

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 12th January 2022
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Super Choice News, 939 Walsall Road, Great Barr, Birmingham, B42 1TN
Ward affected:	Perry Barr
Contact Officer:	Bhapinder Nandhra, Senior 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 15th November 2021 from the Chief Inspector of Weights & Measures in respect of Super Choice News, 939 Walsall Road, Great Barr, Birmingham, B42 1TN.

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:

The Chief Inspector of Weights & Measures applied on 15th November 2021 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Super Choice News, 939 Walsall Road, Great Barr, Birmingham, B42 1TN.

A representation has been received from West Midlands Police, as a responsible authority, which is attached at Appendix 1.

Review application is attached. See Appendix 2.

The Premises Licence Holder has submitted a supporting document in the form of an email, which is attached at Appendix 3.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

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

The Premises Licence Holders supporting document, Appendix 3

Copy of Premises Licence, Appendix 4

Site location plans, Appendix 5

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: bw licensing
Sent: 19 November 2021 09:01
To: Licensing
Subject: WMP Supporting Reps for TS Review of Super Choice News - premises licence 3858

Good Morning Licensing,

West Midlands Police support the representation made by Birmingham Trading Standards, Naseem Shamas on behalf of the Chief Inspector of Weights & Measures regarding Super Choice News, 939 Walsall Road B42 1TN – premises licence number 3858.

The representation is supported under the protection of children from harm, public safety and prevention of crime & disorder licensing objectives.

The sale of alcohol to children appears to be an on-going problem at this premises.

The fact the member of staff behind the till didn't take any notice or challenge the child would indicate that selling alcohol to children is the norm in this premises.

It has been noted that Trading Standards had previously visited in May 21 after receiving intelligence that the premises had sold alcohol to two 15 year old girls.

On this occasion the premises was left a 'Traders Notice' by Trading Standards Officers who also spoke with Mr Sajjad (the premises licence holder and DPS) on the phone regarding the allegation, as he was not at the premises at the time of the visit.

Only 5 months after the first visit, Trading Standards carried a test purchase operation using a 15 year old girl volunteer.

The child was sold alcohol by the member of staff at the premises without question, not being asked for ID and in fact not even coming off the phone to serve her. Again as the previous visit by trading standards the DPS & PLH was not at the premises.

The sale of alcohol to children can only be monetary led and profit orientated. The possible consequences of such actions seemingly of no concern as long as money is 'going in the till.'

The effect of alcohol on children can be devastating and they are at increased risk of poor health, committing crime, being sexually exploited and poor educational results and missing periods of schooling. Drinking alcohol can affect a child's normal development of vital organs and their functions including the brain, liver, bones & hormones.

It is also noted that the premises have the following conditions imposed on their premises licence:

- *The premises should adopt a challenge 21 policy* – obviously this has not been the case.
- *All staff at the premises will be trained with regards to the licensing act 2003 and the sale of alcohol* – this has neither not happened or the training has been totally ineffective and inadequate.

West Midlands Police have no confidence in the management of these premises promoting the licensing objectives especially the protection of children from harm, prevention of crime & disorder and public safety, putting money and profit over their legal and moral responsibilities.

West Midlands Police agree with the recommendation of Trading Standards that the premises licence should be revoked.

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

**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 Naseem Shamas (on behalf of Donna Bensley Chief Inspector of Weights & Measures)

Apply for the review of a premises licence under section 51 of The Licensing Act 2003 for the premises described in part 1 below.

Part 1 – Premises or club premises details

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

Super Choice News
939 Walsall Road
Birmingham
B42 1TN

Post town BIRMINGHAM

Post code (if known) B42 1TN

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

Mr Mohammad SAJJAD

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

3858

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)

YES

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

☐

Premises licence review Super Choice News 010174699

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(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; Naseem Shamas Trading Standards Service Regulation and Enforcement City Operations Directorate Birmingham City Council 1-3 Ashted Lock Way Birmingham B7 4AZ Our Ref: 010174699
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 ✓

Yes

Yes

☐

Yes

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

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

On 24 May 2021 Trading Standards Enforcement Officer Paul ELLSON visited the premises of Super Choice News due to an anonymous complaint received that two 15-year-old girls had purchased alcohol from there. The licence holder was not present in the shop and the person who was behind the till appeared not to understand English. Officer ELLSON then spoke to Mohammad SAJJAD the licence holder on the phone whilst in the shop; he explained that a complaint had been received and explained the law on underage sales and reminded him that a refusal register must be maintained and that sales should be challenged. Officer ELLSON provided an advisory pack for tobacco and alcohol on age restricted products and left a trader notice no 14348 for the licence holder.

On 16 October 2021 Trading Standards carried out a test purchase operation and visited Super Choice News. A 15-year-old female volunteer took part in the test purchase of alcohol.

On 16 October 2021 at around 11.22 hours Officer Geary WARMINGTON carried out a risk assessment of Super Choice News 939 Walsall Road Birmingham B42 1TN. On entry he observed an Asian woman behind the till area who was on her mobile phone, he observed further that the woman was still on her phone when he left the premise.

At around 11.24 hours Officer Naseem SHAMAS went into the shop and was followed shortly after by the volunteer. Officer SHAMAS observed a lady was behind the till area on her mobile phone. The 15-year-old volunteer was sold a bottle of 4% alcohol WKD drink for £3.00 and then left the shop, followed by Officer SHAMAS. Officer SHAMAS observed the lady behind the till area was still on her mobile phone. The volunteer handed the alcohol bottle to Officer WARMINGTON the officers and volunteer returned to their vehicles. Officer WARMINGTON placed the bottle in an evidence bag.

Then Officer SHAMAS and Enforcement Officer y WARMINGTON went back into the shop at around 11.40 hours and spoke to the Asian woman who was behind the till area. Officer WARMINGTON advised the woman that alcohol had been sold to a person under the age of 18 and that it was an offence under The Licensing Act 2003 and that the facts would be reported. Officer SHAMAS asked the lady for the refusals register it appeared she did not know what it was; she stated her husband deals with the paperwork. The woman could not speak English fluently. The woman called the Premises Licence Holder and Officer WARMINGTON had a conversation advising that alcohol was sold to an underage person and a notice would be left for him and he must give a recording of the CCTV footage as outlined in the trader notice. The woman gave her name as Asma NAUSHEEN. Asma NAUSHEEN was given a trader notice No.14168 which she signed and was given a copy to hand to the Premises Licence Holder of the shop. The Officers left the premises at around 12.00 hours.

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

The sale of alcohol to persons under the age of 18 is a serious offence under The Licensing Act 2003. It also has serious consequences when it gets into the hands of young people as illustrated in the circumstances leading up to the test purchase operation. Not least it can make them vulnerable and likely to all kinds of unwanted actions and influences.

There is no excuse at all for making the sale to the volunteer; this was done by Asma NAUSHEEN who made the sale of the alcohol to an underage person she is the wife of licence holder and the DPS who is Mohammad SAJJAD.

Previous history of this shop.

The current licence for this premises was granted on 9 August 2012. The test purchase exercise was undertaken due to having received a complaint.

Recommendations.

The premises has been advised in the past and as a licence holder has no excuse to not adhere to the law and a sale to an underage person should not have taken place.

To leave someone in charge who doesn't understand the law doesn't demonstrate a well run business.

They have breached three of the licensing objectives and have little regard for the law.

I would ask that the Committee consider all outcomes at their disposal but due to the seriousness of the matters would recommend that the best course of action is for the licence to be revoked to prevent further harm to the neighbourhood.

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

No

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

N/A

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 **YES**
- I understand that if I do not comply with the above requirements my application will be rejected **YES**

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 12 November 2021

.....

Capacity Trading Standards Enforcement Officer

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

From:

Sent: 27 December 2021 14:46

To: Licensing

Subject: Licensing Act 2003 premises Licence Review. Re:Super choiceNees, 939 Walsall Road, Great Barr, Birmingham B421TN.

To the panel, To whom it may concern:

Dear Sirs/Madams,

Ref. To hearing at the Licensing Sub Committee C at 10.00am on Wednesday 12 January 2022.

I do not wish to participate nor be represented at the hearing. This is because I feel it is not necessary, as I will list reasons below in my defense.

My statement as follows:

1. I wish to totally refute that this has been an ongoing problem at the premises.
2. Regarding the incident in May 2021, I was at the time visiting Pakistan due to family problems. Due to Covid, I got stuck in the country for much longer than planned and had intended. I had left an additional member of staff and my wife to run the store. It is my opinion, that although I have given them both adequate training and warnings, that these unfortunately were not followed through.
3. On the second time or the latest occasion, my wife was on the phone because her aunt had just passed away in Pakistan and she was in a very distressed state. The customer to whom the alcohol was sold was masked due to the covid protection and was well built and tall and thus appeared to be an adult. It was because of this that this very serious mistake was made. We both apologise profusely for these two incidents.
4. I have since this incident, updated the training of my wife Asma Nosheen Sajjad, to ensure that nothing like this will ever occur again.
5. I humbly request that my licence is not revoked, as it is the main means of my livelihood. I cannot make enough money from the other items sold on the premises to meet the very high overhead costs. I will therefore be forced into bankruptcy and close down.

Also, If I were to try and sell the business, it will be very unlikely that I could sell it without the permission to sell Alcohol. This is because of the location of the premises and the very high overhead costs attached, as I have been advised by estate agents.

Should you require any further information please do not hesitate to contact me.

Best regards to all the panel members.

Signed by printing my name below.
Muhammed Sajjad.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

3858 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Super Choice News 939 Walsall Road Great Barr	
Post town: Birmingham	Post Code: B42 1TN
Telephone Number: Not Specified	

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 06:00 - 23:00 M2

The opening hours of the premises Monday - Sunday 06:00 - 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 Muhammad Sajjad	
Post town:	Post Code:
Telephone Number: Not Specified	
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 Muhammad Sajjad	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number PA007710	Issuing Authority SLOUGH BOROUGH COUNCIL

Dated 09/08/2012

Carolyn Bennett
Senior 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

All staff at the Premises will be trained with regards to the Licensing Act 2003 and the sale of alcohol. A record of the training shall be maintained at the Premises.

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

The Premises Licence holder will install CCTV to be fitted to the specifications and recommendations of West midlands Police Licensing dept at Birmingham Central Police Station).

The Premises Licence holder will ensure that CCTV images are held for 31 days.

The Premises Licence holder will ensure that CCTV is recording at all times the premises is open for licensable activities and all CCTV images are to be made immediately available and downloadable on request by any responsible authority.

The Premises Licence holder will ensure that no alcohol is to be displayed where it cannot be seen from the sales counter.

The Premises Licence holder will ensure that no alcohol is to be displayed within 3 metres of the entrance to 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

Prominent signs will be displayed at the Premises requesting customers to have regard for local residents when leaving the Premises.

Adequate bins shall be provided for customers to dispose of litter.

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

The Premises shall adopt a Challenge 21 policy.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

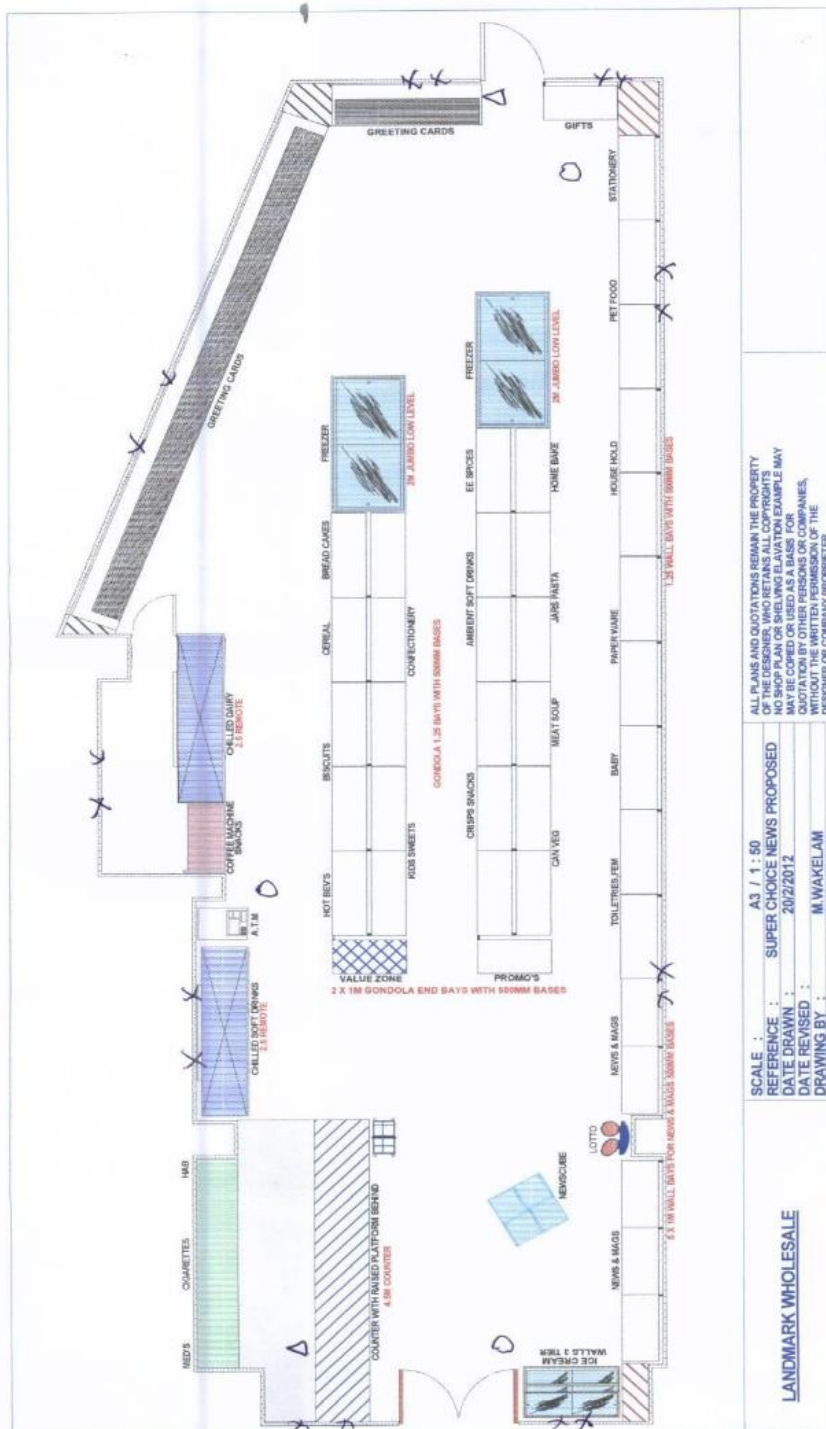
3d) Committee conditions to promote the prevention of public nuisance

N/A

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

N/A

Annex 4 – Plans



x x License Acquired
Δ FRA Extrajurisdiction
0 CCTV

