

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE C**

**FRIDAY, 22 JANUARY 2021 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**

Chairman to advise meeting to note 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 that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

### **3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

### **4 MINUTES**

**1 - 32**

To confirm and sign the Minutes of the Meeting held on 23 September 2020.

To confirm and sign the Minutes of the Meeting held on 16 October 2020.

To confirm and sign the Minutes of the Meeting held on 16 December 2020.

### **5 LICENSING ACT 2003 PREMISES LICENCE – GRANT 24-7 365 LOCAL, 109 VILLA ROAD, LOZELLS, BIRMINGHAM, B19 1NH**

**33 - 76**

Report of the Interim Assistant 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 Chairman are matters of urgency.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 23 SEPTEMBER 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 23 SEPTEMBER 2020 AT 1400 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Mary Locke and Martin Straker-Welds.

### **ALSO PRESENT**

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

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

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### **NOTICE OF RECORDING/WEBCAST**

- 1/230920 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/230920 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/230920 Apologies were submitted on behalf of Councillor Neil Eustace and Councillor Mary Locke was the nominated Member.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – EUROPEAN MINI MARKET, 205 HOLYHEAD ROAD, HANDSWORTH, BIRMINGHAM, B21 0AS**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

The applicant did not attend.

**Those Making Representations**

Abdool Rohomon – West Midlands Police (WMP)  
Rakesh Sami – Soho Road Bid

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

At which stage PC Rohomon alerted the Committee to an email which WMP received from the applicant prior to the hearing. He had not sent the email to licensing and advised that the Committee have sight of it, or he would read it out.

The chairman confirmed that they had not received the email and PC Rohomon could read it out once the Licensing Officer had read the report.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

PC Rohomon read out the following email set out below: -

“Hi, I am aware that the police service have not supported my license application due to various reasons outlined. There are no such reasons declared in the terms and conditions that may object my application. When the police said that there is a lot of crime in the area and there are too many alcoholics, I believe that there are many other off licenses in the area where customers can buy their alcohol. If this is the case, then you should not point out my application regarding crime and beggars. You should then revoke licenses from every store in Handsworth. Me and my staff have trained for various situations. We have CCTV installed in the shop and outside the store. I have trained my staff to ask under aged customers for their license if they are planning to buy alcohol or cigarettes. If this is the case, I think you should've outlined this when I started my application that you are not taking any more license applications in the area.”

Afterwards, the Chairman invited PC Rohomon to outline the representation on behalf of WMP, PC Rohomon made the following points: -

- a) That the shop was not very wide, and the trading space was around 21 feet.
- b) On the left-hand side of the shop there was a huge beer fridge as well as a shelf for alcohol. The volume for non-alcoholic goods was limited to two aisles. A high proportion was allocated to alcohol. Therefore, it was not just a general grocery shop, but instead an alcohol shop with a bit of groceries.
- c) The applicant should be mindful of the area, look at crime statistics and address the issues within the application. The application was limited and there didn't seem to be anything within it that addressed the problems in the area.
- d) The area was covered by two police units, and both had made representations.
- e) The supporting documentation included statements from officers who dealt with the issues in the area.
- f) The area suffered from high levels of drug dependants and crime such as street robberies, violent crime and public order offences. There were issues with alcohol and drug misuse which meant the local officers were having to deal with those issues daily.
- g) The area was considered a priority by WMP and needed controlling.
- h) The Soho Road BID had made an objection and they were usually promoters of business.
- i) There had been an increase in the use of a drug called Mamba in the area which had a profound impact on people.
- j) There had also been a surge of sex workers in the area.
- k) That granting the licence would have a negative impact on the area, especially for residents and business owners.
- l) The neighbourhood team were struggling to deal with the issues.
- m) The officers were clearly struggling, and it was evident from their statements.
- n) The plan indicated that a good majority of the shop was being allocated to alcohol.
- o) The application should be refused.

In answer to Members questions PC Rohomon made the following points: -

- a) That it was a small shop which was highly saturated with alcohol.

- b) That a shop of that size wouldn't need that much alcohol if it was a general convenience store.
- c) Even with the support of the BID they were struggling with the on-going issues in the area, another alcohol dependent store was only going to add to those issues.
- d) That it wasn't the only premises they had objected to in the area, this was the third or fourth.
- e) He didn't know how many PSPO notices had been issued.
- f) The shop was only small, and the proportion of groceries was much smaller in relation to alcohol.
- g) That most of the shop was taken over by alcohol – it was detailed in the plan and because the applicant hadn't attended that's all they had to go off.
- h) They expected there to be more groceries.
- i) They already had significant problems in the area and another premises would only add to the issues.
- j) They weren't singling out a certain type of alcohol that was the cause of the issues. It was a problem with all alcohol.
- k) The applicant should understand the risks and threats in the area and detail what they would do to reduce those risk in order to reassure the Committee.
- l) The operating schedule was limited.
- m) That there were premises nearby selling alcohol.

The chairman then invited Soho Road BID to make his submissions, at which stage Rakesh Somi made the following points: -

- a) There were 2 or 3 licensed premises which were only 2 or 3 doors away and a few on the same stretch of road.
- b) That the services were at breaking point and another licensed premises would have a negative impact on businesses in the area and residents.
- c) There had been up to 10 people outside his office drinking and causing nuisance.
- d) They completely opposed the licence.

Another representative of Soho Road BID, Bob Baloo, made some additional comments: -

- a) That he was the chairman for the BID.
- b) They were experiencing massive issues.
- c) Licensed premises were selling alcohol which was then being consumed on the streets at all hours, including early morning. This was causing a negative impact on Soho Road.
- d) He had been attacked by street drinkers.
- e) It was a major issue.
- f) That he could not see any positive reason to grant the licence.
- g) That limiting the hours wouldn't help as the premises wouldn't follow it.
- h) They were having issues with the police as they weren't coming out and doing anything. WMP just hadn't got the resources, so everyone was getting 'away with murder' on Soho Road.
- i) That he had emailed Licensing and Trading departments of Birmingham City Council but they weren't doing anything. They took photos daily of the issues and still nothing was being done.
- j) There was no duty of care, the premises in the area were regularly serving to drunks.

In answer to Members questions Rakesh Somi made the following points: -

- a) They were concerned for their staff's safety so were looking at employing security staff.
- b) That they had never seen the area so bad.
- c) They weren't being listened to.
- d) That they had a blanket policy not to support applications in the area.

The chairman invited the representatives of Soho Road BID to make a closing submission, at which stage Rakesh simply stated that the area had worsened in 12 months with a significant increase in anti-social behaviour. The area was suffering from alcohol related issues and this premises would add to it.

Then the Chairman invited WMP to make their closing submission at which stage PC Rohomon made the following points: -

- That there were 6 other licensed premises within Holyhead Road and a further 11 beyond Holyhead Road on Soho Road. All of which were off licences only.

- That the frustrations from the BID were justified, they were getting more and more concerned about the amount of alcoholism in the area and were even considering private security to protect themselves.
- The local police officer did not want this licence granted due to the extent of the problems in the area.
- The premises was small and proposed a high density of alcohol.
- There were no grounds to grant the application.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/230920

**RESOLVED:-**

That the application by Nawzad Ahmed for a premises licence in respect of European Mini Market, 205 Holyhead Road, Handsworth, Birmingham B21 0AS, **BE REFUSED**. In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of crime and disorder.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by West Midlands Police and by the management of the Soho Road Business Improvement District, both of whom addressed the Sub-Committee regarding the impact of the proposed operation on the particular locality of the premises, namely an area fraught with social problems and lawlessness.

At the start of the meeting West Midlands Police confirmed that they had received an email from the applicant confirming that he would not be attending the meeting. No such email had been received by the City Council.

The Police referred to the hand-drawn Plan of the premises submitted by the applicant, which was included in the Report. The Plan showed that within the small convenience store, there was only 21ft of trading space. Within the trading space, the majority of the area was taken up by a large beer fridge and further shelving for wines, cigarettes and other alcohol. Only a small area was marked on the Plan as 'groceries'. It was therefore to be assumed that the premises would be dependent on alcohol sales to be viable. The sale of groceries would be ancillary to the sale of alcohol. Unfortunately the applicant had not attended the meeting, and so the Sub-Committee had to take the Plan at face value, without the opportunity to ask questions of the applicant about the detail of his proposals for the sale of alcohol.



The Police had also submitted statements from three Police Sergeants from the neighbourhood policing team, who dealt regularly with the area. These statements gave a detailed account of the disproportionate amount of crime, antisocial behaviour, street drinking, drug use, rough sleeping and aggressive begging (all of which were alcohol related), and also an increase in the presence of sex workers, in and around Soho Road. These problems were persisting despite the imposition of a Public Space Protection Order in 2017. One of the Police Sergeants observed that residents in the vicinity had complained to Police that they were “afraid to go shopping” and that they had “never seen Soho Road so bad”.

The Police considered that the application was of a poor standard and noted that it had failed to address local issues. There was nothing in the application to show that the applicant understood either the area in which he wished to operate, or the impact that a new alcohol-licensed premises would have; nor had the applicant attended the meeting so that the Sub-Committee could ask questions. Three senior Police Officers had confirmed that they were struggling to deal with crime in the area as it was. The applicant’s own Plan showed that the vast majority of the shop floor would be used to display alcohol; from this it was obvious that the business would be dependent on alcohol sales, which would inevitably put the licensing objectives at risk. It was therefore the recommendation of the Police that the application be refused.

Two members of the Soho Road BID management team then addressed the meeting and wholeheartedly supported the Police representations. They stated that the area was “at breaking point” and confirmed that all of the problems outlined by Police were predominantly caused by alcohol. They felt that the area had badly deteriorated in recent times. One of the BID management team, a person whose family had been local residents for sixty years, remarked that he viewed the current situation with crime and antisocial behaviour as “worse than the riots” [the Handsworth Riots of some decades ago]. There had even been talk of engaging private security guards to try to gain some control of the area.

The BID management team was particularly worried about the style of operator, noting that some current operators in and around Soho Road showed a lack of responsibility – for example, the levels of antisocial behaviour rather suggested that some local shops were prepared to sell alcohol to customers who were already drunk. The Sub-Committee agreed that management style was of paramount importance in any ‘difficult’ area; it was therefore very unfortunate that the applicant had not attended the meeting to address the Sub-Committee directly – particularly given that the applicant’s own Plan showed that such a high percentage of shop floor space was to be used for alcohol.

The Sub-Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application, but was not confident that either the applicant or the proposed operation of the premises could uphold the licensing objectives in the Soho Road area, for an obvious reason – the applicant had not attended the meeting to address the Sub-Committee. The operating schedule as submitted was not satisfactory for an area with the type of issues seen in and around Soho Road. Increased availability of alcohol in the Soho Road vicinity would inevitably undermine the licensing objectives, unless the licence was carefully conditioned to mitigate the concerns raised by those making representations. However, the Sub-Committee found itself unable to properly assess the additional conditions required without any opportunity to hear from the applicant.

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 contained in the application, the written representations received and the submissions made at the hearing by those making representations.

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

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*Please note, the meeting ended at 1535.*

# BIRMINGHAM CITY COUNCIL

<p><b>LICENSING SUB-COMMITTEE C 16 OCTOBER 2020</b></p>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON FRIDAY 16 OCTOBER 2020 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Mike Sharpe and Bob Beauchamp.

### **ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Mr James Rankin, FTB Chambers  
Errol Wilson – Committee Services

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

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### **NOTICE OF RECORDING/WEBCAST**

- 1/161020 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/161020 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/161020 Apologies were submitted on behalf of Councillor Martin Straker Welds, with Councillor Mike Sharpe as nominee, and Councillor Neil Eustace with Councillor Bob Beauchamp as Nominee.

**NAKIRA, QUEENSGATE, 121 SUFFOLK STREET, QUEENSWAY,  
BIRMINGHAM, B1 1LX – LICENSING ACT 2003 AS AMENDED BY THE  
VIOLENT CRIME REDUCTION ACT 2006 – CONSIDERATION OF  
REPRESENTATIONS IN RESPECT OF THE INTERIM STEPS IMPOSED ON 1  
OCTOBER 2020**

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

(See document No. 1)

**On Behalf of the Applicant**

Ms Sarah Clover – Counsel of Kings Chambers representing the Premises  
Licence Holder

Mr Carl Moore – CNA Risk Management

Mr Antonii Mankulu

Mr Dexter Lasswel

**Those Making Representations**

Gary Grant – Counsel of FTB Chambers

Ms Jennifer Downing – West Midlands Police

PC Abdool Rohomon – West Midlands Police

PC Ben Reader – West Midlands Police

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

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

Ms Sarah Clover advised that an email was received in her inbox at 2200 hours on Thursday 15 October 2020 from Mr Grant, Barrister on behalf of the Police apologising that an email from PC Abdool Rohomon to the Licensing Authority had not been included in the Sub-Committee's pack. He attached the email dated 13 October 2020 at 0933 hours and was sent only to the Licensing Authority making a further allegation about an assault at the premises, Nakira on the 24 September 2020.

Ms Clover stated that she did not know the reason PC Rohomon had only sent it to the Licensing Authority on the 13 October 2020, nor who had seen it. It stated at the bottom of the email, supporting document that will be provided prior to the hearing, but nothing had been sent to the representing party in making representation against the interim steps today nor to any of their representatives and that she knew nothing of the allegations. There will be statements and paper work with that allegation that had not been disclosed. Ms Clover requested that Regulation 18 to be invoked and for the Sub-Committee to pay no attention to the email whether or not the Sub-Committee had seen it at this stage. Ms Clover requested an indication as to whether the Sub-Committee had seen the email.

The Members of the Sub-Committee confirmed that they had not had sight of the email.

Mr Grant, Counsel of FTB Chambers made the following statements: -

- That the Police was asked to rely on what they say was essential information that was summarised in an email that PC Rohomon did send to the Licensing Authority on the 13 October 2020.
- When he saw the agenda papers last night, he noticed that it had not been included in the papers.
- On abundance of caution he had forwarded it to all parties as he intended to rely with the Sub-Committee's permission on the information within the email.
- It was served before the hearing at 2200 hours on the 15 October 2020. It was regrettable that the nature of an expedited review process was that things happened at the last minute as we were only given 24 hours' notice of the licence holder's application.
- The Sub-Committee must and would wish to make its decision based on the best available information. The information contained within the email goes to the heart of this interim steps challenge today. It dealt firstly with a serious assault on the 24 September 2020.
- It dealt with the suggestion that on the 26 September 2020 a suggestion made by the licence holder at the first interim steps hearing before the Sub-Committee on the 1<sup>st</sup> October 2020 that people somehow invaded the venue. It showed that to be untrue as CCTV was seen and it also showed what was going on.

At this juncture the Chair interjected and advised Mr Grant that the Sub-Committee did not had sight of the email and because of that he did not saw the relevance to go into the content of the email. The Chair added that what Ms Clover was asking was whether it should be presented for this hearing or not and the Sub-Committee did not want it to *colour our judgement in any shape manner or form*.

Mr Grant commented that if Ms Clover needed time to go through its contents, the Sub-Committee could cure any potential prejudice by giving her some time. But to not permit the Police to use what was essential information for the Sub-Committee's decision today, would greatly prejudice the West Midlands Police (WMP) case and the public interest. It was an email that spans one page and would not take Ms Clover long to take instructions if she has not already done so from her client. The Sub-Committee would wish to make its decision on the accurate position and the best available information. This was the reason it was stated that it ought to be admitted as it was served before the hearing and not at the hearing. It was a matter of the Sub-Committee whether they wish to hear the most relevant information today.

The Chair advised that he asked Mr James Rankin, Counsel FTB Chambers to join the Sub-Committee in a private meeting where the Sub-committee would discuss whether to accept the email that was presented to the parties.

Ms Clover indicated that she had further submissions.

Ms Clover then made the following statements:

- ❖ That it was important to respond to what Mr Grant had stated. Firstly, Mr Grant stated that the email was served before the hearing, but he sent the email at 2200 hours last night.
- ❖ That she did not see the email at 2200 hours last night as those were not working hours and she would not be expected to see it nor did she saw it before the commencement of working hours this morning , nor would she be expected to.
- ❖ The hearing began at 0930 hours working hours realistically began at 0900 hours and she requested that the Sub-Committee take this into account when deciding whether that was before the hearing for Regulation 18 purposes.
- ❖ Mr Grant stated that it contained everything the Sub-Committee needed to know, but it did not as it was an email from PC Rohomon.
- ❖ That the Sub-Committee might wish to consider why PC Rohomon considered at such a late stage to circulate an important email only to the Licensing Authority and not to copy her, or Mr Moore or any of the parties at the premises to make sure they had that information at the earliest possible opportunity.
- ❖ The nature of the content of the email will be based upon statements and supporting documentation and in fact PC Rohomon referred to the supporting documentation at the end of that email – it would be vital if we were going to look into this alleged incident.
- ❖ Mr Grant stated that it was important for the Sub-Committee to have accurate information before making its decision to see the basis for this email and what the email was based on.
- ❖ PC Rohomon' s email was not evidence in and of itself. It was based on something that at the moment remained undisclosed.
- ❖ Mr Grant stated that it was in the nature of the expedited and summary reviews that things happened at the last minute. No, its not and did not had to be.
- ❖ The incident allegedly took place on the 24 September 2020 and so the material about it had been available since then and was available before the first summary review hearing but as not disclosed.
- ❖ There was no excuse for serving it at 2200 hours the night before an appeal against an interim steps that the Sub-Committee had already had enough information about this case to be able to make a decision on.
- ❖ Ms Clover invited the Sub-Committee not to accept this late submission. She added that she would not be in a position to take instructions about it as she had this hearing and another hearing with a client at 1130 hours this morning.

At 1008 hours the meeting was adjourned for the Sub-Committee to discuss in private whether to accept the late paper.

At 1017 hours the meeting was reconvened.

The Chairman advised that the Sub-Committee had deliberated on whether the Sub-Committee should see sight of the email that was sent out last evening and

whether or not it was relevant to this hearing. The Chairman advised that the Sub-Committee felt that the email was relevant, but the Sub-Committee would not take it into consideration for this hearing. The Sub-Committee would take everything else that was presented in the pack that was sent to the Sub-Committee for deliberation. The Chairman asked Mr Grant not to refer to the email in presenting his evidence.

Mr Grant requested confirmation that on that basis that Ms Clover too would be restricted to the information contained in the written representations of the 14 October 2020, mainly the generic information.

The Chairman stated that that information was already in the pack that was distributed. He added that what was distributed to the Sub-Committee, will be taken account of excluding the email that was not in the pack itself. Mr Grant enquired whether any new information from the licence holder that had not been stated in the email that sets out the reason for challenge would be entertained by the Sub-Committee.

The Chairman advised that the only evidence that he had seen was an email from Mr Carl Moore dated the 14 October 2020 that was sent at 2328 hours that was sent to Mr David Kennedy. The Chairman added that this was the only documentation that the Sub-Committee had from the premises licence holder. The rest of the paperwork was from WMP and the licence documents.

Ms Clover made the following points on behalf of the applicant:-

- a) There was no evidential challenge at this stage. This was a legal point tightly drawn in relation to the public nuisance point. This she thought was the first time this would have been subjected to a direct legal challenge and it was anticipated that it would need to be looked at by the courts in due course.
- b) That she regarded this as a first stage. That this was the point as the Sub-Committee may well have anticipated that both counsels had fully anticipated that a summary review was not well founded upon the crime of public nuisance. That this was the reason Mr Grant had submitted (again late) a suite of authorities – **Remington v Goldstein**, the case of **Harvey** in order to support the case that he anticipated.
- c) That this was Mr Grant's idea in relation to the argument about public nuisance. It was innovative and she thought that Birmingham maybe the first or second authority to have picked upon this. That Manchester had a go as well and the thesis goes the offence of public nuisance was a crime.
- d) That the definition being used was taken from **Remington v Goldstein** and the crime was said to be serious as it carries potentially life imprisonment. That the nature of the crime was to do something the effect of which would be to endanger lives and health.
- e) That there was a subsidiary point on that, but her main point relates to the requirement for the Section 53A Summary Review Certificate referred to serious crime or serious disorder. That serious crime for the purpose of

summary review had a definition of its own and it comes under Section 81 of the Regulation of Investigative Powers Act 2000 as set out in the agenda pack as set out in the Chief Officer's Certificate.

- f) That the definition of serious crime for the purposes of summary review was that a first time offender over the age of 21 could reasonably be expected to be sentenced to 3 years. That her simple point was there was no way on this planet that anybody would be getting 3 years for a first offence of the nature of the allegations set out anywhere in the Police evidence.
- g) That her subsidiary point lies into that because the police case was predicated upon the idea that the activities at Nakira on any of the occasions alleged, in fact, had the effect of endangering health and lives. That this was not so and at best one could say the activities at Nakira one could take their pick and for her part it would not be necessary to go through any of the Police statements or any CCTV.
- h) That she knew that the Police would be excited about gaps in CCTV and what it may or may not show. That her case at this point without prejudice to any further case she may bring in the future around fact and evidence, her case today was legally based was that at its height any of that evidence from any source could only demonstrate a potential for a risk.
- i) That it did not go further as the Police representation asserts and demonstrates an actual effect of endangering health or life. That you could not go that far as it could not be known whether anybody on the premises had the virus, was capable of transmitting the virus, actually went on into an environment where they could transmit the virus. That this was entirely hypothetical and speculative.
- j) That there was that distinction between the offence in **Remington** and anything that could have been perceived in the premises in question. That at its height and at its worse the penalty for any of the matters disclosed in the Police evidence was built into the Coronavirus Regulations (take your pick as to which regulations they were talking about).
- k) That the regulation they had yesterday might not be the same regulations they had today nor the same one they had tomorrow as they were moving that fast. That it did not matter as the regulations made provisions for an offence or offences disregarding the governments fixtures on social distancing and other protective measures, closing premises and so forth.
- l) That the offences were built into the regulations and the penalties were built into the regulations. That the circumstances in which those penalties could be meted out was built into the regulations and that was where Parliament had decreed the level of penalty for offences of this nature.
- m) That this was the benchmark and was of a financial nature and that she would not go into the imprisonment territory. That it was wrong to disregard that matrix for penalising the types of activities that anybody at Nakira had



engaged in and putting them into an entirely different context by saying that was not how we would penalise that actions.

- n) That nobody would be using the regulations, they would take it to court prosecute under the common law offence of public nuisance and fully anticipate that for exactly the same thing somebody might get 3 years.
- o) That it was not a tenable argument and was not even beginning to be viable. That the Police had not identified who it was amongst any of the people implicated that they would expect to get 3 years.
- p) That that was a starting point as to who they were pointing the finger at and why specifically there was a generic allegation against premises so the person who might be susceptible to the 3 year penalty had not been pinpointed and the justification for 3 years had by no means being pinpointed.
- q) That Mr Grant referred to the case of **Harvey** and that in her submission simply demonstrate the desperate nature of the Police argument. That **Harvey** was a completely different case as it pertained to a dangerous child sex predator with serious form and mental illness whose offences were so serious and of such concern that the trial judge gave him life imprisonment.
- r) That the Court of Appeal's reaction to that was that it did not justify life, but for a man who was dangerous and trying to lure little girls into his car again did not think 3 years was justified.
- s) That 3 years was what the Court of Appeal deemed to be justified for offences of that gravity that gives an excellent benchmark as to the likelihood of 3 years being meted out for any of the allegations that had appeared in any of the Police material put before the Sub-Committee for a summary review.
- t) That if it would not be likely to achieve a sentence of 3 years and that was the conclusion that the Sub-Committee reached, they were not in summary review territory and that we should not be here and that this was the correct analysis.
- u) That this was a standard review and that if you look at the paperwork there was no urgency and the Crime Reduction Act was about urgent situations, the urgent need to lockdown premises for violent and serious crimes under the Crime Reduction Act if you look at the guidance etc. was focussing on knives. That the benchmark as to the purpose of introducing that summary review provision.
- v) That the Police was running a clever legal argument courtesy of Mr Grant to bring these entirely novel Covid situations into a summary review scenario. That it was not necessary and was not required and there were powers enough to close premises for Covid purposes under the correct regime either using the Coronavirus Regulations using fixed penalties, fines, using health and safety at work and other measures as they were all there.

- w) That this was a novel argument being run on an academic basis which was not appropriate and that this will need to be looked at in due course by the courts.
- x) That the Public Sector Equality Duty (PSED) – as it happened the three clubs that the Police chose to bring to summary review for their operation – they went out on a Covid operation to see who were and were not complying more than once and the only premises that had been brought to summary review were ethnic minority premises.
- y) That these were Afro/Caribbean premises all three of them and that the Sub-Committee might wish to look at that with some care as that triggered our PSED. That the Sub-Committee would want to know how many premises the Police investigated and what happened to the others.
- z) That some of the evidence from the Police was that they had used the four E's approach – educate encourage and so on. That three premises only had come up for summary review and they were all black owned premises.
- aa) That the Police will want to explain to the Sub-Committee whether this was because of enhanced risk of transmission or for some other reason and what happened to other premises that were not of the same ethnic orientation and were not of the same demographics.
- bb) That if the Sub-Committee had any concerns whatsoever under its PSED for the way in which this case had been brought that was something the Sub-Committee needed to reflect in its reasons.

There were no questions to Ms Clover from Councillors Sharpe and Beauchamp.

In answer to the Chairman's questions Ms Clover made the following points: -

- i. That she did not know the difference the DPS had made between the first visit by the Police to the premises on the 22 August and the second visit in September.
- ii. That the two points that arose out of this were that it further demonstrated that because there had been a build up to the summary review proceedings one visit and then another visit etc. essentially the Police had lost patience rightly or wrongly and that might depend upon the answer to the question which she did not know the answer to.
- iii. That it may be that someone from the premises could answer that question. That there was nothing urgent about that as far as the Police were concerned. If they had detected that there was non-compliance with the Covid regulations they had ample opportunity themselves or by engaging other officers to intervene and dealt with that under the appropriate powers.
- iv. Summary reviews was about an urgent lockdown situation for premises that were causing immediate danger to the public in the way that we would

usually understand that there was an immediate problem and the public needed to be protected.

- v. That the Sub-Committee may or may not regard Covid breaches as such a risk, that was a matter for the Sub-Committee. But put it in the context of the Police going there in August and finding there was a problem, if there was one and going back there again in August there was still a problem and going back there in September and there was still a problem and at that point bringing a summary review was her first point.
- vi. That her second point was to make a distinction between breaches of regulation which was against the law, breaches of guidance which was not against the law and would not be getting a criminal penalty of any sort for that let alone 3 years and breaches of condition which was three completely separate things.
- vii. That the police were not forensic enough in differentiating between those three in bringing the summary review.

The Chairman commented that in the certificate issued by the Superintendent it was noted that a request for CCTV dating back to the 22 August 2020 was requested. The Chairman enquired whether that request had been adhered to.

Ms Clover gave the following response: -

- a. That she believed it had now, but that she did not know if it had been done at the time it was requested.
- b. That Mr Moore could assist at this stage if the Chairman could be so kind as to what CCTV had been disclosed as he had gone through the CCTV. That she was aware that CCTV had been provided to the Police and that there were things on the CCTV that the Police took issue with and that was fine as far as she was concern.
- c. That she was not challenging that today and without prejudice against anything that would be said in the future proceedings whether the full review or whether at the Magistrate's Court.
- d. That she was not taking issue with that today which no doubt meant that the Sub-Committee would need to take its position on it at its highest, at its worst as she understood that it was the likelihood today.
- e. That to a certain extent it might not be necessary to trawl through this to see who did this who did that as the Sub-Committee could pretty much take it at its highest for today's purposes.
- f. That she did not know whether Mr Moore wanted to give the Sub-Committee a little bit more specifics on when the CCTV was handed over to whom and when.

Mr Moore stated that from what he understands the Police wanted two sets of CCTV – one of an incident the Criminal Investigation Department was dealing with and other footage from the night they visited in September. That he understood that the footage from the night the officers turned up in September that had been served on the Police. That he understood that the CCTV from the Criminal Investigation Department was also issued, however, it was all on the

same memory stick. That PC Rohomon wanted it separated and that he believed that this was available today.

The Chair addressed Miss Clover and stated that if they went back to the 26<sup>th</sup> September 2020 when the Police attended the premises at 0040 hours when everyone should have been out of the premises apart from the staff at 2200 hours on the 25<sup>th</sup> September 2020, what was the reason for the premises remaining open until 0040 hours.

Miss Clover stated that she was not dealing with evidential matters today and that she understood that it would likely mean that the Sub-Committee will take evidential matters at their highest against the premises. That there was no point for her to be descending into a point by point debate on the evidence as she understood where this would lead her and that no doubt the Sub-Committee's legal advisor as well. That she did not wish to take time on that as her case was worst case scenario whatever the Sub-Committee make of the evidence her legal point holds good.

There were no further questions from the Sub-Committee.

Mr Rankin counsel for the Sub-Committee addressed Miss Clover and stated that so that he could understand her case questioned whether Miss Clover was stating that because nobody could reasonably be expected to receive 3 years as a sentence of imprisonment for this sort of activity that therefore invalidate the certificate issued by the Superintendent.

Miss Clover responded, yes.

Mr Rankin questioned whether Miss Clover was challenging the issue of the certificate itself.

Miss Clover responded that summary review proceedings were inappropriate and should not have been brought. That this was not serious crime by definition.

Mr Rankin questioned Miss Clover how this had married up with ***Lalli v Metropolitan Police Commissioner [2015] EWHC 14 (Admin)*** and Deputy High Court Judge John Howell's judgment where he specifically stated that the place for a challenge to the certificate was not in front of the Licensing Sub-Committee. If you want to quash the certificate then you had to go to through the high Court.

Miss Clover responded that she had to exhaust her available rights to challenge and this Sub-Committee was entitled to decide whether this was a set of proceedings that fell within the remit of summary review at all. That this was a slightly different point to Lalli. That Lalli was about the nature of the quality of the offence. That this was rather different.

Mr Rankin stated that he was not sure that he understands the difference. That the principle as stated was that if Miss Clover wish to challenge the legality of the certificate the place to do so was not in front of the Sub-Committee, but at the High Court.

Miss Clover responded that the Sub-Committee were entitled to decide whether this was a serious crime within their remit or not and that she maintained that they were.

Mr Grant counsel for West Midlands Police made the following statements:-

1. That bearing in mind the submission the Sub-Committee had just heard from the licence holder he would keep his submissions shorter than they otherwise would have been.
2. That the Sub-Committee had read the papers and had seen what the Police had stated was a flagrant and brazen breaches of the Covid related regulations and indeed the obligation on operators to keep their place safe for their customers and staff.
3. That the Sub-Committee had seen the evidence of the 22<sup>nd</sup> August 2020 at 0500 a large gathering was inside the premises. That the Sub-Committee would have seen the warning meetings that were given to the operators – example a meeting of the Police held at Nakira on the 28<sup>th</sup> August 2020.
4. That the Sub-Committee would have seen what happened on the 26<sup>th</sup> September 2020 when the 2200 hours curfew applied when food and drink ought to have been served only to seated customers, yet at 0040 hours there was still a party going on at the premises.
5. That he would leave the facts there on the basis that the licence holder did not challenge them. That it also appeared that there was no direct challenge to whether if you were correctly able to consider this summary review that the Sub-Committee stated they were that the suspension ought to continue.
6. That there was no reason given to the Sub-Committee why the suspension should not continue until the full summary review hearing. That he will say this in relation to the legal challenge that he respectfully endorsed that Mr Rankin's suggestion that if there was a challenge to the legality of the summary review certificate then that lies to the High Court as **Lalli** was clear that it was not for the Sub-Committee to look behind that. That this was emphasised when we look at what was the legal test for the Sub-Committee today.
7. That the legal test for the Sub-Committee today was set out in the Licensing Act Section 53B 8. That for this hearing the authority must:-
  - (a) Consider whether the interim steps were appropriate for the promotion of the licensing objectives and determine whether to withdraw or modify the steps taken.
  - (b) That at this stage of the summary review, the Sub-Committee was entitled to take steps that promote any of the licensing objectives not simply the definition of serious crime, but public nuisance,

public safety, protecting children from harm and indeed general crime and disorder.

8. That this was the only test for the Sub-Committee to consider today. That the test of serious crime could be found in one of several different ways:-
  - i. There was a reasonable expectation that someone may get 3 years or more;
  - ii. Substantial financial gain and it could be safely assumed that this premises were not operating for charitable purposes; and
  - iii. A large number of people in a common pursuit and we have a very large number of people in this venue.
9. That the Superintendent was perfectly entitled in his opinion to certify the serious crime, but this was simply the trigger for the application before the Sub-Committee.
10. That once it had been triggered the Sub-Committee only had to ask itself what it needed to do and what was appropriate to promote the licensing objectives until the full review hearing. T
11. That the evidence showed clearly a brazen, flagrant disregard of people's safety by not complying with the Covid regulations and subsidiary guidance and that therefore suspension was the right course of action until the matter could be considered in full at the full review hearing.

The Chair stated that Miss Clover in her statement mentioned the number of premises that had been visited and where certificates had been issued all being from premises owned or managed by people from African origin and enquired whether Mr Grant wished to comment on that point.

Mr Grant advised that he had asked PC Rohomon to come in on that point.

PC Rohomon stated:-

- ❖ That as the Sub-Committee would be aware the first case was a nightclub in Hockley that took a lot of engagement from the Police.
- ❖ That the two cases that was being heard by the Sub-Committee today were from secondary visits on the 26 October 2020.
- ❖ That these were visits that were being made throughout.
- ❖ That the reason these were with the Sub-Committee today was simply that they had engaged with these premises and had tried to work with these premises that clearly in the eyes of WMP were not listening and were putting the public at danger.
- ❖ That race and anything else were not in WMP consideration as they were looking purely at public safety and what was going on at those licensed premises to bring it to the Sub-Committee's attention.
- ❖ That WMP made no point that these happened to be African/Caribbean premises. That this was just what they had found and when WMP was doing its intervention these premises had not been listening to the Police.

There were no questions from the Sub-Committee.

In summing up, Mr Grant on behalf of WMP stated that he did not have anything further to add.

In summing up, Miss Clover on behalf of the premises licence holder stated that she drew a distinction between the authority of Lalli and the current proceedings and her second point was the PSED duty that the Police through Mr Rohomon or Mr Grant had not answered the points that she had raised which was how many other premises were dealt with and what was the distinction between those other premises and the three that had been brought for summary review. We were given to understand that this was a coincidence, but the Sub-Committee had not been given that information and did not know how many other premises were looked at by WMP and if the Police were understood in these proceedings that all the other premises were compliant and did listen to advice given over the course of months and of the visits these were the only three that did not. Miss Clover stated that she contested that and that the Sub-Committee PSED was engaged

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyers and Committee Manager conducted the deliberations in private and the decision of the Sub-Committee was sent out to all parties as follows: -

4/161020 **RESOLVED:-**

That having considered an application made on behalf of the licence holder under Section 53B( 6) of the Licensing Act 2003 to make representations against the interim steps imposed by the Licensing Sub-Committee on 1<sup>st</sup> October 2020 following an expedited summary review brought by West Midlands Police in respect of the premises licence held by RP Restaurant Limited in respect of Nakira, Queensgate, 121 Suffolk Street Queensway, Birmingham B1 1LX, this Sub-Committee determines:

- that it will not lift the interim step of suspension imposed on 1<sup>st</sup> October 2020 and in consequence the licence remains suspended pending the full review hearing on 23<sup>rd</sup> October 2020.

and

- that the interim step of the removal of Anton Gasparov as the Designated Premises Supervisor will also remain in place.

Before the meeting began the Sub-Committee was aware of the amended Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, the updated version of the Guidance entitled 'Closing Certain Businesses and Venues in England' originally issued by HM Government on 3rd July 2020, and the Guidance entitled 'Keeping Workers and Customers Safe in Covid-19 in Restaurants, Pubs, Bars and Takeaway Services' issued originally by HM Government on 12th May 2020 and updated regularly thereafter.

The Sub-Committee was also aware of the special local lockdown measures (specifically for Birmingham) which had been announced by HM Government on Friday 11th September 2020, then introduced on Tuesday 15th September 2020. These measures were an attempt to control the sharp rise in Covid-19 cases in the city.

Furthermore the Sub-Committee was aware of the further national measures to address rising cases of coronavirus in England as a whole, which were announced by HM Government on 22<sup>nd</sup> September 2020. These national measures had been published on the “gov.uk” website on that date, and detailed the new requirements for all businesses selling food or drink (including cafes, bars, pubs and restaurants), ordering that all such premises must be closed between 22.00 hours and 05.00 hours. Other requirements for such premises included seated table service, wearing of masks, and participation in the NHS Test and Trace programme. These measures were an attempt by HM Government to control the sharp rise in Covid-19 cases nationally.

The pandemic had continued to be the top story in the national news across the Spring, Summer and now into the Autumn of 2020; the Birmingham lockdown, and also the new national measures announced on 22<sup>nd</sup> September, had been very widely publicised and discussed both in news reports and on social media. The Prime Minister, together with HM Government’s Chief Medical Officer and Chief Scientific Officer, had recently resumed the televised ‘Coronavirus Briefing’ broadcasts which had been a feature of the first few months of the pandemic.

The Sub-Committee was also aware that since 1<sup>st</sup> October 2020 further HM Government Guidance and regulations had been introduced on 14<sup>th</sup> October 2020, namely The Health Protection (Local Covid-19 Alert Level) (High)(England) Regulations 2020 No. 1104. Birmingham is now ranked as Tier 2 High. These further measures formed no part of the deliberations. For the purpose of this hearing the Sub-Committee only took into account regulations and guidance that were in force on 1<sup>st</sup> October 2020.

Sarah Clover of counsel appeared for the applicant. Also in attendance was Carl Moore; Dexter Laswell and Antonio Mankulu.

Gary Grant of counsel represented West Midlands Police. Also in attendance was PC Abdool Rohomon; PC Ben Reader and Jennie Downing.

An initial ruling was required on the admissibility under Regulation 18 of The Hearings Regulations of an email from PC Rohomon which had been served on the council on 14<sup>th</sup> October 2020, but which was not included in the agenda papers and had not been served on Ms Clover until yesterday evening. The Sub-Committee determined not to allow it.

Ms Clover then indicated that she would not be challenging any of the evidence and sought instead to make legal submissions. She challenged the legality of the issuing of the Certificate under s.53A of The Licensing Act 2003 and signed by The Chief Superintendent.

In essence, she made three main submissions about the legality of the certificate:



- i) In respect of the definition of ‘serious crime’ under s.81 of The Regulation of Investigatory Powers Act 2000 she maintained that no person if prosecuted for public nuisance (which carries a maximum sentence of life imprisonment) would reasonably expect to receive a sentence of 3 years’ imprisonment in view of the fact that Parliament had built financial penalties only into the Covid-19 Regulations.
- ii) Ms Clover maintained further that the WMP could not show that the activities had in fact had the effect of endangering lives, and that consequently the certificate had been issued unlawfully.
- iii) The review should have been a standard review and not an expedited review.

Whilst these submissions were of academic interest, the Sub-Committee took the view that they had no bearing on its task today. The Sub-Committee was of the view that it was bound by the High Court decision in ***Lalli v Metropolitan Police Commissioner [2015] EWHC 14 (Admin)*** in which Deputy High Court Judge John Howell ruled on three occasions in his judgment (paragraphs 62, 70 and 75) that:

*“the licensing authority is obliged to conduct the summary review even if it considers that the information available to the officer when he gave the certificate did not establish that the premises were associated with serious crime or serious disorder”. (62)*

*“In my judgment Parliament intended that the licensing authority should be entitled to treat an application for a summary review made by the chief officer of police as valid if it is accompanied by a certificate that apparently meets the requirements of section 53A(1) and has not been quashed. It is not obliged to consider whether or not it is liable to be quashed.”(70)*

*“In my judgment, therefore, the licensing authority was not obliged to consider whether or not Superintendent Nash was entitled to give the certificate that he did on the basis of the information then available to him”. (72).*

The Sub-Committee therefore had to accept the certificate on its face and apply its mind to its duty under s. 53B (8) and (9):

(8)At the hearing, the relevant licensing authority must—

*(a)consider whether the interim steps are appropriate for the promotion of the licensing objectives; and*

*(b)determine whether to withdraw or modify the steps taken.*

(9)*In considering those matters the relevant licensing authority must have regard to—*

*(a)the certificate that accompanied the application;*

*(b)any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and*

*(c)any representations made by the holder of the premises licence.*

Ms Clover made a further submission under the Public Sector Equality Duty created by the Equality Act 2010 and maintained that WMP had targeted three premises for enforcement which were owned or operated by members of the black community. Carl Moore who drafted the application on behalf of the operator gave no notice this point would be taken. WMP and the LSC were taken by surprise. Statute compels the LA to hold a hearing within 48 hours to determine whether interim steps should continue pending review. Today was the last day on which a hearing could take place. In response, PC Rohomon explained that there had been a lot of engagement with these and the other two premises identified (including the case of Petite Afrique which the Sub-Committee was due to hear next). He said that they had tried to engage with them and that race was not in their consideration. They were looking only at public safety. It just happened that these premises were Afro Caribbean operated.

It was the view of the Sub-Committee that its duty under the Public Sector Equality Duty created by the Equality Act 2010 had been discharged, given the time available. The Sub-Committee had regard to the protected categories under The Equality Act 2010; the Sub-Committee was informed of '*The Brown Principles*' and accepted the assurances of the officer. It may be that when this matter comes before the LSC for the full review hearing on 23<sup>rd</sup> October 2020, PC Rohomon will have more information available in respect of other premises that he has visited and their cultural background.

Other than to make her submissions on the legality of the certificate, Ms Clover made no submissions in respect of the lifting of the interim steps.

Members heard the submissions of West Midlands Police, namely that in August 2020, when the new arrangements for reopening were being publicised and the lockdown was being eased for licensed premises such as pubs and bars, the Police had observed a general failure by the Nakira premises to follow the Government Guidance. Upon visiting the premises at around 05.00 hours on 22<sup>nd</sup> August 2020, Police found that loud music was playing at a volume which made conversation difficult, and also observed that there was no social distancing or limitation of numbers of patrons to allow for safe operation as per the Covid-19 requirements. 50 to 60 people were estimated to have been inside, with a further 15 to 20 outside. The Police ascribed these failures to unsatisfactory management by the premises licence holder and the designated premises supervisor.

The explanation given by the premises was that the people in the premises on 22<sup>nd</sup> August had in fact been "staff", who had been "carrying out maintenance work". This explanation was not accepted by the Police Officers who attended at 05.00 hours and witnessed that the large numbers of people at the premises were dressed for a night out, and loud music was playing.

It was also observed by Police that the premises licence holder was even in breach of an existing condition on the licence, namely that any operating beyond 04.00 hours must be notified to Police in advance. The Police were therefore concerned that the premises licence holder was being reckless in its style of operating, and was endangering public health by risking the spread of Covid-19.

A further visit on 26<sup>th</sup> September at 00.40 hours found the premises to be trading, in direct defiance of the order from HM Government that all premises serving food and drink must close by 22.00 hours. Around 20 to 30 people were found inside the premises, and social distancing was not being observed.

The Police explained that the premises' decision to trade in this unsafe manner, which was not compliant with the Government Guidance, was an overt risk to the health of individuals, families and local communities, at a time when the country is experiencing a national emergency. The Covid-19 virus is a pandemic which has required all licensed premises to act responsibly and in accordance with both the law and the Government Guidance when trading, in order to save lives. It was therefore a flagrant risk to public health for any licensed premises to breach the Government Guidance by trading in an unsafe manner.

Attempts by the Police to advise those at the premises had not been successful. Police had requested that the premises supply the Covid-19 risk assessment which is a mandatory requirement under the Government Guidance; this had not been forthcoming. The recommendation of the Police was therefore that the Sub-Committee should suspend the licence pending the review hearing.

All in all, the Sub-Committee considered the licence holder to have failed to take its responsibilities seriously.

The Sub-Committee therefore determined that it was appropriate, given this unchallenged evidence, that the interim step of suspension should remain in place in order to address the immediate problems with the premises, namely the likelihood of further serious crime. It also determined that the interim step of removing the DPS should remain. It was the view of the Sub-Committee that he was unable to run these premises according to law.

The Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature given that it was this individual who was responsible for the day to day running of the premises, i.e. the decision to defy the Government Guidance in order to trade as usual. Therefore the risks could only be properly addressed first by the suspension of the Licence, and secondly by the removal of the DPS, pending the full Review hearing.

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, the Public Sector Equality Duty created by the Equality Act 2010 and the submissions made by the Police and by those representing the premises licence holder at the hearing.

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

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The meeting ended at 1100 hours.

CHAIRMAN

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 16 DECEMBER 2020</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 16 DECEMBER 2020 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Mike Leddy in the Chair;

Councillors Martin Straker-Welds and Mary Locke.

### **ALSO PRESENT**

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

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

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### **NOTICE OF RECORDING/WEBCAST**

- 1/161220 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/161220 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/161220 Apologies were submitted on behalf of Councillor Neil Eustace and Councillor Mary Locke was the nominated Member.

**MINUTES**

4/161220 The Minutes of meeting held on 26<sup>th</sup> August, 9<sup>th</sup> September and 23<sup>rd</sup> September 2020 were circulated, confirmed and signed by the Chairman.

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**LICENSING ACT 2003 PREMISES LICENCE – VARIATION – SELECT  
XPRESS, 1164-1166 WARWICK ROAD, ACOCKS GREEN, BIRMINGHAM, B27  
6BS**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Naga Rajesh – Agent  
Vanniyasingam Gunaseelam – Applicant

**Those Making Representations**

No one attended.

\* \* \*

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

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

Afterwards, the Chairman invited the applicant or their representative to outline their application, Naga Rajesh made the following points: -

- a) That his client was an experienced operator and had managed a premises with a 24 hour licence before.
- b) His client also held a personal licence and had an excellent track record.
- c) They had proposed a number of conditions in order to promote the licensing objectives. In addition, they had also agreed conditions with West Midlands Police (WMP).
- d) That the premises was Covid safe and all measures were in place.
- e) All the Covid risk assessments had been done and approved by WMP as part of the application.

- f) The email from the WMP officer indicated that they were happy with the application, and with the agreed conditions the licensing objectives would be met.
- g) No other licensed premises in the area had such stringent conditions.
- h) His client was actively involved with the neighbourhood watch team.
- i) That had taken extended measures in order to promote the licensing objectives.
- j) There was already a premises with a 24 hour licence close by.
- k) That two residents had concerns, however if there were any issues in relation to crime and disorder or anti-social behaviour WMP would have made a representation.
- l) No persons under 18 would be allowed in the premises unless accompanied by an adult.
- m) That the premises wasn't that close to the school and they were already licensed during school times.
- n) They were not breaching any guidance and were Covid safe.
- o) The premises was not trading 24 hours currently.
- p) They had put measures in place to promote the licensing objectives.
- q) It was not a standard convenience store, it was big.

In answer to questions from Members Naga Rajesh, on behalf of the applicant made the following points: -

- a) The conditions from WMP were in addition to the conditions they already had.
- b) The premises was a big convenience store which did get very busy.
- c) There would always be at least one Manager on duty.
- d) The shop sold groceries and other items.
- e) The school was at least a 10-minute walk from the premises.
- f) His client had invested a lot of money into the premises and he needed to extend the hours in order to survive.
- g) His client took over the premises in October.

Members asked further questions which were answered by the applicant, Vanniyasingam Gunaseelan: -

- a) That alcohol sales made up about 30% of the overall sales.
- b) That there had been a few refusals recorded but he couldn't remember the exact number.

In summing up Naga Rajesh, on behalf of the applicant made the following points: -

- That his client had invested a lot of money into the premises and was relying on bigger sales.
- His client desperately needed the licence.
- There was no evidence to suggest that granting the application would undermine the licensing objectives.
- There were no representations from any of the responsible authorities.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

5/161220

**RESOLVED:-**

That the application by Vanniyasingam Gunaseelan to vary the premises licence in respect of Select Xpress, 1164 – 1166 Warwick Road, Acocks Green, Birmingham, B27 6BS under section 34 of the Licensing Act 2003 **BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS** which were agreed between the applicant and West Midlands Police in advance of the meeting:

- CCTV that is approved by West Midlands Police and able to capture images particularly outside under conditions of low lighting will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced 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 31 days and made immediately available to any of the responsible authorities on request
- All staff will receive training in the Licensing Act 2003, the licensing objectives, and in relation to CSE and their role in combatting this. No staff will work at the premises until this training has been completed and the required refreshments have been completed. Refresher training should take place



once a year

- All staff Licensing Act 2003, licensing objective and CSE training will be documented and signed by both the trainer and trainee. No staff to work at the premises until this training has been completed. Training records to be made available to any of the responsible authorities on request
- No persons will be allowed into the premises if 18 years old or younger unless they are accompanied by an adult between 2300 and 0500 hours
- A Challenge 25 policy will be operated by the premises with notices informing customers of the policy. The only forms of acceptable identification shall be a photographic driving licence, a valid passport, a recognised form of photographic identification incorporating the PASS logo or a valid military identification. Notices will be displayed in the premises stating this
- An Incident/Refusals Book will be maintained at the premises and made available to any of the appropriate authorities on request
- Single cans or bottles of beers, ciders and alcopops of less than 75ml or plastic cups to accompany purchases of alcohol are not to be sold
- A list of persons that cause issues will be maintained by the premises and the management will not serve alcohol or tobacco products to these individuals at any time. This list can be populated by the management or any other responsible authorities
- The management will take part in local neighbourhood watch or similar schemes

The Sub-Committee's reasons for imposing the agreed conditions were due to the submissions made by the applicant via his agent. It was noted that the applicant had engaged in talks with West Midlands Police prior to the hearing; in light of the proposed measures, no objection had been made by the Police. The applicant was an experienced person with a Personal Licence, who had held 24-hour alcohol licences elsewhere. He understood the local area and had invested in the business, for example by carrying out a complete refurbishment.

The proposed conditions satisfactorily addressed the issues raised by the two persons whose objections were in the Report. These objections had been made regarding the impact of the proposed operation on the local area. Whilst the Sub-Committee noted these objections, there was nothing to suggest that the applicant would not be able to uphold the licensing objectives. Moreover, the Select Xpress premises would not be the only 24-hour licensed premises in the vicinity.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application,

but did not accept that there was evidence of a significant risk to the licensing objectives arising from the proposed operation of the premises. The concerns of the two other persons were taken into account by imposing the agreed conditions, which were more than sufficient to allay their apprehensions. The Sub-Committee considered the conditions imposed to be appropriate, reasonable and proportionate to address those concerns.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will 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 s182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations in the Report, and the written and oral representations made at the hearing by the applicant and his agent.

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.

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**Please note, the meeting ended at 1147.**

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Friday 22<sup>nd</sup> January 2021</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>24-7 365 Local, 109 Villa Road, Lozells, Birmingham, B19 1NH</b>
<b>Ward affected:</b>	<b>Birchfield</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

To consider a 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 24hours (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday).

**2. Recommendation:**

To consider the representation that has been made and to determine the application.

**3. Brief Summary of Report:**

An application for a Premises Licence was received on 24<sup>th</sup> November 2020 in respect of 24-7 365 Local, 109 Villa Road, Lozells, Birmingham, B19 1NH.

A representation has been received from West Midlands Police as a responsible authority.

**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.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Samuel Berhane applied on 24<sup>th</sup> November 2020 for the grant of a Premises Licence for 24-7 365 Local, 109 Villa Road, Lozells, Birmingham, B19 1NH.</p> <p>A representation has been received from West Midlands Police, as a responsible authority, which is attached at Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 3.</p> <p>Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>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:-</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Conditions agreed with Environmental Health, Appendix 3</p> <p>Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 4</p> <p>Site Location Plans, Appendix 5</p>
<p><b>7. Options available</b></p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

**From:** Abdool Rohomon  
**Sent:** 14 December 2020 12:48  
**To:** Licensing  
**Subject:** 24-7-365 local - 109 Villa road

Dear licensing authority,

West Midlands Police have received the grant application for a premises called 24-7-365 local at 109 Villa Road, Birmingham.

The application seeks a 24 hour premise licence for the sale of alcohol (off the premises). The area that this application is for is a Priority Impact Area for West Midlands Police, to tackle the issues of crime and Anti-Social Behaviour in this locality.

This does include the use of alcohol with prevalent street drinkers already an issue for the area, littering, anti-social behaviour, drug dealing.

Although the actual street is relatively short in length it needs a dedicated policing plan to try and tackle the issues, with finite resources this is a constant struggle for the local police team.

To grant this licence would undermine the crime and disorder, public safety and nuisance objective, in an area already troubled with alcohol issues.

West Midlands Police therefore object to this application and request a hearing

Kind regards

**Abs Rohomon. BEM**

**PC 4075 Rohomon. BEM**  
**BW Licensing**  
**Police headquarters**  
**Lloyd House**  
**Colmore Circus**  
**Birmingham**  
**B4 6NQ**



**Birmingham**  
**Application for a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto: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	24-7-365 Local
* Street	109 Villa Road
District	
* City or town	Birmingham
County or administrative area	
* Postcode	B19 1NH
* Country	United Kingdom

**Agent Details**

* First name	Mijanur
* Family name	Rahman
* E-mail	
Main telephone number	
Other telephone number	

Include country code.

☐ 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? ☒ Yes ☐ No

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

Registration number	7021919
Business name	Optimised Training Centre
VAT number	-
Legal status	Private Limited Company
Your position in the business	Manager
Home country	United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	Optimised Training Centre
Street	1 Guildford Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	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	24-7-365 Local
Street	109 Villa Road
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	3,800



<b>Section 3 of 21</b>	
<b>APPLICATION DETAILS</b>	
<p>In what capacity are you applying for the premises licence?</p> <div style="display: flex; flex-direction: column; gap: 10px;"> <div><input checked="" type="checkbox"/> An individual or individuals</div> <div><input type="checkbox"/> A limited company / limited liability partnership</div> <div><input type="checkbox"/> A partnership (other than limited liability)</div> <div><input type="checkbox"/> An unincorporated association</div> <div><input type="checkbox"/> Other (for example a statutory corporation)</div> <div><input type="checkbox"/> A recognised club</div> <div><input type="checkbox"/> A charity</div> <div><input type="checkbox"/> The proprietor of an educational establishment</div> <div><input type="checkbox"/> A health service body</div> <div><input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales</div> <div><input type="checkbox"/> 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</div> <div><input type="checkbox"/> The chief officer of police of a police force in England and Wales</div> </div> <p><b>Confirm The Following</b></p> <div style="display: flex; flex-direction: column; gap: 10px;"> <div><input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities</div> <div><input type="checkbox"/> I am making the application pursuant to a statutory function</div> <div><input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative</div> </div>	
<b>Section 4 of 21</b>	
<b>INDIVIDUAL APPLICANT DETAILS</b>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <p><b>Applicant Name</b></p> <p>Is the name the same as (or similar to) the details given in section one?</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span><input checked="" type="radio"/> Yes</span> <span><input type="radio"/> No</span> </div> <div style="display: flex; margin-top: 10px;"> <div style="width: 20%;">First name</div> <div style="border: 1px solid black; padding: 2px 5px; flex-grow: 1;">Samuel</div> </div> <div style="display: flex; margin-top: 10px;"> <div style="width: 20%;">Family name</div> <div style="border: 1px solid black; padding: 2px 5px; flex-grow: 1;">Berhane</div> </div> <p>Is the applicant 18 years of age or older?</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <span><input checked="" type="radio"/> Yes</span> <span><input type="radio"/> No</span> </div> </div> <div style="width: 35%; font-size: 0.9em;"> <p>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.</p> </div> </div>	

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	<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"/>

### 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	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

[Add another applicant](#)

### Section 5 of 21

#### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
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

*Continued from previous page...*

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.

Off Licence shop

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

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Continued from previous page...

Will you be providing recorded music?

☐ Yes

☒ No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

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

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...

FRIDAY

Start 00:00

End 23:59

Start

End

SATURDAY

Start 00:00

End 23:59

Start

End

SUNDAY

Start 00:00

End 23:59

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.

--

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.

--

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

**Name**

First name Samuel

Family name Berhane

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="11642/1"/>
Issuing licensing authority (if known)	<input type="text" value="Birmingham City 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

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...

**TUESDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

**WEDNESDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

**THURSDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

**FRIDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

**SATURDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
Start	<input type="text"/>	End	<input type="text"/>

**SUNDAY**

Start	<input type="text" value="00:00"/>	End	<input type="text" value="23:59"/>
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.

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.

**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.

A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the Shop allows for good viewing coverage. CCTV cameras are installed which covers both inside and outside the shop.

**b) The prevention of crime and disorder**

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. No consumption of alcohol will be permitted inside the premises.

CCTV will be installed. Images will be retained for a period of 31 days and will be made available to any of the responsible authorities to view 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 31 days and made immediately available to any of the responsible authorities on request.

**c) Public safety**

Suitable fire extinguishers are in place.

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

**d) The prevention of public nuisance**

Notices will be displayed at the exit of the premises asking patrons to leave the premises quietly. All deliveries will be conducted prior to 7pm to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises. The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

**e) The protection of children from harm**

We recognise the importance of protecting children from harm and this is supported by our commitment to health and safety in the operation and maintenance of the premises and also our approach to managing the risk of under age drinking. The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age id. The premises will operate Challenge 25 policy. No adult entertainment is permitted at these 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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

**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 birth or adoption certificate issued 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 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.

*Continued from previous page...*

- 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

**Continued from previous page...**

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.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

**Section 20 of 21**

**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.

## Section 21 of 21

### 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

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

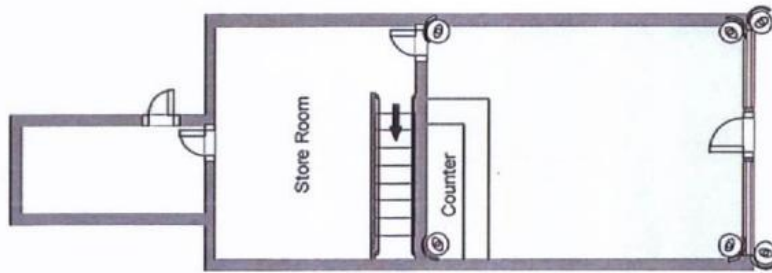
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

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**

Scale 1:100



24/7/265 Local  
109 Villa Road  
Birmingham  
B19 1NH

Ref: 24/7/385 Nov 2020

Key:

Licensable  
Area



CCTV

**From:** Arron Hanson  
**Sent:** 26 November 2020 15:47  
**To:** Licensing  
**Cc:**  
**Subject:** RE: Licence Application 24-7-365 Local 109 Villa Road

Hi,

I have spoken with the applicants and agreed the following condition to be attached to the licence in addition to what they have already proposed under Prevention of public nuisance.

**Waste shall not be collected or disposed of from the premises between 2100-0700**

Regards  
Arron

Arron Hanson  
Environmental Protection Officer

---

Environmental Health | Regulation & Enforcement Division

Environmental Health, Ashted Lock, PO Box 16977, Birmingham, B2 2AE  
(Office Site: Environmental Protection, 1-3 Ashted Lock Way, Birmingham, B7 4AZ)  
[www.birmingham.gov.uk/eh](http://www.birmingham.gov.uk/eh) | Facebook: ehbham | Twitter: @ehbham

**From:** Optimised Training Centre  
**Sent:** 26 November 2020 14:18  
**To:** Arron Hanson  
**Subject:** Re: 24-7-365 Local 109 Villa Road

Dear Arron.

We are happy to accept this condition.

Kind regards  
Mij

Optimised Training Centre Ltd  
Six Ways Business Centre  
Room 210A  
1 Guildford Street  
Birmingham  
B19 2HN

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Registered in England, Company No:7021919  
Please consider the planet before printing this email



**From:** Sharon Watts  
**Sent:** 30 November 2020 08:46  
**To:** Licensing  
**Subject:** FW: Grant - Premises Licence 24-7-365 Local, 109 Villa Road, Birmingham, B19 1NH

Good morning Licensing

Please find below conditions agreed for the above premise if granted.

Thank you.

Sharon Watts  
Licensing Enforcement Officer

Birmingham City Council,  
Licensing Section,  
P.O. Box 17831,  
Birmingham,  
B2 2HJ

[www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)

Twitter: @BCCLicensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to  
<http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

**IMPORTANT - Taxi and private hire drivers, please make sure you are wearing a mask when carrying passengers**

<https://www.gov.uk/guidance/coronavirus-covid-19-taxis-and-phvs#drivers>

**From:** Optimised Training Centre  
**Sent:** 27 November 2020 14:15  
**To:** Sharon Watts  
**Subject:** Re: Grant - Premises Licence 24-7-365 Local, 109 Villa Road, Birmingham, B19 1NH

Dear Sharon,

Hope you are well. I can confirm that we are happy to accept the conditions.

Kind regards  
Mij

Optimised Training Centre Ltd  
Six Ways Business Centre  
Room 210A  
1 Guildford Street  
Birmingham  
B19 2HN

On 26 November 2020 at 15:53:38 -00:00, Sharon Watts wrote:

Good afternoon

I refer to the above application. I have viewed the conditions put forward and wish to add the following:-

General

All staff shall be trained in relation to the four licensing objectives. Training shall be documented and signed as received by each member of staff. Training records shall remain on site and produced to any responsible authority upon request. Refresher training shall be carried out at 6 monthly intervals.

Protection of Children from Harm

A refusals register shall be kept on site and completed by any member of staff refusing an age restricted sale. The register shall be produced to any responsible authority upon request. The DPS will sign the register each month.

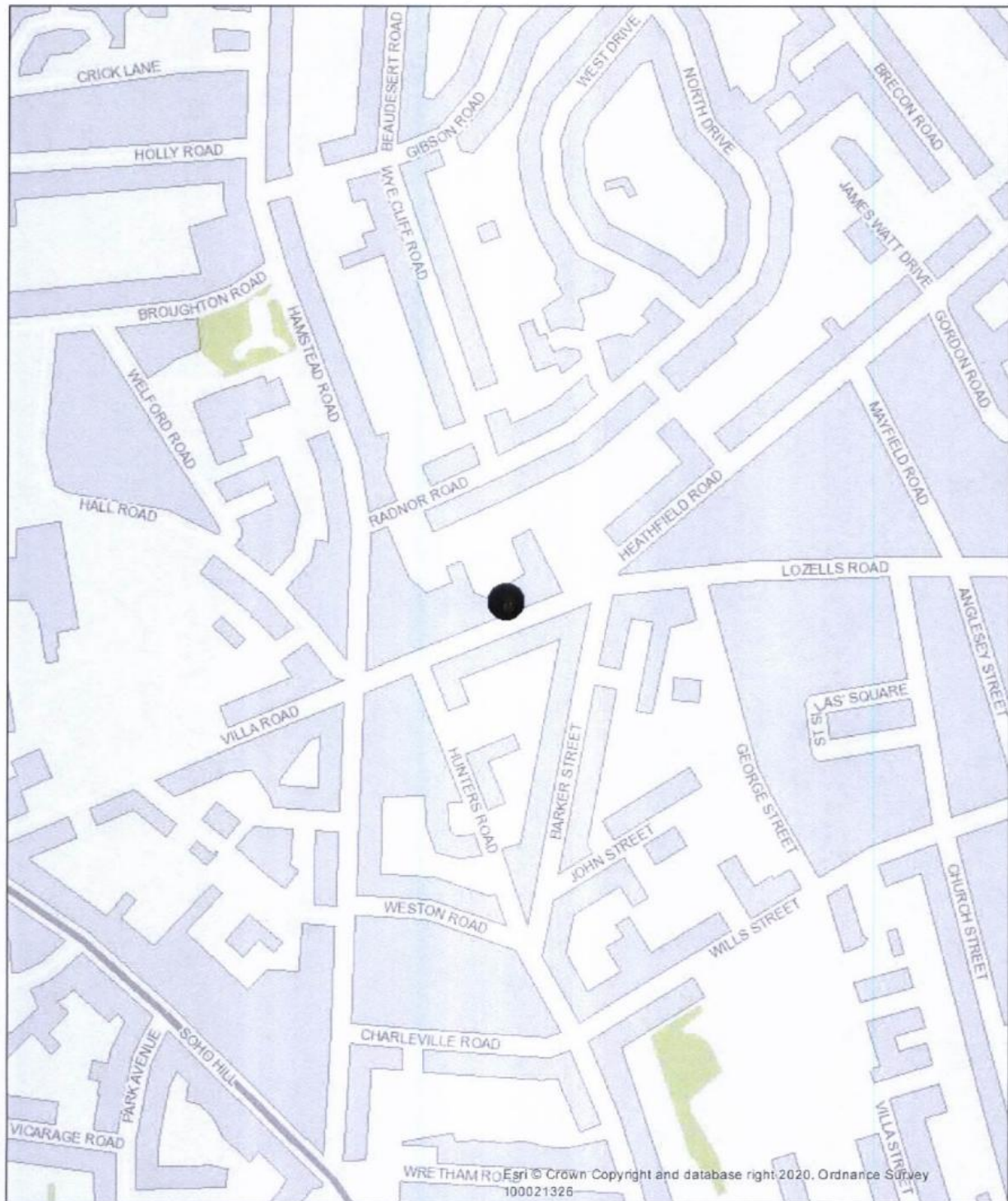
Challenge 25 posters shall be displayed at the premises.

Please confirm by return email that the above are acceptable?

Kind regards

Sharon Watts

Licensing Enforcement Officer



**Birmingham**  
City Council

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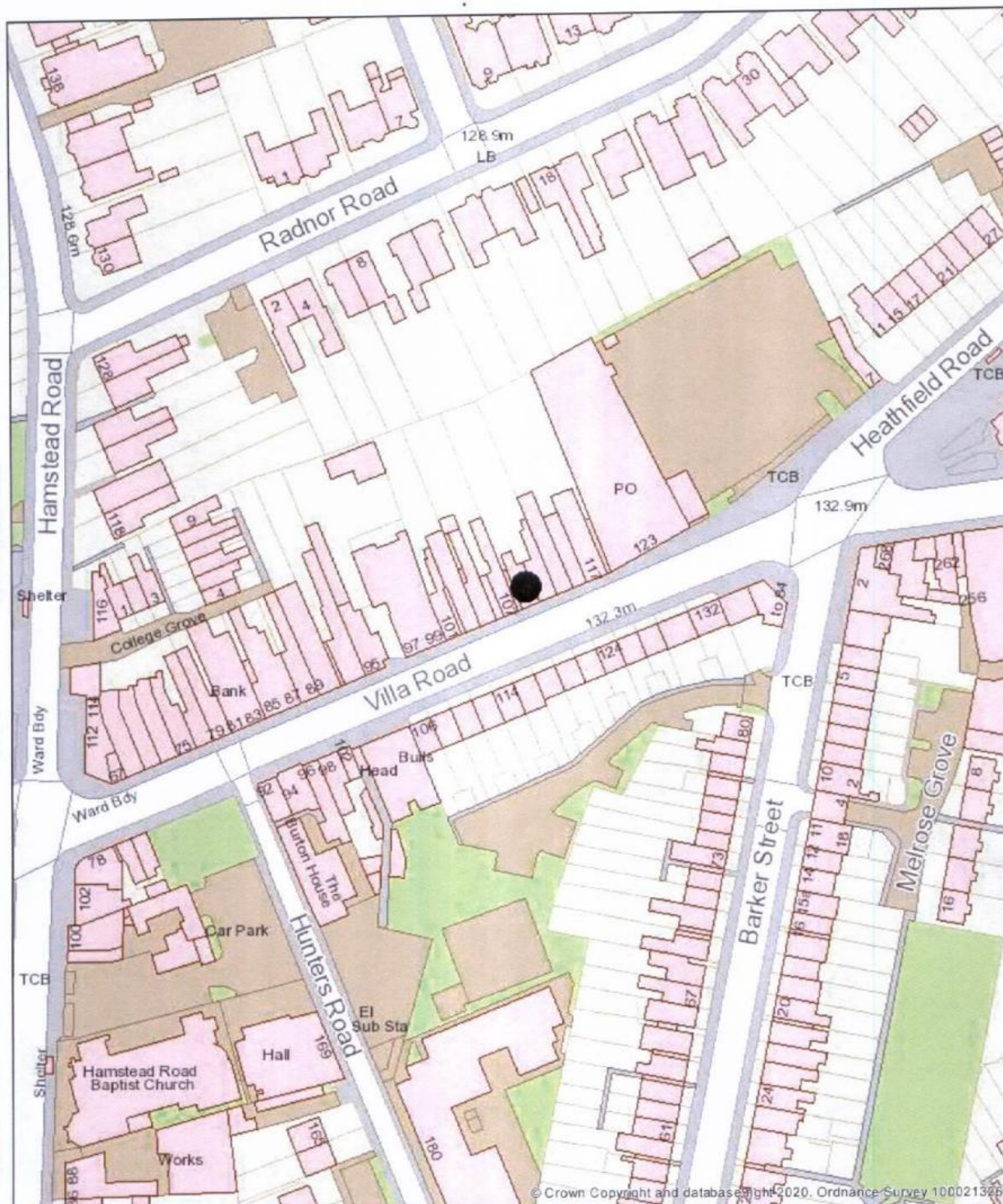
Date of Map Creation: 24/12/2020

Map Created By:

Scale: 1:4,000







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Date of Map Creation: 24/12/2020

Map Created By:

Scale: 1:1,250



PROPOSED CONDITIONS

INCIDENT BOOK

1. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
  - i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
  - ii. All crimes reported to the venue
  - iii. Any faults in the CCTV system, searching equipment or scanning equipment
  - iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of any other Responsible Authority on request, or during an inspection.

2. The Premises shall not stock or sell beers or ciders with an ABV in excess of 6.5% ABV.
3. No single cans of beers or ciders are to be sold from the premises.
4. Right to work checks shall be conducted on all potential employees prior to their employment in any capacity at the business. Checks shall be in accordance with the Home Office Code of Practice for employers as current at that time.
5. The premises licence holder will operate a full digital HR management system where all relevant documents are stored for each individual member of staff. All relevant documents for members of staff will be retained for a period of 12 months post termination of employment and will be made available to Police, Immigration or Officer of any other Responsible Authority upon request.





West Midlands Police objection to premises licence grant

24-7-365 Local, 109 Villa Road

Birmingham

PAGE(S)	DOCUMENT(S)
1 to 11	Impact Statement – Pc Ali Wood
12 to 13	Statement – Pc Ali Wood
14 to 15	Other statement

Applicant: Chief Constable of  
West Midlands Police  
Name: Ali Wood  
Statement No: 1  
Exhibit AW/01  
Made 15<sup>th</sup> January 2021

In the Licensing Hearing (Birmingham Licensing Authority)

Licensing application for 24-7-365 Local, 109 Villa Road

Premise applicant – Samuel Berhane

Objecting responsible authority – Chief Constable West Midlands Police

---

Witness Statement Pc Ali Wood

---

1. I am PC 9255 Wood of the West Midlands police. I am an officer on the Lozells and East Handsworth Neighbourhood Team.
2. Lozells has a high population density and is an ethnically diverse area with a population of Afro-Caribbean, Bangladeshi and Pakistani origins. In recent months the community has seen an increase of Eritrean, Somali, Sudanese and Ethiopian nationalities moving to Lozells.
3. The area also faces high unemployment rates and has the 8<sup>th</sup> lowest average income out of the 69 wards that make up Birmingham. It is also considered one of the most deprived wards in the city and has a higher population of young and BAME individuals. (Birmingham City Council, 2020).
4. The housing in Lozells is a combination of private and council housing which include several House in Multiple Occupation (HMOs) and hostels.
5. The crimes in the area include robberies, criminal damage, anti-social behaviour such as street drinking and drug dealing, sexual offences; violent crimes and assaults.



6. Villa Road itself is a postcode within the Lozells ward, which is part of the Perry Barr Constituency. Villa Road itself runs from the junction with Soho Road, over the junction with Hamstead Road and through to the junction at Villa Cross, with Lozells Road, Heathfield Road and Barker Street. Villa road itself is only approximately 600 metres in length in total. The area which is defined as being the impact area is only approximately 200 metres in length. This part of Villa Road runs from the junction with Hamstead Road to Villa Cross (the junction with Heathfield Road, Lozells Road and Barker Street).
7. The area itself is a very small section geographically of the area we police as a neighbourhood team.
8. The demand that this one piece of road places on our team is disproportionate to the area we cover as a whole.
9. Below is a sample map of the exclusion zone that is issued to recipients of Community Protection Warnings (CPW).





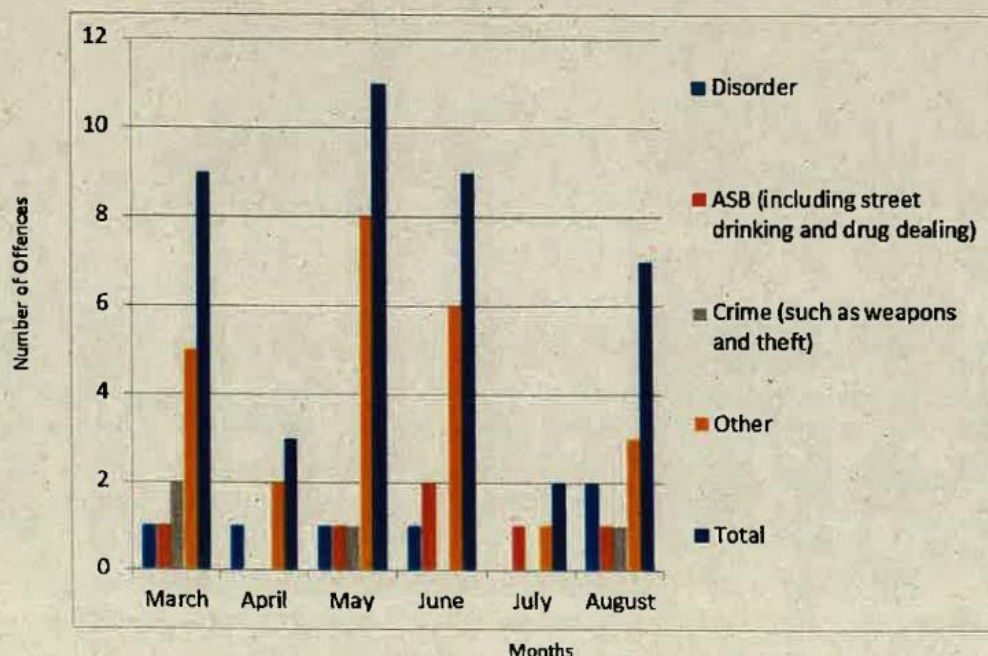
10. Below is the map of our neighbourhood for comparison, the area highlighted in red is the CPW exclusion area.



11. The area has been labelled an 'Impact Area' by WMP and is defined as an area that requires long-term action which is suitable for police and partnership work.
12. As a neighbourhood team we have produced a problem solving plan to attempt to address the issues in the area of Villa Road.
13. The plan addresses anti-social behaviour which is seen through drug dealing and street drinkers on Villa Road. This causes issues primarily for the businesses in the area, but also residents, the wider community and those visiting the area.
14. The plan considers both short-term and long-term strategies, implementing this and then using measures to understand how successful the strategies had been and what improvements needed to be made. Much of this focuses on the immediate needs and on the offenders to try and incorporate intervention strategies.



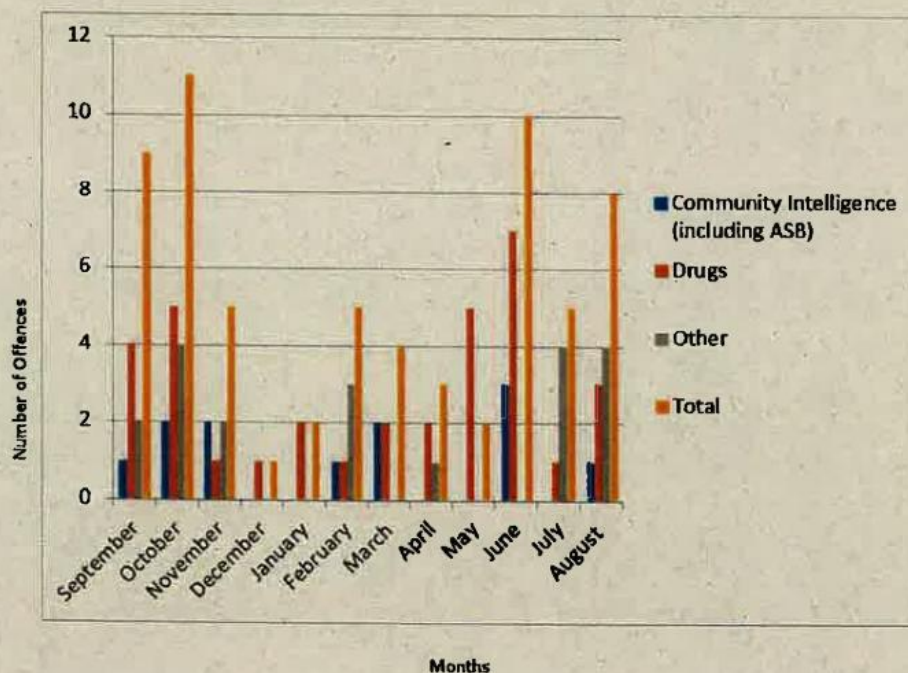
15. There has also been a focus on creating change and helping improve the issues over a dedicated month before looking at long term approaches. This was done by using Targeted Area Patrols (TAP) where two officers during each of their shifts would have a dedicated presence on Villa Road.
16. Initially, the most prominent issues were identified which was done by examining police logs that involved the geographical location being examined, as this gave an indication of the scale of the problem.
17. This was divided into two categories, firstly police logs that came in as a result of calls from March 2020-August 2020 examined on WMP Controlworks system. There were 45 logs during this period, as shown by Figure 1. This was narrowed down to most common which were disorder, anti-social behaviours (including street drinking and drug dealing), crime (including weapons and theft) and then other offences. The purpose of doing this was to understand where NHT focus should be.
18. Figure 1: A graph showing ControlWorks log data for the types of offences occurring on Villa road over a 6 month period between March 2020 and August 2020.





19. It was also important to understand the intelligence picture on Villa Road; logs were examined from September 2019-August 2020, to understand exactly what types of information were being inputted. There were 94 intelligence logs during this period, as shown by Figure 1.2; the most common of these were drugs related.

20. Figure 1.2: A graph showing IMS data for the types of intelligence inputted regarding Villa Road between September 2019 and August 2020.



21. Crime reports were also examined to understand the demand. From 01/04/2020-31/07/2020 there were 44 crimes reported, of note there were two robberies, four assaults, and possession of Class B following stop and searched being conducted and cannabis found.

22. It was important to speak to local businesses to understand what exactly their problems were. This was done in person and by examining previous community impact statements, some of these were from 2019 but reiterated the most common problems were drug

dealing, street drinking and groups outside shops causing ASB. It was clear that from their perspective this was an on-going issue and there had been little improvement.

23. The scanning highlighted the two main problems, the drug dealing and the anti-social behaviour such as street drinking. These were identified as the two areas of concern that could be dealt with in tandem and could be tackled during the dedicated month. This would then help reduce other crimes and offences in the area and improve policing responses.
24. The problem was then broken down further with considerations given to short term and long-term ways to combat the issues. This was integral to the strategy as the dedicated month would allow a focus on the immediate problems on the road, but the long-term approach would ensure a strategy was in place.
25. There has not previously been a dedicated unit on Villa Road with a consistent presence. Often those congregating on the road experienced no consequence to their behaviours. On initial glance it appears that there are just individuals and groups on the road, it is only police logs, reports from the community, CCTV from businesses and observations that have indicated the issues. The dealers for example, would conceal the drugs so they were not noticeable on their person.
26. Some of the businesses that felt intimidated failed to report incidents occurring or provide CCTV which likely led to under reporting. Many were enabling the problems to exist; some for example sold empty coffee cups to the dealers who used the cups to store drugs and had the appearance of consuming a hot drink.
27. Initially, there were a variety of partners that were considered in supporting and delivering the response strategy that included, Trading Standards, Licensing, Housing, Environmental Health, Waste Enforcement, Parking Enforcement, Faith Groups and Outreach Programmes.
28. However, the planning of this was difficult with COVID-19 and adjustments made accordingly. Therefore, there were certain issues that were prioritised, such as collaboration with Trading Standards due to businesses breaching regulations and Drugs Dog Operation to help combat the drug dealing.

29. A joint visit was conducted with Trading Standards as a result of examining the intelligence logs and also witnessing breaches taking place during Targeted Area Patrols (TAP). This was a priority as the business had previously been subject to a closure order yet continued breaches. The business was selling illegal tobacco and single use cigarettes which was linked to one of the reasons the street drinkers congregated on the street and often outside the business. This required expertise from Trading Standards and Licensing as they also had the power to search the premises and seize items that failed to meet standards.
30. Local community engagement took place through interactions with the businesses and residents to understand their concerns. Engagement took place not only in person, but also on social media which allowed the work being conducted to be shared. This involved taking photos of officers during patrols and inviting the community to approach and engage in conversations.
31. There was also concerted effort to engage with one of the children's home that was located within the area and had previously experienced youths attending Villa Road. Therefore, officers attended the home and delivered inputs around knife crime and county lines to raise awareness and highlight the dangers to the children.
32. The difficulty in implementing the response was largely in the resources available as there were just two officers focusing on Villa Road throughout the month. As a policing team we also patrol the Soho Road and Birchfield Road, which are also identified as impact areas. The expectations held by businesses and residents were at times an issue. Due to the strong police presence with TAP, there was the assumption that this would continue indefinitely. Although during interactions these parties were made aware the dedicated police presence was for just 1 month to allow us to tackle issues and build relations within the community, there was still the belief the dedicated response would continue. The increased focus on Villa Road meant that there were fewer patrols on other roads and streets in the area which may have allowed other issues to go unattended in the meantime. Although, TAP was an incredibly important aspect of the strategy, there was also the consideration that should an incident or demand require, then Villa Road officers would be deployed accordingly.

33. This also highlighted the need for partner agencies so that responsibility could be shared as opposed to sole police ownership of Villa Road, this would then also help with a long-term strategy as the community would be equipped to handle issues.
34. Following the intensive month of policing there were 18 crimes reported from 01/08/2020 to 26/10/2020; of note were two robberies and three assaults and possession of Class B following stop and searches being conducted and cannabis being found. TAP patrols have been successful as there has been a clear reduction in reported crimes helped by the neighbourhood strategy.
35. Across September, there have been 23 police intelligence logs which has been a significant increase. This can be seen as a positive increase due to the emphasis placed on submitted IMS in line with the with strategy and in order to help improve the intelligence picture built. 12 of these logs were community intelligence based and 8 were related to drugs.
36. Examining the Controlwork logs, there were 4 logs, this was a decrease from the previous month. There was the first time in 7 months that there were no logs related to disorder, ASB or Crime which demonstrates a marked improvement. TAP has worked effectively to deter not only the targeted crimes of drug dealing and street drinking, but also having an effect on other crimes in the area.
37. A survey with businesses across Villa Road was conducted following the month of intensive patrols. This was so that feedback could be provided and a measure of how TAP were working and if anything needed to be adjusted.
38. Every business said they experienced an improvement over the course of the month, in some cases this was significant.
39. As a team we are working hard to maintain the improvements made due to the area from the period of intensive activity. We are continuing to work with partners, schools, children homes, hostels and HMO service providers, residents associations, businesses and the local community. However, COVID-19 and other demands on our resources make maintaining this level of police presence in the area challenging.





40. In relation to calls to service to Villa Road, there were 19 Controlwork logs, between 26<sup>th</sup> October 2020 and the 14<sup>th</sup> January 2021.
41. Three of these logs related to ASB, five related to Covid breaches, one related to an assault and one related to drug dealing.
42. There were 14 recorded crimes on Villa Road from the 26<sup>th</sup> October 2020 to 14<sup>th</sup> January 2021. There were 7 assaults, two racially aggravated public order offences, two possession of cannabis, a theft from the person and an arson with intent to endanger life.
43. In relation to intelligence reported there are 19 reports from the 26<sup>th</sup> October 2020 to 14<sup>th</sup> January 2021. There is intelligence relating to drug dealing activity still occurring on Villa Road.
44. There is currently a licensing application being made for a 24/7/365 premises at 109 Villa Road, Lozells, B19 1NH.
45. The males we have encountered who are involved in the drug dealing are associating on the footpath outside the premises on 109 Villa Road, Lozells.
46. Drug dealers regularly congregate outside this location and drugs have been recovered from the letter box of this location as the drug dealers tend to hide their drugs in letterboxes, in empty coffee cups and other litter and underneath vehicles. We have regularly recovered drugs from these locations.
47. Street drinking is a persistent problem whereby offenders will buy alcohol from already existing licenced premises on Villa Road causing ASB and other issues. There have been physical changes made to the location to try and prevent this from occurring, such as fencing off areas previously used to congregate, but this problem still exists.
48. There are residential premises above the shop and directly opposite the shop, these will be directly impacted by a 24/7 premises selling alcohol on Villa Road.






49. There is already this 24/7 shop and one on nearby Lozells Road (approx. 30 metres away). To have another one within close proximity on a relatively small road would seem unnecessary.
50. On the 4<sup>th</sup> January 2021 officers on patrol on Villa Road have entered the premises of 109 Villa Road, trading as 24/7/365. There were four persons in the frontage of the shop and the door was open to allow access. The till was on and there was a female behind the till. There was a male who identified himself as the owner of the premises and two other males. No-one within the shop was wearing face coverings, in breach of Covid regulations. There was no signage or social distancing measures in place. There was alcohol clearly on display on the shelves. There was no signage to indicate this was not for sale. The owner was challenged and advised about the alcohol being on display and the Covid breaches. The owner stated he understood he could not sell alcohol and that he was not selling it. He was advised that as he did not have a licence he should not be displaying the alcohol within the shop. He stated that the shop was closing shortly and that the alcohol would be removed. There is body worn video uploaded to Evidence.com, ID-9255,04/01/20 of this interaction.
51. On the 5<sup>th</sup> January 2021 officers on patrols on Villa Road have entered the premises of 109 Villa Road, trading as 24/7/365. The shop still had alcohol displayed on the shelves within the store for customers to purchase. When challenged by officers regarding having a license to sell alcohol they have removed the alcohol and placed it in the rear of the premises. They were advised that officers were aware that they had been spoken to regarding this the previous day. There is body worn video uploaded to Evidence.com , ID - 9255,05/01/20 of this interaction.
52. This also raises concerns over the premises behaving in a responsible manner.
53. As a neighbourhood team we have devoted a lot of time and resources, with the support of partnership agencies to have a positive impact on the area of Villa Road. I strongly believe that if an alcohol licence is granted to these premises it will have a negative impact on the work that has gone into the area.
54. I would object to this application as I believe that it will result in an increase in demand in an area already identified as a priority area for West Midlands police.

**Statement of Truth**

I believe that the facts contained in this my Witness statement are true

Signed –

 PC9255

Dated 15<sup>th</sup> January 2021



**WITNESS STATEMENT**

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN 

Statement of Alastair John Wood

Age if under 18 O'18 (if over 18 insert "over 18")

Occupation Police Constable 9255

This statement (consisting of      page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: *A. Wood* (witness)

Date 21/09/2019

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am PC 9255 Wood of the West Midlands police, currently based at Handsworth police station, Thornhill Road.

I am making this statement on behalf of a member of the local community. This is in relation to issues they are experiencing in the area of Villa Road, Lozells and the impact it is having on the local community and businesses in the area.

One of the main concerns they raised is a group of Somali youths selling drugs on the road. They stand on the pavement smoking cannabis openly. They are selling cannabis and crack. They use vehicles as cover for their activities so that they cannot be seen by passing vehicles. They have been seen to take cash from individuals and exchange this for small resealable bags of cannabis. One of the males will normally have this in a small shoulder bags. The money will also be placed in these bags. The males also store drugs under vehicles to retrieve. They are also believed to be selling crack and tablets. These are sold by separate males within separate groups on the street. They do this every day depending on the weather. If it is raining they are normally not there. They are not welcome in the local businesses and have no where to shelter. They are normally there from the afternoon and early evening. The busiest times for them are Friday and Saturday nights. They will still be there normally after 10pm.

These activities attract drug users and prostitutes into the area. They are approaching these groups to buy their drugs of choice.

The street drinkers also congregate regularly on Villa Road and from 11am until 6pm but they are also there at other times. They are from the local area and most reside in nearby hostels or shared accommodation. The street drinkers will normally be near the junction with Villa Road and Heathfield Road. They also congregate at the junction of Heathfield Road and Lozells Road by Villa Cross. They will have occasional fights between themselves but generally do not cause disruption to the businesses.

Signature

Signature witnessed by .....

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Alastair John Wood

There is high level of crime with regular fights between the Somali youth. Sometimes this occurs when new faces come into the area. There has been a recent spate of burglaries of local businesses. Some of the businesses have been targetted more than once. They know of six burglaries within the last month. Some of the local businesses are unwilling to report as they feel nothing will be done and it is a waste of time. Some of these are believed to have been committed by one person who is believed to be a drug user, to fund his habit.

All these factors are having a negative impact on the area. People from the local community are not using the shops and businesses are being affected. The area is being blighted by drug related crime and they feel that action needs to be taken.

They are not willing to attend court as they are concerned that there may be repercussions. The content of this statement is from their account of issues in the area and they were present with me when this statement was completed and have clarified that the content is correct and true to their best knowledge and belief.

Signature

03/2016

Signature witnessed by

OFFICIAL – (when complete)

## WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN Statement of [REDACTED]

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation [REDACTED]

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness) [REDACTED]

Date 20/10/2019

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am making this statement to communicate my personal concerns about behaviours on Villa Road. I am here to speak about the issues and impact the behaviour has on the neighbourhood with the hopes the situation will improve. I have owned my business [REDACTED] and it is situated on Villa Road. I have had so many issues linked to the shop that I have decided to sell the business, but I am having trouble finding a buyer who wants to move into the area as it has such a bad reputation.

There is always a group of people outside the shop that engage in anti-social behaviours such as street drinking, swearing and constantly fighting. They are there all hours of the day, from as early as 6 in the morning to as late as midnight. This group are also frequently spotted by the church and mosque and I know other residents are upset having to deal with this. Just yesterday, 19/10/2019 I counted thirteen individuals hanging about and drinking. The group sometimes also play loud music. I believe this type of behaviour, including urinating and drug dealing, to be the reason why the previous two owners have left because customers and residents are constantly intimidated and it causes huge problems.

Drug dealing is another big issue that takes place, I have spotted one particular individual who deals from his car and spends the majority of the day doing so. Recently, I spoke to a woman who entered my shop who was a local resident and lived just opposite my shop. I commented on the fact I had never seen her which I found unusual as she was so local. She told me that she was intimidated by the groups standing outside the shop and around the street and therefore did not come by this way. She was actively avoiding the area so she did not encounter the behaviours from the group as she did not want to expose her children to it.

Recently, I saw a couple about 6pm in the evening who were in front of the shop and engaging in sexual activities, one of my customers saw this and it has deterred them from entering the shop again. There have been multiple condoms littered outside my shop and I believe it to be a regular space for such sexual activity to take place. [REDACTED]

Signature [REDACTED]


Signature witnessed by

[REDACTED] 23376

03/2016

OFFICIAL – (when complete)




Crime No. URN Statement of 

Another customer, refused to by any fruit from outside as she could smell urine due to individuals gathering outside the shop and urinating near it and on the street. This behaviour happens consistently and has caused a loss of income to my business. There have also been a few incidents where customers or residents have parked their cars on the road and individuals have urinated on the actual car or nearby them.

This part of the neighbourhood, due to the behaviours that take place, is extremely off putting for potential residents and customers alike. There is constantly rubbish left on the street with multiple bags left outside by the shop. The area just looks very unappealing and unattractive and means that no one wants to engage with businesses or look to move into the neighbourhood.

The situation has caused me stress, worry and fear for the safety of customers and residents, as well as myself. The impact of the anti-social behaviour has been significant and residents and business owners are forced to look upon individuals partaking in this behaviour. The community feel incredibly intimidated by their presence. Residents and customers actively avoid the areas to protect themselves. It has been an on-going issue and I fear something worse will take place if these individuals are not dealt with appropriately. It is important action be taken so that the area can improve and become a much more welcoming and safe place.

  
NOD 23376

Signature .....

Signature witnessed by .....

NOD 23376

03/2016

OFFICIAL – (when complete)