BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE B
19 AUGUST 2025

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 19 AUGUST 2025 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Saddak Miah in the Chair.

Councillors Jane Jones and Adam Higgs.

ALSO PRESENT

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

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

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1/190825 **NOTICE OF RECORDING/WEBCAST**

The Chair advised the meeting that the meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite (please click this link) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/190825 **DECLARATION OF INTERESTS**

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

3/190825 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

No apologies were submitted.

LICENSING ACT 2003 – PREMISES LICENCE – GRANT – CITY OFF LICENCE, 194 ALCESTER STREET, DERITEND, BIRMINGHAM, B12 0NQ

On Behalf of the Applicant

Rob Edge – Agent

On Behalf of those Making Representations

Daniel Ivery – Resident
Michael Bailey – Resident/Director, Abacus Building

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

The Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy, Licensing Section, outlined the report.

At this stage the Chair invited the applicant to make their presentation. Rob Edge made the following points: -

a) That they had given full regard to the Licensing Objectives, Birmingham City Councils Statement of Licensing Policy and the Home Office Guidance.

b) The application, if granted, would provide tangible benefits to the community including 5-7 local jobs and supporting the local economy.

c) The agent had contacted all the objectors directly to try and resolve concerns through mediation, which is consistent with the Section 182 Guidance which encourages mediation to address concerns and objections to applications.

d) The applicant is fully committed to upholding the Licensing Objectives and is aware of the sensitivities of operating in a partial residential area and had proposed specific conditions to minimise the impact, which included limiting the hours (alcohol sales from 0800 hours until midnight).

e) The applicant had also demonstrated his commitment to the Licensing Objectives with significant investment and compliance.

f) The absence of any representations from responsible authorities further reinforced the suitability of the application.

g) It is important that the premises is not prejudged before it had been given the opportunity to operate under a licence and each application should be judged on its own merits.

h) The agent stressed that objections had been made, however no supporting evidence had been provided by either objector.

Members asked questions and Rod Edge responded: -

a) That the hours they had requested may not be operated – often with convenience stores it works on a demand basis and if on a Monday it is exceptionally quiet, they may decide to close at e.g. 2230 hours. They would only be able to work that out once they had operated for a few months.

The Chair then invited those making representation to make their submissions, Michael Bailey elected to go first and he made the following points: -

a) That he is the resident Director of the Abacus Building. It is his job to look after the concerns and safety of residents as approximately 300 people lived there.

b) There had previously been issued with organised crime in the building as well as other issues. He was keen to make sure the building is a safe place for residents.

c) The building in the application used to be a solicitors firm, which they had no issues with whatsoever. They felt that the change of use to a late night off licence would substantially impact the lives of residents and asked the Committee to reject the application or make changes to the hours so residents would not be disturbed.

d) Some of the main concerns is litter, anti-social behaviour and street drinking.

e) There are no other off licences in the area – the nearest one being Nisa Local which is situated half a mile away and closed at midnight.

f) They felt this premises would be a magnet for street drinkers or anyone who wanted to visit just for alcohol.

g) He asked the Committee to reject the application given all the points he had raised.

Daniel Ivery then made the following statements: -

a) That he lived in the Abacus building and most of his representation had already been covered by Mr Bailey.

b) His objection was based solely on anti-social behaviour.

c) The premises licence if granted would mean the premises would be located 10 meters away from the entrance to his block.

d) There had already been a marked rise in anti-social behaviour in the area in the last 12 months.

e) He was particularly concerned with the harassment of women – his daughter had been the victim of harassment on three occasions, and he felt this premises would only exacerbate the situation.

f) A lamppost 3 meters from the door to the building had a sign stating it was an alcohol restricted area, however he was unsure if that was still in force.

g) It seemed illogical to him that an off licence would be open to such late hours in a residential area.

h) Litter is a huge problem in the Digbeth area and the application, if granted would only make it worse.

i) The applicant had submitted documents that would mitigate concerns of underage drinking; however he did not believe that underage drinkers would be the problem.

In response to questions from Members, Michael Bailey gave the following responses: -

a) That he did not consult the residents in the Abacus building however it was discussed at a Directors meeting and they were all in unison regarding the objection. They also voted that the hours should be limited to 2100 hours.

Councillor Jones stressed her concerns regarding harassment and asked if the police had been called or were aware of the incident.

Mr Ivery advised that he did not call the police as it was instances of ‘Cat Calling’ and general harassment and he felt that by the time the police arrived nothing would have been done.

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

Michael Bailey made the following closing statements: -

a) That on a personal level he requested that the application be rejected.

b) On behalf of all the Directors he advised that if the Committee were minded to grant the application, he recommended that the hours are restricted to 2100 hours in line with other off licenced premises such as Cost Cutter.

c) The Nisa premises had been a target for street drinkers and litter. It is open until midnight and he did not want this application to be permitted until midnight as it would attract the same issues.

Daniel Ivery then made the following closing statements: -

a) He requested that the application is rejected in its entirety however, if the Committee were not minded to refuse the application, then he would request that the licence is limited to 2100 hours.

b) He often came back to his home late at night and had to walk past other off licences which were a haven for everything Mr Bailey mentioned (street drinking and litter).

c) There were often people highly intoxicated and out of control.

He felt that limiting the licence to 2100 hours would be an acceptable compromise.

The Chair the invited the applicant to make a brief closing submission. Rob Edge made the following closing statements: -

a) They did enter into mediation with West Midlands Police licensing team which involved discussions around street drinkers – it was therefore agreed to have a condition added to the licence that no alcohol sold would be above 6% ABV, save for craft beers and premium products in an effort to ensure that street drinkers were not attracted to the premises.

b) The applicant fully accepted that they would be responsible for litter and would ensure that the front of their premises was clean and tidy.

c) There is no history of any form from this premises.

d) The hours were reasonable for this type of premises and restricting the hours would mean the business would not be viable.

e) None of the eight responsible authorities had made any objections to the application.

f) The premises would create valuable employment for local people.

g) The application should not be prejudged and each application should be judged on its own merits.

h) The robust operating schedule and absence of any evidence suggesting that the licensing objectives would be undermined meant that the applicant/agent could not see why the application should not be granted.

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

5/120825 **RESOLVED**

That the application by City Off Licence Ltd for a premises licence in respect of City Off Licence, 194 Alcester Street, Deritend, Birmingham B12 0NQ, be granted together with the condition which was agreed between the applicant and West Midlands Police in advance of the meeting, namely:

- the premises will not sell any beers, lagers, ciders or alcopops above 6% ABV, save for craft or premium products

in order to ensure the promotion of the licensing objectives. 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 noted all the documents in the Committee Report. The applicant company was represented at the meeting by its agent. The two persons who had submitted written representations also attended; both were local residents from the nearby Abacus Building.

The agent for the applicant company addressed the Sub-Committee and confirmed that the company had given full regard to the representations made against the application, the City Council's Statement of Licencing Policy, the licensing objectives as set out in the Licensing Act 2003, and the updated Home Office guidance issued under section 182 of the Act.

The agent confirmed that the application was for the grant of a premises licence for a licensed convenience store in Digbeth. He acknowledged that representations had been made against the application, but observed that the responsible authorities had raised no objections beyond compliance with an agreed condition. The Sub-Committee was aware that the responsible authorities were the recognised experts their respective fields.

The agent remarked that the proposal would bring tangible benefits to the community, including the creation of employment; the premises would therefore be supporting the local economy and contributing to regeneration in the area. The Sub-Committee noted this.

The agent had contacted both of the objectors directly, in an effort to resolve their concerns through mediation, attempting thereby to avoid the need for a Sub-Committee hearing. The agent remarked that the Guidance issued under section 182 of the Act encouraged mediation as a constructive way of addressing concerns and objections. The sub-Committee accepted this.
The agent confirmed that the company remained fully committed to upholding the licensing objectives and engaging positively with all stakeholders. The company was aware of the sensitivities of operating in a partly residential location, and had proposed specific measures to minimise any impact.

These included limiting the hours for the sale of alcohol from 08:00 hours until 00:00 midnight, although the agent assured the Sub-Committee that those might not necessarily be fully utilised on a daily basis; a decision about the hours would be made depending on trading patterns. The Members noted this.

The agent stated that the company had demonstrated a strong commitment to the upholding of the licensing objectives "through significant investment and adherence to best practice". The absence of objections from the responsible authorities further reinforced the suitability of the application.

He urged the Members to not prejudge the company before it was given an opportunity to operate under a premises licence, reminding them that each application had to be assessed on its own merits. He further noted that whilst objections had been raised, no supporting evidence had been provided by either of the objectors.

The Sub-Committee was aware that paragraph 9.43 – 9.43 of the Guidance issued by the Secretary of State under s182 of the Act required that any decision had to be proportionate and evidence-based. The Members were mindful that there was also a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives.

Furthermore, the Sub-Committee was aware of the relevant caselaw, namely *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, which emphasised the principles laid down by the Licensing Act 2003 and its accompanying Guidance – namely that there should be light touch bureaucracy applied to applications for licences, and that restrictions should only be attached to premises licences where they were necessary to promote the licensing objectives.

That case highlighted the fact that decisions on applications should be made on evidence, and not based on speculation. The Sub-Committee was aware that if the authority gave weight to speculative opinions, it would in fact fail to follow the Guidance, and its own Statement of Licensing Policy.

The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives when considering submissions made against the application by the two local residents, both of whom had attended the meeting in person.

The first person was a resident director at the Abacus Building whose job it was to look after the concerns and safety of the residents. He said that there had been many challenges over the years, such as organised crime in the building. He was keen to make sure that the building was a safe environment for residents.

He had not consulted the residents, but there had been a meeting of the directors. He said that the directors were "in unison with the objections", and the consensus among the directors had been that 21:00 hours was the preferred terminal hour for the sale of alcohol.

The premises had been a solicitors' office for many years. He felt that the change of use to a late night off licence would substantially impact the lives of the residents. He asked the Sub-Committee to either reject the application or

change the hours for licensable activities. His main concerns were litter, antisocial behaviour, street drinking and disturbance to the residents from associated noise. He felt that this was unacceptable for a largely residential area.

He noted that there were no other off licence premises in the immediate vicinity. The nearest one was a Nisa Local half a mile away, which closed at 00:00 midnight. He was concerned that the premises would become a magnet for street drinkers, or what he described as “persons coming to visit the building purely for alcohol”, and his fear was that problems would then arise.

The second objector stated that his principal concern was antisocial behaviour. He remarked that the premises was within 10 metres of the entrance to his block. He had noted that there had been a marked rise in antisocial behaviour in the area in the 12 months since he had moved in - particularly harassment of women, as had recently been experienced by his family member. He feared that to open a premises that served alcohol late in the evening would only exacerbate the situation.

The Members were aware of their responsibilities under the Public Sector Equality Duty; one Member stated that she was not pleased to hear that harassment of women was an issue in the area, and asked if the Police had been involved. The resident confirmed that they had not been involved.

He was also worried about litter, saying that this was “a massive problem in Digbeth” which he felt would be worsened by the opening of a licensed premises. He had noted the assurances in the company’s documents that it would stop the sale of alcohol to underage drinkers; however, he did not believe that it was underage drinkers that would be the problem. He had noted that other off licence premises became a haven for street drinkers, and stated that he too felt that a 21:00 hour finish time would be an acceptable compromise.

When deliberating, the Members determined that the risks of attracting street drinkers, and the consequent risk of antisocial behaviour, had been proportionately covered by the condition that the company had agreed with the Police. The licensed convenience store style of operation was not likely to create risks to the upholding of any of the licensing objectives.

The Members were aware of relevant case law, namely *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates’ Court and Others (2011) EWCA Civ 312*, which had confirmed that licensing decision making was a balancing exercise between the legitimate concerns of people in communities about the impact that licensed premises could have upon their lives, and the licensed premises themselves. The agent had requested that the Sub-Committee should give the applicant a chance. The Sub-Committee was reassured by the agreed condition.

The Sub-Committee considered the submissions made by those making objections carefully, but determined that the fears expressed by residents

had been addressed satisfactorily via the agreed condition. The company with its agent had held discussions with the Police in advance of the meeting, and the Police had been happy to endorse the application with the addition of the new condition.

The Sub-Committee did not see that any extra measures were required, as all potential risks to the upholding of the licensing objectives had already been satisfactorily addressed. Whilst the safety of women was a priority for the Sub-Committee, the Members noted that the harassment incidents had happened before any licensed premises had begun trading in the vicinity, and further noted that the agreed condition had been specifically designed to deter street drinkers.

Litter had been mentioned as a concern, but the agent had confirmed that the premises had fully accepted that it would be responsible for the curtilage at the front and for collecting any litter there, keeping the area in a tidy and clean condition. The Sub-Committee was reassured by this.

The Members determined that the requested hours were reasonable for this type of premises, and agreed with the agent that to restrict the hours would perhaps mean that the business was not viable. None of the responsible authorities had objected; they were the Sub-Committee's source of expert advice on risks to the licensing objectives. There was a community benefit in granting the application, and the agent had said that the premises would create employment for local people.

The Members agreed with the agent that the application should be judged on its own merits. No direct evidence had been produced by either of the objectors to support their comments. The applicant had offered a carefully thought out operating schedule. The Members found all to be in order in terms of the proposed operating style, and a responsible style of trading had been proposed. The Members were therefore satisfied that any potential for issues had been sufficiently addressed in the application and agreed condition.

Accordingly the Sub-Committee determined that the application could safely be granted with the agreed condition offered by the applicant. The Members considered that by granting the application, the licensing objectives in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and considered that all areas of concern had been addressed.

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 company via its agent, and by the two persons 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.

The meeting ended 1032 hours.

Chair……..