

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Monday 6th August 2018
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	The Minimarket, 235-237 Lozells Road, Birmingham, B19 1RJ
Ward affected:	Lozells
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 07:30am until 00:00midnight (Monday to Sunday).

Premises to remain open to the public 07:30am until 00:00midnight (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 19th June 2018, in respect of The Minimarket, 235-237 Lozells Road, Birmingham, B19 1RJ.

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Saman Jowhar Kahrahman applied on 19th June 2018 for the grant of a Premises Licence for The Minimarket, 235-237 Lozells Road, Birmingham, B19 1RJ.

A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.

A representation has been received from other persons, see Appendix 2.

The application is attached at Appendix 3.

Site Location Plans 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:

Copies of the representations as detailed in Appendices 1-2
Application Form, Appendix 3
Site Location Plans, Appendix 4

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

Appendix 1

From: Abdool Rohomon
Sent: 13 July 2018 11:54
To: Licensing
Subject: 235-237 Lozells Road - New premise application

Dear Licensing,

West Midlands Police have received a new application, for a premise licence for the sale by retail of alcohol for consumption of the premise for 235-237 Lozells Road, Birmingham.

The applicant has not demonstrated any knowledge of the area or the effects the granting of such a licence would cause. From memory this is not the first application we have had for this premises, I can recall at least 2 other occasions where applications have sought to do the same as this applicant and been refused.

The area is of significant concern to West Midlands Police, this has not diminished since the last application. It has substantial alcohol related Anti-Social Behaviour issues, that the local neighbourhood team are working on continually to try and address, but with limited resources this is an ever demanding task. There are a number of premises in the area that support vulnerable people, that would be attracted to this type of premises.

The suitability of the applicant to manage a licence premise in such a high demand area is also of concern to West Midlands Police, this opinion has been ascertained from the information we hold on various Police systems.

West Midlands Police therefore object to this application, to have another licensed premises in an area of high demand through alcohol related Anti-Social Behaviour would be unacceptable and only increase the demand and pressures to West Midlands Police. The applicant has not sought to consider the local issues, as per the recommendations with the 182 guidance, the previous recent applications which have sought to do the same but have been refused.

West Midlands Police therefore request a hearing for this application

Abs Rohomon

PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House

Follow us on Twitter - @brumcopslicensing

West Midlands Police

Website: www.west-midlands.police.uk

Twitter: www.twitter.com/brumpolice

Facebook: www.facebook.com/westmidlandspolice

YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

Appendix 2

From: Heath Thomas -
Sent: 06 July 2018 14:55
To: Licensing
Subject: Representation against grant of premises licence to The Minimarket in respect of 235-237 Lozells Road, Birmingham B19 1RJ

Dear Sirs

I am instructed on behalf of _____ of _____ Lozells Road, Birmingham B19 1RJ to object to the grant of a premises licence by The Minimarket on the grounds of crime and disorder.

We remain concerned that this applicant is associated with the former operator of licensed premises known as International Supermarket, 117 Villa Road, Birmingham B19 1NH whose licence was revoked due to breaches of the crime prevention objective (the sale of illegal/non-duty paid tobacco), and whose application for the grant of a premises licence for 235-237 Lozells Road was withdrawn following objections from _____ on grounds of crime and disorder. We are instructed that this application is being made on behalf of individual(s) who would otherwise be refused the grant of a premises licence due to their criminal activity in connection with licenced premises, namely the sale of smuggled tobacco. This type of activity should be treated particularly seriously. There is a real risk that The Minimarket will permit these activities at 235-237 Lozells Road, and use/allow the use of these premises to further crimes. The crime prevention objective is being undermined by this applicant and as such The Minimarket should be refused a premises licence.

Furthermore, this application is being made in a difficult area where there are already serious alcohol related problems and we have concerns that this applicant will not promote the licensing objectives.

Evidence in support of the above will be produced before the Licensing sub-committee in due course.

Yours faithfully

Heath Thomas

Partner
Licensing & Regulatory
For and on behalf of Harrison Clark Rickerbys Limited

Appendix 3

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

Application for a premises licence to be granted 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/We Saman Jowhar Kahrahman

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details		BCC REGULATION & ENFORCEMENT LICENSING SECTION	
Postal address of premises or, if none, or description		DATE RECEIVED 19 JUN 2018	
The Minimarket 235-237 Lozells Road		REF NO 009487/000612 INITIALS LW - K100.00	
Post town	Birmingham	Postcode	B19 1RJ
Telephone number at premises (if any)		Via Agent	
Non-domestic rateable value of premises		£4,150	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|-------------------------------------------------|-----------------------------------------------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*** If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Kahraman			First names Saman Jowhar		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number			Via agent		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

This premises is located on a busy main road and shopping area, it will offer a full selection of food and drink items, serving the local community. Its aim will always be to serve the community and give a full service to all of its customers.

The premises will have a positive impact on the community, which includes suppliers, employees, customers, the environment and the people of the local area.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thurs.			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thurs.					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thurs.					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thurs.					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thurs.			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thurs						
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input checked="" type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	0730	0000		
Tue	0730	0000		
Wed	0730	0000		
Thurs	0730	0000		
Fri	0730	0000		
Sat	0730	0000		
Sun	0730	0000	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name. Saman Jowhar Kahraman	
Address 	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Mon	0730	0000	
Tue	0730	0000	
Wed	0730	0000	
Thurs	0730	0000	
Fri	0730	0000	
Sat	0730	0000	
Sun	0730	0000	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The premises will be professionally supervised by the PLH/DPS at all times.

Staff training will be both comprehensive and reviewed on a regular basis, with records being retained at the premises; available for inspection by any Responsible Authority at reasonable notice. This training will be delivered by an appropriate qualified trainer; with all new members of staff will be trained within 2 months of starting employment.

The Premises Licence Holder shall ensure that the premises use a refusals log, which will be signed off on a regular basis by the PLH/DPS.

b) The prevention of crime and disorder

The Premises Licence Holder will ensure that CCTV is installed on the premises and WM Police will be afforded full access to any recorded images. The Licence Holder shall ensure that the CCTV will be fitted correctly and that images will be held up to 31 days and these images will be made available upon request to any responsible authority.

The premises licence holder shall ensure the CCTV system is recording whenever the premises is open for licensable activities. CCTV will also be used to show the external area of the premises.

A refusals log will be kept at the premises and completed on any occasion an incident occurs, this will be made available to all Responsible Authorities on request.

c) Public safety

In accordance with the Licensing Act 2003, any person who appears drunk or heavily under the influence of alcohol will not be served.

The Premises Licence Holder shall ensure that all entrances, exits and passageways will be kept clear of debris or furniture, for ease of exiting the premises in the case of an emergency.

d) The prevention of public nuisance

The premises Licence Holder shall ensure that sufficient signage is displayed requesting customers to have regard for residents when leaving the premises.

The PLH and staff will ensure that regular litter picks take place at the frontage of the property, to ensure no debris is left as litter by customers.

e) The protection of children from harm

A "challenge 25" policy will be used for age verification, meaning any person who appears to be under 25 will be asked for approved proof of age when attempting to purchase alcohol.

Staff will be diligent in observing those who attempt to make proxy purchases on behalf of underage persons and alert the DPS should this occur.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
 - I have enclosed the plan of the premises. ☒
 - I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
 - I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
 - I understand that I must now advertise my application. ☒
 - I understand that if I do not comply with the above requirements my application will be rejected. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).

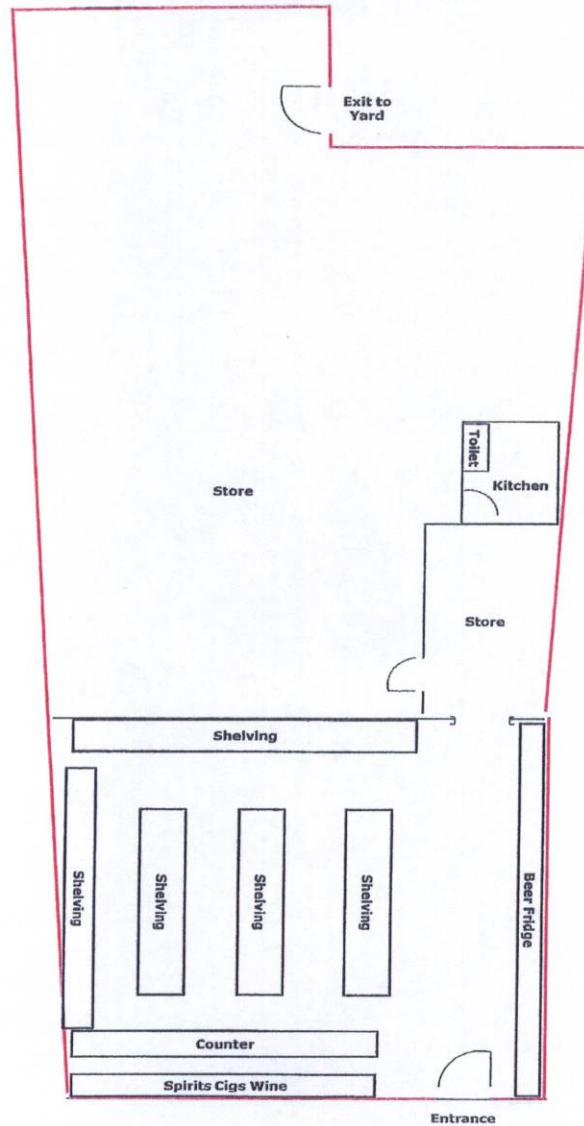
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	18 June 2018
Capacity	Agent for and on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature			
Date			
Capacity	Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Robert V Edge Licence Leader Ltd :		
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

235-237 Lozells Road
B19 1RJ



<p>Licence Leader Ltd www.licence-leader.co.uk</p>
<p>Version 01 – June 2018 Measurements supplied by owner 1:100</p>



Birmingham City Council

Map Created By:

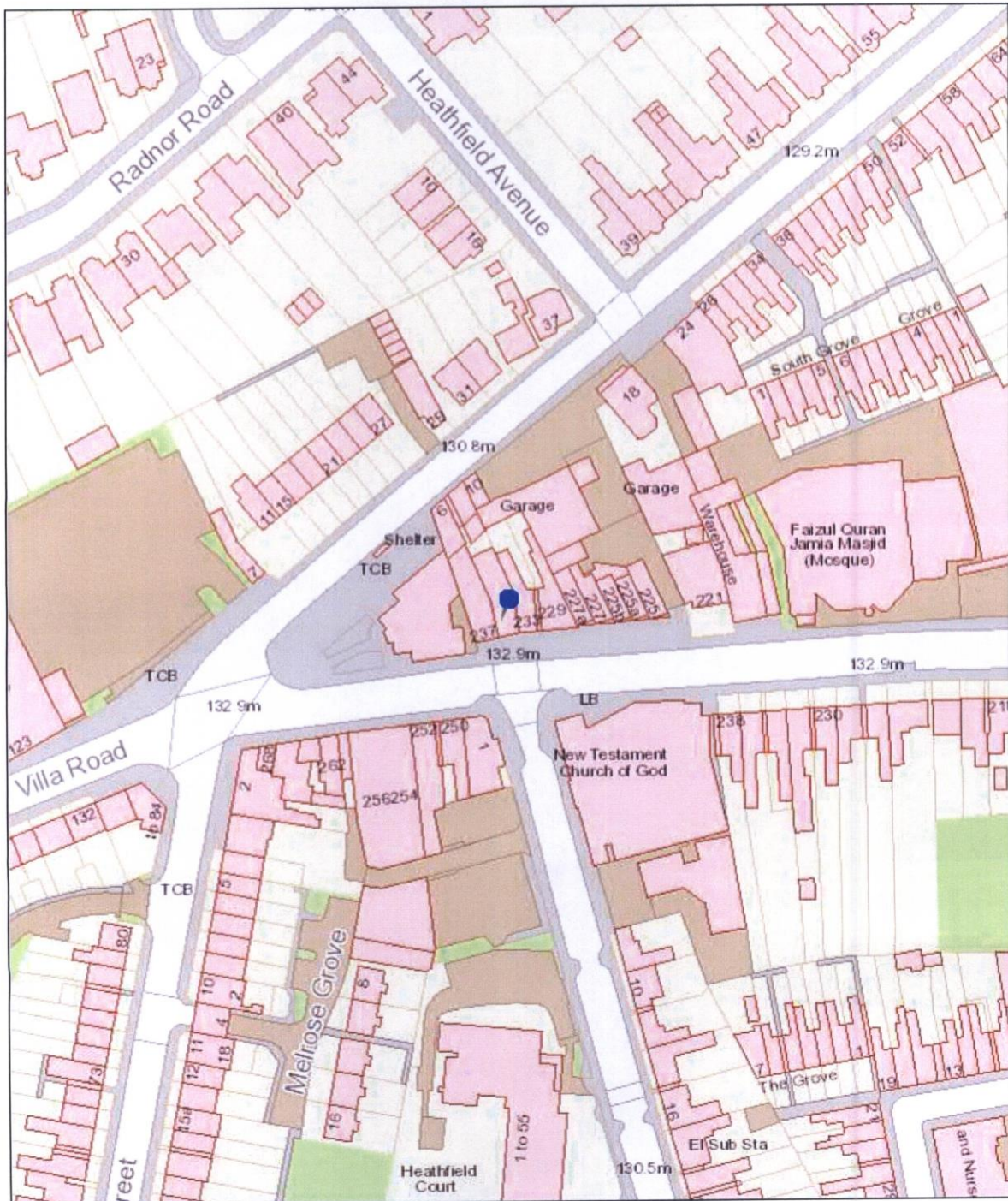
Date of Map Creation: 24/07/2018

Notes



Scale:
1:4,000

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
(c) GeoPerspectives, supplied by Bluesky International Ltd
Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved



Birmingham City Council Map Created By:

Date of Map Creation: 24/07/2018

Notes

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved



Scale:
1:1,250