

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 30 OCTOBER 2017 AT 09:30 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

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 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 MINUTES

3 - 24

To note the public part of the Minutes of the meeting held on 18 September 2017.

To confirm and sign the Minutes of the meeting held on 2 October 2017.

4 LICENSING ACT 2003 - PREMISES LICENCE - SUMMARY REVIEW - POPULAR WINES & SPIRITS, 308 LADYPOOL ROAD, SPARKBROOK, BIRMINGHAM, B12 8JY

25 - 70

Report of the Acting Director of Regulation and Enforcement.
N.B. Application Scheduled to be heard at 0930 hours.

5 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.

6 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes - Exempt Paragraphs 3 and 4

P R I V A T E A G E N D A

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 18 September 2017 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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 A 18 SEPTEMBER 2017
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE A
HELD ON MONDAY 18 SEPTEMBER 2017
AT 0930 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Mike Leddy and Bob Beauchamp

ALSO PRESENT

David Kennedy, Licensing Section
Sanjeev Bhopal, Committee Lawyer
Gwin Pountney, Committee Manager

NOTICE OF RECORDING

01/180917 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

02/180917 Apologies were submitted on behalf of Councillor Kauser. It was noted that Councillor Leddy was the nominated member.

MINUTES

03/180917 The public part of the minutes of the meeting held on 7 August 2017 was noted

**LICENSING ACT 2003 PREMISES LICENCE – GRANT DOMINO'S PIZZA, 154
GRAVELLY HILL NORTH, ERDINGTON, BIRMINGHAM, B23 6BA**

The following persons attended the meeting.

On behalf of the Applicant:

Kalbinder Bains – representing Domino's Pizza

On behalf of those making Representations:

Mrs Julianne Webb – Local Resident

Mr Jim Webb – Local Resident

The following documents of the Acting Director of Regulation and Enforcement were submitted:-

(See Document No. 1)

Mr Bains in presenting the case on behalf of Domino's Pizza and in response to questions from Members, made the following points: -

1. That the request was for a premises licence seeking permission for late night refreshment to operate from 11.00pm until 12.00midnight on a Friday and Saturday.
2. Many other premises in the vicinity and other Dominos premises in Birmingham were open until a lot later without any problems.
3. That 90% of their customers between 11.00pm and 12midnight were delivery customers.
4. That while the initial application had been until 11.30pm the premises was surrounded by businesses that operated a lot later.
5. That he would be happy to agree to deliveries only after 11.30pm and not permitting any customers into the premises after 11.30pm in order to ease residents 'concerns regarding noise.
6. That conditions had been agreed with West Midlands Police (WMP) regarding CCTV and recordings of any anti-social behaviour would be passed on to them.
7. CCTV cameras would cover all the surrounding area around the premises.
8. That during operating hours litter removal would be carried out every 2 hours in the area surrounding the premises.
9. That he could not see that the property of Mr and Mrs Webb was in direct line of sight with the premises as their property was around the corner from Domino's.
10. That an industrial extraction system would be put in the premises to address residents' complaints regarding smells emanating from the premises.

11. That the premises were 170 – 180 feet away from Mr and Mrs Webb's home.
12. That with regard to noise from deliveries to the premises, these could be arranged to 3 times per week between 8.00am and 6.00pm to reduce inconvenience to residents.
13. That with regards to parking during the last hour of business drivers could park at top end of Wood End lane away from residents plus the premise had a parking bay for 5-6 cars on the side. In the evening there were 4 parking spaces available at the front of the premises for the business,
14. In terms of litter clearance the premises had responsibility for the frontage, the car park at the rear of the premises and the side of the premises.
15. With regard to employees there were 8-10 employees working at the premises on Friday and Saturday (of whom 3 were drivers) and 8 delivery vehicles drivers – for whom there were 3-6 parking spaces.
16. The delivery vehicles were cars, but the company were currently looking at changing these to scooters.
17. That with regard to protection of children: the premises would be working with WMP regarding prevention of and addressing anti-social behaviour, CCTV footage would be provide to WMP as requested, the premises' manager would keep an eye on any children congregating outside the premises and that staff were trained to liaise with the authorities if necessary.
18. The premises would be happy to accept any advice and take any further action necessary to protect children from harm.
19. CCTV cameras would cover the front, rear and side of the premises.
20. That the products sold from the premises were not those that would attract loud and drunken customers – there were no sales of kebabs and chips. Furthermore the price of products from the premises was higher than those in surrounding fast food businesses.
21. That delivery drivers would be instructed not to have loud music playing in their vehicles when collecting orders from the premises, be advised not to congregate outside and reserve their conversation until inside the premises.
22. That GPS would be fitted in all delivery vehicles to ensure that all drivers adhered to the Highway Code and selected the best route for their journey.
23. The company had premises in Kingstanding, Wylde Green and Mere Green that were open late. Conditions for all 3 premises had been agreed

with WMP.

Mrs Webb in presenting the case for herself and Mr Webb, and in response to questions from Members, made the following points: -

1. That their main objection to the extension of licence was the amount of litter that would appear in the area as a result of the extended service. Although she felt heartened after hearing from Mr Bains about the litter picking she was unsure of how far this would go to address the problem.
2. There was only 1 bin on the road which was 50 yards from the premises.
3. Furthermore the business would add to the issue of traffic in Wood End Lane and the frontage of the premises would provide another area for people to congregate.
4. That due to the bend and rise in the road the premises could be seen clearly and was in direct line with her bedroom window allowing noise to echo and travel easily to her home.
5. That she was unsure whether the extraction fans used would eliminate all the noise problems.
6. That there would be an increased number of vehicles travelling up Wood End Lane where there were often children on bikes and with drivers driving fast along the road this could cause an accident/collision.
7. That she would prefer deliveries to the premises to take less often and later in the morning than at present.
8. That the double yellow lines in Wood End Lane were not well enforced.
9. That parking within the area was difficult already on a Saturday, with services at the Seventh Day Adventist Church it was difficult for residents themselves to park – plus new flats were due to be built in the area.
10. The employees from the premises would be wanting to park on Wood End Lane near to the premises – not at the top of the road – particularly if they were working until after 11,30pm.
11. That she was uncertain that the CCTV cameras would be covering the right area to capture anti-social behaviour.
12. That because of the road set-up noise travelled directly from the premises to her bedroom in which she slept.
13. That noise may be mitigated if drivers closed not slammed doors, if there was no music on in the cars and if there was no conversation between drivers until they entered the premises.
14. Signage regarding keeping the noise down might prompt, but not necessarily enforce, limitation of sound noise.

In summing up, Mrs Webb stated that initial planning application for the premises had been for opening until 11.30pm and she therefore requested that the opening hours be restricted to this, and not as the applicant had requested to 12midnight. She had no objection to the premises being there her objections were about parking and the noise nuisance in a residential area. This, in her opinion, was not the best location for the premises.

In summing up, Mr Bains agreed: that delivery times to the premises would be changed so that they were not too early in the morning or too late at night; that with regard to smell the extraction fans fitted would be to the highest standard; there would be no sales of kebabs or chips – only pizza; that CCV would cover the curtilage of the entire premises ; that the door would be locked at 11.30pm at the premises and only delivery orders would be taken from 11.30 – this would be advertised on all menus and signage would be put outside regarding noise.

He was therefore still requesting an extension of trading time to 12.00midnight.

At 1045 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1110 hours and the decision of the Sub-Committee was announced as follows:-

04/180917 **RESOLVED:-**

That the application by Professional Pizza Company Ltd for a premises licence in respect of Domino's Pizza, 154 Gravelly Hill North, Erdington, Birmingham, B23, 6BA **BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS** to promote the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm objectives in the Act:

Opening Hours and Licensable Activities

These will be permitted as set out within the Operating Schedule, but the Premises Licence Holder has agreed to close the premises to the public at 2330 hours on Friday and Saturday. This accords with existing Planning Permission for the use of the building as granted. The Premises Licence Holder will however, be permitted to undertake the provision of late night refreshment, in respect of deliveries only, up to 0000 hours on Friday and Saturday.

Signage

The Premises Licence Holder will display prominent signage within the premises asking patrons to be considerate of local residents, and keep noise to a minimum particularly after 9pm.

Other Conditions imposed

A.

The Premises Licence Holder will instruct all their employees and delivery drivers to keep noise to an absolute minimum particularly after 9pm.

This will include:-

- The avoidance of unnecessary engine idling whilst the drivers wait to undertake a delivery;
- Asking delivery drivers to ensure that the opening and closing of doors of vehicles is done discretely;
- Asking delivery drivers to avoid the playing of excessive amplified sound in their vehicles and refrain from participating in loud discussions with each other outside the premises, which would otherwise give rise to a nuisance to local residents.

B.

The Premises Licence Holder will ensure that commercial deliveries to the premises will only take place between 0900 hours and 1800 hours on each trading day.

C.

The Premises Licence Holder will ensure that all employees, servants or agents working at the premises receive training on the four of the licensing objectives under the Licensing Act 2003, particularly the protection of children from harm, and safeguarding of children generally. This training should be carried out at least bi-annually for all employees, servants or agents working at the premises and all records related to this training should be retained for inspection by any Responsible Authority upon reasonable request.

D.

The Premises Licence Holder will collect and dispose of any litter emanating from the premises every two hours during each trading day. The litter sweep/patrol will extend to 50 yards in either direction of the premises. If the Premises Licence Holder is permitted to do so, he shall place a bin at the frontage of the premises and ensure this is emptied regularly throughout each trading day.

Conditions agreed with West Midlands Police

All the Conditions agreed with West Midlands Police as set out in the email from Birmingham Central Licensing Team dated 8 August 2017 timed at 11:34am, and referred to as Appendix 3 within the Committee Report will form part of the premises licence.

The Sub-Committee's reasons for imposing these partially agreed/volunteered conditions are due to the submissions made by other persons and West Midlands Police regarding the location, impact of the proposed operation and likelihood of exacerbating problems in the vicinity where the premises are situated, details of which are set out within the representation from a local

resident.

These matters included: the amount of litter in Wood End Lane and surrounding areas rising to an unacceptable level; residents having to endure inconsiderate noise levels from patrons leaving various establishments in or around Six Ways, Erdington; anti-social behaviour, low level crime and disorder, parking issues and acts of vandalism.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety or risk to children arising from the proposed operation of the premises.

However, the concerns of the other persons and West Midlands Police were taken into account by imposing suitable conditions that would allay their apprehension / fear about the potential of exacerbating the existing problems within the area from the proposed operation of the premises.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

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 information in the application, the written representations received and the submissions made at the hearing by the applicant and 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.

**BIRMINGHAM CITY COUNCIL ACT 1990 MASSAGE & SPECIAL
TREATMENT LICENCE – RENEWAL & VARIATION OF STANDARD
CONDITIONS SDI FITNESS (NORTHFIELD) LIMITED 1375 BRISTOL ROAD
SOUTH, LONGBRIDGE, BIRMINGHAM, B31 2SU**

**BIRMINGHAM CITY COUNCIL ACT 1990 MASSAGE & SPECIAL
TREATMENT LICENCE – RENEWAL & VARIATION OF STANDARD
CONDITIONS SPORTS DIRECT, 69 ALCESTER ROAD SOUTH,
BIRMINGHAM, B14 7JQ**

On behalf of the Applicant:

No-one present.

On behalf of the Responsible Authorities:

Sarah Lavender – Licensing Enforcement
Terry Mallard – Health & Safety

The following documents of the Acting Director of Regulation and Enforcement were submitted:-

(See Documents No. 2 and 3)

Mr Mallard in presenting information and in response to questions from Members, made the following points: -

1. He had been a Health & Safety Inspector with Birmingham City Council (BCC) for 22 years. During this period while many things had changed there was no specific legislation regarding the use of sunbeds and solaria.
2. The only information available was the Health and Safety Executive (HSE) guidance for safe use of sunbeds and solaria which is what the Licence Holder would be adhering to at both of these premises.
3. The conditions also meet the Sunbed Tanning Association Guidelines.
4. The specific conditions for Sunbed and Solaria agreed to by the premises repeat what the HSE talk about and follow their guidance.
5. Health and Safety would only take enforcement action if either the Health and Safety at Work Act or the Health and Safety Code of Practice regarding rules of safe use were contravened.
6. That the increase in the number of sessions were not outside of the HSE guidance, only Birmingham City Council Act 1990 (BCCA) which restricts the number of sessions.
7. That if other premises wanted to make changes they would need to identify the conditions put in place and each case would need to be considered individually.
8. That the HSE as a lawmaker, health and safety monitor and issuer of guidance was the main reference for guidance as the BCC Act 1990 was possibly out of date.

Ms Lavender in presenting information and in response to questions from Members, made the following points: -

1. That on her visits there had been some non-compliance issues

regarding conditions regarding staff training and completion of client details.

2. Sports Direct had since then trained all their staff up to standard in completing the customer details form with every customer and ensuring that staff were aware of the importance of knowing each customer's skin type.
3. That the main change was from 20 sessions per year with a 48 hour gap between sessions to 60 sessions per year with a 24 hour gap depending on skin types.
4. The onus regarding skin type and number of sessions still relied upon the honesty of the individual completing the form.
5. To ensure that Sports Direct are following correct procedures there would be random checks at the premise of 2-3 customer forms. However, Sports Direct had agreed that they had originally been using the incorrect customer forms and had since then had trained staff and amended the forms/procedure for completing forms and had informed all staff of the importance of filling the forms in correctly.
6. That the BCC Act 1990 was out of kilter with both the HSE and Sunbed Tanning Association guidance.
7. That while she appreciated the concerns of the Sub-Committee, she had looked everywhere for any other guidance/legislation to support the conditions in the BCC Act 1990 but had not found anything.

Mr Mallard in summing up stated that the Health and Safety Executive guidance had over the last 30 years been the main source of guidance regarding the management of business, including COSHH and was the main source of guidance here.

Ms Lavender in summing up stated that the request by Sports Direct regarding exemption from Condition number 8 of the standard conditions relating to sunbeds and solaria and replacement of this by proposals in their own Sunbed Policy and Training Procedure should be agreed as there was nothing to support the BCC Act 1990 conditions anywhere. However, she would be more than happy to carry out visits to the premises to ensure that the required process/procedure for the varied condition were adhered to.

At 1045 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1110 hours and the decision of the Sub-Committee was announced as follows:-

05/180917 **RESOLVED:-**

That the application by SDI Fitness (Northfield) Limited for the renewal and variation of standard conditions to use the premises as an Establishment for Massage and/or Special Treatments in respect of **SDI Fitness (Northfield) Limited, 1375 Bristol Road South, Longbridge, Birmingham, B31 2SU BE GRANTED.**

The applicant's exemption request to replace Condition Number 8 of Birmingham City Council's Standard Conditions which relate to Sunbeds and Solaria with the Applicant's proposal detailed on Pages 1 & 2 of their Sunbed Policy and Training Procedure was approved by the Sub Committee.

The Sub Committee carefully considered the information presented by the two officers from Birmingham City Council's Licensing Enforcement team and a Health and Safety Inspector employed by the Council's Environmental Health Team and noted that neither had any objections to the renewal or the variation of the licence as sought, on the basis that the proposal put forward by the applicant are in accordance with both industry standards promoted by the Sunbed Association and Health and Safety Executive Guidelines.

The Sub Committee were initially concerned that any departure from the standard Conditions should be viewed with caution given that they were there to safeguard public safety, but were eventually persuaded to grant the exemption request on the basis of the expert advice provided by officers. Given the nature of the exemption request, the Sub Committee were of the opinion that officers in Licensing Enforcement would need to be vigilant and should carry out a routine inspection of the premises in order to assess the effectiveness of the applicant's own Policy, which will now form part of the Licence issued.

In addition to the above, those matters detailed in the Application Form, the standard Conditions of Licence for Massage and Special Treatment Establishments and remaining Specific Conditions for Sunbeds and Solaria will form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the relevant City Council Policies, the Birmingham City Council Act 1990, the application and variation of the licence conditions, the written representations received and the submissions made at the hearing by those making representations.

All parties are reminded that under the provisions contained within Section 7 of the Birmingham City Council Act 1990, 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 in writing.

06/180917 **RESOLVED:-**

That the application by Sports Direct.com Fitness Limited for the renewal and variation of standard conditions to use the premises as an Establishment for Massage and/or Special Treatments in respect of Sports Direct Fitness, 69 Alcester Road South, Birmingham B14 7JQ **BE GRANTED.**

The applicant's exemption request to replace Condition Number 8 of Birmingham City Council's Standard Conditions which relate to Sunbeds and Solaria with the Applicant's proposal detailed on Pages 1 & 2 of their Sunbed Policy and Training Procedure was approved by the Sub Committee.

The Sub Committee carefully considered the information presented by the two officers from Birmingham City Council's Licensing Enforcement team and a Health and Safety Inspector employed by the Council's Environmental Health Team and noted that neither had any objections to the renewal or the variation of the licence as sought, on the basis that the proposal put forward by the applicant are in accordance with both industry standards promoted by the Sunbed Association and Health and Safety Executive Guidelines.

The Sub Committee were initially concerned that any departure from the standard Conditions should be viewed with caution given that they were there to safeguard public safety, but were eventually persuaded to grant the exemption request on the basis of the expert advice provided by officers. Given the nature of the exemption request, the Sub Committee were of the opinion that officers in Licensing Enforcement would need to be vigilant and should carry out a routine inspection of the premises in order to assess the effectiveness of the applicant's own Policy, which will now form part of the Licence issued.

In addition to the above, those matters detailed in the Application Form, the standard Conditions of Licence for Massage and Special Treatment Establishments and remaining Specific Conditions for Sunbeds and Solaria will form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the relevant City Council Policies, the Birmingham City Council Act 1990, the application and variation of the licence conditions, the written representations received and the submissions made at the hearing by those making representations.

All parties are reminded that under the provisions contained within Section 7 of the Birmingham City Council Act 1990, 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 in writing.

OTHER URGENT BUSINESS

07/180917 There were no matters of urgent business

EXCLUSION OF THE PUBLIC

08/180917 That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Minutes – Exempt Paragraphs 3 and 4

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A 2 OCTOBER 2017

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE A
HELD ON MONDAY 2 OCTOBER 2017
AT 0930 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Nagina Kauser and Bob Beauchamp

ALSO PRESENT

Shaid Yasser, Licensing Section
Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

1/021017 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/021017 There were no Nominee members.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT COSTCUTTER, UNIT 2,
492 SHELDON HEATH ROAD, SHELDON, BIRMINGHAM, B26 2RU**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Javed Iqbal – Applicant – Director, Sheldon Gardens Ltd.

Gill Sherratt – Licensing Matters – Agent acting on behalf of the applicant

Those making representations

Cllr Sue Anderson – On behalf of the residents

The meeting started late at 1004 hours, due to Members late arrival caused by traffic delays.

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

In response to questions from Members of the Sub-Committee, Ms Gill Sherratt and Mr Javed Iqbal made the following points:-

- a) That Mr Iqbal was the director of Sheldon Gardens Ltd., to which Ms Gill Sherratt was acting on their behalf.
- b) That the company has three brothers and they have been in business together for 20 years.
- c) They own 4 shops, one of which was located 4 miles away from the premises on Sheldon Heath Road. The other 2 had been leased out.
- d) The brothers have vast experience in running shops.
- e) That the company has invested £100,000 in the shop, purely investment.
- f) That the store was ready to open.
- g) That the store would be operating as a convenience store, providing frozen food, fresh food, the lottery, alcohol, and facilities to pay bills.
- h) That alcohol sales would make up 20-20% of total sales.
- i) That there had been some issues raised regarding parking of which they wanted to address. The store has 5 parking spaces out the front, with an additional loading bay.
- j) The store will have shutters on the front of the unit.
- k) That the store will have adequate staffing – including 6 full time members, 3 part-time and Mr Iqbal will be working there full-time.
- l) That there is CCTV installed at the premises; 14 cameras, 2 of which are external. The CCTV is a modern system and will retain the footage for 31 days; it was also available on mobile devices.

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- m) The tills are electronically operated.
- n) That refresher training will continue, they suggested 3 monthly refreshers.
- o) That staff will receive training in licensing matters also.
- p) They will be operating a Challenge 25 policy; to which staff will be fully trained on.
- q) That they will also operate refusal and incidents register (paper).
- r) That they do not anticipate an increase in public nuisance.
- s) That they will ensure signage is placed outside the premises asking customers to leave quietly and respect the neighbor's.
- t) That they would include training on public nuisance and were happy to include this as a condition.
- u) That they have consulted 10 other authorities including the police who have no objections to the application, but correspondence has taken place and subsequently further conditions agreed with the police.
- v) That the petition submitted to the Committee was received from a competitor, and therefore, they felt that no weight should be given to the objection as it was a trade objection and on the ground of competition it should not be allowed. The petition had been located on the counter of the competitor's store.
- w) That they felt the fears and speculation the residents have would be resolved over time. Ms Sherratt made reference to The Thwaite's Case in order to remind the Committee that speculation should have no weight on decision making.
- x) That in relation to the opening hours and the sale of alcohol; it is usual for supermarkets to sell alcohol for the duration of their opening hours, up until a time where problems or issues arise.
- y) That the deliveries to the premises usually take place between 0800 hours and 1200 hours. The deliveries take place in the loading bay.
- z) That legally alcohol was connected to opening hours and that it was a legal offence to have alcohol on display if it was not for sale.

At 1023 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

The adjournment was to allow the Members to seek legal clarification from the Committee Lawyer.

At 1129 hours, after an adjournment, all parties were recalled to the meeting.

Ms Sherratt and Mr Iqbal continued.

- a) That the opening hours were not about the need to sell alcohol; it was about the point mentioned earlier in regard to the opening hours. If the premises were capable of selling alcohol late into the night during busy periods on Friday nights, clearly they would be capable of selling alcohol early morning, during quite times.
- b) That back in 1964 when the legislation came into force, premises would open until 2300 hours.
- c) That on the map the counter was on the bottom end, alcohol would be down the bottom wall, ensuring it would have maximum supervision.
- d) That they have not considered shutters for the alcohol, as they do not need them due to the opening hours and alcohol licensing being for the same hours.
- e) That in regards to child protection they have all the procedures in place to manage this, however, due to the store not being open yet they were unable to comment on whether it would be an issue or not.
- f) That if customers cause trouble, staff will be fully trained on how to deal with this. It will be a refusal if it was a drunken person trying to buy alcohol or if it was a child.
- g) That if trouble starts outside the shop, Mr Iqbal will ensure they are told to move on and leave the premises.
- h) That Mr Iqbal will only be working in this shop as he partners work in the other shops.
- i) That the shop will be branded as a Costcutter; they are a franchise and therefore they ensure that the shop will be fitted with all their branding.
- j) That the promotions are instructed by Costcutter; who endorsed and controlled the promotions.
- k) That a convenience store will not survive without alcohol.
- l) That the condition regarding training was quite broad and they would be happy for it to be tailored and made more specific if Members wished.
- m) That they were happy for Members to include conditions regarding training and refresher training, as well as polite notices.
- n) That they clean up and sweep outside the premises anyway.
- o) The DPS was the point of contact.

- p) If the DPS was absent it would fall to the assistant manager.
- q) That in terms of security they would have the storage room locked and the back door locked, which also has a shutter to make it more secure.

In response to questions from Members of the Sub-Committee, Cllr Sue Anderson, on behalf of the residents, made the following points:

- a) That there were already a number of convenience stores in the local area, as well as takeaways, barbers and a pet shop.
- b) That it was a busy area and the other local convenience stores close at 2200 hours.
- c) That there is sheltered accommodation near the premises with up to 36 elderly occupants.
- d) That she was not happy about the proposal to open until 2300 hours.
- e) That there were also concerns regarding noise, and the limited parking space.
- f) That the premises allocated parking was not controlled by gates, therefore, people park there when going to other stores; such as the chicken shop.
- g) That the local residents will suffer more nuisance than they do now; due to the premises being open later than others in the area.
- h) That the area has previously had problems with youths, brick throwing, and anti-social behaviour.
- i) That there was a secondary school local to this premises, and many of the children can be a nuisance when going to and from school. They send people in to buy them alcohol and cigarettes. Then they congregate outside the premises drinking and causing a nuisance.
- j) That the rented properties above the premises had been difficult to occupy and that she felt the residents of those properties would not want the shop beneath them open till 2300 hours.
- k) That newspaper delivered would take place outside the hours stated by the applicant earlier; as newspaper deliveries usually take place early morning.
- l) That the issues Cllr Anderson had raised were her own personal issues.
- m) That Sunday should have easier closing times.
- n) That children walk past the shop on their way to school; that raised concerns for Cllr Anderson regarding the sale of alcohol during opening hours.

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- o) That there had been a public house next to the premises but it was now a vets.
- p) That there were already 3 convenience stores in the area that sold alcohol.

In summing up, Cllr sue Anderson made the following points:

- a) That there were already underage drinking problems, anti-social behaviour issues.
- b) That the opening times were Cllr Anderson's biggest concern; particularly the 2300 hours closing time.
- c) That the sheltered accommodation was a big concern; those residents are entitled to the right to peace and quiet.
- d) That there are already issues with youths in the area.

In summing up, Ms Sherratt and Mr Iqbal made the following points:

- a) That the representations made against the application had been brief.
- b) That Mr Iqbal had 20 years of flawless training and experience.
- c) That the company already has a 24hour license with no problems.
- d) That there is no reason for anyone to assume they would not do their job properly.
- e) That any conditions the Members feel may assist in respect of notices they would be happy with.
- f) That is regard to parking they have a further 10 spaces at the rear of the premises; therefore there would be plenty of spaces for customers.
- g) That there is no possible evidence to amend the opening hours. Mr Iqbal wants to open 0700 hours - 2300 hours.
- h) That the Committee has the power of review should any issues with the premises come to their attention.
- i) That Mr Iqbal's other shops close at 2200 hours.

At 1059 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1205 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/021017 **RESOLVED:-**

That the application by Sheldon Gardens LTD. for a premises licence in respect of Costcutter, Unit 2, 492 Sheldon Heath Road, Sheldon, Birmingham B26 2RU be granted subject to the following conditions to promote the prevention of public nuisance and the protection of children from harm objectives in the Act:

1. The opening and closing times of the premises shall be no earlier than 0700, and no later than 2300 hours, daily
2. The hours for the sale of alcohol shall be from 0900 hours to 2300 hours, daily, with all alcohol products to be covered with shutters outside these times such that they are not exposed for sale by retail
3. Deliveries to the premises to be undertaken between 0800 hours and 1200 (noon) daily
4. All advertisements and/ or promotions of alcohol to be displayed inside the premises only, and in such a manner that they are not visible outside the premises
5. Signage to be erected requesting customers to be considerate to local residents when leaving the premises
6. Those further conditions agreed in advance with West Midlands Police, as per their email of 15th August 2017 at 0736 hours, shall apply - namely:
 - CCTV to record through the whole of the licensable activity, CCTV to be downloadable and supplied to any of the responsible authorities not later than 24 hours after their initial request. CCTV will display the correct time and date stamp and will cover both the internal and external of the premises. Outside lighting will be maintained at the premises to ensure clear CCTV images. CCTV will meet the recommendations and specifications of West Midlands Police.
 - CCTV signage will be prominently display on the entrance door.
 - A refusals register will be kept on the premises either electronically on the till system or manually by means of a book or folder. The refusals register will be made available to any of the responsible authorities on request.
 - Staff training regarding the licensing act and their

responsibilities and will be documented and signed by the trainee and trainer. No staff to carry out licensable activity at the premises without the documented training with the exception of personal licence holders. This documented training to be made immediately available on request of any of the responsible authorities.

- Challenge 25 signage to be prominently displayed on the entrance door and point of sale.
- No alcohol allowed on the premises in open containers or consumed on the premises.
- If the DPS / premises licence holder is not at the premises there will be a member of staff on duty at the premises who is responsible for the premises and be capable of liaising with any of the responsible authorities if required.
- No alcohol to be displayed within 3 meters of the entrance door, expect for behind the point of sale.

7. Regarding staff training, the premises to arrange refresher training for staff as necessary

Those other matters detailed in the proposed operating schedule and which are not addressed above, and the relevant mandatory conditions under the Licensing Act 2003, will also form part of the licence issued.

A 16-page petition against the application had been sent anonymously to the Licensing Department in advance of the hearing. However the Sub-Committee heard that the petition had in fact been organised by a competitor (a supermarket premises situated nearby), who had displayed it on their shop counter for their customers to sign. Accordingly, from the start of the meeting the Sub-Committee disregarded this petition in its entirety, and attached no weight at all to it when making their decision.

The Sub-Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application, but did not accept that there was evidence of an overwhelming risk to the promotion of the licensing objectives arising from the proposed operation of the premises, except in terms of the hours for the sale of alcohol. West Midlands Police had agreed conditions with the applicant in advance of the meeting, relating to the use of CCTV, staff training, display of alcohol and the management arrangements. No representations had been made by other Responsible Authorities.

However when the concerns of another person, namely a Ward Councillor who attended the meeting, were heard, the Sub-Committee felt that there were legitimate concerns regarding both the public nuisance objective, and the protection of children from harm objective. The Ward Councillor confirmed that there were 36 sheltered accommodation apartments directly opposite the premises (for the elderly/ vulnerable), and also a secondary school in the vicinity, as well as the further apartments which were situated directly on top of the premises.

The concerns of the Ward Councillor were not based on mere fears or speculation; she stated that she knew the area extremely well and could report that there had been problems with youths in the area causing trouble, such as throwing bricks at buses and otherwise interfering with traffic. She also confirmed that there were issues with underage drinking and drug use in the area. The entrance to a local secondary school was not far away from the premises; this was a worry given the known problem of underage drinking in the area. Children would be passing by the shop on their way to and from school, and the thought of alcohol being on sale as early as 0700 hours daily gave rise to concerns about an increase in the levels of underage drinking which local residents had already observed, and a consequent increase in drink-related anti-social behaviour, which included noise nuisance.

In summary, the Sub-Committee considered that the nuisance & anti-social behaviour already known to be a problem in the area (as described by the Ward Councillor) could increase if the Sub-Committee were to grant the Licence to start at the very early hour requested by the applicant. The applicant's representative stated that the proposed 0700 start time for alcohol sales had not been raised as an issue in any representation, and suggested that the proposed start time should therefore automatically be granted. However the Sub-Committee felt it important to exercise their discretion in terms of examining the relevant facts regarding the local area – namely the close proximity to sheltered accommodation for the elderly/ vulnerable; a secondary school; other apartments located directly above the premises. These facts had been reported to them by an elected representative, and it was important to consider the likelihood of increased public nuisance, and the risks to local children, that would arise from commencing the sale of alcohol as early as 0700 hours daily.

The Sub-Committee therefore determined that a delay in the start-time for alcohol sales, namely alcohol sales only to be permitted from 0900 hours daily (not 0700 hours as requested) was necessary for the promotion of the licensing objectives, and indeed in order to ensure that the licensing objectives could be upheld by the applicant, given the proximity of a secondary school in an area known to have problems with underage drinking.

Licensing Sub Committee A – 2 October 2017

Outside the hours of 0900 to 2300 daily, alcohol products could not be exposed for sale by retail, and instead would have to be covered with shutters.

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 information in the application, the written representations received (but excluding the petition in its entirety) and the submissions made at the hearing by the applicant, his representative and by a Ward Councillor 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.

LICENSING ACT 2003 PREMISES LICENCE – GRANT COSTCUTTER, UNIT 2, 492 SHELDON HEATH ROAD, SHELDON, BIRMINGHAM, B26 2RU

4/021017 **RESOLVED:-**

The application had been withdrawn prior to the meeting.

OTHER URGENT BUSINESS

5/021017 There was no urgent business.

The meeting ended at 1212 hours

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation and Enforcement
Date of Meeting:	Monday 30th October 2017
Subject:	Licensing Act 2003 Premises Licence – Summary Review
Premises:	Popular Wines & Spirits, 308 Ladypool Road, Sparkbrook, Birmingham B12 8JY
Ward affected:	Sparkbrook
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

A review of the premises licence is required following an application for an expedited review under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006).

2. Recommendation:

To consider the review and to determine this matter.

3. Brief Summary of Report:

An application under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006) was received on 3rd October 2017 in respect of Popular Wines & Spirits, 308 Ladypool Road, Sparkbrook, Birmingham B12 8JY.

Representations have been received from West Midlands Police, Public Health, Birmingham Children's Trust as responsible authorities and from a other person.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

On 3rd October 2017 Superintendent Mat Shaer, on behalf of West Midlands Police, applied for a review, under Section 53A of the Licensing Act 2003 (as amended by the Violent Crime Reduction Act 2006), of the Premises Licence granted in respect of Popular Wines & Spirits, 308 Ladypool Road, Sparkbrook, Birmingham B12 8JY.

The application was accompanied by the required certificate confirming that in his opinion the premises are associated with serious crime and disorder. See Appendix 1.

Within 48 hours of receipt of an application made under Section 53A, the Licensing Authority is required to consider whether it is appropriate to take interim steps pending determination of the review of the Premises Licence, such a review to be held within 28 days after the day of its receipt, review that Licence and reach a determination on that review.

Licensing Sub-Committee C met on 4th October 2017 to consider whether to take any interim steps and resolved that the Licence be suspended pending a review of the Licence.

A copy of the decision is attached at Appendix 2.

The review application was advertised, by the Licensing Authority in accordance with the regulations; the closing date for responsible authorities and other parties ended on 18th October 2017.

An additional representation has been received from West Midlands Police, see Appendix 3.

Representations have been received from Public Health and Birmingham Children's Trust as responsible authorities see Appendices 4 & 5 respectively.

A representation has also been received from a other person, see Appendix 6.

A copy of the current Premises Licence is attached at Appendix 7.

Site location plans at Appendix 8.

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's functions under the Licensing Act 2003 are to promote the licensing objectives: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Review Application and Certificate from West Midlands Police, Appendix 1

Sub-Committee decision of 4th October 2017 , Appendix 2

Copy of additional representation from West Midlands Police, Appendix 3

Representations received from Public Health & Birmingham Children's Trust, Appendices 4 & 5

Representation received from a other person, Appendix 6

Current Premises Licence, Appendix 7

Site location plans, Appendix 8

7. Options available:

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
Take no action



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

I – Superintendent Shaer

(On behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: **Popular Wines and Spirits**

Postal address of premise: **308 Ladypool Road, Sparkbrook**

Post Town: **Birmingham**

Post Code (if known): **B12 8JY**

2. Premises Licence details:

Name of premise licence holder (if known): **Popular Wines and Spirits**

Number of premise licence (if known): **324**

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:

(Please read guidance note 2)

- On Wednesday the 5th July 2017 a car was broken into on Alfred Street, Birmingham and items stolen included credit and debit cards.
- The victim has contracted their bank and they have informed them that the one of the cards was used in Popular Wines and Spirits, 308 Ladypool Road, Sparkbrook using the contactless system.
- The victim has attended the shop and has been shown the CCTV by unknown staff inside and the victim has seen the offender responsible for using her card which was stolen.
- The victim has subsequently informed police to assist their investigation.
- The local police team have been tasked with obtaining the CCTV footage and have attended the shop.

- Officers attended on the 10th July and then over a number of days in an attempt to obtain / view the CCTV.
- Eventually it was ascertained that the footage had been deleted. However the owner known as "Kul" attempted to blame police for interfering with the hard drive and deleting the footage required. Statements provided from the officers confirm that this did not happen.
- The hard drive was seized and examined by police specialist who confirmed that the footage for the time and date officers required had been deleted and was not retrievable.
- Police specialist however did recover 22 files from the hard drive and found images of what police strongly believe to be –
 1. Staff or the owner drinking on the premises.
 2. Customers being allowed to drink inside the shop.
 3. Single cigarettes being sold to customers.
 4. Male customer believed being allowed to drug deal in the shop. This is shown where a customer removes a small set of electronic scales and appears to weigh a substance.
 5. Sales and alcohol to persons under the age of 18 and these children being allowed to drink on the premises.
 6. Drugs are being openly taken in the shop.
 7. Shop CCTV is pointing directly over the counter at a card reader. Shop staff then takes possession from the customers their bank/credit cards for contactless use. The staff member then appears to show both sides of the card to the camera before making contact with the debit machine. Police believe this is to either clone or make fraudulent transactions.

Signature of applicant:



Date: 03/10/17

Rank/Capacity: Supt M. SHAER BW

Contact details for matters concerning this application: **PC 1978 Walker**

Address: **Birmingham Police Central Licensing**

Telephone Number(s): **0121 626 6099**

E-mail - **bw_licensing@west-midlands.pnn.police.uk**

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attended the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or

- Conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: **Popular Wines and Spirits**

Premise Licence Number: **324**

Premise Licence Holder: **Popular Wines and Spirits**

Designated Premise Supervisor: **Mr Amardeep Wilkhu**

I am a Superintendent in West Midlands Police.

I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the crime, and the serious management failings of the premises concerned.

The level and seriousness of the incidents both in terms of the crimes being committed warrant the use of this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered. It is quite evident from the CCTV footage that the licensing objectives are seriously being undermined.

I am conscious of the DCMS guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signature of applicant:



Date: 03/10/17.

Rank/Capacity: Supt M. Sharr BW



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

WEDNESDAY 4 OCTOBER 2017

**POPULAR WINES & SPIRITS, 308 LADYPOOL ROAD, SPARKBROOK,
BIRMINGHAM, B12 8JY**

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 Popular Wines and Spirits in respect of Popular Wines and Spirits, 308 Ladypool Road, Sparkbrook, Birmingham, B12 8JY 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.

The Sub-Committee's reasons for imposing these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the premises as a result of investigating the use of a stolen credit/debit card on the 5 July 2017 as outlined in the Chief Officer of Police's certificate and application.

The Sub-Committee determined the causes of the serious crime and or serious disorder appeared to originate from a complete disregard of, and fundamental failure, to properly promote the Licensing Act objectives, particularly the prevention of Crime and Disorder. Based on the evidence that the Sub-Committee had been presented with, it appeared to the Sub-Committee that the premises were indeed associated with serious crime and/or serious disorder as set out within the West Midlands Police Application and Certificate.

The Sub-Committee were not satisfied by the explanations put forward by either the Director of the Premises Licence Holder or the Designated Premises Supervisor particularly given the weight of the CCTV evidence which the Police had relied on. The representatives of the Premises Licence Holder informed the Sub-Committee that the premises had been run as a family business for over 15 years (although the Sub-Committee noted that the current Premises Licence is dated 9 May 2008), and had done so without any intervention of the Police, with the exception of an isolated incident. They further accepted that what the Police had observed in CCTV for the premises should not have taken place at the premises at all and promised the Sub-Committee that there would be no repeat of these matters in the future.

The Sub-Committee invited all parties to clarify what they considered to be appropriate Interim Steps in light of the matters that they were presented with. The Police considered that the only appropriate step to take at this stage was the immediate suspension of the Premises Licence, as to allow the premises to trade pending the Full Review determination would in their view undermine the Licensing Act objectives, particularly the prevention of Crime and Disorder. Although,

assurances were provided to the Sub-Committee by the Premises Licence Holder that there would be no repeat of the matters complained of, it was not persuaded on the balance of probabilities that the Premises Licence Holder could in any way comply.

It was therefore necessary and reasonable to impose these steps to address the immediate problems with the premises, in particular the likelihood of serious crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee considered whether it could impose other interim steps including modification of licence conditions, exclusion of the sale of alcohol, or the removal of the Designated Premises Supervisor. The Sub-Committee did not believe however that any of these would address the totality of issues brought to their attention by the police.

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, part of which was heard in Private in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 and a Director of the Premises Licence Holder company and Designated Premises Supervisor at the hearing.

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 (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.

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

From: Abdool Rohomon <a.rohomon@west-midlands.pnn.police.uk>
Sent: 09 October 2017 14:17
To: Licensing
Cc: Deano Walker
Subject: Popular Wines - additional representation

Dear Licensing,

Following West Midlands Police application for a Sec 53a Summary License Review against Popular Wines, 308 Ladypool Road, Sparkbrook, B12 8JY, West Midlands Police submit the following representations which will be presented at the full licensing review.

Examination of the evidence from these premises has revealed that the premises have been involved in the sale of single cigarettes which contravenes "the standardised packaging of Tobacco products regulations 2015".

The premises allowing both customers and staff to drink alcohol on the premises, from CCTV officers have seen alcohol both on display openly at the counter and also a bottle from under the counter that are used to give both customers and staff a drink. CCTV has also shown that when a customer attempts to pay for a transaction with a contactless payment, the staff are seen to take the card off the customer and show both the front and back of the card to the card machine which is in clear view of the CCTV camera that is positioned above it.

West Midlands Police will also show that where a stolen card (which had been stolen in a car theft) was used at the premise, when the injured party went to ask the shop about the usage of the card they indicated that it would have been covered on CCTV and showed that it actually had been covered. When this was reported to the Police and officers attended, the premises stated that the officers should come back when the owner was in so that the CCTV could be accessed. Officers have then been told that the CCTV system had failed and that the images had been wiped, the management of the premises even went as far as to blame the local officers as they had pressed the wrong buttons, even though officers have indicated that they never even saw the hard drive unit as the shop staff spoke to them outside the shop.

This led officers to seizing the CCTV hard drive as they were suspicious of the story they were being told by the premises, technical expertise from West Midlands Police shows that the hard drive was re-formatted in an attempt to wipe the data, but this had been retrieved and showed the above and the grounds for the original application.

This evidence will be disclosed to the licensing committee to further support that the premise license for these premises should be revoked.

Kind regards

Abs Rohomon

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

**Internal : 801 1631
External : 0121 626 6099**

Follow us on Twitter - @brumcopslicensing

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Birmingham Public Health

Popular Wine & Spirits B12 8JY

Alcohol Licence: Expedited Review Response

Kyle Stott

Service Manager, Alcohol Licensing Lead

18/10/2017

Final version.

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

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Popular Wines & Spirits B12 8JY

Public Health's Response to Expedited Review

Licence Review Reference Information

Licence Number: 324

Review requested by: West Midlands Police

Date: 03 / 10 / 2017

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing objectives. As there is currently no licensing objective directly relating to public health, the supporting information will be relevant to at least one of the four existing objectives, those objectives being:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of Dr Adrian Phillips, Director of Public Health.

Any queries relating to this report should be addressed to:

Kyle Stott
Service Manager & Licensing Lead
Birmingham Public Health
PO Box 16732, Birmingham B2 2GF

publichealth@birmingham.gov.uk

1 Premises or club details

<i>Name of premises</i>	Popular Wines & Spirits
<i>Postal address of premises</i>	308 Ladypool Road
<i>Post town</i>	Birmingham
<i>Post code</i>	B12 8JY
<i>Name of premises licence holder or club holding club premises certificate</i>	Popular Wines & Spirits
<i>Number of premises licence or club premises certificate</i>	324

2 Responsible Authority applicant

<i>Name and address</i>	PC 1978 Walker Birmingham Police Central Licensing
<i>Telephone</i>	0121 626 6099
<i>Email</i>	Bw_licensing@west-midlands.pnn.police.uk

3 Overview of the Grounds for Review

Details taken from the Review statement

On Wednesday the 5 July 2017 a car was broken into on Alfred Street, Birmingham and items stolen included credit and debit cards. The victim has contacted their bank and they have informed them that the one of the cards was used in Popular Wines and Spirits, 308 Ladypool Road, Sparkbrook using the contactless system.

The victim has attended the shop and has been shown the CCTV by unknown staff inside and the victim has seen the offender responsible for using her card which was stolen. The victim has subsequently informed police to assist their investigation. The local police team have been tasked with obtaining the CCTV footage and have attended the shop.

Officers attended on the 10th July and then over a number of days in an attempt to obtain / view the CCTV. Eventually it was ascertained that the footage had been deleted. However the owner known as "Kul" attempted to blame police for interfering with the hard drive and deleting the footage required. Statements provided from the officers confirm that this did not happen. The hard drive was seized and examined by police specialist who confirmed that the footage for the time and date officers required had been deleted and was not retrievable. Police specialist however did recover 22 files from the hard drive and found images of what police strongly believe to be:

1. Staff or the owner drinking on the premises.
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3. Single cigarettes being sold to customers.
4. Male customer believed being allowed to drug deal in the shop. This is shown where a customer removes a small set of electronic scales and appears to weigh a substance.
5. Sales and alcohol to persons under the age of 18 and these children being allowed to drink on the premises.
6. Drugs are being openly taken in the shop.
7. Shop CCTV is pointing directly over the counter at a card reader. Shop staff then takes possession from the customers their bank/credit cards for contactless use. The staff member then appears to show both sides of the card to the camera before making contact with the debit machine. Police believe this is to either clone or make fraudulent transactions.

4 Public Health response

Licensing Objective	Response
<i>The prevention of crime and disorder</i>	<p>There are 7 points of concern raised by West Midlands Police, they are:</p> <ol style="list-style-type: none"> 1. Staff or the owner drinking on the premises. 2. Customers being allowed to drink inside the shop. 3. Single cigarettes being sold to customers. 4. Male customer believed being allowed to drug deal in the shop. This is shown where a customer removes a small set of electronic scales and appears to weigh a substance. 5. Sales and alcohol to persons under the age of 18 and these children being allowed to drink on the premises. 6. Drugs are being openly taken in the shop. 7. Shop CCTV is pointing directly over the counter at a card reader. Shop staff then takes possession from the customers their bank/credit cards for contactless use. The staff member then appears to show both sides of the card to the camera before making contact with the debit machine. Police believe this is to either clone or make fraudulent transactions <p>At least 5 of these points are breaking the law, namely points 3, 4, 5, 6, 7. Points 1 and 2 are at a minimum, a significant breach of conditions of licence.</p> <p>Given that ALL points raised by the police are either criminal in their nature, a significant failure to promote the licensing objectives, or a significant breach of conditions, it is clear that the licence holder is not fit to be in possession of an alcohol licence. It is clear that there is a fundamental, flagrant, and arrogant disregard for promoting the conditions of licence, the objective to prevent crime and disorder, and to abide by laws to prevent crime and disorder, with some of these breaches constituting significant criminal behaviour, including those involving drug dealing, drug taking, underage sales, promoting underage consumption on the premises and fraud.</p>
<i>Public safety</i>	<p>Laws relating to the sale of tobacco and alcohol are there to protect the public. Those laws have not been promoted or upheld, and therefore neither has the objective.</p> <p>Conditions of licence are in place to promote public safety; these conditions have not been promoted.</p> <p>No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence – we seek clarification from committee and/or other responsible authorities present as to whether there is evidence available to suggest that the DPS was</p>

	<p>not present when supply of alcohol was taking place.</p> <p>There is a clear threat to public safety wherever drug dealing and/or drug taking is taking place.</p> <p>It is the opinion of public health that any premises that allows the points raised by West Midlands Police to take place, and to encourage harmful and hazardous behaviour is a significant clear and present threat to public safety.</p>
<i>The prevention of public nuisance</i>	<p>The activities that the licence holder allowed to take place on the premises, and did not discourage, are by default a significant public nuisance.</p> <p>Drug dealing is a public nuisance</p> <p>Drug taking is a public nuisance</p> <p>Underage alcohol sales are a public nuisance</p> <p>A premises that allows underage drinking is a public nuisance</p> <p>Fraud is a public nuisance</p> <p>Breaking <i>sale of tobacco</i> laws is a public nuisance</p> <p>None promotion of objectives, and the none compliance of conditions, specifically relating to the consumption of alcohol on the premises is a public nuisance</p> <p>In this instance, the cumulative laws broken, non-promotion of objectives, and flagrant disregard for conditions of licence, are by default, a significant public nuisance.</p>
<i>The protection of children from harm</i>	<p>The allegations raised by West Midlands Police in bringing this expedited review cause public health to have serious, and valid concerns for the protection of children from harm.</p> <p>In the 1st instance, there are allegations of underage sales, and underage drinking/consumption on the premises, premises where drug dealing and drug taking are alleged to be taking place. There are allegations of loose cigarette sales (given the nature of the other allegations, we are concerned that these sales also include to under 18's). There are allegations of drug dealing, and drug taking on the premises, premises that will naturally have children entering the premises.</p> <p>We are in no doubt that the ability to safeguard the welfare of our children will be significantly compromised by being in premises where the points raised by West Midlands Police are taking place. Therefore, again, by default, the licence holder is creating and promoting an environment that is unable to protect our children from harm, and conversely, is creating an environment that actively puts our children in a situation where harm could occur.</p>

Summary

Public Health representations often focus on one particular licensing objective, for example the prevention of crime and disorder. However, in this instance, there are so many serious concerns raised by West Midlands Police, that we are compelled to align these points against all 4 licensing objectives to demonstrate our opinion of the level of blatant disregard for promoting the objectives, and the conditions of licence that the licence holder pledged to adhere to when they applied for, and were granted a licence.

To be granted a licence is a privilege, and not every applicant is successful, there are expectations of the licence holder, and here there is a fundamental failure of this licence holder to promote the licensing objectives and the conditions of licence.

There are serious public health concerns relating to the ability of the licence holder to be able to discharge their duties relating to being able to promote the objectives and conditions of licence, and not only their ability, but their willingness to do so, it would seem that there is a willingness to do completely the opposite.

In this instance, we have no hesitation to conclude that the committee *will* revoke the licence, and it is indeed our recommendation that the committee do take this course of action, it is the view of public health that this is the only right and proper decision.

Fraud, drug dealing, underage sales, encouraging underage drinking, non-compliance of tobacco laws, all have no place in society, and all have no place in Birmingham. We cannot lose sight of the fact that all of these acts were taking place within 256 feet of the nearest primary school.

We expect our licence holders to prevent crime and disorder, on the contrary, crime and disorder was actively encouraged.

We expect our licence holders to keep the public safe, when in fact there was a significant threat to public safety, especially relating to safeguarding, and underage sales and consumption of both alcohol and tobacco. Drug dealing and drug taking undeniably creates an environment where public safety is compromised.

We expect our licence holders to prevent public nuisance. It is the opinion of public health that the allegations against the licence holder, if founded, will undoubtedly create significant public nuisance.

We expect our licence holders to protect our children from harm. Probably the most disturbing aspect of this whole case is the ability of the premises to create an environment where there is clear and present danger to our children, and harm could be caused.

To conclude, we strongly advise licensing committee to revoke this licence.

5 Supporting Evidence and Information

5.1 Public Health Statistical Analysis

The statistical analysis in Appendix 1 shows a series of risk ratings **against a series of key alcohol related indicators**.

This rating is based upon an analysis of a range alcohol related datasets through our Alcohol Risk Assessment Tool. This allows Public Health to place the premises' postcode into the tool and assess against the surrounding area, compare against the Birmingham LSOA average, examine the larger Ward area and impact within the district.

Of particular note, these premises are within the vicinity of commissioned alcohol misuse services and mental health adult services (risk rated RED). The complaint raised by West Midlands Police within this review expressly raises concerns with underage sales, drug misuse and risky behaviours being allowed within the store, demonstrating a blatant disregard for the licensing objectives – this is of particular concern considering the proximity to the vulnerable adult services.

The lack of other off-license premises in the immediate vicinity also indicates a monopoly and lack of choice for the customer, resulting in forced exposure to these risky behaviours using these premises.

Please note: Birmingham is made up of 10 districts with approximately 100,000 people in each; each district contains four ward of approx. 25,000 people; each ward contains approx. 20-25 LSOAs (lower super output area) of approximately 1,000 -1,500 people in each.

See Appendix 1

5.2 Crime

In August 2017, West Midlands Police reported **552** individual crimes for that month, within a 1 mile radius of the premises postcode. These breakdown into several categories, a sample of which are below:

Crime type	Total
Anti-social behaviour	117
Drugs	9
Other theft	47
Public order	27
Violence and sexual offences	132

It is important to note that these are one month's figures. The area is shows a relatively consistent level of criminal offences each month – July 2017 594 offenses, June 2017 537 offenses – and an increase on the previous year's figures for the same period (August 2016 – 429 offenses).

See 0

5.3 Schools

There several schools within a 1 mile radius of the premises.

The closest school is Eden School (344 Ladypool Road), less than 300 feet from the premises.

See 0

5.4 Transport Links

Access to public transport may become a consideration where premises are situated in residential areas (and customers will have to walk through the same residential areas to access transport) or where there are limited transport links resulting in large groups of people waiting for collection or walking through estates further.

These premises are situated on a busy high street, close to the city centre, with good access to transport links.

5.5 Impacts on economic activity

From a *public safety* pillar perspective, we're concerned that this type of criminal behaviour could deter investment, job creation, employment sustainability and the opportunity to socialise as part of the night-time economy. Public Health outcomes, especially in the context of the wider and social determinants depend on a number of factors; two of these key factors are the creation and sustainability of safe environments and opportunities for employment.

5.6 Conditions of License

There is a clear breach of conditions license with reference to CCTV footage being recorded and storage for an appropriate amount of time and being accessible by law enforcement on request.

West Midlands Police have stated in their notice that they had been unable to access the CCTV despite several requests. When access was finally granted the incident in question had been deleted, subsequently leading the entire hard drive being confiscated. Considering the nature of the offenses discovered on the remaining CCTV footage, it does raise the question as to what the deleted incident actually showed.

Appendix 4

6 References

- Crime stats (appendix 2) - www.police.uk

Appendix 1. Public Health Data Analysis

Interpretation of this document:

Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:

- LSOA (Lower Super Output Area) is a geographical Census area with an approx. population of 1,500.
- MSOA (Medium Super Output Area) is a geographical Census area with a approx. population of 8,000.

Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).

1 Tier One Data Overall LSOA Score: GREEN/ LOW RISK

This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, underage sales and the existence of a cumulative impact area. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details below.

Whilst Alcohol Related Ambulance Activity is viewed as Tier One data it has not been possible to include it in the overall LSOA score as the data is only available on a post code district level.

1.1 Tier One Indicator Scores and Risk Ratings

Alcohol Related Ambulance Activity score was generated using actual incident information covering the period of September 2014- April 2015 provided by West Midlands Police Service.	AMBER / MEDIUM	The score for the Post Code District was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all Post Code Districts. There were 15 incidents in the Post Code District in the period.
Police (Non-Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.	NOT KNOWN	Data unavailable
Police (Domestic Violence) score	NOT KNOWN	Data unavailable

was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.

Existing On-Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There are 0 in the Post Code.
Existing Off Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.	AMBER / MEDIUM	The score for the LSOA was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all LSOAs. There are 1 in the Post Code.
Cumulative Impact Areas (CIA) score was calculated based on if a given LSOA contains a Post Code that falls wholly or partly within a CIA.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0 or 2 meaning that it was significantly statistically better than the average across all LSOAs. The individual post code does not fall wholly or partly within a CIA.
Fire Services score was generated using actual incident information on a Post Code level covering the period of 2009-2014 provided by West Midlands Fire Service.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Safeguarding score was generated utilising factors identified at the end of Birmingham City Council Children assessments over the period 01/04/2014 to 31/03/2015 that were alcohol relevant at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Underage Sales Justified Complaints was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Underage Sales Alcohol was based on information provided from the relevant department covering the period 2009-2015 as a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
Underage Sales Any Item was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

2 Tier Two Data Overall Aston Ward Score: **AMBER / MEDIUM RISK**

This score has been generated based on information regarding alcohol specific deaths, liver disease preventable deaths, counterfeit activity and whether reducing alcohol consumption is a priority for the District. These elements have been viewed as having an indirect impact on whether the licence should be granted and were made available on a medium level geography, some of the information utilised is estimates rather than actuals. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details are below.

2.1 Tier Two Indicator Scores and Risk Ratings

Alcohol Specific Deaths score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	AMBER / MEDIUM	The score for Sparkbrook Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 6.55.
Liver Disease Preventable Death score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.	AMBER / MEDIUM	The score for Sparkbrook Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 22.32.
Counterfeit Activity was based on information provided from the relevant department covering the period 2009-2015 at a post code level.	GREEN / LOW	The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that is significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.
District Priority was determined by all Post Codes that fall within a District that has currently identified alcohol as one of their priority issues.	GREEN / LOW	The score for this application was GREEN or 0 on a scale of 0-2. Sparkbrook Ward does not fall within a District that has alcohol issues as a current priority.

3 Tier Three Data Scores

Low number of indicators and differing geographies do not allow for a meaningful overall score. The information is of a high level, estimated numbers and / or a wider social determinant rather than a more direct link.

- Binge Drinking MSOA: **GREEN / LOW RISK**
- Alcohol Related Hospital Admissions MSOA: **RED / HIGH RISK**
- Commissioned* Alcohol Misuse Services MSOA: **RED / HIGH RISK**

- Mental Health Adults Services in Ladywood District: **RED / HIGH RISK**

*Based on working age adult information only, while the service provider for children and older adults was engaged there was not sufficient volume of data to enable a meaningful analysis.

4 Summary

The statistical analysis shows a HIGH RISK (RED) as against a series of key alcohol related indicators.

In particular, these premises are within the vicinity of commissioned alcohol misuse services and mental health adult services. The complaint raised by West Midlands Police within this review expressly raised concerns with underage sales, drug misuse and risky behaviours being allowed within the store, showing a blatant disregard for the licensing objectives – this is of particular concern considering the proximity to the vulnerable adult services.

Appendix 3. Schools

www.googlemaps.com

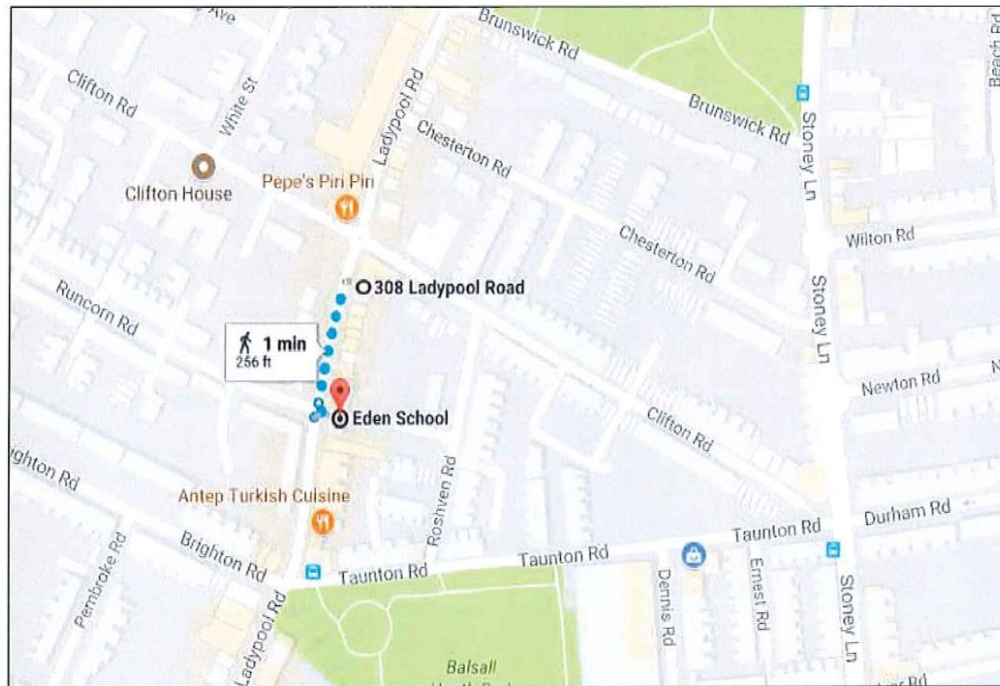


Figure 2: Location of the closest school to the premises

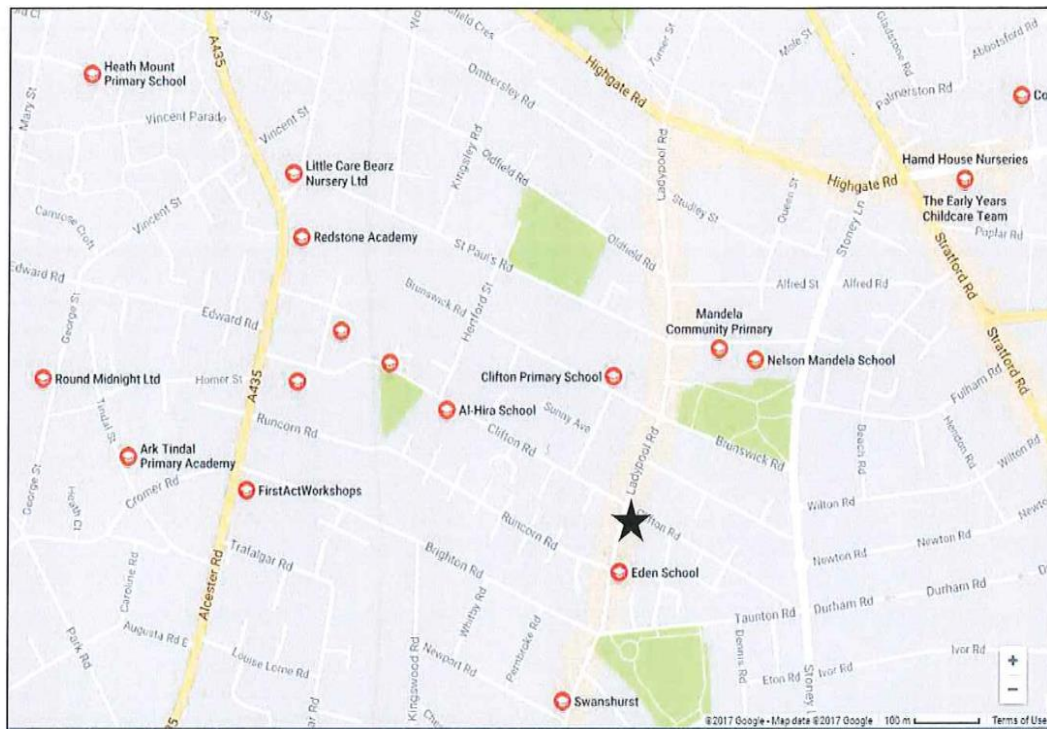


Figure 3: Location of schools and premises

★ indicates approximate location of premises

Appendix 4. Conditions of License ([license number])

4. Conditions

4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

Objective	Condition
N/A	Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
N/A	Alcohol shall not be sold in an open container or be consumed in the licensed premises.
N/A	No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
N/A	Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

- **General** - General conditions consistent with the operating schedule.
- **Crime** - Conditions consistent with, and to promote the prevention of crime and disorder.
- **Safety** - Conditions consistent with, and to promote public safety.
- **Nuisance** - Conditions consistent with, and to promote the prevention of public nuisance.
- **Child** - Conditions consistent with, and to promote the protection of children from harm.

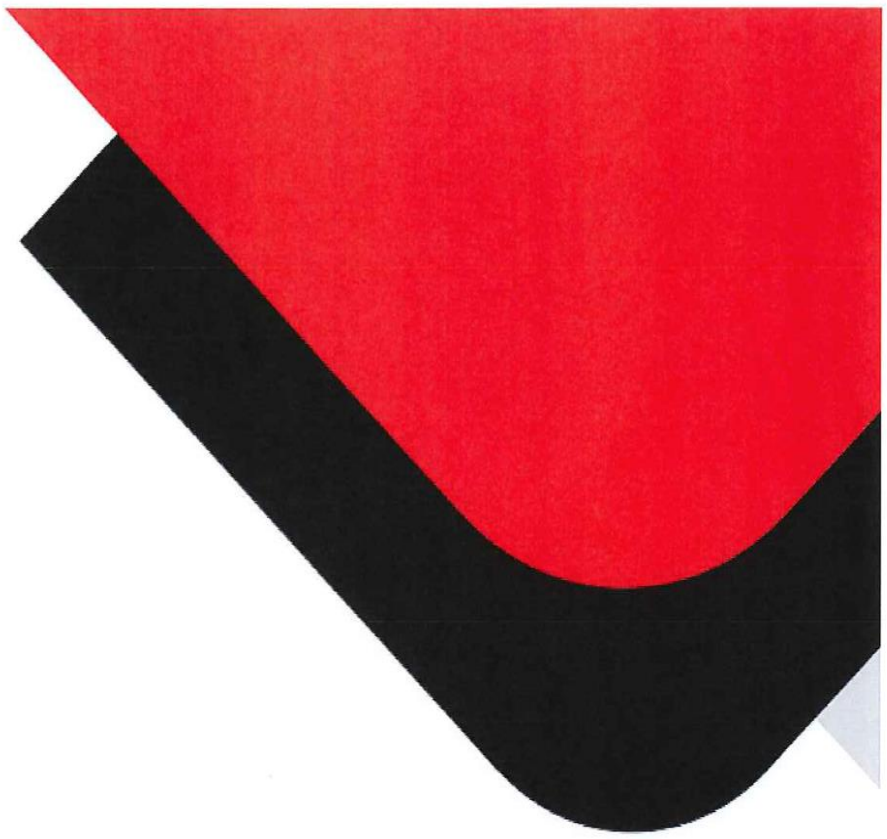
Objective	Condition
GENERAL	No enforceable conditions identified from operating schedule.
CRIME	CCTNO SALE OF ALCOHOL TO PERSONS WHO ARE INTOXICATED.
CRIME	CCTV to be maintained on the premises.
CRIME	No enforceable conditions identified from operating schedule.
SAFETY	No enforceable conditions identified from operating schedule.
NUISANCE	No enforceable conditions identified from operating schedule.
CHILD	No enforceable conditions identified from operating schedule.

4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

- **General** - General conditions consistent with the operating schedule.
- **Crime** - Conditions consistent with, and to promote the prevention of crime and disorder.
- **Safety** - Conditions consistent with, and to promote public safety.
- **Nuisance** - Conditions consistent with, and to promote the prevention of public nuisance.
- **Child** - Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	N/A
CRIME	N/A
SAFETY	N/A
NUISANCE	N/A
CHILD	N/A



Public Health

PO Box 16732
Birmingham
B2 2GF

publichealth@birmingham.gov.uk

www.birminghampublichealth.co.uk
www.birmingham.gov.uk

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.



Birmingham Children's Trust
(Shadow Arrangements)

1 Lancaster Circus

Birmingham

B4 7DJ

Licence Review Reference Information

Licence Number: 324

Review Applicant Number: (not known)

Date: 18/10/2017

This is a response document from Birmingham Children's Trust in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing objectives.

On behalf of Debbie Currie, Assistant Director

Birmingham Children's Trust

18th October 2017

Part 1:

Premises or club details

Name of premises	Popular Wines & Spirits
Postal address of premises	308 Ladypool Road, Sparkbrook,
Post town	Birmingham
Post code	B12 8JY
Name of premises licence holder or club holding club premises certificate	Mr Amardeep Wilkhu
Number of premises licence or club premises certificate	

Part 2:

Responsible Authority applicant

Name and address	Licensing Department c/o Lloyd House Police Station, Birmingham West Midlands Police
Telephone	N/A
Email	(Contact PC Abdul Rohomon)
Reference	N/A

Part 3:

Overview of the *Grounds for Review*

Under Section 53A (1) (B) of the Licensing Act 2003, West Midlands Police (WMP) have requested an expedited review of premises licence number 4579 due to the seriousness of the disorder at the premises.

WMP state that reports of an incident of people brandishing weapons, including a firearm and a knife, trying gain entry to the premises, and upon refusal then attacking the premises, satisfies them that a serious offence has occurred. The concern of WMP is that if steps are not taken to consider the running of the premises they will continue to be used in the manner they were on the 11/03/2017 and that further injury could result to the public.

Part 4:

Birmingham Children's Trust response

Licensing Objective	Response
General	<p>The operating conditions for this licence have been completely ignored with a total disregard to the four licensing objectives.</p> <p>It is unfortunate that the criminal activity being undertaken within these premises had only been brought to light due to the persistence of the West Midlands Police Officer; perusing another crime, at first glance not connected, due to CCTV footage being deleted. Had the CCTV footage not been deleted, it is unlikely this review would have been actioned.</p> <p>In view of this, it would be unacceptable that the licensee (Mr Wilkhu); under any circumstances be given the opportunity to be granted a further licence.</p>
The prevention of crime and disorder	There is the potential for anti-social behaviour linked to alcohol and drug misuse on the premises.
Public safety	There is the potential for incidents of concern.
The prevention of public nuisance	There is a likelihood that this activity attracts a number of people who are more likely due to intoxication, whether that be alcohol or drug related to cause a public nuisance to other customers or the general public.
The protection of children from harm	<p>Children have been sold alcohol and allowed to consume this alcohol on the premises – under no circumstances is this acceptable and is in breach of this objective and the license.</p> <p>This is two-fold in that:</p> <ul style="list-style-type: none"> a) it is against the licence to sell alcohol to be consumed on the premises, b) It is illegal to sell alcohol to persons (children and young people) under the age of 18 years old. <p>A disregard of the licensing and criminal laws has taken place, this can never be justified by any argument of defence and the CCTV footage provides evidence of this.</p>
<p>Summary:</p> <p>The safeguarding of children and young people has been disregarded by the licensee. It is also a concern that there were no additional conditions specified by the licensee who potentially shows a lack of responsibility and/or understanding of what is meant by safeguarding.</p>	

Whilst there is no evidence provided that links CSE to these premises, there are concerns about the potential for the targeting and grooming of children and young people using cigarettes, alcohol and illegal substances. Seen from the CCTV footage is that under 18's where seen in the premises buying and drinking alcohol. This should also be seen from a Public Health Education concern.

We support this review and would recommend that this license be revoked indefinitely.

Sheikhspeare

Est. 1996

MORTGAGE & FINANCIAL CONSULTANTS

Sarfraz House, 306 Ladypool Road, Sparkbrook, Birmingham, B12 8JY

Tel: 0121 449 2727 Fax: 0121 449 8827

The Licensing Section
Ashted Lock Building 1 – 3 Ground Floor,
Birmingham Science Park Aston,
Dartmouth Middleway
Aston
Birmingham
B7 4AZ

RECEIVED
LICENSING SECTION
DATE RECEIVED
14 OCT 2017
REF NO
INITIALS
14th October 2017

Dear Sir,

Popular Wines & Spirits – 308 Ladypool Road, Sparkbrook, Birmingham B12 8JY

I write in respect of the above having their Liquor licence temporarily suspended.
May I state that I trade as a firm of Mortgage & Financial Consultants immediately next door
at No. 306 since 2005 and have a free to use ATM Cash Machine at the front elevation of my
property.

In the 12 years that I have traded from here I have enjoyed a very close friendly, neighbourly
and business relationship with Popular Wines and have never faced any issues or disorderly
conduct at their premises or indeed my own which would be affected by events or
occurrences next door. Indeed in the duration of my presence I have found the area to be
relatively peaceful if rather lively on occasions.


Having an ATM Cash machine which is very busy at most times of the day, I and my user
customers have experienced no problems at all whilst cash is being withdrawn or indeed
replenished in large quantities by Securicor, G4S or other cash replenishment firms.

Further there has been virtually no need for Police presence or attendance to any
disturbances due to their being an Off licence premises as there have been no disturbances
at all.

In my professional opinion I would recommend that the licence to sell Liquor off the
premises be reinstated without any cause for concern.

Should you have any queries or concerns please do not hesitate to contact me in respect of
this matter.

Yours faithfully,


Mohammed Tasnim Sheikh
Director & Senior Financial Consultant.
FCA ref: 747734



Nationwide Agency

E-mail: admin@sheikhspeare.co.uk Web: www.sheikhspeare.co.uk

Sheikhspeare Mortgage Consultants is a trading name of Sheikhspeare & Co. Limited and is an Appointed representative of Taylor Wood
Association which is authorised & regulated by the Financial Services Authority. Reg No: 313513

BIRMINGHAM CITY COUNCIL



LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

324 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Popular Wines and Spirits 308 Ladypool Road Sparkbrook	
Post town:	Post Code:
Birmingham	B12 8JY
Telephone Number:	
0121 449 0244	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence
M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities			
Monday – Saturday	08:00	-	02:00 All
Sunday	10:00	-	02:00 All

The opening hours of the premises			
Monday - Saturday	08:00	-	02:00
Sunday	10:00	-	02:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off Supplies Only

BIRMINGHAM CITY COUNCIL

Part 2

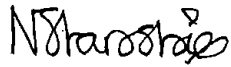
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Popular Wines and Spirits 308 Ladypool Road Spark Brook	
Post town: Birmingham	Post Code: B12 8JY
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 4690036

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Amardeep Singh Wilkhu	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 1645	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 09/05/2008



Nicola Stansbie
Senior Licensing Officer
For Senior Assistant Director, Regulatory Services

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

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

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

No sale of alcohol permitted to those who are or appear to be intoxicated.

CCTV to be maintained on the premises.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

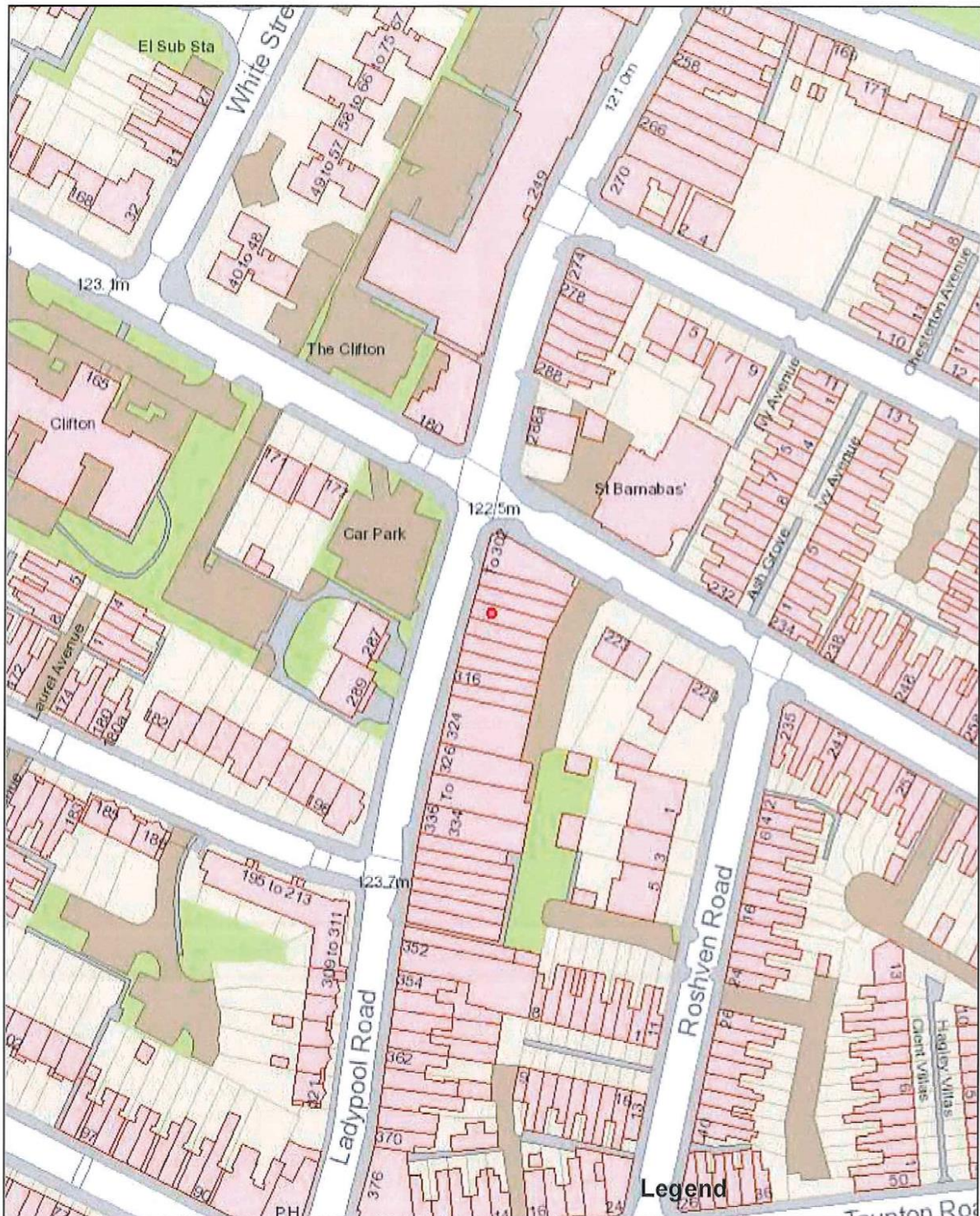
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 -- Plans

The plan of the premises with Drawing Number **96.1.1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.



Map Created By:

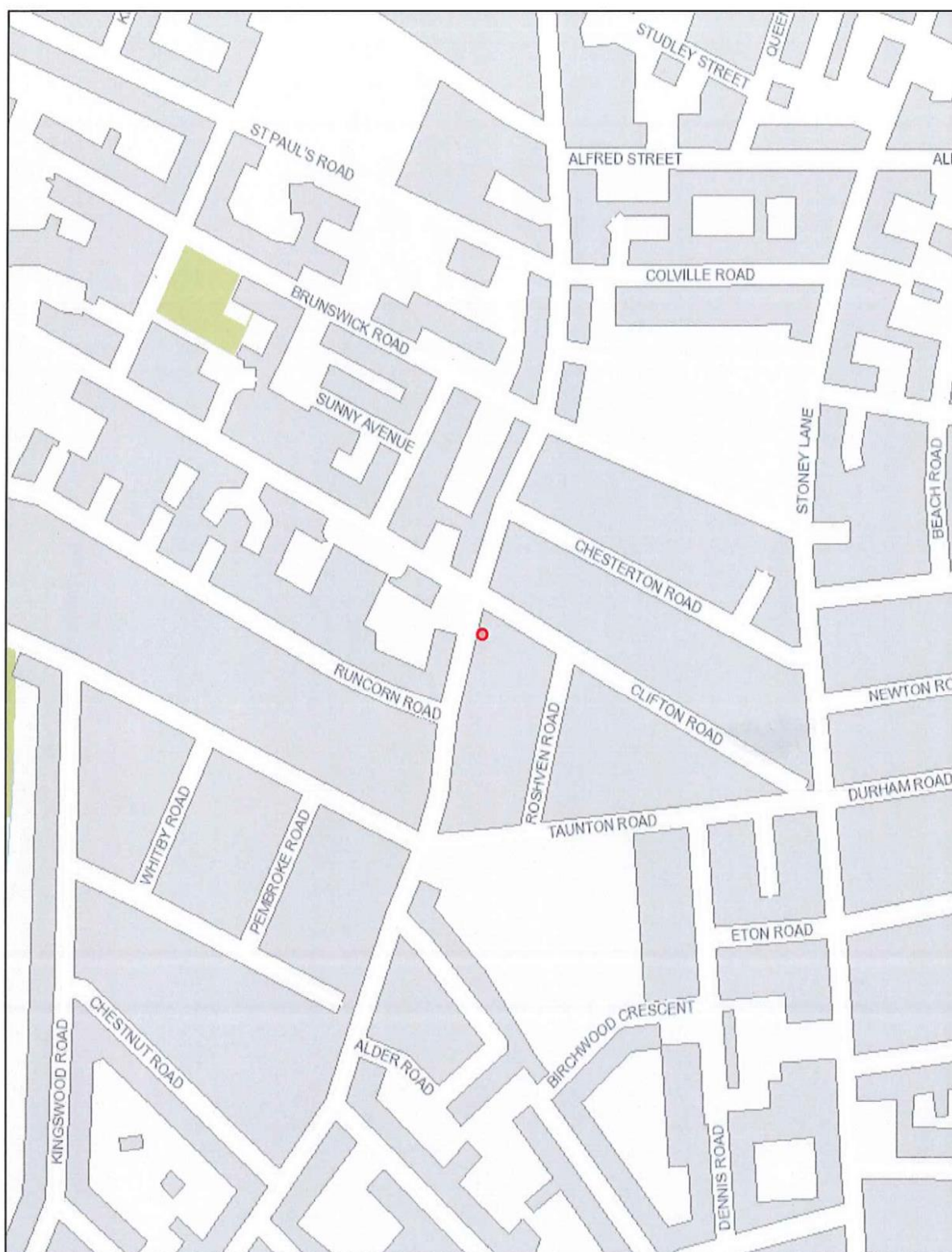
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Scale:
1:1,250

Legend



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Scale:
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