

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 2 MAY 2018

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 2 MAY 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Alex Buchanan in the Chair

Councillors Mike Leddy and Ian Cruise

ALSO PRESENT

Bhapinder Nandra, Licensing Section
Shawn Woodcock, Licensing Section (Drivers)
Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

- 1/020518 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/020518 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 to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/020518 There were no Nominee members.

MINUTES – PUBLIC

- 4/020518 That the Minute of meetings held on 16th January 2018 and 24th January 2018

were confirmed and signed by the Chairman.

That the public part of the minutes of meeting held on the 31st January 2018 and the 28 March 2018 were noted.

**LICENSING ACT 2003 PREMISES LICENCE – LOZELLS LOCAL, 235-237
LOZELLS ROAD, BIRMINGHAM, B19 1RJ**

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

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Ali Ali Mohammed – Applicant
Duncan Craig – Solicitor – Citadel Chambers

Those making representations

PC Abdool Rohomon – West Midlands Police

* * *

Following introductions by the Chairman, Bhapinder Nandra, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mr Duncan Craig, on behalf of the applicant made the following points:-

- a) That the application was in relation to an off licence for sale of alcohol by retail from 0800 hours to 2300 hours.
- b) That there were a number of conditions on pages 20 and 21 of the paperwork. They related to usual matters, such as refusals registers, incident books and matters relating to nuisance.
- c) That a further condition of a minimum of 1 members of staff to be present after 1800 hours and a limit on beers and ciders to be 7.5%.
- d) That the requirements of the section 182 guidance were that it takes into consideration the local area.
- e) That West midlands police had been consistent in their approach and it would be wrong to suggest that the area was easy to police. The conditions were there to reflect that.

Licensing Sub Committee C – 2 May 2018

- f) That the area was not a cumulative impact zone and it was not saturated with licensed premises.
- g) That the default position for applications outside the cumulative impact zone was that it should be granted subject to it promoting the conditions.
- h) That the previous application it was considered that the previous applicant had insufficient experience. However, his client had further experience.
- i) That there were no other representations other than West Midlands Police.
- j) That the application before had more representations.
- k) That his client had previous off licence experience in Hampton and had been working in Birmingham a significant number of years.
- l) That his client wanted to work in an area he knew.
- m) His client was a personal licence holder and had been for some years.
- n) That the only incident with the police was in 2008 when he was 17/18 years old.
- o) That his client would answer questions about the arrest.
- p) That his client had not committed to taking on the premises until he could be certain that he would get a licence.
- q) That the premises would not be viable without a licence.

In response to questions from Members of the Sub-Committee, Mr Ali Ali Mohammed made the following points:-

- a) That in 2009 he went to college in Birmingham.
- b) That he had a very close relationship with local shop owners and had never had any issues with licensing.
- c) That everyone in the local area was happy.
- d) That he had spoken with neighbours, who were happy about the shops next door.
- e) That he just wanted to be friendly with people and if he had known it would cause a problem he would not have bothered asking people.
- f) That in 2008 when he was arrested he did not use another name. The police came to his house in Smethwick and he had to go to Wolverhampton Crown Court in 2009 where he explained exactly what had

happened. He had never been prosecuted.

- g) That he had been the holder of a personal licence for nearly 3 years. He was given a personal licence from Sandwell Council.
- h) That the shop is quite big and the licensed area was bigger than the Committee Room.
- i) That the percentage of alcohol sales would be 20% of £1000.
- j) That they would operate a challenge 25 policy, refusals register, incident book. They were aware how difficult the area was and therefore, would not be selling any alcohol to minors.
- k) That he lived in Sandwell but was aware of the issues in Lozells. He was not opening the shop to create problems

Mr Duncan Craig continued to answer Members questions:

- a) That the licensable activity would only cover the shelving at the front.
- b) That if the shop was granted a licence they would be installing CCTV and a panic alarm.

In response to Members questions, PC Abdool Rohomon, on behalf of West Midlands Police made the following points:

- a) That they had to have the upmost trust in licence holders given the alcohol related crime and disorder in the area.
- b) That he looked at the application on the day it arrived. Upon looking he emailed Mr Craig's assistant and asked if the applicant had ever been in trouble with the police. They responded stating he had not been in trouble with the police. However, upon further investigation, he had in fact been involved with the police. He therefore objected to the application.
- c) That Mr Mohammed was recorded as the offender for the incident in 2008 and was also cautioned for it. That Mr Mohammed must have admitted to the offence, otherwise he would not have been cautioned.
- d) There were also some concerns regarding alliances and numerous dates of births.
- e) That he did not have trust in the applicant.
- f) That Mr Craig had admitted that the area was a problem and was known for its alcohol and drugs related issues.
- g) That he did not have confidence in the previous applicant or the applicant before him today.

Licensing Sub Committee C – 2 May 2018

- h) That the caution itself was not grounds for objection, but the fact Mr Mohammed had tried to mislead the police was the reason for objection.
- i) That 20% alcohol sale was a small amount, yet when he had examined the plans he was alarmed at the size of the beer fridge and the big area for alcohol and cigarettes. Which led him to believe it was predominantly going to be alcohol led.
- j) That they did not support the request.

At this stage in the meeting Mr Duncan Craig, on behalf of the applicant requested a short adjournment in order to have discussions with PC Rohomon.

The Chairman advised that an adjournment would be allowed.

At 1011, the meeting was adjourned. All parties with the exception of Members, the Committee Lawyer and Committee Manager left the meeting.

At 1020 the meeting was reconvened and all parties were invited back into the meeting room.

Mr Craig advised that Miss Daud was not his assistant and that she did used to work at Birmingham City Council. His client's position was that he had never been cautioned and therefore requested that the meeting be adjourned to allow his client time to go to the police station to get this verified and have fingerprints taken to ensure the caution belongs to him.

PC Rohomon had no objections but did advise that the process could be lengthy.

Mr Craig advised that once the matter was adjourned there was no time limit and that his advice would be to allow his client 1 month.

The Chairman advised that the request to adjourn the meeting would be approved.

At 1020 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

5/020518

RESOLVED:-

That the application by Ali Ali Mohammed for a premises licence in respect of **LOZELLS LOCAL, 235-237 LOZELLS ROAD, BIRMINGHAM, B19 1RJ**

BE ADJOURNED TO A DATE TO BE NOTIFIED in order that the applicant can contact West Midlands Police, as per the agreement made today between the applicant's representative and West Midlands Police. The date shall be no earlier than 22nd May 2018.

The Sub Committee were advised by the Committee Lawyer of their

discretionary powers to adjourn the matter under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members considered that an adjournment was necessary in the public interest. Given the principles of natural justice, the Members had a duty as decision-makers to conduct a proper examination of submissions, arguments and evidence adduced by both parties in order to reach a proper determination. This would require the grant of an adjournment so the applicant could contact the Police and assist them. Once this has been completed, the Sub-Committee will be able to properly and fully consider the application.

OTHER URGENT BUSINESS

6/020518 There was no urgent business.

EXCLUSION OF THE PUBLIC

7/020518

RESOLVED:

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)
