

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 06 JANUARY 2025 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will 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 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are 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 is a 'sensitive interest', Members do 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 is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

5 - 38

4 **MINUTES**

To note the Minutes of the meeting held on 11 November 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 29 November 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 29 November 2024 at 1200 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 2 December 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the Minutes of the meeting held on 9 December 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

39 - 64

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT SLR
CONVENIENCE, 201 BURBURY STREET, LOZELLS, BIRMINGHAM,
B19 1TL**

Report of the Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 29 November 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 29 November 2024 at 1200 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 2 December 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 11 NOVEMBER 2024</p>
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 11 NOVEMBER 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair.

Councillors Maureen Cornish and Ziaul Islam

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)

1/111124 **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.

2/111124 **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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/111124 There were no apologies received.

LICENSING ACT 2003 – PREMISES LICENCE – FRIENDS EXPRESS, 15 SOLIHULL LANE, HALL GREEN, BIRMINGHAM, B28 9LS

On Behalf of the Applicant

Mr Naga Rajesh – Applicants Agent

* * *

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 Applicants Agent to make their presentation. The following points were made: -

- a) The premises had only been taken over by the applicant a few months prior and the application to change licence to applicant's name, only a few weeks prior. Since then, the premises had been closed for refurbishment. The applicant had not got all documentation from previous owners as the premises had been closed for some time. The application had been made with summary documentation that had no conditions attached hence the applicant was unaware of all the conditions.
- b) In the South Indian culture, an auspicious day and time were selected to allow a priest to carry out some prayers and rituals before a business opened. At the time of the inspection, the rituals were taking place with family and friends present. The premises fully opened on the evening of that day, after the prayers. The CCTV footage had been provided from the afternoon of that day.
- c) The agent requested that since there was no direct evidence, could the sub-committee grant a temporary licence for 12 months before making it permanent. This would allow for the applicant to show the police that they were a responsible premises licence holder. The agent suggested additional conditions as follows:
 - Stop selling single cans of beer, cider and lager.
 - Only sell 6.4cl as a minimum of four in a single transaction.
 - Training records to be available at premises for inspection.
 - Alcohol and tobacco not to be sold to vulnerable individuals.
 - No deliveries after 11pm and 7am.
 - All sales through night hatch between 11pm and 6am.
 - Have correct signage in place, including Challenge 25, CCTV.

- d) The agent highlighted that Environmental Health had made representations about alcohol being sold 24 hours, but this facility was already available with online shopping where no questions were asked and no checks were carried out. At a local convenience store, smaller quantities were purchased and only when required. The premises had its own parking, on a roundabout and it was a dual carriageway, the premises was not in a residential road. Planning consent had already been given for a 24-hour trading licence as it seemed suitable for that, and all the correct measures had been put into place and all assurances given for the alcohol licence.
- e) The agent informed the sub-committee that no objections had been made by local residents or councillors. A trial had been run, being open for trading without selling alcohol and it was encouraged by local residents. The agent commented that there was a service road that surrounded the shop and there were no immediate residents. There were many other premises with a licence beyond midnight but there had been no incidents or complaints in the area.
- f) The agent responded to a Member question about whether the records had been shown to the Police after the day of inspection and had there been any updates from the Police after the inspection day situation had been explained to them. The agent informed the sub-committee that he had submitted the application on behalf of the applicant who was not aware of all the conditions on the previous licence. The premises had been open at the time of the religious ceremony but not for trade. Trading had commenced later on the same day. The agent had been informed that trained staff from another premises had been relocated to this premises.
- g) The agent was asked the name of the Dedicated Premises Supervisor (DPS) and how the 24-hour licence would be managed, and he informed the sub-committee that the applicants sister would be the DPS and there were a team of staff with experience to run the shop. The Chair invited the agent to get the name for the DPS, what experience they had and what the other family business was. The agent informed the sub-committee that the DPS was Ms Vijayatheepan Thavanesan, who was the DPS for another 24-hour premises in Solihull and had 5-6 years' experience. The legal representative and the Licensing Officer clarified that the applicant was the current DPS.

West Midlands Police made the following representations:

- a) Mr Jones of West Midlands Police had visited the premises to carry out due diligence checks after receiving the application on 25th September 2024 and noticed that the premises was very close to residential houses and flats directly above the premises. The premises was not open and undergoing refurbishment. The owner was not present at the premises but Mt Jones was informed that the flat above the premises was occupied.
- b) Mr Jones revisited the premises on 3 October 2024 at 11.45am. The shop was open and was trading and alcohol was being offered for sale behind the counter and in the fridges. The premises licence holder and the named DPS, the applicant advised that the premises had just opened after the refurbishment. As part of the due diligence, the current licence conditions were checked.

Firstly, a refusals book would be fully maintained and available for inspection at all times and that the premises licence holder would ensure that all employees involved in the sale of alcohol were fully trained under the Licensing Act and in any changes in the legislation. Secondly, that all written training records available for inspection at any time. Neither of these were available and the applicant stated that they at home and could be shown on the following day. Another condition for CCTV stated that the premises have internal and external CCTV, recalling for 31 days, all staff be trained in the use and storage of the CCTV. Mr Jones had asked to see the footage from 10am on the day and the applicant had stated that it was unavailable as it was not working, and the engineer was coming later to repair.

- c) Due to the failings, Mr Jones asked the applicant what the licensing objectives were, and he had been told that it was not to sell alcohol to children, ask for ID and make sure it was photographic ID. This was taken as the objective for the protection of children from harm. There was no mention of any of the other objectives.
- d) Mr Jones felt that the premises was very near to residential properties and had the flats above the premises. He felt that there would be an increase in footfall, traffic and noise, leading in crime and anti-social behaviour when residents were trying to sleep. This would be the only 24-hour premises besides a petrol station. There was also a young vulnerable children's home close to the premises.
- e) West Midlands Police were disappointed that the correct measures had not been in place when the premises reopened after the refurbishment. The applicant had failed to fulfil the premises licence conditions and did not know the licensing objectives. The location was not suitable for a 24-hour premises and the proximity of the residential properties and the vulnerable children's home.
- f) Mr Jones responded to the additional conditions that the agent had put forward. The concerns were that the night hatch would cause an increase in noise and nuisance, the staff training was already a condition, and it would be difficult to deter persons loitering outside the premises without confrontation. It was unsatisfactory that the applicant was unaware of the premises licence conditions and the agent did not have the name of the DPS.
- g) If the premises licence was granted, it would be detrimental and would not adhere to the licensing objectives; prevention of public nuisance, children to harm and prevention of crime and disorder.

The Chair invited all parties to make brief closing submissions.

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;

That the application by Pathmakumar Vijayatheepan to vary the premises licence in respect of Friends Express, 15 Solihull Lane, Hall Green, Birmingham B28 9LS, under section 34 of the Licensing Act 2003, be refused.

The Sub-Committee carefully considered the proposed operating schedule put forward by the applicant and the likely impact of the variation application, but was not satisfied that the licensing objectives, in particular the prevention of crime and disorder and the prevention of public nuisance, and also the protection of children from harm, would be promoted if the variation of the licence were to be permitted.

Members examined the application form, which was in the Committee Report. The Sub-Committee determined that the variation sought was substantial, given that the applicant had requested to extend the hours for the sale of alcohol (for consumption off the premises) to operate across 24 hours from Monday to Sunday.

Consequently, significant weight was attached to the concerns voiced by the responsible authorities - West Midlands Police and Public Health. The Police attended the meeting. The applicant also attended, represented by a licensing agent.

The agent explained that although the applicant respected the concerns raised by the responsible authorities, he wished to clarify an issue regarding the Police visit. The statement from the Police had stated that on the 3rd October 2024 some issues had been found at the premises, and the CCTV footage had not been provided when requested.

The agent explained that the premises had been taken over by the applicant a few months previously, and had been closed for refurbishment since then. At the time of the inspection, the application to transfer the licence had only just been made (two weeks previously), and therefore the applicant did not have the full licence documents from the previous management.

The application had been made using the licence summary document, which was on display at the premises; that part of the licence did not show the conditions. The agent stated that the applicant had not been aware of any conditions on the premises licence, but the shop had not been trading during the refurbishment period.

The agent said that the applicant had taken over a business which had been closed down for some time; usually, when a licence was transferred, consent would be given/signed by the previous licence holder, but in this case the previous management had long since left the business, so the applicant had had to provide other documents to prove occupancy. The applicant was still

going through the process, and was waiting for the licence document from the City Council.

Regarding the inspection, the agent explained that there had been some confusion over what had been observed on the day. All the family had gathered in the premises as a South Asian ritual was being performed by a priest before the business started trading. The agent said that “the premises was briefly open for an hour, hour and a half, just for this process”, and was then fully opened the same evening for the first day’s trade. The applicant had felt “a little panicked when he was asked questions by the Police” about licensing matters, said the agent.

The agent assured the Sub-Committee that before the premises had begun to trade, the applicant had complied with every condition, and all the requirements were in place. The applicant had found out about the additional measures during the inspection by Police (during which the premises was not yet open to the public).

He remarked that the fears expressed in the representations, about the risks to the licensing objectives, were not based on any direct evidence or facts, but on mere circumstance and perceptions. Regardless of that, the applicant did not wish to undermine any of the representations, and therefore proposed that the Sub-Committee could grant a ‘temporary licence’ for a limited period. The Sub-Committee was aware that there was no provision for this in a variation application.

Additional conditions were proposed by the applicant, said the agent. No sales of single cans would be permitted. Full staff training records would be kept on the premises for inspection. No deliveries would be allowed between 23.00 hours and 07.00 hours. All service between 23.00 hours and 06.00 hours would be conducted through a night hatch. Alcohol and tobacco products would not be served to vulnerable individuals. Signage would be displayed to keep the front area clear. Arrangements for CCTV, Challenge 25, refusals and incident recordings would be in place.

The agent noted that Public Health had raised a concern about the availability of alcohol for 24 hours, but reminded the Sub-Committee that “these days, people don’t even have to step out of the house to buy alcohol”; they could order online and major supermarket chains would deliver to their doorsteps. He observed that small businesses were taking all the blame, and said that this was because they were “on the front line”.

He noted that many of the additional conditions which the applicant had offered were not seen on the licences of other premises already operating in the area, and remarked that it was unfair to say that the Friends Express premises was going to cause problems when alcohol was already available

for delivery across 24 hours via the bigger chain supermarkets and online platforms.

The agent further remarked that online sales were known to be a means for customers to buy alcohol in bulk, to save the journey and to stock up alcohol in their houses. He said that customers would not use a small convenience shop such as Friends Express to make large purchases of alcohol. He felt that this was relevant, given that one of the concerns raised by Public Health was simply the availability of alcohol. He said that a corner shop was there for small quantities, whenever customers needed it; the premises was “surrounded by Sainsbury's, Asda, Aldi and Tesco” all within walking distance, and all had online sales platforms.

He observed that the applicant was a family man with children, who was “trying to run a decent business among these big multi million pound corporations”. The agent felt that the applicant was an easy target in terms of alcohol related issues - yet the applicant had offered numerous conditions and extra measures to promote the licensing objectives, which none of the other premises in the area had on their licences.

The premises was not in any special policy area, and there was no PSPO in force. It was near a major roundabout, with its own parking in front of the premises. It was on a dual carriageway which was reasonably busy at all times. The area was not residential, but a retail area on a roundabout. The Planning department of the City Council had not raised concerns about 24 hour operation. There was customer demand for operation across 24 hours. The agent asked the Sub-Committee not to be anti-business when making its decision.

The agent asked the Sub-Committee to refer to the documents in the Committee Report to see that there were no residential properties in the immediate vicinity. There was an off-licence at the petrol station on the same road. The Friends Express was currently licensed for the sale of alcohol from 09.00 hours to 22.00 hours; the agent observed that other licensed premises nearby traded beyond midnight, and some pubs beyond 01.00 hours, without creating complaint.

He asked the Sub-Committee to bear in mind that the premises was not a nightclub or public house – it was a convenience store for the local community. It sold groceries; alcohol was only part of the offer at Friends Express. There was customer demand for alcohol sales at night, and the applicant felt that he should be able to offer this. He had invested into the business and had offered new conditions.

He already had a trained staff, because the designated premises supervisor, who was the applicant's sister, was a personal licence holder with a number of years of experience in the licensed trade. The Senior Licensing Officer

confirmed that although the licence shown in the Committee Report showed the applicant's name as the designated premises supervisor, it had recently been updated to reflect the correct person (his sister).

His sister had another business in Solihull with other family members; they would be moving the staff from that business to the Friends Express business. The staff were therefore trained people, but they did not have any documents on the premises on the day of the inspection. They had experience in running a 24 hour business, and at night time they would only be selling through the service hatch.

The Sub-Committee then heard from West Midlands Police, who made submissions as per their documents in the Committee Report. The officer had visited and had seen that the premises was near to residential housing, and moreover there were flats directly above the premises.

He had originally visited with the intention of carrying out a due diligence check in relation to the application, but the premises was not open to the public and was being refurbished. Contractors informed him that the flat above the premises was occupied.

The officer revisited the premises on the 3rd October at around 11.45am. The shop was open and trading, the door was open and alcohol was being offered for sale openly behind the counter. The applicant was behind the counter of the premises.

The Police noted that although the premises was open and conducting licensable activities, neither the refusals book nor the written training records were available on the premises; the applicant stated they were at home, and that he could bring them in the next day. The officer asked to view the CCTV from 10.00 hours that morning, but the applicant stated he could not show the footage as the system was not fully working and an engineer would be coming out to the shop later in the day. The answers given by the applicant to the officer's questions about the licensing objectives had not been satisfactory.

The officer considered that the premises was situated very close to residential housing and had flats above it. He felt that it was "quite easy to foresee an increase in footfall, traffic, noise nuisance, and [it] will probably lead to an increase in crime and antisocial behaviour, all at a time when residents are trying to sleep".

There was one other 24 hour off-licence nearby – at a petrol filling station, but this was on the main dual carriageway, not a residential street. The officer directed the Sub-Committee to the photographs of the residential properties in the Police documents in the Committee Report, and remarked that the nearest house was less than 10 metres from the premises.

Also nearby was a house which operated as a children's residential home. It was only three minutes' walk away from the premises and housed young, vulnerable persons. The Police were concerned that a nearby premises offering alcohol 24 hours a day "could add to their vulnerabilities".

The officer had noted that the current licensed hours for Friends Express were the times when the local neighbourhood policing teams were on duty and could deal with any local policing issues; if the variation were to be granted for 24 hours, the policing of the area at those times would fall solely on to the response policing teams, where incidents were answered in order of priority, and there therefore might be a delay in responding to reports of low-level antisocial behaviour, crime and disorder, whilst major incidents elsewhere were being handled. This would mean that local residents could suffer disturbance and noise when they were trying to sleep.

The local neighbourhood sergeant had remarked that the children's home was already a high demand location for the neighbourhood policing team, and had stated that he would not support the application for this reason.

The failings noted during the 3rd October inspection had worried the Police, and it had been noted in particular that the applicant had not seemed familiar with the licensing objectives when, as licence holder, he had sole responsibility for the premises. The Police felt that this also called into question the training he could deliver to staff working at the shop.

The Police advised the Sub-Committee that the location of the premises was not suitable for a 24 hour licence, and that the Police would not support any extension at all to the current licensable hours, due to the extremely close proximity of residents, and the additional factor of vulnerable youngsters living in a children's home so close to the premises. The Police also did not have confidence in the applicant after what had been seen on the 3rd October.

The Police were also unhappy at some of the applicant's proposals for new conditions. The use of a service hatch through the night would only add to an increase in noise and public nuisance, with customers standing outside the premises, ordering, chatting and generally hanging around outside the shop - with the residents of the flats above being disproportionately affected by this noise.

There had been mention of active deterrence of persons found loitering outside the shop, but the Police felt it was unclear how the premises could achieve this, and what action they could take. The Police felt that it was easy to foresee confrontation between staff in the shop and the public, which could easily lead to an increase in reported crime, and even the likelihood of staff becoming victims themselves.

It had appeared on the 3rd October that the applicant had not been aware of his responsibilities and the licence conditions, but all licences could be found on the City Council's public register along with all the licensing decisions. The Police view was that upon taking on the premises it was the applicant's responsibility to make himself aware of the conditions. The Sub-Committee agreed with this.

Instead, when asked for the training and the refusals book (which were required under the licence conditions), the applicant had said they were at home. Moreover, the CCTV had not been working whilst the premises was open and trading – a serious concern.

The agent had said that other premises in the area did not have such strict conditions on their licences, but the Police noted that there was only one other premises trading to very long hours. The Police were also not supportive of the suggestion of a "temporary licence", remarking that this would do nothing to allay their concerns.

The Police view was that to grant any variation would be detrimental to the local residents. People in residential houses were close by, there were flats above the shop, and also there was a nearby children's home. The Police therefore objected to the variation application in the interests of the promotion of the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, and the protection of children from harm. The Sub-Committee noted this.

The Sub-Committee also noted that Public Health had submitted written representations which were in the Committee Report, and considered these carefully.

In deliberating, the Sub-Committee considered all the submissions made in writing and in the meeting, and noted in particular that the premises had already become a cause for concern, after a Police inspection had found unsatisfactory practices. This had been the fault of the applicant, who was the licence holder.

The Sub-Committee noted that the evidence from the two responsible authorities had been that the area included residential properties which would be affected by noise created by late night trading at the premises.

The premises was already licensed to 22.00 hours, but the applicant wanted to extend this across 24 hours due to customer demand. Ordinarily, that would be understandable, and perhaps not likely to be of concern where the applicant had a history of safe and responsible operation. However, the Sub-Committee noted that in the instant matter the issue was that the Police had not been impressed with what they had seen on the 3rd October, and considered that there was a likelihood that risks to the licensing objectives

would be created by the requested variation. Indeed, the Police had confirmed that they opposed any variation of the licensed hours at all.

The Police feared that there would be a significant impact on the local community in a residential area. Moreover, the applicant had shown an inability to follow the terms of the licence. The Police considered that they had no confidence in the applicant, and had therefore recommended that in order to uphold the licensing objectives, and to prevent disturbance to local residents, the variation should not be granted.

The Sub-Committee accepted the recommendation of the Police. The Police were an expert responsible authority; their submissions were not merely speculative, but were based on direct professional knowledge. The local neighbourhood Sergeant had expressed his concerns. The Police had confirmed that to extend the hours was likely to attract crime and disorder, as well as creating public nuisance. Similarly Public Health, as the other responsible authority, did not support the variation application.

All in all, the Sub-Committee was persuaded by the representations made by the responsible authorities. The Members agreed that there were residential properties in the area which would be negatively affected by trading late into the night. The Members were not reassured by the proposed new conditions; in particular, they agreed with Police that the use of a service hatch throughout the night would be likely to disturb those living in flats above the shop.

The Police had expressed disquiet about the applicant's management style even in terms of the existing permitted hours. The Members therefore considered it likely that the applicant had not properly thought through the requirements of late night operation in this style of area, with residential properties nearby. The Members noted that as those at the premises operated other premises elsewhere, they should be aware of everything that was required in terms of safe operation; this did not appear to be the case at Friends Express.

The grant of a 'temporary licence' as suggested by the agent was not possible. Ordinarily, the Sub-Committee would consider perhaps granting a variation to shorter hours than those requested, if the applicant inspired confidence. However, after considering the evidence discussed in the meeting, the Sub-Committee was not minded to go against the direct advice of the Police – namely that any variation at all would be a risk to the upholding of the licensing objectives.

The Sub-Committee was not prepared to permit risks to the public nuisance objective where residential properties were nearby, and were certainly not minded to grant in the face of Police advice that to permit the application could have a negative impact on the crime prevention objective. Accordingly, the

application to vary the licence was rejected in its entirety, in order to ensure the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations in the Report, and the submissions made at the meeting by the applicant via his agent, and by West Midlands Police.

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 at 1114 hours.

Chair.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 29 NOVEMBER 2024

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON FRIDAY 29 NOVEMBER 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Saddak Miah in the Chair.

Councillors Jilly Bermingham and Julien Pritchard.

ALSO PRESENT

Bhapinder Nandhra– Licensing Section
Jane Sarginson – Legal Services
Katy Poole – Committee Services

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

1/291124 **NOTICE OF RECORDING/WEBCAST**

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2/291124 **DECLARATION OF INTERESTS**

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/291124 There were no apologies received.

LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – NOX BAR, (FORMERLY TMRW), UNITS E1-E5, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM, B5 4TD

4/291124 The report of the Director of Regulation and Enforcement was submitted:-

On Behalf of the Applicant

Alfred Ratcliffe – WMP (West Midlands Police)
Mark Swallow - WMP

On Behalf of the Premises Licence Holder

Duncan Craig – Barrister
Kerry Cox – Duncan Craig's Associate
Darush Karchi – PLH (Premises Licence Holder)

* * *

The Chair introduced the Members and Officers present and asked if there were any preliminary points for the Sub-Committee to consider.

Alfred Ratcliffe, on behalf of WMP made a preliminary request that the meeting be held in private due to the on-going criminal investigation.

Duncan Craig confirmed that they had no objections to the preliminary request submitted by West Midlands Police.

Following a short adjournment to allow the Committee to consider the request, the Chair announced that the meeting would be held in private given the sensitive nature of the incident and in order to not prejudice the criminal investigation.

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.

EXCLUSION OF THE PUBLIC

5/291124 **RESOLVED**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The public were re-admitted to the meeting and the summary decision of the Sub-Committee was announced and the full written decision was sent to all parties as follows: -

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

6/291124 **RESOLVED**

That having summarily reviewed the premises licence held under the Licensing Act 2003 by UK.BM.Power Entertainment Limited in respect of NOX Bar (Formerly TMRW of Units E1 – E5, The Arcadian, 70 Hurst Street, Birmingham B5 4TF, following an application for an expedited review made pursuant to section 53A of the Licensing Act 2003, on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines:

- To remove Mr Manoochehr Esmaili as the designated premises supervisor
- That in order to promote the prevention of crime and disorder directive(s) in the Act, the conditions of the premises licence be modified in that
 - all those conditions imposed by Licensing Sub-Committee A on the 18th of November 2024 at the interim steps hearing be maintained and permanently added to the licence
 - that the interim step relating to the former Designated Premises Supervisor be modified as follows, Mr Manoochehr Esmaili is not to remain on the premises whilst licensable activity is taking place

The License holder company namely UK.PM.Power.Entertainment Limited, was represented at the meeting by Counsel who was accompanied by the director of the company. West Midlands Police also attended the meeting.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The police explained that they wished the meeting to be conducted in private due to the ongoing investigation. Counsel for the license holder did not object to this course of action. The Sub-Committee therefore conducted the meeting in private session.

Once the meeting went into private session:

West Midlands Police made detailed submissions as regards the facts that gave rise to the initial application for an expedited review pursuant to section 53A of the Act and outlined managerial failings that had been identified on the night in

question, which were described as catastrophic. There had been a large scale disorder in and around the venue during which 3 individuals had been stabbed. On the 22nd of November 2024, the venue re opened and there had been no further difficulties. However, on an inspection, the ex DPS was found to be in the rear office. He confirmed that he was there to assist in the transition from one DPS to another. There was a genuine concern that he may be influencing the way in which the venue was being managed, the risk being that the same problems that existed before, would reoccur, if a further condition as suggested were imposed. Consequently, WMP were asking for all interim conditions to be imposed as conditions of license save for paragraph one which should be amended so as to include a restriction prohibiting the ex DPS from remaining on the premises whilst a licensable activity was taking place.

All other interim conditions were recommended to the Sub-Committee including the paragraph 18 which set out that the premises should operate a last entry point of 1.30am.

Counsel of the licence holder made detailed submissions regarding and confirmed that a suite of stringent conditions had been agreed with the police save for the requested amendment to paragraph 1 that being the prohibition of the ex DPS being on the premises during a licensable activity and the imposition of a last entry point at 1.30am as set out in paragraph 18. He submitted that the venue had imposed the multitude of conditions as set out in the interim conditions and had worked hard to achieve them.

As regards paragraph 1, Counsel submitted that the ex DPS was an important member of the venue's team and whilst he was not DPS he had an alternative role within the business. It was unfair to exclude him during the hours when a licensable activity took place. The new DPS was in role, and he would not influence her in her role.

As regards the submissions that the last entry point should be at 1.30am and not 2.30am Counsel submitted that he had been instructed that this would bring on the closure of the business and this was unfair and disproportionate bearing in mind the conditions imposed on other venues in the area.

In determination the Committee considered submissions made by all parties present and took heed of the evidence of Kerry Cox. They took note of comments made of an image of the incident recorded on a telephone which was shared with the sub-Committee.

They had regard to the Guidance issued under section 182 of the Act and in particular that in relation to the imposition of conditions on a licence. They concluded that the risk associated with the continuation of the ex DPS remaining on site during licensable activity was too great. The risk of him being associated with the management and influencing decisions made in the management of the venue was real. By prohibiting him from being in the premises during licensable activities did not preclude him from being employed and bearing in mind the risk of that arose from his presence, the proposed condition was a proportionate way in dealing with this.

The Sub-Committee in considering the imposition of a last entry time of 1.30 reflected on the submissions made by all parties, and determined that this too was a proportionate condition to impose. They had regards to the concerns raised by the WMP in that firstly they were the experts in the management of crime and disorder and took on board that the later the entry time, the greater risk of disorder. They noted that the licensing conditions allowed the licensing activity to continue to 4.00am at the week.

The Sub-Committee considers the agreed conditions together with the amendment to paragraph 1 and paragraph 18, imposed to be appropriate, reasonable and proportionate to address concerns raised in particular the likelihood of serious crime and or serious disorder.

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.

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 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and/or their (legal) representative [other persons/responsible authority].

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, save for the maintenance and modification of the interim steps detailed above, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

The Meeting ended at 1257 hours.

Chair.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 29 NOVEMBER 2024</p>
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON FRIDAY 29 NOVEMBER 2024 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair.

Councillors Jilly Bermingham and Julien Pritchard.

ALSO PRESENT

Bhapinder Nandhra– Licensing Section
Jane Sarginson – Legal Services
Shilpa Manek – Committee Services

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

1/291124 **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.

2/291124 **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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/291124 There were no apologies received.

LICENSING ACT 2003 – SUMMARY REVIEW – KING OF THE CLUBS, HILL STREET, BIRMINGHAM, B5 4AH

4/291124 The report of the Director of Regulation and Enforcement was submitted:-

On Behalf of the Applicant

Mark Swallow – West Midlands Police

On Behalf of the Premises Licence Holder

Angela Nelson – DPS
Dilshad Ghareeb – Owner

* * *

The Chair introduced the Members and Officers present and asked if there were any preliminary points for the Sub-Committee to consider.

Mark Swallow, on behalf of WMP made a preliminary request that the meeting be held in private due to the on-going criminal investigation.

Angela Nelson, DPS of King of the Clubs and Dilshad Ghareeb, Owner of premises had no objections to the preliminary request submitted by West Midlands Police.

Following a short adjournment to allow the Committee to consider the request, the Chair announced that the meeting would be held in private given the sensitive nature of the incident and in order to not prejudice the criminal investigation.

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

The Licensing Officer outlined the report.

EXCLUSION OF THE PUBLIC

5/291124 **RESOLVED**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The public were re-admitted to the meeting and the summary decision of the Sub-Committee was announced and the full written decision was sent to all parties as follows: -

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

6/291124 **RESOLVED**

That having reviewed the premises licence held under the Licensing Act 2003 by MD76 Limited in respect of King of the Clubs, Hill Street, Birmingham B5 4AH following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the only action to be taken is for:

- The nine interim conditions imposed by the Sub Committee B on the 19th of November 2024 to remain and to be changed to operating conditions of the licence.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police (WMP) under regulation 14(2) of the Licensing Act 2003 (hearings) Regulations 2005. There was an ongoing police investigation and to hold the hearing in public might prejudice the investigation. There were no objections from all parties

WMP addressed the Sub-Committee and set out the facts that culminating in an application pursuant to section 53A of the Licensing Act 2003 made by the Chief Constable of WMP for an expedited review in that in the premises, at about 03.56am on the 3rd of November 2024.

WMP submitted that since the incident, WMP and the DPS had worked together and agreed the conditions with the DPS, as originally submitted to the Sub-Committee on the 19th of November 2024. All conditions had been complied with and the DPS, who was described as honest and open. The Police recommended that all conditions become operating conditions of the licence, they being a proportionate as to what was necessary to promote the four licensing objectives.

The Sub-Committee also heard submissions from Angela Nelson the DPS who confirmed that she had worked closely with the police in order to ensure that the conditions requested were put in place. She said that this was the first incident that had occurred in about 2 years and she too was working towards ensuring the four licensing objectives were met.

The Sub-Committee considers both submissions and determined that the agreed conditions imposed to be appropriate, reasonable and proportionate to address

concerns raised in particular the likelihood of serious crime and or serious disorder.

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.

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 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and/or their (legal) representative [other persons/responsible authority].

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 against, until the appeal is disposed of.

The Meeting ended at 1415 hours.

Chair.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 2 DECEMBER 2024</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 2 DECEMBER 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair.

Councillors Penny Wagg and Ray Goodwin.

ALSO PRESENT

Bhapinder Nandhra– Licensing Section
Jane Sarginson – Legal Services
Katy Poole – Committee Services

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

1/021224 **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.

2/021224 **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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/021224 There were no apologies received.

LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERM STEPS – O & K T/A THE BLUE TICK, 80 MOSELEY STREET, BIRMINGHAM, B12 0HG.

4/021224 The report of the Director of Regulation and Enforcement was submitted:-

On Behalf of the Applicant

Mark Swallow - WMP

On Behalf of the Premises Licence Holder

Omar Smith – PLH (Premises Licence Holder)

* * *

The Chair introduced the Members and Officers present and asked if there were any preliminary points for the Sub-Committee to consider.

Mark Swallow, on behalf of WMP made a preliminary request that the meeting be held in private due to the on-going criminal investigation and in order not to jeopardise the criminal enquiry.

Omar Smith confirmed that they had no objections to the preliminary request submitted by West Midlands Police.

Following a short adjournment to allow the Committee to consider the request, the Chair announced that the meeting would be held in private given the sensitive nature of the incident and in order to not prejudice the criminal investigation.

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

EXCLUSION OF THE PUBLIC

5/021224 **RESOLVED**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The public were re-admitted to the meeting and the summary decision of the Sub-Committee was announced and the full written decision was sent to all parties as follows: -

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

6/021224 **RESOLVED**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by **Omar Smith** in respect of **O and K Café, 80-81 Moseley Street, Birmingham, B12 0RT** this Sub-Committee determines:

- That the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application
- That Leslie Lloyd Winter be removed as the Designated Premises Supervisor.

pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application.

The Sub-Committee's reasons for imposing these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the premises on the 27th November 2024 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the cause(s) of the serious crime and or serious disorder appeared to originate from deficient security measures;

West Midlands Police and the Premises Licence Holder Mr Omar Smith attended the meeting.

The meeting was conducted in private session following the Sub Committee's consideration of an application made by West Midlands Police under Regulation 14(2) of the Licensing Act 2003 (hearing) regulations 2005. The Police explained that there was an ongoing police investigation regarding and incident of serious crime and/or serious disorder. The Police asked for the proceedings to be conducted in private because if the evidence were to be heard in public, it could prejudice the investigation. Mr Omar Smith had no objection to the application. The

Licensing Sub-Committee A – 2 December 2024

Sub-Committee considered the application in private and determined to accede to the Police application.

Members heard the submissions of the West Midlands Police (WMP) namely that the certificate which had been issued by the Superintendent under section 53A of the Act, related to an allegation of serious crime and/or serious disorder which had originated at the premises. The incident warranted the use of section 53A power, and the matter had been brought before the Sub-Committee for and Expedited Review hearing.

WMP submitted that incident was very serious and set out the reasons why. They were of the view that interim steps were required in order to deal with the causes of serious crime/serious disorder, to ensure the safety of the public and to promote the four licensing objectives. They submitted that there was a need to remove the DPS and to suspend the premises licence pending the full summary review in 28 days time.

In response, the License Holder Mr Omar Smith opposed the application and explained why.

In reaching its decision, the Sub Committee considered both WMP's and Mr Omar's submissions in full and considered whether the submissions made by the premises licence holder as regards the issues/shortcomings identified. They were not satisfied that he properly understood his duties as a premises licence holder in that he had failed to comply with his operating conditions, and he had failed to promote the licensing objectives as required.

The Sub-Committee considered whether it could impose other interim steps including than those suggested by WMP, but they did not believe however that any of these would address the totality of issues brought to their attention by 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 by the Home Office in relation to expedited and summary licence reviews, and the submissions made by the police (and the premises licence holder) at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

The Meeting ended at 1140 hours.

Chair.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 9 DECEMBER 2024
--

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

Bhapinder 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)

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.

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

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

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

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.

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

* * *

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.

- 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

Licensing Sub-Committee A – 9 December 2024

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.

- 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.

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.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 6th January 2025
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	SLR Convenience, 201 Burbury Street, Lozells, Birmingham, B19 1TL
Ward affected:	Lozells
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider the representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 07:00am until 11:00pm (Monday to Sunday).

Premises to remain open to the public from 07:00am until 11:00pm (Monday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

3. Brief Summary of Report:

An application for a Premises Licence was received on 8th November 2024 in respect of SLR Convenience, 201 Burbury Street, Lozells, Birmingham, B19 1TL.

A representation has been received from other persons.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

Lavarajan Sangarapillai applied on 8th November 2024 for the grant of a Premises Licence for SLR Convenience, 201 Burbury Street, Lozells, Birmingham, B19 1TL.

A representation has been received from other persons, which is attached at Appendix 1.

The application is attached at Appendix 2.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.

Site Location Plans at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representation as detailed in Appendix 1.
Application Form, Appendix 2.
Conditions agreed with West Midlands Police, Appendix 3.
Site Location Plans, Appendix 4.

7. Options available

To Grant the licence in accordance with the application.
To Reject the application.
To Grant the licence subject to conditions modified to such an extent as considered appropriate.
Exclude from the licence any of the licensable activities to which the application relates.
Refuse to specify a person in the licence as the premises supervisor.

From: Councillor Waseem Zaffar

Sent: 01 December 2024 18:41

To: Licensing

Subject: Application 191224 - SLR Convenience, 201 Burbury Street Birmingham B19 1TL

I am writing in my capacity as the Councillor for Lozells to formally object to the licence application submitted by Lavarajan Sangarapillai of SLR Convenience, 201 Burbury Street, Lozells, Birmingham, B19 1TL.

I am objecting on the following grounds:

1. Public safety - these commercial premises are right in the heart of a residential community and the sale of alcohol into the late hours would create a risk to the public
2. Crime and disorder - according to statistics published by West Midlands Police, Lozells has the one of the highest number of reports of criminal activity - the community believe that the increase in late night opening of licensed premises is playing a significant role in many of the challenges in crime and disorder and this license would further impact on these challenges
3. Public nuisance - these premises could attract unwanted late night activity in the heart of a residential community
4. Children's safety - there is a youth centre next door to these premises as well as a children's centre less than 50 yards away which would be negatively impacted with the sale of alcohol into the night particularly as the youth centre works with disaffected young people who need support and guidance to the many challenges they face

There has been no consultation or engagement by the premises owners with me and/or the local community. I strongly oppose this application and implore the licensing committee and licensing department to refuse this application which would have a detrimental impact to the quality of life and wellbeing of the community in Lozells.

Please kindly confirm safe receipt of this formal objection.

Best wishes,

Waseem

Cllr. Waseem Zaffar MBE

Labour, Lozells



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Agent Details

* First name	<input type="text" value="Patrick"/>	
* Family name	<input type="text" value="Burke"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is your business registered outside the UK?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Note: completing the Applicant Business section is optional in this form.

Business name	<input type="text" value="PMB Licensing"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Sole Trader"/>	
Your position in the business	<input type="text" value="Proprietor"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="The Clock House"/>
Street	<input type="text" value="361 High St"/>
District	<input type="text"/>
City or town	<input type="text" value="West Bromwich"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B70 9QG"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- ☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="SLR Convenience"/>
Street	<input type="text" value="201 Burbury Street"/>
District	<input type="text" value="Lozells"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B19 1TL"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="3,400"/>

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
dd mm yyyy

* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

 07 / 12 / 2024
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

 / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

This is a General Store we wish to sell alcohol alongside the other products available

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

Continued from previous page...

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SATURDAY

Start 07:00

End 23:00

Start

End

SUNDAY

Start 07:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

none

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Lavarajan

Family name

Sangarapillai

Date of birth

/ /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="WS/PEL/2989"/>
Issuing licensing authority (if known)	<input type="text" value="Walsall Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

None

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

None

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

No alcohol or tobacco will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store.

☒ All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid.

☒ Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise.

☒ Invoices, or copies of invoices, for all alcohol and tobacco purchases for the sale at the premises, will be retained and kept at the premises, and made available to officers from ALL RA UPON REQUEST

☒ If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Council Trading Standards and HMRC as soon as possible.

Protecting Children from Harm

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, 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

b) The prevention of crime and disorder

1. The CCTV system must be installed and operate internally to cover all areas that licensable activities take place and where alcohol is displayed within any public area.

2. The CCTV unit shall be positioned in a secure part of the licensed premise. Access to the system should be allowed immediately to ALL RESPONSIBLE AUTHORITIES upon request.

3. A competent trained person in the use of and operation of the CCTV will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system to be able to download in a recognised format any information requested ALL RESPONSIBLE AUTHORITIES

4. The CCTV system clock should be set correctly and maintained (taking account of GMT and BST).

5. 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.

6. All CCTV images will be retained for a period of not less than 31 day

7. 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.

c) Public safety

A fire risk assessment will be carried out and updated on an annual basis

d) The prevention of public nuisance

PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES

ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER

e) The protection of children from harm

☒ A Challenge 25 policy will be adopted in order to reduce the

Continued from previous page...

potential for underage sales of age restricted products including alcohol. If a customer appears to be under 25 years of age and cannot prove that they are eligible to purchase the age restricted item with a valid UK or Ireland Photocard Driving Licence, a valid Passport or PASS accredited proof of age scheme card, they will be refused service.

☒ Challenge 25 posters will be displayed at the premises to reinforce this policy. Posters will be placed at; each till, each area alcohol is stocked and at the point of entry into the store. The posters will be displayed prominently and in sight of customers and staff.

☒ A Refusals Register is to be used to record all incidents when a sale is refused. The register is to be kept in the store at all times unless it is requested by authorised officers of responsible authorities. The Refusal/Challenge Register is to be checked and signed off by the Designated Premises Supervisor every two weeks.

☒ All staff ,WHO ARE NOT PERSONAL LICENSE HOLDERS ,working at the premises involved in the sale of age restricted products including alcohol will receive on-going training and will be refreshed at least every 6 months. This will be recorded in a staff training register and will also include a written test of knowledge. The Training records must be made available to authorised officers of responsible authorities on request. Records shall be retained at the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

100.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

- ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

- PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

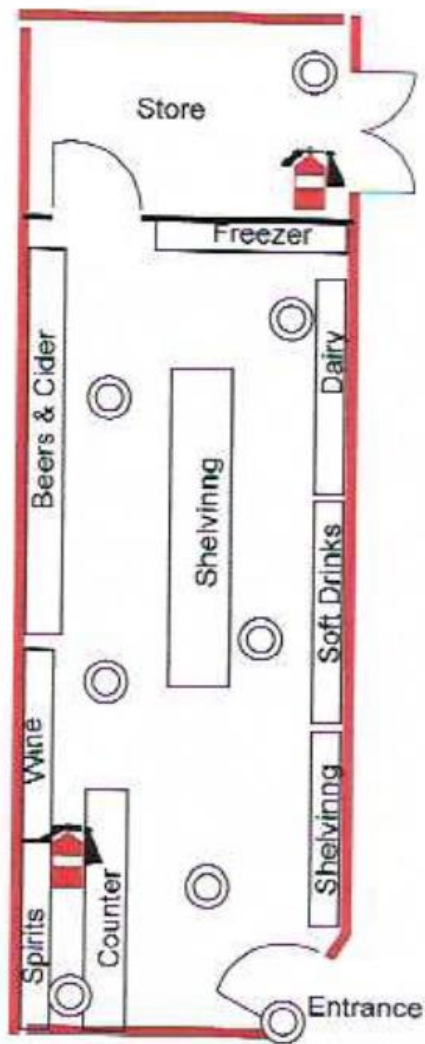
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION


IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



Licensing Plan

SLR Convenience Store
201 Burbury Street
Lozells
Birmingham B19 1TL

Scale 1:100

 All Licensable Activity

 Fire Extinguisher

 CCTV

From: bw licensing
Sent: 14 November 2024 11:24
To: Licensing
Cc: Patrick Burke
Subject: Grant App for Premises Licence - SLR Convenience - 191224

Good Morning Licensing,

With regard to the premises licence application for SLR Convenience, 201 Burbury Street, Lozells Birmingham B19 1TL

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, then the licensing objectives will be met and promoted.

The below conditions have been agreed with the applicant, via their solicitor, as per below email chain who is copied in this.

- **The premises will not sell beers, lagers, ciders, alcopops or premixed sprits above 6.5% ABV with the exception of Craft Products or Premium Ales and Stouts.**
- **The premises will not sell or give away single cups with any purchase of alcohol.**

If the above conditions are imposed onto the licence then West Midlands Police have no objection to this licence application.

Regards and thanks



Chris Jones 55410
Birmingham Licensing Team
West Midlands Police

Working in partnership, making communities safer



From: Patrick Burke
Sent: 14 November 2024 10:38
To: bw licensing; Licensing
Subject: Re: [External]: FW: Grant App for Premises Licence - SLR Convenience - 191224

Hi Chris

My client is happy with the below condition

The premises will not sell beers, lagers, ciders, alcopops or premixed sprits above 6.5% ABV with the exception of Craft products or Premium Ales and Stouts.

Patrick

On Thursday, November 14, 2024 at 09:39:56 AM GMT, bw licensing wrote:

Morning Patrick.

Thanks for your time earlier.

Please see below amended condition as discussed.

The premises will not sell beers, lagers, ciders, alcopops or premixed sprits above 6.5% ABV with the exception of Craft products or Premium Ales and Stouts.

Please liaise with your client, awaiting your reply.

Many thanks

Regards



Chris Jones 55410
Birmingham Licensing Team
West Midlands Police

Working in partnership, making communities safer



From: Patrick Burke

Sent: 12 November 2024 12:11

To: bw licensing

Subject: Re: [External]: FW: Grant App for Premises Licence - SLR Convenience - 191224

Hi Chris

I can confirm my client is happy for the suggested conditions to be included in the application for a Premises Licence at SLR Convenience with one small amendment

The premises will not sell beers, lagers, ciders, alcopops or premixed sprits above 6.5% ABV with the exception of Craft or Premium Beers

The premises will not sell or give away single cups with any purchase of alcohol.

Patrick

