

BIRMINGHAM CITY COUNCIL

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| LICENSING SUB-COMMITTEE C 11 AUGUST 2021 |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 11 AUGUST 2021 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson and Mary Locke.

ALSO PRESENT

Shaid Yasser – 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)

1/110821 **NOTICE OF RECORDING/WEBCAST**

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.

2/110821 **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.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/110821 Apologies were submitted on behalf of Cllrs Nicky Brennan and Neil Eustace and Cllrs Phil Davis and Diane Donaldson were the nominated substitute Members.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – AL URUBA CAFÉ,
391A COVENTRY ROAD, SMALL HEATH, BIRMINGHAM, B10 0SP.**

On Behalf of the Applicant

Mr Siddique - Representative
Mr Sharif - Applicant

Those Making Representations

No one making representations attended the meeting.

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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, Shaïd Yasser, to outline the report.

The Chair invited the applicant or their representative to make their submissions, at which stage Mr Siddique, made the following points: -

- a) That it was a 24 hour operation for a coffee shop.
- b) The local community required the service to fit in with their social activities.
- c) Many nurses and doctors used the store and worked late hours.
- d) It would be indoors, with no outdoor seating and the managers would work 12 hour shifts to cover the 24 hour period.
- e) The waste built up over the 30 day fasting period.
- f) His client closes the shop and goes off to provide community services and then people were fly tipping and putting up stalls without the consent of the landlord which was the reason so much waste built up.
- g) It wasn't due to the shop being open as over that period of time the premises was closed.
- h) He had spoken to his client and asked him if he would consider reducing the hours and his response indicated that he would.

The Members asked questions and Mr Siddique gave the following responses: -

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- a) They had a commercial waste contract in place with wheelie bins.
- b) The waste was not an issue on a weekly basis, it was just over the 30 days of fasting when illegal stalls were along the parade and fly tipping occurred. They did not clear up after themselves.
- c) The premises did contact the Council and had taken time to get it sorted.
- d) His client also organised a skip to get it all moved.
- e) His client was senior priest in the mosque and was doing night prayer.
- f) The issue was occurring when he was not at the premises.
- g) The street vendors had gone.
- h) They did not have permission for the stalls.
- i) All deliveries were carried out in the day time.
- j) All staff were first aiders and received training.
- k) There were no issues in the area in terms of violence.
- l) Adjacent to the premises is single story shops, there was no residential properties above the shops. There was no residential properties that would be impacted in the immediate vicinity.

The Chair then invited the applicant or their representative to make a closing submission.

Mr Siddique on behalf of the applicant made the following closing statements: -

- That they wanted to provide a coffee shop with 24 hour service in order to cater for the local community.
- It had been requested by customers due to night time shifts and earlier breakfasts.
- There is no issues with ASB in the area.
- It would provide a comfortable environment for customers to sit.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

That the application by Mohammed Sharif, Director of Al-Uruba Café Limited, for a premises licence in respect of Al-Uruba Café, 391a Coventry Road, Small Heath, Birmingham B10 0SP, be granted.

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued, together with the following additional conditions as agreed between the applicant and West Midlands Police:

1. Staff are to be trained in their responsibilities under the Licensing Act 2003 prior to being allowed to work in the cafe. All training is to be documented and signed by the Premises License Holder and the trainee. All training records are to be made available to any of the responsible authorities on request
2. Staff are to receive documented refresher training every six months. These records are to be made available to any of the responsible authorities on request
3. Between the hours of 2300 and 0500 no persons under the age of 18 years will be allowed into the premises unless accompanied by a person aged 18 years or older
4. CCTV that is approved by West Midlands Police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view, or copies produced on request. 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
5. The premises will maintain an incident log and a refusals register. Both will be made available to any of the responsible authorities on request
6. No alcohol will be either supplied, sold or consumed on the premises

The proposal was to operate as a 24-hour coffee shop, offering late night refreshment to 0500 hours. Mr Sharif's representative stated that there was local demand for this service from shift workers of all kinds, such as doctors and nurses. The operating style would be to offer coffee and food, for night shift workers and/or early breakfast, but not alcohol. Two managers would cover the 24 hours of operation between them.

Members carefully considered the written representations made by two other persons, but were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. The Planning department of the City Council made representations about the proposed hours. The objection related to loss of amenity for buildings in the vicinity, such as dwellings; however, Mr Sharif's representative confirmed that the immediate neighbouring properties were businesses, and not residential.

An organisation campaigning against waste issues had also made written representations about the problem of flytipping and litter in the vicinity. However, Mr Sharif's representative confirmed that the flytipping and litter had been created by street vendor style operators who had set up stalls in Coventry Road during Ramadan, and not by Mr Sharif; the Al-Uruba Café had a proper commercial waste contract in place.

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The other potential issues had been satisfactorily covered by conditions suggested by West Midlands Police; Mr Sharif had accepted these.

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 contained in the Act will be properly promoted. The premises would be a useful service for local shift workers in the Coventry Road area. The proposal to have two managers meant that there would be proper cover across the 24 hours of operation. As a result, there was little likelihood of any significant risk to the licensing objectives arising from the operation.

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 via his representative.

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.