

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 10<sup>th</sup> January 2024</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Transfer</b>
<b>Premises</b>	<b>S &amp; B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU</b>
<b>Ward affected:</b>	<b>Handsworth Wood</b>
<b>Contact Officer</b>	<b>Bhupinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider an application to Transfer a Premises Licence.

### 2. Recommendation:

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

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

### 3. Brief Summary of Report:

A transfer application was received on 4<sup>th</sup> December 2023 in respect of S & B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU.

An objection notice to this application has been received from West Midlands Police.

### 4. Compliance Issues:

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

## **5. Relevant background/chronology of key events:**

An application to transfer a premises licence was received from Hardeep Kaur on 4<sup>th</sup> December 2023 in respect of S & B Stores, 1 – 3 College Road, Handsworth Wood, Birmingham, B20 2HU.

As the application sought to have immediate effect since the time of the application, Hardeep Kaur has been responsible for the provision of licensable activities at the premises, pending the determination of the transfer application by this Sub Committee.

In line with statutory requirements the application was served on West Midlands Police who have subsequently given an objection notice to the transfer application on the basis that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective under the Licensing Act 2003.

Hardeep Kaur's transfer application is attached, see Appendix 1.

West Midlands Police Notice of objection is attached at Appendix 2.

The current Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

When holding a hearing to consider an objection notice under s44 (5) a licensing authority is confined to consideration of the crime prevention objective in the Licensing Act 2003. Members must therefore only consider matters that relate to the crime prevention objective.

## **6. List of background documents:**

Transfer Application form, Appendix 1  
West Midlands Police Objection, Appendix 2  
Current Premises Licence, Appendix 3  
Site location Plans, Appendix 4

## **7. Options available**

To Grant the transfer application.  
To Reject the transfer application.

## Application to transfer premises licence to be granted under the Licensing Act 2003

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We **Hardeep Kaur***(Insert name of applicant)*

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

1106

## Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description S&B Stores 3 College Road Handsworth	
Post town <b>Birmingham</b>	Post code <b>B20 2HU</b>
Telephone number at premises (if any) N/A	
Please give a brief description of the premises (see note 1) Off Licence/General Sore	
Name of current premises licence holder Gurdeep Singh Samrai	

## Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

a) an individual or individuals\*

☒ please complete section (A)

b) a person other than an individual \*

i. as a limited company/limited liability partnership

☐ please complete section (B)

ii. as a partnership (other than limited liability)

☐ please complete section (B)

iii. as an unincorporated association or

☐ please complete section (B)

- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr ☐ Mrs ☒ Miss ☐ Ms ☐ Other title   
(for example, Rev)

**Surname**

Kaur

**First names**

Hardeep

**Date of birth**

**Nationality**

**I am 18 years old or over**

Please tick ☒ yes



Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

**Current  
residential  
address if  
different from  
premises  
address**

**Post town**

**Post code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**SECOND INDIVIDUAL APPLICANT (fill in as applicable)**

**Mr**

☐

**Mrs**

☐

**Miss**

☐

**Ms**

☐

**Other title**

(for example, Rev)

**Surname**

**First names**

**Date of birth**

**I am 18 years old or over**

Please tick ☒ yes

☐

**Nationality**

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 2 for information)

**Current  
residential  
address if  
different from  
premises  
address**

**Post town**

**Post code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3**Please tick ☒ yesAre you the holder of the premises licence under an interim authority notice? ☐Do you wish the transfer to have immediate effect? ☒

If not when would you like the transfer to take effect?

Day	Month	Year
23	02	2022

Please tick ☒ yesI have enclosed the consent form signed by the existing premises licence holder ☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)



Please tick ☒ yes

I have enclosed the premises licence



If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☐
- I have sent a copy of this form to Home Office Immigration Enforcement today ☐
- Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents, or my Home Office online right to work checking service share code, to demonstrate my entitlement to work in the United Kingdom (please read note 2) ☐

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

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.

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 2)

**Part 4 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature *[Signature]*

Date 18/10/2023

Capacity Personal Licence Holder - Shop owner

**For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent** (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



Consent of premises licence holder to transfer

I/we Gurdeep Singh Samrai

*[full name of premises licence holder(s)]*

the premises licence holder of premises licence number 1106

*[insert premises licence number]*

relating to

S&B General Stores, 3 College Road, Handsworth B20 2HU

*[name and address of premises to which the application relates]*

hereby give my consent for the transfer of premises licence number

1106

*[insert premises licence number]*

to

Mrs Hardeep Kaur

*[full name of transferee]*

signed

name

(please print)

Gurdeep Singh Samrai

dated

18/10/2023

**From:** bw licensing  
**Sent:** 06 December 2023 09:33  
**To:** 'Licensing  
**Cc:**  
**Subject:** FW: [External]: Transfer for S&B Store

Good Morning Licensing,

West Midlands Police object to the transfer of this premises licence under the prevention of crime and disorder licensing objective.

The applicant has stated on the application that she wished the application to start from 23.02.22, nearly 18 months before this application was submitted.

I spoke with the applicant on 5<sup>th</sup> December 2023 and she confirmed that the requested start date is the date she took over the business.

I am aware that Trading Standards have submitted a premises licence for this premises on 29<sup>th</sup> December 2023, prior to this transfer application being lodged.

The review paperwork lists Mr Gurdeep Samrai as the premises licence holder, although when Trading Standards visited the premises, it was this applicant Hardeep Kaur who identified herself as being in charge of the business.

This was also confirmed with the conversation I have with her on 5<sup>th</sup> December 23 when she confirmed she had been responsible for the business for nearly 18 months.

This is of concern for West Midlands Police. KAUR would have been responsible for the premises when Trading Standards Officers seized illegal vapes which were on sale at the premises (which triggered the premises review application) and also would have been responsible for the business when the initial complaints/concerns were raised by member of the public concerning what they believe to be illicit / illegal activity at the premises, which promoted the initial visit by Trading Standards.

It also appears that the premises licence holder (who is named on the review paperwork), prior to this transfer application has been absent or has little or no involvement in the premises since 23<sup>rd</sup> February 22.

West Midlands Police have no confidence in this applicant to uphold the licencing objectives, especially the prevention of crime and disorder.

I have spoken to the applicant, today about this objection who is copied into this email.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

**LICENSING ACT 2003****PREMISES LICENCE****Premises Licence Number:****1106****Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> S & B General Store 3 College Road Handsworth	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B20 2HU
<b>Telephone Number:</b>	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b> M2      Sale of alcohol by retail (off the premises)
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<b>The times the licence authorises the carrying out of licensable activities</b>				
Monday – Saturday	08:00	-	23:00	M2
Sunday	10:00	-	22:30	M2
Good Friday	08:00	-	22:30	M2
Christmas Day	12:00	-	15:00	M2
	19:00	-	22:30	M2

<b>The opening hours of the premises</b> Not Specified
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<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> Off Supplies
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**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Gurdeep Singh Samrai	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email:</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Gurdeep Singh Samrai	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 1233	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 06/11/2005*

David Kennedy  
Senior Licensing Officer  
For Senior Assistant Director, Regulatory Services

## **Annex 1 – Mandatory Conditions**

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

### **Embedded Restrictions**

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

No enforceable conditions identified from operating schedule.

### **2b) Conditions consistent with, and to promote the prevention of crime and disorder**

No enforceable conditions identified from operating schedule.

### **2c) Conditions consistent with, and to promote, public safety**

No enforceable conditions identified from operating schedule.

### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

No enforceable conditions identified from operating schedule.

### **2e) Conditions consistent with, and to promote the protection of children from harm**

No enforceable conditions identified from operating schedule.

### **Annex 3 – Conditions attached after hearing by licensing authority**

#### **3a) General committee conditions**

N/A

#### **3b) Committee conditions to promote the prevention of crime and disorder**

N/A

#### **3c) Committee conditions to promote public safety**

N/A

#### **3d) Committee conditions to promote the prevention of public nuisance**

N/A

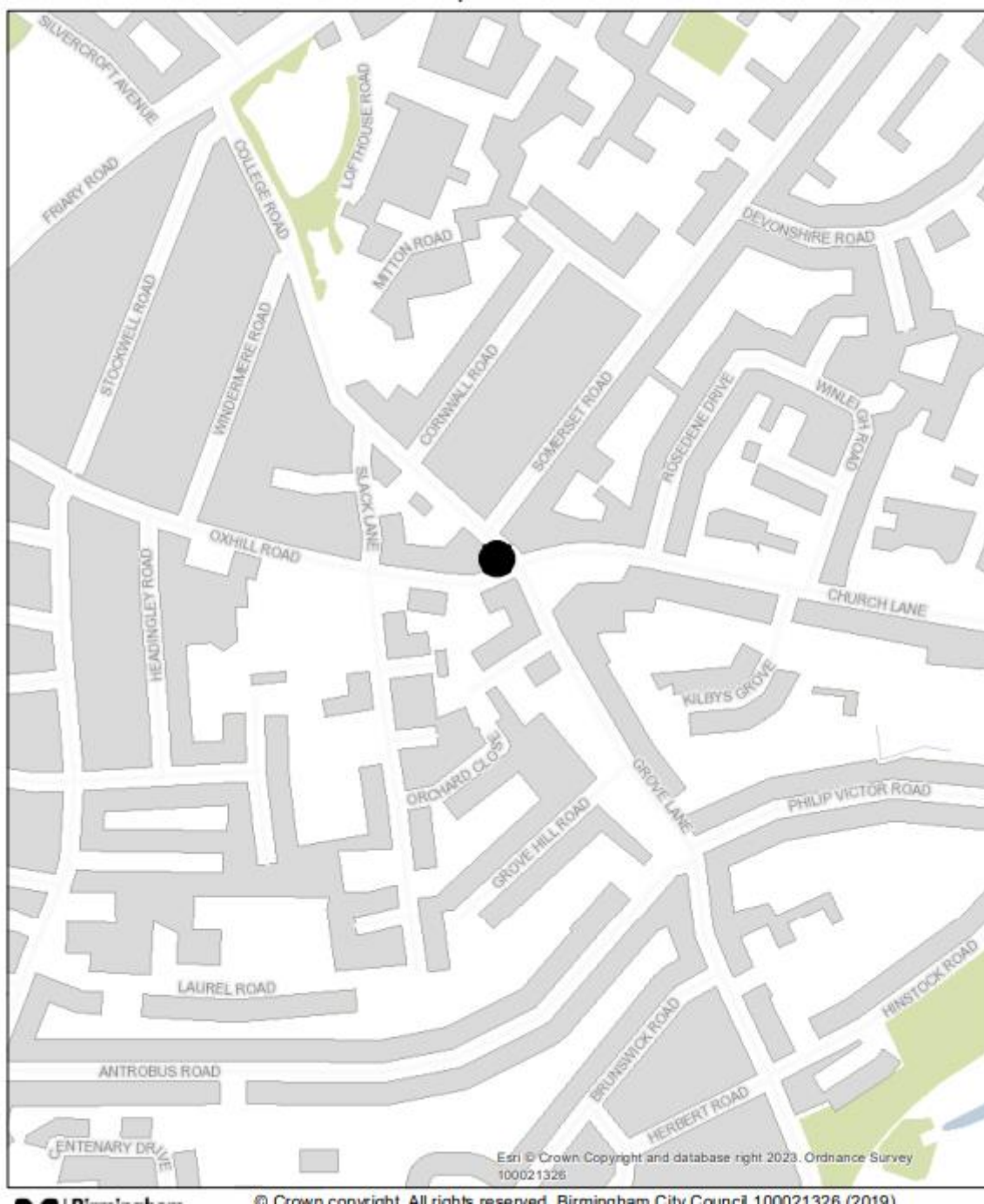
#### **3e) Committee conditions to promote the protection of children from harm**

N/A

## **Annex 4 – Plans**

The plan of the premises with reference number **30219-1106/1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.





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