

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE B**

**TUESDAY, 26 JANUARY 2021 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 Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

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

#### **3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

#### **4 MINUTES**

**1 - 42**

To confirm and sign the Minutes of the meeting held on 25 August 2020.

To confirm and sign the Minutes of the meeting held on 1 September 2020.

To confirm and sign the Minutes of the meeting held on 22 September 2020.

To confirm and sign the Minutes of the meeting held on 6 October 2020.

To confirm and sign the Minutes of the meeting held on 17 November 2020.

- 5 **LICENSING ACT 2003 PREMISES LICENCE – TRANSFER SAM'S CORNER EXPRESS, 41 GROVE ROAD, KINGS HEATH, BIRMINGHAM, B14 6SR**

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

- 6 **OTHER URGENT BUSINESS**

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

- 7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Agenda Item etc

Relevant Paragraph of Exemption  
Information under Revised  
Schedule 12A of the Local  
Government Act 1972

1. Licensing Act - 2003 -  
Premises Licence - Application to  
vary a Premises Licence to  
specify an individual as Designated  
Premises Supervisor

Exempt Paragraph 1 - Information  
relating to any individual

## **P R I V A T E   A G E N D A**

- 8 **LICENSING ACT 2003 - PREMISES LICENCE – APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR**

Report of the Interim Assistant Director of Regulation and Enforcement.

- 9 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 25 AUGUST 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 25 AUGUST 2020 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Nagina Kauser in the Chair;

Councillors Mike Leddy and Mike Sharpe

### **ALSO PRESENT**

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

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

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### **NOTICE OF RECORDING/WEBCAST**

- 1/250820 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/250820 **DECLARATION OF INTERESTS**

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

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/250820 Apologies were submitted on behalf of Councillor Nicky Brennan and Adam Higgs and Councillor Mike Leddy and Mike Sharpe were the nominated Members.
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**LICESNING ACT 2003 PREMISES LICENCE – GRANT – PEPE’S PIRI PIRI, 439  
BIRMINGHAM ROAD, SUTTON COLDFIELD, B72 1AX**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Nasir Munir – Applicant

**Those Making Representations**

Councillor Alex Yip – Local Ward Councillor  
Nicola Walters – Lead Petitioner  
Councillor Alden – Local Ward Councillor  
Pat Brown - Secretary of WG Neighbourhood Forum

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

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

Councillor Yip asked if he could seek clarification regarding the opening hours.

The applicant advised him that the opening hours were until 11pm, there had been a misunderstanding when they sent the application and he apologised.

Afterwards, the Chairman invited the applicant to make their submission. At which stage Nasir Munir, made the following points: -

- a) That they wanted a late licence to provide more working hours for staff, but also the customers had demonstrated a demand for the premises to be open until at least midnight – people often worked late.
- b) That midnight was the maximum they would open as there wouldn't be much business after that time.
- c) There were other licensed premises locally and the litter complaints were always regarding those premises.
- d) One of the local Councillors did email him, however the photos attached to the email were the other premises.
- e) That he had CCTV evidence that would demonstrate the litter issues.

- f) They did have a small issue with litter during lockdown, which had since been rectified with additional staff clean ups before and after their shifts. They had also put a bin outside for customers.
- g) There were no issues with anti-social behaviour (ASB) or violence and he didn't understand why they couldn't open until midnight.
- h) They did use Uber drivers, but they had known them a long time and had a good relationship with them.
- i) What happened across the road from the premises wasn't anything to do with them.

In answer to Members questions Nasir Munir made the following points: -

- a) That they would not be selling alcoholic beverages at night.
- b) It was against their policy to serve alcohol.
- c) That they started trading in 2018.
- d) WMP had visited once or twice. There was an incident outside and then the group came inside. They provided WMP with the CCTV footage.
- e) The drivers would not be directly employed by the premises. They would be using Uber drivers.
- f) During lockdown people were outside in cars and they were littering. He was clearing up before and after his shifts, he had CCTV footage to show them clearing up the litter if the Committee wanted to see it.
- g) That there were signs up inside the premises, and they were clearing up the litter outside. They had also provided branded bins.
- h) There would usually be about 3-4 drivers on a normal night. However, when they were very busy it would be 6-7 drivers.
- i) That he had never seen drug dealing around the premises since he had been there.
- j) He had nothing to hide.
- k) That he attended the premises frequently.
- l) There were residential properties behind the shop, but not above it.
- m) That he had been very honest.
- n) The application, if granted, would create more hours for staff.

At this stage Cllr Yip made the following points on: -

- a) Cllr Yip asked for clarification regarding the planning application.

At which stage the Chair advised that Planning and Licensing were separate regimes and therefore should be treated as such.

Cllr Yip continued: -

- a) He visited the premises to get a takeaway at 12:45am.
- b) He had concerns over the application in respect of planning and would be taking that forward with the planning department.
- c) He had doubts over the compliance of the hours of opening.
- d) His concerns were around crime and disorder and community safety.
- e) He appreciated the compromises but was not satisfied and asked the Committee to reject the application.
- f) The premises was situated within his ward and he had overwhelming concern for the residents.
- g) He referred the Committee to page 46 within the report, the residents had concerns over crime, fear, safety and litter issues – words which had come up again and again within their submissions.
- h) To grant the application would cause problems.
- i) The residents knew the area better than anyone and highlighted significant negative changes since 2018 when the premises first opened.
- j) The area had changed considerably, and crime had increased.
- k) Pepe's branded litter could be found across the length of the shopping district.
- l) The premises had not dealt with the litter issues as there had not been a decline in the amount found.
- m) There was a recent twitter post which found their litter in the area.
- n) The Committee should also consider the concerns around drug dealing – nitrous oxide cannisters and syringes had been found near the premises 3 times in the past month.
- o) Graffiti had also been an issue.
- p) There had been a marked increase in issues since 2018.
- q) There had also been an increase in gang related activity and an extension to the operating hours would only facilitate the problems.

- r) The premises was situated within 30 meters of residential properties.
- s) He had provided a photo.
- t) It was clearly a residential high street, not a base for deliveries. There were at least 3 primary schools, 2 secondary schools, a nursery and a care home within the ward.
- u) That CCTV was no longer an effective deterrent, most shops had CCTV and it did nothing to control crime in the area.
- v) He had submitted another photo of the premises which was taken after midnight. There were several drivers outside the front of the shop waiting for deliveries.
- w) There were at least 4-5 drivers outside at 1am.
- x) People would get the food delivered to the next road and then chuck the litter out of the window.
- y) He was surprised the drivers were not employed by the premises, that made it even more of an issue.
- z) He was concerned it would become like a taxi bay.
- aa) The layby across the road was already being used for people to congregate in vehicles; revving engines, eating food, chucking litter out of the windows and sitting there until the early hours of the morning. Residents had complained about drug dealing from vehicles and vehicles congregating in front of businesses.
- bb) The drug related issues only arrived in 2018 and the area began to change.
- cc) His fear was that the application to extend the hours would further increase the issues.
- dd) The conditions proposed were impractical and harder to enforce as the drivers were not employed directly by the premises, and instead through Uber.
- ee) Drivers would have their cars switched on when it got colder so they could have the heating on, they would also be getting in and out of vehicles to go to the toilet – all of which would be detrimental to the residents.
- ff) The applicant stated that they would likely be open until 1am, yet the application was for 3am.
- gg) The midnight watershed should not be breached. The local McDonald's closed by 2330 hours.

hh) The increase in crime, the current level of crime and the risk of a further increase in crime in a heavily residential area made a substantial case for the rejection of the application.

In answer to Members questions Cllr Yip made the following points: -

- a) That it was a large shopping area with about 80 shops.
- b) That it was usually quiet by 2330 hours, however occasionally cars congregated on either side of the road to purchase takeaway food and sit in vehicles. There was a proven track record of this with ASB dispersal orders and there had been a marked increase in issues since 2018.
- c) If the licence was granted until 3am, other businesses would be applying to extend their hours also.
- d) That he had no issues with the business themselves, they offered good food and service. But the residents had concerns and he had a duty to represent them as best as he could.

At this stage the Chair invited Nicola Walters to make her submissions: -

- a) That she had lived in the area since 1993 and knew the area well.
- b) She agreed with Cllr Yip's submissions, they were experiencing an increase in young people gathering and causing a disturbance.
- c) It wasn't happening directly outside the premises, but it was happening elsewhere particularly in Florence Road.
- d) She had seen evidence of drugs and it was increasing significantly.
- e) She was concerned for the residential care home in Florence Road, but also for the many families who lived there.
- f) That everything shut at 2330 hours in Boldmere, and she wanted it to remain that way.

In answer to Members questions Nicola Walters made the following statements: -

- a) Since the chicken places had opened there had been a large number of young people gathering, social distancing had not been adhered to and they had been gathering late at night outside the chicken shop.
- b) They would gather in cars, playing loud music.

Cllr Alden was then invited to make his submissions: -

- a) There were 5 shops either side and residential properties very close by.



- b) People would often park on the road side, go into the shops to get food and then leave the litter down the residential streets.
- c) The evidence submitted would risk an increase in issues related to crime and disorder, public safety, public nuisance and protection of children from harm.
- d) That the petition submitted was very large.
- e) He had attached several emails within the bundle which highlighted the issues of public nuisance and ASB.
- f) He asked the Members to pay attention to the letter at page 32 from the residents which stated that people were gathering in large numbers, creating noise and littering – including vomit; most had little regard for social distancing and residents were being disturbed by them.
- g) There had been an increase in traffic and noise in the area, particularly in the evenings.
- h) Many customers from the premises were ordering food, then leaving the litter outside.
- i) WMP had offered conditions regarding alcohol but there was a need for further conditions to stop an increase in street drinking.
- j) Residents felt that the High Street had become less safe over recent years.
- k) There were further issues of illegal parking on yellow lines, litter and public nuisance.
- l) Appendix 5 also referred to a decline in the area since the premises began operating – noise nuisance, criminal activity, erratic driving.
- m) It was a family area and children should not be exposed to that sort of behaviour.
- n) There were also emails between Environmental Health and the premises reminding them that they only having planning permission to open until 2230 hours. The applicant had admitted to operating beyond that and Cllr Yip had been served food after midnight, therefore, it gave him no faith that the premises would follow conditions if they were to be put on the licence.
- o) The police forces were working close to manage the problems in the area and they needed to be supported.

At this stage Pat Brown was invited by the Chair to make her submission, as such she made the following points: -

- a) The High Street was a quiet residential area with residents living above shops. She had lived in the area for 40 years and during the last 5-6 years

there had been an enormous change particularly in terms of noise, litter and ASB.

- b) It was crazy to allow a premises to exasperate the problem.
- c) Once one premises was allowed an extension of hours, other premises would want the same. It would open the floodgates.
- d) It would change the nature of the area significantly.
- e) She requested that the Committee reject the application.

In summing up, Pat Brown made the following points: -

- That she agreed with what Cllr Yip and the other Cllr had said and strongly urged the Committee to reject and oppose the application.

In summing up, Cllr Alden made the following points: -

- That it was a suburban High Street which was highly residential.
- There had been evidence of an increase in crime and disorder in the area and that posed a risk to public safety and a risk of public nuisance.
- Granting the application would exasperate the problems.
- The applicant also stated he did not need to open for the hours he had applied for, therefore even from the applicant's perspective the hours were not needed.
- It was clear that granting the application would worsen the situation for residents.
- It didn't matter what conditions were imposed he had no confidence that the applicant would follow them.

In summing up, Nicola Walters made the following points: -

- That she urged the Committee to reject the application in order that the area could remain a safe place for people to live, work, shop and enjoy.
- The increase in disturbance since the first and second chicken shop opened were notable and residents did not feel safe – safety was paramount.
- Therefore, she asked the Committee to reject the application.

In summing up, Cllr Yip made the following points: -

- That there was a huge opposition to the application, highlighting the real concerns residents had. The Committee should take a minute and read the submission from the residents.
- The premises had already breached their trading hours and Cllr Yip had provided proof with advertisements stating they were open until 0100 hours. He had also been able to purchase food past midnight. That provided no reassurance that the premises could fulfil any requirements asked of them.
- The fact the drivers were employed by Uber eats and not directly by the premises was another issue.
- He urged the Committee to reject the application.

In summing up, Nasir Munir, on behalf of the premises made the following points: -

- That the ASB was being blamed on his premises, yet Pat Brown stated it had worsened over 5-6 years, which was before they opened.
- There was no evidence of any ASB being associated with the premises.
- They had tried to address the litter issue.
- It was all allegations; the police had not been to the premises regarding drug issues.
- Other premises were open at midnight such as Dominoes.
- He couldn't understand where the issues had come from – no one had been to the premises to complain.
- If he didn't get the application granted people would just go elsewhere to buy food and just park up there. The only thing that would happen is that people would lose their jobs.
- There were no gatherings outside his shop.
- He invited the Committee to go and have a look at the premises at 11pm.
- What happened a mile down the road was nothing to do with him or his shop.
- He didn't understand why an extra hour would be unsafe for the community. It would provide food for people.
- No one would be attending the shop, it was just deliveries.
- He didn't have much to say because it was all based on allegations and no concrete evidence.

- They had been litter picking and had a 5-star hygiene rating.
- They may have gone over the hours by 30 minutes, but they didn't realise.
- The extra hour would make a big difference to the staff.
- The responsible authorities had no issues.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/250820 **RESOLVED:-**

That the application by My Shop 7 Limited for a premises licence in respect of Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX be granted as follows:

- The door to close to customers at 00.30 hours daily, with no public access granted to the restaurant after 00.30
- From 00.30 hours daily the premises to offer a home delivery service only (not restaurant service)
- The operating end time to be 01.00 hours daily

The licence will also be subject to the following conditions, as agreed with the responsible authorities in advance of the meeting:

- CCTV will retain images/recordings for a minimum of 28 days. CCTV will display the correct time and date stamp. CCTV will be downloadable and made immediately available to any of the responsible authorities on request
- There will be no open containers of alcohol allowed within the premises, and there will be no consumption of alcohol allowed on the premises
- The premises will not allow delivery drivers to sit in or on their vehicles with the engine running while waiting for a delivery. The premises will not allow delivery drivers to play music while in/on their vehicles that is audible to members of the public that would be at a level to constitute a noise nuisance. The premises will not allow drivers to over-rev their engines. The premises will have written documented training for all delivery drivers that will be signed as understood by the drivers. All drivers will receive this documented training prior to the commencement of their first delivery
- Noise from the kitchen extraction system shall be inaudible at the façade of any noise sensitive premises

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

namely West Midlands Police and Environmental Health, had considered the application suitable with the addition of some sensible conditions.

Members carefully considered the representations made by other persons but were not convinced that there was evidence of a risk to the upholding of the licensing objectives. The risks had been covered by the agreed conditions.

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 by those making representations.

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

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*Please note, the meeting ended at 1140.*



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 1 SEPTEMBER 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 1 SEPTEMBER 2020 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Nagina Kauser in the Chair;

Councillors Martin Straker-Welds and Adam Higgs.

### **ALSO PRESENT**

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

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

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### **NOTICE OF RECORDING/WEBCAST**

- 1/010920 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/010920 **DECLARATION OF INTERESTS**

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

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/010920 Apologies were submitted on behalf of Councillor Nicky Brennan and Councillor Martin Straker-Welds was the nominated Member.
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**MINUTES**

4/010920 The Minutes of the meeting held on 4 August 2020 were circulated to all Members and were confirmed and signed by the Chair.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – ROSE  
SUPERMARKET, 159 HAGLEY ROAD, EDGBASTON, BIRMINGHAM, B16 8UQ**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Rob Edge – Agent

**Those Making Representations**

No one attended.

\* \* \*

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

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

Afterwards, the Chairman invited the applicant's agent to make their submission. At which stage Rob Edge made the following points: -

- a) That they had attempted mediation with those who objected and had attended extensive meetings with West Midlands Police and Licensing Enforcement.
- b) They had agreed conditions with WMP.
- c) None of the responsible authorities had objected to the application.
- d) He had attached documents with the application including operations and staff training manuals, refusals log, incident log and a Covid-19 risk assessment.
- e) Only one objector wished to engage in the mediation.
- f) The one objector who did attend mediation owned the shop next door. It was more of a commercial objection and therefore, he wasn't keen on engaging.
- g) The windows would be screened, so people wouldn't be able to see inside.



- h) The alcohol would be situated further to the rear of the premises.
- i) There would be signage to deter people from congregating outside and the DPS or manager would speak to anyone who did.
- j) The applicant had previously run premises in Walsall.
- k) It would be a father and son team to begin with and the applicant had made enquiries for his son to attend the personal licence course.

In summing up, Rob Edge, on behalf of the applicant made the following points: -

- That the premises should not be pre-judged before its even open. The applicant should be given a chance to prove himself.
- The applicant had previously managed premises and intended for his son to do the personal licence course.
- The application had considered the local community and demonstrated a strong operating schedule with reasonable opening hours.
- The premises would be run in a professional manner.
- They would promote the licensing objectives at all times.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

5/010920

**RESOLVED:-**

That the application by Rose Supermarket (Brum) Ltd for a premises licence in respect of Rose Supermarket ,159 Hagley Road, Edgbaston, Birmingham B16 8UQ, **BE GRANTED.**

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued together with those conditions as agreed with West Midlands Police and Licensing Enforcement, as follows:

- The premises will install/update CCTV to the recommendations and specifications of West Midlands Police Central Licensing Team. There will be cameras that cover the frontage of the premises. These cameras will have the capability of capturing evidential quality images in low light conditions. CCTV images/recordings will be held for a minimum of 31 days, display the correct time & date stamp and be downloadable immediately on request of any of the responsible authorities.
- 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 31 days and made immediately available to any of the responsible authorities on request.

- All staff will receive training prior to commencing employment on their responsibilities under the Licensing Act 2003, the licensing objectives and underage sales. No staff will work at the premises while it is carrying out licensable activity until this training has been completed. Refresher training will be conducted a minimum of every 12 months. Staff training will be documented and signed & dated by both the trainer & trainee. Training records are to be made immediately available to any of the responsible authorities on request and the training records shall remain on site for a period of three months from the date the employment ceases.
- Fire training: All serving and newly-appointed staff are to be trained in the action to be taken in case of fire and their duties with respect to the evacuation of the premises prior to commencing employment. This training will be documented and signed by each member of staff as having been completed. The documentation will remain at the premises and will be produced on request to any responsible authority.
- An incident log (which may be electronically recorded) shall be kept at the premises for at least six months from the date of the last entry, and made available on request to any responsible authority, and will be used to record incidents that occur within the premises and also directly outside the premises, in particular the following incidents, including pertinent details:
  - (a) all crimes reported to the venue, or by the venue to the police
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
- There will be no posters or advertisement of alcohol outside the premises or in the front window.
- The licence holder will take appropriate measures to ensure that people are discouraged from congregating in groups outside the premises.
- Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises and will be refused service.
- The premises licence holder will have a written age verification policy – Challenge 25. A copy of the age verification policy must be signed and dated by all members of staff to confirm they have read and understand the policy in operation. The signed copy of the policy must be maintained at the premises and available for inspection by any Responsible Authority on request.

The Sub-Committee carefully considered the written representations made by other persons, none of whom attended the meeting. However, the Members were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. The objections seemed to focus on noise and drunkenness caused by people congregating in the area, but the agreed conditions covered this. The Sub-Committee also observed that other premises in the area were licensed to later hours.

The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The applicant had three to four years' previous experience of running licensed premises in Walsall/ Bromsgrove, and would be operating the shop together with his son. The intention was that the son would undertake the Personal Licence qualification. There was no reason to believe that the premises would not be properly managed, and so the Sub-Committee resolved to grant the application with the agreed conditions.

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's adviser.

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.

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**Please note, the meeting ended at 1025.**



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 22 SEPTEMBER 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 22 SEPTEMBER 2020 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

### **ALSO PRESENT**

Shaid Yasser – 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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### **NOTICE OF RECORDING/WEBCAST**

- 1/220920 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/220920 **DECLARATION OF INTERESTS**

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

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/220920 No apologies were submitted.

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### **MINUTES**

4/220920 The Minutes of the meeting held on 4 August 2020 were circulated to all Members and were confirmed and signed by the Chair.

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**GAMBLING ACT 2005 PREMISES LICENCE – GRANT – ADMIRAL, 54-57 HIGH STREET, BIRMINGHAM, B4 7SY.**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Stephen Walsh QC – Three Raymond Buildings  
Elizabeth Speed – General Counsel  
Mark Thompson – Head of Risk and Compliance  
James Sturgess – Regional Operations Director

**Those Making Representations**

Mark Owen – Solicitor  
Kim Dowell – Betfred Area Manager

\* \* \*

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

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

Afterwards, the Chairman invited the applicant or their representative to make their submission. At which stage Stephen Walsh QC made the following points: -

- a) That the paperwork contained further submissions to make their position clear. There was also evidence of the applicant's extensive experience within the documentation.
- b) The applicant operated an Admiral premises in the nearby shopping centre; one in Erdington and another in Kings Heath. All of which had a long record of compliance.
- c) The company had established good relationships with Gamble Aware and made contributions to research. The applicant also remained in close liaison with the Gambling Commission. There was evidence of compliance.
- d) The Gambling Objectives had been met and the risk assessment had been provided. A further Covid-19 risk assessment had also been conducted.

- e) They had risk assessments and fully up to date CCTV, the records were kept in line with the requirements.
- f) They had special lighting and staff alarm activators.
- g) Staff were trained and the applicant took their responsibilities very seriously.
- h) Staff also received training on customer interactions.
- i) The applicant went above and beyond the Gambling Commission recommendations.
- j) The company employed an independent test purchaser organisation to conduct unannounced test purchases across the company.
- k) The applicant had a much higher pass rate than the industry average.
- l) The staff training was wide ranging and refreshed regularly.
- m) It was a ground floor premises, 2 story, with a basement – all of which was evidenced in the plan.
- n) Planning permission had been granted for use as an Adult Gaming Centre (AGC). The planning information was included as it was highly informative.
- o) The intention was to close the Priory Square premises within 6 weeks should the licence be granted. They couldn't close it any sooner than that and they couldn't be sure when the premises would open due to the Covid-19 pandemic. However, they were happy to have a condition that the licence at Priory Square would be surrendered within 6 weeks.
- p) No responsible authorities had any issues with the application.
- q) The planning department had an issue with late night trading and as such they imposed a 2200 hour closing time which was relevant to the application.
- r) The applicant's position on the Betfred representations were summarised on pages 43-45 of the report. Betfred were an interested party and they would be affected in terms of business; therefore, the representation was based on competition and the Act expressly prohibited objections based on the threat of competition.
- s) The nearby McDonalds was a congregation point and there was no evidence that the premises would adversely impact the crime levels in the area.
- t) The planning decision was not one that the Licensing Committee were bound by, however it did address the same issues.
- u) There was no evidence before the Committee that the premises was a concern for crime and disorder.

- v) The applicant would employ security each day from 1500 hours until closure. CCTV was a further deterrent.
- w) There was no reason to believe that the children that gather at bus stops would be adversely impacted by the premises.
- x) They had tried to set out an application that met all the requirements and therefore should be permitted.

In answer to Members questions Mark Thompson and James Sturgess made the following points: -

- a) James Sturgess advised that Committee that they didn't plan on having an ATM machine at the premises.
- b) Mark Thompson told the Committee how they had measures to prevent vulnerable people from entering the premises. They used measures in advance to ensure that they didn't end up having to take drastic action.
- c) Mark Thompson informed the Committee that they were in the process of launching a new scheme called Gamblewise; a free app which provided customers with advice and tools in order to help themselves.

The chairman then invited Mark Owen to make his submissions, at which stage Mark Owen made the following points: -

- a) He had 5 main points to go through:
  - 1. The locality of the premises made it challenging and difficult. Everyone acknowledged that children congregated in the afternoons at bus stops, the station and McDonalds.
  - 2. The area suffered from homelessness and begging.
  - 3. The shops attracted a certain type of person and this shop would be an attraction.
  - 4. There was a relatively high level of crime in the area.
  - 5. Was it appropriate?
- b) The Committee should ask themselves what the tipping point was for granting premises licences in the area. It was already a challenging area that needed to be finely balanced.
- c) The applicant's intention was to attract new business to the area. If they closed the Priory Square premises those individuals would just gravitate to this locality.
- d) That he didn't believe the planning considerations should have any weight on the licensing hearing.
- e) The applicant acknowledged the issues in the area.
- f) The door supervisor could be a point of confrontation.



- g) What about the issues before 1500 hours?
- h) That there were a number of issues with the LARA which made reference to the layout of the premises, however it was not consistent with the plans.
- i) He had concerns over only 2 members of staff being on duty, what would happen with lunch breaks and toilet breaks.
- j) The decision in 2017 was rejected because they couldn't demonstrate significant detail had been put forward and therefore it was a matter for the Committee to evaluate whether the applicant had overcome that hurdle at today's hearing.

The chairman invited Mark Owen to make a closing submission, however he advised he had nothing further to add.

Then the Chairman invited the applicant and/or their representative to make their closing submission at which stage Stephen Walsh QC, on behalf of the applicant made the following points: -

- That he needed to address a few issues raised.
- Mark Owen made reference to a high number of children in the area and seemed to imply the engagement of a door supervisor was acceptance of a problem in the area. That was not the case the door supervisor was there to ensure an extra level of supervision.
- He agreed that planning was a separate regime, however there were overlapping issues.
- There was no reason to suggest the plan didn't meet the requirements within the Act.
- Two members of staff would be on duty at all times and there would be a door supervisor from 1500 hours also.
- The police had not objected to the application.
- That Betfred were concerned about the competition.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and the decision of the Sub-Committee was sent out to all parties as follows: -

5/220920

**RESOLVED:-**

That the application by Talarius Limited for an Adult Gaming Premises Licence in respect of Admiral, Ground and First Floor, 54-57 High Street, Birmingham, B4 7SY

## **BE REFUSED**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Gambling Act 2005, particularly:

- the prevention of gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime, and also
- the protection of children and other vulnerable persons from being harmed or exploited by gambling

The Sub-Committee's reasons for refusing this application for an Adult Gaming Centre Premises Licence are due to concerns raised by other persons regarding the impact of the proposed operation on the particular locality of the premises, in a busy part of the City centre. The Sub-Committee was aware that the Guidance recommended that they should aim to permit 'where the requirements were met'.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Principles under the Gambling Act 2005, the Guidance issued to Local Authorities by the Gambling Commission, the application for a Gambling Act Premises Licence, the written representations received, and also the submissions made at the hearing by the applicant, their legal adviser and by those making representations.

All parties are reminded that under the provisions contained within Part 8 to the Gambling Act 2005, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within the period of twenty-one days beginning with the day on which the appellant receives notice of the decision against which the appeal is brought.

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*Please note, the meeting ended at 1103.*

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 6 OCTOBER 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 6 OCTOBER AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

### **ALSO PRESENT**

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

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

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### **NOTICE OF RECORDING/WEBCAST**

- 1/061020 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/061020 **DECLARATION OF INTERESTS**

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

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/061020 Apologies were submitted on behalf of Councillor Neil Eustace and Councillor Mary Locke was the nominated Member.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – TOTAL ECLIPSE,  
433-435 DUDLEY ROAD, BIRMINGHAM, B18 4HD**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Amera Campbell – Applicant  
Claudine Stanbury – in Support of the Applicant  
Nick Semper – Licensing Guys

**Those Making Representations**

No one attended.

\* \* \*

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

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

Afterwards, the Chairman invited the applicant to make their presentation, at which stage Nick Semper made the following points: -

- a) That he would read his prepared statement.
- b) They had taken on board the police recommendations and the suggested conditions had been adopted.
- c) There were no objections from West Midlands Police, Trading Standards or Environmental Health.
- d) That the economic argument was specifically outside the licensing application remit.
- e) The area had a remarkably low crime return for the city location.
- f) That the anti-social behaviour (ASB) could not be attributed to the premises as they had not been selling alcohol.
- g) That there was no evidence that there would be a new localised spike in alcoholism, or an increase in ASB if the licence was granted and that these suggestions therefore ought to be disregarded, per Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin).

- h) Selling alcohol as an addition to a takeaway service was not going to conjure up ASB or criminal behaviour, there was no evidence, and everything was based on speculation.
- i) That his colleague had visited the premises and they would be returning to train the staff regarding alcohol. The training would be repeated annually.
- j) That the police conditions covered the Members questions and he invited the Committee to view the conditions that WMP recommended. He also requested that Members look at section 17 of the application.

Then the Chairman invited the applicant or their representatives to make their closing submission at which stage Nick Semper made the following points: -

- That the Committee had been fair.
- They had accepted WMP's suggested conditions.
- The Licence would promote the licensing objectives.
- He asked the Committee to grant application.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/061020

**RESOLVED:-**

That the application by Amera Campbell for a premises licence in respect of Total Eclipse, 433 – 435 Dudley Road, Birmingham B18 4HD, **BE GRANTED.**

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued, together with those conditions as agreed with West Midlands Police, as follows:

- Licensable activity to terminate at 02.00hrs on Friday & Saturday and also on Bank Holidays, Sundays preceding Bank Holidays, Christmas Eve and New Year's Eve
- From 23.00hrs alcohol sales from the 'takeaway' area will be ancillary to the main purpose of food sales and will be limited to those customers who are making a substantial food order
- There will be no alcohol allowed on the premises in open containers and no alcohol will be consumed on the premises
- The premises will not sell any ciders, lagers or alcopops above 6.5% ABV

- If for any reason the hard drive of the CCTV system needs to be replaced, the old hard drive will be kept on the premises for a minimum of 31 days and made immediately available to any of the responsible authorities on request
- An age verification and delivery policy will be operated when alcohol is ordered for delivery. To maintain the efficacy of this policy, age verification at the point of delivery is required. This written policy will be made available to any of the responsible authorities on request. All deliveries will be signed at the point of receipt by the person making the order. A copy of all deliveries will be kept by the premises for no less than 3 months for inspection by any of the responsible authorities on request
- Deliveries of alcohol made by third parties and staff not employed directly by the premises licence holder will not be dispatched until a minimum of 24 hours have passed from receipt of the order
- A documented contract will be in place to ensure the third party carries out an age verification check and delivers in line with the Licensing Act 2003. This contract will be made available to any of the responsible authorities on request
- Staff making deliveries of alcohol employed directly by the premises licence holder will be trained in their responsibilities under the Licensing Act 2003 and the premises licence operating conditions. This training will be documented and signed by both the trainer and trainee. No staff are to carry out deliveries without this documented training with the exception of personal licence holders. This training is to be refreshed every 6 months signed by both the trainer & trainee and documented

The application stated that the Total Eclipse premises was a pre-existing and established takeaway business that wished to expand into off-sales of alcohol as part of a takeaway meal. The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, and concluded that by granting this application, the four licensing objectives in the Act will be properly promoted.

Submissions were made by the applicant's representative, who confirmed that Ms Campbell had accepted the modified conditions which had been proposed by the Police, including the shortening of the terminal hour on Friday and Saturday. Potential problem areas, such as deliveries of alcohol, had also been dealt with via the Police conditions. The applicant's representative reassured the Sub-Committee that there was no intention to offer "high volumes of low-cost but high percentage ABV products". Alcohol sales

would be ancillary to the sale of takeaway food, and all lagers, ciders and alcopops would be under 6.5% ABV.

Members carefully considered the written representations made by other persons, but were not at all convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. None of the three objectors attended the meeting, which was unfortunate, as the Sub-Committee did not have any opportunity to ask them questions.

In considering the objections, the Sub-Committee was assisted by the applicant's representative, who observed that any objection on the grounds that there was "no economic need for another licensed premises" did not relate to the licensing objectives and should be rejected. The Total Eclipse premises was not in any Cumulative Impact Zone.

As for the objections relating to crime, antisocial behaviour, street drinking and litter, the applicant had submitted documents for inclusion in the Report. The documents related to localised crime patterns, and were official statistics from the "Home Office UK Crime Mapper" website, based on data produced by West Midlands Police.

The Sub-Committee agreed that the crime levels for the area were relatively low.

The applicant's representative drew the attention of the Sub-Committee to what he termed a 'highly questionable statement' made by one objector, namely: "As a Street Watch co-ordinator of the area, I will ensure that the licence is withdrawn." The Sub-Committee also looked askance at the objector's comment, and so disregarded it.

Furthermore the Sub-Committee agreed with the applicant's representative that part of the objectors' representations appeared to be merely speculative. The applicant's representative remarked that there was no evidence that there would be a new localised spike in alcoholism, or a sudden influx of antisocial or criminal street drinkers, upon the grant of a licence to Total Eclipse, and that these suggestions therefore ought to be disregarded, per *Daniel Thwaites plc v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*. The Sub-Committee agreed. Members considered that a careful operator, with Police-approved conditions on the premises licence, would be able to uphold the licensing objectives.

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

the hearing by the applicant via her adviser.

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.

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*Please note, the meeting ended at 1043.*



# BIRMINGHAM CITY COUNCIL

<p><b>LICENSING SUB-COMMITTEE B 17 NOVEMBER 2020</b></p>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 17 NOVEMBER 2020 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Nicky Brennan and Adam Higgs.

### **ALSO PRESENT**

Shaid Yasser – 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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### **NOTICE OF RECORDING/WEBCAST**

- 1/171020 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/171020 **DECLARATION OF INTERESTS**

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

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/171020 Apologies were submitted on behalf of Councillor Nagina Kauser and Councillor Mike Leddy was the nominated Member.

**MINUTES**

- 4/171020 The Minutes of meeting held on 27<sup>th</sup> October 2020 were circulated, confirmed and signed by the Chairman.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – MCDONALDS,  
PARSONS HILL, KINGS NORTON, BIRMINGHAM, B30 3PN.**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Sarah McLean - Applicant  
Katrina Kimberly – Cocks Lloyd Solicitors  
James Hubble – Manager

**Those Making Representations**

Chris Jones and PC Reynolds – West Midlands Police (WMP)  
Councillor Julien Pritchard – Local Ward Councillor  
Alison and Stephen Cloonan – Local Residents

\* \* \*

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

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

Afterwards, the Chairman invited the applicant or their representative to outline their representation, Katrina Kimberly made the following points: -

- a) That Sarah McLean was the Managing Director of 20 restaurants in the Franchise. She had worked hard to build the business up and at least ten of the premises traded 24 hours, with the majority trading beyond 2200 hours.
- b) Many of which were close to residents.
- c) That her client and McDonalds prided themselves on working and integrating with local communities. Including embarking on community projects, litter picking and tree planting.

- d) Her client also had good working relationships with staff and neighbours in the community.
- e) It had been a difficult year for the business.
- f) Many of the restaurants were only open on reduced hours and were forced to operate as drive thru only. 1655 employees had been furloughed and it had really impacted the business. They were down 21% on sales this month alone.
- g) The primary reason for the application was to ensure sustainability of the business.
- h) The Kings Norton premises had 110 staff, and if the application was successful it would allow them to employ a minimum of a further four full time staff.
- i) The hospitality sector had been significantly impacted by the Covid 19 outbreak.
- j) Her client had carried out extensive refurbishment, particularly to the outside of the premises. Photos were in the agenda pack.
- k) That her client took the concerns of residents seriously and she wanted to reassure them that she would uphold and promote the licensing objectives and was happy to meet them to discuss their concerns. Further, she did write to the residents and gave them the option to speak to the general manager, however due to Covid-19 and social distancing she was unable to hold the meeting. Nevertheless, she was happy to hold regular meetings to give the residents some reassurance.
- l) That planning had authorised for 24 hours opening.
- m) Anyone who purchased a property in the area would have full knowledge of the restaurant and expected additional noise from traffic when living so close to a business.
- n) The resident's main concerns included traffic. However, it was not accepted by her client that the hours would attract people from a wider area. It would be people who were already driving down the road who would simply stop on their route.
- o) The restaurant was situated on a busy road and as such, any traffic pulling into the premises would be unlikely to impact noise levels.
- p) The queues which the residents had referred to were directly after the national lockdown when the restaurant reopened. People were anxious to get a McDonalds. However, in normal circumstances a queue of that length rarely happened.

- q) Most of the trade after 2300 hours would be drive thru and therefore there wouldn't be much noise in terms of people speaking etc.
- r) That her client was happy to have a condition that between the hours of 0200 and 0500 the car park would be cordoned off.
- s) That the Licensing Policy recognised that they were unable to address issues once the patrons had left the premises.
- t) They accepted that there had been some low level ASB (anti-social behaviour).
- u) However, of the 17 incidents that WMP referred to there had been no arrests or charges and much of the time it was McDonald's employees who rang the police. WMP only attended on 4 occasions and on each occasion the incident was over by the time they arrived. Therefore, the police's assertion that the staff would not be able to manage ASB was not accepted.
- v) The previous application was rejected and there were more than double the number of incidents reported indicating that there had been an improvement.
- w) The staff carried out regular litter picking 2-3 times a day, including trash walks up to 300 meters from the restaurant.
- x) There had been a problem with fly tipping, but it was nothing to do with McDonalds. However, as a gesture of good will her client would be happy to arrange for these to be cleared up on a quarterly basis. She already arranged for the hedges to be trimmed and yellow lines maintained. She would also provide a contact number and email address of the manager for residents to report any incidents.

In answer to Members questions Katrina Kimberly made the following points: -

- a) That initially there would only be a trickle of customers using the drive thru during the overnight period – no more than 10-15 an hour.
- b) That Uber Eats delivery made up about 15% of the total business and 70% was drive thru.

Sarah McLean was invited to answer some questions from the Members, she gave the following responses: -

- a) It had taken her some time to get the right Manager for the premises and James Hubble had now been managing the premises for about 15 months.
- b) The Area Manager only lived a mile from the premises.
- c) They had a zero tolerance on ASB. That meant they had a reputation for not accepting any nonsense.

- d) They always managed the premises by observing the car park, carrying out litter patrols, ensuring there was more than one manager on shift and making sure all staff have adequate training – in fact, the training they provided went above and beyond the normal McDonalds training expectations.
- e) That the incidents WMP referred to were small in comparison to the business. Last year they served over 600,000 customers.
- f) That she would be willing to offer a condition whereby if there were any issues, she would be given 24 hours' notice to employ SIA door staff to support and reinforce managers dealing with ASB. That would help reassure residents. If it became problematic, she would cease trading straight away.
- g) He had changed the management team dramatically over 15 months with a stronger team and more shift managers.
- h) That she visited the premises regularly.
- i) They had notices up telling customers to be sensitive and consider the local residents.
- j) There had been at least a 50% reduction in incident numbers and the change in management team meant that they operated a zero-tolerance approach to dealing with ASB.

The chairman then invited the representative of WMP to make his submissions, at which stage Chris Jones made the following points: -

- a) That the incidents were valid, and more than 20 residents had made representations.
- b) There had been 17 incident logs within the last 12 months, most of which were low level crime and ASB. The 17 logs were a 50% reduction on the incidents put before the Committee in 2010, however the Covid-19 pandemic and national lockdown suggested that the number of incidents would be much the same as 2010.
- c) That trading beyond 2300 hours would add to noise levels and ASB.
- d) Beyond 2300 hours was when the neighbourhood police teams were off duty and therefore any incidents would be dealt with by the response teams, who would not be responding to these types of incidents first, they would be some way down the list.
- e) These types of incidents upset residents but were not the priority of the response teams.
- f) The entrance used for the car park was only 18.4 meters from residents and the drive thru exit was only 22 meters from residents. All the details were included in the documentation submitted by WMP from pages 84-86.

- g) There was also a statement from PC Reynolds at page 82 which again referenced the noise from the drive thru for some 18 hours a day.
- h) There were issues with people parking on double yellow lines and in residential streets, causing residents trouble getting into their own homes.
- i) There was nothing in the applicant's submissions that indicated how they would manage the issues.
- j) That the whole point of a drive thru during the night was in order to get more traffic passing through, so of course that would impact the residents.
- k) There was no plan in place on how to manage the car park and people getting in and out of cars, banging doors and chatting.

PC Reynolds added the following points: -

- a) That he was the second in command for the local area and it was a priority location for WMP as it needed a lot of help and support due to the whole host of issues.
- b) When the application was submitted, they gave it careful consideration, but the entire team shared the same concerns as the local residents and all objected on the basis that it will increase crime and disorder, and ASB in the area.
- c) That WMP had a lot of issues in that area and were currently tackling a gang problem. The gang members were known to use the premises regularly.
- d) The reliance on the police was high from McDonalds and whilst the management was good, they still needed WMP.
- e) The applicant had put nothing forward that would ease their concerns.
- f) WMP were already overstretched and would struggle to support them after 2300 hours.

A local ward Councillor was invited to make his submission, at which stage Cllr Pritchard made some the following points: -

- a) That for him this hinged on whether the application was needed and was it worth all the issues that WMP had highlighted.
- b) That residents had voiced concerns to him, he had not had anyone contact him who was in favour of the application.
- c) That many concerns had been raised; disturbance, ASB and litter.
- d) The premises was very close to residents and it was his view that it should really be located in the City Centre.

- e) That the premises opening beyond 2300 hours would attract problematic behaviour.
- f) The night time was a quieter time and therefore the noise from the drive thru would be more of a problem.
- g) That the reason the incidents were lower this year was due to Covid.
- h) They already had signs and notices up in the car park and there were still problems.
- i) The argument that McDonalds was here before the houses was not entirely fair. Some of the houses were built prior to McDonalds and the ones that weren't would not have anticipated it being open 24 hours.
- j) The key points were what had changed since 2010 when the application was refused? Nothing he stated.
- k) There was at least 10-20 residents who had contacted him.

Mr and Mrs Cloonan were invited to make their submissions and Mrs Cloonan made the following points: -

- a) That she was a leader for the residents and had therefore submitted more than one representation. Therefore, the letter was on behalf of themselves and the residents that came to them to voice their concerns.
- b) They had lived in the area since 2008, in the same property. They moved in knowing there would be some noise from McDonalds, however, the popularity in McDonalds had increased and therefore so had the noise.
- c) Since 2010 the issues had increased.
- d) It was a very busy premises, lots of shouting, horns beeping and aggressive driving.
- e) The premises had outgrown the car park.
- f) People had parked recklessly, and they had struggled to get into their homes, or had people pulling out on them.
- g) The concern was that if the licence was granted where would these people go once they had been to the drive thru.
- h) There was an incident last week whereby she had to call the police because people were outside congregating and making a lot of noise. They were having to put up with the disturbance daily.
- i) They didn't feel safe in their own home anymore.
- j) They didn't want to be forced out of their homes.

- k) They hadn't heard from Sarah and didn't receive the letter until after the application was submitted.
- l) They strongly opposed the application due to ASB, noise and disturbance.
- m) There were also issues with the bright lighting at McDonalds.
- n) There was at least 20 apartments and 8-10 houses in the street where she lived.
- o) That the only resident she knew who was in favour of the application had a son who worked at the restaurant.
- p) The premises was closed during the first lockdown which was brilliant, however when it reopened there was a huge backlog and traffic all spilling into the road.
- q) The lights were on all hours.
- r) The busiest times were Friday, Saturday, Sunday and school holidays. It was horrendous.

Then the Chairman invited Mr and Mrs Cloonan to make a closing submission at which stage Mrs Cloonan made the following points: -

- That they strongly rejected the 24 hour opening.
- That they were very frightened and worried about their safety due to the ASB.
- The premises was a magnet for gangs at night.
- They were very worried and were already experiencing problems.
- That they didn't want it granted as it would ruin their lives.

In summing up Cllr Pritchard stated that the hours were already enough, and the Committee needed to think carefully about granting the application.

In summing up Chris Jones, on behalf of WMP made the following points: -

- That granting this application would only add to the ASB and crime and disorder in the area.
- The local residents had the same concerns as WMP.
- It would have a huge negative impact for residents and therefore, WMP suggested the application be refused.



## Licensing Sub-Committee B – 17 November 2020.

In summing up Katrina Kimberly, on behalf of the applicant made the following points: -

- The WMP had provided no evidence and if gangs were an issue in the local area why had it not been raised before.
- If there were serious problems, why hadn't WMP provided evidence of such. It was simply a prediction not supported by any substantial evidence.
- It was accepted by WMP that the ASB was low level.
- The issues were often occurring in the day time at peak times, none of which would be impacted by the granting of the licence.
- Her client would do whatever needed to make it better.
- People wouldn't be beeping horns if the premises was open 24 hours, as that was due to premises being closed and people getting frustrated.
- Her client had little control over what happened when the premises was closed, however if it was open 24 hours it would have round the clock monitoring. Residents would have a contact number so they could speak to the premises directly with any concerns as soon as they arose.
- That some conditions would ensure the objectives would be upheld.
- She suggested the following conditions: - firstly a minimum of 2 experienced managers to oversee all shifts between 2300 and 0500 hours, all managers to be trained on how to operate CCTV, Extra cameras, specify number of litter picks, extend litter pick areas, cordon off parking, direct contact for residents, direct contact for residents so matters can be dealt with immediately.

Sarah McLean added that the restaurant was ran by the best manager that she employed, and he had received an award for his work. That the Committee should consider the 110 employees and her business.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

5/171020

### **RESOLVED:-**

That the application by **McLean Restaurants Ltd** for a premises licence in respect of McDonalds, Parsons Hill, Kings Norton, Birmingham B30 3PN, **BE REFUSED.**

In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the

prevention of crime and disorder and also the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by West Midlands Police, the local Ward Councillor, and also by local residents, regarding the impact of the proposed operation on the particular locality of the premises, namely the residential area of Parsons Hill. Those who attended the meeting to make representations explained their doubts about whether the premises could uphold the licensing objectives if permitted to operate through the night. The detail of the current situation in and around Parsons Hill was as per the Report. The Sub-Committee found these representations persuasive.

The Sub-Committee carefully considered the operating schedule put forward by the applicant company, and the likely impact of the application, but were not persuaded that the proposed operation of the premises was satisfactory, particularly given the representations made by West Midlands Police. The Sub-Committee noted that the additional conditions proposed by the applicant company had not been approved by the Police as being sufficient to uphold the licensing objectives.

One local resident had submitted a letter in support of the application, and the Sub-Committee took that into account, but noted that this was rather outweighed by the numerous representations made against the application. All of these documents were in the Report.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence might be granted; however Members considered that an attempt to modify the conditions of the licence beyond those already suggested by the applicant company would still not mitigate the concerns raised by those making representations.

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 information contained in the application, the written representations received and the submissions made at the hearing by the applicant company, its legal adviser and company director, and by those making representations.

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

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*Please note, the meeting ended at 1147.*



## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 26<sup>th</sup> January 2021</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Transfer</b>
<b>Premises</b>	<b>Sam's Corner Express, 41 Grove Road, Kings Heath, Birmingham, B14 6SR</b>
<b>Ward affected:</b>	<b>Brandwood and Kings Heath</b>
<b>Contact Officer</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

To consider an application to Transfer a Premises Licence.

**2. Recommendation:**

To consider and determine the Transfer Application.

**3. Brief Summary of Report:**

A transfer application was received on 17<sup>th</sup> December 2020 in respect of Sam's Corner Express, 41 Grove Road, Kings Heath, Birmingham, B14 6SR.

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 Amrik Arora on 17<sup>th</sup> December 2020 in respect of Sam's Corner Express, 41 Grove Road, Kings Heath, Birmingham, B14 6SR.

Consent to transfer the licence was received from Gurnek Dhesi.

As the application sought to have immediate effect since the time of the application, Amrik Arora 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.

Amrik Arora'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.



**Birmingham**  
**Application to transfer premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 7**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input checked="" type="radio"/> Yes <input type="radio"/> No		

**Applicant Details**

* First name	<input type="text" value="Amrik Singh"/>	
* Family name	<input type="text" value="Arora"/>	
* E-mail	<input type="text" value="REDACTED"/>	
Main telephone number	<input type="text" value="REDACTED"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		
Is the applicant:		
<input type="radio"/> Applying as a business or organisation, including as a sole trader		A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
<input checked="" type="radio"/> Applying as an individual		

Continued from previous page...

### Address

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

### Agent Details

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

### Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.



Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 7**

**PREMISES DETAILS**

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

**Premises Licence**

\* Premise licence number

**Name Of Current Premises Licence Holder**

\* Name

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Please give a brief description of the premises

Continued from previous page...

Telephone number at the premises if any

### Section 3 of 7

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- ☒ An individual or individuals
- ☐ A limited company/limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Please confirm the following:

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 7

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Amrik Singh

Family name

Arora

Continued from previous page...

Is the applicant 18 years of age or older?

☐ Yes ☐ No

#### Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

#### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes ☐ No

E-mail

Telephone number

Other telephone number

\* Date of birth   
dd mm yyyy

\* Nationality

[Add another applicant](#)

### Section 5 of 7

#### FURTHER INFORMATION

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

☐ Yes ☒ No

Do you wish the transfer to have immediate effect?

☒ Yes ☐ No

Have you attached the consent form signed by the existing premises licence holder?

☒ Yes ☐ No

*Continued from previous page...*

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)?

☒ Yes      ☐ No

Have you attached the previous licence?

☐ Yes      ☒ No

Please enter your reasons

The license is lost

**Section 6 of 7**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

**Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

*Continued from previous page...*

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

## **Section 7 of 7**

### **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £23



Continued from previous page...

## DECLARATION

I/WE UNDERSTAND THAT 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.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP, BUT NOT COMPANIES OR LIMITED LIABILITY PARTNERSHIPS] 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. I HAVE INCLUDED DOCUMENTS DEMONSTRATING MY ENTITLEMENT TO WORK IN THE UK (PLEASE SEE NOTES ON ENTITLEMENT TO WORK IN SECTION 6).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-3> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Consent of premises licence holder to transfer

I/we Mr Gurnek Dhesi

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number 3076

*[insert premises licence number]*

relating to

*Sumo Corner Retail*  
Tim's Express  
41 Grove Road, Kings Heath,  
Birmingham, B14 6SR

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

3076

*[insert premises licence number]*

to

Amrik Singh Arora

*[full name of transferee]*

signed

name

(please print)

Mr Gurnek Dhesi

dated

18/11 /20



**From:** Mark Swallow  
**Sent:** 21 December 2020 11:35  
**To:** Licensing  
**Cc:** pmblicensing  
**Subject:** SAMS CORNER EXPRESS REFS 1031052 & 1031054

Good Morning Licensing,

Having reviewed the application for the transfer of a premises license and to become DPS for Sams Corner Express references 1031052 and 1031054 by Mr Amrik Singh Arora date of birth West Midlands Police wish to make an objection to this application.

West Midlands Police are concerned in regard to Mr Aroras suitability and being a responsible person to sell alcohol. This is as a result of his unspent conviction(s).

There is a reliance on a premises licence holder and DPS, who can authorise the sale of alcohol to be able to promote the licensing objectives and West Midlands Police are concerned in his ability to do this due to his convictions.

West Midland Police believe this warrants the use of their right to object under the grounds of exceptional circumstances.

I have informed Mr Arora's agent who is also copied into this email.

West Midlands Police will supply any hearing with the relevant evidence to support this and would ask that consideration be given to this being in private.

Regards,  
MARK SWALLOW  
WEST MIDLANDS POLICE  
BIRMINGHAM CENTRAL LICENSING TEAM

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

Premises Licence Number:

3076 / 6

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> Tim's Express 41 Grove Road Kings Heath	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B14 6SR
<b>Telephone Number:</b>	

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

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

<b>The times the licence authorises the carrying out of licensable activities</b> Monday - Sunday          07:30          -          20:00          All
--

<b>The opening hours of the premises</b> Monday - Sunday          07:30          -          20:00
--

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

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Gurnek Dhesi	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

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

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Talvinder Dhesi	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 036032	<b>Issuing Authority</b> SANDWELL METROPOLITAN BOROUGH COUNCIL

*Dated 14/09/2017*

SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## Annex 1 – Mandatory Conditions

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

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:— (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

All staff will be trained with regard to the Licensing Act 2003, including the service of alcohol and tobacco.

The licence holder shall ensure staff keep a record of all attentive purchases made by under 18's.

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

The Licence holder shall ensure the premises will display prominent signs with regard to alcohol and tobacco sales.

The licence holder shall ensure to liaise with the local Police Licensing Officer on a regular basis.

The licence holder shall ensure CCTV cameras are installed and maintained at the premises.

A refusal book will be kept at the premises, and completed at all times necessary.

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

The licence holder shall ensure all emergency lighting will be checked on a weekly basis and all passageways, entrances and exits re kept clear.

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

The Licence Holder shall ensure that the premises will display prominent signs requesting customers to have regard for local residents when leaving the premises.

The Licence Holder shall ensure the premises will have adequate bins available for customers to dispose of litter.

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

The licence holder and staff will ensure they operate a challenge 21 policy.

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

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

N/A

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

N/A

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

N/A

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

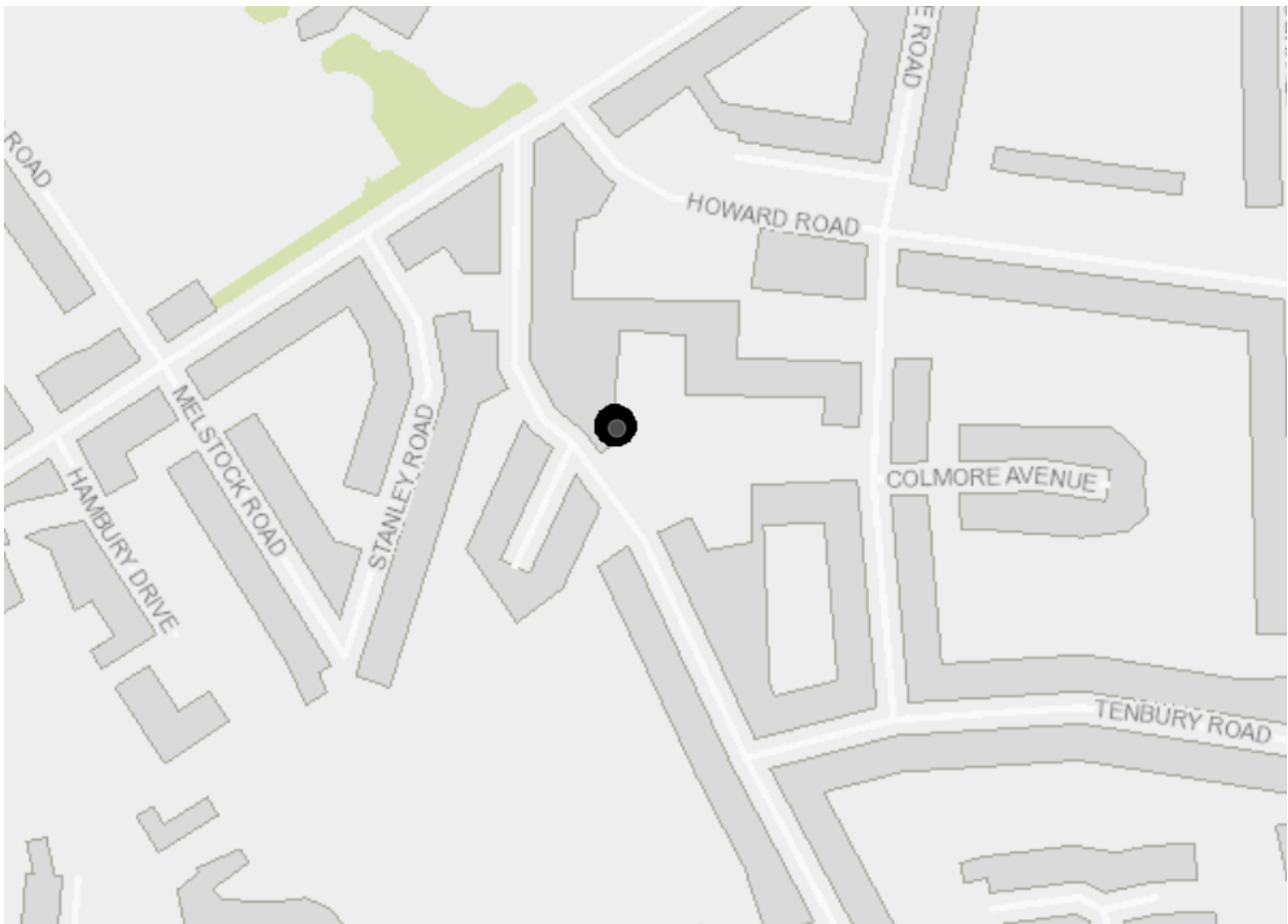
N/A

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

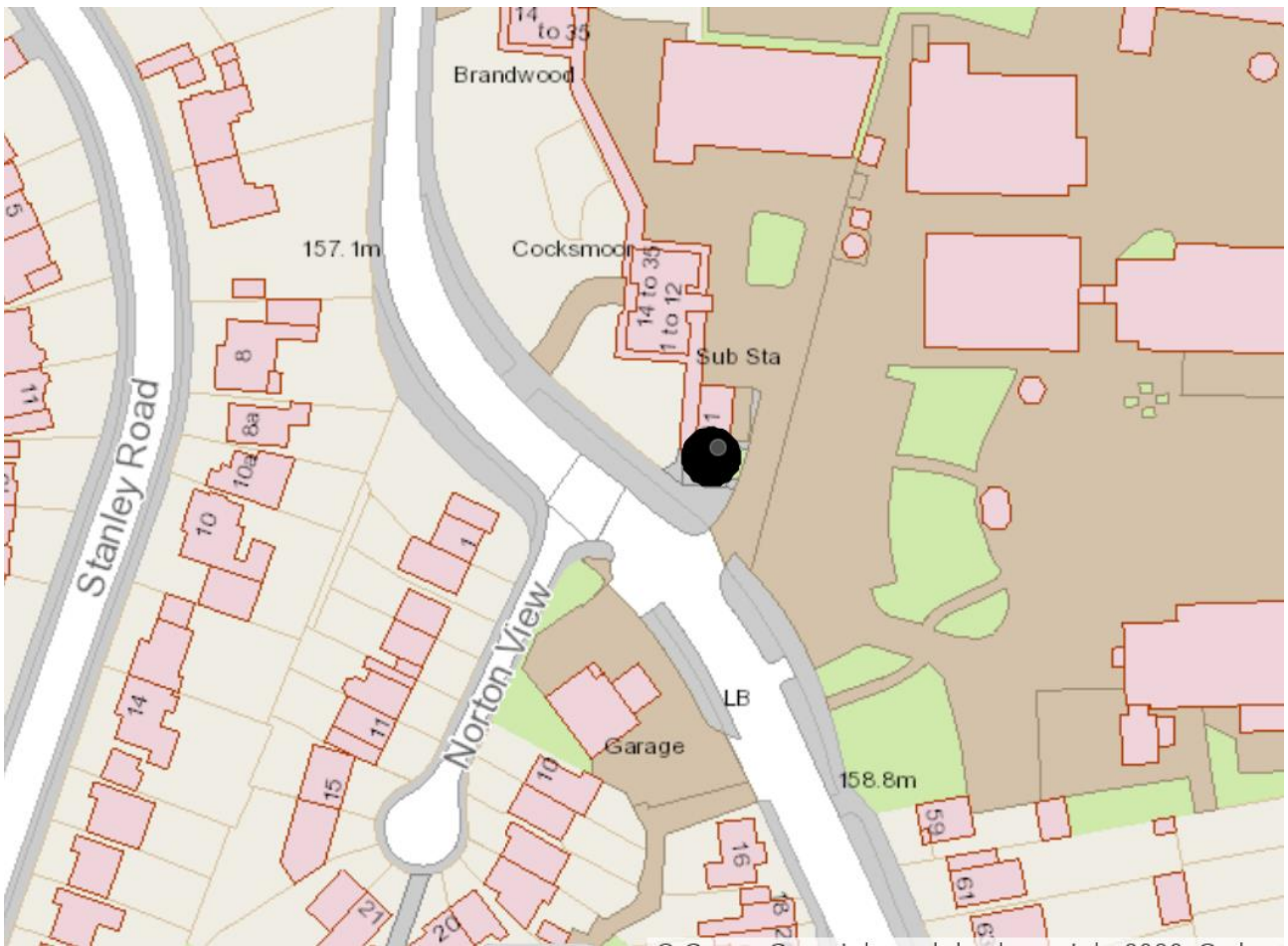
N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number **102679-3076/6** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.









OFFICIAL – (when complete)

MG11

**WITNESS STATEMENT****Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B****Crime No.****URN**

Statement of MARK SWALLOW

Age if under 18 OVER 18 (if over 18 insert "over 18")

Occupation POLICE LICENSING OFFICER 60264

This statement (consisting of ONE 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: M.SWALLOW.** (witness)**Date 8.1.21.**Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am a Licensing Officer for West Midlands Police currently stationed at Lloyd house, police headquarters. I work within a team that has responsibility for all licenced premises that sit within the Birmingham City Council Area.

On 18th December 2020 West Midlands Police received an application for an individual person to transfer the premises licence into their name and also to become the designated premises supervisor of Sam's Corner Express, 41 Grove Road, Stirchley B14 6SR. Premises licence number 3076.

I carried out routine checks on relevant police systems in order to assess the impact of the applicant on the crime and disorder licensing objective. On checking these systems I found that a person matching the name and date of birth of the applicant had pleaded guilty of 4 offences at Canterbury Crown Court on 29th October 2018 which resulted in a custodial sentence of 3 years being passed, with another 3 sentences to run concurrent to the 3 year sentence. These convictions are unspent.

The full details of the convictions will be disclosed to the licensing committee (on application for the hearing to be heard in private as they are sensitive).

What the convictions do show is a large degree of planning and dishonesty for very serious matters that have a significant impact on the UK, people's lives and wellbeing, which support organised crime groups. As such West Midlands Police believe that to grant these applications would seriously undermine the crime and disorder licensing objective.

The guidance indicates that only in exceptional circumstances is it expected the Police would object to these applications, we believe for the above reasons we have shown these are exceptional circumstances. M.SWALLOW.

Signature .....

Signature witnessed by .....

03/2016

OFFICIAL – (when complete)

Page 67 of 68

**Witness contact details**

URN : / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name

**\*Email address:****\*Email address needed for correspondence i.e. support material to be sent**

Address

Postcode:

Preferred telephone number:

Alternate telephone number:

Agreed means of contact and frequency :

Gender

Date and place of birth

Ethnicity Code (16+1)

**DATES OF WITNESS NON-AVAILABILITY:** (12 months)**Witness care**

Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case. ALSO crimes involving gun and knife crimes and victims of Modern Slavery Act 2015*)

Yes ☐ No ☐ If 'Yes', submit **MG2** with file in NGAP, contested or indictable only cases OR to read VPS in GAP cases.

**Witness Consent (for witness completion)**

- |   |                              |                             |                              |
|---|------------------------------|-----------------------------|------------------------------|
| a) I am aware that I may have to attend court.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |                              |
| b) I have been given the Victims' leaflet <b>with the crime number on.</b>  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |                              |
| c) The Victim Personal Statement scheme (victims only) has been offered to me.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |                              |
| d) It has been explained to me what will happen next with this investigation  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |                              |
| e) I consent to police having access to my medical record(s) in relation to this matter ( <i>obtained in accordance with local practice</i> ) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA, CLPD.   | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| g) <b>Child witness cases only.</b> I have had the provision regarding reporting restrictions explained to me.                                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| I would like the CPS to apply for reporting restrictions on my behalf.  | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

- *I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.*
- *I understand that my details may be passed to other agencies who can offer me help and support in relation to being a victim of this crime.*

I give my informed and explicit consent for my personal details to be passed to other agencies that can support me or are involved in the criminal justice process. Yes ☐ No ☐

Signature..... Date

Parent/guardian signature..... Date

Address

Contact tel no

Supporter signature..... Date

Statement taken by (*print name*):

Station:

Time and place statement taken:

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