

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE A
26 FEBRUARY 2024**

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 26 FEBRUARY 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Izzy Knowles and Penny Wagg.

ALSO PRESENT

Bhupinder Nandhra – Licensing Section
Andrew Evans – 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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NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will 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.

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DECLARATION OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are 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 is a 'sensitive interest', Members do 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 is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/260224 Apologies were submitted on behalf of Councillors Davis, Locke and Morrall and Councillors Donaldson, Knowles and Wagg were the nominated substitute Members respectively.

MINUTES

4/260224 The Minutes of the Meeting held on 8 January 2024 at 1000 hours, 9 January 2024 at 1000 hours, 15 January 2024 at 1000 hours and 1200 hours were circulated and confirmed and signed by the Chair.

The Public section of the Minutes of the meeting held on 22 January 2024 at 1000 hours were circulated and the Minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – VIP, 90-96 HOSPITAL STREET, HOCKLET, BIRMINGHAM, B19 3QP.

On Behalf of the Applicant

Eden Tekle - Applicant

On Behalf of Those Making Representations

None of the objectors attended the hearing.

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The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra Licensing Section, outlined the report.

At this stage the chair asked the applicant to make her representation, Eden Tekle made the following points: -

- a) The applicant had applied for the licence, but the objectors were refusing the application due to late trade rubbish, she would clean the street.
- b) They also have security.

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In answer to Members questions Eden Tekle gave the following responses: -

- a) There would be security at the premises to assist with anti-social behaviour (ASB).
- b) Security would be at the premises during trading hours and would be inside and outside the premises.
- c) There would be between 4-6 security officers on duty.
- d) Capacity of the premises is 50-60 patrons.
- e) That security would control incidents, ask people to leave the premises and also call the police.
- f) That there was a Manager at the premises.

The Chair then invited the applicant to make a brief closing submission, Eden Tekle advised that she had nothing f

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

5/260224 **RESOLVED:-**

That the application by **Eden Tekle** for a premises licence in respect of **VIP, 90-96 Hospital Street, Hockley, Birmingham, B19 3QP**

BE GRANTED SUBJECT TO THE FOLLOWING CONDITONS to promote the prevention of crime and disorder, prevention of public nuisance and promotion of public safety licensing objectives.

A.	Modification of hours – Alcohol	The hours for the supply of alcohol shall apply as follows: 2pm to 2am Sunday to Thursday 2pm to 4am Friday and Saturday
B.	Modification of hours – Regulated entertainment	The hours for the provision of regulated entertainment shall apply as follows: 2pm to 2am Sunday to Thursday 2pm to 4am Friday and Saturday
C.	Modification of hours –	The hours for the provision of late night refreshment shall apply as follows:

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	Late night refreshment	2pm to 2am Sunday to Thursday 2pm to 4am Friday and Saturday
D.	Opening hours	The premises to remain open to the public as follows: 2pm until 2.30am Sunday to Thursday 2pm until 4.30am Friday and Saturday
E.	Late Admission Restriction	Last entry to the premises, save for returning smokers will be 1am Sunday to Thursday and 2am Friday & Saturday.
F.	Fire Risk Assessment	Premises to have a completed written fire risk assessment, to include capacity numbers prior to opening. This risk assessment to be shared with West Midlands Police Licensing Team prior to the premises carrying out licensable activity.
G.	Door Supervision	When door staff are deployed at the premises they will keep a written document of customer numbers and record occupancy figures every hour. Live time figures will be kept up to date by means of a 'clicker' count or similar. This paperwork will be kept on the premises for a minimum of 28 days and made available to any of the responsible authorities on request. The live time count will be made available to all responsible authorities on request.
H.	Noise Assessment and Mitigation	A noise assessment shall be undertaken to assess the potential impact of entertainment and associated noise on nearby noise sensitive receptors. The assessment shall cover the noise impact of activities associated with the venue including amplified music until 5am, site access and egress, parking and vehicle movements associated with the premises, and customer noise. The assessment shall include a scheme of mitigation including any changes to the structure of the building. The assessment shall be submitted to and approved by the Environmental Protection Unit and no licensable activities shall take place until the agreed measures have been implemented and approved.
I.	Staff Training	All members of staff will receive training regarding; <ul style="list-style-type: none"> a) The contents of the Premises Licence and on compliance with the conditions attached to the premises licence. b) The search policy; vulnerability policy; and dispersal policy adopted by the premises licence holder. c) All training provided to staff will be recorded and state the name of the module undertaken and the person conducting the training. Each member of staff will sign and date their training records to confirm they have received and understood the training provided.

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		d) Refresher training will be completed and documented every 6 months.
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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 Sub-Committee considered those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003, which will form part of the licence issued, together with the representations today of the proposed premises licence holder Ms Tekle, written representations of two interested persons, and the written representations of three Responsible Authorities, namely West Midlands Police, Environmental Health and Licensing Enforcement.

The Sub-Committee considered the written representations of two interested parties, businesses resident in the locality of the premises. The representations related to significant problems with crime and disorder and public nuisance associated with the operation of this premises, and another nearby, for licensable activities in the past.

The Sub-Committee is required to consider each application on its own merits and there was no evidence of any link between those who previously operated this and the nearby premises and the applicant. The Sub-Committee accepted however that there was a degree of existing sensitivity in the area where this premises is situated, between businesses operating from early in the morning through the day and any late-night licensed premises that are badly managed.

The Sub-Committee sought clarification from the Applicant during the hearing as to her arrangements and plans for minimising the likely impact of her intended operation on its locality and in particular the security arrangements for door supervision. The Sub-Committee were a little concerned by the explanations provided by the Applicant on these important topics because the responses lacked a degree of confidence and understanding as to the arrangements in place. The Sub-Committee was content however to give the Applicant the benefit of any doubt in light of the prior scrutiny of the application and resulting representations of the responsible authorities. The Sub-Committee was content to take the representations of the responsible authorities in their respective areas of expertise as their main source of advice as to the promotion of the licensing objectives.

In balancing the application as modified, the representations of the responsible authorities, and the representations against the grant, the Sub-Committee came to the conclusion that the steps by way of modification of the application and conditions agreed between the Applicant and the responsible authorities were at this time adequate, appropriate and proportionate to promote the licensing objectives. The Sub-Committee wishes to emphasise however to the Applicant the personal responsibility she is assuming upon the grant of the licence for adherence to its terms and the conditions now attached to it.

All parties are reminded of the ability, should the licensing objectives not be promoted in the future, to apply to review a licence. This is a key protection for the community should any future problems occur.

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

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Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

EXCLUSION OF THE PUBLIC

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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:-

Exempt Paragraph 3

CHAIR.....