BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE B
15 JULY 2025

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 15 JULY 2025 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Saddak Miah in the Chair.

Councillors Jane Jones and Adam Higgs.

ALSO PRESENT

David Kennedy – 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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6/150725 **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.

7/150725 **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.

8/150725 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

No apologies were submitted.

LICENSING ACT 2003 – PREMISES LICENCE – GRANT – ONE STOP GREAT BARR, 903 WALSALL ROAD, GREAT BARR., BIRMINGHAM, B42 1TN

On Behalf of the Applicant

Patrick Burke – Agent
Nazia Khanum – Applicant

On Behalf of those Making Representations

No one making representations attended the meeting.

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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. Patrick Burke made the following points: -

a) That the premises previously operated as a bank. His client took over the premises and is currently trading without alcohol.

b) The applicant had two other premises operating with alcohol sales in Birmingham and Solihull without issues or concerns.

c) The staff were reliable and fully trained.

d) The application had been served on all the responsible authorities none of which made any formal objections. The police made comments and additional conditions were agreed between both parties.

e) The agent contacted Councillor Hunt in regard to his representation but had not received a response.

f) The agent noted that much of the Councillors objection related to the number of licensed premises in the area and that was not a relevant consideration under the Licensing Act 2003.

g) The Councillor also made reference to begging and street drinking, however the police were content with the application.

h) The consultant directed the attention of the Sub-Committee to 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. The case highlighted the fact that decisions on applications should be made on evidence, and not based on speculation.

The Chair the invited the applicant to make a brief closing submission where they summarised the points made previously.

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;

9/150725 **RESOLVED**

That the application by Nazia Khanum for a premises licence in respect of One Stop Great Barr, 903 Walsall Road, Great Barr, Birmingham B42 1TN, be granted with the conditions which were agreed between the applicant and West Midlands Police in advance of the meeting in order to promote the licensing objectives, namely:

- A noise management plan is to be agreed with West Midlands Environmental Health Department (subject to the modification of the wording of this condition as detailed below)
- If for any reason the hard drive of the CCTV needs to be replaced, the previous/old hard will be retained on the premises for a minimum of 31 days and be made available to any of the responsible authorities on request
- The CCTV will be checked to ensure that it is working each week. The time of the check, the identity of the person carrying this out and the result of it will be recorded in the incident log
- Between the hours of 2200 and 0700 when the premises are trading the numbers of staff members will be informed by the premises carrying out risk assessments, and will be a minimum of 2
- All sales activity between the hours of 2200 and 0700 will be carried out via a night hatch
- There will be no sales of beer, lager, alcopops, or cider with an alcohol content above 6.5% alcohol by volume in single metal, glass or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager, or cider.
- There will be no sales of miniature bottles of spirits

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. She was represented by a licensing consultant. A written representation objecting to the application had been received from a local Ward Councillor; this was in the Committee Report. The objector did not attend the meeting in person, but the Sub-Committee took his written representations into consideration when making the determination.

The Sub-Committee considered the submissions made by the applicant via her consultant, who confirmed the background to the application. The site was a former bank premises. He said that the applicant had already "transformed" the premises, and was currently trading without alcohol.

She had two other general stores licensed for 'off' sales of alcohol in Birmingham and Solihull; both branches were trading to long hours, without any issues. The branch near Five Ways operated to 02:00 hours. The applicant had a team of trained, reliable staff within all of her businesses. Conditions had been agreed with the Police and all the other responsible authorities had found the application satisfactory.

The consultant had emailed the Ward Councillor regarding his objection, but had not received a response. The consultant therefore commented on the points made in the Ward Councillor's representation.

The representation had referred to the number of premises already licensed in the area, which was not relevant to the instant application. The representation also stated that there was a significant problem with alcoholism and begging, such that a special cross-border working group had been convened by Sandwell Council – but there had been no concerns about this issue from West Midlands Police, who had consulted with all of the other responsible authorities, which would had included a representative of a cross-border working team.

The Sub-Committee noted the operating schedule and proposed operating style and considered that all was in order. The Sub-Committee further noted that the applicant was an experienced person who already operated premises elsewhere, licensed to long hours.

The consultant directed the attention of the Sub-Committee to 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.

The 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 issued by the Secretary of State under section 182 of the Act, and its own Statement of Licensing Policy.

The Sub-Committee was also 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 was aware that the Police were the experts in the prevention of crime and disorder. The Sub-Committee noted that the Police had found the application satisfactory with additional conditions, and the other responsible authorities had not had any objection at all.

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 objections to the application. Whilst the Sub-Committee noted the comments of the local Ward Councillor, the Members took on board the consultant's remark that the Ward Councillor had not responded to any communication since. Moreover, the responsible authorities had not shared the Ward Councillor's fears.

The Sub-Committee determined that the fears expressed by the objector seemed rather speculative. Nonetheless, the applicant (via the consultant) had endeavoured to address the concerns and had taken the advice of the Police.

The consultant had explained earlier in the meeting that references from the objector to the number of premises already licensed in the area were not relevant and should not be taken into account. The Sub-Committee accepted this.

The remarks from the objector about alcoholism and begging in the area were not supported by West Midlands Police, who were the experts in the prevention of crime and disorder. The 'One Stop Great Barr' premises was a new development and could not be blamed for any existing problems.

Moreover, the Sub-Committee considered that any matter in relation to antisocial behaviour could be handled by the promotion of the licensing objectives, which had been addressed in the operating schedule and the agreed condition. The applicant was an experienced operator.

All in all, the application was satisfactory in terms of the promotion of the licensing objectives. The Sub-Committee also 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 via the additional conditions, such that the Police and the other responsible authorities had not raised any objection. The Members found all to be in order in terms of the proposed operating style.

The Members were therefore satisfied that any potential for issues had been sufficiently addressed in the application and new conditions. There was a proper focus on the promotion of the licensing objectives, and a responsible style of trading had been proposed. Nothing in the written representation evidenced a threat to the upholding of the licensing objectives. The Ward Councillor had not attended, and therefore the Members had not had an opportunity to ask him any questions.

Accordingly, after careful consideration, the Sub-Committee determined that the application could safely be granted together with the agreed conditions. Following the hearing, clarification about the wording of the noise management plan approval condition was sought from West Midlands Police and Environmental Health. As a result, the wording of the proposed condition is modified as follows: "A noise management plan to be agreed with Environmental Health Department".

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 via her consultant.

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

GAMBLING ACT 2005 – LICENSED PREMISES GAMING MACHINE PERMIT – THE DRAGON INN, UNIT 201, THE ARCADIAN CENTRE, 70 HURST STREET, BIRMINGHAM, B5 4TD.

Please note this is a non-invite application.

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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.

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;

10/150725 **RESOLVED**

That the application by JD Wetherspoon PLC for the variation of a Licensed Premises Gaming Machine Permit in respect of The Dragon Inn, Unit 201, The Arcadian Centre, 70 Hurst Street, Birmingham B5 4TD, be granted.

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Gambling Act 2005 will form part of the licence issued.

The premises already had the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permitted a total of five Category C machines. Licensing Enforcement of Birmingham City Council had visited the premises and had confirmed in June 2025 that they had no objection to the application.

The Sub-Committee considered the likely impact of the application, and concluded that by granting this application, the three objectives contained in the Act will be properly promoted. The documents in the Report reassured the Sub-Committee that the applicant was a highly experienced operator which was mindful of its responsibilities.

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 various Guidance issued to Local Authorities by the Gambling Commission, the application for the variation of a Licensed Premises Gaming Machine Permit, and the written representations received.

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The meeting ended at 1229 hours.

Chair……..