

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 10 AUGUST 2020

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 10 AUGUST 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Bob Beauchamp.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

NOTICE OF RECORDING/WEBCAST

- 1/100820 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/100820 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/100820 No apologies were submitted.

**LICESNING ACT 2003 PREMISES LICENCE – GRANT – AMMAZAN HUB, 1ST
FLOOR UNIT 1, 284 WITTON ROAD, BIRMINGHAM, B6 6NX.**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Mijanur Rahman – Agent
Lokman Hakim – Applicant

Those Making Representations

No one attended.

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

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhupinder Nandhra to outline the report.

Afterwards, the Chairman invited the applicant to make their submission. At which stage Mijanur Rehman, made the following points on behalf of the applicant: -

- a) That the application was for a premises licence with recorded music and late-night refreshment.
- b) The applicant came to the UK in 1997, as a young adult. He had difficulties as he could not speak English and did not have a UK education. He met with a Bangladeshi group and they helped him pursue his interest in music.
- c) In the late 90s he formed a Bangladeshi music group which was a huge success and sold many albums; he performed at many big events and was even televised on Asian TV channels.
- d) Since then, he had helped and supported many youths through charity events and worked with other organisations to help and support youths; particularly those who have problems with alcohol and drugs.
- e) He had also worked for BCC transporting disabled children to and from school. Therefore, he had an enhanced DBS check every 3 years.
- f) He was a well know, respected, responsible person.
- g) Amman meant mother and Zan meant life – the name of the premises.

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- h) He created the hub in order to encourage people to come and follow their interests, he really wanted to cater for the Bangladeshi community as their work often meant they didn't get to socialise much. Many of them worked as taxi drivers or in restaurants – meaning they wouldn't finish work until midnight.
- i) The premises would offer a place for them to come and relax and entertain themselves.
- j) There would be acoustic music – no amplifiers.
- k) The representation that talks about music being played at 5am in the morning – the premises was not open. There had only been 2 events at the premises; a birthday party and a charity event. The events were carried out during the day time.
- l) Residents had signed a petition to say there were no issues.
- m) There was also a statement at page 1 of their evidence to confirm that Aklu Miah had not made an objection.
- n) The objection from one of the units made reference to loud music – but the premises wasn't open and the unit wouldn't even be open when the premises is operating.
- o) The residential complaint from above the tyre shop seemed to be a false objection. The applicant had been and visited the people who lived above the tyre shop, and no one lived there with the name given in the objection.
- p) The church gave their telephone number with the objection – they attempted to call it and it came up as 'Majestic Hire Services' which was a premises similar to the this one.
- q) They could not find a connection to the Church and Majestic Hire Services. Therefore, Mr Rehman suggested it was a false and malicious representation.
- r) The representation submitted by Cllr Kauser seemed to be a representation submitted on behalf of a resident who had approached her with issues. The applicant was upset as her representation said that he was untrustworthy – the ward Cllr had not met the applicant and it had really upset him.
- s) A lot of the residents were supportive of the application.
- t) There were statements within the paperwork showing peoples support.
- u) All the representations were sent on the same day, which led them to think it was a conspiracy from the same person.
- v) There were no objections from any responsible authorities.
- w) One of the conditions would not allow people to drink inside the premises.

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In answer to Members questions Mr Rehman made the following points: -

- a) That they had agreed conditions with WMP and one of those conditions was that no one under 18 would be allowed in the premises after 11pm.
- b) The premises had not been open, other than for the two events mentioned earlier. The premises had been undergoing some renovation work.
- c) Parking would not be an issue during operating hours, only in the day time.

In summing up, Mijanur Rehman, on behalf of the applicant made the following points: -

- That the applicant was a responsible person who was capable of running the premises until 3am.
- The representations were false.
- He wanted to help the community.

At this stage Lokman Hakim indicated that she wished to address the Committee.

Lokman Hakim made the following points: -

- a) That he couldn't speak English when he arrived in the UK.
- b) He joined a band and became famous.
- c) He was a good person and has worked for the Council.
- d) He quit music and decided to open a premises at the request of the community.
- e) He was unhappy with that Cllr Kauser had said about him.
- f) It was a small premises so the capacity was between 60-70 people.
- g) The premises had been sound proofed.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/100820 **RESOLVED:-**

That the application by Lokman Hakim for a premises licence in respect of Ammazan Hub, 1st Floor Unit 1, 284 Witton Road, Birmingham B6 6NX, be

granted **SUBJECT TO THE FOLLOWING CONDITIONS AGREED WITH WEST MIDLANDS POLICE IN ADVANCE OF THE MEETING**, to promote the licensing objectives in the Licensing Act 2003:

- The premises will install/update CCTV to the recommendations and specifications of West Midlands Police Central Licensing Team. There will be at least one camera that covers the frontage of the premises. This camera will have the capability of capturing evidential quality images in low light conditions. CCTV images/recordings will be held for a minimum of 31 days, display the correct time & date stamp and be downloadable immediately on request of any of the responsible authorities
- If for any reason the CCTV hard drive needs to be replaced the previous/old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request
- No persons aged 18 years or younger will be allowed into the premises after 23.00 hours
- The incident log maintained will be made available immediately to any of the responsible authorities on request

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.

The Sub-Committee deliberated 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 in the Act will be properly promoted. Detailed submissions were made in the meeting by the applicant's agent who explained that the premises, which had not yet opened to the public, was to be a place for the Bangladeshi community to socialise. Many of that community were employed in the hospitality and licensed taxi trades, and therefore worked to late hours. That was the reason that operation to 03.00 hours had been sought. The Ammazan Hub proposed to offer acoustic music and late night refreshment, but no alcohol.

The applicant was a former professional musician who had achieved success with a band which had released two albums. He had for many years been involved in musical, cultural and sporting groups in the local area. Many of these groups had submitted character references about the applicant, for the consideration of the Sub-Committee. He considered himself to be a role model to local youths and took a highly responsible attitude towards them.

Part of the purpose of the Ammazan Hub would be to help youngsters to follow musical and/or creative interests. The applicant's intention was that the "younger generation will learn from the older generation about culture and heritage". The acoustic music played in the premises would be of the traditional Bangladeshi variety – flute, harmonium and tabla. The premises was not large; the capacity was around 60 to 70 persons. It was soundproofed, and in addition the applicant was willing to install a noise limiter if that were deemed necessary.

Members carefully considered the representations made by other persons, but were not convinced that there was an evidential and causal link between the

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issues raised and the effect on the licensing objectives. The applicant's agent was able to explain things to the Sub-Committee very satisfactorily.

An Islamic Education Centre which had objected was a daytime venue, and therefore unlikely to be affected by activity at night. Similarly, it was unlikely that parking issues (raised by the local Ward Councillor) would arise, as the Ammazan Hub was an industrial unit where the surrounding businesses closed at around 18.00 hours, leaving the car park empty.

The objections relating to "loud music at night", which some objectors said had been recently emanating from the premises, could not be correct because the premises was not yet open, and was undergoing renovation. The only activity had been two daytime events – one a birthday party, and the other a charity event; neither had involved the playing of loud music at night-time.

The applicant had visited two of the objectors in person, only to find that both households denied ever having submitted any objection at all; indeed at both houses he found that the named objector did not in fact even live there. One of these householders had written to the Sub-Committee remarking that, "someone has falsely used my details to make a complaint against Ammazan Hub [.....], I do not know anything about this and I am not happy about how someone has done this".

A further objector claimed to live at an address where the applicant actually knew the occupants and was friends with them. Those occupants were contacted by the applicant; they too confirmed that they had not objected, and that the named objector did not in fact even live there. A Church, which had objected to "loud music" and antisocial behaviour, had provided a telephone number. When the applicant searched for the telephone number via Google, it appeared that the telephone number related to an entirely different organisation.

The applicant's agent observed that many of the representations which had apparently been made by members of the public had been made on the same day, at around the same time, and wondered whether this indicated that they perhaps might not be legitimate; the Sub-Committee agreed that this seemed unusual, particularly given that none of the objectors attended the meeting to address the Sub-Committee, despite being invited.

All in all, the Sub-Committee found the application satisfactory and the applicant capable of upholding the licensing objectives. Suitable conditions had been offered after discussions with West Midlands Police, and these were sufficient to ensure that the licensing objectives would be promoted. The Sub-Committee therefore resolved to grant the application with the agreed conditions.

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 applicant and his agent.

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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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Please note, the meeting ended at 1059.