



West Midlands Police

Supporting Evidence

Licensing Hearing:

Witton Lodge Convenience Store

319 Witton Lodge Road B23 5LY

PAGE(S)	DOCUMENT(S)
1 to 3	Statement of licensing officer Chris Jones
4	Nearest House on Witton Lodge Rd (32.63m)
5	Nearest Flat on Flackwell Rd (28.24m)
6	Nearest House on Flackwell Rd (37.61m)
7 to 12	Statement of PC Aziz

①

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

--	--	--	--

Statement of: Christopher Jones 55410

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: 

Date 30.03.21

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by West Midlands Police as a Licensing Officer currently based at Police HQ, Lloyd House, Colmore Circus Birmingham B4 6NQ working within the Central Licensing Team. This team has responsibility for all licenced premises within the Birmingham City Council area.

I am making this statement in relation to an application to extend the licensable hours to include late night refreshment for Witton Lodge Convenience Store, 319 Witton Lodge Road, Birmingham B23 5LY. The premises is a large double fronted shop which sits on a corner plot on the corner of Witton Lodge Roads and Flackwell Road. The premises has a large curtilage to the front which would be capable of accommodating a number of vehicles parking on it. The premises is surround by residential properties. On Flackwell Road, directly opposite the premises are 3 retail units with flats above.

The premises currently benefits from a premises licence to sell alcohol off the premises, Monday to Saturday 0600x2300 and Sunday 0700x2230.

I work within a specialised team that cover a large area of the force and often refer applications to the local neighbourhood policing teams for comment as they have a vast detailed knowledge of their policing area including the concerns and fears of the local community.

Originally I was contacted by the licensing agent for the premises, Richard Baker for pre-application advice of West Midlands Police thoughts / stance on the premises applying for a 24 hour alcohol licence and late night refreshment until 05.00hrs. I contacted the local sergeant - PS Robinson who stated he would not support the application due to the concerns now raised by this current application.

I informed Richard of this who then submitted the current application with a reduction of licensable activity between 0600x0100hrs 7 days a week.

I discussed this application briefly on the phone with PS Robinson and we agreed a meeting on Friday 26th February 2021 to discuss his concerns.

At the meeting were the PS Robinson, PC Aziz and myself. PC Aziz and PS Robinson both discussed at length the issues and concerns of the area, the wider area as a whole and the potential negative impact the extension in hours would have on the local residents.

With their knowledge and expertise of the area they both believed that by extending the premises licence for a further two hours, also to include late night refreshment would have a detrimental impact, attracting individuals to that area who would cause anti-social behaviour, public nuisance and crime as it would be the only premises open in the vicinity to that time, as detailed in PC Aziz' statement.

Also with the attraction of now what could be classed as a café would make it an even more attractive place for these individuals to gather. It would increase footfall and vehicles attending the area, in what is a highly residential setting. They were also concerned that additional vehicles in the area being attracted by the late night refreshment would see an increase in people sitting in their cars, with music blasting, cars doors slamming and anti-social driving around in the early hours when residents are trying to sleep.

This is all at the time of night when the neighbourhood team is normally off duty and would leave the response officers to deal, who cover a vast area of Birmingham East. It is fair to say that this team respond to calls for service on a priority basis focusing on serious crime, often leaving minor crime and anti-social behaviour to be picked up at a later date, meaning that any on-going low level incidents would go unchallenged at the time, disturbing the residents.

My professional opinion is that the neighbourhood team's concerns around public nuisance and anti-social behaviour would be valid due the proximity of residents, with the increased in footfall and vehicles. Something of which cannot be conditioned effectively on to the premises licence to negate our concerns.

The premises already have a licence to sell alcohol for 16 hours a day Monday to Saturday and 14.5 hours on a Sunday. Currently the shop does not create West Midlands Police excessive calls for service and would not be classed as being on concern. Although West Midlands Police do believe that this would change, with calls for service increasing due to an increase in public nuisance and crime if the licence is extended. The hours for which the premises are applying are classed by West Midlands Police as high risk and are high demand hours. The addition of late night refreshment only adds to the concerns of West Midlands Police due to the reasons explained in this statement and the statement of PC Aziz.

I have taken 3 images from the internet to show just how close residential properties are to this premises to illustrate why West Midlands Police are so concerned that by extending the licensable hours and adding late night refreshment would cause public nuisance to residents. The measurement has been taken from the front of the building line and does not include the premises curtilage or people and cars on the public highway all of which will obviously be closer to residents than the measurement shown.

3

CJ/1 shows the distance to the nearest house on Witton Lodge Road (not including neighbouring property) a distance of 32.63 metres.

CJ/2 shows the distance to the nearest flat on Flackwell Road a distance of 28.24 metres.

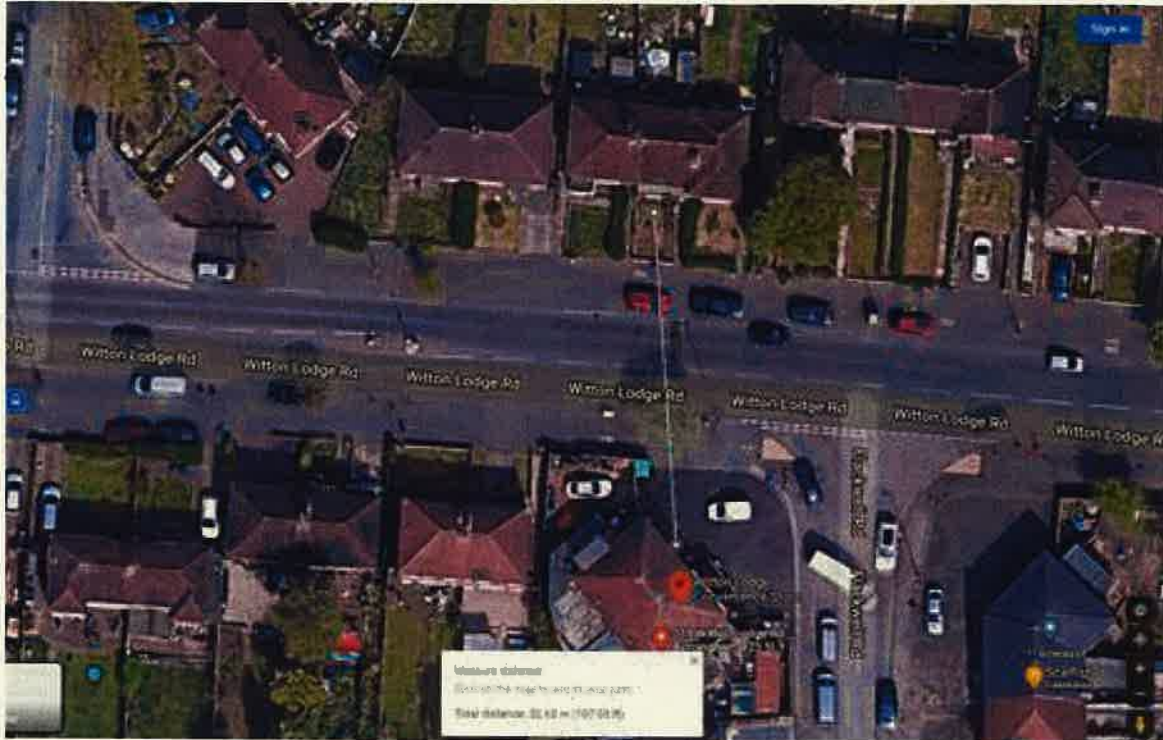
CJ/3 shows the distance to the nearest house on Flackwell Road (not including neighbouring property) a distance of 37.61 metres. *Ches*

Signature: *Ches* Signature witnessed by:

OFFICIAL (when complete)

④

C2/1



Distance from premises to nearest house on Witton Lodge Road

32.63 metres

(Not including neighbouring property.)

⑤

C5/2



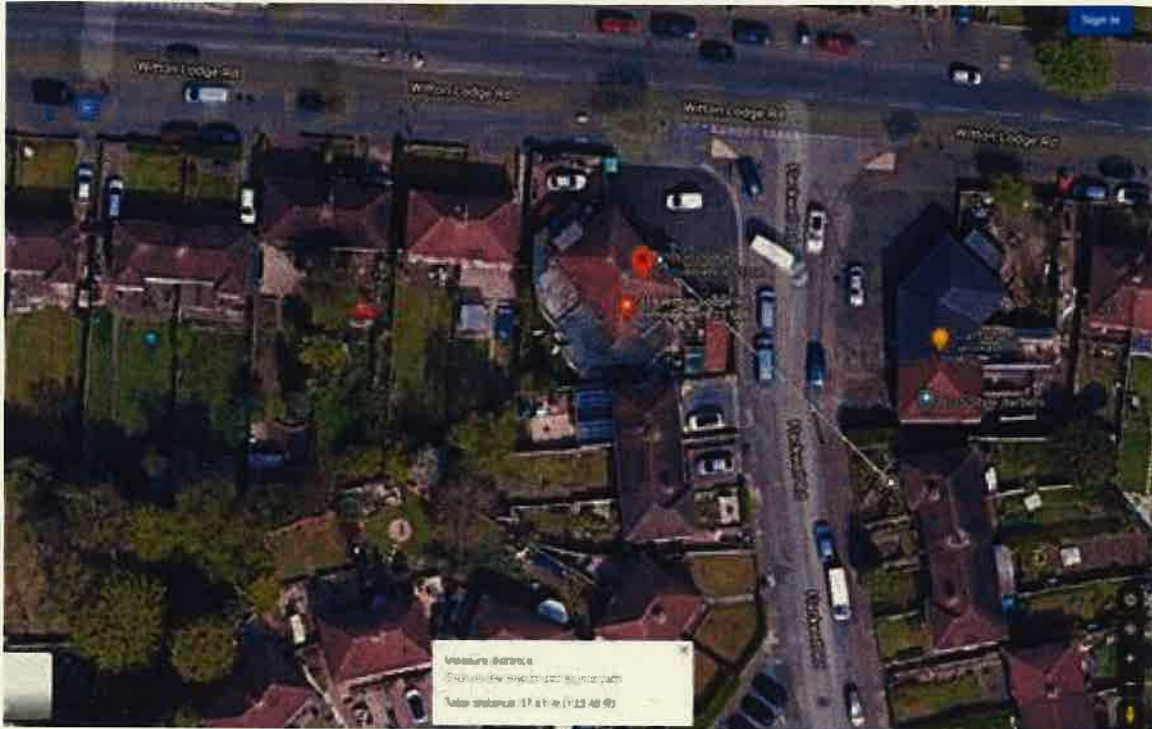
Distance from premises to nearest flat on Flackwell Road

28.24 metres

(Not including neighbouring property.)

⑥

C2/3



Distance from premises to nearest house on Flackwell Road

37.61 metres

(Not including neighbouring property.)

7



Applicant: Chief Constable of West Midlands Police

Name: PC Innayah Aziz

Statement No: 1

Exhibit: IA/01

Date:

In the Licensing Hearing (Birmingham Licensing Authority)

Application to vary a Premises Licence for Witton Lodge Convenience Store, 319 Witton Lodge Road

Premises Applicant: M&M Family 4 Limited

Objecting Responsible Authority: Chief Constable of West Midlands Police

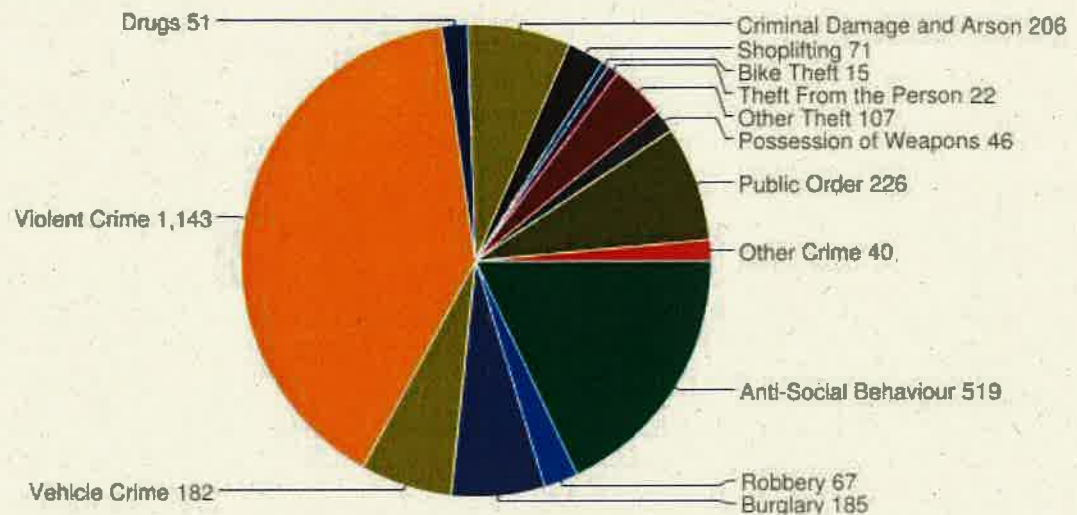
Witness Statement

1. I am PC 23996 Aziz of West Midlands Police. I am an officer on the Erdington Neighbourhood Team.
2. Erdington has a high population density and is an ethnically diverse area with a population of individuals from Irish, Afro-Caribbean, and Pakistani origins.
3. The rate of unemployment in Erdington is significantly higher than the average for and higher than the national average. It is also considered one of the most deprived wards in the city.
4. The housing in Erdington is a combination of private, council housing which include several House for Multiple Occupancies (HMO's) and hostels, as a result the area is economically deprived.

8

5. The crimes in the area include, robberies, criminal damage, anti-social behaviour such as, street drinking, drug dealing, assaults, and violent crimes.

Figure 1: Crime and ASB Breakdown for Erdington from Jan 2020-Dec 2020



6. The off-licence is located on the Witton Lodge Road that receives regular complaints from the community in relation to speeding vehicles driving up and down the road during evenings. Residents have reported individuals are driving in a dangerous manner. There has also been numerous complaints and issues, and as a result a recent initiative of a speed watch group is currently in the process of being set up but, due to the pandemic has been delayed.
7. It is the strong belief of the Erdington Police Neighbourhood Team that, the opening of the store during late night hours will attract an increase in vehicles to the location, subsequently increasing speeding complaints and issues.
8. Further belief of the neighbourhood team is that there will also be an increase public nuisance and disorder to residents living in the area. The extended hours for the sale of hot food and alcohol will be detrimental to the area. In my professional area an eat in and takeout café will attract many people to the area at late times of the day. Subsequently, there will be an extra footfall of, more vehicles in the area, people sitting in cars, loud music and car doors slamming.
9. There are no other premises are open past 2300 hours in the immediate area. This is a time when the police neighbourhood team are not on duty and would put extra demand on an already stretched response team who prioritise jobs – meaning at this busy time is possible that any reports of anti-social behaviour may not be resourced. Causing residents to feel vulnerable and causing on-going disturbance at a time of the evening when people especially with young children are going to bed or are already trying to sleep.
10. The immediate area surrounding the store suffers from anti-social behaviour and criminality. There is a known large group of youths who cause ASB problems and are involved in criminality, who are moving out of their local area and into Erdington. As a team we are

9

encountering these youth's on a more frequent regular basis. These youths take up a large amount of Police resources with officers responding to incidents, patrolling the problem locations and completing intervention work such as civil interventions. Currently the Police are applying for 5 injunctions against the worst offenders.

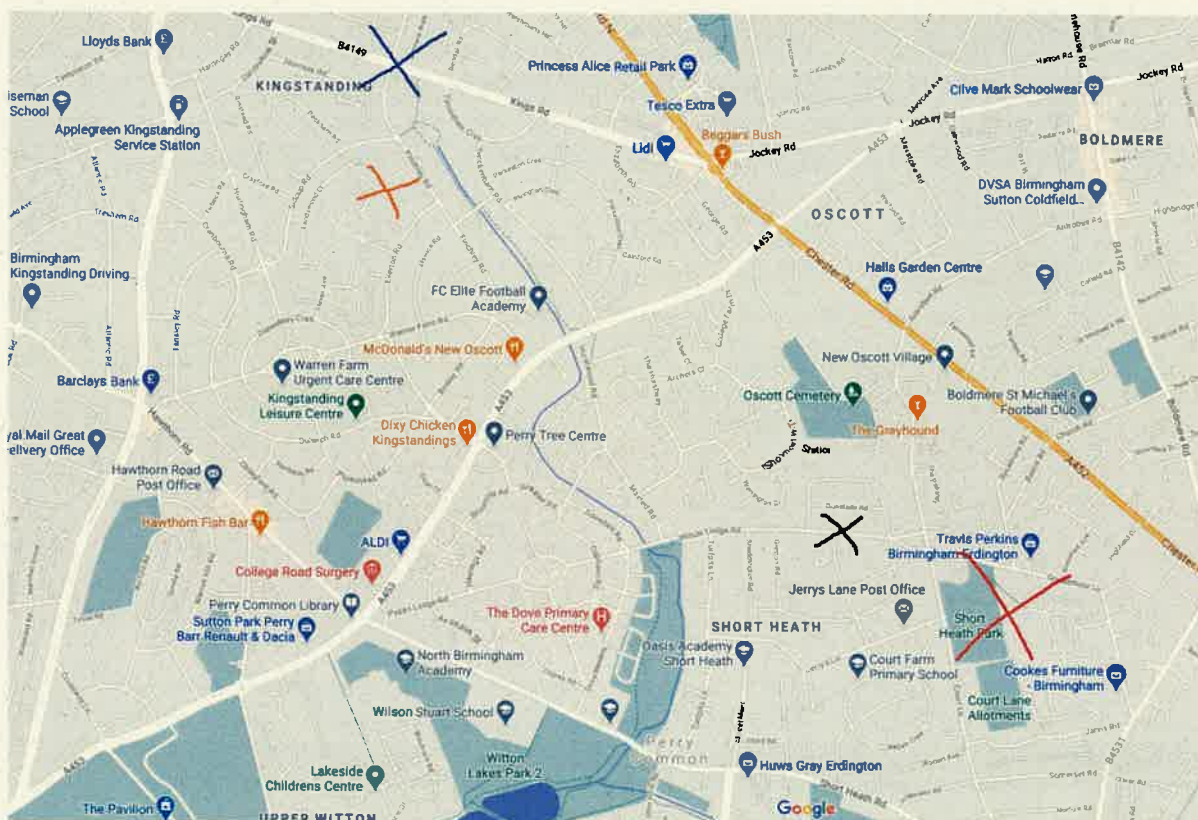


Figure 1.2: The map displays the key locations where the anti-social behaviour is occurring.

Black X- Witton Lodge Convenience Store

Red X- Short Heath Park/ Goosemoor Lane

Orange X- Edmonton Avenue

Blue X- Kings Road/ Finchley Road

The walking distances between each of the three areas from the Witton Lodge Convenience Store:

Witton Lodge Convenience Store → **Short Heath Park/ Goosemoor Lane** = 7 Minutes

Witton Lodge Convenience Store → **Edmonton Avenue** = 28 Minutes

Witton Lodge Convenience Store → **Kings Road/ Finchley Road** = 29 Minutes

It is evident to note that the distance between the Witton Lodge Convenience store and Edmonton Avenue, as well as, Kings Road/ Finchley Road is a fair walking distance. However, in my professional opinion, I cannot stress enough the means these youths will go by in travelling to other neighbouring

10

areas, as a result of the policing style adopted by the Kingstanding Police Team because of the issues the youths have caused.

11. Short Heath Park/ Goosemoor Lane is currently being managed by the Police under the anti-social crime number 20BE/182240Q-20 refers. This report deals anti-social behaviour in the parkland and also anti-social behaviour around the store where youths are gathering and causing crime, disorder and public nuisance.
12. Edmonton Avenue is managed under anti-social crime number 20BE/47152Q/21- these report details large groups of youths hanging around outside the store intimidating residents and causing a general disorder. The group involved in this on-going incident are of the same group involved in the Goosemoor Lane anti-social behaviour. This group recently damaged a Police vehicle by smashing the front window with a brick, crime number 20BE/47372K/21 refers to this. Of note this ASB centres the outside of the Lifestyle Express Store, 54 Edmonton Road, B44 0XE, and is open to the public between 0600-2300, 7 days a week.
13. Kings Road is recorded under anti-social crime number 20BE/263950H/20 this is the same group from the above two reports. This behaviour is also outside the Price Cutters Store, 267 Kings Road, and is opened to the public between 0700-2000, 7 days a week.
14. All the stores mentioned above have very similar closing times and it is in my belief that, should the licence and opening times of Witton Lodge Convenience Store be extended. This group will naturally migrate to this location and cause the residents of the area massive inconvenience and issues. Whilst increasing the demand on the Police.
15. It is the strong belief of the neighbourhood team that the extended hours will result in a significant increase in antisocial behaviour in the area, the added late night refreshment and with the premises operating a café type environment, it will be a magnet and added attraction for youths to congregate. This will include nuisance such as the increase in traffic, the slamming of car doors, loud noise, litter, and groups of youths hanging outside the off-licence, as currently happening at the surrounding off-licences in Kingstanding.
16. With the knowledge of the area, the two added hours will result in a negative impact on the area, there will be more police resources having to be put into the area, due to the increase in problems from the off-licence. This without a doubt will occur because the Kingstanding neighbourhood team are currently experiencing these issues. As a result, the problems will be added to the Erdington Neighbourhood Teams resources.
17. It is in my professional opinion, that if this application is granted will be detrimental to the local community as there will be implications for noise, anti-social behaviour and litter. The attraction of extended hours will encourage people from the wider area during night time hours which will create a higher volume of traffic to the location during what is likely to be a period of sleep for most people. The additional traffic will cause noise by the presence of vehicles and persons and possibly drunken revellers who seek food after an evening out.



18. It is highly likely as a result West Midlands Police would be required to respond to incidents; around anti-social behaviour and crime, this is at a time when resources are already stretched due to the current climate of the COVID 19 pandemic.
19. The Erdington Neighbourhood Team have reviewed the impact that this proposal would have from a policing perspective and taken into account the local communities fears and concerns. Additionally, from a policing aspect, during the hours proposed we will not have a sufficient number of officers on duty to respond to calls therefore, it would have a detrimental effect on the local residents' who would suffer the consequences for a prolonged period.
20. It is the belief of the neighbourhood team that by granting this extension to the licence, will have a detrimental effect on what is currently, a quiet residential area. The licence will increase public nuisance, anti-social behaviour and crime in the area. It is believed that extending the licenced hours, which includes the sale of alcohol and late night refreshment will have a disproportionate impact on calls for service to the police. At a time when the service is already stretched, as it will become a focal point that will attract local problem youths to gather being the only premises in the area open to this time.

12

Statement of Truth

I believe that the facts contained in this witness statement are true.

Signed- I.A

Dated- 10/03/2021