

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 17<sup>th</sup> March 2020</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Transfer</b>
<b>Premises</b>	<b>Stop and Shop Off Licence, 885 Washwood Heath Road, Birmingham B8 2NA</b>
<b>Ward affected:</b>	<b>Ward End</b>
<b>Contact Officer</b>	<b>Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **1. Purpose of report:**

To consider an application to Transfer a Premises Licence.

### **2. Recommendation:**

To consider and determine the Transfer Application.

### **3. Brief Summary of Report:**

A transfer application was received on 10<sup>th</sup> February 2020 in respect of Stop and Shop Off Licence, 885 Washwood Heath Road, Birmingham B8 2NA.

An objection notice to this application has been received from West Midlands Police.

### **4. Compliance Issues:**

#### **4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

## **5. Relevant background/chronology of key events:**

An application to transfer a premises licence was received from Khabir Hussain on 10<sup>th</sup> February 2020 in respect of Stop and Shop Off Licence, 885 Washwood Heath Road, Birmingham B8 2NA.

Consent to transfer the licence was received from Nirthiyatharmakumar Vasanthagowry.

As the application sought to have immediate effect since the time of the application, Khabir Hussain has been responsible for the provision of licensable activities at the premises, pending the determination of the transfer application by this Sub Committee.

In line with statutory requirements the application was served on West Midlands Police who have subsequently given an objection notice to the transfer application on the basis that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective under the Licensing Act 2003.

Khabir Hussain's transfer application is attached, see Appendix 1.

West Midlands Police Notice of objection is attached at Appendix 2.

The current Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

When holding a hearing to consider an objection notice under s44 (5) a licensing authority is confined to consideration of the crime prevention objective in the Licensing Act 2003. Members must therefore only consider matters that relate to the crime prevention objective.

## **6. List of background documents:**

Transfer Application form, Appendix 1  
West Midlands Police Objection, Appendix 2  
Current Premises Licence, Appendix 3  
Site location Plans, Appendix 4

## **7. Options available**

To Grant the transfer application.  
To Reject the transfer application.



**Birmingham**  
**Application to transfer premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 7**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
10 FEB 2021	
REF NO	_____
INITIALS	_____

Continued from previous page...

Telephone number at the premises if any

### Section 3 of 7

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- ☒ An individual or individuals
- ☐ A limited company/limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

#### Please confirm the following:

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 7

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Khabir

Family name

Hussain

Continued from previous page...

**Address**

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

**Agent Details**

* First name	<input type="text" value="Patrick"/>	
* Family name	<input type="text" value="Burke"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☒ An agent that is a business or organisation, including a sole trader  
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name	<input type="text" value="PMB Licensing"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Sole Trader"/>	
Your position in the business	<input type="text"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Section 2 of 7**

**PREMISES DETAILS**

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

**Premises Licence**

\* Premise licence number

**Name Of Current Premises Licence Holder**

\* Name

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

Building number or name   
Street   
District   
City or town   
County or administrative area   
Postcode   
Country

**Further Details**

Please give a brief description of the premises

Continued from previous page...

Is the applicant 18 years of age or older?

☐ Yes ☐ No

**Applicant Postal Address.**

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

\* Date of birth     
dd mm yyyy

\* Nationality

**Section 5 of 7**

**FURTHER INFORMATION**

Are you the holder of the premises licence under an interim authority notice?

☐ Yes ☒ No

Do you wish the transfer to have immediate effect?

☒ Yes ☐ No

Have you attached the consent form signed by the existing premises licence holder?

☒ Yes ☐ No

**Continued from previous page...**

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

☒ Yes      ☐ No

Have you attached the previous licence?

☐ Yes      ☒ No

Please enter your reasons

The license is lost

**Section 6 of 7**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Section 7 of 7**

#### **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23

Continued from previous page...

## DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE  
\* STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON  
SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED  
LIABILITY PARTNERSHIP, BUT NOT COMPANIES OR LIMITED LIABILITY PARTNERSHIPS] I UNDERSTAND I AM NOT ENTITLED  
TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT  
\* TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND  
THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK. I HAVE INCLUDED  
DOCUMENTS DEMONSTRATING MY ENTITLEMENT TO WORK IN THE UK (PLEASE SEE NOTES ON ENTITLEMENT TO WORK IN  
SECTION 6).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-3> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**Consent of premises licence holder to transfer**

I/we Nithiyatharmarkumar Vasanthgowry

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number 3369/2

*[insert premises licence number]*

relating to

Stop & Shop Off Licence  
885 Washwood Heath Rd  
Birmingham B8 2NA

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

3369/2

*[insert premises licence number]*

to

Khabir Hussain

*[full name of transferee]*

signed

name

(please print) Nithiyatharmarkumar Vasanthgowry

dated

08/02/20

Entered  
21

---

**From:** Christopher Jones  
**Sent:** 20 February 2020 10:16  
**To:** Licensing  
**Cc:** 'pmblicensing'; Abdool Rohomon  
**Subject:** Objection to premises licence transfer - 885 Washwood Heath Rd  
**Importance:** High

Good Morning Licensing,

West Midlands Police have received 2 applications - 1 for the transfer of the premises licence and the other for the transfer of the DPS for Stop and Shop 885 Washwood Heath Road, B8 2NA

West Midlands Police formally object to the transfer of the Premises Licence Holder.

West Midlands Police have concerns regarding the legitimacy of the application itself and are also concerned by a link the current applicant has to the previous business.

These concerns are to a standard that would undermine the crime & disorder licensing objective and warrant the exceptional use of our powers to object to the transfer.

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

Preventing crime, protecting the public and helping those in need.

If it's not 999, search WMP Online



[View all our social network links](#)

---

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3369 / 2

**Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**Stop and Shop Off Licence  
885 Washwood Heath Road**Post town:**

Birmingham

**Post Code:**

B8 2NA

**Telephone Number:**

Not Specified

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

M2 Sale of alcohol by retail (off the premises)

**The times the licence authorises the carrying out of licensable activities**

Monday - Sunday 06:00 - 00:00 M2

**The opening hours of the premises**

Monday - Sunday 06:00 - 00:00

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mrs Nithiyatharmakumar Vasanthagowry	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b>
--

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mrs Nithiyatharmakumar Vasanthagowry	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 6120	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 01/12/2010

David Kennedy  
Senior Licensing Officer  
For Director of Regulatory Services

---

**BIRMINGHAM CITY COUNCIL**

**Annex 1 – Mandatory Conditions**

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.



---

**BIRMINGHAM CITY COUNCIL**

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

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

Prior to the opening of the premises for the sale of alcohol, the proposed DPS will contact the appropriate licensing officer (Licensing Department, Queens Road Police Station) in order to establish the suitability for the role.

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

CCTV will be maintained and operating at all times the premises are open for licensable activities. Images will be stored for a minimum of 28 days and will be made available to members of the responsible authorities on request.

The licence holder shall install and maintain a CCTV system with 24 hour recording and replay.

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

No enforceable conditions identified from operating schedule.

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

The licence holder shall liaise with local Police with regards to unsociable behaviour.

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

The licence holder shall ensure children under the legal age will be encouraged to enter the premises with a responsible adult.

A challenge 21 policy will be operated. Only photographic Driving Licences, Passports and approved P.A.S.S. cards will be accepted as identification. A Refusals register will be kept evidencing attempted underage purchases.

---

**BIRMINGHAM CITY COUNCIL**

**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

**3b) Committee conditions to promote the prevention of crime and disorder**

N/A

**3c) Committee conditions to promote public safety**

N/A

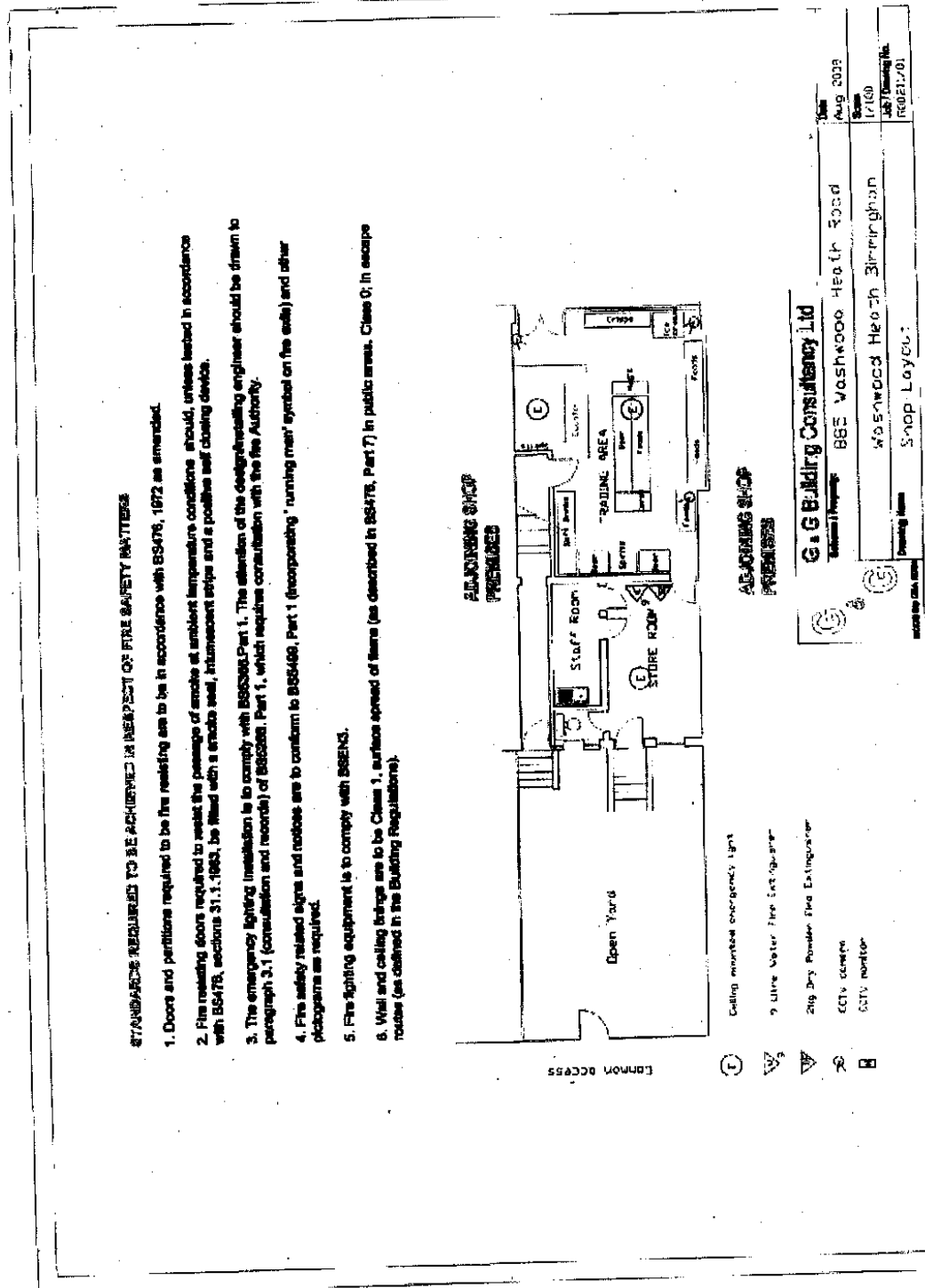
**3d) Committee conditions to promote the prevention of public nuisance**

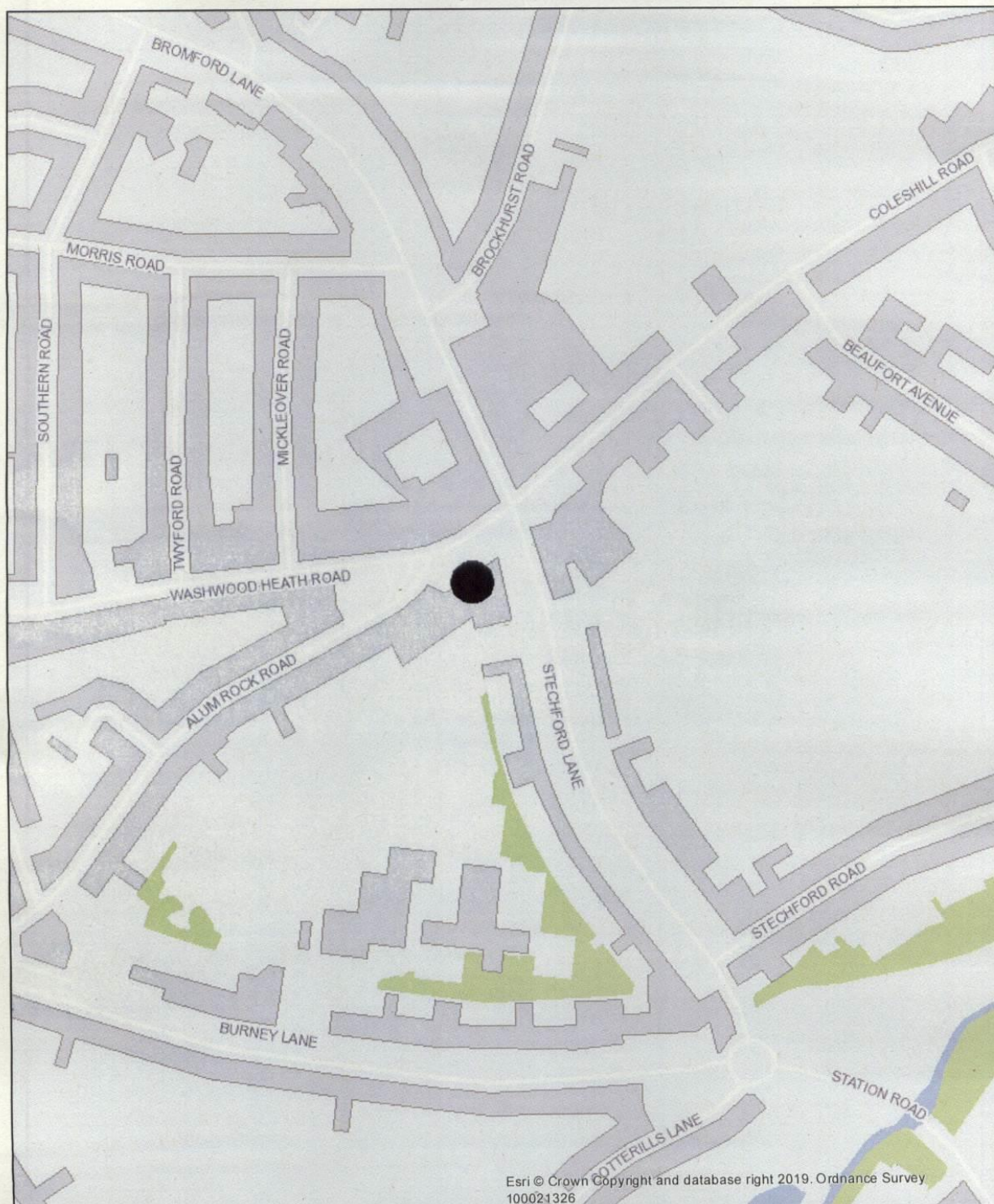
N/A

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

N/A

## Annex 4 – Plans





Esri © Crown Copyright and database right 2019. Ordnance Survey 100021326



**Birmingham**  
City Council

© Crown copyright. All rights reserved. Birmingham City Council 100021326 (2019).

You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

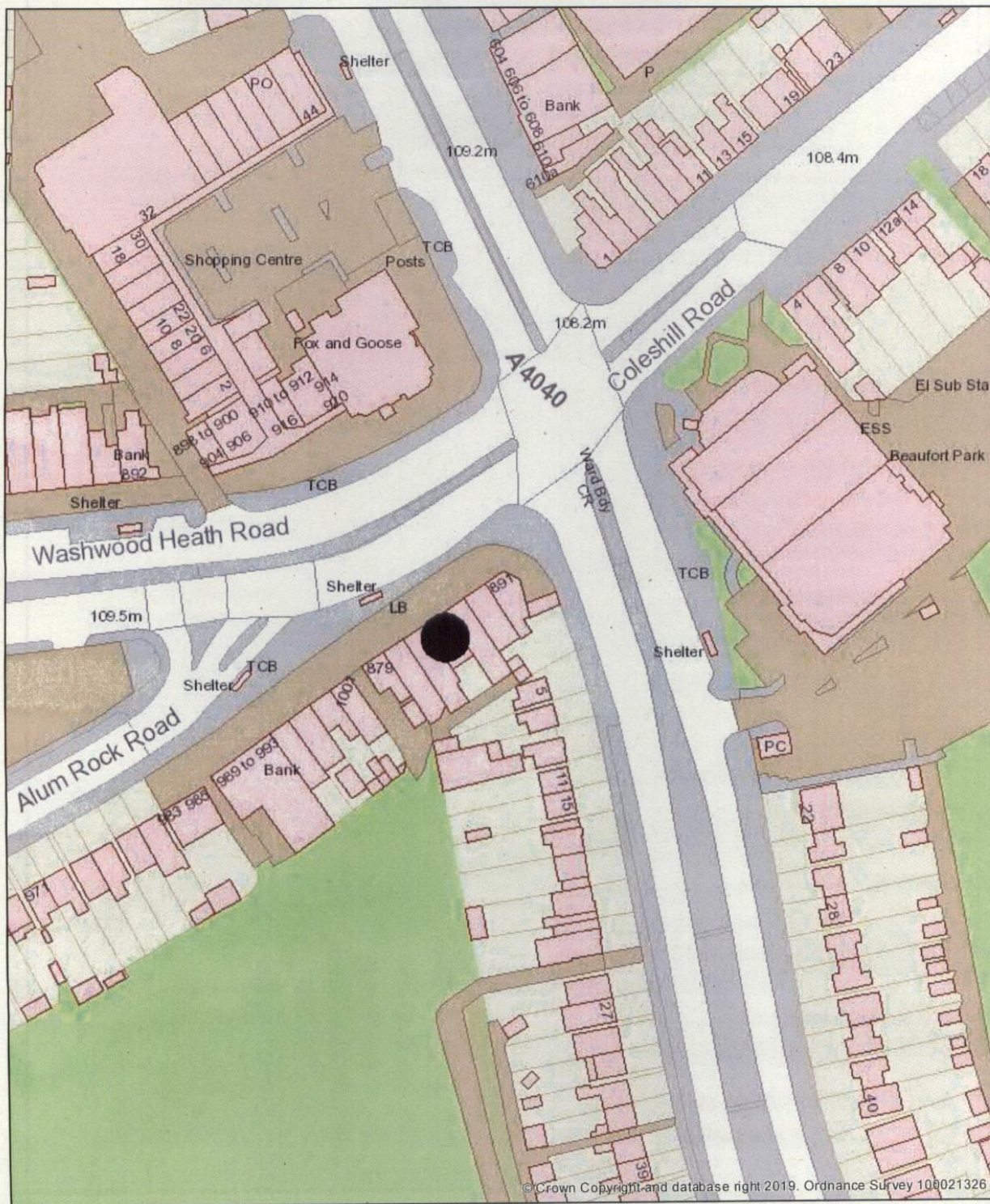
Date of Map Creation: 22/01/2020

Map Created By:

Scale: 1:4,000







© Crown copyright. All rights reserved. Birmingham City Council 100021326 (2019).  
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.  
 © GeoPerspectives, supplied by Bluesky International Ltd  
 Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

Date of Map Creation: 22/01/2020

Map Created By:

Scale: 1:1,250

