

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 15 JULY 2020 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant 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 will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 30

4 MINUTES

To confirm and sign the Minutes of the two meetings held on 6 May 2020 and the meeting held on 13 May 2020.

31 - 58

**5 LICENSING ACT 2003 PREMISES LICENCE – GRANT MINI
SUPERMARKET, 121 WITTON LODGE ROAD, PERRY COMMON,
BIRMINGHAM, B23 5JD**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am

6 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 6 MAY 2020

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 6 MAY 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Martin Straker-Welds and Bob Beauchamp.

ALSO PRESENT

David Kennedy – Licensing Section
Bhupinder Nhandra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services
Phil Wright – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

- 1/060520 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/060520 **DECLARATION OF INTERESTS**

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 will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/060520 Apologies were submitted on behalf of Councillors Neil Eustace and Councillor Bob Beauchamp was the nominee Member.
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**LICENSING ACT 2003 PREMISES LICENCE – REVIEW – THE
OBSERVATORY, 44A BARKER STREET, LOZELLS, BIRMINGHAM, B19 1EP**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Richard Green – South Road Housing Co-operative (SRHC)
Nicole Madourie – Resident

Those Making Representations

PC Abdool Rohomon – West Midlands Police (WMP)
Christina McCullough – Licensing Enforcement Officer (LEO)

On behalf of the Premises Licence Holder (PLH)

Richard Clarke – Clarendon Homes Ltd
Jake Flanagan - Portcullis Group

The Chairman introduced the Members and officers present and after a short pause due to technical difficulties the Chair asked if there were any preliminary points for the Sub-Committee to consider. No one indicated that they had any preliminary points.

However, the Chairman advised the Committee to note that he did know Mr Richard Green; whom used to be a Council Officer however, the Chairman confirmed the association was only in a professional capacity.

Further, Mr Flanagan wished to highlight that although the hearing was well intentioned, it was distracting, and he felt it may impede his client's ability to a fair hearing.

The Chairman advised that the meeting would be adjourned to seek legal advice. At this stage the three Members, Committee Lawyer and Committee Manager went into a private on-line meeting.

The public session was resumed and having considered Mr Flanagan's point, the Chairman confirmed that although there had been some technical difficulties early on and a delayed start they would continue with the hearing.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy to outline the report.

Afterwards, the Chairman invited Mr Richard Green to outline the review application. At which stage Mr Green made the following points: -

- a) That the application had been submitted on behalf of the local residents and community who had been directly affected by the ASB (antisocial behaviour) as a result of this premises.
- b) The local residents had been continuously affected by the nuisance, excessive noise and street BBQs all associated with the premises. During the 2019 December holiday period the nuisance happened frequently, especially Christmas Eve, Boxing Day and then throughout the new year.
- c) SRHC and WMP made attempts to engage with the licensee to no avail, including sending out numerous letters to both registered addresses; one on the 22 August 2019 and one on 18th September 2019. The licensee was put on notice but again did not respond or take any positive steps to engage or take any action. The PLH had a complete lack of regard for the local community.
- d) The premises was causing a significant nuisance and therefore they requested that the licence be revoked and the premises be indefinitely closed.

Ms Nicole Madourie added that some local residents had been threatened verbally and had also experienced people urinating by/on their properties. The persons who were seen doing it had emanated from The Observatory.

Members asked questions and Mr Green responded: -

- a) That he had sent a letter to the licensee and there had never been any response or acknowledgement of the complaints highlighted in the letters.
- b) In total 3 letters had been sent to the licensee. The nuisance had been going on sometime and they had held some multi-agency meetings before deciding to send the letters.
- c) The issue was a combination of everything; noise nuisance, fights outside the premises, a stabbing and other ASB. The residents had safety concerns and were being impacted by the noise nuisance.
- d) There had not been a petition set up. Mr Green thought that the residents were in fear of complaining.
- e) That none of the letters were sent recorded delivery.
- f) Within 200 meters there were 7 or 8 residential properties, 4 of whom had made complaints.
- g) That there had been police logs, but he had not included them in the review application.
- h) That the residents on Barker Street had off street parking and therefore, they could only assume the parking issues were from the observatory.

The Chairman invited PC Rohomon, WMP to make his representation at which stage PC Rohomon made the following points: -

- a) That it was the local police team who had been involved with the premises and had attended the multi-agency meetings.
- b) That WMP had received several calls over the last year from concerned residents in relation to ASB (anti-social behaviour) emanating from the premises. Issues such as parking, street BBQs and noise nuisance had been brought to WMP's attention.
- c) WMP had met with the DPS and given her advice relating to such issues.
- d) Residents were living extremely close to the premises and it was clear that the premises was causing issues.
- e) WMP were under pressure from residents to resolve the issues. The local neighbourhood team had been working with the premises to try and resolve the issues, however the issues would cease for a short time, but then reoccur.

In answer to questions from Members, PC Rohomon gave the following responses: -

- a) That WMP had received 7 immediate calls (emergency) and then 2 further calls which were in relation to ASB. Although PC Rohomon confirmed he had not been through the entire list, he knew there were a fair few listed on the police system.
- b) The stabbing was a result of a robbery and the victim was uncooperative and therefore, WMP were unable to ascertain that the fault could be attributed to the licensed premises. The circumstances were similar with the fire bombing incident, where again WMP struggled to attach a degree of fault to the premises.
- c) PC Rohomon had no information about a fight, other than an incident where two people were fighting, and a group of people had gathered round to watch and therefore he couldn't assist the Members any further regarding that.
- d) Letters had been sent to the licence holder, however they were not aware of any response from them and there was no evidence of any replies from the licensee.
- e) They had been in contact with the DPS prior to the review application being submitted. WMP gave her advice and she was made aware of the problems.
- f) That the police had intervened, but the issues would only resolve for a short period and then reoccur.
- g) That the issues outside the premises could be resolved with SIA door staff. The hours of operation were clearly an issue which needed addressing. The premises was situated in close proximity to residents.

- h) PC Rohomon confirmed that there were measures that could be taken to control the issues however, if the issues weren't resolved by conditions then revocation would be the next course of action.
- i) The DPS was not the strongest person, however, more stringent conditions would give her more support.
- j) If Members were minded to add conditions on the licence, they needed to be confident that the PLH could uphold them and adhere to them. Currently, the PLH had a distant relationship with the DPS, who had been left to manage the premises. The PLH had also been difficult to get hold of and therefore did not inspire confidence that they had adopted a hands-on approach.
- k) The licensing objectives were there to reduce risk and if the measures weren't met there would be a massive risk to public safety.
- l) The ASB threat was primarily outside the premises, however, some of the noise nuisance was emanating from inside the premises.

On behalf of Licensing Enforcement, Ms Christina McCullough made the following points: -

- a) The premises came to the attention of Licensing Enforcement in July 2008 and they had received a total of 23 complaints from residents including allegations in relation to street BBQs, ASB and the premises operating outside of their licensable hours.
- b) Licensing Enforcement had carried out visits and spoken with the DPS regarding the concerns of residents and there had been periods with no complaints, however, the issues kept resurfacing.
- c) Since 2017 there had been 13 complaints.
- d) The DPS did not accept that the premises was causing problems.
- e) The premises had no CCTV. Residents were scared to come forward with complaints.
- f) That they had tried to get in contact with the licence holder but had not been successful. If the address or contact information was wrong, then the premises licence holder had failed to update it.

In answer to members questions Ms McCullough made the following points: -

- a) That every time she visited the premises the DPS was present.
- b) The premises licence did not have any conditions as it was an older style licence.
- c) The premises licence permitted the sale of alcohol until 0100 hours.

- d) The premises was quite small so it didn't have a huge capacity.
- e) That it was difficult to say whether the DPS would be strong enough to enforce conditions.
- f) If licensable hours were reduced and the premises employed door staff then she felt the issues would be able to be better managed.
- g) The premises licence fee was due in November and was 4 months late.

The Committee Lawyer confirmed the fee had now been paid by the licence holder.

Mr Jake Flanagan was invited to make his representation on behalf of the premises licence holder and as such made the following points: -

- a) Mr Flanagan confirmed he was representing the licence holder and had never met the DPS before so therefore could not make any comment on that.
- b) He also told the Committee that nothing he was going to say on behalf of the licence holder was in anyway an attempt to justify conduct as clearly there had been issues and legitimate concerns from residents.
- c) That the PLH had not received the letters as described.
- d) The PLH had been led by the information they had received from the DPS and had not been made aware of anything untoward. The PLH was a responsible operator of licensed venues in Birmingham, Warwickshire and Manchester.
- e) There was no indication of how many people had complained. The complaints were all using similar language and themes, the word 'rowdy' appeared in the first four complaints, which led Mr Flanagan to surmise that it was just one complaint.
- f) Further, he also raised a point specifically that out of 23 complaints how many were being directly affected and how many of the complainants had made representations. It was not clear.
- g) There had been no breach of the licence conditions.
- h) It was difficult to attribute any blame or issues directly to the premises.
- i) The headline grabbing incidents such as the 'stabbing' resulted in no action and no expedited review application. It was not possible to link the activity to the premises.
- j) There were no representations from the Environmental Health department and no enforcement action.

- k) WMP stated they had reports of incidents but not enough for any action to be taken, and there was no more information.
- l) There had been periods of 3-4 years where the premises had no issues, no complaints and had been operating well. That would suggest that the DPS was more than capable of managing the premises.
- m) The 13 complaints brought to the attention of the Committee by the LEO had mainly occurred between May – July last year and many of them used similar language – therefore suggesting it was one person making multiple complaints.
- n) That the PLH was largely unaware of the issues, until the review process was triggered.
- o) They were not seeking to justify the conduct of the DPS and although the PLH does hold regular meetings with her, they are very much DPS led and reliant on her providing them with accurate information.
- p) The position of WMP and the LEO was that there were issues but not attributable to the premises. Additionally, if the concerns could be linked to the premises WMP would have submitted an expedited review application or alternatively taken action against the premises, yet they had not.
- q) That the PLH was operating in ‘blissful ignorance’ and should be given the benefit of the doubt and an opportunity to put it right.
- r) That things needed tightening up.
- s) That jumping straight to revocation was not justifiable.
- t) The PLH was very capable and the DPS had been working at the premises for a long time.
- u) There was nothing from the representations that could be attributed to the premises.

In answer to questions from Members, Mr Flanagan made the following points: -

- a) The PLH has not had any direct contact with any responsible authorities. They had been in contact with the DPS however, she had been clear that whilst there had been incidents, none of them could be linked to the premises. WMP and the LEO had accepted that the evidence could not be related directly to the premises, and therefore had not enforced any action.
- b) The PLH could answer some of the questions.

Mr Richard Clarke, on behalf of the PLH made the following points: -

- a) That they had been in contact with the DPS and she had never mentioned anything regarding issues at the premises. Therefore, they were obviously ill

informed and when they asked questions, she always said there had been no issues.

- b) That their involvement should have gone further, which would have ensured they knew what was going on.
- c) The communication with the DPS had been limited.
- d) The issues had not been brought to the PLH's attention.
- e) That he had confidence in the DPS to put conditions into place and felt she was a 'strong lady'.

Mr Flanagan added that whilst they didn't know about the issues, they did know now and wanted to strengthen the licence and issue a 'system of oversight' so they could find out about issues straight from the 'horses' mouth'. The operating schedule was no longer suitable.

At this stage the meeting was adjourned in order to allow all parties to take a short comfort break. Due to the meeting being held virtually all parties muted their microphones for 15 minutes and the meeting was resumed at 1239, where all parties were invited to 'unmute' their microphones and the Chairman invited PC Rohomon to seek clarification regarding a few points.

PC Rohomon asked when the PLH first became aware of the review.

Mr Clarke confirmed that they were experienced operators and did not know about the review until the review application was submitted.

PC Rohomon enquired as to why they did not know about the issues before.

Mr Clarke advised that although the company was not that experienced in the operation of licensed premises, he was very experienced, and he was representing them. At the time he had been furloughed and therefore, it was not possible to do anything before.

Mr Flanagan added that it was not possible to do anything before due to the timing. Mr Clarke had been furloughed and it would be disingenuous to attach any weight on the date in March that his client became aware of the review.

PC Rohomon sought clarity over Mr Clarke's role in the company as he was not listed as a director on Companies House.

Mr Clarke confirmed that although he was not a director he worked directly for the directors.

Mr Flanagan confirmed that Mr Clarke as more of a regional manager.

Following the representations, all parties were invited to make a closing submission.

In summing up Ms McCullough, on behalf of Licensing Enforcement made the following points: -

- That the conditions attached to the licence were not adequate.
- The location of the shop needed to be considered, especially given the operating hours which were until the early morning hours.
- The operating schedule had no conditions to help alleviate the concerns. It was difficult for her to investigate complaints without enforceable conditions or CCTV.
- She had spoken to various residents and on balance the premises were causing issues.
- They had difficulty contacting the licence holder and its not clear how they were supposed to contact them.
- It was not a good defence to say they didn't know what was going on. They simply do not have control of the premises.
- That she was not sure whether conditions would work.
- Numerous visits had been carried out.
- That she didn't agree with the proposed conditions, the premises would need SIA door staff to filter people away in order to cause less disturbance.
- She did not believe the PLH or DPS could comply with the licence and therefore suggested the licence be revoked if the Committee was not minded to attach conditions to the licence.

In summing up PC Rohomon, on behalf of WMP, made the following points: -

- That there had been intervention and therefore a degree of enforcement has been actioned against the premises.
- The submissions from the PLH/representative suggested that the licence wasn't fit for purpose. However, they still always had to promote the licensing objectives and should have been doing so. Just because the licence had a lack of conditions that did not mean the objectives disappeared.
- That the operator was not experienced.
- The PLH had not even attended, they had just sent an employee.
- That the Committee needed to be able to trust the operator.
- Mr Clarke could get sacked tomorrow.

- That he had not heard anything today the inspired confidence in the operator.
- The PLH found out about the review before lockdown yet chose not to engage with any of the responsible authorities.
- That if the Committee were minded to add conditions to the licence, the ones offered by the premises did not go far enough. The LEO conditions were better, but the real question was whether the Committee had confidence in the operator.

In summing up Mr Green made the following points: -

- That the only appropriate course of action was to revoke the licence however if the Committee were minded to attach conditions, he requested that the ones he had submitted also be attached.
- Further, that amendment to the opening hours should be considered and he suggested that the premises should not operate beyond 2300 hours.
- There should be a 6-monthly review of the licence conditions and the PLH/DPS should respond to correspondence when put on notice about ASB or nuisance behaviour.

In summing up, Mr Flanagan on behalf of the PLH, made the following points: -

- That the Committee had been asked to revoke the licence for a premises which had been in operation pre-dating the Licensing Act. The premises had seen great periods of successful operation and not only were the Committee being asked to revoke the licence of a premises who has demonstrated it can operate successfully, they were also being asked to do so on the basis of information that had not been acted upon.
- The PLH had been furloughed and therefore was unable to respond straight away to the review, PC Rohomon was using that as a way of suggesting the premises was not being managed appropriately.
- There was a line of communication missing which needed rectifying.
- There was no information from the WMP neighbourhood team and therefore, the Committee had been asked to make assumptions about that, even though Environmental Health had made no representation.
- The complaints were unclear. There was no information to indicate how many people had made complaints, or whether it was simply one person keeping a log.
- They were fully committed to the new operating schedule and felt the issues could be dealt with.

- They accepted there had been issues and wanted to deal with it.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/060520 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Clarendon Homes Ltd in respect of The Observatory, 44a Barker Street, Lozells, Birmingham B19 1EP, upon the application of the South Road Housing Cooperative, this Sub-Committee hereby determines that the licence be revoked, and that the designated premises supervisor Sophia Lawrence be removed, in order to promote the prevention of crime and disorder, public safety and prevention of public nuisance objectives in the Act.

Owing to the critical incident response to the Covid-19 outbreak, the initial hearing scheduled for Wednesday 1st April 2020 was adjourned under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, as it was deemed in the public interest to do so. The meeting was held on 6th May 2020 via Microsoft Teams, with a simultaneous livestream being broadcast on the City Council's website.

The Sub-Committee listened to the concerns expressed by the South Road Housing Cooperative relating to the premises trading outside the licensed hours, and being the source of antisocial behaviour, noise at late hours, parking disputes, and other public nuisance including the holding of street barbecues. Numerous attempts had been made by the Housing Cooperative to contact the licence holder company, by letters sent to the Registered Office address as well as another address, but no response had been received. It had become apparent that the designated premises supervisor had displayed an inadequate management style. It was also apparent that the licence holder company took no interest whatsoever in the premises, or the upholding of the licensing objectives.

West Midlands Police also made representations to confirm that they were aware of the issues. They supported the application for review. They too had been unable to contact the licence holder, but had had some dealings with the designated premises supervisor. The Police noted that the licence holder had suggested some additional conditions in advance of the meeting; however it was the Police view that before additional conditions were considered, the onus was on the licence holder to demonstrate to the Sub-Committee whether or not the premises would be capable of proper operation.

The Sub-Committee then heard from Licensing Enforcement who had experienced similar difficulty in contacting the premises licence holder, as they had not notified changes of address to the Licensing Department. Licensing Enforcement agreed with others making representations that the premises was a public nuisance and the source of antisocial behaviour; a particular worry was the trading beyond the licensed hours, which had been observed by local residents.

The premises licence holder company addressed the Sub-Committee through its representative. The main thrust of the licence holder company's submission was that the licence holder was led by the designated premises supervisor; in addition, there were limited communications, and therefore the licence holder was not aware that there was anything untoward happening.

The Sub-Committee was not impressed at all by these submissions. Some of the comments made by the representative were extraordinary – one example was, “the premises licence holder was unaware. He should have been, but wasn't”. This inspired no confidence whatsoever, and the Sub-Committee suspected that the real position was that the licence holder had no interest or involvement in the premises, leaving everything in the hands of the designated premises supervisor. It was noteworthy that the licence holder company's lack of interest also extended to the notifying of change of address, and even to the payment of the licence fee (its representative confirmed that the company had paid the fee two days before the instant hearing; unfortunately the due date for the fee was in November 2019).

The licence holder's representative remarked that although he did not seek to justify the licence holder's conduct, the company was dependent on the designated premises supervisor to keep it informed of problems; this had not happened, and therefore the company had been unaware. This remark entirely missed the point, namely that it was the licence holder's responsibility to appoint a suitable person and to ensure that that person received proper direction/instruction, and at the very least to ensure that proper levels of contact were maintained with the licence holder.

In response to their questions about the level of involvement which the licence holder had with the premises, the Sub-Committee was astonished to hear the representative state that, because the company was unable to be present in the venue, “if they don't know, they don't know”. The Members looked askance at this remark, which seemed to sum up the licence holder company's attitude to its responsibilities. It was the company's responsibility to ensure that they were aware, through the appointment of a suitable person, and by taking a proper interest in the operation. Such a responsibility was an elementary part of the holding of licences, especially as the licence holder company described itself as an experienced operator which held other licences elsewhere (in Manchester and Warwickshire).

An employee of the company then addressed the Sub-Committee; this person stated that he was currently on furlough from his employment, following the national lockdown imposed by HM Government due to the Covid-19 pandemic. It was noted that the company had chosen not to send a Director to a Sub-Committee meeting in which their licence was at stake, but instead had sent a furloughed employee.

The employee stated that although the company accepted that it had not had as much involvement as it should have had, they intended to “change that, and have more constructive input as necessary”. In response to questions about the designated premises supervisor, he replied, “obviously, we've had conversations

with her and she has never brought up anything about anything going on”. He then added, “it is only now, listening to the facts, that we see we should have had greater involvement”. He agreed that it was fair to say that there had been limited communications between licence holder and designated premises supervisor.

This seemed to be the root of the problem at The Observatory. An unsuitable individual had been appointed, was running the premises, and not keeping the licence holder informed; equally the company did not take sufficient interest, and definitely did not demonstrate the level of responsibility expected of any licence holder. All in all, it was a very poorly managed operation. Yet when asked whether the company had confidence in the designated premises supervisor to uphold the company’s proposed conditions, the employee agreed that the designated premises supervisor would be able to do so. This was completely unpersuasive.

Upon hearing the submissions from the company’s representative and employee, Licensing Enforcement remarked that the company’s responsibility had been to ensure proper operation; they had not done this. There was no control, or even involvement, from the licence holder, and grave doubts about whether the designated premises supervisor was a capable person. Licensing Enforcement therefore recommended revocation.

West Midlands Police also had doubts about the company’s proposed new conditions, and whether they could improve the operation; the problem in the eyes of the Police was whether the company could be trusted to comply with such conditions in order to operate properly. In any event, as the Police pointed out, the imposition of new conditions was not really the issue; regardless of the conditions, the premises had a duty to uphold the licensing objectives, and had failed in this regard. The Sub-Committee agreed with these submissions. The Sub-Committee was not at all convinced that the licence holder company understood its own duties in terms of either accountability or responsibility.

In summing up, the premises’ representative repeated that, “we got to this position because we did not know what we did not know”, and stated that, “a line of communication needs to be integrated into the operating schedule”. This was surprising to hear; an experienced company holding licences elsewhere should not need an operating schedule to set out the day to day communication between licence holder and staff. It did not inspire confidence in the company or its management capabilities. It was also apparent that the company attributed a lot of the problems to ‘lack of communication’ without acknowledging that it was the company itself which made it difficult, or even impossible, for anyone to contact them; the Sub-Committee considered that this state of affairs perhaps also applied to their internal management contact arrangements.

The representative ventured his opinion that those making representations had not demonstrated the scale of the problem. However the Sub-Committee felt that all three submissions had made clear that the premises was not upholding the licensing objectives. Moreover it was after hearing directly from the company representative and employee that the Sub-Committee’s attention was drawn to the wholly inadequate management arrangements (especially relating to communication), lack of responsibility, and in fact the general unsuitability of the

licence holder and designated premises supervisor to operate without causing nuisance and antisocial behaviour in the Barker Street vicinity. Accordingly the Sub-Committee resolved to revoke the licence and to remove the designated premises supervisor.

The Sub-Committee gave consideration as to whether it could suspend the licence for a specified period of not more than 3 months, or whether it could modify the conditions of the licence (having examined the conditions proposed by the licence holder, and also those suggested by Licensing Enforcement). However the Sub-Committee was not remotely satisfied, given the presentation by the licence holder and the employee during the meeting, that the licensing objectives would be properly promoted following any such determination. All in all, the Sub-Committee had no confidence that either the licence holder or the designated premises supervisor were capable of proper operation.

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 issued by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the South Road Housing Cooperative, West Midlands Police, Licensing Enforcement, and the premises licence holder (via their representative and their employee).

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. The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed, until the appeal is determined.

Please note, the meeting ended at 1308.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 6 MAY 2020

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 6 MAY 2020 AT 1500 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Nicky Brennan.

ALSO PRESENT

David Kennedy – Licensing Section
Bhapinder Nhandra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services
Phil Wright – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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2/060520 **DECLARATION OF INTERESTS**

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 will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/060520 Apologies were submitted on behalf of Councillors Neil Eustace and Martin Straker-Welds and Councillors Nicky Brennan and Mary Locke were the nominee Members respectively.

**THE BRICKLAYERS ARMS, 218 ICKNIELD PORT ROAD, BIRMINGHAM B16
0EA – LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME
REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF
PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS.**

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for Review of Licence, a copy of Premises Licence and Location maps were submitted:-

(See document No. 1)

On Behalf of the Applicant

PC Abdool Rohomon – West Midlands Police (WMP)
Chris Jones – West Midlands Police (WMP)

On behalf of the Premises Licence Holder

Malcolm Ireland – Napthens of Blackburn Solicitors

The Chairman introduced the Members and officers present and prior to the commencement of proceedings the Chair asked if there were any preliminary points for the Sub-Committee to consider. No one indicated that they had any preliminary points.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy to outline the report.

Afterwards, the Chairman invited PC Rohomon to outline the Expedited Review application. At which stage PC Rohomon made the following points: -

- a) He would be highlighting what had happened and would also be referring to information that WMP had received previously in relation to the premises. PC Rohomon also stressed the importance of licensed premises following the Covid-19 guidelines and continuing to stay closed.
- b) On 2 May 2020 at 1500hrs WMP received a phone call via the 101 system. The caller indicated that The Bricklayers Arms were in fact open, despite the Covid-19 national lockdown, and that people were entering through a back gate in order to access the premises. Following the phone call, officers were despatched to the premises. Upon arrival, officers did discover a side gate, which was open. The officers went through the gate into the premises and found people inside. One person in particular had to be ushered out and was 'worse for wear' and not at all sober. Even more concerning, was when WMP were obtaining his details, he was a 64-year-old man. PC Rohomon concluded that it was an extremely worrying situation, given that the man was 64 years old, approaching the at-risk age category.

- c) When officers entered the premises they found the premises was 'fit and ready' and clearly open for licensable activity. They discovered the gaming machines and television to be on and working and could smell smoke from cigarettes. Further, the officers also discovered glassware and beer cans around the premises.
- d) There were several people inside the premises and WMP were in the process of getting statements from them.
- e) That it was not the first time the premises had come to the attention of WMP. WMP had received several calls previously, however they had not been able to gain entry to the premises when officers had been despatched. WMP received a 999 call on 30 March 2020, the caller was concerned that she had been asked to go to The Bricklayers Arms even though licensed premises should have been closed.
- f) PC Rohomon clarified that the nation was in the middle of a Pandemic as a result of the Covid-19 outbreak and the Government had imposed lockdown measures to protect people. He stated that the premises opening during this lockdown was simply putting lives at risk; people were losing their lives as a result of Covid-19.
- g) The man who was ushered out of the premises stated he was not a family member and had only gone there to have a few cans of lager. PC Rohomon confirmed that his explanation was not deemed essential travel and nor was it a legitimate excuse. The premises was putting not only themselves at risk but also the wider public.
- h) That public nuisance was deemed serious crime; however, this was an unusual case.
- i) WMP had visited several premises during the lockdown period, of which the majority were stripped of their alcohol and clearly not operational. In complete contrast, this premises was well stocked with spirits and people were coming and going through a back gate.
- j) That they had requested CCTV from the premises but were yet to receive it.

The Chairman invited the Members of the Sub Committee to ask any questions and PC Rohomon gave the following answers:-

- a) The initial record from officers at the premises indicated that there were 3 people inside the premises at the time of the inspection by WMP.
- b) That WMP had received at least two phone calls regarding the premises being open during lockdown. PC Rohomon confirmed he was trying to point out that the premises had been caught only once, however there were at least three other records of the premises being open.

At this stage the Chair invited Mr Malcolm Ireland, on behalf of the PLH to make his representation and as such, Mr Ireland made the following points: -

- a) That the PLH was not directly involved with the day to day running of the premises and they only had limited exchanges with the tenant.
- b) The PLH was a responsible operator and they did not make any objection to WMP taking action.
- c) They had not yet had chance to investigate the matter and did not have any objection to an interim suspension in order to give them time to find out what had been happening.

Following the representation from Mr Ireland, both parties were invited to make a closing submission.

In summing up PC Rohomon made the following points: -

- That due to the severity of the incident, WMP were requesting a suspension. PC Rohomon confirmed he had already spoken to Mr Ireland about the suspension.

In summing up Mr Ireland made the following points: -

- That he had communicated what he needed to.
- His client was a responsible operator and they needed time to investigate what had occurred.
- They would work with WMP in order to take appropriate action.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/060520 **RESOLVED:-**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Admiral Taverns Limited in respect of The Bricklayers Arms, 218 Icknield Port Road, Birmingham B16 0EA, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

and

- that Jennifer Elizabeth Henry be removed as the Designated Premises Supervisor

Before the meeting began the Sub-Committee was aware of the *Health Protection (Coronavirus, Restrictions) (England) Regulations 2020* - in particular regulation 4 of these Regulations, requiring premises and businesses to close, and also Schedule 2, which confirms that the Regulations apply to pubs and bars. These Regulations have been in force since 26th March 2020.

Members heard the submissions of West Midlands Police, namely that on Saturday 2nd May 2020, the premises was discovered to be open and trading, in defiance of the national lockdown which had been imposed by HM Government during March 2020. Patrons were entering through the back door in order to buy and drink alcohol, play gaming machines, watch the television – all the usual activities which would have gone on in The Bricklayers Arms were it not for the national lockdown.

The Police explained that the premises' decision to open was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid 19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with the law, in order to save lives. It was therefore a flagrant public nuisance for any licensed premises to breach the lockdown to open to the public and conduct licensable activities.

The Sub-Committee determined that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. There was a suggestion from the Police that their records of 999 calls indicated that, in addition to the trading discovered on Saturday 2nd May, there may have been other instances of the premises being open and trading, with patrons simply using the back door to enter. In order to prevent further serious crime, the Police asked that the licence be suspended pending the full review of the licence.

The premises licence holder's legal representative then addressed the Sub-Committee. The Members found his submissions very helpful. The premises licence holder did not object to the suspension, took the allegations seriously and intended to take a responsible attitude by cooperating with Police.

Having heard the premises' submission, the Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, or exclusion of the sale of alcohol or other licensable activities. Obviously, these were not appropriate in the context of the national lockdown.

However the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, ie the decision to defy the lockdown in order to trade as usual. Therefore the risks could

only be addressed by the suspension of the Licence but also removal of the DPS, pending the full Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the Police and by the premises licence holder's representative at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

Please note, the meeting ended at 1125.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 13 MAY 2020
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 13 MAY 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Nicky Brennan.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services
Phil Wright – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

- 1/130520 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/130520 **DECLARATION OF INTERESTS**

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 will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/130520 Apologies were submitted on behalf of Councillors Neil Eustace and Martin Straker-Welds and Councillors Nicky Brennan and Mary Locke were the nominee Members respectively.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – MARS PIZZA, 130
ALCESTER ROAD, MOSELEY, BIRMINGHAM, B13 8EE**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Masoumeh Aghaei – Art Fast Food
Chris Hopkins – No5 Chambers
Reza Sherafty – Agent
Azam Shafa – Solicitor – Lawrence Kurt Solicitors

Those Making Representations

Fiona Adams – Moseley Society
Stephen Sandys – Resident Association
Jane Harvey – Resident

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Shaid Yasser to outline the report.

Afterwards, the Chairman invited Mr Hopkins, on behalf of the applicant to outline the application. At which stage Mr Hopkins made the following points: -

- a) That he didn't intend to repeat what was in the report.
- b) Mars Pizza was currently unlicensed, and the application presented an opportunity for the Committee to condition the premises. The position with Licensing Enforcement was agreed.
- c) The new opening hours would put Mars Pizza on a level playing field with other premises in the area.
- d) That paragraph 6 of the documents addressed the concerns of residents. All bins were checked at the end of every day, the manager was carrying out periodic checks via the CCTV monitor especially of the larger external bins.
- e) The premises had ordered a larger bin from the Council, but it was yet to arrive.
- f) There was no history of noise complaints and they had agreed conditions and included notices to manage noise.

In response to questions from Members Mr Hopkins made the following statements: -

- a) The bins were collected every week, on Tuesday.
- b) The larger bin would also only be collected once a week.
- c) The photographs were taken shortly before the bin was collected.
- d) The bigger bin was ordered to address the concerns of residents.
- e) The applicant took over the premises in 2019.
- f) The first request made to BCC for a larger in was rejected as they determined it was not required for the business. Then a further request was made in April and that was the one that was being actioned.
- g) That initially the Council said that they didn't offer larger bins to food takeaway businesses.
- h) That clearly the photographs showed that the state of affairs was unacceptable and there was clearly a need for a larger bin, which was ordered and would be further assisted by daily checks by management.
- i) When the applicant took over the premises it already had a licence in place. There's a requirement for a formal transfer to take place, the applicant accepted that they weren't fully aware of the licence requirements at the time. She had now made the proper application and moving forward the intention of the business would be to comply with the licensing objectives.
- j) His client did not accept that trade waste had been burnt at the premises.
- k) That he had not witnessed any warning notice, but he had seen an email from the Licensing Enforcement Officer in relation to waste.

Ms Aghaei confirmed that she had received a letter regarding burning rubbish however, no one had complained directly to her. She checked the rubbish daily.

The Chairman invited Mr Sandys to make his representation, at which stage he made the following points: -

- a) That he was going to be making two representations as he would be speaking on behalf of Ms Adams, who was representing the Moseley Society.
- b) During the last 12-18 months a new block of apartments had been constructed behind the premises, Mars Pizza. Some of the residents at the back had made representations.
- c) A takeaway had been operating from the premises for a number of years.

- d) The concerns centred around nuisance and public safety. Residents in the apartment were concerned about noise; the door at the premises was often left open and noise would emanate from the premises. Some of the apartments had balconies so the noise was impacting them directly.
- e) The rubbish was a perennial problem and he couldn't say any more about it.
- f) That he had witnessed the burning incident and made the complaint to the Council. He was walking past and noticed an individual piling rubbish up and pouring liquid over it. He went to Moseley central and when he returned, he noticed roaring flames. He went to Mars Pizza and told them there was an out of control fire outside near the apartments. They acted swiftly and doused the flames. He couldn't remember what the man looked like, he hadn't taken a photo. Due to the incident he had witnessed he wrote to Environmental Health who acknowledged his complaint and said they would remind the premises of the importance of using a business waste disposal programme.
- g) He mentioned what he had seen to some neighbours, who responded by saying "oh yes, the one that burns rubbish". He had not heard anymore about that or witnessed any further problems since December 2019.
- h) Whilst he appreciated the hours would bring the premises in line with others in the area, this premises was located close to a residential block and the door being open at the back of the premises needed addressing.
- i) He was pleased to hear about the waste disposal contract being in order.

In answer to Members questions Mr Sandys made the following points: -

- a) He had no evidence of the fire. It was just a passing social encounter.
- b) The fire was contained by the employee, no fire brigade attended.
- c) He believed the premises was operating beyond their hours as he had witnessed different hours online but the hours on the Just Eat website were correct.

Ms Adams indicated that she wanted to make a point.

At this stage (1058) the Chairman advised that the meeting would be adjourned to seek legal advice. Due to the meeting being held virtually all parties muted their microphones for 5 minutes and the meeting was resumed at 1103, where all parties were invited to 'unmute' their microphones.

The Chairman advised that Ms Adams had indicated she did not wish to speak and that Mr Sandys would speak on her behalf. Therefore, she would not be able to address the Committee directly at this stage, however if she wanted to make any points, she could contact Mr Sandys who could then put them to the Committee.

The Chairman invited Ms Harvey to make her representation and subsequently she made the following points: -

- a) There was long time before the issues were addressed by the premises.
- b) There was no evidence to suggest that a bigger bin would be sufficient.

In summing up Ms Harvey made the following points: -

- That the whole issue of extending the licence past 2300 hours was inappropriate and unnecessary for the area.
- The premises was located close to residential properties.

In summing up Mr Sandys made the following points: -

- That the key fact was that a brand-new residential building had been built next to Mars Pizza. The residents have the expectation that they should be able to open windows without noise nuisance or seeing piles of rubbish outside.
- That he had been unable to provide sufficient evidence of the burning however, reports had been made to the Moseley Society along with more formal complaints.
- The later opening hours were just inappropriate given how close the apartments were.

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

-

- Burning rubbish must not happen. Ms Aghaei had made enquiries in relation to it, but the members of staff did not accept any responsibility for it.
- Management were aware of it and would ensure it would not happen again in the future.
- The larger bin would bring significant improvements along with frequent management checks.
- In relation to the noise emanating from the back door, he offered a further condition that the back door would be closed after 2300 hours which would ensure that residents would not experience noise nuisance going forward.
- The agreed conditions and additional conditions would ensure the licensing objectives would be promoted and the licence should be granted.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and

Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/130520 **RESOLVED:-**

That the application by Art Fast Food Ltd for a premises licence in respect of Mars Pizza, 130 Alcester Road, Moseley, Birmingham B13 8EE, 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 public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns about the suitability of the applicant company, Art Fast Food Ltd, to competently manage a late night refreshment premises - particularly in view of the likely impact of the proposed operation on the particular locality, given that it is situated very close to residential property (a neighbouring apartment block).

The Sub-Committee carefully considered the operating schedule put forward by the applicant company to assess the likely impact of the application. The Sub-Committee was aware that additional conditions had been agreed in advance between the applicant and the Licensing Enforcement department of the City Council. The documents in the Report also included five objections, made by two community groups and three local residents.

The applicant company had taken over the pizza shop premises more than a year ago, in January 2019, and the Sub-Committee would ordinarily have assumed that such an operation would have settled into the neighbourhood over the past year, and be operating in a manner which showed an ability to uphold the licensing objectives such that extended hours could be granted.

However, upon questioning the applicant company on its style of operation hitherto, and hearing from those who spoke to object to the application, the Sub-Committee was not impressed with the management style shown by Mars Pizza.

It appeared that the premises had been creating some public nuisance in the surrounding vicinity. This was primarily in relation to waste/ litter, but also noise.

The Sub-Committee examined the photographs included in the Report, which showed the bin arrangements for the shop. These photographs showed an overflowing trade bin and a great deal of further refuse on the ground (such as drums, cans, tubs and packaging), plus general litter all around, in the vicinity of the neighbouring apartment block.

The applicant confirmed that a new, larger trade bin had been ordered from the City Council in April 2020, and the use of a checklist system had been proposed. CCTV would also be used regularly by the applicant company, to monitor the rear of the premises. However the Sub-Committee considered the waste arrangements shown in the photographs to be an indication of a very poor management style; as such they inspired no confidence whatsoever that the

applicant company would satisfactorily handle the responsibilities which came with offering late night refreshment.

Representations made by those who had submitted written objections, some of whom also addressed the Sub-Committee during the meeting, made it clear that accumulation of waste was a nuisance to local residents. One objector had brought the issue to the attention of the local Ward Councillor.

Therefore the current style of operation in relation to waste and litter was not satisfactory; in the context of an application for permission to offer late night refreshment, this suggested that the licensing objectives would be undermined if the application were to be granted. Whilst the Sub-Committee noted that a larger bin was expected to arrive shortly, from viewing the photographs it was doubtful whether a premises which was prepared to create this type of eyesore, very close to residential property, could be trusted to put the proposed waste arrangements into effect properly.

Regarding the noise issue, the applicant company stated that it was not aware of any history of complaints, and that signs were already displayed in the shop asking customers to leave quietly. One of the objectors who addressed the Sub-Committee explained that the issue from the point of view of local residents was the shop's practice of leaving their back door open, presumably for ventilation, which already created disturbance into the evening; local residents were therefore unhappy about an extension of hours, which would mean that the noise emanating from the back door would continue into the night.

The applicant company stated that the noise issue could be dealt with via a further condition, namely to close the back door after 23.00 hours, and that if ventilation were then to become a problem, it could be dealt with by some other means. However the Sub-Committee was again doubtful that the premises could be trusted to comply properly with such a condition. It perhaps should have been obvious to any well-run pizza shop, situated in close proximity to an apartment block, that keeping the back door open was likely to create nuisance to neighbouring residents.

The applicant company's representative had stated that to grant the application would put Mars Pizza "on a level playing field" with similar takeaway shops in the area; however the Sub-Committee considered that the onus was on the applicant to demonstrate that it would be capable of upholding the licensing objectives.

An examination of the applicant's current management style did not inspire confidence that it was a suitable operator. Given the problems with waste and noise observed by local residents in the shop's first year or so of trading, the Sub-Committee was not minded to permit late night refreshment, even with additional conditions, due to the risk of undermining the licensing objective relating to the prevention of public nuisance. Accordingly, the Sub-Committee resolved to refuse the application.

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 company via its legal adviser, and by those making representations.

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.

Please note, the meeting ended at 1119.

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 15th July 2020
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Mini Supermarket, 121 Witton Lodge Road, Perry Common, Birmingham, B23 5JD
Ward affected:	Perry Common
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 07:00am until 11:00pm (Monday to Sunday).

Premises to remain open to the public from 07:00am until 11:00pm (Monday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received 27th May 2020 in respect of Mini Supermarket, 121 Witton Lodge Road, Perry Common, Birmingham, B23 5JD.

A representation has been received from other persons.

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.

<p>5. Relevant background/chronology of key events:</p> <p>Tesfit Meles applied on 27th May 2020 for the grant of a Premises Licence for Mini Supermarket, 121 Witton Lodge Road, Perry Common, Birmingham, B23 5JD.</p> <p>A representation has been received from other persons, which is attached at Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.</p> <p>Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>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. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Conditions agreed with West Midlands Police, Appendix 3</p> <p>Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 4</p> <p>Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

From:
Sent: 16 June 2020 22:08
To: Licensing
Subject: Objection to opening hours of application ref: 115462

Application Ref: 115462

To whom it may concern,

I am compelled to respond to the application for selling alcohol for extended hours for a licensee by Tesfit Meles for the premises known as Mini market, 121 Witton Lodge Rd B23 5JD.

Don't get me wrong I am thrilled that the shop is going to re-open as the area has enough closed and derelict shops to contend with and especially the Ring.

I am very concerned that the opening hours are till 23:00 every day which would be a continued disturbance of traffic and noise in the area.

This particular shop has had its troubles over the past few years and I myself helped the former licence holders to upgrade their CCTV system following a machete attack and other burglary attempts which eventually drove them from the area.

What the council have to understand is that although there supposed to be no public drinking on the ring, it still goes on, [along with drugs], because there hasn't been enough police presence.

Underage drinking is an issue and they are getting the alcohol from somewhere and when they do they cause noise and damage to the area.

As it stands the only shop that is open at this time is the Pizza Parlour which sometimes you can hear the coming and going and the delivery drivers and then the shutters coming down sometime after twelve o'clock.

To have a shop still open and selling alcohol on my door step at this time doesn't fill me with any joy at all.

I would say **ten o'clock would be fine in the week and 8 o'clock** on a Sunday would be more normal opening hours for a residential area.

If this were to go ahead, it would be an absolute backwards move for the area.

The ring with a new shop selling alcohol would be a draw for trouble, it happens when ever there is a new local trader trying to establish themselves.

This area has gone through lots of bad decisions by the council regarding the application and granting of permissions and licenses by former so called representatives saying they only have the local people at heart

They don't have to live there !

I have a mortgage and pay tax and cannot afford to move away from this if it takes place and would have to live with the hassle and heartache.

I know the council have to try to fill these empty properties but there has to be a limit to the disturbance on and around the ring. On the subject the late night noise pollution at the moment is just about tolerable with the pizza place making noise till god knows when, and then there is the litter.

The ring itself acts as a natural amphitheatre and even people walking past talking echoes around all the houses on the ring.

This would be a draw for trouble and something that I would object to totally, alcohol is sold close by at the Ring Food and Wine supermarket, at the moment they are only until 9pm but in normal circumstances they are open till 10pm so why would alcohol need to be sold after this time and why do we require another seller within nine shops of each other. I for one certainly don't need to be disturbed any later than is necessary.

Yours Sincerely,

Witton Lodge Rd

Perry Common

Birmingham.

B23



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

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.

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="Mijanur"/>	
* Family name	<input type="text" value="Rahman"/>	
* 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.

Registration number	<input type="text" value="07021919"/>	
Business name	<input type="text" value="Optimised Training Centre"/>	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="Private Limited Company"/>	
Your position in the business	<input type="text" value="Director"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text" value="1"/>
Street	<input type="text" value="Guildford Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B19 2HN"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="Mini Supermarket"/>
Street	<input type="text" value="121 Witton Lodge Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B23 5JD"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="7,100"/>

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ 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

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 21**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

Tesfit

Family name

Meles

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential 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

2 / /
dd mm yyyy

* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

24 / 06 / 2020
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

/ /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Premises will be used as a general supermarket and off-licence

Continued from previous page...
<div style="border: 1px solid black; height: 30px; width: 100%;"></div> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend</p> <div style="border: 1px solid black; width: 80px; height: 20px; margin-left: 200px;"></div>
Section 6 of 21
PROVISION OF PLAYS
See guidance on regulated entertainment Will you be providing plays? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 21
PROVISION OF FILMS
See guidance on regulated entertainment Will you be providing films? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
See guidance on regulated entertainment Will you be providing indoor sporting events? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 9 of 21
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
See guidance on regulated entertainment Will you be providing boxing or wrestling entertainments? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 21
PROVISION OF LIVE MUSIC
See guidance on regulated entertainment Will you be providing live music? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 21
PROVISION OF RECORDED MUSIC
See guidance on regulated entertainment Will you be providing recorded music? <input type="radio"/> Yes <input checked="" type="radio"/> No
Section 12 of 21
PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.

(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start 07:00

End 23:00

Start

End

SUNDAY

Start 07:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name Rahwa Hadish

Family name Asgedom

Date of birth 
dd mm yyyy

Continued from previous page...

Enter the contact's 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"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="Birmingham City Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start 07:00

End 23:00

Start

End

WEDNESDAY

Start 07:00

End 23:00

Start

End

THURSDAY

Start 07:00

End 23:00

Start

End

FRIDAY

Start 07:00

End 23:00

Start

End

SATURDAY

Start 07:00

End 23:00

Start

End

SUNDAY

Start 07:00

End 23:00

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the Shop allows for good viewing coverage. CCTV cameras are installed which covers both inside and outside the shop.

b) The prevention of crime and disorder

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. No consumption of alcohol will be permitted inside the premises. CCTV recordings will be held for 28 days and made available to responsible authorities upon request.

c) Public safety

I will fully support any directives received from the authorities. Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.
The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

All deliveries will be conducted prior to 7pm to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises. The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate.
Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

e) The protection of children from harm

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty will be trained and made aware of these requirements and the need to demand an acceptable form of age id. The premises will operate Challenge 25 policy. No adult entertainment is permitted at these premises.

Section 19 of 21

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 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

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.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] 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 (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

- * PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ 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

[Add another signatory](#)

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

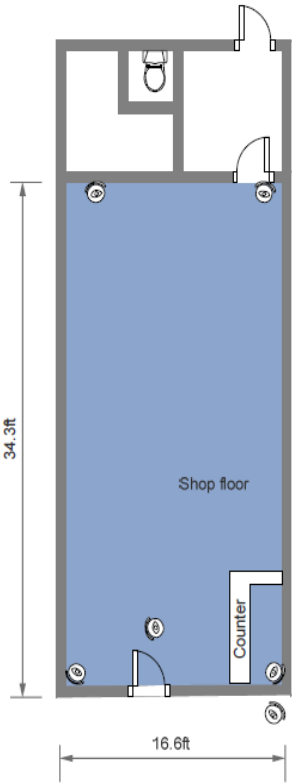
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

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

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Scale 1:100



Key:

CCTV Camera



Licensable Area



Mini Supermarket
121 Witton Lodge Road
Birmingham
B23 5JD

From: Mark Swallow
Sent: 11 June 2020 12:18
To: Licensing
Cc:
Subject: Mini Supermarket,121, Witton Lodge Road, Erdington. B23 5JD.

Good Afternoon Licensing,

With regard to the premises and DPS licence application for Mini Supermarket, 121 Witton Lodge Road, Erdington, Birmingham.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted. The conditions have been agreed with the applicant as per below email chain who is also copied to this email.

Dear Mark.

Please accept my apologies for the delay in responding.

I have discussed the conditions with the client and we are happy for these to be added to the licence.

Kind regards
Mijanur Rahman

Optimised Training Centre Ltd
Six Ways Business Centre
Room 210A
1 Guildford Street
Birmingham
B19 2HN

I note the conditions suggested in sections 18 to 21 and would request the following additions to assist in achieving the licencing objectives which are proportionate and necessary:

If for any reason the CCTV hard drive needs to be replaced or repaired the previous / old hard drive will be kept on site for a minimum of 28 days and made immediately available to any of the responsible authorities on request.

Cameras outside the premises are required to be able to still function in conditions of reduced lighting in order to be able to provide recordings of an evidential quality.

All staff with the exception or personal licence holders will receive training in their responsibilities under the Licencing Act, the Licencing Objectives and the Challenge 25 policy.

A record of training will be maintained and this will be signed by both the trainer and trainee. No staff will be permitted to work in the premises if they have not completed this training.

Single cans or bottles of less than 75 ml of beers, ciders and alcopops and plastic cups to accompany purchases of alcohol are not to be sold.

If the above conditions are imposed onto the licence then West Midlands Police have no objection to this licence application.

Regards and thanks

MARK SWALLOW
WEST MIDLANDS POLICE LICENSING DEPARTMENT.

From: Optimised Training Centre

Sent: 04 June 2020 12:54

To: Sharon Watts

Subject: Re: Application for Grant of Premises Licence - 121 Witton Lodge Road, Birmingham, B23 5JD

Dear Sharon.

Thank you for your call, I can confirm that the notices have been changed. I can also confirm that we are happy for the conditions to be added to the licence.

Kind regards

Mij

Optimised Training Centre Ltd

Six Ways Business Centre

Room 210A

1 Guildford Street

Birmingham

B19 2HN

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Registered in England, Company No:7021919

Please consider the planet before printing this email

On 28 May 2020 at 12:55:33 +01:00, Sharon Watts wrote:

Dear Mr Rahman

I refer to the application for the grant of a premises licence at 121 Witton Lodge Road, B23 5JD.

I have been out to the premises this morning to view the notice. I note from the application you are applying for the sale of alcohol for consumption off the premises. The blue notice states "We intend to conduct on or from the premises sale of alcohol". Can you please amend the notice to read

Sale of alcohol for consumption off the premises

This will make it clear to anyone reading it.

Also the P O Box number is incorrect. It should read P O Box 17831. Please amend.

In relation to the conditions you have provided, I propose that the following also be included hi-lighted in red.

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

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List here steps you will take to promote all four licensing objectives together.

A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing

law. The open nature of the Shop allows for good viewing coverage. CCTV cameras are installed which covers both inside

and outside the shop.

Staff will be trained in the four licensing objectives. The training will be documented, kept on site and produced upon request to an authorised person. This will be refreshed every 6 months.

b) The prevention of crime and disorder

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful

age. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the

prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of

alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. No consumption of alcohol will

be permitted inside the premises. CCTV recordings will be held for 28 days and made available to responsible authorities

upon request.

c) Public safety

I will fully support any directives received from the authorities. Floor staff will conduct physical sweep inside the premises to

remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and

will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance

with the requirements of current installations.

d) The prevention of public nuisance

All deliveries will be conducted prior to 7pm to control noise nuisance. In conjunctions with the steps proposed for the

prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of

public nuisance in and around the premises. The Designated Premises Supervisor will arrange to monitor levels of noise

from both inside and outside the premises and remedial action will be taken as appropriate.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

A notice will be displayed at the exit of the premises requesting customers to leave quietly and respect the local neighbourhood.

e) The protection of children from harm

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective,

including that alcohol shall not be sold to anyone under the age of 18. Staff on duty will be trained and made aware of

these requirements and the need to demand an acceptable form of age id. The premises will operate Challenge 25 policy.

A sales refusals book will be kept on site and completed by the member of staff each time they refuse a sale of an age restricted product. The refusals book will be signed off by the DPS every month.

No adult entertainment is permitted at these premises.

Please can you confirm that the notice has been amended and remains displayed for the 28 day consecutive days . This will be monitored throughout the reps period and failure to comply may result in the application becoming no longer under consideration. Also please confirm the above conditions are acceptable? Please copy our General Licensing Team in to any correspondence. I look forward to hearing from you shortly.

Yours sincerely

Sharon Watts

Licensing Enforcement Officer

Birmingham City Council,

Licensing Section,

P.O. Box 17831,

Birmingham,

B6 9ES

