

# **BIRMINGHAM CITY COUNCIL**

<b>LICENSING SUB COMMITTEE C - WEDNESDAY 23 AUGUST 2017</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE C  
HELD ON WEDNESDAY 23 AUGUST 2017  
AT 0930 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Alex Buchanan in the Chair

Councillors Mike Leddy and Ian Cruise

**ALSO PRESENT**

Shaid Yasser, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Katy Poole, Committee Manager  
Phil Wright, Committee Manager

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**NOTICE OF RECORDING**

01/230817      The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

02/230817      There were no nominee members.

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**MINUTES**

03/230817      That the public section of the minutes held on 26 July were noted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT PREMISES AT 183  
COLE VALLEY ROAD, HALL GREEN, BIRMINGHAM, B28 0DG.**

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:**

Surinder Bains – Applicant  
Mohammed Abrar – Cost Cutter Manager  
Gurdeep Bria – In support of the applicant  
Aipall Bains - In support of the applicant & brother

**Making Representations in respect of the application**

Cllr Liz Clements (On behalf of the residents).

Following introductions by the Chairman, the main points of the report were outlined by Shaïd Yasser, Licensing Section.

In response to members questions Mr Surinder Bains and Mohammed Abrar made the following points:

1. That the store had been under-going a £80,000 refit, which was nearly completed.
2. That the premises will be operating as a Cost Cutter.
3. That the objections submitted are based on past history with previous owners.
4. That they don't want the focus to be on the past; Mr Bains is a new owner, with no connection to the previous owners.
5. That Mr Mohammed Abrar, of Cost Cutter shall be over seeing the premises himself.
6. That compliance is important to Mr Abrar.
7. That Cost Cutter carry out spot checks, ensure staff receive relevant training and the premises will have CCTV installed, as well as an alarm system.
8. That if new conditions were proposed at the meeting then they will take them on board.

9. That there had been a local need for the store; it will be a convenience store, offering daily house hold goods as well as a post office.
10. That the post office will be welcomed by the local community as the nearest one was over 2 miles away.
11. That the premises expected turn over weekly was £15,000 and 30% was expected to come from licensable activities.
12. That the premises have put CCTV cameras (18 of them) in place and had an alarm fitted which was linked to the police in order to prevent crime and disorder.
13. That they have not done much outside the premises yet, but if conditions are included today, they will be willing to do what is conditioned.
14. That the local off-licence in the area opens from 10-2 and that the premises wishes to operate longer than this.
15. That the premises will not contribute to crime and disorder and that the previous issues were in relation to different owners who were attracting the wrong crowd due to the owner doing the wrong things.
16. The area was managed really well, it was an affluent area therefore, they do not believe the opening times will be an issue.
17. That they were absolutely confident it will not add to the crime and disorder in the area.
18. That the previous issues of crime and disorder went further than just the premises itself. There had been issues with gangs and cars hanging around outside and on the frontage of the premises previously.
19. In order to address the issues outside the premises they have had CCTV installed which encompasses the driveway, the frontage, the doors and the side of the property including the pathway leading into the area. To which neighbours had agreed, the CCTV installation had already lessened the anti-social behaviours outside the property.
20. That they had issues with cars pulling up for no reason, and doing illicit things, but that they had approached them. This was the reason for installing external cameras.
21. That the CCTV had been installed for 2 months and in that time they had already had an incident of a man holding a machete, to which the CCTV was given to the police to help them with their enquiries.
22. Previously there had been no CCTV installed, to which they had noticed this was an issue that needing addressing – which they have done.
23. That they had a sign up saying “Cost Cutter coming soon”.

24. That they had been having issues with fly tipping outside the shop; which they have cleaned up and since installing the CCTV that has stopped.
25. That they have also installed CCTV facing the roundabout as another measure to maintain order in the local area.

In response to members questions Cllr Liz Clements, on behalf of the residents, made the following points:

1. That on the 5th June she had submitted her first written objection, however the first and second application had been withdrawn. To which she suggested was due to unfamiliarity of the licencing objectives and framework, as it was due to errors of procedure that they had to withdraw.
2. That it had taken her over 3 months to become familiar with the premises and the residents' concerns.
3. Residents had raised concerns regarding the reoccurrence of the previous problems.
4. That she wanted members to take into consideration the "lengthy written considerations".
5. That Cole Valley Road was a residential area.
6. That the residents take great pride in their area, mowing the verges, planting flowers.
7. Parking on verges had already been an issue.
8. That the longer operating hours are a concern for residents, taking into consideration the pre-existing off licence operating hours.
9. That the residents would welcome a post office and convenience store, but questioned why the premises then needed to sell alcohol.
10. That the concerns raised by residents were concerning the past history.
11. That they had agreed with the conditions suggested by the police, and were happy with these.
12. That the previous issues regarding under age sales were a real concern for residents and they wanted to know what the premises was going to do to prevent this problem reoccurring.
13. That irrespective of who had held the licence, there had been a history of withdrawal of licence due to under age sales and that the landlord had been the same for much of the period of crime and disorder during this time.

14. That the premises had been a huge attraction to youths, who congregate outside in cars, revving engines late into the night.
15. That the residents had huge concerns about the licence being granted till 2300 hours.
16. That the residents also raised concerns regarding the litter which they had previously cleaned up themselves.
17. That there was no cumulative impact in this area.
18. That the residents do not want another licenced premises when there is already a specialist off licence down the road.
19. That she wanted clarity from Mr Bains in regard to crime and disorder and what he will do to prevent this.
20. That she also wanted to know what steps Mr Bains had taken to listen to residents and introduce himself and maintain contact.
21. That she had attended the meeting in order to raise objections on behalf of the residents and in relation to the licencing objectives. That she felt this had raised the case concerns that the police had not really understood or looked at the history appropriately. But that she was aware that the Committee must take into consideration the recommendations and conditions the police had put forward, and that the police have endorsed the licence.
22. That she would like the following conditions:
  - a. That the hours be reduced for the sale of alcohol.
  - b. That the licence be issued on a temporary basis for 1 year. (If this was possible)

The Chairman advised Cllr Clements that the police do not endorse licences, they have put conditions forward to address the concerns raised and to ensure the licencing objectives are maintained. Mr Shaid Yasser, Licensing Officer, confirmed that a temporary licence is not a valid condition, and that it would not be possible to issue a temporary licence.

Cllr Clements continued:

23. That the other Cllrs who have objected to this application have not spoken with the police of PCSOs in the area.
24. That there is already an issue in the area regarding the lack of police coverage. This raises concerns that should the previous anti-social behaviour return, there would not be enough police on the ground to deal with it.
25. Cllr Clements wanted clarification as to whether the police set standard conditions for every application.

26. Shaid Yasser, Licencing Section, advised that standard conditions of licence are not as such, the police tailor them to each individual application.
27. That the residents won't be happy about this decision should it be granted as they have raised objections and concerns.
28. That the sale of alcohol 8am -11pm is a major concern which will have to be looked at and restricted. That she proposed 11am – 9pm would be her recommendation to the Committee. She further suggested that a break within the time period also.

In summing up Cllr Liz Clements made the following points:

1. That it had been reassuring that the premises would be operating as a convenience store and post office.
2. However, she failed to see why the premises wanted or needed an alcohol licence.
3. That they had serious concerns regarding the previous track record and being a magnet for crime and disorder, public nuisance and ensuring the protection of the public and children.
4. That the quality of life in the local area was important to the community.
5. That she wanted the objections and representations taken seriously.

In summing up Mr Bains and Mr Abrar made the following points:

1. That they had tried to resolve the issues previously brought to their attention.
2. That there was a genuine need for the premises to sell alcohol.
3. That they carry out spot checks and refresher training courses every 8 weeks to ensure no underage sales occur.
4. That they will conduct a week's induction training at their head office on how to run a convenience store, licencing, and temperatures so on.
5. That they will use refusal books and ensure that steps are in place to minimise problems arising.
6. That they have been in contact with residents and out of over 200 residents only 4 have complained.
7. That they have even given their personal numbers out in case of any problems.

8. That the cameras are live streamed to their mobile phones, so they can see everything. If there was any problems they are able to get security their within 15 minutes.
9. That they need to further communicate with residents as without their feedback they cannot put any measures in place.
10. That the residents they have already made contact with have been happy with the implementations they have put in place so far.
11. That they have to take ownership of the shop and ensure that they do not allow people to cause nuisance outside. They will also be checking IDs for anyone who looks under 21.
12. That they are aware that people are buying cigarettes for under age people outside; they now have cameras to monitor this.

Cllr Buchanan addressed concerns raised by Cllr Liz Clements in regards to the objections being significantly more than the applicant had expressed, by stressing that members had read, and noted the objections and of course would take them on board.

At 1027 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1111 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/230817

**RESOLVED:-**

That the application by Surinder Singh Bains for the grant of a premises licence in respect of

183 Cole Valley Road, Hall Green, Birmingham, B28 0DG

**BE GRANTED**

subject to the following conditions:

- The opening hours of the premises to be 0600 hours at the earliest, to 2300 hours at the latest, daily
- The hours for the sale of alcohol to be from 1000 hours at the earliest, to 2300 hours at the latest, daily
- The frontage of the premises to be swept daily
- The premises to operate a Challenge 25 policy (not 'Challenge 21')

Those matters detailed in the operating schedule and the relevant

mandatory conditions under the Licensing Act 2003 will also form part of the licence issued, together with those conditions as agreed with West Midlands Police in their email dated 13th July 2017, and thereafter amended by the Sub-Committee, namely:

- CCTV to be installed/updated to the specifications and recommendations of West Midlands Police. CCTV to be fully downloadable and made immediately available to any of the Responsible Authorities on request. CCTV to record for a minimum of 28 days throughout the whole of the licensable activity times and show the correct time & date stamp
- All staff to be trained in their responsibilities under the Licensing Act 2003, the licensing objectives and the Challenge 25 policy. Staff training to be documented, signed by both the trainer and trainee; this documentation to be made immediately available to any of the Responsible Authorities on request. No staff to work in the premises when licensable activity is taking place without such documented training, with the exception of Personal Licence Holders
- Challenge 25 signage to be prominently displayed on the entrance door and point of sale area
- Refusals register to be signed off weekly by the DPS
- No drinks allowed on the premises in open containers

The Sub Committee examined the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four Licensing Objectives contained in the Act will be properly promoted.

The Sub-Committee was reassured that the new management appeared to want to run the shop carefully, to become part of the community and to offer a service to local residents. Mr Bains had twenty years' experience of running these types of shops, including some in high-crime areas. He would be assisted by two younger men, one of whom was his grown-up son. The two assistants had undertaken a great deal of the preparation for opening the shop, including clearing up flytipped rubbish dumped in the vicinity, and making the arrangements for operating the CCTV.

The shop was to be part of the 'Costcutter' national chain of convenience stores. A full refurbishment of the premises had been completed, at a cost of some £80,000, as the premises had been near-derelict following previous poor management by other persons. The new management had also been in discussions with the Post Office about potentially introducing a Post Office counter into the shop, which a local councillor confirmed would be welcomed by local residents. The premises' numerous CCTV cameras had already been put into operation (in advance of the shop opening for business), and appeared to have already reduced instances of anti-social behaviour occurring in the vicinity. The new management had

offered to make their CCTV recordings available to Police, following reports in the local press of a crime suspected to have occurred in the area.

Members carefully considered the representations made by other persons, but were not convinced that there was an evidential and causal link between the issues raised and the effect on the Licensing Objectives. Whilst it was accepted that there had been problems at the premises in previous years, which had culminated in the revocation of the Licence, that was when the premises were under entirely different management. There was no connection whatsoever between Mr Bains and the previous operator.

A number of written representations had been received, but the Sub-Committee considered that the apprehensions of local residents could be allayed by curtailing the hours for the sale of alcohol, such that alcohol was not on sale early in the morning. The residents' main fear seemed to be about the recurrence of crime and disorder if the shop were to be permitted to sell alcohol, as it was felt that the underage sales which had been permitted by the previous operator had been the cause of this; however the Sub-Committee considered that Mr Bains was a suitable and experienced person who would manage the premises properly and carefully control sales of alcohol.

In reaching this decision, 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 application for a premises licence, the written representations received and the submissions made at the hearing by the applicants, their adviser and 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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**LICENSING ACT 2003 PREMISES LICENCE – GRANT ROTI & CO., 86 OLD SNOW HILL, BIRMINGHAM, B4 6HW.**

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:**

Jaydeep Purewal – Applicant  
Patrick Burke – PMB Licensing

**Making Representations in respect of the application**

Mr Jeremy Powell – Local Resident  
Kevin Grealy – Supporting Mr Powell

Following introductions by the Chairman, the main points of the report were outlined by Shaïd Yasser, Licensing Section.

In response to members questions Mr Jaydeep Purewal and Mr Patrick Burke made the following points:

1. That Roti & Co. is mainly about food; it is a catering service for weddings and parties. It is an outside service whereby the food is made on site and delivered to the events.
2. That they had wanted to use to shop front to let people “wine and dine” with them, and this would give guests the opportunity to try the foods and wines and then hopefully chose Roti & Co’s services.
3. That they will also be doing a takeaway service using Deliveroo to deliver their products. So their food and drink will be deliverable to customers.
4. That the premises will not be running as a bar and instead will only be for invited guests.
5. That the idea is that if people wanted to hold an event they could ring Jaydeep and come and try the food, see the prices and discuss the services that are on offer.
6. That Mr Purewal has a wealth of experience in the trade; his family own a brewery and other food establishments which they have never had any issues with.
7. That they have been in discussions with the police and have decided that there will be a 20 person limit on the capacity for the premises.
8. That they would be happy for it to be a condition of licence that only invited persons will be allowed on the premises.
9. That there will only be one tap on the bar, which will be serving their own, brewed lager.

10. That in regards to the objections, Mr Powell explained he was representing over 30 people, but failed to mention that there are over 92 flats in the area. There had also been no evidence that he was representing the amount he had stated.
11. That the premises won't be open to the general public.
12. That they are aware there have been issues with drinking and drug abuse in this area – however these individuals or any of the general public will not have access to the premises.
13. That the premises may have weeks where no one is invited, and weeks where it is busy – it won't always be in use.
14. That the representations refer to Mr Powell's flat being sandwiched between 2 food facilities, which were not relevant.
15. That the representations' regarding an abundance of alcohol being sold in that area is also no relevant. The objections regarding alcohol related crimes are further not relevant, as the police have made no objections, nor have they raised any concerns.
16. That they do not wish to operate as an open bar, there is one round the corner therefore there is no need for one.
17. That the representations regarding noise should not be an issue as the premises will only have invited guests for a few hours and at maximum there will only be 20 in there at a time.
18. That Mr Purewal wants to do this application properly, he could easily give customers food and alcohol free, without any regulation but he does not want to do that.
19. That Mr Purewal is going to charge people for visiting his premises to enjoy the food and wine, and then if they book a package with him or use his services, he will deduct that expense from the entire bill. That doing this will ensure people do not abuse the premises or his services. Further, ensuring that they avoid certain clientele.
20. That the delivery service they will be providing will be using Deliveroo, who have their own rules and regulations regarding the sale of alcohol and the challenge 25 policy.
21. That they have discussed this service with the police who raised no concerns.
22. That the order is paid for by card payment and the card has to be in the name of someone over 25 for the transaction to be successful, if they have ordered alcohol.
23. The delivery company are then responsible for making sure that when they deliver the food that the person receiving it is over 25.

24. That it was a service that Deliveroo already do, and they already have measures in place.
25. Ultimately it is the premises responsibility to ensure they are not selling alcohol to under age persons.
26. That they will keep a refusal book and that the delivery drivers have CCTV in their cars.
27. That the Premises Licence Holder shall be notified should any issues arise.
28. That the seating area in the premises is adaptable to the number of guests attending. Therefore, it is shaped in a U style with a table in the middle. That the table arrangement seats up to 15 people, but additional chairs can be added.
29. That the boundary of the lease on the premises means people are only allowed outside to smoke, people will not be allowed to take drinks outside.
30. That if members find the delivery service a problem Mr Purewal, would be happy to do the delivering himself – therefore ensuring that he can manage the challenge 25 policy himself.
31. That he was also happy not to deliver alcohol if that was an issue for members.

In response to members questions Mr Jeremy Powell, on behalf of the residents, made the following points:

1. That the location of the premises used to be a social enterprise owned by the council trying to get people back into work, however, it failed so it moved on.
2. That the area was full of supported living persons who have alcohol and drug related issues and therefore alcohol and drug use was a serious problem and it was only getting worse.
3. That the funding for homelessness was provided by us all.
4. That there are 7 hostels within a quarter mile radius of the premises.
5. That the premises are attached to supported living accommodation, and it had a shared access.
6. Therefore, they have serious concerns for the licencing objectives.
7. That they have spoken to the local police officer and he explained that complaints had been made regarding the noise late at night from the flat next door to the premises.

8. That the floor plan for the premises was indicating that the shared access is licensable activity and that they are disputing this. The boundary there needs changing.
9. That they are unsure why you would apply for an alcohol licence and then not open it up to the public. Therefore, they explained they think Mr Purewal will open it up to the public once he gets a licence.
10. That night time was the major problem in that area.
11. That they were also disputing the capacity, as they feel it has capacity for 50-60 people standing.
12. That there has been access issues due to the limited space and the number of school children and members of the public who congregate in that area.
13. That in terms of public nuisance they are concerned that if the licence was granted people will be smoking outside, littering, and making a mess out the frontage.
14. That the premises do not have a smoking area, and therefore people will be going outside onto the pavement to smoke.
15. That the premises has limited parking of about 4/5 spaces, which were not allocated purely for customers.
16. That there are a huge number of hostels and homeless people in the area.
17. That in his opinion the location was all wrong for this premises, if it was attached to any other building it would not be a problem, but due to it being attached to the supported living, there are highly vulnerable people having to see this premises operating.
18. That the 35 people/residents he was representing did not know this was taking place and therefore have not made individual representations.
19. That he has been living in the flat for 18 months.

In response to members questions Mr Kevin Grealy, made the following points:

1. That his area of concern was the prevention and safety of homeless people.
2. That he has worked in homeless support for the past 12 years and had previously been a homeless person himself, along with a drug and alcohol abuser.
3. That there are always people trying to turn their lives around and they struggle when faced with people drinking. They will make routes to walk to avoid going

past pubs or off licences. Therefore, to have a bar attached to the building was not helpful. It was not encouraging the prevention of homelessness.

4. That he had been homeless until he was 30 years old and he was one of the most troublesome as he had significant alcohol dependency issues.
5. That these homeless people are individuals who have lost the ability to communicate and socialise in any normal capacity. They only feel safe going home in the evening and then they could now be faced with a bar.
6. That it shows complete disrespect to the homeless people.

Cllr Alex Buchanan, Chairman, advised that although the above comments were extremely emotive and expressive. The members must focus on the impact of the licencing objectives and whether they can be met. Further, Cllr Buchanan addressed the concerns about the premises operating as bar, and in fact reminded the objectors that in fact it would be an invite only operation, and would not be open to the public. Members congratulated Mr Grealy for his achievements in turning his life around.

Mr Grealy continued.

1. That he has been associated with that area for over 19 years.
2. That he understands member's comments, but these homeless people have to walk past 20 people drinking as they return to their temporary homes, or when they are leaving. It was a real life challenge for these individuals. They may as well go and buy themselves a bottle of frosty jacks and go down the canal.
3. That the little space on the map was the front door, which was a concern.
4. That they say they will stop people going outside with drinks, but how can they control that.
5. That the application has been submitted without consultation with the residents, which indicated a breakdown of communication.
6. That someone has to stand up for what he felt was right, and he was aware that there are legal issues but that there was also morality issues. However, he was aware that members are bound by legal responsibilities.
7. That they had not been made aware this application was being submitted.
8. That the staffs working with the homeless people are dealing with over 70 chaotic people and therefore they haven't got the time, most of them were not aware of the application.

In summing up Mr Jeremy Powell made the following points:

1. That he has highlighted his concerns regarding the licencing objectives and prevention of the homeless cycle.
2. That he thinks the funding from CCOE needs to be made to work, we need to create a safe environment to protect vulnerable people.
3. The concern had not been the off licence or the food.
4. That if a licence was granted they will use it, that they are trying to show they will use it as a bar, have your cake and eat it comes to mind.
5. That if the licence was granted please can they help these people and safeguard the homeless.

In summing up Mr Purewal and Mr Burke made the following points:

1. That they did not receive the objection until after the submissions, then they sat with the objectors yesterday so they had been made fully aware of the concerns.
2. That as a result of the meeting they have come up with resolutions that meet them half way. Such as:
  - a. Excluding the shared access from the licensable activity.
  - b. Ensuring that blinds are fitted on all windows.
  - c. That the premises will have no external advertising.
3. The conditions above will ensure that the premises excluded their activities from the general public and make sure it is safeguarded from homeless people.
4. That the primary reasons for the hours requested in the application are for the delivery service.
5. That the residents in the area do not pay attention to the premises which was why they did not see the notification of the application outside.
6. That Mr Purewal was happy to help, he feels sorry for the homeless people and will try to always help.
7. That he does not want the hassle of people thinking there is alcohol in the premises and trying to break in.
8. He wants to help and be a part of the community not work against it.
9. He will do everything he can to block it all out so they cannot see what happens inside.

10. That it was an exclusive experience therefore, privacy would also be important to customers.

At 1240 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1315 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

05/230817

**RESOLVED:-**

That the application by Jaydeep Singh Purewal for the grant of a premises licence in respect of

Roti & Co, 86 Old Snow Hill, Birmingham B4 6HW

**BE REFUSED**

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns that the proposed business plan (by a young businessman from the local area, whose family had worked in the licensed trade for a considerable period) was confused in terms of the proposed style of operation. The Sub-Committee was concerned that in order to grant the Licence, they would have to completely redraft the Operating Schedule for the applicant and his adviser.

It appeared on the face of the papers that the premises was a café that wished to offer alcohol, but the applicant and his adviser stated to the Sub-Committee that it was more of an event catering firm that wished to serve sample menus, together with alcohol, to potential clients who were thinking of booking catering services from them. These potential clients would be invited to come to the premises in order to try the food and drinks in the company's own premises; it was not the applicant's intention to be open to the general public. A maximum of 20 potential clients would be served at any one time. The plan was that once the clients had tried some sample dishes and drinks, Mr Purewal would draw up a catering package for their event.

However the premises was also going to offer takeaway food & alcohol. It was not clear whether the takeaways were going to be offered only to the invited persons, or to the general public.

The business plan was further complicated by a proposal to offer a delivery service (of food and alcohol), in which the delivery function

would be provided by an outsourced contractor such as Deliveroo. The delivery service was a particular concern, as Mr Purewal stated that it would be the contractor who would be responsible for ensuring that customers were over 18 years of age. The Sub-Committee expressed reservations about this. Mr Purewal stated that he would conduct the deliveries himself if use of a contractor was not acceptable to the Sub-Committee.

The Sub-Committee also heard representations from other persons. Their submissions were mainly about the risk that homeless people in the area might be faced with temptation. These types of issues could be dealt with easily in the ways suggested by Mr Purewal – namely by placing blinds over the windows, and not displaying advertising on the front of the premises other than the company name. The Sub-Committee was only concerned with whether the operating schedule and business plan were capable of promoting the licensing objectives, and therefore they did not attach significant weight to these representations from other persons.

In reaching the decision, the Sub-Committee determined that whilst they were impressed with Mr Purewal's enthusiasm, and his cooperative attitude towards the objectors and indeed the Sub-Committee, it was the confusion in the proposed arrangements which meant that it was very unlikely that the licensing objectives could be promoted.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application, but were not persuaded that the proposed operation of the premises had been considered with sufficient thoroughness. As a result they had doubts that the Licensing Objectives could be promoted. This was unfortunate as Mr Purewal was a young businessman from a family with connections to the licensed trade in Birmingham, who was keen to start a new catering firm and to cooperate with requirements. A business plan and operating schedule drafted with the licensing objectives in mind would have reassured the Sub-Committee that the alcohol sales would be carefully controlled. The delivery side of the business plan, specifically the potential for underage sales if a subcontractor were to be used, had caused the majority of the reservations, but also there was rather a lack of clarity over the takeaway service.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence could be granted; however Members considered that this would require a complete redrafting of the operating schedule, and even the business plan.

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 the applicant, his adviser and 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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06/230817

**OTHER URGENT BUSINESS**

There were no matters of urgent business.

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