

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 7 FEBRUARY 2024</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 7 FEBRUARY 2024 AT 1200 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Jilly Bermingham and Penny Wagg.

### **ALSO PRESENT**

David Kennedy – Licensing Section  
Andrew Evans, St Philips Chambers – 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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7/070224

### **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.

8/070224

### **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**

9/070224 Apologies were submitted on behalf of Councillor Sam Forsyth and Councillor Phil Davis was the nominated substitute Member.

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**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – HNDRX (LICENCE NUMBER 1952), 89 HOLLOWAY HEAD, BIRMINGHAM, B1 1QP.**

**On Behalf of the Applicant**

Ben Reader – WMP (West Midlands Police)  
Chris Jones - WMP

**On Behalf of The Premises Licence Holder**

Dorian Chan – PLH

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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. David Kennedy Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Ben Reader, on behalf of WMP made the following points: -

- a) That there were two live licences one operated by Mr Li and the other operated by HNDRX (a company). Both licences were suspended pending the full summary review hearing.
- b) Ms Chan challenged the interim steps which was amended by agreement.
- c) WMP and Ms Chan had reached an agreed position.
- d) WMP had explained to Ms Chan why the licence was suspended at the interim steps meeting.
- e) The agreed position was the addition of two conditions on the licence which would give WMP complete confidence in the operator and the promotion of the licensing objectives.
- f) The licence was completely separate to the 'Holloway Club (T/A King VN)'.
- g) WMP also requested that the interim steps be maintained.

## Licensing Sub-Committee C – 7 February 2024

Dorian Chan was then invited to make her representation, she made the following points: -

- a) She apologised to the Committee for the length of time taken to reach an agreed position with WMP, but stressed that she was not legally represented therefore it had taken some time for her to understand the process.
- b) That she agreed with the conditions suggested by WMP.

Neither party wished to make a closing submission.

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;

10/070224 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Mao Wah Limited (Licence 1952) in respect of HNDRX, 89 Holloway Head, Birmingham B1 1QP, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines to modify conditions on the licence and maintain interim steps.

The Sub-Committee considered the representations of the Police and Ms Chan on behalf of the Premises Licence Holder, Mao Wah Ltd.

On the night of Saturday 6<sup>th</sup> January 2024, acting on intelligence, the Police executed a drugs search warrant at these premises at a time when it was being traded by another individual, a tenant, under their own separate premises licence number 5426. The Police discovered a great number of items which led them to conclude that the premises and flat above were being used for the commercial supply of illegal drugs, and possible money laundering activities.

The Police served certificates and applications for expedited reviews on both the holder of licence 5426 who appeared to be in direct control of the premises at the time, and this premises licence holder Mao Wah Ltd who were their landlords. The concern of the Police was that the premises and those who had control over them were engaging in serious criminal activity.

Mao Wah Ltd made representations against the interim step of suspension of their licence and removal of the DPS named on their licence, Mr Parmajit Singh, at a hearing before a Sub-Committee on 12<sup>th</sup> January 2024. At that time the Police explained that their priority was to protect the public by not allowing the premises to trade, but that they were open to working with Mao Wah Ltd pending today's review hearing. This was an approach Mao Wah Ltd's representative agreed with, and it was accepted that Mr Parmajit Singh needed to be removed from their licence as DPS. The Sub-Committee was concerned as to the serious risk the continued operation of the premises was to the public and determined

that the appropriate step at that time was to suspend the licence pending this review hearing and remove Mr Parmajit Singh as DPS.

This Sub-Committee was informed today that the Police and Mao Wah Ltd's representative had engaged with each other since 12<sup>th</sup> January 2024 and the product of their discussions was an agreed position acceptable to the Police as a responsible authority and sufficient in their opinion to promote the licensing objectives.

The Sub-Committee today has scrutinised this proposal and is content to implement the agreement by way of modifying the conditions on the licence and maintaining interim steps.

The Sub-Committee determines to take the step of adding the following conditions to the licence on this Summary Review as proposed by the Police in agreement with the Premises Licence Holder:

1. **Persons working at, running or managing the premises under licence number 5426 will not be allowed to work at or have management responsibility for the premises under this licence, whether in a paid or unpaid capacity.**
2. **Prior to this licence being traded, the premises licence holder (or their representative), together with the DPS will meet with West Midlands Police licensing team to talk through operational plans.**

In addition, in light of what the Committee understands the position to be in respect of Mr Parmajit Singh, who is named as DPS on the licence but no longer associated with it, the following step is also taken:

3. **Mr Parmajit Singh is removed as DPS.**

The Sub-Committee considers the conditions imposed and step taken to be appropriate, reasonable and proportionate to address concerns raised in particular the likelihood of serious crime and or serious disorder occurring through the operation of these premises.

The following interim steps are imposed, and where previously imposed, maintained:

- A) The premises cannot trade under this licence until Conditions 1 and 2 above are added to the licence and complied with to the satisfaction of West Midlands Police.
- B) Mr Parmajit Singh is removed as DPS.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

**Licensing Sub-Committee C – 7 February 2024**

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 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and 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, save as to the interim steps, 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 disposed of.

**The meeting ended at 1300 hours.**

CHAIR.....