

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 20 APRIL 2022 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 MINUTES

3 - 24

To confirm and sign the Minutes of the meeting held on 8 October 2021 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 23 February 2022 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 23 February 2022 at 1200 hours.

To confirm and sign the Minutes of the meeting held on 16 March 2022 at 1000 hours.

25 - 72

- 5 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW BOOZE BURST,
321 – 323 FOX HOLLIES ROAD, ACOCKS GREEN, BIRMINGHAM, B27
7PS**

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

- 6 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 8 OCTOBER 2021

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON FRIDAY 8 OCTOBER 2021 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nicky Brennan in the Chair;

Councillors Diane Donaldson and Alex Aitken.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

1/081021 **NOTICE OF RECORDING/WEBCAST**

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

2/081021 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/081021 Apologies were submitted on behalf of Councillors Mary Locke and Mike Ward and Councillors Diane Donaldson and Alex Aitken were the nominated substitute Members.

**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – BAMBU,
1ST FLOOR KOTWALL HOUSE, WROTTESLEY STREET, BIRMINGHAM, B5
4RT.**

On Behalf of the Applicant

Mark Swallow – WMP (West Midlands Police)

Those Making Representations

Shaid Ali – LEO (Licensing Enforcement Officer, Licensing Section)

On Behalf of the Premises Licence Holder

Duncan Craig – Barrister, Citadel Chambers

Kadir Ahmed – PLH (Premises Licence Holder).

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider. There were not preliminary points for the Sub-Committee to consider.

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

The applicant was then invited to make their case and Mark Swallow, on behalf of WMP made the following statements: -

- a) That the premises was licensed until 0400 hours.
- b) The premises was open on the evening of 10 September 2021 until the early hours of 11 September 2021 when a Section 18 wounding was reported. A male was reported to have injuries to his right shoulder, hand and his right hip. The enquiries were still on-going.
- c) One of the officers tried to gain entry to the premises and then found a disorder happening on the staircase; this disorder broke out onto the street and was particularly ferocious.
- d) One male was arrested, and they had to use spray.
- e) After this a male was found with stab injuries to his right hip which they believed to have happened inside the premises. Both injured persons were at the Queen Elizabeth Hospital being treated, but they had been informed that the injuries were not life threatening.
- f) The did find a knife and a wallet which were subject to further examination.

- g) Large amounts of blood were found inside the premises, as well as an open first aid kit.
- h) The CCTV system had been seized.
- i) The security at the premises made officers aware of the stabbing incident.
- j) The DPS (Designated Premises Supervisor) was identified as 'Jasdeep', who stated he was not present at the time of the incident.
- k) The DPS stated that the event was a private party and the list of those who attended was seized.
- l) In 2019 further licensing conditions were imposed, namely that all events should be risk assessed 28 days prior to the event and WMP should be consulted; a search policy to be adopted and bodycams to be worn by security.
- m) Further enquiries found that the DPS had not completed an adequate risk assessment and it had only been submitted to WMP on the day of the event. Therefore, no comprehensive checks could be done.
- n) The DPS acted negligently and there was no reason to believe he acted other than alone in that.
- o) Knives were allowed into the premises despite a search policy.
- p) He had worked closely with the premises and agreed conditions at the appeal against the Interim Steps. He had read the new conditions and further agreed that the hours should be modified, the terminal hour was to be reduced and the DPS had been dismissed and replaced by a new one. It was WMP's belief that those changes provided a fail-safe double check and ensured the Licensing Objectives were being met.

At this stage the Chairman invited those making representations to outline their case, and Shaïd Ali, LEO made the following points: -

- a) That he first became aware of the incident at the premises on 15 September 2021 when he was tasked to go to the premises and erect the review notices. The application for review indicated that there was an incident involving knives and two persons getting stabbed.
- b) At the time of the incident the DPS Jasdeep Kaur was not at the premises. The licence was transferred in 2014 and then dissolved in 2021. Jasdeep Kaur had significant control of the business until 21 May, and it was now in the control of Kadir Ahmed.
- c) In August 2021 the then DPS left, and Jasdeep Kaur took over again.
- d) Clearly the conditions were not complied with as knives should not have been allowed inside the premises.

- e) Jasdeep Kaur should not have been the DPS.
- f) The reasons for the review given by WMP were justified, there was no call to emergency services, they had not been forthcoming with information, and they had no regard for the prevention of crime and disorder/public safety objectives. This was the reason he had made an objection.

The Chairman then invited the PLH to make their case and Duncan Craig, representing the licence holder made the following statements: -

- a) That he was surprised at Shaid Ali's representation because he'd had discussions with him where he acknowledged that there were errors in his original submission, so Mr Craig was questioning why Mr Ali had read out stuff that wasn't correct.
- b) The last email exchange Mr Craig had with Shaid Ali indicated that he was content and that he would remove his representation if WMP and the PLH reached an agreed position, of which they had. The oral representation Mr Ali had given was not in accordance with Mr Craig's understanding. Therefore he requested some clarity from him regarding that.
- c) The PLH did not oppose the suspension initially, however there were inaccuracies in the review application.
- d) Following on from that, Mr Craig entered discussions with WMP, and they had been fair and professional in considering his representation. Accordingly they had reached an agreed position.
- e) They invited the Sub-Committee to impose those conditions at the appeal against interim steps meeting, and the Committee agreed to that.
- f) They were now further inviting the Committee to impose them as permanent conditions and also maintain those interim steps so they would take effect immediately.
- g) The PLH had purchased an ID Scanner which cost £5,500 and they had used it at the event they held last weekend with no issues. It provided a double layer of security.
- h) They had also added metal detectors so everyone who wanted to enter the premises was searched twice by two different officers.
- i) He invited the Committee to remove the previous security conditions and adopt the new one which was more onerous on the premises.
- j) They had also modified the hours and added last entry conditions.
- k) The premises needed to consult with WMP if they intended to vary the DPS. The previous DPS had let the premises down; he would not be returning.

- l) They'd engaged in discussions with WMP regarding the security company, but it was evident they had handled the incident well and a new door company was not being sought. However, if a change in door company was to happen, WMP would have to be consulted.
- m) The DPS variation had been made and WMP were happy with the proposal.
- n) The new proposed DPS had applied for a personal licence and having spoken to Solihull Licensing Department it was expected that would go through next week without issue.
- o) Mr Craig had been involved with the risk assessments and he would work closely with the premises on that going forward.
- p) He also suggested meeting with WMP in a month's time to have a debrief to see how things were going.
- q) There was an on-going criminal investigation, and his client was happy to assist WMP with that.
- r) This was a good example of a premises acknowledging their mistakes and making positive steps to address the issues.
- s) His client invested a lot of money in the premises and had got a lot at stake personally. He wanted a viable business.
- t) That his client had not ran a licensed premises before, however he'd been a door supervisor in Mayfair. Therefore, he was not inexperienced.

Kadir Ahmed made the following points: -

- a) That the premises opened nearly 20 years ago and was at the forefront of hospitality in Birmingham. He was happy and proud to have acquired at a precarious time due to Covid-19.
- b) He considered the venue to add value to the city.
- c) He had the priveledge to work in the countries capital city and would hear people talking about going to Birmingham to visit Bambu.
- d) He understood that the safety of patrons was a priority and that he had a duty of case to his customers.
- e) He had sought advice from industry professionals and made changes.
- f) That he took his role very seriously.
- g) That he had worked as a door supervisor between 2005-2012 and had been in the licensing industry for over 15 years.

The Chair invited questions from Members and Duncan Craig gave the following responses: -

- a) That the ID Scanner would be used on all patrons.
- b) The search policy would apply to both male and female patrons, but they would have male and female search officers.

At this stage Shaid Ali wrote a comment in the chat facility in MS Teams and Duncan Craig advised that when the injured person left the premises, they were not aware he had been injured. It was not until he took his shirt off in the street that the female doorman immediately noticed, and the head doorman went over to police who were on the street at the time. They were informed and dealt with it immediately. It would have been absurd for them to then call the police when the police were already notified.

Mark Swallow added that at the initial hearing he wasn't aware the police had been notified and he did look into it. It was witnessed on CCTV that the male did come out of the premises, remove his shirt and staff attended to him whilst the doorman went and alerted police officers on the street.

Following on from this, the Chairman invited all parties to make a brief closing submission.

In summing up Shaid Ali, LEO made the following points: -

- That he had listened to the proposals from Duncan Craig and if WMP were happy with the extra conditions and proposals then he would be happy with withdraw his representation.

Mark Swallow, on behalf of WMP made the following closing statements: -

- That it was a terrible incident and he wanted to thank the Committee for allowing him to go away and get a more rounded view. The interim steps allowed the premises to prove they could work with the new conditions without issue.
- The investigation was on going.
- In his belief the conditions put forward were appropriate and targeted.
- The PLH had acknowledged the issues and accepted he needed to take on greater control of the premises.
- He believed the measures put in place would ensure the issues didn't reoccur.
- That the agreed position was a good way of moving forward and he invited the Committee to extend that into permanent order.

Finally, Duncan Craig, on behalf of the PLH made the following closing statements: -

- There was an agreed position.
- Maintain the conditions as interim steps and then also make them permanent.
- They would meet with WMP in a month's time to have a debrief.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

4/081021

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by Arcadian Wrotesley Entertainment Ltd in respect of Bambu, 1st Floor Kotwall House, Wrotesley Street, Birmingham B5 4RT, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that:

1. Jasdeep Kaul be removed as the Designated Premises Supervisor
2. The conditions of the Licence be modified [as detailed below]
3. The interim step of the modification of the licence, by way of conditions agreed between the premises licence holder and West Midlands Police, shall be maintained pending the determination of any Appeal

The conditions of the Licence shall be modified as follows:

- The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY"
- All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search AND metal detection. Each of those activities will be undertaken by a separate door supervisor
- The licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises
- No person will be allowed entry to the premises after 03:00, save for re-entry for persons who were on the premises before 03:00. Every person re-entering the premises will be strictly subject to the body and metal detection search
- The licence holder will consult with WMP when they intend to vary the DPS on the premises licence
- The licence holder will consult with WMP before changing the company that provides door security at the premises

It is further agreed that the authorised hours on the premises licence will be modified by reducing the terminal hour for licensable activities on a Friday and Saturday as follows:

- the sale of alcohol by retail to 04:00, and
- regulated entertainment and late night refreshment to 04:30

The certificate which had been issued by Superintendent Fox under s53A(1)(b) of the Act had related to two instances of wounding under section 18 of the Offences Against the Person Act 1861 which had happened at the premises. There had also been an outbreak of disorder, and an arrest for affray had been made. Whilst a suspension of the licence had initially been imposed, it had been lifted at the last meeting.

Members heard the submissions of West Midlands Police, who confirmed that they had been advising the licence holder since the incident, and were satisfied that the new conditions would ensure a robust regime, particularly regarding search procedures. The Police observed that the conditions would ensure that it was unlikely that there would be any recurrence of the issues described in the certificate. The licence holder confirmed via his counsel that he intended to adhere rigidly to the conditions. He was an experienced individual who had held managerial positions, and who had made proper efforts to address the shortcomings identified in the certificate. All in all the Police considered him a suitable operator.

The Sub-Committee considered the modified conditions to be reasonable, proportionate and targeted to address the concerns which had been raised by the Police in the certificate, in particular the likelihood of serious crime and/or serious disorder. In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to 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 by the Home Office under s182 of the Act, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, and the submissions made by the licence holder via his counsel, and by West Midlands Police, at the hearing.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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

The meeting ended at 1057 hours.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 23 FEBRUARY 2022

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 23 FEBRUARY 2022 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mary Locke in the Chair;

Councillors Mike Sharpe and Mike Ward.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

1/230222 **NOTICE OF RECORDING/WEBCAST**

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

2/230222 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/230222 Apologies were submitted on behalf of Councillor Nicky Brennan and Councillor Mike Sharpe was the nominated substitute Member. Councillor Mary Locke elected to Chair the meeting.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – SPRINKLES
DESSERTS, 75 THORNBRIDGE AVENUE, BIRMINGHAM, B42 2PW.**

On Behalf of the Applicant

Wajid Ali – Applicant

On Behalf of the Premises Licence Holder

Peter Brown – EH (Environmental Health) Officer, Birmingham City Council.
Doug Wright – LEO (Licensing Enforcement Officer), Birmingham City Council.
Councillor Hunt – Local Ward Councillor.

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider. There were no preliminary points to consider.

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

The applicant was then invited to make their case and Wajid Ali made the following statements: -

- a) That he had tried to get the opening hour issue resolved with the Licensing Officer. They did not want to open until 5am, as no one wanted desserts at that time. He intended to open until 1am.
- b) The shop was closed at 11pm, this was just for deliveries until 1am.
- c) It would be a key part of the business.

The Chair invited questions from Members and Wajid Ali gave the following responses: -

- a) That he had tried to get the application amended; the man who submitted the application on his behalf also owned a dessert shop and he just did the same application. However, they wanted to do 11pm -1am deliveries. The premises would be closed from 1045pm.
- b) There was a pub opposite and they didn't want people loitering as it is a residential neighbourhood.
- c) They have 1 delivery driver as it was a new shop and was not that busy.
- d) There would be no collections.

- e) The shutter at the front of the premises would be half closed anyway.
- f) The kitchen would only be operating for deliveries and it would only be at weekends.
- g) The back door would be used after 11pm.
- h) They would not be using delivery companies such as Deliveroo because they were not in the catchment area for those companies.
- i) The delivery driver would turn his engine off and then wait inside the premises until the order was ready.
- j) The application was open, but he would only be operating until 1am at weekends.
- k) Covid had hit businesses hard.

The Chair then invited EH to make their case, at which stage Peter Brown made the following statements: -

- a) That the submissions from Wajid Ali had changed his views.
- b) He was supportive of the business and it was popular and well regarded from the reviews online.
- c) The hours initially concerned EH as it was a highly residential area and was not an area typically part of the night time economy.
- d) Caspian Pizza (nearby) shut at 11pm every night.
- e) He didn't see much of a problem with deliveries until 1am. If they can be carried out sensibly he would be comfortable with that.
- f) Takeaway food business would need planning permission, which this premises didn't have as it was a party shop before.
- g) He wasn't sure if there was an extractor system either, if there was and it was operating until 1am that could cause some disturbance to residents so he needed assurance that wouldn't be the case.
- h) They did not have any issue with 11pm close and deliveries until 1am on weekends.

The Chair then invited the LEO, Doug Wright to make his submissions and he made the following statements: -

- a) That he shared the same views as EH.
- b) He was content with 11pm closure and shutters down, then deliveries until 1am.

The Chair then invited Councillor Hunt to make his case, and as such he made the following points: -

- a) That he welcomed the amendments to the application.
- b) That it needed specifying in the licence that the shutters would be closed at 11pm; it would satisfy the concerns made.
- c) He welcomed new business in the area.
- d) That his main concerns were for local residents due to the opening hours, however he hoped that would be spared with the changes made to the application.

The Chairman invited all parties to make a closing submission. However, only Wajid Ali wished to make one closing statement and that was that he apologised for the misunderstanding with the timings.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

4/230222

RESOLVED:-

That the application by Sprinkles Dessert Lounge Limited for a premises licence in respect of Sprinkles Desserts, 75 Thornbridge Avenue, Birmingham B42 2PW, be granted as follows:

- the provision of late night refreshment, to operate as a delivery service only with the premises to be otherwise closed to customers, from 23:00 hours until 01:00 hours (Monday to Sunday)

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

At the start of the meeting the director of the applicant company amended the application. Operation to 05:00 hours was no longer requested; instead the director confirmed that the amended late night refreshment application was for operation as a delivery service only. The shutter to the premises would be pulled down at 23:00 hours nightly. No customers would be entering the shop after 23:00 to purchase or collect late night refreshment orders themselves; orders would be placed and then a driver would deliver to the customer. Moreover, the delivery service would be only offered to 01:00 hours.

Members carefully considered the representations made by other persons and the two Responsible Authorities. All of those making representations confirmed that they found the application to be satisfactory now that it had been amended.

Environmental Health confirmed that online reviews showed that the business was popular and well-regarded, and that there was no objection to deliveries taking place to 01:00 hours. Licensing Enforcement were also content, as the premises would be closed with the shutters down from 23:00 hours. The local Ward Councillor approved the amended application and said that he felt that the premises had a good future with the amended hours.

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

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

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The meeting ended at 1038 hours.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 23 FEBRUARY 2022

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 23 FEBRUARY 2022 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mary Locke in the Chair;

Councillors Mike Sharpe and Mike Ward.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

5/230222 **NOTICE OF RECORDING/WEBCAST**

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

6/230222 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

7/230222 Apologies were submitted on behalf of Councillor Nicky Brennan and Councillor Mike Sharpe was the nominated substitute Member. Councillor Mary Locke elected to Chair the meeting.

**GAMBLING ACT 2005 – LICENSED PREMISES GAMING MACHINE PERMIT –
NAVIGATION INN, 1 WHARF ROAD, KINGS NORTON, BIRMINGHAM, B30
3LS.**

Please note this was a non-invite case.

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The Chairman introduced the Members and officers present.

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

The Members had no questions for the Licensing Officer.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

8/230222

RESOLVED:-

That the application by JD Wetherspoon PLC for a Licensed Premises Gaming Machine Permit in respect of The Navigation Inn, 1 Wharf Road, Kings Norton, Birmingham, B30 3LS be granted.

The Sub Committee deliberated the application, including policies and procedures put forward by the applicant company, and the likely impact of the application, and concluded that by granting this application, the three licensing objectives contained in the Act will be properly promoted.

The application was for five Category C gaming machines, and Licensing Enforcement had not found any issues after carrying out a site visit. The Sub-Committee therefore granted the application as requested.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under section 25 of the Gambling Act 2005 by the Commission, the application for a Licensed Premises Gaming Machine Permit, and the written representations received.

The meeting ended at 1207 hours.

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 16 MARCH 2022

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 16 MARCH 2022 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nicky Brennan in the Chair;

Councillors Phil Davis and Mike Ward.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

1/160322 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/160322 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/160322 Apologies were submitted on behalf of Councillor Mary Locke and Councillor Phil David was the nominated substitute Member.

MINUTES

- 4/160322 The Minutes of the meeting held on 12 January 2022 were circulated, and confirmed and signed by the Chairman.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – FAMILY VYBZ, 1456
PERSHORE ROAD, STIRCHLEY, BIRMINGHAM, B30 2PH.**

On Behalf of the Applicant

Nick Semper – Agent, The Licensing Guys

On behalf of those making representations

No one attended.

* * *

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

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

The Chair invited the applicant to make their submission and Nick Semper, on behalf of the applicant, made the following statements: -

- a) The applicant was absent as he had a meeting with a Head Teacher at a local college about the possibility of teaching young people to cook in a commercial setting.
- b) His family was at the heart of the business, which is a small, food led, family orientated operation.
- c) The applicant was professional and successful.
- d) Nick Semper's colleague had visited the premises and said, "it was the cleanest kitchen he had ever seen in 30 years in the trade".
- e) The alcohol licence was a way of surviving in the current economic climate.
- f) The premises only had 6 tables.

- g) Customers could only buy alcohol with a substantial meal – ample and sustaining meals only.
- h) Further, this application was only until 10pm at night.
- i) The usual safeguards were in place.
- j) None of the responsible authorities had made any representations.
- k) The representation received is a tiny concern regarding the proximity of the premises to the school. The objector is concerned about people drinking alcohol in front of school children.
- l) They had tried to engage with the objector and asked him to visit the site.
- m) They had also told the objector that the application would be determined through an evidence-based decision process.
- n) However, the objector could not attend the hearing.
- o) It was pure speculation, there was no evidence to suggest that children would be put in harms way.
- p) The only way to refuse the application was if the operating schedule was not capable of promoting the licensing objectives. The representation makes no criticism of the operating schedule.
- q) The objector also wanted a blanket ban on alcohol whether the school was open or not.
- r) All staff were extremely competent. The premises had all measures in place such as: refusals book, incident book and a challenge 25 policy.
- s) The applicant would consider whatever further conditions the Committee felt were appropriate to promote the licensing objectives.
- t) West Midlands Police should be the main source of advice for crime and disorder and had not made representations.
- u) He could not see how this application would pose any threat to children.
- v) The applicant was doing a local project involving young people, helping them learn to cook in a commercial setting. He was clearly committed to helping young people.

Members asked questions and Nick Semper gave the following responses: -

- a) That he thought the College the applicant was partnering with was Kings Norton College, but he would double check.

- b) He confirmed it was Kings Norton School.
- c) The premises would not be 'wet led'.
- d) Many premises had children present when adults were consuming alcohol such as: Pizza Express, Prezzo, Pizza Hut.
- e) It was a family led establishment.
- f) There was only seating for 6 people, so it was not going to be a hot spot for alcohol consumption.
- g) It would be closed by 10pm.
- h) They had tried to engage with the objector numerous times without success. The objector wanted the premises to open at 5pm, but that didn't accommodate the lunch time trade and didn't take account of school holidays etc.
- i) The representations were purely based on speculation.
- j) The takeaways are only home deliveries. People would not be attending the premises.
- k) The model was mainly takeaways due to limited seating at the premises.
- l) The whole team would have extensive training.

The Chair then invited closing submissions and Nick Semper made the following closing statements: -

- The decision was like any other, no reference to the operating schedule or concerns from responsible authorities. The Committee should feel satisfied that granting the application would not cause issues.
- The business was successful with an excellent track record.
- The applicant wanted to work with the community and that was evident in his work with the local school.
- The application should be granted.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

That the application by Dion Jackson for a premises licence in respect of Family Vybz, 1456 Pershore Road, Stirchley, Birmingham B30 2PH, be granted. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The Sub-Committee heard detailed submissions from the applicant's agent, who explained that the premises was a food-led and family-orientated small restaurant in Stirchley, offering "authentic and delicious heart-warming meals". The business was professionally run and successful. The application for a premises licence was intended to broaden the offer to the public; the additional sales would also help the business in the difficult economic climate caused by the Covid-19 pandemic.

The restaurant only seated six persons, and wanted to sell small quantities of alcohol to accompany substantial meals to eat in or take away. The terminal hour was to be 22.00. The agent observed that it was a straightforward application, with ample conditions to ensure that the licensing objectives would be properly promoted.

The Sub-Committee noted that none of the responsible authorities, and no Ward Councillor, had objected. However, a representation had been received relating to the protection of children from harm objective. The representation had been made on behalf of Stirchley School, and expressed the fear that the premises could undermine the licensing objectives during the daytime, due to its location in close proximity to the school and on the route home for many children. The concern was that there was the potential for "arguments" or "violence" in front of children leaving school at home time.

The agent confirmed that he had corresponded with the person making representations and had invited him to a site visit to inspect the operation and meet the applicants. He had also explained to the person that the Sub-Committee hearing would be an evidence-based decision making process, and had requested sight or knowledge of any evidence that the person might hold to support his position. No details had been forthcoming, and the person did not attend the meeting to address the Sub-Committee. The Members therefore relied on his written representation alone.

The agent observed that it was speculative to suggest that a grant would cause local schoolchildren to be put in harm's way, and asked the Sub-Committee to look for an evidential foundation for the belief that this would happen. The issue was whether the operating schedule was capable of promoting the licensing objectives. There was no evidence to suggest that it would not be capable, and nothing had been said in the representation that challenged or criticised in any way the operating schedule, the Family Vybz premises, the applicant or the proposed designated premises supervisor. As the agent observed, the person making representations simply wanted a blanket ban on any alcohol sales before 17.00 hours, Monday to Friday, seemingly irrespective of whether the school was open or not.

Members carefully considered the representations made by the other person, but were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. The premises was very

small (seating for six persons), and would be operating under a raft of proposed conditions covering all possible areas of concern – CCTV, trained and competent staff, and exemplary ‘due diligence’ control measures, such as bespoke Incident & Refusals Books and a Challenge 25 policy.

The Sub-Committee also noted that no representations from any of the responsible authorities had been received. West Midlands Police had seen no cause for concern; they were the Sub-Committee’s primary source of information and evidence on all issues relating to crime, disorder and antisocial behaviour. The Members accepted that the decision could not be made based on fear and speculation about what might happen – particularly not in the face of a comprehensive suite of conditions. To refuse the application would require evidence of actual problems, not ‘speculation’ over what might or might not happen at some unknown point in the future, per the caselaw (*R (on application of Daniel Thwaites plc) v Wirral Magistrates’ Court and Others (2008) EWHC 838 (Admin)*).

The Sub-Committee agreed with the agent that it did not necessarily follow that the grant of a licence to offer alcohol only alongside substantial meals would lead to an increased threat to children on the street. All in all, the offered conditions and the applicant were more than sufficiently robust to ensure the promotion of the licensing objectives. The premises was an established business, and the Sub-Committee was reassured that the agent stated that the applicant wanted to work with the local community, not against them. The Sub-Committee therefore resolved to grant the application.

In reaching this decision, the Sub-Committee has given due consideration to the City Council’s Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant via his agent.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates’ Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The meeting ended at 1034 hours.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 20th April 2022
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Booze Burst, 321 – 323 Fox Hollies Road, Acocks Green, Birmingham, B27 7PS
Ward affected:	Tyseley and Hay Mills
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 22nd February 2022 from West Midlands Police in respect of Booze Burst, 321 – 323 Fox Hollies Road, Acocks Green, Birmingham, B27 7PS.

A representation has been received from Birmingham City Council Licensing Enforcement, as a responsible authority.

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:

West Midlands Police applied on 22nd February 2022 under Section 51 of the Licensing Act 2003 for a review of the Premises Licence granted to Mr Ghulam Paswal in respect of Booze Burst, 321 – 323 Fox Hollies Road, Acocks Green, Birmingham, B27 7PS.

A representation has been received from Birmingham City Council Licensing Enforcement, as a responsible authority, which is attached at Appendix 1.

The review application is attached at Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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 representation as detailed in Appendix 1
Review Application Form, Appendix 2
Copy of Premises Licence, Appendix 3
Site location plans, Appendix 4

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
No Action

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 for only such period (not exceeding three months) as it may specify.

From: Gary Callaghan
Sent: 22 March 2022 11:44
To: Bhapinder Nandhra
Cc: Licensing
Subject: Review of Premises Licence

RE: Booze Burst, 321-323 Fox Hollies Road, Acocks Green Olton, Birmingham, B27 7PS.
Premises Licence number 3962

I wish to support the Police review in respect of the above premises, From a Licensing Enforcement viewpoint the premises are expected to promote the Licensing Act 2003 objectives, namely in this instance to promote the Prevention of Crime and Disorder , Public Safety and The Protection of Children from Harm. Due to recent and historic matters of concern highlighted by the Police in there review, I would have serious concerns with the management control at the premises. I feel committee should consider all the range of options open to them in this matter.

Regards,
Gary Callaghan

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

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 this 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.
You may wish to keep a copy of the completed form for your records.

I The Chief Constable of West Midlands Police

(Insert name of applicant)

**apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Booze Burst Ltd
321-323 Fox Hollies Road
Acocks Green

Post town Birmingham

Post code (if known) B27 7PS

Name of premises licence holder or club holding club premises certificate (if known)

Mr Ghulam Paswal

Number of premises licence or club premises certificate (if known)

3962

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Chief Constable of West Midlands Police Central Licensing Team Lloyd House Snow Hill Queensway Birmingham City Centre B4 6DG
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

- ☒
☒
☐
☒

Please state the ground(s) for review (please read guidance note 2)

The premises not promoting the licensing objectives of the prevention of crime & disorder, public safety and protection of children from harm.

Please provide as much information as possible to support the application (please read guidance note 3)

The premises has failed to promote the licensing objective of the prevention of crime & disorder, public safety and protection of children from harm.

The Premises Licence Holder who is also the Designated Premises Supervisor has shown poor or complete lack of management of the licenced premises over a prolonged period of time despite intervention and advice given by West Midlands Police on several occasions.

On Thursday 10th February 2022 a joint visit took place at the premises with WMP Licensing, Trading Standards and Neighbourhood Officers. This visit was arranged as intelligence had been received that the premises was selling illicit tobacco products.

There was no illicit tobacco found in the premises but when officers were searching they found an amount of cannabis and a grinder in a rucksack which was in the stock room. The sole member of staff admitted it was his bag and his cannabis. Officers then searched the member of staff and found he had a large amount of cash on him, including a large number of £50.00 notes. Officers also search a van which the staff member had keys for. The member of staff stated that the van was his but used for shop business. Officers found more cannabis in the van, which was parked outside the front of the shop.

The staff member stated that the money was from the shop takings and it was used to go to the cash and carry.

There was enough cannabis found for the member of staff to be arrested for possession of cannabis with intent to supply, although he was later charged with possession of cannabis.

Of note this member of staff was the only person in the premises until he contacted the DPS who arrived at the premises and then also another male who stated he was the co-owner along with the DPS.

The DPS stated that he knew nothing about the cannabis found.

While at the premises I checked the premises operating conditions with the DPS and no staff training records could be made available for any member of the staff.

There were plastic cups hanging up behind the counter found in a clear sleeve, which had a slit down the side so the cups could be accessed and also an open packet of plastic shot glasses behind the till. When asked the DPS denied giving these out with drinks when purchased.

The premises has an history of licence breaches, poor or lack of management and not promoting the licensing objectives as detailed below:

On 11.09.19 I visited the premises with a neighbourhood officer after they had received intelligence of underage sales and the sale of single cigarettes. On this visit there was again only one member of staff behind the till, the DPS and premises licence holder was not present.

On this visit 3 open packets of cigarettes were found behind the counter – the member of staff stated that the open packets all belong to him.

22 packets of foreign branded cigarettes (that should not be on sale in this country) were found behind the till. The member of staff again stated that he was selling them in the premises for his own monetary gain.

The DPS was contacted and attended the shop. He stated that he knew nothing of the illicit and in fact had only just returned from holiday.

Behind the counter there were plastic cups which the member of staff stated that gave to people who purchased alcohol. The DPS was advised accordingly.

On 11.03.20 I carried out another visit to the premises with the neighbourhood policing team again there was a sole member of staff in the premises again the DPS and PLH was not present. On this occasion 4 bottles of whisky were found behind the counter all with security tags still attached. The member of staff said that his friend had dropped them off for his birthday. The DPS was spoken with over the phone and again denied knowledge of the bottles.

Due to this and previous visits to the premises I invited the DPS to a meeting at Lloyd House to discuss his management of the premises.

The meeting was held on 18.03.20

The DPS agreed of his lack of control, he stated that on the two occasions 11.09.19 and 11.03.20 his brothers were on duty at the shop. He stated that he had a full time job and wasn't at the shop as much as he would like due to this. We discussed as to whether still employing his brothers was the right thing to do – but he insisted that they were still to work there.

At this meeting he was given the chance to devise an action plan to ensure he had more control of the premises and ensure the licensing objectives would be promoted by the premises. At the end of this meeting the DPS commented that I had been more than fair in the way I had dealt with the premises. This risk assessment was supplied.

West Midlands Police have received various intelligence regarding this premises. The most concerning being the supply of illicit drugs from the premises, mainly concerning the supply of cannabis.

The fact that the member of staff in the premises was arrested for possession of cannabis with intent to supply, he was in possession of a large amount of cash including a large amount of £50.00 notes would give some credence to this intelligence.

There have been other incidents reported to West Midlands Police that would also point to poor or lack of management:

19.05.21 – racially aggravated incident when the victim states he was racially abused and also assaulted by shop staff and their friends who were outside the shop. The report was filed with the rational 'victim supports police action but evidential difficulties prevent further action.'

20.06.21 – customer assaulted by youths outside the premises after there had been an argument in the premises. The victim states that the 'shop keeper' used a racial slur against him. Although there is a counter claim by the 'shop keeper.' The report was filed with the following rational – 'crime investigated as far as reasonably possible, case closed pending further investigation opportunities becoming available.'

Two very similar reported incidents by 2 different victims only a month apart.

West Midlands Police are concerned by the continued poor or lack of management of these premises considering the amount of visits and advice that has been given directly to the premises licence holder together with previous discussions around best practice by West Midlands Police Licensing Team.

West Midlands Police feel they have no option other than to bring this premises to the attention of the licensing subcommittee due to the on-going serious nature of the incidents at the premises.

West Midlands Police would ask the committee to consider all options open to them when reviewing the premises licence.

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 22/02/2022

Capacity Supr 2693

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Central Licensing Team Lloyd House Snow Hill Queensway Birmingham City Centre	
Post town Birmingham	Post Code B4 6DG
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) ¹	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

3962 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Booze Burst Ltd 321-323 Fox Hollies Road Acocks Green	
Post town: Birmingham	Post Code: B27 7PS
Telephone Number:	

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 - Sunday 07:00 - 23:00 M2

The opening hours of the premises Monday - Sunday 07:00 - 23:00

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Ghulam Musadaq Paswal	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Ghulam Musadaq Paswal	
Post town:	Post Code:
Telephone Number:	

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 8048	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 15/02/2014

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

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 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.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Premises Licence holder will ensure that all staff are trained with regard to the Licensing Act 2003 specifically relating to the sale of alcohol, and on compliance with the conditions attached to the premises licence. A log of this training will be maintained and can be inspected by any Responsible Authority on request.

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

The Premises Licence holder will ensure that digital CCTV system with an image download facility is installed on the premises to the reasonable satisfaction of the West Midlands Police. CCTV to be operational at all times the premises is open for licensable activity, images to be held for a minimum of 28 days. Full access to recordings will be given to the Responsible Authorities immediately upon request.

The Premises Licence holder shall ensure that notices stating “No sales of alcohol to persons under 18 years of age” will be displayed at the premises.

The Premises Licence holder shall ensure that notices stating “It is illegal for persons to buy alcohol on behalf of persons under 18 years of age” will be displayed at 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

A ‘Challenge 25’ policy will be operated on the premises with notices being displayed on the entrance to the premises and the behind the counter.

The Premises Licence holder shall ensure all staff are trained and regularly refreshed to enforce the ‘Challenge 25’ policy.

The Premises Licence holder shall ensure that all alcohol sale refusals are noted in a refusal register which can be inspected by any Responsible Authority upon request.

The premises will only accept valid forms of identification such as a passport, photo driving licence or a recognised proof of age card.

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

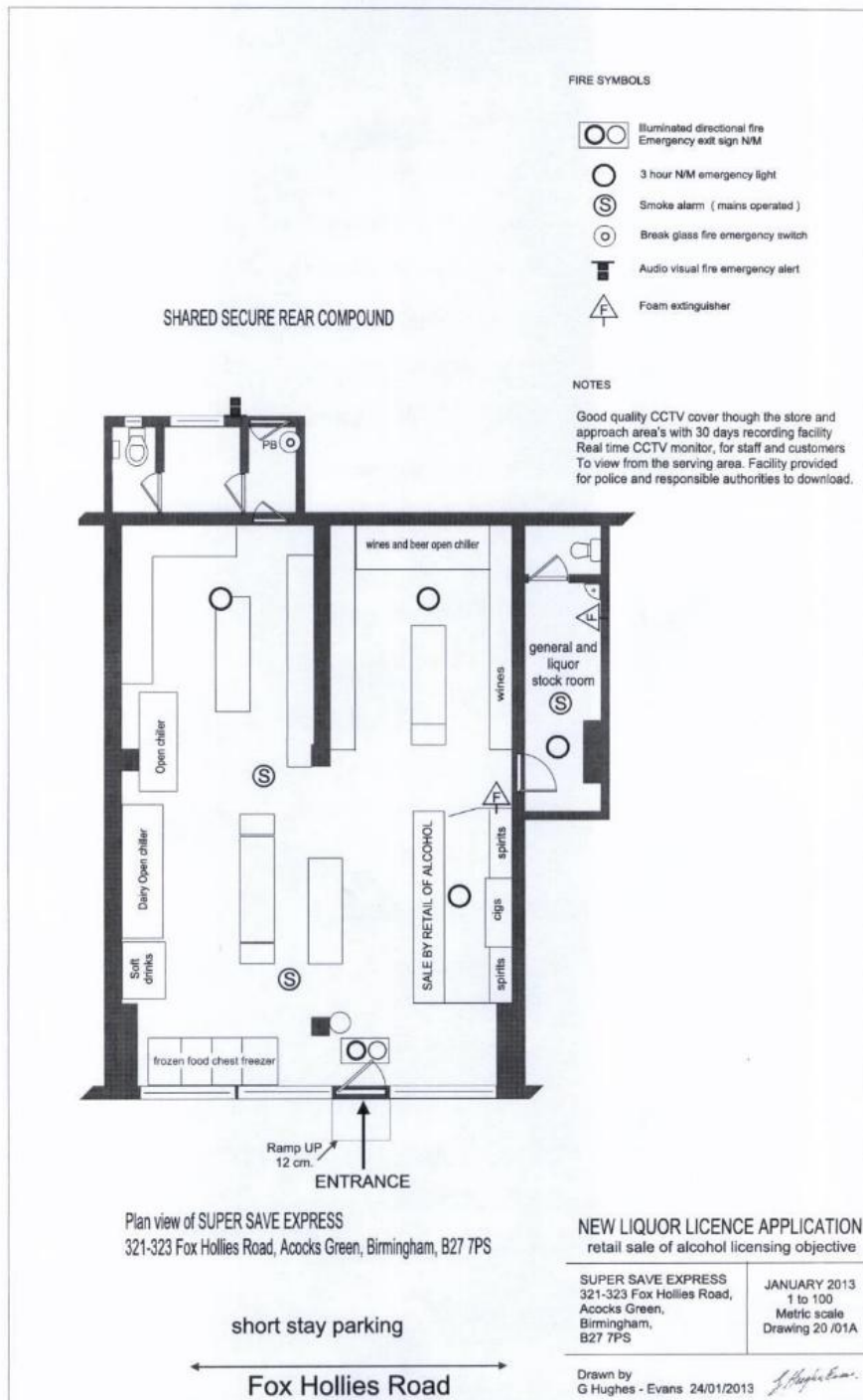
N/A

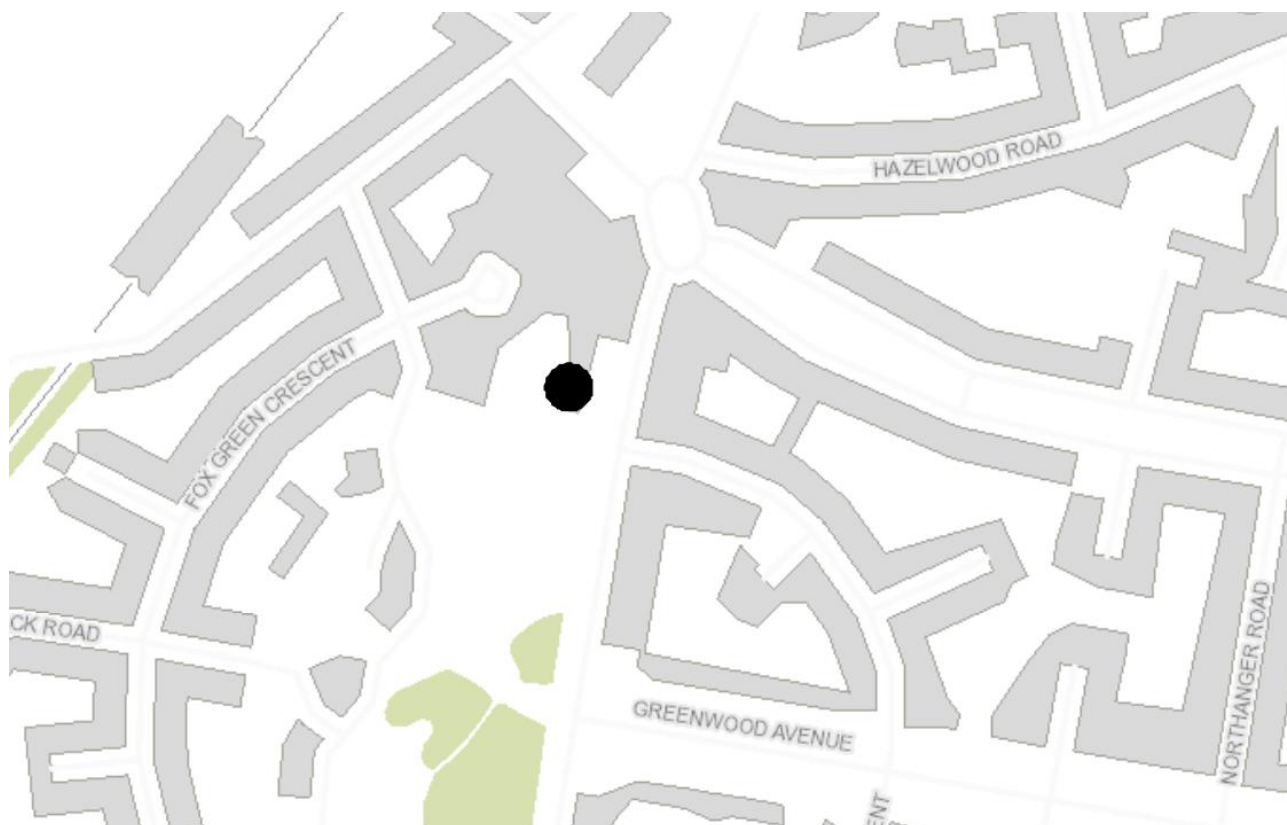
3d) Committee conditions to promote the prevention of public nuisance

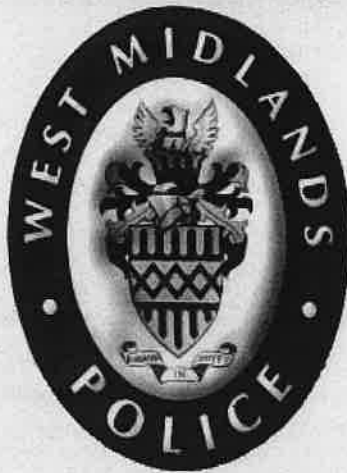
N/A

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

N/A







**West Midlands Police Evidence Bundle For The Review Of The
Premises Licence Of Booze Burst 321 – 323 Fox Hollies Road,
Acocks Green B27 7PS. Premises Licence Number 3962**

Statement of Licensing officer Chris Jones	Pages 1 to 5
Statement from officers from the visit to the premises 10.02.22	Pages 6 to 8
Crime Report – from 10.02.22	Pages 9 & 10
Photographs of the cannabis found 10.02.22	Pages 11 to 13
Detained property reports 10.02.22	Pages 14 to 16
PLH action plan – April 20	Page 17
Drug dealing Intelligence	Pages 18 to 20
Crime reports	Pages 21 to 24

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN

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Statement of: Christopher Jones 55410

Age if under 18 Over 18 Over 18 (if over 18 insert 'over 18') Occupation: Licensing officer

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Date 12th April 2022Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above person and employed by West Midlands Police as a Licensing Officer stationed at Lloyd House.

The team I work in has responsibility for all the licenced premises that operate within the Birmingham City Council area.

I am making this statement in relation to the premises licence review application submitted by West Midlands Police on 22nd February 2022 for Booze Burst 321 – 323 Fox Hollies Road B27 7PS. Premises licence number 3962.

The review application was made after a joint visit to the premises on 10th February 2022 with West Midlands Police Licensing Officer, Trading Standards Officers and officers from the Local Neighbourhood Policing Team.

This visit was arranged as information had been received that the premises was selling illicit tobacco products.

On this visit no illicit tobacco was found on the premises but officers found a quantity of cannabis.

The cannabis was found together with a grinder in a rucksack in the storeroom of the shop. Cannabis was also found in a vehicle parked outside the shop.

The sole member of staff who is the brother of the DPS admitted the cannabis was his and it was his vehicle which was used for shop business.

Due to the quantity of cannabis found by officers that the male was arrested on suspicion of possession of cannabis with intent to supply.

The member of staff was searched by the officers and a large quantity of cash was found on him. £590.00 in mixed £20.00 & £50.00 notes.

The officers commented on the large amount of £50.00 notes in his possession and the male stated that it was takings from the till stating words to the effect a lot of people pay with 50s round here! This gave concerns to the officers and another reason for the male to be arrested on suspicion of possessing cannabis with intent to supply.

Whilst in police custody he was charged with possession of cannabis.

The details of this visit can be found in pages 1 to 16 of West Midlands Police Evidence Bundle.

The review application was submitted by West Midlands Police as the cannabis found in the premises was the latest incident at the shop in a long line of events at the premises that I have personally been aware of over a number of years.

On a number of occasions West Midlands Police have liaised with the premises licence holder (PLH) who is also the designated premises supervisor (DPS) He has been made aware of the issues and he has always stated that he would ensure the correct running of the premises in order to promote the licensing objectives.

When I have attended the premises the vast majority of the times the DPS was not at the premises and on speaking with him he has always blamed the issues at the premises on his staff, his brother(s) stating that he would sort the issue and make a change in the way the premises operated.

This has not happened and the PLH has consistently showed poor or complete lack of management of the premises always willing to apportion the blame to the staff working in the shop at the time.

At no time has the DPS ever removed the staff working at the premises even though he was prepared to blame them for incidents / failings at the premises.

I first became aware of these premises in 2014 when I carried out a joint visit on 29.01.14, with trading standards officers, after a member of staff had sold alcohol to an underage volunteer in a test purchase operation carried out by trading standards. Again this was a sole member of staff left alone in the premises. The member of staff was interviewed by trading standards and claimed he was in poor health, needed glasses and only has one eye, the reasons why alcohol was sold to a child.

On 27.07.17 at another visit to the premises I found breaches of the premises licence:

CCTV only recording for 7 days and not 28 days

Challenge 25 signage was not displayed correctly.

The premises licence holder was advised accordingly.

On 11.09.19 I again visited the shop with the local neighbourhood team after they had received intelligence that the premises were selling single cigarettes and also alcohol to under 18s.

Found at the premises on this time:

3 open 20 packets of cigarettes behind the till (this would give credence to the intelligence that the premises were selling single cigarettes.) The member of staff stated that all the open packets were his personal property.

22 packets of foreign / illicit cigarettes behind the till. The member of staff at the time stated he was selling them in the shop for his own gain.

Plastic cups behind the counter, the member of staff admitted the store gave them to customers who purchase alcohol.

Licence breaches were also found on this visit:

CCTV again was only recording for 7 days and not 28 days

No staff training records

Challenge 25 posters not correctly displayed correctly.

Of note 2 of the licence breaches - CCTV and posters were the same breaches as identified over 2 years earlier.

Again the DPS was not at the premises but arrived after he was contacted by phone.

Again he blamed the member of staff (his brother), denied all knowledge of the illicit cigarettes and surrendered them to the officers.

He was again given advice on the licence conditions and expectations of his management of the licenced premises.

I conducted another visit at the premises on 11.03.20 with the neighbourhood team and again the PLH was not at the premises.

On this occasion 4 bottles of whiskey were found under the sales counter all of which still has store retail security tags attached to the bottles.

This shop does not have a security system in place and does not have legitimate means of removing the tags.

(These tags are an anti-theft device and removed at point of sale when purchased from a shop that uses such a system.) As the tags were still on the bottles this would indicate that that wherever the bottles have come from, the security system was bypassed and these bottles behind the counter were there probably as a result of a theft.

The member of staff, again the PLH's brother stated that a friend had just dropped them off for his birthday.

The PLH was spoken with on the telephone and again denied all knowledge of any bottles with security tags on within the premises.

Due to this incident and previous others I invited the PLH into Police Headquarters for a meeting to discuss his management or lack of management of the premises.

The meeting was held on 18.03.20 and the above was discussed.

The PLH agreed that he had lack of control of the premises, agreed that the above incidents looked bad and stated the reason for his lack of control was that he had a full time job.

Also discussed at the meeting was whether allowing his brother(s) to continue to work at the premises was in the best interest of the business as if he was to be believed the above incidents were their fault as the sole member of staff in the shop.

He was asked to supply an action plan of how he intended to rectify the poor management of the premises and how he intended to ensure compliance with the premises licence conditions and licensing objectives.

I also informed him that I would have no option other than to call for a review of the premises licences if his own action was not followed or if any further serious breaches of the premises licence were disclosed or discovered.

At the end of the meeting he stated that I had been more than fair throughout my dealing with the premises.

The action plan was supplied a copy attached in the evidence bundle at page 17

West Midlands Police have received various intelligence about this premises from selling single cigarettes and selling alcohol to children right through to drug dealing at the premises.

Attached are copies of intelligence received by West Midlands Police regarding the sale of cannabis at the premises. The intelligence logs are all dated after the PLH's action plan of how he was going to have more control of the premises and his staff. Pages 18 to 20 in the evidence bundle.

Also attached are copies for 2 crime reports relating to the premises and the staff within the premises. Pages 21 to 24 in the evidence bundle.

These crime reports are also dated after the PLH's action plan.

Both circumstances are very similar where the victim has been in the premises, they have been racial abused by staff within the premises and then attacked by youths outside.

Both of the crime reports have been filed.

In summary:

West Midlands Police, along with other agencies have attempted to work with this PLH over a number of years, offering advice, education and support to the premises in order they could trade in a manner required for them to hold a premises licence.

The advice seemingly being ignored with the PLH being far too willing to blame his staff for the premises failings and dissolving himself from all responsibility.

Illicit cigarettes have been sold from the premises

On various visits breaches of the premises licence conditions have been found, with the same breaches being picked up on separate different visits.

This premises have been poorly managed for a number of years, a fact the DPS did not disagree with at meeting with West Midlands Police Licensing Officers in March 2020.

The DPS is rarely at the premises.

The action plan submitted by the PLH in April 2020 has either failed or completely ignored.

West Midlands Police have concerning intelligence that cannabis was being supplied at the premises. The visit on 10th February 2022 would go some way to support this intelligence. A member of staff with a quantity of cannabis on the premises with a large amount of cash on him, which included a large amount of £50.00 notes.

On two separate occasions staff at the premises have been involved in an incident at the premises where they have used racial slurs to the victim and then the victim has gone on to be assaulted by people outside the shop.

Bottles of whiskey were found on the premises, behind the till with security tags attached to them.

West Midlands Police received intelligence that the premises was selling single cigarettes and found 3 open packets of 20s behind the counter. This would give credence to the intelligence, although the member of staff did state all 3 packets were his.

It is clear that if the PLH is to be believed that he had no knowledge of the incidents (involving the illicit cigarettes, security tagged alcohol & cannabis) and that it was his staff / brothers who were responsible then his stance of allowing their continued employment at the premises has to be questioned.

West Midlands Police feel that they have no choice other than to bring these issues to the committee, as they fully believe that they have worked with the premises as much as possible over a prolonged period of time and the DPS is either incapable of running a licenced premises to the standard required or has no desire in doing so.

West Midlands would ask the committee to consider all options open to them when making their final decision on this matter.

Signature:

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. 20/211009/22

URN

Statement of Andrew Michael Collis

Age if under 18 o/18 (if over 18 insert "over 18")

Occupation Police Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: AM COLLIS (witness)

Date 10/02/2022

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 0094 Collis of West Midlands Police currently stationed at Acocks Green Police Station patrolling Birmingham East Npu.

On Thursday 10 th Feb 2022 at about 14:30 hrs I was with Trading Standards and Licencing officers to attend BOZZE BURST, on Fox Hollies Road Acocks Green to speak with the owner and to check his stock within the shop to see if he has counterfiet goods within.

Police Log 2326 of today refers.

Officers entered the shop and the occupants were detained as officers searched under trading standards legislation.

At 16:12 hrs I seized the following items from the shop :

AC/01 refers to thousands of dealer bags with a Cannabis Leaf logo on them in a drawer ,behind the counter where staff stand. Seal number 872643.

AC/02 refers to the CCTV hardrive seized from behind the counter at Booze Burst. Sela no 872647 refers.

AC/03 refers to 3 x Glass tubs containing herbal cannabis. Seal no 872642 refers.

AC/04 refers to the Pic's I Phone mobile which he had on his person. Seal no 27226359 refers.

AC/05 refers to Bank of England notes £690 in total. Seal no 27226361 refers.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

6

Crime No. 20/211009/22

URN

Statement of Andrew Michael Collis

AC/06 refers to a small amount of Herbal Cannabis and 2 x grinders. Seal no 25469821 refers.

AC/07 refers to 52 small white boxes containing approximately 52,000 sela seal cannabis bags. Seal no 740413.

AC/08 refers to 300+ Herbal Cannabis lolly pops from the rear of a White Peugeot motor vehicle, registration number [REDACTED] which is registered to [REDACTED]. Seal no 872644 refers.

ALL these exhibits were booked into the property store at Stechford Police Station under property number 2582914/C refers.

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

Page 50 of 72

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WITNESS STATEMENT

Investigation Number: 20/211009/22

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BCase Number

Statement of: Miss Klaudia Wojnowska

Age if under 18: over 18 (if over 18 insert 'over 18')

Occupation: Neighbourhood Policing
Officer

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.



Date: Thursday, 10 February 2022

Tick if witness evidence is visually recorded ☒ (supply witness details on rear)

I am the above named officer currently stationed at ACOCKS GREEN POLICE STATION as a neighbourhood officer. I was on uniformed duty on THURSDAY 10 FEBRUARY 2022 when I attended an off license store called BOOZE BURST at 321-323 FOX HOLLIES ROAD B27 7PS with HA team to assist a licensing officer and trading standards officer with search for illegal tobacco.

Other officers present were PS 3259 HOWKINS, PC 0094 COLLIS, PC 23995 NAZ and PC 3163 UPSTON.

Officers attending conducted section 23 Misuse of Drugs search as in a back pack grinders were spotted and strong smell of cannabis. Back pack front pocket was open and I could see clearly in front pocket some grinders. In the backpack pot of cannabis was found.

Further search of premises was conducted and officers found a large quantity of drug dealing bags, large amount of cash in offender's jacket and pots of cannabis in a van which is associated with the offender.

At 15:40 hours I arrested the offender which I now know to be [REDACTED] for possession with intent to supply class B drugs and cautioned him using "when" questioned caution, front stack was used as the offender was complaint. Offender did not make significant comment or reply to the caution. While transporting the offender did state "I SMOKE WEED".

Arrival at custody was 16:37, his detention was authorised at PERRY BARR CUSTODY SUITE and I had no further dealings with the offender.

I can exhibit my body worn video footage as ref KW/01 Court ref (.....)

I believe the facts stated in this witness statement and as amended in any tracked changes [and initialled] are true.



Comprehensive View**20/211009/22**

Investigation Details			
Event On / From	10/02/2022 at 14:29 to 10/02/2022 at 16:30		
Reported On	10/02/2022	Status	Filed
Primary Offence	Having possession of a controlled drug - Class B - Cannabis		
Included Offence(s)			
Keyword	Recorded via Decision Tree	Tags	
Investigation Type	Crime	Outcome	Type 8 - Community resolution (Crime)
Disposal Date	30/03/2022	Cancelled	
Finalisation Type	Filed	Finalisation Date	30/03/2022
C & C Incident number		OIC	PC 20 25545 Ahmed FCID INV STECH T2

Event Location

321-323 Fox Hollies Road, Birmingham, West Midlands, B27 7PS

Investigation Summary

Officers have attended BOOZE BURST on Fox hollies road with licencing officers and trading standards officers, to assist them in search of illegal tobacco. In the back of the shop a backpack was spotted with the smell of cannabis coming from it, and a grinder was spotted in the pocket of the rucksack, Upon searching the rucksack a pot of cannabis was found. Offender was searched and a large amount of cash found on which the detainee commented "Exactly £690.00". In the store a large amount of boxes containing 52,000 deal bags have been found. Then a van connected to the offender [REDACTED] was searched where 300 cannabis lollies have been found and 3 full pots of cannabis have also been found. Suspect arrested for PWITS.

Investigation MO

Possession of a controlled drug with intent to supply - Class B - Cannabis

Investigation MO Codes**SUSPECT (INTERVIEWED)**

Community Resolution (OC8)

Relationship to Victim: None

Name / DOB / Gender	[REDACTED] Male
Address	[REDACTED] BIRMINGHAM, BIRMINGHAM, United Kingdom, [REDACTED]
Comms	

Actions

Raised	Status	Priority	Details
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Enquiry Log

Type	Date & Time	Text
CST Comments	21/03/2022 10:50 PC 20 7828 Whale	Outcome rejected The WC201R scanned to Document management has pages missing. The fully document needs to be viewable. I note that the Cannabis Lollies have been confirm to not contain any legal substance. In order for a local resolution to be given for this matter, the crime will need to be re-classified from PWITS to Possession. Please submit a Re-class request and once the offence classification has been changed please re-submit the outcome.





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13



CENTRAL STC

Seal Report

Property
Record

2582914/C

Seal
Number

0872642

Entry Date

10/02/2022 17:20:27

External
Reference

OIC

31886,
BENJAMIN WHITEHOUSE

Station

STECHFORD HOLDING
STORE.

Person Created

31886,
BENJAMIN WHITEHOUSE

Store

HOLDING STORE

Crime No

MDIS Log

Property Location

Linked Names

No

Bin Reference

Description	Quantity	Found Location
CANNABIS HERBAL3X GLASS JARS (BLUE 41) CONTAINING HERBAL CANNABIS \ EACH \ 3 \ AC03	3	PIC RUCKSACK IN BOOZE BURS FOX HOLLIES ROAD

Remarks

DATA PROTECTION ACT 1998
This document is subject to the provisions of the above Act.
IT MUST BE DESTROYED IMMEDIATELY AFTER USE

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CENTRAL STC

Seal Report

Property
Record

2582914/C

Seal
Number

27226361

Entry Date

10/02/2022 17:20:27

External
Reference

OIC

31886,
BENJAMIN WHITEHOUSE

Station

STECHFORD HOLDING
STORE.

Person Created

31886,
BENJAMIN WHITEHOUSE

Store

HOLDING STORE

Crime No

MDIS Log

Property Location

Linked Names

No

Bin Reference

Description	Quantity	Found Location
STERLING MONEY 590.00 \ 50 POUND NOTES/ 20 POUND NOTES \ AC05		590 POUNDS TAKEN FROM PIC INSIDE BOOZE BURST

Remarks

DATA PROTECTION ACT 1998
This document is subject to the provisions of the above Act.
IT MUST BE DESTROYED IMMEDIATELY AFTER USE

15



CENTRAL STC

Seal Report

Property
Record

2582914/C

Seal
Number

25469821

Entry Date

10/02/2022 17:20:27

External
Reference

OIC

31886,
BENJAMIN WHITEHOUSE

Station

STECHFORD HOLDING
STORE.

Person Created

31886,
BENJAMIN WHITEHOUSE

Store

HOLDING STORE

Crime No

MDIS Log

No

Bin Reference

Property Location

Linked Names

Description	Quantity	Found Location
CANNABIS HERBAL2X CANNABIS GRINDERS 1X RED TUB CONTAINING 20 POUND OF HERBAL CANNABIS \ EACH \ 3 \ AC06	3	TAKEN FROM PIC INDSIDE BOOZE BURST FOX HOLLIES RD

Remarks

DATA PROTECTION ACT 1998
This document is subject to the provisions of the above Act.
IT MUST BE DESTROYED IMMEDIATELY AFTER USE

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Dear sir,


Since our meeting I have had a meeting with both my employees. I have explained their job role, duties and my expectations of them. I have clearly explained to them due to their careless actions and by them not abiding to my rules this is having a detrimental effect on my business and reputation. I have worked hard to build this business and build positive relationships with my customers by employing staff which I believed had mine and my customers best interests in mind. I have told them of the disciplinary action they will face if they breach any of the rules. I have made it clear to them that I will not take any careless action lightly and I will dismiss them immediately if they carry out any action that is unlawful on my premises. I have been very lenient with them in the past as I believed they were carrying out all duties to a very high standard. I have highlighted to them how disappointed I am that these careless actions have taken place.

Since these inappropriate actions have been highlighted to me by yourselves I have taken this very seriously. Going forward I will provide my staff with better training, support them to ensure they are doing everything correctly. I will carry out spot checks on a regular basis. I have a cctv installed for their safety as well as customers so will monitor this more to ensure everything is running smoothly.

I have decided I will spend more time in shop myself. I have decided to take more control and be more vigilant to ensure my staff are carrying out duties as I expect of them. I will manage my staff better and do weekly meetings to make sure they are fully aware of what I expect of them. My main focus going forward is to spend more time in shop on a regular basis and train and monitor staff duties more frequently.

I would like to take this opportunity to thank you for all your help and support for bringing these concerns to my attention. I feel I have actioned your concerns to ensure this doesn't happen again and going forward will continue to utilise my time more in my shop.

Yours Sincerely,

 Paswal



OFFICIAL

Police Information Report
Intel URN 20/2619846/21

Force
BCU
District
Ward

West Midlands Police
Birmingham East
Yardley

Submitted Date & Time of Report
Event from/to date

09/11/2021 at 09:51

Source Evaluation	2 - [REDACTED]
Information / Intelligence Evaluation	B - [REDACTED]

Report Title	Youths being supplied drugs to sell- Booze Burst Fox hollies
Intelligence Description	Drugs
Intelligence Text	<p>Booze Burst 321-323 Fox Hollies Road, Acocks Green, Birmingham B27 7PS is supplying CLASS B- CANNABIS to local youths. They are supplying the cannabis from under the counter.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>BEHA Acocks Green aware.</p>

Disseminated to	ps 2910 lynn	Disseminated by	Sgt 20 2910 Lynn
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OFFICIAL

Police Information Report
Intel URN 20/2618265/21

Force
BCU
District
Ward

West Midlands Police
Birmingham East
Yardley

Submitted Date & Time of Report
Event from/to date

08/11/2021 at 14:04

Source Evaluation	1 - [REDACTED]
Information / Intelligence Evaluation	B - [REDACTED]

Report Title	BOOZE BURST SELLING DRUGS
Intelligence Description	Drugs
Intelligence Text	<p>The owner of Booze Burst 321-323 Fox Hollies Road is selling cannabis to local residents from the shop. [REDACTED] The [REDACTED] shop where he is selling drugs from is BOOZE BURST. [REDACTED]</p> <p>The locals call him [REDACTED] and often buy drugs off him via the shop as a disguise.</p> <p>Intel suggests [REDACTED] Historically there have been reports for cannabis being sold a [REDACTED]</p> <p>NHT to develop the intel.</p>

Disseminated to	55410 Jones	Disseminated by	Staff 20 55410 Jones
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OFFICIAL

Police Information Report
Intel URN 20/2618393/21

Force
BCU
District
Ward

West Midlands Police
Birmingham East
Yardley
Acocks Green

Submitted Date & Time of Report
Event from/to date

08/11/2021 at 14:40
08/11/2021 - 08/11/2021

Source Evaluation	1 - [REDACTED]
Information / Intelligence Evaluation	A - [REDACTED]

Report Title	Drug dealing - Booze Burst
Intelligence Description	Drugs
Intelligence Text	<p>Booze Burst - 321-323 Fox Hollies Rd, Acocks Green, Birmingham, B27 7PS</p> <p>[REDACTED]</p> <p>[REDACTED] People are buying counterfeit cigarettes and drugs and small amounts of cigarettes to young teenagers from under the counter [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>

Comprehensive View**20/813134/21**

Investigation Details			
Event On / From	19/05/2021 at 15:00 to 19/05/2021 at 15:30		
Reported On	20/05/2021	Status	Filed
Primary Offence	Robbery (of Personal Property)		
Included Offence(s)			
Keyword	Hate Crime - Racial Recorded via Decision Tree	Tags	
Investigation Type	Crime	Outcome	Type 15 - [REDACTED] [REDACTED] Police Action But Evidential Difficulties Prevent Further Action
Disposal Date	16/09/2021	Cancelled	
Finalisation Type		Finalisation Date	
C & C Incident number		OIC	Staff 20 97391 Robb FCID HHV STECH

Event Location

321-323 Fox Hollies Road, Birmingham, West Midlands, B27 7PS

Investigation Summary

IP attended Booze Burst shop, Fox Hollies Road, to buy some cigarettes. Whilst inside the shop the shop owner, known as [REDACTED] has started making racial comments towards him, saying 'You black people.' The IP was then set upon by the shop keeper and his brother, who were shouting 'nigger' and punching the IP to the head. The brother has stolen the IP's keys from his jacket pocket - this included his house keys, his [REDACTED] car keys ([REDACTED]) and his [REDACTED]. The IP has run out of the shop but around 6 males have continued to beat him up on the ground outside. The IP broke free and crossed the road, [REDACTED]. The males have chased after him [REDACTED]. The males have continued to attack the IP, using weapons such as hard plastic pole [REDACTED]. The IP's partner came [REDACTED] to try and push the males away - they have grabbed her arms too, causing grazing and bruising. The IP has sustained injury to his right eye, which is bloodshot and swollen. He has pain and tenderness to his head and states his nose was bleeding at the time of the offence.

Investigation MO

Robbery (of Personal Property)

Investigation MO Codes

SUSPECT	
Suspect	Relationship to Victim: Relationship Unknown
Name / DOB / Gender	[REDACTED] Date of Birth - [REDACTED] - Male
Address	[REDACTED] BIRMINGHAM, BIRMINGHAM, United Kingdom, [REDACTED]

Comprehensive View**20/1073756/21**

Investigation Details			
Event On / From	11/06/2021 at 16:20 to 11/06/2021 at 16:24		
Reported On	11/06/2021	Status	Filed
Primary Offence	Assault with Injury - s.20 - Malicious wounding: wounding or inflicting grievous bodily harm		
Included Offence(s)			
Keyword		Tags	
Investigation Type	Crime	Outcome	Type 18 - Investigation Complete; No Suspect Identified. Crime Investigated As Far As Reasonably Possible-Case Closed Pending Further Investigative Opportunities Becoming Available
Disposal Date	20/06/2021	Cancelled	
Finalisation Type		Finalisation Date	
C & C Incident number		OIC	Staff 20 59090 Goldingay FCID INV STECH T1

Event Location

321-323 Fox Hollies Road, Birmingham, West Midlands, B27 7PS

Investigation Summary

LOG NO 3294 11/6

BMT - VICTIM HAS BEEN OFF LICENCE AND HAS BECOME INVOLVED IN A VERBAL ALTERCATION WITH SHOPKEEPER, IN WHICH DECLINED FOR CREDIT HAS SAID RACIAL ABUSE TO SHOPKEEPER. IP HAS THEN LEFT THE STORE, ASIAN YOUTHS OUTSIDE THE STORE OVERHEARD THE IPS COMMENTS AND HE HAS BEEN ATTACKED OUTSIDE THE STORE RESULTING IN 3CMS CUT TO SIDE OF RIGHT EYE. YOUTHS HAVE THEN MADE GOOD ESCAPE. OFFICERS HAVE BEEN FLAGGED DOWN BY PASSERBY.

Investigation MO**Investigation MO Codes**

VICTIM	
Injured: Yes Injury Detail: 3CM CUT TO SIDE OF RIGHT EYE	
Name / DOB / Gender	[REDACTED]
Address	[REDACTED]
Comms	[REDACTED]

Decision log		
Date of entry	Entry type	Entry text

Reviews				
Performed	Due Date	Status	Reviewing Officer	Remarks

Contact Logs

VICTIM [REDACTED]			
Updated By	Method	Update Reason	Remarks
Staff 20 59090 Goldingay 20/06/2021 21:10	Telephone	Enquiry by Victim	received a call from the i/p who stated that he was assaulted by somebody-but the punch was from behind and he didnt see the offender/s. denies making any inappropriate comments to the shop keeper and claims the shopkeeper actually called him a NIGGER. I/P does not want to get involved in any issues which may cause future conflict. i has been explained police are victim lead to which he has requested the matter be dropped. I/p is happy for the matter to be filed.
Staff 20 59090 Goldingay 20/06/2021 20:44	Telephone	Evidence Related Contact	spoke to [REDACTED] stated to be a friend of the i/p. would not provide any contact details for i/p. [REDACTED] was provided with telephone contact details to pass tio i/p- Tel 101 Ext-844 [REDACTED]

GENERAL

1. Ghulam Sanwal Paswal and Ghulam Mubashar Paswal shall have no involvement in the management or operation of the business.
2. Alcoholic drinks in open containers may not be removed from the premises.

CCTV

3. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.
 - i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
 - ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
 - iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
 - iv. The system will record and retain CCTV footage for a minimum of 28 days.
 - v. The system will record at all times when the Premises are open.
 - vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
 - vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
 - viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
 - ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers or any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
 - x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

INCIDENT BOOK

4. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
 - i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
 - ii. All crimes reported to the venue
 - iii. Any faults in the CCTV system, searching equipment or scanning equipment
 - iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

REFUSALS REGISTER

5. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale.
6. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.
7. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

TRAINING

8. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records dispersal policy, the premises' drugs policy must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.
9. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.
10. Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

11. The Premises Licence Holder will ensure that all staff employed at the premises understand the conditions on the Premises Licence.

THE PREVENTION OF CRIME AND DISORDER

12. The premises licence holder will ensure that individuals who are drunk, disorderly or both will not be permitted access to the premises. Anyone found to be intoxicated shall be removed from the premises.

THE PREVENTION OF PUBLIC NUISANCE

13. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

PUBLIC SAFETY

14. The premises licence holder shall conduct a risk assessment for the general operation of the premises. This will include fire, health and safety and emergency evacuation. It will cover all areas of the premises, including the bar/restaurant, basement and any outside areas.
15. The premises' fire risk assessment will be made available to any responsible authority immediately upon request.
16. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

THE PROTECTION OF CHILDREN FROM HARM

17. The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar service. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.
18. The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premises.

