

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 3 FEBRUARY 2020
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 3 FEBRUARY 2020, IN ELLEN PINSENT ROOM, COUNCIL HOUSE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Philip Davis in the Chair;

Councillors Nicky Brennan and Bob Beauchamp.

ALSO PRESENT

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

NOTICE OF RECORDING

1/030220 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/030220 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 to be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/030220 Apologies were submitted on behalf of Councillor Mary Locke and Councillor Nicky Brennan was the nominee Member.

SUBSIDE, 57 HIGH STREET, DIGBETH, BIRMINGHAM, B5 6DA – LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS.

A certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, an application for Review of Licence, a copy of Premises Licence and Location maps were submitted:-

(See document No. 1)

On Behalf of the Applicant

PC Abdool Rohomon – West Midlands Police (WMP)
Chris Jones – West Midlands Police (WMP)

On behalf of the Premises Licence Holder

Melissa Toney – Gregg Latchams Solicitors
Davis Longmate – Premises Licence Holder (PLH)
Ben Mortiboy – Designated Premises Supervisor (DPS)

Prior to the Chairman making introductions Cllr Beauchamp advised that he knew of the Mortiboy name, especially a Robert Mortiboy. At which stage the Chairman enquired as to whether Mr Ben Mortiboy knew Cllr Beauchamp, Mr Ben mortiboy confirmed he did not know Cllr Beauchamp and further, he was not aware of a family member called Robert Mortiboy.

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

At this stage PC Rohomon from WMP advised that he had a preliminary point, and requested that WMP'S evidence be heard in private as:

- There was an ongoing investigation
- It was a serious crime
- Items had been seized and were still being tested
- Not to hear the evidence would undermine the licensing process and therefore the evidence should be heard in private.

The chairman invited those on behalf of the PLH to make comments and address the Committee in relation to WMP's preliminary point.

Mrs Toney advised that she was not going to be asking questions regarding what was seized at the premises, and there was no reason to ask questions in relation to the intelligence. The person in question was in custody and the DPS and PLH who had attended were not under investigation, therefore, she didn't see any reason for the meeting to be held in private.

PC Rohomon clarified that he only wanted to exclude the press/public and that those on behalf of the PLH would be allowed to stay.

Mrs Toney conceded PC Rohomon's request.

The Chairman agreed for the evidence to be heard in private.

The Chairman then explained the hearing procedure prior to the meeting going into private in order for WMP to make their presentation.

EXCLUSION OF THE PUBLIC

4/030220 **RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

Subside, 57 High Street, Digbeth, Birmingham, B5 6DA

At this stage in the meeting having heard the submissions in private the public were readmitted to the meeting and the decision of the Sub-Committee was announced as follows: -

5/030220 **RESOLVED:-**

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Subside Bar Limited in respect of Subside, 57 High Street, Digbeth, Birmingham, B5 6DA this Sub-Committee determines:

That the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee's reason for imposing this interim step is due to the concerns of West Midlands Police in relation to matters which came to light as outlined in the Chief Officer of Police's certificate and application.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, and the

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submissions made by the police and by the premises licence holder/ DPS at the hearing.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

Please note, the meeting ended at 1125.