



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE

FRIDAY 22 JANUARY 2021

24-7 365 LOCAL, 109 VILLA ROAD, LOZELLS, BIRMINGHAM, B19 1NH

That the application by Mr Samuel Berhane for a premises licence in respect of 24-7 365 Local, 109 Villa Road, Lozells, Birmingham B19 1NH **BE REFUSED.**

In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of crime and disorder in a difficult area, namely the Villa Road vicinity of Lozells.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by West Midlands Police regarding the impact of the proposed operation on the particular locality of the premises, in an area renowned for street drinkers, begging and houses in multiple occupation.

The Police documents in the Report gave the full picture of the situation facing the neighbourhood policing team, particularly the prevalence of street drinkers. Whilst the applicant had offered to reduce the hours of operation to 11.00 – 02.00, this was still to a very late hour, and included the times of day when street drinking was known to be a problem in Villa Road. The additional conditions, offered by the applicant in advance of the meeting, were also unsatisfactory in the view of the Police, and indeed included some matters which were already covered by legislation.

All of these were issues likely to place the crime and disorder objective at risk without very careful management by the licence holder. However, the Police were particularly concerned about the applicant's personal suitability in this regard. The Sub-Committee heard from the applicant and his legal representative that Mr Berhane was a businessman who had had previous experience in operating alcohol licensed premises, namely a bar. However the attention of the Sub-Committee was drawn to two visits to the premises, undertaken by Police on the 4th and 5th January 2021, which were described in the Report.

Upon entering the premises on the 4th January 2021, Police found bottles of alcohol on the shop shelves, despite no alcohol licence having been granted. The Sub-Committee was taken aback by this; as a personal licence holder, Mr Beharne should have been more than aware that he could not do this, and should definitely not have required advice from the Police about it. Moreover, the alcohol bottles on the shop shelves were observed on two consecutive days, despite advice being given on the first day. Equally worrying was the complete lack of Covid-safe measures, required by law, in the ongoing pandemic which had dominated all News bulletins for the past ten months. The Sub-Committee therefore had very little confidence in the applicant as a responsible person.

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 either the applicant or the proposed operation of the premises were capable of upholding the licensing objectives given the challenges of Villa 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 Members considered that neither modifying conditions of the licence (beyond that which had already been offered by the applicant), refusing the proposed Designated Premises Supervisor, nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations.

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, his legal adviser, and those making representations (namely West Midlands Police).

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.