

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE B**

**TUESDAY, 01 SEPTEMBER 2015 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

**A G E N D A**

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 **MINUTES**

**3 - 16**

To note the public section of the Minutes of the meeting held on 23 June 2015.

To confirm and sign the Minutes of the meeting held on 14 July 2015.

To confirm and sign the Minutes of the meeting held on 11 August 2015.

4 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

5 **EXCLUSION OF THE PUBLIC**

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:-

**P R I V A T E   A G E N D A**

1 **MINUTES**

To note the private section of the Minutes of the meeting held on 23 June 2015 and to confirm and sign the Minutes as a whole.

2 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY CARRIAGE DRIVER LICENCES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

3 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB- COMMITTEE B 23 JUNE 2015</b>
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**MINUTES OF A MEETING OF THE  
LICENSING SUB-COMMITTEE A HELD  
ON MONDAY 8 JUNE 2015  
AT 1130 HOURS IN COMMITTEE ROOM 1,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair;  
Councillors Barbara Dring and Gareth Moore.

**ALSO PRESENT:**

Chris Arundel – Licensing Section  
Angelines Hayes-Henderson – Legal Services  
Gwin Pountney – Committee Services.

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**NOTICE OF RECORDING**

01/230615 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

02//230615 Apologies were submitted by Councillor Nawaz Ali, Councillor Barbara Dring attended the meeting as nominee Member.

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**MINUTES**

03/230615 The public section of the Minutes of the meeting held on 26 May 2015 were noted.

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**OTHER URGENT BUSINESS**

04/230615 No items of other urgent business were submitted.

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**EXCLUSION OF THE PUBLIC**

05/230615

**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:-

(Paragraph 1 & 7)

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# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 14 JULY 2015</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 14 JULY 2015  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Gareth Moore

**ALSO PRESENT**

David Kennedy, Licensing Section  
Parminder Bhomra, Committee Lawyer  
Gwin Pountney, Committee Manager

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**NOTICE OF RECORDING**

1/140715

The Chairman to advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

2/140715

There were no apologies or nominee members.

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**TASTE OF THE TOWN (GENESIS CLUB 286 STRATFORD ROAD,  
BIRMINGHAM, B11 1AA – LICENSING ACT 2003 – PREMISES LICENCE  
REVIEW**

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

(See document No. 1)

The following persons attended the meeting.

**On behalf of the applicant**

Mr M Altaf – Premises Licence Holder

Mr M Dunn – Designated Premises Supervisor (DPS)

**Making Representations in respect of the application**

PC C Jones – West Midlands Police

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

PC Jones, in presenting the case on behalf of the Police and in response to questions from Members, made the following points:-

- a) That the original licence grant for these premises had been refused and had only been granted upon appeal to the Magistrates' Courts with the addition of stringent conditions.
- b) That he had made a routine licensing visit to the premises on 6 May 2015 and upon entering had immediately smelled cigarette smoke and when reaching the bar area had seen a plate with cigarette stubs and a large amount of sh. Upon being questioned Mr Altaf had stated that this was from the previous night, when he had invited a few friends around after closing the premises.
- c) The Police had subsequently asked Mr Altaf for the video footage from the previous night and had seen images of Mr Altaf standing at the bar whilst customers were openly smoking on the premises and also alcohol being sold outside of the permitted licensable hours.
- d) That after viewing this footage he had asked to see footage from dates chosen at random – 27 April 2015 and 1 May 2015 which again showed Mr Altaf at the bar with customers smoking, and on 27 April, also showed alcohol sales outside of the licensable hours.
- e) That while the footage was being reviewed Mr Altaf was visibly nervous and sweating and admitted he had made mistakes and asked for another chance.
- f) While reviewing the video footage PC Jones had also noted that the footage was only being stored for 14 days and not 28 days as per the premises licence.
- g) Mr Altaf had been subsequently asked to provide a copy of the footage and felt unable to do so and it was agreed that he would be contacted by a police officer to arrange a download of the footage onto a storage device. Following this, Mr Altaf had been contacted on 2 occasions by PC Morgan to arrange this but he had made excuses about being unable to supply the CCTV footage.
- h) That upon viewing the membership folder he noted that whilst it included names and addresses of members there was no photographic ID - which was a part of his licence conditions. Mr Altaf that his members did not want to

supply ID and again asked for another chance to enforce the condition.

- i) That upon leaving the premises he had noted a sign advertising licensing hours over and above the premises licensable activity of 11.00pm to 12 midnight with a charge of 50p after 11.00pm. This sign had in agreement with Mr Altaf been removed and submitted as part of the police evidence for the premises review – clearly indicating that the premises had been operating regularly outside the permitted hours.
- j) That on a previous visit in November 2014 he had noted that the entrance intercom to the premises was not working, there had been no CCTV in operation and the membership folder had held no photographic ID. At this point Mr Altaf had been warned that he was in breach of his licensing conditions and had been asked to rectify all of these issues as well as been given general advice about managing the premises.
- k) That 3 occasions had been observed with Mr Altaf present where customers were smoking and alcohol had been outside of permitted hours on 2 of these, showing that he was totally complicit in the breach of licensing hours and the health and safety of customers or employees. He therefore asked for a revocation of the licence.

Mr Altaf, in presenting his case and in response to questions from Members, made the following points:-

- a) That on each of the occasions viewed by the Police the shutters of the premise had been down and the doors had been locked and only friends and family had been present.
- b) That he had waited on 2 occasions for PC Morgan to visit the premises to download the CCTV footage but he had not arrived.
- c) That had not personally taken money for drinks on these occasions.
- d) That he been advised by the person who had fitted the CCTV that it was on a 28 day recording cycle – not 14 as it had transpired.
- e) That prior to his owning the licence the premises had been open until 2.00am in the morning and the sign that had been found on the premises was an old sign from then. He had copied this sign and had made a mistake in copying the hours over.
- f) Mr Altaf accepted, however, that the sign clearly stated that the premises were open until midnight and that there was an additional charge for entry after 11.00pm.
- g) That he had owned the premises since February 2013, this was the first premises he had owned and he invited friends and family over once a week after the premises was closed.
- h) That following the police visit in November 2014 he had installed CCTV,

kept a record of membership and no smoking signs had been erected around the premises.

- i) That he understood his responsibilities regarding his licence conditions and his designated premises supervisor was also aware of these. On all of the occasions viewed the DPS had however, not been present due to taking leave for family reason and had also not been present at any of the police inspections.
- j) That the CCTV footage had been deleted as it was deleted automatically every 28 days and that he had kept the footage for a week and had waited for the police to visit the premises to download the footage on 2 days. As they had not arrived he had felt that they no longer required it.
- k) That whilst he did not allow smoking on the premises some of his customers did smoke within the premises anyway.
- l) That there were 7 members of the club for whom he had copies of ID that he kept in the club, who were allowed to bring in guests but he had been unable to show this to the Police as he had not been given the chance to do so.

In summing up, PC Jones stressed that Mr Altaf had through his actions shown that he had no intentions of running the club within the licensing objectives. He had failed to supply the required CCTV footage to the Police despite several calls by PC Morgan and furthermore he had been totally complicit in breaching the conditions regarding the licensed hours and licence conditions. Furthermore Mr Altaf had shown a complete disregard for the health and safety of his customers with regard to allowing smoking on the premises. He therefore requested that Mr Altaf's licence be revoked..

In summing up, Mr Altaf admitted that although on the 2 visits by the Police he had made mistakes on each of the occasions where smoking and late drinking had occurred had been when the premises was closed. Additionally he was now spending a lot of money on refurbishing the premises and transforming it into a restaurant. Furthermore he had now transfereed the premises lease to another owner on 3 June 2015.

At 1125 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1212 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/140715

**RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Mohammed Altaf, in respect of Taste of the Town (Genesis Club), 286 Stratford Road, Birmingham, B11 1AA, upon the application of West Midlands Police, this Sub-Committee hereby determines that the licence be revoked, in order to



promote the prevention of crime and disorder and public safety objectives in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns by the West Midlands Police in relation to the Premises Licence Holder's failure to comply with some of the stringent conditions stipulated by the Magistrates' Court on 3 February 2014 as specified in the review application.

It was noted West Midlands Police had inspected the premises on 2 occasions and on each occasion found the conditions concerning CCTV were not complied with and best practice regarding the management of the premises in accordance with the licence conditions was poor.

The Sub-Committee were not convinced of the reasons supplied by the premises licence holder for his mistakes in particular with regard to providing CCTV images and recordings to be made immediately available and downloadable upon request of the responsible authority. Further, Members were not persuaded by the explanation for each CCTV footage as viewed by the Police, that there was an informal gathering of friends and family behind closed doors.

In addition the Sub-Committee picked up inconsistencies in the submissions made by the premises licence holder with regards to the notice on the wall advertising the opening times of the club that were longer than the permitted hours between Sunday and Thursday and in relation to the circumstances surrounding smoking inside the premises.

Members felt that overall the premises licence holder lacked commitment in his responsibilities and was not particularly proactive in promoting his business in accordance with the licensing objectives.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination.

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 review, the written representations received and the submissions made at the hearing by the applicant and the premises licence holder.

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04/140715

**OTHER URGENT BUSINESS**

The Chair was of the opinion that the item could be considered as a matter of urgency in view of the need to extend to determine the application.

**Licensing Act 2003 – Extension of Time Limit for Application Consideration – Personal Licence Application**

6/150415     **RESOLVED:-**

That in accordance with Regulation 11 of the Licensing Act (Hearing Regulations) 2005 which allows the Licensing Authority to extend the time limit for the consideration of applications for the grant of a personal licence beyond 20 working days, this Sub-Committee agrees that this hearing be adjourned until Wednesday 5 August as it is necessary in the public interest to allow for all those making representations to be present.

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The meeting ended at 1217 hours.

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CHAIRMAN

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B 11 AUGUST 2015</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 11 AUGUST 2015  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Gareth Moore

**ALSO PRESENT**

David Kennedy, Licensing Section  
Parminder Bhomra, Committee Lawyer  
Gwin Pountney, Committee Manager

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**NOTICE OF RECORDING**

1/110815      The Chairman to advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

2/110815      There were no apologies or nominee members.

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**LICENSING ACT 2003 – PREMISES LICENCE GRANT – DUBELLA LOUNGE,  
112-116 BOLDMERE ROAD, SUTTON COLDFIELD, B73 5UG**

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

(See document No. 1)

The following persons attended the meeting:-

**On behalf of the Appellant**

Chris Sherry – Co-owner Dubella Lounge  
Freddie Humphreys – Barrister  
Carl Moore – Licensing Agent

**On behalf of those making representations**

There was no-one present on behalf of those making representations.

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

Mr Humphreys, in presenting the case on behalf of the appellant and in response to questions from Members, made the following points:-

- a) The Dubella Lounge had been extended in area and a licence grant was requested for the new extended premises.
- b) He gave a description of the Dubella Lounge from its' website giving a flavour and focus of the business with regard to the type of food, clientele and atmosphere of the premises. The premises was described as a primarily food-led establishment with the availability of late night refreshments times concurring with the times for the availability of alcohol.
- c) The establishment was a totally seated area with the primary clientele being young mothers, local businessmen and customers within their 50s and 60s, which was the clientele that the business wished to maintain and serve.
- d) Mr Sherry had arranged for the CCTV system on the premises to be linked to his phone in order to ensure that any problems could be seen instantly. This was not something carried out by every business owner and gave an indication of the care taken by Mr Sherry of his business.
- e) That the issues that had been raised in the objections to the licence had been primarily focussed around noise nuisance. Conditions had been regarding this with Environmental Health whom had no further concerns regarding this.
- f) With regard to noise nuisance there had been only 1 complaint of this in the previous 2 years and this had been as a result of a bar manager who had forgot to close the bi-folding doors at 9pm for a live music event. This had subsequently been addressed via a log-book which had to be signed every evening by staff to state that the windows had been closed and the doors closed at 9pm. Additionally, staff on the premises checked the noise level across the road once this had been done and reduced the music levels further if it could still be heard there.
- g) The premises had bi-folding doors across the front and a double-glazed fire exit. The new frontage would have triple glazed windows thereby reducing sound levels even further. Besides this, in the summertime whilst customers drank outside in the day - after 10pm customers were not allowed to drink outside.

- h) That of the 4 representations received against the licence grant – 2 had been from Highbridge Road regarding noise levels and had been addressed by the conditions agreed with Environmental Health – and 2 from other roads some distance away from the premises and had no basis for a representation as they were perceived concerns regarding noise and a change in the type of area rather than actual current noise problems.
- i) Live music was played at the venue 1 or 2 times per week. The level of the live music at the venue was minimal (with a maximum of 2 performers) and was played as background music rather than as an event in itself or for parties for 50 and 60 year old customers.
- j) The Police and Environmental Health were happy for the licence to be granted. Additional conditions had been agreed with Environmental Health and Mr Sherry had provided his own personal telephone number for the reporting of any problems.
- k) The current seating capacity for the premises was 50, with the extension this would go up to 80 customers with the premises only admitting customers to seating capacity - there was no vertical drinking area within the venue.
- l) The venue would be open until 1am on Friday and Saturday which would be in keeping with other locally licensed premises. Furthermore Temporary Event Notices had been granted in the previous 12 months where events had finished at this time, with only 1 complaint, showing that the management could cope effectively with the additional weekend hours.

In summing up, Mr Humphreys, stressed that Dubella Lounge was a business operating without any issues and the new licence and operating schedule requested was not moving away from this. It would remain a food-friendly environment without any issues as in the past with simply an extension of the area.

At 1038 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Managers to withdraw from the meeting.

At 1122 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/110815

**RESOLVED:-**

That the application by Edmund Pubs Limited for a premises licence in respect of Dubella Lounge, 112-116 Boldmere Road, Sutton Coldfield, B73 5UB be granted subject to the following conditions to promote the prevention of public nuisance objective in the Act:

**Licensing Sub Committee B – 11 August 2015**

A.	Alcohol and Regulated Entertainment	The hours for the supply of alcohol and provision of regulated entertainment shall apply as follows:  07.00am – 12.01am (Sunday to Thursday) and 07.00am to 01.00am (Friday and Saturday)
B.	Late night refreshment	The hours for the provision of late night refreshment shall apply as follows:  11.00pm – 12.01am (Sunday to Thursday) 11.00pm – 01.00am (Friday and Saturday)
C.	Opening hours	The premises to remain open to the public as follows:  07.00am – 12.30am (Sunday to Thursday) 07.00am – 01.30am (Friday and Saturday)
D.	Other conditions	Other dates and times as specified in the application form.
E.	Doors and Windows	External doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment is provided (i.e. music levels that require customers to raise voices).
F.	Register of Noise Complaints	The DPS shall maintain a register of noise complaints and actions taken to address them. The register shall be kept at the premises and made available to an officer of a Responsible Authority upon request.
G.	Telephone Number	The DPS shall maintain a telephone number that can be used by local residents to make complaint directly to the premises.
H.	Regulated Entertainment	Regulated entertainment shall cease automatically when the fire exit to Boldmere Road is opened.
I.	Noise limiter Device	A cut out sound limiter device shall be installed at the premises.

The Sub-Committee's reasons for imposing these conditions as agreed between the applicant and Environmental Health (from E to I) are due to the submissions made by the legal representative for the applicant regarding the history, location and management of the current operation of the premises.

The concerns of the other persons were taken into account but considered by the Sub-Committee that the imposition of the agreed conditions together with those specified in the operating schedule would allay their apprehension about an increase in noise nuisance in a residential area.

It was noted that the applicant had operated until the early hours of the morning under Temporary Event Notices without complaint from the Responsible

## **Licensing Sub Committee B – 11 August 2015**

Authorities with the exception of 1 that arose from an oversight by the premises management failing to close the bi-folding doors at 9.00pm.

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 arising from the current and proposed operation of the premises.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

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 and their legal adviser.

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.

4/110815

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### **OTHER URGENT BUSINESS**

There was no other urgent business.

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The meeting ended at 1127 hours.

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CHAIRMAN

