



**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE C**

**WEDNESDAY 9 SEPTEMBER 2020**

**MRH Six Ways Filling Station, Gravelly Hill, North, Erdington,  
Birmingham, B23 6BJ**

That the application by Motor Fuel Limited to vary the Premises Licence in respect of MRH Six Ways, Six Ways Filling Station, Gravelly Hill North, Erdington, Birmingham, B23 6BJ under section 34 of the Licensing Act 2003 BE GRANTED, with the addition of those conditions agreed with West Midlands Police and with Licensing Enforcement in advance of the meeting, namely:

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police or other authorised officer for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time
5. The system will display, on any recording, the correct time and date of the recording
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
7. There will be no sales/supplies of beer, lager or cider with an ABV over 6%
8. There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police
9. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises
10. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence

11. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed

12. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales. Training records will be available for inspection by a police officer or other authorised officer on request. Further:

- Induction training must be completed and documented prior to the sale of alcohol by the staff member
- Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months

13. There shall be no sale of single cans of beer, lager or cider from the premises.

14. No more than 20% of the shop display area will be used for the display of alcohol.

15. All cashiers shall be trained to record refusals of sales of alcohol in a refusals log/register. This log/register will be available for inspection by a police officer or other authorised officer on request. The log/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

16. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600. Any sales between these hours will be made through the night pay window.

And with the following two conditions agreed with a person making representations:

17. No alcohol to be served to customers who are believed to be street drinkers or are believed to consume alcohol within the vicinity of the premises and High Street

18. Any street drinkers who congregate within the vicinity of the store to be asked to move on by staff, or if needed reported to West Midlands Police

The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted.

The applicant company had extensive experience - running some 616 petrol stations, each with a 24-hour licence, in other locations around the country. Accordingly the company was well accustomed to this style of operation, and sought to bring the Gravelly Hill premises into line with the hours offered at all its other sites.

The Sub-Committee carefully considered the written representations made by the Ward Councillor, who also attended the meeting and addressed the Sub-Committee directly. However, the Members were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives.

Once the applicant company had volunteered to accept the two conditions relating to street drinkers, the only remaining issue was the hours. The objection regarding 24-hour operation seemed to focus on the potential for antisocial behaviour caused by patrons, and the potential for an increase in crime, but the style of operation and the

agreed conditions covered this. The applicant company was highly experienced in managing petrol stations with 24-hour licences. Moreover the Sub-Committee was impressed by the cooperative attitude displayed by the applicant company during the meeting, in accepting the two conditions relating to street drinkers.

There was no reason to believe that the premises would not be properly managed given that the applicant was so experienced, and so the Sub-Committee resolved to grant the application with the agreed conditions.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant's legal representative and by those making representations (the Ward Councillor).

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.