking he emailed Mr Craig's assistant and asked if the applicant had ever been in trouble with the police. They responded stating he had not been in trouble with the police. However, upon further investigation, he had in fact been involved with the police. He therefore objected to the application.
- c) That Mr Mohammed was recorded as the offender for the incident in 2008 and was also cautioned for it. That Mr Mohammed must have admitted to the offence, otherwise he would not have been cautioned.
- d) There were also some concerns regarding alliances and numerous dates of births.
- e) That he did not have trust in the applicant.
- f) That Mr Craig had admitted that the area was a problem and was known for its alcohol and drugs related issues.
- g) That he did not have confidence in the previous applicant or the applicant before him today.
- h) That the caution itself was not grounds for objection, but the fact Mr Mohammed had tried to mislead the police was the reason for objection.
- i) That 20% alcohol sale was a small amount, yet when he had examined the plans he was alarmed at the size of the beer fridge and the big area for

alcohol and cigarettes. Which led him to believe it was predominantly going to be alcohol led.

j) That they did not support the request.

At this stage in the meeting Mr Duncan Craig, on behalf of the applicant requested a short adjournment in order to have discussions with PC Rohomon.

The Chairman advised that an adjournment would be allowed.

At 1011, the meeting was adjourned. All parties with the exception of Members, the Committee Lawyer and Committee Manager left the meeting.

At 1020 the meeting was reconvened and all parties were invited back into the meeting room.

Mr Craig advised that Miss Daud was not his assistant and that she did used to work at Birmingham City Council. His client's position was that he had never been cautioned and therefore requested that the meeting be adjourned to allow his client time to go to the police station to get this verified and have fingerprints taken to ensure the caution belongs to him.

PC Rohomon had no objections but did advise that the process could be lengthy.

Mr Craig advised that once the matter was adjourned there was no time limit and that his advice would be to allow his client 1 month.

The Chairman advised that the request to adjourn the meeting would be approved.

At 1020 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

5/020518 **RESOLVED:-**

That the application by Ali Ali Mohammed for a premises licence in respect of **LOZELLS LOCAL, 235-237 LOZELLS ROAD, BIRMINGHAM, B19 1RJ**

**BE ADJOURNED TO A DATE TO BE NOTIFIED** in order that the applicant can contact West Midlands Police, as per the agreement made today between the applicant's representative and West Midlands Police. The date shall be no earlier than 22<sup>nd</sup> May 2018.

The Sub Committee were advised by the Committee Lawyer of their discretionary powers to adjourn the matter under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members considered that an adjournment was necessary in the public interest. Given the principles of natural justice, the Members

had a duty as decision-makers to conduct a proper examination of submissions, arguments and evidence adduced by both parties in order to reach a proper determination. This would require the grant of an adjournment so the applicant could contact the Police and assist them. Once this has been completed, the Sub-Committee will be able to properly and fully consider the application.

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**OTHER URGENT BUSINESS**

6/020518      There was no urgent business.

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**EXCLUSION OF THE PUBLIC**

7/020518

**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:-  
(Paragraphs 3 & 4)

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