BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE C
19 MARCH 2025

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 19 MARCH 2025 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair.

Councillors Jilly Bermingham and Penny Wagg.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/190325 **NOTICE OF RECORDING/WEBCAST**

The Chair advised the meeting that the meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite (please click this link) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/190325 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at the meeting.
If a disclosable pecuniary interest was declared, a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they had been granted a dispensation.
If other registerable interests were declared, a Member may speak on the matter only if members of the public were allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.
If it was a 'sensitive interest', Members did not have to disclose the nature of the interest, just that they have an interest.
Information on the Local Government Association's Model Councillor Code of Conduct was set out via http://bit.ly/3WtGQnN. This included, at Appendix 1, an

interests flowchart which provided a simple guide to declaring interests at meetings.

3/190325 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

No apologies had been submitted.

LICENSING ACT 2003 – PREMISES LICENCE – REVIEW – LIFESTYLE EXPRESS T/A BEAUCHAMP COPNVEIENCE STORE, 4-6 BEAUCHAMP AVENUE, HANDSWORTH WOOD, BIRMINGHAM, B20 1DR

On Behalf of the Applicant

Martin Williams – Trading Standards (TS)

Those Making Representations

Chris Jones – West Midlands Police (WMP)
Sarah Hempsall – Birmingham City Council, Licensing Enforcement Officer (BCC LEO)

On behalf of the Premises Licence Holder

Duncan Craig – Barrister
Chandan Singh – Premises Licence Holder (PLH)

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The Chair introduced the Members and Officers present and asked if there were any preliminary points for the Sub-Committee to consider. No preliminary points were made.

The Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Shaid Yasser, Licensing Section, outlined the report.

At this stage the Chair invited the applicant to make their presentation. Martin Williams (TS) made the following points: -

a) In November 2024 TS received a complaint from a member of the public concerning the premises – the allegation was that children were being sold alcohol (vodka), even when in school uniform.

b) Following up on the complaint, TS visited the premises on 18 December 2024 to give the management at the premises and the PLH a warning and to provide advice and information.

c) When TS arrived at the premises, there was only one young man in charge of the shop. TS advised the man of the reason for the visit and that they were going to carry out an inspection of the alcohol and tobacco products.

d) The front counter display had advertisements for cannabis containing products, pocket sized clear bags for substances and larger clear bags advertised as smell proof.

e) Different bottles of Glens Vodka which was non duty paid was also found at the premises.

f) 3 open packets of cigarettes were also found next to the till. Spanish cigarettes were also found, which were illegal for sale in the UK.

g) 650 illicit vapes were seized, all with very high puff counts.

h) The PLH arrived and TS advised him that staff should not be selling alcohol to minors. TS also advised that they had seized the vapes in order to carry out further examination of them – a receipt was given for all seized items.

i) A representative sample of vapes was sent for testing and came back that none of them complied with the UK sale regulations.

j) TS were of the view that the open packets of cigarettes by the till were due to single cigarette sales, which was illegal.

k) TS had no previous history associated with the premises.

In answer to questions from Members, Martin Williams gave the following responses: -

a) That the proposed conditions submitted by the PLH did not really address the issues put forward in the review application.

b) The staff member said the open packets of cigarettes were for his personal use. However, TS noted that the 3 packets were all different brands.

Chris Jones of WMP was then invited to make his presentation. He made the following points: -

a) That illegal vapes were not compliant with UK standards and had no way of tracking what ingredients were in the vapes – no assurances that they are safe for consumption.

b) The vapes would not have been purchased through legitimate suppliers and possibly no tax would have been paid.

c) Other retailers selling legitimate products would be outpriced by the cheaper illegal vapes.

d) The open packets of cigarettes indicated that the premises may be selling single cigarettes or splitting packets – an illegal practice.

e) Some of the cigarettes and alcohol found at the premises was also non-duty paid.

f) The PLH had made a conscious decision to offer illegal products for sale to customers in his shop and the evidence presented by TS in the review application showed poor management.

g) WMP had concerns over the management and operation of the premises and also the ability to promote the licensing objectives.

h) WMP requested that the Committee explored all options open to them, including revocation of the licence.

i) That the conditions offered by the PLH were comprehensive, however WMP had no faith in the management of the premises and if they could comply with conditions.

The Chair then invited Sarah Hempsall from BCC LE to make her presentation. She made the following statements: -

a) That prior to the review application, LE had had no dealing with the premises.

b) The information submitted by TS was a cause for concern. She visited the premises 10 February 2025 and only one member of staff was on duty. She explained the reason for her visit and he contacted the PLH and asked him to attend the premises.

c) During the inspection she identified a number of licence breaches; premises licence was not on display, issues with fire exit signs, fire exit door was locked. She issued a notice and asked them to get the issues rectified, which the PLH did within a few days.

d) The review application submitted by TS was very serious and raised concerns over the promotion of the licensing objectives.

e) That the conditions proposed by the PLH went some way in addressing concerns, but she felt the conditions were quite generic.

The Chair then invited Duncan Craig, on behalf of the PLH to make his presentation. He gave the following statements: -

a) That the PLH did not operate any other businesses.

b) He did not agree with the comments regarding the proposed conditions being ‘generic’. The Committee had the power to modify conditions.

c) There were conditions regarding legitimate sales and white vans.

d) The conditions currently on the licence were useless and Mr Craig requested that the Committee replaced them with the new proposed conditions.

e) The conditions related to refusals register, training, and record keeping.

f) Conditions about refusing access and asking drunk people to leave the premises.

g) The condition that makes reference to a bar/restaurant was an oversight and that should be changed to all areas of the premises.

h) The conditions that were currently on the licence were mainly unenforceable.

i) He requested that the Committee removed the current conditions and replaced them with the proposed conditions.

j) His Clients shop was located near another shop called Johal's, his client objected to that licence and it was an objection that was a trade objection.

k) His client is of the view that the complaint was made by the owner of that premises as he was adamant that no sales to minors had taken place.

l) It was unusual that children in school uniform would go into a premises and try and buy vodka, usually it was cheap cider or alcopops. It was unusual.

m) It was just an allegation and there was not evidence of the sale taking place.

n) TS had visited the premises and there were issues in relation to that search.

o) In relation to the paraphernalia, his client admitted he did not know and was naive about that. He no longer stocked any of them. They items weren't illegal and they did have a legitimate use in a domestic setting.

p) He invited TS to revisit the premises.

q) The single bottle of Sky Vodka was years old and came with the shop when he purchased it. It is only one bottle in the premises and its Sky Vodka which is a premium brand.

r) There was no benefit on one bottle of Sky Vodka that was non-duty paid.

s) His client stated he did not know anything about the cigarettes – the staff member was challenged and he confirmed they were his. None of those items will be found going forward.

t) His client did not know about the legal requirements for vapes and going forward it would not happen again. He had done his research.

u) His client had held the licence for a long time with no previous issues and one visit from TS which he accepted he had fallen short and made the necessary adjustments to ensure that he was promoting the licensing objectives.

v) He invited the Committee to impose the conditions on the licence.

Members asked questions and Mr Singh (PLH) advised the Committee that the vapes were purchased from a van driver and no invoices were provided. He was not aware of the law regarding vapes. He usually had two members of staff on duty, however sometimes there would only be one. He attended the shop usually every day.

The Chair invited all parties to make brief closing submissions.

Chris Jones WMP, made the following closing statements: -

a) That there were very obvious issues and concerns with the premises.

b) The conditions offered were comprehensive but the Committee had to be sure that the conditions would negate concerns raised in the review.

c) WMP asked that the Committee considered all options available.

Sarah Hempsall, LEO had nothing further to add.

Martin Williams of TS was invited to make a brief closing submission, he made the following closing statements: -

a) That he was not totally convinced that the conditions offered address the concerns of the review application.

b) He did not have confidence in the management of the premises.

c) That they needed to take all steps to ensure that they could prevent these issues in the area.

d) Nothing he had heard from the PLH had encouraged him.

Duncan Craig on behalf of the PLH made the following closing statements: -

a) That he did not send Martin Williams the conditions, it was a mistake and he apologised.

b) That none of the parties were requesting that the licence be revoked, but asking that the Committee considered all options.

c) He reminded the Committee that there was no evidence of alcohol sales to minors and vapes are non-licensable products.

d) He requested that the Committee took a stepped approach to the review application and added to proposed conditions to the licence in order to allow the premises to better promote the licensing objectives.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and a full written decision was sent to all parties as follows;

4/190325 **RESOLVED**

That, having reviewed the premises licence held under the Licensing Act 2003 by Global Food & Wine Ltd in respect of Lifestyle Express t/a Beauchamp Convenience Store, 4 – 6 Beauchamp Avenue, Handsworth Wood, Birmingham B20 1DR, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines:

A. That the licence be suspended for a period of one month, in order to give the licence holder company sufficient time to make proper arrangements regarding implementation of the additional conditions (as below), and for the premises to prepare for safe trading
B. That the conditions of the licence shall be modified by the addition of all those conditions proposed by the licence holder company in advance of the meeting (as per the schedule in the Committee Report), in order to promote the licensing objectives in the Act
C. The wording of condition 15 of those conditions proposed by the licence holder company (as per the schedule in the Committee Report) shall be amended, namely by the removal of the words “including the bar/restaurant, basement and any outside areas”

The Sub-Committee's reasons for imposing the sanction of a one-month period of suspension, together with the adoption of the offered conditions, were due to the concerns expressed by the responsible authorities, all of whom were represented at the meeting.

The Chief Officer of Weights and Measures (Trading Standards department), who had brought the Review before the Sub-Committee, attended the meeting. West Midlands Police and Licensing Enforcement of Birmingham City Council also attended; both had made written representations following the submission of the application. The director of the licence holder company attended; this person was also the designated premises supervisor for the premises. The company director was represented by counsel.

The Sub-Committee noted from the Report that a recent visit to the premises, to give advice about the sale of alcohol, had led Trading Standards to the discovery of illegal vape products and other products of concern. Full details of these were in the Committee Report.

Trading Standards made submissions relating to the discovery of illegal vapes - exactly as described in the Committee Report. The recommendation from Trading Standards was to consider all options. The officer reviewed the

conditions proposed by counsel for the licence holder company ,and stated that he was “not totally convinced” that these addressed the issues, given the style of management seen at the shop. The Sub-Committee noted this.

West Midlands Police then addressed the Sub-Committee, exactly as per the Report, and recommended that the Sub-Committee should look at all options when making its decision, up to and including revocation of the licence, remarking that the licensing objectives were at risk.

The Police advised that their concerns related to the management of the shop, and the illicit/illegal items being offered for sale. The Police reviewed the conditions proposed by counsel and accepted that they were comprehensive. This reassured the Members. However, the Police advised the Members that they would have to be sure that the conditions would “negate the concerns raised in the meeting and promote the licensing objectives”. The Sub-Committee noted this.

A Licensing Enforcement officer then addressed the Sub-Committee as per her document in the Report, and recommended that the Members look at all options up to and including revocation. Regarding the proposed conditions, she considered that they would go some way to improving the knowledge of the staff. She advised that training would need to be undertaken by all members of staff. The Sub-Committee agreed with this.

Counsel for the licence holder then addressed the Sub-Committee to confirm that the director did not operate any other businesses. He then led the Sub-Committee though all the proposed conditions in detail. The Sub-Committee found all of these to be in order, and noted in particular conditions 10, 11 and 12, which covered the arrangements for staff training. These were satisfactory.

Counsel reassured the Sub-Committee that the director had confirmed that he was no longer stocking the products which had created concerns amongst officers, and indeed was planning to invite officers to revisit the shop. Counsel further assured the Sub-Committee that since the time that the matter had come to light, the director had ensured that he had made himself aware of the legal requirements around safe operation, and was “absolutely clear what the law is now. He's read up on it”. The Sub-Committee was pleased to hear this.

Counsel remarked that the company and its director had held the licence for a long time. There had only been one visit by Trading Standards - counsel observed that the shop was not one where there had been numerous visits regarding non-compliance issues. The director had accepted that he had fallen short, and had already begun to address the problems; for example he had noted what had been found by Licensing Enforcement regarding the licence, and had rectified that issue.

Counsel requested that the Sub-Committee take on board that there had been no previous issues at the premises, even though the licence had been in force for a number of years. Counsel asked that the Sub-Committee adopt the proposed conditions onto the licence, observing that it would be “much

clearer for him [*the director*] to understand what his legal responsibilities are if he has these conditions on his licence". The Members accepted this.

The Sub-Committee then heard from the director himself, who explained some of the previous operating practices. The Sub-Committee accepted that he was keen to move on and to improve the management style, such that the premises would be capable of upholding the licensing objectives.

When deliberating, the Sub-Committee was aware that under paragraph 11.20 of the Guidance issued under s182 of the Act it should seek to establish the cause of the concerns that the representations identified, and that the remedial action taken should generally be directed at those causes, and should always be no more than an appropriate and proportionate response to address the causes of concern that had instigated the Review.

The Members were also aware that paragraph 9.43 of the Guidance issued under s182 of the Act required that any determination should be evidence based, justified and proportionate.

Bearing this in mind, the Sub-Committee reflected carefully on paragraph 11.20 of the Guidance when making its decision. The Members carefully reviewed the submissions of the responsible authorities. All three had advised that all options should be considered, up to and including revocation.

However, the Sub-Committee did not consider that revocation of the licence was the correct course in this instance. The proposed new conditions, and in particular the arrangements for comprehensive training of the staff, had inspired confidence. The Sub-Committee was therefore minded to adopt the proposed conditions.

The issue was the time that it would take for all of the new conditions to be properly implemented. The Sub-Committee was keen that the director should be supported to implement everything carefully, and to familiarise himself with the standards expected, such that he could then resume conducting licensable activities with all the arrangements in place for safe trading. First among these were the staff training conditions.

The Members determined that the imposition of a one-month period of suspension was a sensible course. It would give an appropriate length of time for the staff training, and would ensure that the premises could reflect on its management style, and review practices and procedures at the shop, such that it would in future be capable of upholding the licensing objectives by trading safely.

The Members were satisfied that the director was keen to trade responsibly and to uphold the licensing objectives, and that he would use the suspension period to adopt all of the conditions properly. The Members were confident that the director would take on board the Police's advice to carefully implement the conditions to "negate the concerns raised in the meeting and promote the licensing objectives".

The Sub-Committee therefore resolved that a suspension of the licence for one-month would give proper time for a complete review of the trading style, and for the new conditions to be implemented, especially staff training. The suspension period of one month would send a clear message to the premises that the promotion of the licensing objectives should be the priority. Thereafter, the premises could reopen safely.

The Sub-Committee considers the new conditions, and the one-month suspension in order to give sufficient time to implement the measures and to improve standards, to be appropriate, reasonable and proportionate (as per paragraph 11.20 of the Guidance issued under s182 of the Act) to address the concerns raised by Trading Standards, West Midlands Police and Licensing Enforcement.

In addition to the above conditions, the relevant mandatory conditions under the Licensing Act 2003 will continue to 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 section 182 of the Licensing Act 2003 by the Secretary of State, the application for Review, the written representations received and the submissions made at the hearing by Trading Standards, by West Midlands Police, by Licensing Enforcement and by counsel for the premises licence holder.

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.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is determined.

The meeting ended at 1102 hours.

Chair……..