BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 10 JANUARY 2024 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 Public-I microsite (please click this link) 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via http://bit.ly/3WtGQnN. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

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4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 27 September 2023 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 4 October 2023 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 4 October 2023 at 1200 hours.

To confirm and sign the Minutes of the meeting held on 29 November 2023 at 1000 hours.

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5 **LICENSING ACT 2003 PREMISES LICENCE – TRANSFER S & B STORES, 1 – 3 COLLEGE ROAD, HANDSWORTH WOOD, BIRMINGHAM, B20 2HU**

Report of the 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
27 SEPTEMBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 27 SEPTEMBER 2023 AT 1000 HOURS AT COUNCIL HOUSE, COMMITTEE ROOM 2.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Phil Davis and Sybil Spence.

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)

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1/270923 **NOTICE OF RECORDING/WEBCAST**

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2/270923 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/270923 Apologies were submitted on behalf of Councillors Bermingham and Wagg and Councillors Davis and Spence were the nominated substitute Member.

CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT VENUE – LA BELLE'S, 61 NEWHALL STREET, BIRMINGHAM, B3 3RB

Please note: - this meeting was delayed by over an hour due to apologies submitted by Members and officers seeking replacements.

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

(See document No. 1)

The following persons attended the meeting:

On Behalf of the Applicant

Michelle Monaghan – Applicant

Lisa Woodward, Licensing Enforcement Officer also attended the meeting in support of the application.

On Behalf of Those Making Representations

Objector 1 – Also representing Objector 2.

Those making representations have the right to remain anonymous, for that reason the objectors were referred to as 'Objector 1' & 'Objector 2'.

* * *

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

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

The Chair invited the applicant to make their case and Michelle Monaghan made the following statements: -

a) Both the objectors were concerned about potential drug use and drug dealing, which was nothing more than an imaginary concern.

b) There was no known correlation between sexual entertainment venues (SEV's) and drug use.

c) She also noted that there was no evidence of drug dealing in the area.

d) The responsible authorities had made no objections.

e) The initial grant application in 2019 received 23 objections many of whom cited the same unfounded suspicions. The Committee still granted the licence.

f) That she had been operating another SEV premises 'Cyclone' for 11 years, with no issues or concerns and if there were concerns the responsible authorities would have made objections.

g) The objectors also raised concerns about noise, however the premises previously operated as a bar.

h) The hours were reduced at the initial grant hearing to ensure there were not conflicts with other venues within the vicinity, nothing had changed since that application.

i) The deregulation law relating to live music allow music until 2300 hours.

j) It was important to have a strong thriving business in the area and there was no evidence of negative impact.

k) That the supporting documents submitted by the objectors highlighted the proximity of houses to the premises, yet no one residing in the properties had made objections.

l) No other premises nearby, such as Tescos, made objections.

m) All the advertisements of the notices were complied with and inspected by the Licensing Enforcement Officer and were compliant.

n) That the premises is undergoing development, but progress was slow. The area was fenced off.

o) The premises was a grade 2 listed building.

p) The building needed extensive restoration.

q) The venue was not yet trading.

r) The area had over 500 businesses with over 35,000 people employed yet there had only been two objections based on fears that were unfounded.

s) She asked the Committee to grant the renewal.

The Chair invited the Licensing Enforcement Officer (LEO) to make their submission and Lisa Woodward made the following points: -

a) That when the application was received by the team, she carried out two separate site inspections and had no issues, including the notices, on both occasions.

b) That there was a range of premises nearby including: - residential, community buildings, religious buildings, facilities and other businesses.

c) That the premises already held a LA2003 premises licence.

d) Further, she had not been able to fully inspect the premises itself due to the premises not yet trading.

e) The applicant operated Cyclone successfully without further attention or issues.

The Chair then invited Objector 1 to make their submission and the Objector made the following points: -

a) That the objection was at appendix 7 of the report. He also submitted additional email.

b) The main concern was regarding Devonshire House which was the adjacent property to the premises and the only entrance was a few meters away from the side entrance of La Belle's which caused concern regarding safety.

c) Taxis dropped passengers off directly outside La Belle's and there was an increased risk of street trading as the side streets were dark and ideal for that kind of activity.

d) Devonshire House was never mentioned in any of the previously hearing reports, it had been ignored.

e) That Tesco wasn't there in 2019. There was more residential now than there was before.

f) That most people failed to see the notices that were displayed.

g) The operating hours submitted were very late and there would be noise overnight.

h) The business was situated right next to a residential block. He had heard noise from a neighouring business Jojo Lounge.

i) That he disagreed that nothing had changed since the last renewal and previous application. The reports failed to include any information about Devonshire House and the Committee wouldn't have had full understanding of the housing in the area.

The Chair then invited questions from Members and Objector 1 gave the following responses: -

a) That the only resident he had spoken to that resided in Devonshire House was his daughter who had been living there for 18 months.

b) He didn't think many of the residents were aware of the application.

c) His daughter could hear noise through the night from neighbouring businesses.

d) Devonshire House was very close to La Belle's and would be open when all other premises were closed for the night.

e) That his daughter was 22yo and although she was a reasonably confident lady there were concerns about her safety in the streets.

f) Devonshire House was not a grade 2 listed building so had no architectural interest.

The Chair then invited all parties to make a closing submission.

Objector 1 confirmed that they had nothing further to add.

The Licensing Enforcement Officer added a final statement that the reason Devonshire House had not been included in previously was because it looked like office buildings. Residents from the building had never objected to any application.

Michelle Monaghan then made the following closing statements: -

- That whilst there had been much discussion about Devonshire House, there had not been any representations received by them.

- That she didn't believe people didn't know about the application.

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

4/270922 **RESOLVED**:-

That the application by Michelle Monaghan, for the renewal of the Sexual Entertainment Venue licence under Schedule 3 of the Local Government

(Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, in respect of La Belle's, 61 Newhall Street, Birmingham B3 3RB, be granted subject to the Birmingham City Council Standard Conditions for Sexual Entertainment Venues.

The Sub-Committee heard that the applicant requested renewal of the licence under the same terms as before. The requested hours and the Plan of the premises remained unchanged, and nothing about the premises' circumstances had changed since 2019. All matters were the same, such as the styles of performance offered. Moreover, there had been no history of complaints against the applicant.

The Sub-Committee was also aware that, subject to any new information produced at the hearing, it did not appear that any of the mandatory grounds of refusal applied to the application: instead, only the discretionary grounds, under paragraph 12(3) in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, could potentially apply. The Sub-Committee noted that these were listed at paragraph 5.3 of the Committee Report.

Written representations had been received from two persons; these were also within the Report. The Sub-Committee considered these carefully in advance of the meeting, together with a supplementary representation which had been submitted by one of them. The Sub-Committee noted the relevance of the Public Sector Equality Duty to the issues raised by those making representations.

The applicant attended the meeting in person, as did an officer from Licensing Enforcement. One of the objectors also attended; he was representing both of the persons who had submitted written representations.

The Sub-Committee heard from the applicant first. She noted that at a previous hearing there had been numerous objections, yet this was not the case in the instant matter. She confirmed that she had carefully read the written representations from other persons, but considered that they raised "imaginary concerns" which were not at all relevant to her application, or indeed to the operation of licensed sexual entertainment venues in general. In particular, she asked the Sub-Committee to note that neither West Midlands Police nor Licensing Enforcement shared any of these concerns.

She remarked that suggestions that drug use could potentially come to be associated with the premises were not likely to happen, nor had this possibility been raised before at previous Sub-Committee meetings.

She noted that the surrounding area was characterised by numerous commercial premises including retail, hospitality and other businesses; she therefore felt that a suggestion that emanation of noise from the premises could create problems was not likely to happen, as the site had previously been a public bar which had been licensed to long hours. She reminded the Sub-Committee that the deregulation provisions meant that she could play music until 23.00 hours in any event.

She considered that she was a key contributor to the local economy, and asked the Sub-Committee to bear in mind that in the post-Covid era, and amidst the current cost of living crisis, local businesses should be supported where there was no evidence of a potential for adverse impact.

She had read the document submitted by Licensing Enforcement, which had set out the street scene in Newhall Street. She had noted that, among the local residential population, only the two residents whose representations were in the Report had raised any concerns at all; among the large number of business premises in the neighbourhood, which included a branch of the Tesco national supermarket chain, no worries of any kind had been expressed. She reminded the Sub-Committee to note that she had advertised the application properly, via the display of a notice, exactly as required by the regulations. The Sub-Committee accepted this.

She concluded by asking the Sub-Committee to put the application in context – namely that from a total of approximately "500 local businesses, employing around 35,000 staff", there had been two objections, and moreover that those two objections relied upon "unfounded fears", which were not based on the applicant, her operating style, or other matters of fact.

The Sub-Committee then heard from Licensing Enforcement. The officer had conducted two visits, and had submitted a document giving details of all nearby premises, businesses and residential dwellings. The officer was aware that the applicant held the licence for a separate sexual entertainment venue - the Cyclone Club, on Broad Street; the officer confirmed that no concerns whatsoever surrounded the operation of that venue.

The Sub-Committee then heard from one of the two persons who had made written representations; he was representing both persons. He observed that Devonshire House, a block of residential apartments, was adjacent to the La Belle's premises. He stressed that whilst he was sympathetic to the financial difficulties for such premises which had been created by the Covid-19 lockdowns, his priority was women's safety. He had set out his fears in the document which was in the Committee Report, and summarised these as problems created by taxi drops in the vicinity, and the potential risk of on-street nuisance behaviour related to prostitution (especially in the dark side streets).

He had heard the applicant's observation that Devonshire House had not been mentioned at the Sub-Committee meetings in previous years, but stated that development in the area was ongoing. He considered that the neighbourhood was much more residential, and more pedestrianised, than the Licensing Enforcement Officer had said. His concern was the safety of young women living nearby.

Regarding the proposed operating hours of the venue, the objector said that noise would be created overnight to 05.00 hours, and that he had found that noise did carry to Devonshire House from other entertainment premises in the area. He described this as noise "echoing through" from those other premises, and reiterated that La Belle's would be open all night. However, one Member

remarked that any noise echoing through could not be from La Belle's, which was not yet trading.

The Objector was afforded the opportunity to sum up, but elected not to add anything further. The Licensing Enforcement Officer when summing up remarked that the reason the building had been omitted from her report was due to it not being immediately obvious that it contained residential apartments having been converted from office use.

The applicant in her summing up reminded the Members that at a previous hearing there had been 40 objectors; in contrast, only two objections had been raised in the instant matter. She urged the Sub-Committee to disregard the representations, on the basis that a perceived risk to women living nearby was simply that – a perceived risk. She considered that if there were any genuine safety concern, West Midlands Police would have made a representation.

When deliberating, the Sub-Committee noted that there had been no material change since the last Sub-Committee meeting, and also that there had been no representation from the police. The suggestion of current noise nuisance could only be attributed to existing premises, and therefore any complaint should have been directed at that premises. The references to the potential risk of drug-related activity were not based on evidence, and could apply to any venue. Finally, it was not likely that a well-managed licensed sexual entertainment venue would be associated with on-street prostitution.

The members considered that trust could be placed in the applicant, as she was a highly experienced person who was fully accustomed to managing other sexual entertainment venues professionally, responsibly and carefully. The Sub-Committee observed that the applicant had been operating in Birmingham without problems, and that nothing had changed since the previous meeting.

The Sub-Committee examined the discretionary grounds for refusal shown in paragraph 5.3 of the Report, together with the evidence submitted by Licensing Enforcement, and found that the locality was not incompatible with the style of operation. The photographs in the Report showed that the premises blended in well with the street scene, and the applicant did not display any exterior signage whatsoever suggesting that the premises was a sexual entertainment venue.

The Members were aware from their local knowledge that a large number of commercial and business premises surrounded La Belle's. Newhall Street was not solely a residential area, and was characterised by the activities that one would expect in a bustling city centre location. The Sub-Committee also accepted that night-time entertainment venues in the area were a key contributor to the local economy.

The Sub-Committee did not find anything in the written representations to suggest that the proposed operation was unsatisfactory. However, in accordance with the Public Sector Equality Duty, the Members looked very carefully at whether there could be an unacceptable risk to the safety of women if the renewal of the licence were to be granted.

However, the Members did not accept that a well-run sexual entertainment venue would inevitably create any such risk; the applicant was trustworthy and there was no reason to suppose that La Belle's would adversely affect the lives of women living in the area. A licensed sexual entertainment venue was a legitimate business, and provided it was run well, was not of itself likely to create a situation which would disadvantage or endanger women living nearby. The applicant's past history strongly suggested that it would indeed be run well. All was therefore found to be in order, and the Sub-Committee therefore granted the renewal with the standard conditions.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information contained in the application, the written representations received, and the submissions made at the hearing by the applicant, by Licensing Enforcement and by the other person making representations.

The applicant has a right of appeal against this decision. The time for appeal to the Magistrates' Court is contained in Schedule 3, paragraph 27 of the Local Government (Miscellaneous Provisions) Act 1982, and should be made within 21 days of the decision.

The meeting ended at 1147 hours.

Chairman……..

BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE C
4 OCTOBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON TUESDAY 4 OCTOBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Penny Wagg.

ALSO PRESENT

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

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

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1/041023 **NOTICE OF RECORDING/WEBCAST**

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2/041023 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/041023 Apologies were submitted on behalf of Councillor Bermingham and Councillor Donaldson was the nominated substitute Member.

MINUTES

4/041023 That the public part of the Minutes of the meeting held on 6 September 2023 at 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – BURGER BOI, 156 HIGH STREET, HARBORNE, BIRMINGHAM, B17 9PN.

* * *

On Behalf of the Applicant

Harminder Singh – Applicant
Telly Sarai – Agent

Those Making Representations

Richard Kilroy – Local Resident
Jayant Gunchala – Local Resident

* * *

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Richard Taylor, on behalf of the applicant made the following points: -

a) The new business had been in operation for 3 months. They had a good base of customers and great reviews on platforms such as ‘Just Eat’ and ‘Google’.

b) That 80% of their business was take away food to be consumed off the premises.

c) The majority of alcohol would be consumed off the premises.

d) It was only occasionally that people walked in and consumed alcohol on the premises.

e) That they wanted to work with local residents and resolve issues.

f) They were the only burger shop on Harborne High Street. There was a demand for the service.

g) The planning permission had all been granted following a few amendments.

h) All notices and advertisements had been complied with.

i) There were no objections to the planning application.

j) There were three other takeaways in the locality.

k) The pizza shop had been operating without issues since they opend.

l) They had spoken with the pizza shop owner and they hadn't experienced any issues with noise, public disorder or anti-social behaviour.

m) Burger Boi has been in business for over 30 years and was family run.

n) That it was a quality establishment and was not likely to attract the kind of clientele associated with trouble.

o) The premises would create employment for over 20 people locally.

In answer to Members questions Telly Sarai gave the following responses: -

a) That the applicant had previous experience as a PLH (premises licence holder).

b) That the staff arrived early, and breakfast was served from 0900 hours until 12noon. Then the evening menu started.

c) During the breakfast hours no alcohol would be served.

d) That they had applied for the 0800 hours licence because that was the period they were open, however they didn't anticipate anyone wanting alcohol during the breakfast period.

e) He confirmed that they didn't anticipate a demand for alcohol between 0900 hours and 12noon.

f) That they were fully aware of their obligation under the licensing laws and would carry out all age verification checks prior to serving alcohol.

g) The applicant already had experience running a similar premises for 16 years.

h) There were no issues of underage sales and they wouldn't allow it.

i) The premises was a slightly up market burger shop. They didn't tend to attract people of a very young age due to the costs of the burgers/meals.

j) The delivery drivers entered and exited at the front of the premises as there was no access at the back.

k) The delivery drivers parked within the parking zones in front of Lloyds bank and Bull Street. The majority of them arrived on scooters.

l) That they had bins on site for rubbish, which were emptied regularly. They also had commercial waste collections.

The Chair then invited those making representations to make their presentations.

Due to technical difficulties Richard Kilroy typed his submission into the chat function, see below the submissions copied from the chat facility (these were read out by the Chair in order to ensure that all parties, officers and the public could hear what Mr Kilroy had to say): -

'I have a query, I was advised by email from Bhapinder Nandhra on 15th Sept that alcohol not form part of any delivery, and only sold in conjunction with food? Is this an off license?
The restaurant has our and neighbour's properties to the rear. Can we get assurance that the music will not be audible outside of the property, especially late night and early morning?
no further issues, just to stress that alcohol may be available here to take out after other pubs will be closed, what impact will this have on a narrow part of the pavement
Nothing further – thank you.'

The Chair then invited Jayant Gunchala to make his submission, he made the following points: -

a) That he had several concerns.

b) They had spoken with the Council regarding the music and someone must have spoken with the applicant.

c) Cardboard was left in the way and he tripped over it.

d) Oil drinks and boxes all stacked up to 9 feet high which was hazardous.

e) The pub two doors down had recently closed and he was concerned that the patrons would move to the Burger Boi to buy alcohol.

That Chair asked how far away the premises was from Mr Gunchala's home, he stated that he lived next door, he added that there were a series of flat occupied in the vicinity. The demographic in the area was close to mid 20s.

The Chair invited all parties to make a brief closing submission and Mr Kilroy and Mr Gunchala advised that they had nothing further to add.

The applicant/representative were invited to make their closing submission and Telly Sarai made the following closing statements: -

- That Mr Kilroy was correct that alcohol could only be purchased as part of a food order. No alcohol would be sold on its own.
- They were aware of the music issues and moving forward would not play music outside of their operating hours.
- They did open the doors sometimes; to let fresh air into the premises.
- That Harborne stores was right in front of Mr Gunchala's residence which played music until after midnight.
- The premises would be closed before the Slug and Lettuce.
- The other issues raised by the objectors were not a concern for the Licensing Committee. However, they had increased the frequency of the bin collections and provided extra bins.
- There were no issues with people congregating and causing a nuisance.
- They wanted to work the residents.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision was announced to all parties and full written adjournment decision was sent to all parties as follows;

05/041023 **RESOLVED**:-

That the application by Harinder Singh Mandair for a premises licence in respect of Burger Boi, 156 High Street, Harborne, Birmingham B17 9PN, be granted subject to the conditions agreed between the applicant and West Midlands Police in advance of the meeting, as follows:

- If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 28 days and made immediately available to any of the responsible authorities on request. The CCTV will be checked to ensure that it is working each week. The time of the check, the identity of the person carrying this out and the result of it will be recorded in the incident log
- Alcohol will not form part of any order for delivery
- Recorded music will only be background music
- Alcohol will only be sold in conjunction with an order for food

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.

The applicant attended the meeting, together with the premises' operations manager, who addressed the Sub-Committee. The premises was a new business, which was in its third month of operation since opening. The premises had a good base of local customers based around Harborne, and had received favourable customer reviews on social media platforms and the Google Business review site.

The premises had decided to make the application as more than 80% of the business was conducted via UberEats, namely takeaway food to be consumed off the premises. A condition suggested by West Midlands Police prevented the sale of alcohol for home delivery; the operations manager therefore considered that "very little" alcohol would be consumed on the premises.

The premises had read the written representations submitted (which were in the Committee Report). Regarding the music played, it would be at background volume only, and would be purely for ambience; music had been played at that volume since the start of operation three months ago.

The operations manager said that all those at the premises were more than willing to work with all the local residents in the event of any issues, and stressed that the premises had no desire whatsoever to create nuisance for residents. The premises was keen to work with the local community to provide a service which was in demand. The operations manager remarked that it was the only high-quality burger shop on Harborne High Street. He also observed that judging by the turnover, and the interest that the premises had had in the first two months of operation, the application was "more than justified".

In terms of some of the objections that had been raised, the operations manager stressed that the premises "had followed all the rules and regulations". Notices had been displayed properly. The premises had sought full planning permission prior to opening, and was dealing with the minor amendments required by the Planning department of the City Council, including a noise survey and also a site survey. The applicant was a personal licence holder.

The premises therefore felt that it had done everything it could to make sure that it was working in conjunction with all the authorities, as well as local residents. Staff had been going round to visit a few of the local residents, and had not heard of any objections until the instant application was submitted.

The operations manager confirmed that there were similar premises nearby - other takeaway businesses, which had been operating without any issues relating to crime and disorder, public nuisance or noise. The Burger Boi premises intended to make sure that it did not create any such issues either. The Burger Boi company had been operating as a family business for over 30 years. It had been a very successful company and was a growing business. The operations manager remarked that it was a high-end premises, and accordingly very unlikely to attract the kind of nuisance clientele associated with more downmarket or cheaper takeaway food establishments.

He reiterated that having read all the objections, the premises was willing to work with all parties to make sure that issues were rectified satisfactorily. Anyone could approach staff in the shop, and all the management were more than willing to give their personal numbers and emails out for people to contact them directly. He observed that the premises was “a bonus to the High Street”, particularly as it had created employment for over 20 people. He considered that the rate at which the business was growing perhaps suggested a likelihood of further job creation in future.

The premises opened at 09:00 hours, to serve breakfast until 12 noon, when the usual menu service began. The operations manager did not consider it likely that many would want alcohol between the breakfast period from 09.00 to 12.00, which was a quiet period for the premises in any event. Regarding the protection of children from harm objective, the premises was aware of the numerous local schools in the vicinity, but paid close attention to age verification checks, and also considered that due to the “upmarket burger” offer, it did not attract those of a very young age.

The UberEats aspect of the operation was not creating any problems, as the drivers collected from the front of the premises, and had been parking within the parking zones in front of the premises; the majority of the delivery drivers used scooters, not cars. Similarly, there were no issues arising from litter due to the bins on site, which were emptied on a regular basis. The premises had daily collections from commercial waste refuse companies. The applicant was confident that there would be no adverse effect whatsoever on the licensing objectives.

The Sub-Committee then heard from two of the persons who had made written representations. They expressed their worries over parking, waste (including noise from collections), and music noise emanating from the kitchen. They were also concerned about teenagers potentially being exposed to alcohol, particularly given that a nearby public house, known to serve burgers, had recently closed down.

In response to these comments, the operations manager confirmed that alcohol would be served with food orders only; nobody would be able to come in and buy alcohol on its own. The premises was aware

of the issues with the music and had taken all measures to make sure that audible music would not be heard outside opening hours; however, the nature of kitchen work and requirement for fresh air meant that the door had to be open when trading. The Sub-Committee accepted this. The operations manager observed that the Harborne Stores public house played loud music until after midnight. Burger Boi would be closing before the terminal hour of the Harborne Stores and Slug and Lettuce public houses.

He went on to add that Burger Boi “definitely won't be allowing people to congregate [outside] because we put our shutters down just after our published closing times, which will be 23.00 hours Sunday to Thursday, and midnight on the Friday and the Saturday”. The Sub-Committee noted this.

Regarding waste, he added that the bin collections had been increased in frequency, so there would be no chance of any rubbish lying around. Furthermore, the premises had put extra bins out to ensure that issues would not arise, as it was a new business and therefore unsure of how much waste it would generate. Oil collections were done on a regular basis. The operations manager repeated his offer to be available for local people to express any further concerns by contacting him directly.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

The application had resulted in no representations from the Police, as the applicant had accepted the proposed conditions in advance of the meeting. (The Sub-Committee was of course aware that the Guidance recommended that the Police should be the Sub-Committee’s main source of advice on matters of crime and disorder). Similarly, Trading Standards, Environmental Health, Licensing Enforcement, and indeed the rest of the responsible authorities had raised no issue with the proposed style of operation. The responsible authorities were the experts in their respective fields, and therefore the evidence was that the experts found the application satisfactory.

Whilst the Members had listened carefully to the concerns raised by those making representations, it seemed that the majority of the worries had not taken into account the careful operating style of a high-end takeaway shop which was already trading. In particular, the issues raised, which the Sub-Committee considered to be the initial teething troubles seen at many new businesses, did not seem to be insurmountable, largely thanks to the management style described by the operations manager. The Sub-Committee considered that the

premises had displayed a cooperative and friendly attitude to its neighbours, and a desire to offer a high-end takeaway premises which would be a benefit to the local community.

The Sub-Committee took on board the concerns of those living nearby, but after careful consideration, found that these were not closely linked to the promotion of the licensing objectives. Adequate measures had been introduced by the premises to deal with those aspects which did relate to the licensing objectives – namely litter, waste collections, and also noise emanating from the kitchen outside trading hours. Overall, the Sub-Committee considered that the points made had been adequately covered by the applicant. The Sub-Committee therefore did not find that there was an overwhelming evidential and causal link between the issues raised in the written representations and the effect on the licensing objectives.

Suggestions in the representations of a potential for antisocial behaviour in the area, such as patrons congregating outside the premises, had not been supported by the responsible authorities. The Sub-Committee noted that UberEats deliveries were mainly carried out by scooters, not cars. There was therefore no aspect of the operation which the Sub-Committee considered likely to create significant public nuisance.

The 09.00 hour start time for the sale of alcohol was unlikely to put the upholding of the licensing objectives at risk, because a condition of the licence required that the sale of alcohol had to accompany a food order. Moreover, the operations manager had already confirmed that he anticipated very low demand for alcohol in the morning.

Regarding the potential for risks to children, the Sub-Committee's view was that alcohol would be sold responsibly, with careful age verification checks to be undertaken, and it was therefore highly unlikely that the grant of a licence would cause any dangers to local youngsters. The trading hours were not unusual for the area. The Sub-Committee also accepted the point that the high pricing seen in "upmarket" burger premises such as Burger Boi was also likely to resolve such issues.

All in all, the Sub-Committee determined that the premises was aware of its responsibilities in terms of the licensing objectives. The operations manager was confident that the premises could operate well, and that any risks to the licensing objectives would be managed well. The Sub-Committee agreed with this.

The application had been straightforward, with no objection from West Midlands Police, or from any of the other responsible authorities. The applicant had put forward an operating schedule which properly addressed the promotion of the licensing objectives. All in all, the application inspired confidence.

Members therefore concluded that by granting this application, the four licensing objectives contained in the Act would be properly promoted. The premises had shown a cooperative attitude towards its neighbours. The Sub-Committee was satisfied that trading would be safe, and noted that both the applicant and the operating schedule were suitable. The application was therefore granted.

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 and operations manager, and by other persons.

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 1105 hours.

CHAIR……

BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE C
4 OCTOBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON TUESDAY 4 OCTOBER 2023 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Penny Wagg.

ALSO PRESENT

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

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

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8/041023 **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 Public-I microsite (please click this link) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

9/041023 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.
If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.
If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.
If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.
Information on the Local Government Association's Model Councillor Code of Conduct is set out via http://bit.ly/3WtGQnN. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

10/041023 Apologies were submitted on behalf of Councillor Bermingham and Councillor Donaldson was the nominated substitute Member.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – BEETS LOUNGE, 60 BARR STREET, NEWTOWN, BIRMINGHAM, B19 3DX.

* * *

On Behalf of the Applicant

Sarah Clover – Barrister
Carl Moore – Licensing Consultant

Those Making Representations

Harjinder Soond – Central Framing
Ravinder Khatkar – Resident

* * *

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

Sarah Clover, Counsel on behalf of the applicant, advised that the applicant had been taken seriously ill. He was a man of Swedish nationality, and his medical care was being undertaken in Sweden. At this stage she was unable to give the Committee any further information regarding the medical situation, other than that it was very serious and would require on-going medical care. Furthermore, Ms Clover was clear in her instruction that the applicant wanted to be in attendance and therefore she requested an adjournment.

The Chair asked the objectors for their views on the request, and they had no objections but were concerned about the time frame of the adjournment.

The Chair advised that if the Committee were minded to agree the adjournment request, then they wouldn't be able to give a date to re-schedule the adjourned hearing until the Committee had further information about the health of the applicant, but that the applicant/legal representative would be required to update the Committee by Friday 6 October 1600 hours as to the health of the applicant and a likely date for the re-scheduled adjourned hearing.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision was announced to all parties and full written adjournment decision was sent to all parties as follows;

11/041023 **RESOLVED**:-

That the application by Beets Club and Lounge Limited for a premises licence in respect of Beets Lounge, 60 Barr Street, Newtown, Birmingham B19 3DX, be adjourned to a date outside the statutory hearing window, in accordance with regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee heard from counsel for the applicant that due to the applicant's ill health the meeting ought to be adjourned. The meeting was therefore adjourned to a date to be confirmed. The Sub-Committee asked that those acting for the applicant should update the Licensing Department regarding a suitable date by the end of the working week.

The rescheduled hearing date will be announced to all parties as soon as practicable. It will be an online meeting conducted via Microsoft Teams.

The meeting ended at 1220 hours.

CHAIR……

BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE C
29 NOVEMBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 29 NOVEMBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Jilly Bermingham and Penny Wagg.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

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

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1/291123 **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 Public-I microsite (please click this link) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/291123 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.
If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.
If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.
If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.
Information on the Local Government Association's Model Councillor Code of Conduct is set out via http://bit.ly/3WtGQnN. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/291123 Apologies were submitted on behalf of Councillor Sam Forsyth and Councillor Diane Donaldson was the nominated substitute Member.

MINUTES

4/291123 That the Minutes of the meeting held on 27 September 2023 at 1000 hours, 4 October 2023 at 1000 hours and 1200 hours were circulated and confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – MODE RESTAURANT AND BAR, 163 HAGLEY ROAD, LADYWOOD, BIRMINGHAM, B16 8UQ.

* * *

On Behalf of the Applicant

Rebecca Ekemode – Applicant
Anil – Agent, Greenhill Licences

Those Making Representations

No one making representations attended the meeting.

* * *

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Shaid Yasser, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Rebecca Ekemode made the following points: -

a) That it was a family run business.

b) It was her families first business venture.

c) They were involved in a long standing feud with the previous tenant and he had made an objection as he did not want them to sell alcohol as the objector also had a business selling alcohol for off sales. Both objections were submitted by the same person.

d) The objector had made threats to her which she had logged with the police.

e) That she just wanted the Committee to make the right decision.

f) The only reason the objector had an issue with the application was because he did not want her selling alcohol because he also sold alcohol.

The agent on behalf of the applicant then made the following statements: -

a) That they had submitted the application in line with policy and regulations.

b) The only objection submitted was from the previous tenant who occupied the shop two doors away. The objector had misunderstood what the application was for, alcohol would not be taken off the premises.

c) The objector had a business for off sales.

d) The premises was a family run restaurant.

e) There would not be any noise implications, it was a typical restaurant and not a bar or pub.

f) The premises only had capacity for 30-40 people and would operate as table service.

Rebecca Ekemode confirmed that the premises would not operate as a bar or pub and only had capacity for 20-25 people/covers.

The applicant/representative were invited to make their closing submission and Anil (Agent on behalf of the applicant) made the following closing statements: -

- That it was a small business.
- That Rebecca Ekemode would be the PLH/DPS and had everything in order such as training, CCTV and records.

Rebecca Ekemode added that she would ensure all necessary training was in place, noise would be kept to a minimum and she would ensure all legislation was complied with.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision was announced to all parties and full written adjournment decision was sent to all parties as follows;

05/291123 **RESOLVED**:-

That the application by Rebecca Ekemode for a premises licence in respect of Mode Restaurant and Bar, 163 Hagley Road, Ladywood, Birmingham B16 8UQ, be granted subject to the following conditions

which were agreed with two of the responsible authorities in advance of the meeting:

1. The conditions which were agreed with West Midlands Police, namely:

• The DPS or their nominated person will check the CCTV daily, prior to carrying out licensable activity, to ensure is it working and recording. This check to be documented signed, timed and dated by the person checking. This documentation to be made available to any of the responsible authorities on request
• No children under 18 allowed on the premises unless accompanied by a responsible adult. Irrespective no children under 18 allowed on the premises after 22.00hrs, unless the premises is booked for a private function and not open to the general public. Staff not to be left in sole charge of any child
• The DPS will ensure all staff working at the premises (whether paid or unpaid) while it is open for licensable activity will be trained in their responsibilities under the licensing act. This training will be documented and signed by both the trainer and trainee. This documented training will be made available to any of the responsible authorities on request
• The premises will have a documented vulnerability policy. All staff working at the premises (whether paid or unpaid) while it is open for licensable activity will be trained in this policy. This training will be documented and signed by both the trainer and trainee. This documented training will be made available to any of the responsible authorities on request
• The premises will risk assess the need to deployed door staff. If door staff are deployed at the premises they will sign on and off duty listing their full SIA licence number. Door staff will wear either a high visibility coat, jacket or tabard while on duty. The premises will ensure that up to date contact details, including a phone number will be kept on site for the security provider
• The premises fire risk assessment will be made available to any of the responsible authorities on request

2. The conditions which were agreed with Licensing Enforcement, namely:

• Any refusals of sale of Alcohol will be recorded either electronically or in an incident register or a refusals register and made available to any of the responsible authorities upon request

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.

The applicant attended the meeting in person, represented by an agent. Two persons had submitted written representations, both of which were in the Committee Report. Neither of those persons attended the meeting.

The applicant addressed the Sub-Committee first, to explain that the premises was a family-owned business. There had been some tensions with the persons making representations; the applicant considered that the objections had been motivated by commercial considerations, as the person(s) making representations operated their own licensed premises selling alcohol by retail.

The agent then confirmed to the Sub-Committee that all the relevant policy documents had been followed when submitting the application, and the advice of the responsible authorities had been followed in terms of the additional conditions. The agent felt that there had perhaps been a misunderstanding among the objectors with regards to the type of licence requested; he clarified that the application was for an “on” licence, where alcohol would not be taken away. The agent noted that one person making representations was a nearby retailer with an “off” licence; the agent repeated the concern that the person could have been principally motivated by commercial considerations.

The agent said that the premises was a restaurant which would be opening into the late evenings, and for private parties. It was a small family business which did not have the ability to accommodate large numbers of people. There would therefore not be any noise implications of the type seen at nearby bars or public houses; many such establishments along the Hagley Road already operated to late hours.

The agent remarked that when looking at the plan the maximum number of people attending would be “between 30 and 40” at any one time; the applicant then said that the numbers would be more like “20 to 25”. All patrons would be seated at tables to have a meal, possibly with wine or other alcohol, as a table service. There was no separate bar area for people wishing to drink without ordering meals.

The agent confirmed that the applicant was a personal licence holder and was the proposed designated premises supervisor. All the matters in the operating schedule were in place, such as CCTV, and staff training on all matters relating to alcohol sales would be given. The application had been drafted with the licensing objectives in mind and there were additional provisions such as a vulnerability policy, on which all the staff would be trained. All the necessary logs would be maintained and made available to the responsible authorities as necessary.

The applicant also confirmed that she would make sure that all the necessary training was in place. She added that she had had conversations with the agent regarding how the premises could keep the noise down, and how to operate in compliance with all the legislation.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to

grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

The Members considered the written representations carefully, but noted that neither of the objectors attended the meeting to address the Sub-Committee, and the Members therefore did not have the opportunity to ask questions.

Both of the objectors had written to the Sub-Committee to say that they were worried about how the late service of alcohol, and loud music, could disturb the “neighbourhood tranquillity”. However, the Sub-Committee did not see that the trading style of a very small family-run restaurant, serving around 25 patrons, was likely to create any adverse effect on those nearby.

The Sub-Committee noted that the premises was a small restaurant without a separate bar area, not a public house, and the view of the Members was that it was therefore unlikely to create risks to the licensing objectives in the way that those types of premises sometimes did. The Members were also aware that the Hagley Road was a busy area in general, and that there were bars and public houses in the vicinity.

When deliberating, the Sub-Committee noted that the operating schedule had been drafted with regard to the licensing objectives, and had been approved (with additional conditions) by West Midlands Police and Licensing Enforcement. The other responsible authorities had also found all to be in order.

The Sub-Committee therefore resolved that the application could safely be granted together with the additional conditions proposed by the responsible authorities, as the operating schedule properly addressed the promotion of the licensing objectives. The Sub-Committee was satisfied that trading would be unlikely to create a likelihood of public nuisance, as had been suggested in the written representations. The application was therefore granted with the additional conditions agreed between the applicant and the responsible authorities.

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 and her 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.

GAMBLING ACT 2005 – LICENSED PREMISES GAMING MACHINE PERMIT – THE TENNIS COURT, WALSALL ROAD, PERRY BARR, BIRMINGHAM, B42 1TY.

* * *

This was a non-invite application.

The application was heard at 1030 hours.

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Shaid Yasser, Licensing Section, outlined the report.

Members had no questions.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision was announced to all parties and full written adjournment decision was sent to all parties as follows;

06/291123 **RESOLVED**:-

That the application by Regal Gaming Technologies on behalf of Stonegate Pub Company Ltd, for the variation of a Licensed Premises Gaming Machine Permit in respect of The Tennis Court, Walsall Road, Perry Barr, Birmingham B42 1TY, be granted.

The Sub-Committee deliberated the application put forward by the applicant company. The Sub-Committee considered 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 premises has the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 5 Category C machines. The application was to operate a total of 6 Category C Gaming Machines, within an alcohol licensed premises.

Licensing Enforcement had confirmed that everything was in order after carrying out a site visit. The Sub-Committee therefore granted the variation 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

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The meeting ended at 1042 hours.

CHAIR……

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	**Licensing Sub Committee C**
Report of:	**Director of Regulation & Enforcement**
Date of Meeting:	**Wednesday 10th January 2024**
Subject:	**Licensing Act 2003** **Premises Licence – Transfer**
Premises	**S & B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU**
Ward affected:	**Handsworth Wood**
Contact Officer	**Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk**

1. Purpose of report:

To consider an application to Transfer a Premises Licence.

2. Recommendation:

To consider the objection notice that has been made and to determine the application, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

3. Brief Summary of Report:

A transfer application was received on 4th December 2023 in respect of S & B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU.

An objection notice to this application has been received from West Midlands Police.

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:

An application to transfer a premises licence was received from Hardeep Kaur on 4th December 2023 in respect of S & B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU.

As the application sought to have immediate effect since the time of the application, Hardeep Kaur has been responsible for the provision of licensable activities at the premises, pending the determination of the transfer application by this Sub Committee.

In line with statutory requirements the application was served on West Midlands Police who have subsequently given an objection notice to the transfer application on the basis that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective under the Licensing Act 2003.

Hardeep Kaur's transfer application is attached, see Appendix 1.

West Midlands Police Notice of objection is attached at Appendix 2.

The current 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.

When holding a hearing to consider an objection notice under s44 (5) a licensing authority is confined to consideration of the crime prevention objective in the Licensing Act 2003. Members must therefore only consider matters that relate to the crime prevention objective.

6. List of background documents:

Transfer Application form, Appendix 1
West Midlands Police Objection, Appendix 2
Current Premises Licence, Appendix 3
Site location Plans, Appendix 4

7. Options available

To Grant the transfer application.
To Reject the transfer application.

Application to transfer 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 **Hardeep Kaur**
(Insert name of applicant)
apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	**1106**

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description **S&B Stores** **3 College Road** **Handsworth**	
Post town Birmingham	**Post code B20 2HU**
Telephone number at premises (if any) **N/A**	

Please give a brief description of the premises (see note 1) **Off Licence/General Sore**

Name of current premises licence holder **Gurdeep Singh Samrai**

Part 2 - Applicant details
In what capacity are you applying for the premises licence to be transferred to you?

	Please tick ☑ yes
a) an individual or individuals*	☑ please complete section (A)
b) a person other than an individual * i. as a limited company/limited liability partnership	☐ please complete section (B)
ii. as a partnership (other than limited liability)	☐ please complete section (B)
iii. as an unincorporated association or	☐ please complete section (B)

iv. other (for example a statutory corporation)	☐ please complete section (B)
c) a recognised club	☐ please complete section (B)
d) a charity	☐ 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) an individual 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 respect of 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 ☐ Mrs ☑ Miss ☐ Ms ☐ Other title ☐ (for example, Rev)

Surname	**First names**
Kaur	Hardeep

Please tick ☑ yes

Date of birth

I am 18 years old or over ☑

Nationality

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Current residential address if different from premises address

Post town **Post code**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname **First names**

Date of birth **I am 18 years old or over** Please tick ☑ yes ☐

Nationality

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

Current residential address if different from premises address

Post town **Post code**

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

Please tick ☑ yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? ☑

If not when would you like the transfer to take effect?

Day	Month	Year
23	02	2022

Please tick ☑ yes

I have enclosed the consent form signed by the existing premises licence holder ☑

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☑ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) ☑

Please tick ☑ yes

I have enclosed the premises licence ☑

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee ☑
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☑
- I have enclosed the premises licence or relevant part of it or explanation ☑
- I have sent a copy of this application to the chief officer of police today ☐
- I have sent a copy of this form to Home Office Immigration Enforcement today ☐
- 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, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2) ☐

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date 18/10/2023

Capacity Personel licence Holder - Shop owner.

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). **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 6)	
Post town	**Post Code**
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Consent of premises licence holder to transfer

I/we Gurdeep Singh Samrai
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 1106
[insert premises licence number]

relating to

S&B General Stores, 3 College Road, Handsworth B20 2HU
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

1106
[insert premises licence number]

to

Mrs Hardeep Kaur
[full name of transferee]

signed [redacted]

name
(please print) Gurdeep Singh Samrai

dated 18/10/2023

From: bw licensing
Sent: 06 December 2023 09:33
To: 'Licensing
Cc:
Subject: FW: [External]: Transfer for S&B Store

Good Morning Licensing,

West Midlands Police object to the transfer of this premises licence under the prevention of crime and disorder licensing objective.

The applicant has stated on the application that she wished the application to start from 23.02.22, nearly 18 months before this application was submitted.

I spoke with the applicant on 5th December 2023 and she confirmed that the requested start date is the date she took over the business.

I am aware that Trading Standards have submitted a premises licence for this premises on 29th December 2023, prior to this transfer application being lodged.

The review paperwork lists Mr Gurdeep Samrai as the premises licence holder, although when Trading Standards visited the premises, it was this applicant Hardeep Kaur who identified herself as being in charge of the business.
This was also confirmed with the conversation I have with her on 5th December 23 when she confirmed she had been responsible for the business for nearly 18 months.

This is of concern for West Midlands Police. KAUR would have been responsible for the premises when Trading Standards Officers seized illegal vapes which were on sale at the premises (which trigged the premises review application) and also would have been responsible for the business when the initial complaints/concerns were raised by member of the public concerning what they believe to be illicit / illegal activity at the premises, which promoted the initial visit by Trading Standards.
It also appears that the premises licence holder (who is named on the review paperwork), prior to this transfer application has been absent or has little or no involvement in the premises since 23rd February 22.

West Midlands Police have no confidence in this applicant to uphold the licencing objectives, especially the prevention of crime and disorder.

I have spoken to the applicant, today about this objection who is copied into this email.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number: **1106**

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
S & B General Store 3 College Road Handsworth	
Post town: Birmingham	**Post Code:** B20 2HU
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 – Saturday	08:00	-	23:00	M2
Sunday	10:00	-	22:30	M2
Good Friday	08:00	-	22:30	M2
Christmas Day	12:00	-	15:00	M2
	19:00	-	22:30	M2

The opening hours of the premises

Not Specified

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

Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Gurdeep Singh Samrai	
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 Gurdeep Singh Samrai	
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 1233	**Issuing Authority** BIRMINGHAM CITY COUNCIL

Dated 06/11/2005

David Kennedy
Senior Licensing Officer
For Senior Assistant Director, Regulatory Services

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.

Embedded Restrictions

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

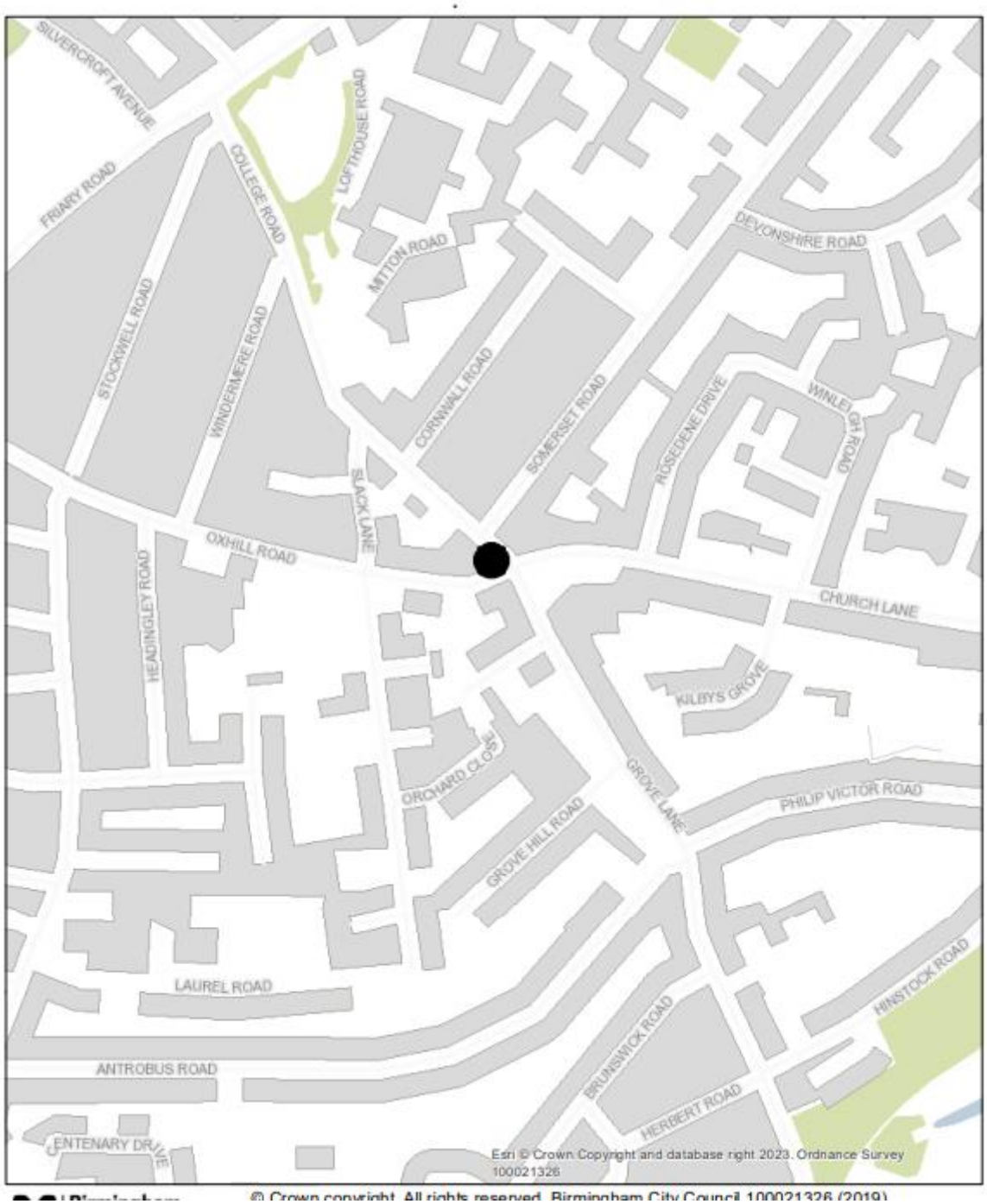
N/A

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **30219-1106/1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.


SILVERCROFT AVENUE
FRIARY ROAD
COLLEGE ROAD
LOFTHOUSE ROAD
MITTON ROAD
DEVONSHIRE ROAD
STOCKWELL ROAD
WINDERMERE ROAD
CORNWALL ROAD
SOMERSET ROAD
ROSEDENE DRIVE
WINLEY GH ROAD
SLACK LANE
OXHILL ROAD
HEADINGLEY ROAD
CHURCH LANE
KILBYS GROVE
ORCHARD CLOSE
GROVE LANE
PHILIP VICTOR ROAD
GROVE HILL ROAD
LAUREL ROAD
HINSTOCK ROAD
BRUNSWICK ROAD
ANTROBUS ROAD
HERBERT ROAD
CENTENARY DRIVE
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West Midlands Police Evidence Bundle for the transfer application for S&B Store, 3 College Road, Handsworth. B20 2HU

Premises licence number 1106.

PAGE(S)	DOCUMENT(S)
1 to 2	Statement of Licensing Officer Chris Jones
3 to 9	Premises Review Application

WITNESS STATEMENT

Crime Number:.....

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

URN | | | | |

Statement of: 55410 Christopher Jones. .....

Age if under 18: Over 18..... *(if over 18 insert 'over 18')* Occupation: Licensing Officer .....

This statement (consisting of TWO 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 4th January 2024.....

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

I am Police Licensing Officer 55410 Christopher Jones of the West Midlands Police currently based at Lloyd House, Police Headquarters in Birmingham City Centre.

On 4th December 2023 West Midlands Police received a premises transfer application for S&B Store, 3 College Road, Handsworth, Birmingham. B20 2HU. Premises licence number 1106.

The applicant for this transfer was Hardeep Kaur.

The transfer application was received only 5 days after West Midlands Police received notification of a premises licence review for this premises submitted by Trading Standards, after they had seized a number of illegal vapes on sale at the premises.

The review application is available on pages 3 to 9 of this bundle.

The review application detailed that Mr Gurdeep Samrai was the premises licence holder for the premises at the time when the illegal vapes were found at the premises in November 2023 and was still the premises licence holder when the review application was submitted. This was confirmed by the transfer application submitted by Hardeep Kaur,

West Midlands Police noted on the review application that on the visit in November 2023 (when the illegal vapes were seized) it was Hardeep Kaur who identified herself as being in charge of the premises and Mr Singh who stated he was the owner of the shop. Hardeep Kaur also identified herself as being in charge of the premises in August 2023 at a previous visit by Trading Standards Officers.

On the visit in August 2023 a 'Traders Notice' was left with the applicant, Hardeep Kaur by Trading Standards Officers giving advice on not stocking illegal / illicit items as per the complaints by the members of the public to Trading Standards, which promoted their visit to the premises.

West Midlands Police also note that there is no mention of illegal vapes being offered for sale at the premises on the visit by Trading Standards Officers in August 2023. This would indicate that the illegal vapes were placed for

sale within the shop between the two Trading Standards visits in August 2023 and November 2023. This being after advice had been given to Hardeep Kaur and a 'Traders Notice' had been left with her by Trading Standards Officers regarding not stocking illegal / illicit items in the premises.

On receiving the transfer application, I spoke on the phone with Hardeep Kaur, as the application stated that she wanted the premises licence transfer to start from 23rd February 2022, approximately 19 months prior to the transfer application being submitted. I originally assumed that this was an error on the application, but Hardeep Kaur stated that the date on the application was the day she took over the business, although had not submitted any licensing transfer paperwork until this application in December 2023. The fact that no transfer paperwork had been submitted is obviously also confirmed by the Trading Standards review paperwork as Hardeep Kaur is not listed as the premises licence holder.

Hardeep Kaur, by her own admission, would have been responsible for the premises when Trading Standards Officers seized the illegal vapes on sale in the shop and also when the initial complaints / concerns were raised by members of the public, to Trading Standards, regarding what they believed to be illicit and/or illegal activity at the premises.

West Midlands Police are concerned as to why Hardeep Kaur only submitted the premises transfer application approximately 19 months after she took over management control of the premises, by her poor decision making, stocking illegal vapes for sale at the premises and the fact that she has seemingly dismissed advice given to her by Trading Standards Officers in August 2023.

West Midlands Police object to the premises licence transfer to Hardeep Kaur as they have little confidence in her ability to promote the licensing objectives, for the reasons detailed in this statement. .....

Signature: ..... Signature witnessed by: .....

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 [redacted] 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 **S & B GENERAL STORE** **1-3 COLLEGE ROAD** **HANDSWORTH WOOD**	
Post town BIRMINGHAM	**Post code (if known)** B20 2HU

Name of premises licence holder or club holding club premises certificate (if known) **Mr GURDEEP SINGH SAMRAI**

Number of premises licence or club premises certificate (if known) **1106**

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) ☐

(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; [redacted] Birmingham Trading Standards 1-3 Ashted Lock Way Aston Birmingham B7 4AZ Our Ref: 10736702
Telephone number (if any) **0121 303** [redacted]
E-mail address (optional) [redacted]s@birmingham.gov.uk

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

	Please tick one or more boxes ✓
1) the prevention of crime and disorder	**Yes**
2) public safety	**No**
3) the prevention of public nuisance	**Yes**
4) the protection of children from harm	**No**

5

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

During June and July 2023 Birmingham Trading Standards received several complaints from members of the public concerning S & B General Store, 1-3 College Road, Handsworth Wood, Birmingham B20 2HU.
The first complaint in early June said that shoplifters were coming into the shop with stolen goods and the shop was buying bootleg booze and stolen goods and selling it on.
Another said; "this shop is selling stolen goods such a baby milk and illegal cigarettes and vapes and stolen alcohol and many other things"

Later in July an email was received from a member of the public with the following detail;

"To: TradingStandards <TradingStandards@birmingham.gov.uk>
Subject: S&B Stores 3 College Road B20 2HU

Hello
I would like to report this shop for illegal trading of vapes, cigarettes, stolen alcohol and illegal substances.
The shop keeper is buying stolen alcohol from supermarkets on a huge scale, his store is full of bottles with supermarkets security tags and the shop celler is also full of stolen or illegal alcohol and illegal substances.
The area around the shop is like a magnet for drug users and I am concerned that young people will also be targeted.
Please can this be investigated.
A very concerned resident..."

On 8 August 2023 Trading Standards Enforcement Officer [redacted] went to S& B General Store to give advice to the shop owners and warn them about selling and stocking illicit items as per the allegations in the complaints received. The officer spoke with a Hardeep Kaur who said she was in charge and issued her with a traders notice to confirm the advice and instruction which she signed for and was given a copy.

On 14 November 2023 Trading Standards Officers re -visited S&B General Store to check compliance with the previous advice.
On arrival at approximately mid-day the officers noticed several unaccompanied men standing around outside the shop and nearby in the street. When the officers went into the shop several of these men were seen coming in and out of the shop.
The officers explained why they had come to the two people who said they were in charge; a woman who identified herself as Hardeep Kaur and a male as Gurpinder Singh who said he was the owner of the business.
Whilst both these people were co-operative they appeared not to understand the seriousness of the allegations and the implications it could have upon the premises alcohol licence.
Officers then began to inspect the goods for sale on the premises and found and seized 96 illicit nicotine inhaling vapes on the sales shelf in view of customers and nearby beneath the sales counter.

Officers also noticed a large number of various brands of spirit bottles that appeared to have damaged cap tops and closures around the bottle necks. (A common reason for this is often the unauthorised or forced removal of security bottle tops as often seen applied to similar high value bottles in supermarkets). Some bottles also had third party security stickers still attached to them.
When the officers asked about these bottles Ms Kaur and Mr Singh said they often purchased alcohol from local supermarkets to sell in their shop rather than from wholesalers.

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE TO SUPPORT THE APPLICATION

On going to the shop in November 2023 the officers found that most of the allegations made in the various complaints had some credence;
Officers seized illicit vapes which are illegal as they have far larger tanks sizes of content than is legal under current legislation.
There were many bottles of spirits whose provenance appeared to be suspicious based on their condition and appearance in the shop.
There appeared to be a significant number of people wandering in and around the shop whose presence appeared to be unwarranted.

All of this is particularly concerning considering that an officer had been to the shop previously to warn and advise them specifically about the matters raised.

The premises licence holder and DPS is currently listed on the public register as a Mr Gurpreet Singh Samrai. He was not present on the day of the inspection. Both members of staff appeared to give the impression that they were in charge, indeed both appeared to give the impression that each other was. They did not appear to have much knowledge of licensing matters and were not convincing of being in control of the shop or of much of the outward circumstances related to it.

Previous history of this shop.

As indicated above Trading Standards received a number of similar allegations about the activities in and around of the shop in the run up to the visit beforehand in June and July 2023.
It would appear in selling illicit goods and other activities this shop was giving local residents concern that it was contributing to public nuisance and crime and disorder and possibly even running the risk of persons under the age of 18 being implicated.

Recommendations.

There is a concern that the premises licence holder and DPS may have absented himself and abrogated his responsibilities to people with much less experience in the licenced trade than is necessary for a shop of this nature.

This licence was granted in 2005, quite some years ago to a Mr Gurdeep Singh Samrai who is still listed as the premises licence holder and DPS of the premises. He was nowhere to be been or even mentioned on the day of the visit.

In such a licence review it may be advisable to ensure that a suitably experienced and responsible DPS is in charge of the premises and is present and in control as much as possible.
Such a person should ensure that no illicit products are stocked or supplied to the general public. They should also be able to cope with the environment the shop is located in. The fact that this shop appears to have particularly challenging circumstances surrounding it such a person in charge should not make matters worse by failing to control such behaviour.

The sub-committee may wish to impose a period of suspension of the licence for all these matters to be taken into hand and may wish to consider if there is adequate supervision of the premises on a daily basis.
Equally Trading Standards would support a revocation of the licence in order that matters can be sufficiently turned around under new management.

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

If yes please state the date of that application

Day		Month		Year			

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 [redacted]

Date 28/11/2023

Capacity Chief Inspector of Weights & Measures

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.