

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B 16 OCTOBER 2018
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 16 OCTOBER 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair

Councillors Bob Beauchamp and Adam Higgs

ALSO PRESENT

Shaid Yasser, Licensing Section

Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

- 1/161018 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.

DECLARATIONS OF INTERESTS

- 2/161018 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/161018 There was no Nominee members.

**LICENSING ACT 2003 PREMISES LICENCE – TEAM NEWS, 17 BELL LANE,
TILE CROSS, BIRMINGHAM, B33 0HS**

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

Vinay Shivkaran Sahota – Applicant

Patrick Burke – Agent

Tajinder Kaur - DPS

Those making representations

No one attended.

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Following introductions by the Chairman, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

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

- a) That it was a family run business, with over 30 years' experience.
- b) That the validity of the objections was a concern as the letter from Mr Lolly stated that he had worked at Team News; however the current owner had been there for 16 years and had never employed him. The previous owner was there for 2 years and again, had also never employed him.
- c) The objector was well known in the area, and said to have worked at the Butchers when he was 15 years old. He would now be in his 30s.
- d) That the objector refers to the application made for number 7 Bell Lane, which Mr Burke also was the agent and that application received no objection notices, and was granted.
- e) That the issues with 7 Bell Lane were in relation to a clause the solicitor found stating in the lease that they can't sell alcohol, so they were in discussions about getting the clause removed. That was 3-4 days before the objection was received.
- f) That there were no police or other responsible authority objections.
- g) That the issues surrounding the lease clauses would be negotiated after licences have been granted and wouldn't necessarily cause any issues.
- h) That the objection was concerned with nuisance, however, there's no

history of issues regarding nuisance and the police had made no representations regarding nuisance either.

- i) Mr Burke referred to the case of *Daniel Thwaites plc v Wirral Borough Magistrates' Court*, in order to remind the Members that “decisions should be based on evidence and not speculation”.
- j) That he suspected the objector was a friend of number 7's and was concerned the sale may not go through should the shop be granted a licence.
- k) That the leases were old leases. The landlords are Birmingham City Council and the leases have clauses on in relation to the sale of alcohol not being permitted.
- l) That they had included conditions in the application to include, staff training.
- m) That the opening hours were the same as number 7 who were granted a licence.
- n) That the premises had parking directly outside.
- o) That they would have CCTV cameras.

At this stage, Cllr Higgs asked questions relating to the objection notice and asked Mr Burke if he had reached out to objector. Mr Burke advised Cllr Higgs that a letter should be in his pack.

Cllr Higgs responded explaining he had read it. Then he asked what they would do regarding preventing crime and disorder, which Mr Burke responded, asking Cllr Higgs to refer to his application where all the information was and that there was a lengthy amount of constructive conditions addressing his concerns in the pack.

Mr Burke continued:-

- a) That his clients lived in Marston Green and were local to the area.
- b) That they had previous experience running news agents and convenience stores.
- c) That Mrs Kaur had previous DPS experience and was a personal licence holder.
- d) That they would only be running the one shop.
- e) That alcohol sales would make up 15-20% of the overall sales.
- f) That there was storage at the back of the premises, customers would have no access.

In summing up, Mr Burke, on behalf of the applicant, made the following points:-

- a) That there had been no objections from responsible authorities.
- b) That they had concerns regarding the validity of the objection.
- c) He had nothing more to add.

At 1002 hours the meeting was adjourned. The Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1019 hours the meeting was reconvened and all parties were invited to rejoin the meeting. The decision of the Licensing Sub-Committee was announced as follows:-

4/161018 **RESOLVED:-**

That the application by Vinay Shivkaran Sahota for a premises licence in respect of Team News, 17 Bell Lane, Tile Cross, Birmingham, B33 0HS **BE GRANTED SUBJECT TO ALL THE CONDITIONS AGREED BETWEEN WEST MIDLANDS POLICE and THE APPLICANT, AS SHOWN AT APPENDIX 3 OF THE REPORT.** Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The applicants were experienced people who had become accustomed to running family-owned convenience shops and newsagent premises over several decades. The instant premises would be the only shop they operated. Other shops in the vicinity also offered alcohol whilst operating long opening hours; these types of arrangements had not adversely affected the licensing objectives in the Tile Cross area.

Members carefully considered the written representations made by an objector, but were not convinced that there was an evidential and causal link between the issues raised by the objector and any adverse effect on the licensing objectives. The applicants' agent confirmed to the Sub-Committee that although he had hand-delivered a letter inviting the objector to contact him for a discussion, the objector had not replied. The objector also did not attend the meeting.

In reaching this decision, 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 application for a premises licence, the written representations received and the submissions made at the hearing by the applicant, and their adviser.

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.

OTHER URGENT BUSINESS

5/161018 There was no urgent business.
