

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Monday 7th January 2019
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	Costcutter, Unit D1, 26 Ryland Street, Birmingham, B16 8FW
Ward affected:	Ladywood
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider and determine the review application.

3. Brief Summary of Report:
Review application received on 8 th November 2018 from West Midlands Police in respect of Costcutter, Unit D1, 26 Ryland Street, Birmingham, B16 8FW. 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.

5. Relevant background/chronology of key events:

<p>West Midlands Police applied on 8th November 2018 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Costcutter, Unit D1, 26 Ryland Street, Birmingham, B16 8FW.</p> <p>The Review application is attached, see Appendix 1.</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 2.</p> <p>The Premises Licence is attached at Appendix 3.</p> <p>Site location plans at Appendix 4.</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.</p> <p>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">a. The prevention of crime and disorder;b. Public safety;c. The prevention of public nuisance; andd. The protection of children from harm.

6. List of background documents:

<p>Review Application Form, Appendix 1</p> <p>Copy of the representation as detailed in Appendix 2</p> <p>Copy of Premises Licence, Appendix 3</p> <p>Site location plans, Appendix 4</p>

7. Options available

<p>Modify the conditions of Licence</p> <p>Exclude a Licensable activity from the scope of the Licence</p> <p>Remove the Designated Premises Supervisor</p> <p>Suspend the Licence for a period not exceeding 3 months</p> <p>Revoke the Licence</p> <p>No Action</p> <p>Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.</p>

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS

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 Chief Constable Of West Midlands Police

(Insert name of applicant)

apply for the review of a premises licence under section 51 / ~~apply for the review of a club
premises certificate under section 62~~ of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Costcutter
Unit D1,
26 Ryland Street,
Birmingham.

Post town Birmingham

Post code (if known) B16 8FW

Name of premises licence holder or club holding club premises certificate (if known)

Mr Imran Saghir

Number of premises licence or club premises certificate (if known)

3602

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Chief Constable of West Midlands Police Supt Mat Shaer (duly authorised on behalf of Chief constable of West Midlands Police) Birmingham Central Police Station Lloyd House Birmingham
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

The premise is currently a 24 hour off licence and convenience store located on Ryland Street.

Ryland Street is located a couple of streets from Broad Street, and is heavily residential.

On the 5th September 2018 Birmingham Central Police Licensing Team were notified by the neighbourhood team that cover the premises that they were receiving significant complaints from residents about the premises, and the Anti-Social Behaviour that residents were suffering.

A review of the emails from residents and mobile phone footage indicated to the Licensing team that residents were suffering significant anti-social behaviour.

Footage showed, staff swearing at customers, loud music from cars parked outside the shop and people coming from the shop, people drinking outside the shop and contributing to the anti-social behaviour.

A meeting was arranged with the premise licence holder on the 14th September 2018, where he attended and met with a licensing officer and the neighbourhood team supervisor and officer.

At the meeting the concerns and evidence of the anti-social behaviour were put to the premise licence holder. At this point officers were satisfied that there was enough to seek either a closure notice under the Anti-Social Behaviour Act, and/or review of the licence.

The meeting was held to see what measures could be adopted to remedy the issues. At the meeting the premise licence holder came across plausible to the point that officers felt they would give him the opportunity to address the issues and not apply for a closure notice.

After the meeting on the 14th September 2018, the premises were put on an action plan which needed to be implemented immediately.

After the first meeting and the implementation of plans agreed by the premises complaints continued to be sent to the local Police neighbourhood team, relating to anti-social behaviour coming from the premises.

On the 28th September 2018 further intervention took place with the premise licence holder by way of email and phone as complaints had continued. Following a request from the Police licensing team, new operating hours were agreed, and slight amendments to the previous plan.

Through October 2018 several complaints were received by the local neighbourhood team, they attended the premises to obtain the CCTV to ascertain if there had been any further ASB linked to the premises. After several attempts to obtain the CCTV but being faced with excuses from staff as to why it was not available officers had no choice to seize the CCTV hard-drive (which is going to be reviewed).

Through the negotiations the Police were insistent that if the changes worked then there would be a requirement for a variation of the licence to ratify the changes made.

At the end of October officers were concerned that they were getting nowhere with the Premise licence holder, who was trying to change the plan and extend his hours. The premise licence holder was asked to seek legal advice and provide a plan of what they wanted to do.

During this period photographic evidence was proved to the Police around a bill board advertisement on Broad Street for a Costsutter advertising a 24 hour premises.

The premises were asked if they had any knowledge of the bill board, to which no reply has been received.

A plan has been received from the solicitor representing the licence holder, which seeks longer hours than currently agreed, states would not be paying for security and they would not seek to change the licence.

West Midlands Police have tried to work with these premises, but the response indicating that they wished to trade longer, would not provide security and that they were being penalised shows that the premises did not take seriously the concerns raised before.

As a result West Midlands Police feel that they need to seek to review this premise licence.

Please provide as much information as possible to support the application (please read guidance note 3)

Statement from officers will be provided

- Licensing team officers
- Neighbourhood team officers

Non – crime Anti-social behaviour log

Email complaints

CCTV from mobile phones

Emails from officers to premises

Emails from solicitor to West Midlands Police

Have you made an application for review relating to the premises before

Please tick ✓ yes

☐ No

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

West Midlands police made representations for the agreement of conditions, this was heard by a committee on 28th March 2011, and conditions were imposed as agreed with West Midlands Police by the licensing sub-committee


Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  **DULY AUTHORISED ON BEHALF OF WESTMIDLANDS POLICE**
Supt. MATTHEW SHARR

Date 08/11/18

Capacity BIRMINGHAM WEST Supt.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Birmingham Central Police licensing team Birmingham Central Police station Lloyd House Birmingham	
Post town Birmingham	Post Code B4 6NQ
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

From: Abdool Rohomon
Sent: 20 November 2018 13:00
To: Licensing
Cc:
Subject: additional reps - Costcutter - Ryland street

Dear Licensing,

West Midlands Police wish to add the following reps to its original application for a licensing review against Costcutter Unit D1, Ryland Street.

West Midlands Police have partially viewed the CCTV hard drive which was seized following continued complaints being received in relation to Costcutter. 3 dates have been viewed which have shown –

Breach of operational conditions in persons being allowed into the premises after 2300 hours and trading
Staff smoking inside the premises in contravention of the Health act 2006
Premises open beyond the agreed times within the intervention meeting

Full statements and CCTV will be provided in the evidence bundle submitted prior to the hearing

regards

Abs Rohomon

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

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3602 / 3

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

Costcutter
Unit D1
26 Ryland Street

Post town:

Birmingham

Post Code:

B16 8FW

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities

Monday - Sunday 00:00 - 23:59 M2

The opening hours of the premises

Monday - Sunday 00:00 - 23:59

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Imran Saghir	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Imran Saghir	
Post town:	Post Code:
Telephone Number: Not Specified	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 8575	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 09/10/2015



SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

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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.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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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

Images/data taken from the CCTV will be kept for at least 31 days and shall be made available to the responsible authorities upon request.

When the DPS is not at the premises another person shall be nominated by them to be the responsible person to manage the premises.

All staff will receive documented training in respect of their responsibilities under the Licensing Act 2003, including six monthly refresher courses. training records will be retained on the premises and will be available for inspection by the responsible authorities.

Late night trading between 11pm and 6am will be via a security serving hatch only, located in the premises frontage.

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

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

Any person who looks or appears to be under the age of 25 shall be asked to provide ID to prove that they are 18 years of age or over.

The premises will keep and maintain a alcohol sales refusal book which will be signed off weekly by the Designated Premises Supervisor, the book will be available for inspection by the responsible authorities.

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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

CCTV cameras shall be installed and operated at the premises to a specification satisfactory to the Police.

If the CCTV is found not working, an engineer must be called straight away (unless it is out of hours) & the fault rectified within 3 working days. If the CCTV cannot be fixed within the first 2 hours then the Premises Licence Holder/Designated Premises Supervisor will inform the Licensing Authority & Police Licensing Department of this fact, and when they expect it to be fixed by (the CCTV must be fixed within 3 working days.) A detailed log will be made of any faults of the CCTV, which will be made available to the authorities on request.

The Police will have the power to extend this 3 day period (to fix any faults of the CCTV) at their own discretion dependent upon circumstances.

The CCTV will cover the alcohol which is on display and the monitor will be displayed near the till for staff to monitor.

3c) Committee conditions to promote public safety

N/A

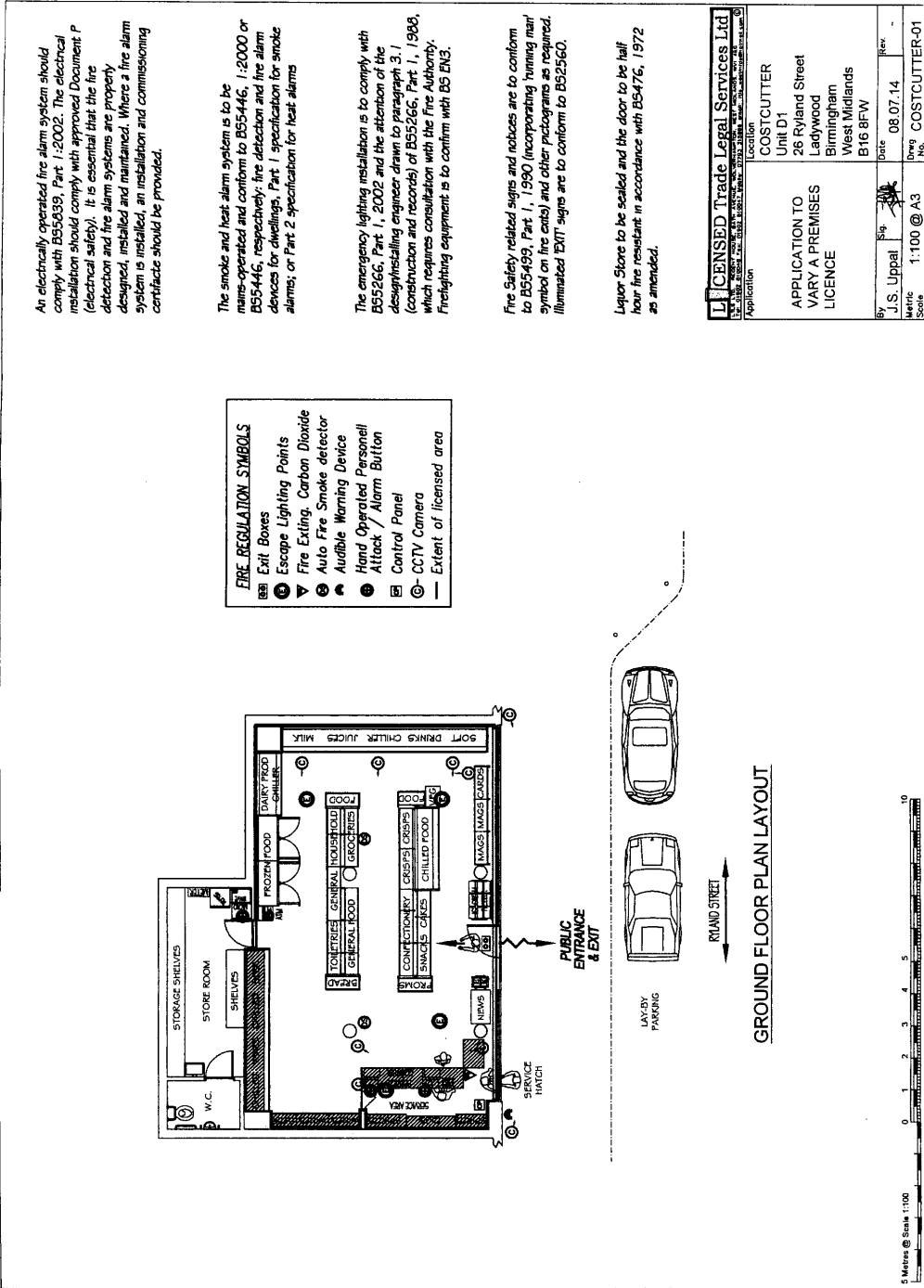
3d) Committee conditions to promote the prevention of public nuisance

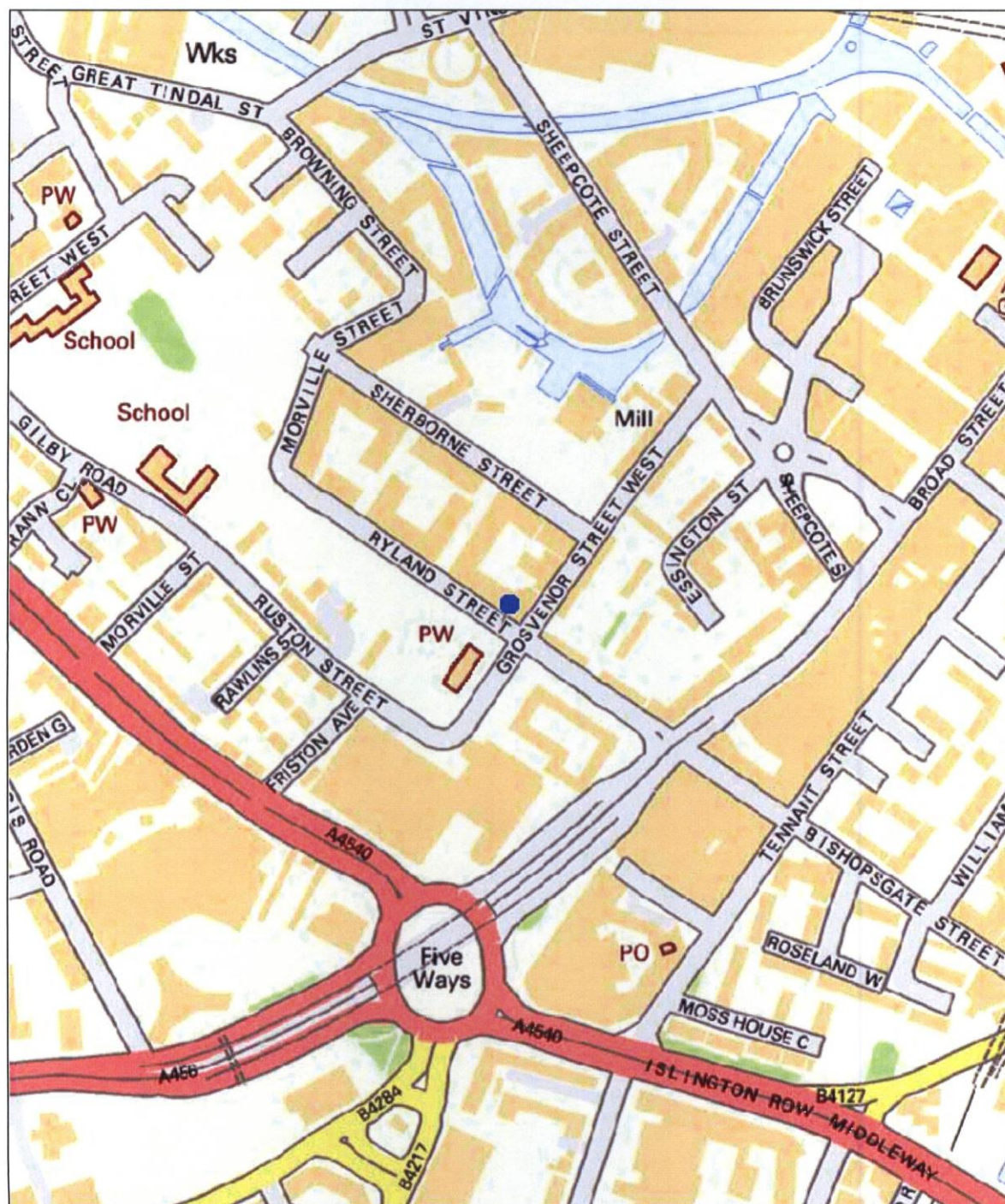
N/A

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

N/A

Annex 4 – Plans





Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 08/11/2018

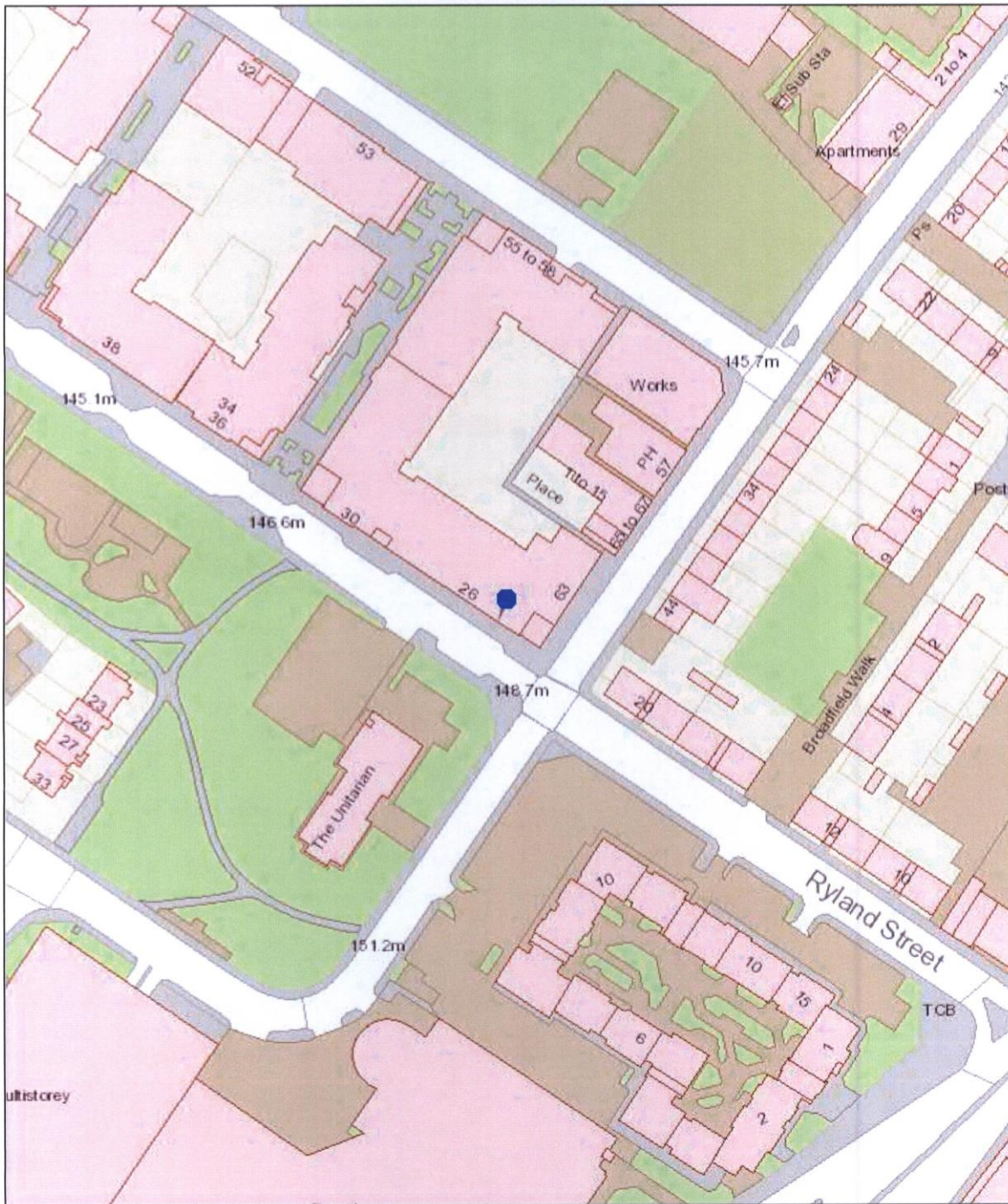


Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 08/11/2018



Scale:
1:1,250

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