

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B 18 APRIL 2017
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 18 APRIL 2017
AT 1000 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Nawaz Ali and Gareth Moore

ALSO PRESENT

David Kennedy, Licensing Section
Sanjeev Bhopal, Committee Lawyer
Tayyibah Daud, Committee Manager

NOTICE OF RECORDING

01/180417 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

02/180417 Apologies were submitted on behalf of Councillor Clinton. It was noted that Councillor Dring was the nominated member.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT CLASSIC FISH
BAR & KEBAB HOUSE, 319 WYNDHURST ROAD, STECHFORD,
BIRMINGHAM, B33 9DL**

The following persons attended the meeting.

On behalf of the applicant:

Mr Sutton – Solicitor (JR Jones Solicitors)
Mr Ahmed Ayaz Mir – Applicant

Sajida Rauf – Niece of applicant

On behalf of the Representative

Frazer Gordon – Local Resident

Pauline Maxwell – Local Resident

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Mr Sutton on behalf of the applicant made the following points in support of the application and in response to questions from Members:-

1. Mr Sutton stated that no responsible authority had made any objections to the grant application.
2. He stated that Mr Gordon, the objector was the only local resident to object to the application.
3. The applicant does have regard to the licensing objectives.
4. The applicant has been operating the premises since February; due to customer demand has applied for a licence.
5. There is CCTV installed at the premises.
6. The applicant is only seeking an extra 2 hours of licensable activity on the weekend.
7. The door of the premises is always closed to ensure there is not noise and smell coming out from the premises.
8. Ms Rauf stated that the premises have understood the concern from the local resident and have started to undertake regular litter picks outside the premises.
9. Ms Rauf stated that the applicant wished to have dialogue with Mr Gordon to see what could be improved to address the issues raised.
10. It is a family run business; the applicant has been an employee for 10 years at another branch and this is the first time he will be in a managerial position.
11. There will be 3 full time staff; the applicant is seeking to recruit another member of staff part time.

12. There are notices displayed at the premises requesting customers to dispose their rubbish in the bins.
13. Customers from the retail park across regular visit the premises.
14. Appropriate measures have been undertaken by the premises; all the doors will be kept closed and that a part-time employee is employed to ensure that the queue is not long and that customers are dealt with quicker.
15. There are two council bins outside the premises; the premises have their own commercial bins behind the premises but are willing to have 2 public bins to be placed at the front the premises.

Mr Gordon in presenting the case made the following points in support of the application and in response to questions from Members:-

1. Mr Gordon stated that parking was a huge issue; there was nowhere to park for customer who travel by car to the chip shop; the cars play loud music and block private driveways.
2. There is rubbish from the shop; there are wrappers thrown by customers around the premises and at the back of Mr Gordon's garage and on Brook Close Road.
3. He stated that noise was an issue and that there are extractor fans that made a lot of noise; this would affect him if the premises were to open beyond 2300 hours.
4. Ms Maxwell stated that it was excessive to have a chip shop to be open until 1300 hours and stated that this was excessive.
5. There is no issue with undertaking dialogue with the premises; he stated he was not aware that the previous owner had left and that Mr Mir was the new owner.
6. Ms Maxwell stated that the chip shop began causing issues for residents when the previous owner took over and stated that issues had got progressively worse over the years.
7. The main improvement at the premises was that it closed at 2300 hours; there are no cars parking around the area thus there is no loud bass line music playing from the cars.
8. She stated that the collection of rubbish had been improved.
9. The objectors were just concerned that the premises would cause extreme issues in regards to nuisance if it was permitted to open into the early hours of the morning.

10. There are numerous takeaway shops around the premises.
11. The busiest time at the premises is from 1700 – 1900 hours and that after 2300 there is not much noise coming from the premises.
12. It was stated that the coming and going of cars encouraged drug dealing; which the objectors had contacted the Police about.
13. Mr Gordon stated that his house was 5 doors down from the premises.

Mr Bhopal Committee lawyer advised that the representation had been received in regards to public nuisance issues and thus reference to potential crime at the premises should be disregarded.

In summing up, Mr Sutton stated that Mr Mir was fully aware of the potential issues the premises may cause for local residents; as stated the busiest times at the premises are from 1700 hours – 1900 hours; the premises are willing to undertake dialogue with residents and implement measures that may seem fit to address any public nuisance issues.

At 1052 hours, the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1159 hours and the decision of the Sub-Committee was announced

04/180417

RESOLVED:-

That the application by Ahmed Ayaz Mir, for a premises licence in respect of premises Classic Fish Bar & Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL

BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS to promote the prevention of crime and disorder and the prevention of public nuisance objectives in the Act:

A.	Modification of hours – Late night refreshment	The hours for the provision of late night refreshment shall apply as follows: Monday - Sunday 2300 hours – 0000 hours (midnight)
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Licensing Sub Committee B – 18 April 2017

B.	Opening hours	<p>The premises to remain open to the public as follows:</p> <p>Monday - Sunday 1130 hours – 0000 hours (midnight)</p>
C.	Signage	<p>The applicant shall erect prominent, clear and legible signage inside and outside the premises:</p> <p>a. requesting that patrons be considerate of local residents when leaving the premises, and keep noise to a minimum particularly after 2200 hours;</p> <p>b. requesting that patrons dispose of any rubbish emanating from the premises in the litter bins provided;</p> <p>c. requesting that patrons do not park their vehicles inconsiderately to either other businesses or residents living nearby and to provide details of where patrons could park their vehicles so as to minimise any nuisance to residents or other businesses within the immediate vicinity of the premises.</p>
D.	Litter collection	<p>The applicant will carry out periodic litter patrols at least one in the morning and at least two times during the remainder of the day of each trading day, to ensure that any litter emanating from the premises is collected and disposed of in the litter bins provided.</p> <p>The applicant will also ensure that any litter emanating from the premises will be collected and disposed of, both before the start of each trading day and following the end of each trading day. This will extend to the area immediately outside the premises, and to Brook Close, which appears to be used by patrons of the premises as a parking area while they consume their food.</p> <p>The applicant will ensure that there is an adequate number of bins inside (and outside the premises on the curtilage adjacent to the licensed premises) for patrons to dispose their litter into.</p>
E.	Conditions agreed with West Midlands Police	<p>Conditions agreed with West Midlands Police, Birmingham Central Licensing Team , as set out within Appendix 3 of the Committee Report will form part of the Premises Licence when issued.[Email dated the 28 February 2017 09:03am, from PC Chris Jones to Licensing Section, Birmingham City Council.]</p>

The Sub-Committee's reasons for imposing these conditions some of which were agreed and volunteered are due to the submissions made by other persons and

West Midlands Police regarding the history, location and impact of the proposed operation on the likelihood of nuisance and crime and disorder.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance or risk to crime and disorder arising from the proposed operation of the premises on the basis of the conditions agreed with West Midlands Police and the other conditions imposed as set out above.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised. The Sub-Committee were pleased to note that the applicant was keen to engage with local residents over their concerns principally around the prevention of public nuisance and how this could be negated from the operation of his business. Some of the conditions now being imposed on to the licence arose from the discussions which took place at today's meeting, and others were imposed on the basis of the determination of the Sub-Committee in order to take steps to properly promote the relevant licensing objectives.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will 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 information in the application, the written representations received and the submissions made at the hearing by the applicant, their legal 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.

05/180417

OTHER URGENT BUSINESS

There was no urgent business

The meeting ended at 1206 hours.

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CHAIRMAN