



BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY 16 DECEMBER 2020

Select Xpress, 1164 – 1166 Warwick Road, Acocks Green, Birmingham, B27 6BS

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, licencing 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.