



## BIRMINGHAM CITY COUNCIL

### LICENSING SUB COMMITTEE - B

29 September 2015

#### **Mary Vale News, 87 Mary Vale Road, Bournville, Birmingham, B30 2DP**

That the application by Kamal Jit Sharma, for a premises licence in respect of Mary Vale News, 87 Mary Vale Road, Bournville, Birmingham, B30 2DP be granted subject to the following conditions to promote the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm objectives in the Licensing Act 2003:

A.	Signage	The applicant shall erect prominent, clear and legible signage inside and outside the premises requesting patrons to be:  i) considerate of local residents when leaving the premises; ii) asking patrons not to congregate outside the premises.
B.	CCTV	CCTV to be installed at the premises to the specification and locations of West Midlands Police [Licensing Department at Bournville Police Station.] This system must be operational at all times when licensable activity is taking place. The system will have an image download capability and all recorded images must be kept for a minimum of 31 days. Full access to recordings will be given to any Responsible Authority immediately upon request.

The Sub Committee's reasons for imposing these conditions are due to the submissions made by other persons regarding the location, and likelihood of crime and disorder, public nuisance, from the proposed operation of the premises.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but concluded on the balance of probabilities that there was insufficient evidence to substantiate the extent of crime and disorder and public nuisance from the proposed operation of the premises.

Members were satisfied that it was correct to grant the Premises Licence notwithstanding the objections from those making representations against the Grant. They had heard conflicting evidence from both sides on the issues of crime and disorder, and public nuisance, particularly that being experienced within or close to Cotteridge Park. Against this, the Sub Committee noted that West Midlands Police or indeed any other responsible authority, had not made a representation against the Grant of the premises licence. Furthermore, correspondence had been presented to Sub Committee, from West Midlands Police, purporting to actively support the Application.

Members of the Sub Committee were therefore not persuaded, that it was appropriate to refuse the Application or that the Applicant would not properly promote

the Licensing Objectives, particularly the prevention of crime and disorder, and the prevention of public nuisance.

However the concerns of the other persons were taken into account by imposing suitable conditions that would allay their apprehension and fear about the potential for crime and disorder and public nuisance arising in connection with the proposed operation of the premises.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant, their legal adviser, and 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.