

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE A 9 DECEMBER 2024</b>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 9 DECEMBER 2024 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Sam Forsyth in the Chair.

Councillors Maureen Cornish and Saddak Miah.

**ALSO PRESENT**

Bhupinder Nandhra– Licensing Section  
Joanne Swampillai – Legal Services  
Shilpa Manek – Committee Services

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

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1/091224 **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.

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2/091224 **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

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interests flowchart which provided a simple guide to declaring interests at meetings.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/091224 Apologies were received from Councillor Ziaul Islam, Councillor Saddak Miah was the nominated substitute.

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**MINUTES**

4/091224 **RESOLVED:** that the minutes of the meeting held on 12 November 2024 were agreed and signed as an accurate record.

**RESOLVED:** that the minutes of the public part of the meeting held on 18 November 2024 were noted and agreed and signed as an accurate record of the whole meeting.

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5/091224 **LICENSING ACT 2003 – PREMISES LICENCE – COLLEGE ROAD STORES, 3 COLLEGE ROAD, HANDSWORTH WOOD, BIRMINGHAM, B20 2HU**

**On Behalf of the Applicant**

Patrick Burke – Applicant’s Agent  
Avtar Singh – Applicant

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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. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the Chair invited the applicant and his agent to make their presentation. The following points were made: -

- a) The applicant was a longstanding owner of a newsagent and off licence in Reading. The applicant had been running his previous premises since 1990.
- b) There had been one objection from a local resident as they had concerns as the previous premises licence had been revoked as it had been run very poorly. The agent had emailed the objector outlining the application process and the conditions agreed with WMP. There had been no objections from any responsible authority.

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- c) The premises was now under new management and ownership. The new owners had worked very closely with West Midlands Police to put additional conditions in place to reassure and satisfy them.
- d) The Agent commented that West Midlands Police were very particular to give a premises licence after one had been revoked but the applicant had worked with the police to satisfy them.
- e) The DPS of the premises would be Mr Avtar Singh and Mr Singh would be running the premises on a day-to-day basis. The Members were informed that after the sale of the premises in Reading, Mr Singh would be relocating to Birmingham. This would be Mr Singh's only business.

The Chair invited all parties to make brief closing submissions.

The applicant and his agent had made all their submissions and added that the applicant had a similar business and never had any issues. West Midlands Police had completed their own checks on the applicant. There had only been one objection from a local resident.

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;

6/091224

### RESOLVED

That the application by Avtar Singh for a premises licence in respect of College Road Stores, 3 College Road, Handsworth Wood, Birmingham B20 2HU, be granted subject to all those conditions agreed between the applicant and West Midlands Police in advance of the meeting, namely:

- The premises will not sell any beers, lagers and ciders of 6.5% ABV or above except for craft beers.
- The Licence Holder shall ensure that the CCTV will be fitted to the recommendations and specification of West Midlands Police. The Licence Holder shall ensure that CCTV images will be held for a minimum of 31 days and these images will be made available upon request to any responsible authority.
- The premises licence holder or their nominated person will check the premises CCTV daily, prior to carrying out licensable activity to ensure it is working and recording for the duration of licensable activity. This check will be documented, signed and dated by the person checking. The check documentation will be made immediately available to any of the responsible authorities on request.
- If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 28 days and made immediately available to any of the responsible authorities on request. The

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CCTV will be checked to ensure that it is working each week. This information will be stored for 12 weeks and made available to any of the responsible authorities on request.

- No alcohol will be sold or allowed to leave the shop in open containers.
- Single plastic cups will not be sold to accompany the sale of any alcoholic product.
- No single can/bottles of beers or ciders will be sold from the premises except for craft beers.
- Details of every delivery of alcohol is to be recorded including the identity of who it was delivered to and the identity of the deliverer. This data is to be made available to any of the responsible authorities within twenty-four hours of it being requested.
- The premises Licence Holder is to have a documented policy in relation to how age restricted products are sold on-line or ordered and the checks that are to be made. This policy is to be made available to any of the responsible authorities on request.
- Deliveries are only to be made to residential or commercial addresses. No deliveries will be made to open spaces.
- Delivery drivers will wait for their order inside the premises and not sit outside in / on their vehicles.
- Delivery drivers will not keep their engines running while outside the premises.
- Delivery drivers will not play music audible from outside their vehicle while outside the premises.
- Premises refusals register to include any refusals arising from deliveries.
- All persons involved in the sale of alcohol, who are not personal licence holders, will receive initial and subsequent 6 monthly refresher training by the Designated Premises Supervisor or an appropriately accredited training provider with regards to the law in relation to the sale of alcohol. This will be recorded in a staff training register and will include the signature of the member of staff, the DPS or an appropriately accredited training provider together with the date. Training records will be maintained at the premises and made available to all responsible authorities on request.
- The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).
- A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.

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- An incident register of all occurrences and ejections from the premises will be maintained at the premises and all details of public order offences will be recorded and made available to all Responsible authorities on request. All Records shall be retained at the premises for a period of no less than 12 months and made available to responsible authorities on request.

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting in person, represented by a licensing consultant. Written representations against the application had been received from another person; this document was in the Committee Report. The objector did not attend the meeting in person.

The consultant explained that the premises was a longstanding newsagent and convenience store. The applicant had taken over the premises and would be refurbishing and modernising the shop. He wished to sell alcohol alongside the other products available. The applicant had run similar stores since the 1990s, without any issues, and had just sold the freehold of a similar premises in Reading.

The consultant noted that the objection in the Committee Report was from one local resident and observed that the resident's remark about whether another off-licence was needed on College Road was not relevant to the application. The College Road Stores had previously been licensed and was trading under a previous operator but had had its licence revoked.

The consultant assured the Sub-Committee that the shop was now under entirely new management and new ownership. The applicant had shown West Midlands Police satisfactory paperwork, including bank statements. The consultant remarked that the Sub-Committee was aware of how thorough West Midlands Police always were in situations where any premises had previously had its licence revoked and somebody new wished to take it on. He assured the Sub-Committee that the Police were satisfied that the applicant had nothing to do with the previous operators.

The consultant confirmed that he had sent an e-mail to the objector, outlining the application process and the conditions that had been agreed with the Police, and also the evidence which had been produced to the Police to show that the applicant had taken on the shop. However, the objector had not responded.

The consultant said that the applicant of course understood that the premises had previously been run poorly but was confident that his own management style would uphold the licensing objectives, as he had been running similar businesses since the 1990s without any issues. The Police had found everything to be in order. There had been no objection from any of the other responsible authorities.

The applicant would be acting as the designated premises supervisor for the shop. He and his family would be running it on a day-to-day basis. The shop in Reading which he had just sold was in a similar type of area to College Road, so

he was accustomed to the style of trading. He intended to move to Birmingham once the sale of the Reading premises was completed, as he would be personally operating the College Road shop on a day-to-day basis. The shop would be his only premises in Birmingham.

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

The Sub-Committee carefully considered the written representation but found it rather unpersuasive. The shop had always been a licensed premises, and the unsatisfactory trading under the previous management had been dealt with. The objector mentioned a risk that antisocial behaviour might arise if the licence were to be granted, but there was no reason to suppose that an experienced operator such as the applicant would be unable to uphold the licensing objectives properly; the applicant had run similar shops for 30 years. The objector did not attend the meeting and therefore the Sub-Committee did not have an opportunity to ask questions.

When deliberating, the Sub-Committee noted that the operating schedule had been drafted with consideration of the licensing objectives, and had been approved by the Police, who were the experts in the prevention of crime and disorder. This was reassuring. The Members noted that a full suite of conditions proposed by the Police had been accepted by the applicant; they did not agree with the objector, who had suggested that there would be a risk of antisocial behaviour.

The Members were aware that relevant caselaw, namely *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, 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.

The Members considered that the conditions proposed by Police were more than sufficient. The Police had been satisfied that the applicant had no connection to anybody that had been running the shop previously. There had only been one objection from a local resident. The applicant and his family had been involved in the newsagent/convenience store business for over 30 years without issue. All of this was reassuring.

Having examined the operating schedule, the Sub-Committee did not see that any extra measures at all were required, as all potential risks to the upholding of the licensing objectives had been addressed via the conditions which had been agreed in advance between the applicant and the Police.

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The Members were satisfied that any potential for issues had been sufficiently addressed by the carefully-drafted application, and the conditions suggested by Police. There was a focus on the promotion of the licensing objectives, and a responsible style of trading had been proposed. It was further noted by the Members that the applicant was an experienced person who had been operating at other locations for many years. This inspired confidence.

After careful consideration, the Sub-Committee determined that the application could safely be granted, with the conditions agreed with the Police. Members considered that by granting the application with the agreed conditions, the licensing objectives in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe and noted that all areas of concern had been satisfactorily addressed via the discussions that the applicant had had with the Police. The application was therefore granted with the conditions that had been agreed with the Police.

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 representative.

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.

7/091224      **OTHER URGENT BUSINESS**

There was no other urgent business.

8/091224      **EXCLUSION OF THE PUBLIC**

**The Meeting ended at 1028 hours.**

*Chair*.....