

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 29<sup>th</sup> June 2020</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Review</b>
<b>Premises:</b>	<b>Costcutter, 129 Great Hampton Row, Hockley, Birmingham, B19 3JN</b>
<b>Ward affected:</b>	<b>Newtown</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

As a result of a closure order being issued by the Magistrates Court under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 the Licensing Authority is required to review the premises licence in accordance with section 167 (1) & (2) of the Licensing Act 2003.

### 2. Recommendation:

To consider this review and to determine this matter.

### 3. Brief Summary of Report:

As a result of the Licensing Authority receiving notification that the Magistrates Court has issued a closure order in respect of Costcutter, 129 Great Hampton Row, Hockley, Birmingham, B19 3JN the authority is required to review the premises licence.

Representations have been received from West Midlands Police, as a responsible authority, and from other persons.

### 4. Compliance Issues:

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

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

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

On 15<sup>th</sup> June 2020 Birmingham Magistrates Court notified the Licensing Authority that they had issued a closure order in respect of Costcutter, 129 Great Hampton Row, Hockley, Birmingham, B19 3JN in accordance with section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

As a result of receiving notification of the closure order the Licensing Authority is required to review the premises licence granted to Mr Abid Ali & Fazal Ali in respect of the aforementioned venue.

A copy of the closure order issued by the Magistrates Court is attached as Appendix 1.

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 22<sup>nd</sup> June 2020.

A representation has been received from West Midlands Police as a responsible authority. See Appendix 2.

Representations have been received from other persons, which are attached at Appendices 3 – 6.

The Premises Licence is attached at Appendix 7.

Site location plans are attached 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 is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- 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:**

Copy of the closure order issued by the Magistrates Court, Appendix 1

Copy of the representations, Appendices 2 – 6

Copy of Premises Licence, Appendix 7

Site location plans, Appendix 8

## **7. Options available**

Take no action

Modify the conditions of Licence

Exclude a Licensable activity from the scope of the Licence

Suspend the Licence for a period not exceeding 3 months

Revoke the Licence

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect either permanently or for a temporary period (not exceeding three months).



Birmingham Magistrates' Court  
Code 2922  
Birmingham Magistrates Court  
Victoria Law Courts, Corporation Street, Birmingham, B4 6QA

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COSTCUTTERS  
Great Hampton Row  
Newtown  
Birmingham  
B19 3JN

Case number: 202000249121

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### Orders

The court has heard the matters shown below and made the orders listed.

Date: 27 May 2020

**Michael Seath**  
*Justices' Clerk*

### Matters and orders

202000249121/1

Application for a closure order following service of a notice on 14/05/2020 in respect of COSTCUTTER,  
GREAT HAMPTON ROW, B19 3JN .

Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

Closure order made for Costcutters Great Hampton Row Newtown B19 3JN for 3 months. Access is prohibited to all persons. This order applies to the whole of the premises.

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**From:** Abdool Rohomon  
**Sent:** 18 June 2020 13:26  
**To:** Licensing  
**Cc:** Jennifer Downing  
**Subject:** Reps - Costcutter - Great Hampton Row

Dear Licensing  
West Midlands Police representations  
**Costcutter, Great Hampton Row, Newtown, B19 3JN**

Following the grant of a Closure Order (Sec 80 Anti-Social Behaviour, Crime and Policing Act 2014) at Birmingham Magistrates court against the above premises West midlands police licensing wish to make representations.

The premise in question is an off licence in the Newtown area of Birmingham. It is clear from the bundle submitted, which details evidence such things as criminal activity being ignored, not challenge, little to none co-operation with the local Police team trying to deal with the problems in the area, and especially to issue outside the premises, that the premise are not promoting the licensing objectives in any form.

Evidence from officers shows that the premise has been complicit in allowing crime and disorder, anti-social behaviour both in the premise and immediately outside. This has ranged from drug dealing, weapons, staff fighting, not providing CCTV, sale of alcohol to believed minors, drunk people, breaching Covid 19 regulations, etc.

This has caused the local community alarm, harassment and distress, many of whom are too fearful to speak out, but to those that have the clear impact the licensed premise is having on their lives is there to see. Officers from the local neighbourhood team believe that the issues at the premises stem from a lack of control, which has led to drug dealers feeling at ease to be outside and deal drugs, and when officers attend the area to feel at ease to walk into the premises, and even try and pass their drugs to the staff. There has been an increase in the severity of the issues in and around the premises, this has seen a firearm discharge in December 2019, a stabbing in January 2020, and a further firearm discharge in May 2020. There is a history of non-compliance by the premises, when officers have asked for CCTV it has been refused, arranged meetings the Premise Licence holder failed to attend, but was instead buying supplies. Birmingham Magistrates court issued a 3 month closure order against the premises due to the negative impact the premise was having on the area.

West Midlands Police licensing are seeking to have the premise licence revoked, on the basis that they are not promoting the licensing objectives, especially around crime and disorder, public safety, public nuisance and protecting children from harm, and that by not doing so this is allowing the level of criminality and the seriousness of the offences committed outside to increase substantially. Supporting evidence will be provided in due course.

If you are aware of any instructed solicitor that is acting on behalf of the premises, it would be appreciated if you could let us know for the service of the supporting evidence

regards

**Abs Rohomon. BEM**

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

**From:**

**Sent:** 21 June 2020 16:53

**To:** Licensing

**Subject:** The closure of Costcutter

Dear Birmingham City Council,

I am writing this email in accordance with the Licensing Act (2003) which allows members of the public to make representation in order to revoke the license of any shop. The shop that I'm talking about is the Costcutter located on 129 Great Hampton Row, Birmingham B19 3JN.

This shop in the newtown community, where I live, it has been part of our community for many years and has always been a safe place for our children. However, as of recent it has become notorious for being a hangout for many gangs in newtown. This is fueled by the negligence of the staff that work in the convenience store who turn a blind-eye to the misconduct that takes place in front of their shop. They have begun to sell large quantities of alcohol to these many gangs inciting antisocial behaviour and problems in our community.

It could be concluded that they are complicit in the crimes that take place and children and young people in the community report feeling vulnerable and unsafe while around/in the shop.

Due to these reasons, I would like to recommend the closure of this shop in order to preserve the safety of our children and young people.

From,

From:

Sent: 21 June 2020 22:19

To: Licensing

Subject: Anti social behavior of Costcutter 129 Great Hampton Row.

My name is \_\_\_\_\_ and i am the \_\_\_\_\_ of Huda Community Centre in Newtown next to the costcutter which is closed last month because of anti social behavior and since the police closed all the area became calme and safe to walk then i would like to add my personnel name and the name of the community I am representing to keep permanently close this premise .

Huda Community Centre

**From:**

**Sent:** 21 June 2020 15:21

**To:** Licensing

**Subject:**

Hi, I am a resident who lives by the costcutter,129 Great Hampton Row,b19 3JN and want to make a representation.

Myself and plenty of the residents in the area want this shop closed as we have witnessed plenty anti-social behaviour activities going on. It is not safe at all every other day someone dies in front of this shop or gets shot at. We can't even walk to get essentials from the nearby shops because we fear for our safety. We have so many young kids who walk by and they can be the next victim of targeted gang violence that has been going on so long over there.

This has to stop! please for our safety and the safety of the community close this shop. Lot's of people may not be able to complain as they do not speak or write in English.

thank you.

**From:**

**Sent:** 21 June 2020 13:48

**To:** Licensing

**Subject:**

I would like to report the shop Costco in Newtown due to alot of shooting and problems, and it is hard for us to do shopping as I have kids how I feel like they are in risk as I live in Newtown. I'm worried to go outside as I feel like something bad is going to happen, so please may you close the shop it would lift a weight of my shoulders knowing my family is safe.



**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

1595

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Cost Cutter 129 Great Hampton Row Hockley	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B19 3JN
<b>Telephone Number:</b>	

<b>Where the licence is time limited the dates</b>
N/A

<b>Licensable activities authorised by the licence</b>
M2          Sale of alcohol by retail (off the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>				
Monday - Saturday	08:00	-	23:00	M2
Sunday	10:00	-	22:30	M2
Good Friday	08:00	-	22:30	M2
Christmas Day	12:00	-	15:00	M2
	19:00	-	22:30	M2

<b>The opening hours of the premises</b>
Not Specified

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

**Part 2**

<b>Names, (registered) addresses, telephone numbers and email (where relevant) of holders of premises licence</b>			
Abid Ali 129 Great Hampton Row Hockley		Fazal Ali 129 Great Hampton Row Hockley	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B19 3JN	<b>Post town:</b> Birmingham	<b>Post Code:</b> B19 3JN
<b>Telephone Number:</b> N/A		<b>Telephone Number:</b> N/A	
<b>Email</b> N/A		<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Fazal Ali	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 3446	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 01/06/2007*

David Kennedy  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## **Annex 1 – Mandatory Conditions**

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

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

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

### **Embedded Restrictions**

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;

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

## **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 enforceable conditions identified from operating schedule.

### **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.

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

#### **3a) General committee conditions**

N/A

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

N/A

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

N/A

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

N/A

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

N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number **47313-1595/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



