

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 4 JULY 2018
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 4 JULY 2018
AT 0930 HOURS IN ELLEN PINSENT
ROOM, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Olly Armstrong and Neil Eustace

ALSO PRESENT

Shaid Yasser, Licensing Section
Joanne Swampillai, Committee Lawyer
Errol Wilson, Committee Manager

NOTICE OF RECORDING

- 1/040718 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/040718 Members were 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 meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/040718 There was no Nominee members.

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW PREMISES AT PB’S
(DE ORIOLE), 54 – 57 KEY HILL, HOCKLEY, BIRMINGHAM, B18 5NX**

The following report of the Acting Director of Regulation and Enforcement was

submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Jane Dunsford – Environmental Health with 2 residents as witnesses

Thomas Levick – Resident/Objector

Holly Isherwood – Resident/Objector

PC Abdool Rohomon – West Midlands Police

Margaret Beauchamp – Business Owner

On behalf of the Licence Holder

Carlson Cabey – Premises Licence Holder (PLH)

Sarah Clover – Legal Representative for the PLH

Following introductions by the Chairman, Shaid Yasser, Licensing Section, outlined the main points of the report.

In presenting the case for Environmental Health, and in response to questions from Members of the Sub-Committee, Ms Dunsford made the following points:-

1. That there had been complaints from residents regarding the heavy based music and screams and shouting by patrons, cars blocking the drive, patrons urinating in the doorways and defecating by residents' cars.
2. That the loud music continued until 4:00am and the premises were a specialist Caribbean Nightclub. She drew the attention of the Committee to the photographs being circulated.
3. That it was not a typical nightclub as the premises was built for light industrial daytime units for the Jewellery Quarter. The Key Hill Cemetery was next door.
4. That Environment Health had tried to work with Mr Cabey through lowering the music, controlling the people entering and exiting the site, but the complaints continued. Environmental Health had issued Mr Cabey a formal letter in March 2018 and a resident call out was implemented on the 13th April 2018 as a result of the loud music and the amplified voices at 1:00am. When Mr Cabey was contacted he stated that he had not received the letter.
5. Anti-social behavior increased over the Easter period and persons from the club defecated by the neighbours car. Other options that the licensee could adopt were looked at with Environmental Health and the Police. Safety issues and CCTV was also discussed. The noise from the patrons was worse than ever the following Sunday.

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6. On the 26/27 April 2018, officers were called out and were in the resident's property until 1:55am and noted cars bleeping, blocking the drive. It was noted that officers felt intimidated by the patrons who had congregated on the street outside the club.
7. During the officers' visit, it was established that there was no other place in the area that the noise could have come from. Over the six months period, the situation did not improve and the licensee was informed that a request would be made for a review of the licence.
8. On 21 May 2018, a review of the licence was submitted and things at the premises were quiet. Over the last two weeks the residents advised that the club was not considerate to them as there was dancing on the street, patrons urinating in the doorways.
9. They had tried to discuss the conditions Environmental Health had proposed, but they had not reached a decision. The licensee had instructed a barrister and was now trying to agree conditions.

At this juncture, the residents Mr Levick and Ms. Isherwood the residents made the following statements: -

10. On Monday 7 May 2018, the road was blocked with cars and he could not access his property. There was loud music and people stood outside the club and it was quite noisy. He rang Environmental Health as the event had made him tired due to sleep deprivation.
11. At 2:15am a PA system was by a white door, the back entrance to the club on the street. That he felt like giving up and moving away at that point as he could not get any respite from the loud music and anti-social behavior etc.
12. That the road was blocked again when he tried to leave at 2:30pm. He had pulled into the adjacent road – Key Hill Drive and could hear the loud music and it took 15 minutes for a patron to remove his car for him to gain access. Even though it had been a hot day he could not open his windows due to the noise etc.
13. At 2:26 on the Sunday night/Monday morning there was loud music with car horns tooting and he had to use earplugs etc., but there was no respite from the noise and it was quite intimidating.
14. There was heavy base music playing at the club on the 21 May and he contacted Environmental Health. On the 24 June 2018, he was awoken from sleep by loud heavy music.
15. On June 29 2018, there was a similar issue with loud music voice over and the road being blocked by cars. The licensee continued to exceed the noise level even though the licence was under review.
16. That he had contacted his Councillors and his landlord regarding the issue.

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He was struggling to hold down work commitments due to the noise nuisance and the impact this was having on him which has resulted in sleep deprivation.

17. Ms Isherwood stated that the licensee was irresponsible and she was emotional due to the impact the noise nuisance and antisocial behavior was having on her and her partner.
18. That she enjoyed living in the City Centre and that she had a full time job and other commitments. That if she did not work she would not be paid and that she had lost at least 12 days of work as she had to cancel or reschedule due to the impact the nuisance was having on her.
19. That this has resulted in her being stressed and was affecting the relationship with her and her partner. The road was littered with refuse and broken glass by the patrons of the club and the area had gone down.
20. That it was a nice road and a lovely area, but the whole experience had been marred by the irresponsible and negligent licensee who paid no attention to the neighbours.
21. They should not be there and the property should not be a nightclub as it was located in a cul-de-sac. The sound system was booming under her window and she was not surprised that the road was blocked with cars.
22. That she had taken sleeping pills as she could not take the risk not to get to work, but it was uncertain how much more they could continue to take as they did not want to leave the area. Other neighbours were experiencing the same issues. It was a nuisance and the impact was extreme.
23. That planning permission states that the premises was licensed to accommodate 70 people, but this was not certain. The premises held the licence since 2012, but there was one complaint 4 years ago.
24. That Martin Key, Environmental Protection Officer went into the premises to make an assessment of potential noise impact. The anti-social behavior was from the patrons outside the premises rather than the people inside.
25. The residents stated that the speakers were placed outside in the rear car park. This was not a normal commercial enterprise that was opened for set hours.
26. That it did not appear that the patrons wanted to be inside the premises. It was not necessarily 100 people, but cars were bleeping and there was loud music. It's the constant worry that the club was going to start with the *base jacked up*.
27. That the decibel levels of the music were not recorded as it was noise nuisance that they go after. There was no noise retention in the building.
28. That parking was available on one side of the road with spaces for patrons

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to park. The residents were unable to access the road and waited for up to 40 minutes to gain access.

29. That young people were smoking weed and it was intimidating to get out of the car and ask people to move to gain access. It was assumed that the licensee was blocking the road to stop patrons gaining access.

In presenting the case for West Midlands Police (WMP) and in response to questions from Members of the Sub-Committee, PC Rohomon made the following points:-

1. That WMP was aware of the review of the application and that the Act clearly states that the local authority was to work with the licensee to address the problem and Environmental Health had done so and had submitted a variation of the licence.
2. That the licensee was aware that a review of the licence had been submitted, but took no action to prevent the anti-social behaviour and the noise level had increased.
3. That various conditions were proposed, but the licensee will not fulfill the conditions.

In presenting her case and in response to questions from Members of the Sub-Committee, Mrs. Beauchamp made the following points:-

1. That she had similar complaints to the residents. That one of her tenants had refused to go up the drive due to being intimidated.
2. That her concerns were the rodents due to the chicken bones that were thrown on the street. That she had filled four bags of refuse and had to pay to get rid of it. That people were defecating and throwing refuse in the cemetery.
3. That she had found stabbing knives which she took to the tip for disposal.

In presenting the case for the premises Licence Holder, Mr. Cabey and in response to questions from Members of the Sub-Committee, Ms. Sarah Clover, Legal Representative made the following points:-

1. That she had attended the meeting on the basis they had an agreed position with Environmental Health and WMP, the proposed conditions being proposed by them was agreed.
2. That she had thought that the hearing was set up due to unheard issues from the residents.
3. That Mr. Cabey had advised that he had been at the premises since 2010 and that he was only operating the business 4 nights per week except for recently – Thursday nights occasionally on Fridays and Saturdays due to Birthday Parties and family events and on Sundays it was more of a

sporadic operation.

4. That this was a perfect storm of different factors, where previously all parties had resided in a harmonious condition on Mr. Cabey's behalf it was not all one-way.
5. That Mr. Cabey was there first and the demography had changed as people then came to live there. People may not have noticed, but the club was there. Mr. Cabey will accept the conditions and he was not shying away.
6. That the noise limiter meant that he will do away with his party nights. He has accepted the conditions and will now operate his premises in a different way to co-operate with the responsible authorities.
7. That the previous problem referred to by Environmental Health was not attributed to Mr. Cabey.
8. That there had been some miss-communication regarding the lack of communication with Ms. Dunsford and Mr. Cabey's solicitor, but the solicitor did accept the conditions. The original representation form the residents would rule this impossible.
9. The representation was based on activities from 2017, when the parties were held. Promoters were also using the premises and Mr. Cabey will no longer work with them. He will now change things completely to be in line with the responsible authorities.
10. That there were two other clubs operating nearby that had patrons who were also parking on the road. This had resulted in scuffles etc., and when this was reported to Environmental Health, they stated that they did not have a licence to operate.
11. That the representation that came in was an opinion and that PC Rohomon had amplified his comments based on what he had heard today. WMP was never there as they did not go to that part of town.
12. That there had been no contact with WMP, no review or revocation of the application since Mr. Cabey had been there. That the landscape, soundscape and residential scape had changed since Mr. Cabey had been there. He had two events in recent times and representation about this had escalated in the last weeks.
13. The speakers were outside for a family event on the Sunday with the children's bouncy castle. That there was some dispersal issues with people leaving from other premises which caused an issue. A noise limiter will be installed.
14. That all conditions were implemented except the noise limiter.

At this juncture, Environmental Health attempted to introduce new evidence. The

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Chairman advised Environmental Health that no new evidence will be accepted at this point and that any new evidence should be sent to the Committee and the other party as an addendum prior to the hearing being held.

15. That a recording with the noise limiter, but this was not brought to the hearing as Mr. Cabey's solicitor was judging whether the level of noise was acceptable. That the use of a promoter will no longer be used and that he should not have had the parties that he had.
16. The parties were causing a problem and he would no longer be holding them. It was not a club, but a Bar and he was no longer taking bookings.

At 1105 hours, the Sub-Committee was adjourned for Environmental Health, WMP and the Licensee and Legal Representative to have a discussion concerning the hours of operation and the additional conditions proposed by Environmental Health and WMP.

At 1126 hours the Sub-Committee was reconvened.

In summing up, Environmental Health stated that the summary conditions on pages 34 -35 of the report were confirmed, but that they wanted assurance for the timetable regarding the noise limiter, dialogue to discuss this and a meeting with the licensee to ascertain how they were proposing to do the noise limiter plan.

In summing up, PC Rohomon, WMP stated that the 5 conditions proposed on page 4 of the report be included along with the conditions from Environmental Health.

In summing up, Mrs. Beauchamp stated that she just wanted the refuse to be cleared from the ground.

In summing up for the licensee, Sarah Clover, Legal Representative stated that they had agreed to the conditions from Environmental Health and WMP and that the condition be given for the noise limiter for four weeks, but not included in the general conditions.

At 1130 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1230 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/040718

RESOLVED

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Carlson Cabey in respect of PB's (De Oriole), 54-57 Key Hill, Hockley, Birmingham B18 5NX, upon the application of the Environmental Health Department of the City Council, this Sub-Committee hereby determines that the

conditions of the premises licence be modified by adding the following, in order to promote the prevention of public nuisance objective in the Act:

- A. All the conditions agreed with Environmental Health at the meeting, namely:
1. Hours of operation: 15.00 to 02.00 Thursday to Saturday for all regulated activities, and 15.00 to 00.00 Sunday for all regulated activities. There shall be no regulated activities at any other time.
 2. To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the premises (including the designated smoking area) after 23:00 hours. In addition the DPS shall ensure that an appropriate number of Door supervisors/ the DPS, or other nominated persons shall monitor and control people entering and queuing and exiting the venue after 23.00. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall take appropriate steps to avoid customers using Key Hill Drive (including use for car parking) to avoid such activities causing a nuisance.
 3. No new customers shall enter the premises after 1 am Friday to Saturday.
 4. The DPS shall, within 3 months of the date of issue of this licence, submit in writing a noise management plan to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, smoking area, number of Door Supervisors, number of persons allowed on key Hill Road customer access and egress (include parking) and dispersal of customers from the surrounding area at the end of the night. All operational controls and management actions required by the approved noise management plan shall be instigated at all times. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.
 5. All external doors and windows shall be kept closed during regulated entertainment except as necessary for safe and effective access and egress.
 6. Prior to any regulated entertainment involving amplified music taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the serve any area of the premises used for amplified music or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume of music is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet the following criteria:
 - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position or tampered with in any manner unless prior approval is given,
 - b) The device shall be capable of either:-
 - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or

- ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,
 - c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,
 - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment is operational,
 - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.
7. No drinks shall be removed from the premises.
- B. All the conditions agreed with West Midlands Police at the meeting, namely:
- The premises to have a written dispersal policy, to be provided in advance to both Birmingham Central licensing department and BCC Environmental Health officers (address for each responsible authority as determined in the statement of licensing policy for Birmingham City Council), the dispersal policy to be agreed in writing with both Birmingham Central licensing department and BCC Environmental Health officers. The dispersal policy to be implemented at all times the premises is open for licensable activity
 - Door supervisors – the number of door supervisors is to be determined through a written and documented risk assessment. The risk assessment to be provided to any officer of any authority upon request.
 - The risk assessment must take into account the dispersal policy and deployment of security staff outside the premises.
 - Door supervisors deployed outside the venue will wear hi visibility coats and have body worn CCTV cameras. Body worn cameras must be operational and recording at all times the premises is open for licensable activity
 - Images from any bodycam footage, to be made immediately available and downloadable to any officer from a responsible authority
- C. No outdoor speakers shall be used for the playing of amplified music
- D. After dispersal of patrons at closing time, the Premises Licence Holder shall ensure that staff from the premises undertake a litter patrol in the general vicinity of the premises

The Sub-Committee recommended that these modified conditions should be put in place within the next four weeks. The premises' Legal Adviser confirmed that four weeks would allow sufficient time for arrangements to be made.

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

The review of the licence had been brought by Environmental Health, in response to residents' complaints about public nuisance caused by the premises and its patrons. The problems were outlined in full to the Sub-Committee by the Environmental Health Officer. Three local residents also attended to describe in detail the nuisance and anti-social behaviour they had directly witnessed, and the effect it was having on their lives. West Midlands Police also attended, and observed that following the lodging of the review application by Environmental Health, complaints had increased.

The premises licence holder and his legal adviser explained to the Sub-Committee that the plan was to change the nature of the business such that it would be food-based in future, as an acknowledgement that the current style of operation should not continue – in particular the hosting of events put on by outside promoters. However the premises licence holder felt that not all the problems described by those attending the meeting originated solely from PB's De Oriole, and mentioned some other premises in the area.

Proposed conditions were put forward by Environmental Health and the Police. The Sub-Committee decided that a short adjournment in order for the proposed conditions to be discussed would facilitate agreement. When the parties returned, there had been agreement. The Sub-Committee therefore determined that the further issues to be dealt with were the noise generated by the use of speakers in the car park, and the dropping of litter in the vicinity by patrons. They considered that the two conditions shown as 'C' and 'D' above were proportionate to address the concerns raised by local residents.

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 review, the written representations received, and the submissions made at the hearing by the premises licence holder and his legal adviser, by Environmental Health, by West Midlands Police, and by other persons.

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 determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed, until the disposal of the Appeal.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT MAYPOLE POST
OFFICE, 7 STOTFOLD ROAD, MAYPOLE, BIRMINGHAM, B14 5JD**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 2)

On behalf of the Applicant

Mr. Minaz Ramji – Applicant
Mr. Prasenjit Das – Assisting the applicant

On behalf of those making Representations

Patricia Dillaway – Resident
Adam Higgs – Ward Councillor
Anne Nolan - Resident

The Chairman introduced the Members and officers present and explained the hearing procedure.

Councillor Adam Higgs, Ward Councillor informed the Committee that he had received a statement from West Midlands Police (WMP) with a request that the Sub-Committee give consideration to the document. WMP did not attend the hearing, the statement being emailed to Councillor Higgs at 2200 hours on Tuesday 3 July 2018.

The applicant voiced objection to the request by WMP as they had not seen a copy of the statement prior to the meeting being held.

At 1313 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1320 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

The Sub-Committee was inclined to refuse the request to consider the statement as the document was not served on the Committee or the applicant prior to the hearing being held.

The main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr. Prasenjit Das and Mr. Minaz Ramji representatives for the premises made the following points in response to questions from Members:-

1. That the premises had been operating as the local sub-Post Office for Maypole for several years.
2. That due to financial constraints relating to their arrangements with the Royal Mail, a decision had been made to start to diversify the business into offering grocery items, and as part of this, to introduce the sale of alcohol by retail.
3. The premises considered that this would be a good offering for the local community who already made use of the premises as a Post Office, and would ensure that the business could continue, describing the plan as

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‘bringing the Post Office, grocery and alcohol under one umbrella’, to become more like a general convenience store.

4. That they would be providing a useful service to the local area and would take a responsible attitude to alcohol sales. That it was proposed for alcohol to be sold from 0800 hours to 2000 hours. That security lighting would be fitted to the premises.
5. That there had been no crime reported to the Police in the last two years. That they would not sell alcohol to people who were drunk, under-aged or Police officers on duty etc.
6. The licence would not be for the consumption of alcohol on the premises, but would be solely for selling alcohol. Aldi, Iceland and Sainsbury’s’ was selling alcohol, but this was a small business and cannot make a profit. That they would accept any conditions placed on them.
7. That the Ward Councillor had not approached them before the hearing to discuss the application, given that he was supporting residents who wished to object.
8. That in operating the Post Office they were also part of the local community, and that their business was a positive benefit to the community.
9. That the local Post Office had no power to switch the cash machine off at night time as it belong to Royal Mail. That it was Royal Mail that switched the Cash machine off.
10. Sergeant Ogden had not been to the premises since they have been there for 2 1/2 years and that the business was closed at 1730 hours every day. They had consulted with Royal Mail who had agreed for them to utilise the facility to get more money.
11. Everything was determined by Royal Mail including the application for a licence to sell alcohol. In the past they were given a lump sum payment by Royal Mail irrespective of the takings, but this was no longer the case. These days the harder they work the more they earn.

In presenting his case and in response to questions from Members of the Sub-Committee, Councillor Adam Higgs, Ward Councillor made the following points:-

- a. That the road was a residential one and had a number of problems including litter and drug dealing and WMP was looking to set up a programme for the area.
- b. Representation was made by him and the MP for the area. Local residents had concerns regarding the application by the Post Office to sell alcohol. They were worried that if alcohol was sold by the Post Office, this would exacerbate the problem and would become more of a focal point.

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- c. The licence would go against the licensable objectives. That if the Sub-Committee was mindful to grant the licence that additional conditions be granted.
- d. That the Neighbourhood Police had concerns regarding the application, but that the Police not attend the meeting due to some miscommunication between officers within West Midlands Police.
- e. That he had not approached the applicant to discuss the application with them.
- f. That the objectors brought the application to his attention on the 17/18 May.
- g. That he had asked the neighbourhood Sergeant to make representation against the application, but realised quite late that WMP did not make any representation against the application which had resulted in the statement from WMP which was rejected by the Sub-Committee.
- h. The residents advised that there were syringes on the street and that a House in Multiple Occupation (HMO) was located on the street and that a number of residents were seen on Stotfold Road.
- i. That WMP was proposing to implement a Public Space Protection Order (PSPO) and eight local residents were willing to make statement in support of the order.
- j. That Sainsbury's, Aldi and Iceland were not challenge to stop selling alcohol.

In presenting their case and in response to questions from Members of the Sub-Committee, the residents made the following points:-

- i. They read a statement relating to the crime statistics in the area and stated that there were 12 establishments that were selling alcohol within a one mile radius of their homes. That this was seen during the day at all times and having another alcohol outlet gives people a reason to promote anti-social behaviour.
- ii. There was anti-social behaviour by persons drinking alcohol on a daily basis in the alleyways and drug abuse. That people had urinated in front of house and against cars during the school run. That neighbours had emailed her with details of persons creating anti-social behaviour.
- iii. That residents from Henlow Road came to Stotfold Road to drink and do drugs and that the grant of the licence would exacerbate the problem. That people were doing drug dealings in cars on Stotfold Road and that residents were fearful of walking on the road at nights.
- iv. That children should not be scared to walk to school and to pass people who were drunk.
- v. That the sale of alcohol would be a high risk and they were working with WMP to get a PSPO implemented. That they had worked successfully with WMP to get the cash machine at the Post Office turned off at nights as the problems they had was predominantly at nights.
- vi. That WMP did not have the resource to deal with the issues and the Post Office was a cut through for Iceland by way of the alleyway for people and it was proposed that this be stopped. That as a result of the drug dealing and alcohol problems, they had set up the Neighbourhood Watch Group.
- vii. That they felt 'let down' by the Police's handling of the matter, given that residents had made it clear to the neighbourhood Police that they wanted representations to be made against the application.

- viii. That they had received an apology from the neighbourhood Sergeant in relation to the miscommunication.
- ix. Royal Mail was a brand that gives them confidence, but the Post Office could be selling other things as the shelves had been empty for months.

At 1407 hours the Sub-Committee adjourned for the Chairman to take legal advice concerning comments made by the residents in relation to the neighbourhood Sergeant.

At 1412 hours all parties were recalled to the meeting.

In summing up, the residents stated that they did not believe that granting the licence would help the situation and that crime would increase in the area. The MP had worked with them two years ago and had spoken with the Commissioner on their behalf. Petitions were also sent against the application for a licence as this would affect them as a community and not the applicant. Two counters were opened at the Post Office currently, but they were only using one. If the applicants were part of the community, they would have contacted the Ward Councillor and requested his assistance just as they did.

In summing up, the Ward Councillor stated that if his view and that of the MP and WMP was not to be taken into consideration, then the petitions and views of the local residents should be taken into account.

In summing up, the applicant stated that there was CCTV outside the Post Office was monitored by Royal Mail, WMP and themselves. In the unlikely event that there was any problem, the Royal Mail and WMP would be able to see the CCTV recording of any drug dealing, drunks and anti-social behaviour that was taking place.

The area opposite the Post Office that was referred to as a cut through was occupied by Iceland for loading/unloading. One counter would not be sufficient to serve the pensioners and other customers and for sending parcels etc. One would be used for the shop side of the business which was not yet implemented. The two counters were used at all times for dealing with customers. A tenant was living above the Post Office with the CCTV connected to his television and he had not stated that there was a problem with people outside the premises. They were there at 0630 hours each morning for the delivery of the newspapers and they had not seen any syringe strewn on the road.

The incident that had taken place in other areas should not hinder their progress in moving forward. They were willing to accept all the conditions to ensure that they uphold the licensing objectives and to have a good relationship with their neighbours and the residents. They were trying to improve service for all residents and could do a number of things under one umbrella. If people did not need alcohol they would not be selling it. They could not sort out Birmingham's problems in relation to anti-social behaviours and drug dealing and requested that the application for a licence to sell alcohol be given consideration. They were committed to the Royal Mail rules as to do otherwise would result in Royal Mail revoking their licence.

At 1425 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1500 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/040718

RESOLVED:-

That the application by P&M Enterprise (UK) Ltd for a premises licence in respect of Maypole Post Office, 7 Stotfold Road, Maypole, Birmingham B14 5JD, be granted subject to the following additional conditions to promote the licensing objectives:

- The permitted hours for the sale of alcohol by retail shall be from 10.00 hours until 20.00 hours only
- Outside these permitted hours, alcohol shall be covered or otherwise screened from public view
- Those conditions already agreed between the applicant and the Licensing Dept. of the City Council shall apply, namely:
 1. The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided. Refresher training will be undertaken at least every 12 months
 2. The staff training records will be kept at the premises and made available to any Responsible Authority upon 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.

Two persons representing the premises attended the meeting, and explained to the Sub-Committee that the premises had been operating until now as the local sub-Post Office for Maypole. However due to financial constraints relating to their arrangements with the Royal Mail, a decision had been made to start to diversify the business into offering grocery items, and as part of this, to introduce the sale of alcohol by retail. The premises considered that this would be a good offering for the local community who already made use of the premises as a Post Office, and would ensure that the business could continue, describing the plan as 'bringing the Post Office, grocery and alcohol under one umbrella', to become more like a general convenience store. They felt that they would be providing a useful service to the local area and confirmed to the sub-Committee that they would take a responsible attitude to alcohol sales.

The Sub-Committee also heard from a Ward Councillor and some local residents, who attended the meeting and described in detail the problems in the area relating to anti-social behaviour. The residents stated that they had been dealing with the neighbourhood Police over these issues.

The Police however did not attend the meeting, which was apparently due to some miscommunication between officers within West Midlands Police. The Sub-Committee considered this rather unfortunate; one of the local residents confirmed that she felt 'let down' by the Police's handling of the matter, given that residents

had made it clear to the neighbourhood Police that they wanted representations to be made against the application. She had received an apology from the neighbourhood Sergeant.

The Sub-Committee took into account the fact that residents & Ward Councillor had had to attend the meeting by themselves in order to make representations. However on listening to their submissions, the Sub-Committee noted that the objections did not particularly relate to the specifics of the instant application. It rather appeared that those making objections simply wished to oppose the new grant because of existing anti-social behaviour that was an established feature of the area, regardless of this particular applicant's operating proposals.

Those making representations stated that the prevention of crime and disorder objective was at risk due to all the ongoing anti-social behaviour in Maypole. However local anti-social behaviour was a matter for the neighbourhood Police and the Sub-Committee examined the application on its own merits. The Sub-Committee's view was that the application had been made by persons experienced in operating a local business for the benefit of the local community, and who were keen that the business should become resilient through an increased offer of grocery and alcohol in addition to the sub-Post Office. The operating schedule had been carefully drafted, the applicant displayed a responsible attitude, and there was no reason to suppose that a properly-run business like a Post Office would sell alcohol irresponsibly.

Those representing the premises observed that the Ward Councillor had not approached them before the hearing to discuss the application, given that he was supporting residents who wished to object. The premises felt that in operating the Post Office they were also part of the local community, and that their business was a positive benefit to the community (one of the residents confirmed that she did use the Post Office). The Ward Councillor confirmed that he had not approached the applicant to discuss the application with them.

The existing anti-social behaviour was not the fault of the applicant, who was not yet offering alcohol for sale; any problem alcohol sales were demonstrably the fault of existing alcohol licensed premises in the area. Yet those objecting confirmed that no licence review was planned for any of the existing alcohol licensed premises in the area. The Sub-Committee considered that the ongoing anti-social behaviour was something for the neighbourhood Police to tackle. The licensing objectives could be upheld by the imposition of some additional conditions, including a curtailing of the permitted hours for the sale of alcohol.

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, a Ward Councillor 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

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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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ANY OTHER URGENT BUSINESS

There were no matters of urgent business.

The meeting ended at 1505 hours.

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CHAIRMAN