

**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, 18 JULY 2017 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

**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 - 36**

To confirm and sign the Minutes of the meeting held on 18 April 2017.  
To confirm and sign the Minutes of the meeting held on 16 May 2017.  
To note the public part of the Minutes of the meeting held on 30 May 2017.  
To confirm and sign the Minutes of the meeting held on 6 June 2017.

**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:-

Minutes - Exempt Paragraphs 3 and 4

## **PRIVATE AGENDA**

### **1 MINUTES**

To note the private part of the Minutes of the meeting held on 30 May 2017 and to confirm the minutes as a whole.

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

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 18 APRIL 2017</b>
--

**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:  <b>Monday - Sunday</b> 2300 hours – 0000 hours (midnight)
----	--	---

**Licensing Sub Committee B – 18 April 2017**

B.	Opening hours	<p>The premises to remain open to the public as follows:</p> <p><b>Monday - Sunday</b> 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.

.....  
CHAIRMAN



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B - TUESDAY 16 MAY 2017</b>
--

**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 16 MAY 2017  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair

Councillors Alex Buchanan and Mike Leddy

**ALSO PRESENT**

David Kennedy, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

---

**NOTICE OF RECORDING**

01/160517 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**

02/160517 Apologies were submitted on behalf of Councillor Ali and Councillor Clinton. It was noted that Councillor Dring and Councillor Buchanan had been identified as the nominated members.

---

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW A G  
CONVENIENCE, 182 BRIGHTON ROAD, BALSALL HEATH,  
BIRMINGHAM, B12 8QN**

The following persons attended the meeting:

**On behalf of the Licence Holder**

Duncan Craig – Barrister  
Hamidreza Taghizadeh Sardeh – Licence Holder  
Hasan Tavakoli– Interpreter

**On behalf of Trading Standards**

Paul Ellson – Trading Standards Officer for and on behalf Of Donna Bensley,  
Chief Inspector of Weights and Measures

**On behalf of West Midlands Police**

PC Ben Reader

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were Outlined by Mr Kennedy, Licensing Section.

Mr Kennedy stated that there was an error in the review application; on 1<sup>st</sup> October 2013 it was in fact Mr Amang Ali at the time who was the Licence Holder and not Mr Sardeh.

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

1. Mr Ellson referred to the review application submitted.
2. Mr Ellson stated that that in June 2016 Birmingham Trading Standards undertook an advisory visit upon receiving intelligence that illicit cigarettes were being sold at the premises. A warning was issued to the licence holder.
3. On 18 October 2016 the premises were visited by Trading Standards as part of operation strike- an operation to find and remove illicit tobacco.
4. The inspection was conducted during normal daytime hours. A man behind the counter identified himself as Mr Koshan Ahmed. A Code B Notice was issued to Mr Ahmed but he refused to sign; he was explained these notices

are issued to allow Trading Standards to search premises for any illicit products.

5. Mr Ellson stated that upon inspection of the premises no illicit products were found however, the dog handler explained that the dog has indicated presence of tobacco in a van which was outside and adjacent to the premises.
6. Mr Morovat stated that he did not know where the keys to the van was, however upon search the keys were found inside a fridge.
7. Mr Ellson stated two cardboard boxes were found in the van which contained non-duty paid foreign cigarettes including 16 packs of jin ling, 36 packs of Minsk and 34 packs of NZ.
8. Mr Morovat refused to sign the seized property record.
9. Mr Ellson stated the approximate value of the tobacco seized is £1,500; however he stressed that he does not know the value that they are sold to customers.
10. It is not known what products are contained within counterfeit tobacco as there is no traceability element.
11. Mr Ellson referred to Section 11.27 of the 182 Guidance of the Licensing Act 2003 and stated this is a matter of extreme seriousness as it is not known how the tobacco got into the country and it is of concern that such a huge volume was found adjacent to the premises in a van.
12. Mr Ellson stated that it was 'unusual' that the Licence holder of the premises had changed several times of a short period of time.
13. In October 2016 the premises licence holder was Mr Sardeh; this was then transferred to Mr Morovat on 19 December 2016 and then transferred back to Mr Sardeh on 22nd February 2017.
14. In July 2014, 16 bottles of illicit alcohol were found on the premises.
15. The premises were visited again by Trading Standards on 25<sup>th</sup> January 2017; the bin in the premises contained wrappers of cigarettes in foreign writing (polish). Also, there were two silk cut tins that were placed behind the counter which contained 33 single cigarettes which are a common method for children to be able to purchase cigarettes.
16. There were 3 bottles of non-duty alcohol found on the shelves; they did not have a UK duty stamp and cannot be sold in the UK.
17. Mr Ellson stated that on 21 December 2016 a test purchase of cigarettes were made by an officer from HMRC which all were counterfeit and had been produced from behind the counter.

18. Mr Ellson stated the operation of the premises was 'chaotic' as it seems unclear who is managing the premises and where the products in the premises came from.

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

1. PC Reader stated a pattern of behaviour can be seen from 2014 where the Licensing Objectives are repeatedly being undermined.
2. Issues at the premises date back to 2014 when the current licence holder was the licence holder then at the premises.
3. In regards to the operation which was undertaken in October 2016 by Trading Standards it is clear that it was a conscious decision to conceal the key to the van in the fridge.
4. PC Reader stated that he gave the invoices little credibility as cannot tell if it is from the premises in question and that a very low number of products have been purchased.
5. Only one bottle of Glenn's Vodka has been purchased which provides legitimacy to conceal the fact that Illicit and non-duty paid goods are being sold at the premises.
6. PC Reader stated that West Midlands Police fully support the review application submitted by Trading Standards as the Licensing Objectives; in have continuously been undermines and that revocation of the premises licence is an appropriate course of action.

Mr Craig, in presenting the case on behalf of the Licence Holder and in response to questions from Members, made the following points:

1. Mr Craig stated that the 14 bottles of illicit alcohol that were found in the premises in July 2014 were products that belonged to the previous licence holder before Mr Sardeh had taken over.
2. Mr Craig stated that the illicit products found in the van in October 2016 did not have any connection with Mr Sardeh. Mr Craig stated that the van belonged to an individual called Mr Reza Yassiri Mogadam who is known to Mr Sardeh.
3. Mr Craig stated that Mr Sardeh is not a registered driver of that vehicle; the van was not taxed and had been left outside the premises and the key placed in a fridge. Mr Craig stated that the fridge was not in use.

4. Mr Craig referred to section 11.27 of the 182 Guidance of the Licensing Act 2003 and stated that no illicit products were found in the premises or were seen on shelves.
5. The premises licence had been transferred to Mr Morovat on 19<sup>th</sup> December 2016 as he proposed to buy the premises from Mr Sardeh; however he was unable to provide the funds for this, thus the licence was transferred back to Mr Sardeh in February 2017.
6. Mr Craig referred to the invoice and stated it showed that products had been brought from East End Foods; showing that Mr Sardeh purchases products from a legitimate retailer. (See Documents No.2).
7. In regards to the foreign cigarette wrapper found at the premises in January 2017; Mr Craig stated that the bin was placed in a public area; any customer could have placed the wrapper in the bin and that Mr Sardeh had no knowledge of this.
8. Mr Craig stated that no illicit products were found in the drawer mentioned and that the draw is very well hidden in the base of a cupboard which would be an obvious place to hide counterfeit items.
9. The single cigarettes found are used by Mr Sardeh for his personal consumption.
10. Mr Craig stated that Mr Sardeh had no knowledge in regards to the HMRC visit made at the premises.
11. Mr Craig referred to a number of proposed conditions and stated that as the premises licence had no other conditions other than the mandatory conditions; modified conditions would be modern and reflective of the operation at the premises. (See Documents No.3)
12. The conditions have not been agreed with the West Midlands Police as the Police are seeking a different determination.
13. In order to arrange training in regards to the Licensing Objectives, Mr Craig volunteered a 'brief' suspension of the licence for a period of one month.
14. Referring to Section 11.20 of the Guidance Issued under the Licencing Act 2003 Mr Craig stated that the addition of conditions would be a much more reasonable and appropriate response.
15. The inspection conducted by Trading Standards in October did not show there to be any illicit products inside the premises and that in January 2016; after showing evidence today there was only one bottle of illicit alcohol.
16. Mr Tavakoli on behalf of Mr Sardeh stated that the reason the licence was transferred to Mr Morovat in December 2016 was due to him intending to purchase the premises; he had already deposited £5,000 but did not pay

the outstanding amount, thus the licence was transferred back to Mr Sardeh.

In order to assist Members, Mr Kennedy stated the chronological order of when the premises licence had been transferred and to whom:

- 9<sup>th</sup> July 2011 – Mr Amang Ali was the Licence Holder
- 4<sup>th</sup> October 2014 – Mr Sardeh applied for a transfer of a premises licence which took immediate effect.
- 22<sup>nd</sup> November 2016 – Mr Morovat applied for a transfer of the licence which took immediate effect.
- 16<sup>th</sup> December 2016 – Mr Sardeh applied for a transfer of the licence which took immediate effect.

PC Reader stated that Mr Sardeh was in fact the Licence Holder at the time of the inspection carried out by Trading Standards on 25<sup>th</sup> January 2017.

17. There was no link between the vehicle owner and the licence holder; the key was left with the licence holder who placed it in the fridge.
18. Mr Sardeh stated he was aware of the draw behind the counter and that draw is visible; it opened with a button.(See Documents No.4).

Members were concerned if the Enforcement Officers visiting the premises experienced any language barriers; Mr Ellson stated that Mr Morovat was present at the premises at the initial inspection; he was uncooperative. Mr Ellson stated that individuals present at the premises were aware of what was happening but there was a clear lack of control in regards to management of the premises.

19. Mr Sardeh stated that the single cigarettes were for his personal use.
20. Mr Craig stated that Mr Sardeh does not have any knowledge in regards to the visit conducted by HMRC.
21. Mr Craig stated that the invoices demonstrate where the Havana Club Spirit was purchased from.

The interpreter translated but members were unclear as to what the responses from Mr Sardeh were. In order to seek legal advice at 1126 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting. At 1130 hours, after an adjournment, all parties were recalled to the meeting and continued.

22. Mr Tavakoli stated that he was translating in a language called Farsi and that he had been a bona fide interpreter for 4 years.

The Chair stated that in order to follow procedure it would be helpful if Mr Tavakoli could translate the response he receives from Mr Sardeh in full to the Sub-Committee.

23. The van did not belong to the licence holder; he merely placed the keys of the van inside the premises.
24. Mr Sardeh does not accept the fact that there were illicit products in the premises.
25. Either an employee or Mr Sardeh visits the cash and carry to buy goods; if the products found are counterfeit it is the fault of the cash and carry and not Mr Sardeh as they are responsible.
26. The staff employed at the premises are trained; Mr Sardeh has undertaken training in regards to the Licensing Objectives in 2003.
27. The proposed condition regards to CCTV should be disregarded as the licence already has a conditions relating to CCTV.
28. An up to date refusals book is maintained at the premises.

In summing up Mr Ellson stated that it was unusual for a key to be placed in a fridge unless it was there for the purpose to conceal something. Mr Ellson stated that he believed Mr Sardeh had no control over the operation and a management of the premises and describe it as 'arm lengths control'. Mr Ellson stated that there it unclear where the illicit products came from and who placed them on shelves; which the public were able to purchase.

In summing up PC Reader stated that there is clear dishonesty and the notion of 'chaos' is being used as a means of a defence. PC Reader stressed it was highly unlikely for products from the previous owner to still be present at the premises. The invoice produced before the Sub-Committee only shows two products found at the premises ; it does not include the premises details and thus do not prove whether the products have actually been brought from this specific cash and carry.

PC Reader stated it became apparent during the course of the meeting that Mr Morovat was the Licence holder for only a short period of time (approx. 3 weeks) thus he cannot be held accountable for the illicit product. PC Reader stated that the proposed conditions would not remedy the issue occurring at the premises and that West Midlands Police do not believe that Mr Sardeh would comply to conditions as he has shown complete disregard to the Licensing Objectives to generate more income.

Mr Craig stated that there has not been evidence produced from HMRC in regards to the test purchase they undertook at the premises. Mr Craig stated that Mr Sardeh has not tried to hold Mr Morovat accountable for the products found at the premises. Mr Craig stated that it would not be proportionate to revoke the licence on the basis that one illicit product was found at the premises which cannot be traced. Mr Craig stated a one month suspension would allow the licence holder to undertake relevant training for himself and employees and implement the proposed conditions and avoid the Sub-Committee from drawing 'conclusions' that evidence did not support.

At 1157 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1307 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

---

03/160517 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Hamidreza Taghizadeh Sardeh in respect of A G Convenience, 182 Brighton Road, Balsall Heath, Birmingham, B12 8QN upon the application of Trading Standards, this Sub-Committee hereby determines:

**THAT THE LICENCE BE REVOKED**, in order to promote the prevention of crime and disorder, public safety, and the protection of children from harm objectives in the Act.

The Sub-Committee heard from the Chief Inspector of Weights and Measures (via an Enforcement Officer), and also from West Midlands Police.

The Enforcement Officer described the visits undertaken by Trading Standards officers to the premises, and the examination of a locked van which was parked at the rear of the premises. It was in the locked van that 271 packets of illicit tobacco were found. These illicit goods circumvent UK duty law, and in addition (leaving aside the ordinary health risks of tobacco) there is a risk that such products could potentially be unsafe if they are not the genuine product. Whilst it was accepted that the Premises Licence Holder did not own the van, the fact that the key for the van was found concealed in a fridge at his premises, and that he was registered as a driver of the van, meant that there was an obvious link. The explanation given to the Sub-Committee, namely that the stock had been legitimately purchased from a Cash & Carry, was not accepted.

During a later visit, further illicit goods, namely bottles of non-duty rum and vodka, were found on open display behind the counter for sale to customers. The premises licence holder could not satisfactorily explain how non-duty alcohol had come to be on sale in his shop. The suggestion offered, namely that it could have been left behind by the previous owner, who had left some ten months ago, was not persuasive.



The Sub-Committee's reasons for revoking the licence are due to concerns raised by the Chief Inspector of Weights & Measures and West Midlands Police representatives in relation to the management and general operation of the premises. It was the specific recommendation of West Midlands Police that the Licence should be revoked due to these unsatisfactory arrangements that were not capable of promoting the licensing objectives. The seized tobacco and alcohol were illegal, and a risk to public safety.

The Premises Licence Holder himself was not at the shop at the time of either of the visits. Trading Standards officers observed a lack of cooperation from staff on duty at the premises when they conducted their visits. These members of staff refused to give the details requested by officers, or to sign Notices when asked, and had shown a level of hostility towards the inspections.

Trading Standards described the arrangements at the shop as 'chaotic', and the descriptions of the changes in personnel, and the "arm's length" style of management, made clear that there had been a lack of proper supervision by the person in charge. The Sub-Committee concluded that the level of management control fell far short of the standard expected of a responsible premises licence holder.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence (as suggested by the Premises' legal representative), 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. The management arrangements currently operating at the premises did not inspire any confidence that the Premises Licence Holder would exercise proper control in future.

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 premises licence holder & their legal adviser, by the Chief Inspector of Weights & Measures, and by West Midlands Police.

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 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.

**OTHER URGENT BUSINESS**

**LICENSING ACT 2003 – TEMPORARY EVENT NOTICE APPLICANT –  
STEFAN KREUTER, RE: SOIREE LOUNGE, UNIT 2, 5-11 FLEET STREET,  
BIRMINGHAM, B3 1JP**

The following persons attended the meeting:-

**On behalf of the applicant**

Stefan Kreuter – Applicant

Imran Rashid – On Behalf of the Director of the Premises, Tariq Rashid

Natalie Moore- C.N.A. Risk Management Ltd

**Those Making Representations**

Paul Samms- Environmental Health Officer

The following report of the Acting Director of Regulation and Enforcement were submitted :- ( See Documents No. 1)

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

Mr Kennedy stated that alongside the application an dispersal policy and risk assessment were submitted that are not an statutory requirement when applying for an Temporary Event Notice and that conditions that have been volunteered are not enforceable as they cannot be attached to an TEN.(See Documents No.2).

Mr Samms, on behalf of Environmental Health, in presenting the case and answering Members questions stated the following points:

1. Mr Samms stated that there was a noise issue coming from the premises which has caused disruption to local residents.
2. Mr Samms stated that a complaint was received from a local resident but was later withdrawn as the complainant felt vulnerable.
3. Mr Samms stated he did not disagree with the dispersal policy submitted.
4. Mr Samms stated that the premies does not have the right noise limiter installed; he stated he would like to observe further information in regards to the noise limiter.
5. Mr Samms stated that he did not have knowledge that a previous TEN had been submitted.

6. Mr Samms stated that he did not have CCTV footage from the night in question.
7. Mr Samms stated that there would not be an objection on behalf of Environmental Health if the noise limiter was set by them.
8. The complainant was disturbed on Sunday 9th May 2017 at 0230 hours in the early morning. A complaint had been sent to the local councillor who then forwarded the complaint on to Environmental Health.

Mr Kennedy informed Members that the premises had applied previously for 5 Temporary Event Notices that had not been objected by Environmental Health.

9. Mr Samms stated the reason for this was that the Environmental Health department had been short staffed and that a new intern had been employed; who had not had noticed the TEN for this particular premises.
10. There is not a 'red flag' system in place which would have picked up the address of the premises immediately.
11. Mr Samms stated that the reason that the complainant had withdrawn the complaint was that they felt the premises were linked to gang activity.

In order to seek legal advice at 1350 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting. At 1401 hours, after an adjournment, all parties were recalled to the meeting and continued.

12. Mr Samms stated that in the early hours of the morning on 9th April 2017 a sports car was outside the premises which attracted a lot of people causing disturbance to residents.
13. Mr Samms state that there were concerns from Environmental Health in regards to noise and the potential risk that the Licensing Objectives may be undermined.
14. There are approximately about 60 residents that live in a block of flats which are quite near the premises.

Mr Kreuter, the applicant for the Temporary Event Notice, in presenting the case and answering Members questions stated the following points:

1. Mr Kreuter stated that he has a good working relationship with PC Rohomon and that he had placed strict control measures to how the premises operate.

2. There are two doors that need to be opened upon entrance of the premises.
3. There is now a responsible management in place that has nothing to do with the previous way the premises had been managed.

Members were concerned that the premises may have had a name change but the previous management was still associated with the premises.

4. Mr Kreuter stated that he has been appointed in a managerial capacity and that he had been brought on board by licensing Consultant Carl Moore and had no family/ emotional commitments towards the premises.
5. Mr Kreuter stated he has been in this field for over 15 years and was fully aware of the Licensing Objectives and the standards expected at a licensed premises.
6. Everyone entering the premises will need to scan their ID; the ID details are immediately sent over to West Midlands Police, Licensing Department.
7. It was stated that two Local Councillors have attended events at the premises.

In order to seek legal advice at 1415 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting. At 1420hours, after an adjournment, all parties were recalled to the meeting and continued.

8. Mr Kreuter stated that there has only been once complaint received and that there is no evidence that the premises are linked with gang activity.
9. Mr Kreuter stated that numerous cars go up and down the street as it is a busy area; loud noise could be coming from an vehicle and should not be associated with the premises.
10. Mr Kreuter stressed that he would like to discuss what Mr Samms/ Environmental Health would like to be changed at the premises; he stated he was more than happy to ensure the correct Noise limiter was installed with the satisfaction of Environmental Health.
11. Mr Kreuter assured Members that the previous management at the premises were no longer involved in the operation and day to day running of the premises.
12. Mr Rashid stated that C.N.A Management were never part of the previous management and have been employed since 8th April 2017.
13. Mr Rashid stated that the complaint was received by Environmental Health on 9th April 2017 and that they were notified of this on 28th April 2017.

14. Mr Kreuter stated that he was very forthcoming to ensue dialogue with local residents; he stated that the residents have not made any contact as of yet as it is visible to them that the premises are 'slowly re-opening'. He stated that he has made contact with the Chair of the local Housing Association.
15. Mr Kreuter stated that the maximum attendees they have had at the premises for an event is 60 people.
16. People are not allowed to smoke inside the premises.
17. Mr Kreuter referred to the dispersal policy and stated that there is 1 door man who is SIA registered; where he would close one door then open the second door.
18. The guest list is sent to PC Rohomon who is able to vet the list and check any details he may wish to.
19. Mr Kreuter stated that the Director, Mr Rashid has to scan his ID to gain entry into the premises.
20. Mr Kreuter stated it is a completely different management and that events have not been advertised publicly but just to close family and friends.
21. There are: 2 door staff outside the premises; 4 at the front door, 2 at the fire exit and 7 within the premises.
22. If any incident was to occur at the premises the doors would be shut immediately; the sound system turned off and the Police would be called immediately.
23. There will be a Taxi marshal present at the premises.
24. The security firm 'More Secure' are now the security providers for the premises.
25. The previous licence holder, Mr Tariq Rashid, was still the director of the company that owns the premises.
26. Mr Rashid stated that the previous licence holder does not have any dealing with the running of the premises any longer and that the proposed premises user Mr Kreuter is now the manager of the premises.
27. Mr Rashid stated that the venue has now been running for 6 weeks via Temporary Event notices.
28. On 8th April 2017 a sports car that was not associated with the premises was seen parked in street that was playing loud music.
29. Mr Rashid stated that the noise limiter had been installed and that it was linked to the fire exit and was placed away from customers.

30. Mr Rashid stated that Mr Samms has not come to inspect the limiter and that there is no requirement that there is a condition on a Temporary Event Notice that must state a limiter must be installed.
31. Mr Rashid stated that the premises had been operating for over 6 weeks and that only one complainant had been received that had been withdrawn now.
32. Ms Moore stated that the 4 Temporary Event Notices that were applied and counter noticed in January 2017 were applied before C.N.A Management became involved with the premises.
33. Each event has a risk assessment and a dispersal plan which is not a requirement of a Temporary Event Notice showing the management of the premises have put in place stricter measures.
34. Mr Kreuter is the proposed premises licence holder and that Mr Rashid, the previous licence holder has no links with the business.

In summing up Mr Samms stated that it is unclear why only one complaint was received from the public. He stated that he did not feel that the event should go ahead and that it may be beneficial that there is dialogue between the premises and Environmental Health to address any issues.

In summing up Mr Kreuter stated that only one complaint had been received that had now been withdrawn. He stated he wished to undertake dialogue both with the Environmental Health officer and the local residents and to address any concerns that they may have; he stated he was wary of his reputation and was passionate about operating the premises and ensuring that all the Licensing Objectives were upheld. Ms Moore stated that she was forthcoming of any visits that Environmental Health Officers wished to undertake at the premises and that in the 6 weeks of operation of the premises none of the Licensing Objectives have been undermined.

At 1511 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1555 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

---

04/160517

**RESOLVED:-**

That, having considered the objection notice from Environmental Health in respect of the temporary event notice, as submitted by Stefan Kreuter, the premises user, for an event to be held on:

Saturday 27<sup>th</sup> May at 22:00 hours  
until Sunday 28<sup>th</sup> May 2017 at 04:00 hours

at Soiree Lounge, Unit 2, 5-11 Fleet Street, Birmingham, B3 1JP

this Sub-Committee determines that a **Counter Notice is not issued** under Section 105 of the Licensing Act 2003 (as amended).

The Sub-Committee is of the opinion that the event should be allowed to proceed at the premises, as there is insufficient evidence to suggest that the event would give rise to public nuisance.

It was also noted that there had been no confirmed incidents at the premises which would indicate that the premises could undermine the prevention of public nuisance objective within the Act.

Although there was some evidence presented by the Environmental Health Department of Birmingham City Council, which the Sub-Committee considered carefully, on the balance of probabilities the Sub Committee did not consider the event being proposed would undermine the prevention of public nuisance objective within the Act.

The Sub-Committee noted that the premises user, Mr Kreuter, assured them that he was keen to adopt the measures recommended by Environmental Health and to work cooperatively with them in dealing with any issues that could arise. The Sub-Committee were impressed by this. Such an offer gave them confidence that the premises user was taking his responsibilities seriously and was keen to uphold the licensing objectives. The Sub-Committee heard from another person who attended the hearing and who was connected to the previous management of the premises (who had been in charge at the time of an incident which had been a factor in the decision to revoke the Premises Licence), but were satisfied that it was Mr Kreuter who was the premises user and the person who would be responsible for the management of the temporary event.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the Report, the Section 182 Home Office Guidance, and its own Statement of Licensing Policy.

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. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

---

The meeting ended at 1559 hours.

.....  
CHAIRMAN





# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B - TUESDAY 6 JUNE 2017</b>
--

**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 6 JUNE 2017  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair

Councillors Des Flood and Nawaz Ali

**ALSO PRESENT**

Bhapinder Nandhra Licensing Section  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

---

**NOTICE OF RECORDING**

01/060617 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**

02/060617 It was also noted that at Annual Meeting of the City Council on 23<sup>rd</sup> May 2017 Councillors N Ali, Clinton and Flood had been appointed to serve on the Licensing Sub-Committee B for period ending with the City Council meeting in May 2018.

---

**LICENSING ACT 2003 PREMISES LICENCE – GRANT BANNATYNE  
HEALTH CLUB, 3 BRUNSWICK ARCADE, BRINDLEY PLACE,  
BIRMINGHAM, B1 2JF**

The following persons attended the meeting.

**On behalf of the applicant:**

Steven Grey – Solicitor

Carl Kerrington - Manager

**Making Representations in respect of the application**

David Christensen – Agent

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Mr Nandhra, Licensing Section.

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

1. Mr Burke stated that Bannatyne Health club are an well-known organisation that have over 37 spas 200,000 members and 51 licensed premises.
2. It has been requested by members that alcohol should be provided whilst undertaking spa treatments at the premises.
3. The alcohol would be placed in a small fridge behind the reception desk; the fridge has the capacity to hold 20 miniature bottles.
4. Members who wish to purchase alcohol will be permitted to consume the alcohol in the lounge area
5. The premises have CCTV and there is staff throughout the building to ensure the consumption of alcohol is controlled and that people consuming alcohol do not go to other areas of the premises..
6. A lot of members have requested this facility to enhance their experience.
7. It is not a 'profit-making' enterprise; another Bannatyne club in Sutton Coldfield has sold only 15 miniature bottles of Prosecco to customers; thus the premies are not intending to sell huge volumes of alcohol.
8. There clientele are usually female.

9. The premises are no longer seeking there to be off-sales and that alcohol will only be sold to members of the club.
10. It was stressed that the premises would not add to the cumulative impact area as there is not going to be an addition of the numbers of customers attending the premises.
11. The environment of the premises is not one to attract people to consume large amounts of alcohol.
12. There are other premises owned by Bannatyne that have this facility.
13. Mr Kerin is the proposed DPS who held a personal licence for 10 years and is aware of the licensing objectives.
14. Members completing questionnaires after their treatment have requested there to be alcohol available.
15. The premises are will to have licensable activity permitted until 2130 hours.
16. Alcohol will be promoted alongside the promotion of spa package/deals.
17. An average miniature bottle will be sold at the price of £6.99; customers would be given a plastic cup.
18. CCTV is in operation in the lounge area which will regularly be monitored by staff.

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

1. Mr the main concerns were in regards to how the consumption and alcohol of sale would be controlled which now has been answered.
2. The monitoring of the lounge both by that staff and the CCTV at the premises are adequate measures that have cleared the concerns the objectors had.

In summing up, Mr Grey stressed that the grant of this application would not add to the special policy area and that the application was merely to enhance the facilities already provided by the premises.

At 1041 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1128 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

---

04/060617 **RESOLVED:-**

That the application by Bannatyne Fitness Limited for a premises licence in respect of premises Bannatyne Health Club, 3 Brunswick Arcade, Brindley Place, Birmingham, B1 2JF:

**BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS** to promote the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm objectives in the Act:

- the Premises Licence is granted for consumption on the premises only (and not for off sales)
- The hours for the supply of alcohol shall apply as follows:
  - o Monday to Friday: 10:00 – 21:30
  - o Saturday and Sunday: 10:00 - 19:30

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but after hearing the submissions of the applicant relating to the management arrangements at the premises (and at Bannatyne establishments in general) the Members did not have concerns that there was evidence of a significant risk of any public nuisance, or risk to crime and disorder, or risk to children arising from the proposed operation of the premises.

The application initially sought both on and off sales of alcohol however as the intention was to supply alcohol only to customers of the Health Club who had indicated that they wanted to consume alcohol in the lounge area whilst attending the premises, the applicant removed the provision of “off sales” from the scope of the application at the hearing. The alcohol supplied would be miniature bottles of wine and prosecco, with a plastic cup. Customers consuming alcohol would have already signed in at Reception, and would only be allowed to drink in the lounge area. The lounge area was covered by CCTV. The intention was not to run a profit-making alcohol sales business for the general public; the intention was simply to enhance the Spa Day package for spa customers.

Another person who attended to make representations stated that the submissions from the premises’ legal representative, and the proposed Designated Premises Supervisor, had allayed his apprehension about the potential for disturbance or trouble from arising in connection with the proposed operation of the premises.

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.

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

The Sub-Committee's reasons for imposing these conditions are due to the submissions made by other persons and the considerations of the Broad Street Special Policy Area – in other words to ensure that the premises do not add to the cumulative impact on the licensing objectives.

**BROAD STREET SPECIAL POLICY AREA**

The Sub-Committee noted that a Cumulative Impact Policy is in force for the Broad Street area, the effect of which is to create a rebuttable presumption that applications will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The premises are located within the area covered by the policy. Having considered the application and the evidence submitted, the Sub-Committee was not convinced that there was an evidential and causal link between the representations made and the effect on the licensing objectives.

The Sub-Committee noted particularly that no representations had been made by the Responsible Authorities. The Sub-Committee as a consequence is satisfied that the premises will not add to the cumulative impact on the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy including the Cumulative Impact Policy in force for the Broad Street area, the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the information in the application, the written representations received, and the submissions made at the hearing by the applicant, their legal adviser, and by 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.

---

**GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT SQUARE PEG, 115 CORPORATION**  
**STREET, BIRMINGHAM, B4 5PH**

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Mr Nandhra, Licensing Section.

At 1142 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1150 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

---

04/060617

**RESOLVED:-**

That the application by J D Wetherspoon PLC, for the variation of a Licensed Premises Gaming Machine Permit in respect of Square Peg, 115 Corporation Street, Birmingham B4 5PH

**BE GRANTED**

The Sub Committee deliberated the application, including the J D Wetherspoon PLC policies and procedures, put forward by the applicant and the likely impact of the application, and concluded that by granting this application, the three Licensing Objectives contained in the Act will be properly promoted.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under Section 25 of the Gambling Act 2005 by the Commission, and the application for a Licensed Premises Gaming Machine Permit (including supporting documents).

---

The meeting ended at 1152 hours.

.....  
CHAIRPERSON

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B - TUESDAY 30 MAY 2017</b>
--

**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 30 MAY 2017  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair

Councillors Des Flood and Nawaz Ali

**ALSO PRESENT**

Shaid Yasser, Licensing Section  
Lisa Woodward, Licensing Section (Observing)  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

---

**NOTICE OF RECORDING**

- 01/300517 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**

- 02/300517 Apologies were submitted on behalf of Councillor Clinton. It was noted that Councillor Dring had been identified as the nominated member. It was also noted that at Annual Meeting of the City Council on 23<sup>rd</sup> May 2017 Councillors N Ali, Clinton and Flood had been appointed to serve on the Licensing Sub-Committee B for period ending with the City Council meeting in May 2018.

---

**MINUTES**

- 03/300517 The public section of the Minutes of the meeting held on 9 May 2017 were noted.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT STARBUCKS,  
NORTHFIELD DRIVE THRU, SIR HERBERT AUSTIN WAY,  
BIRMINGHAM, B31 1PT**

It was noted that the representation had been withdrawn and the meeting started at 1130 hours as previously agreed.

---

**LICENSING ACT 2003 PREMISES LICENCE – GRANT ACE FACE  
BARBERS, 92 BRISTOL STREET, BIRMINGHAM, B5 7AH**

The following persons attended the meeting.

**On behalf of the applicant:**

Craig Milard – Applicant  
Patrick Burke – Solicitor

**Making Representations in respect of the application**

Paul Cueson-Speck –The Wellington Hotel  
Kenneth Turner –The Wellington Hotel

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

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

1. Mr Burke stated that the Mr Millard has been in the business for 10 years; he wishes to obtain a premises licence so that when customers are waiting to have a haircut they are able to consume and alcoholic drink.
2. Mr Burke stated that many barber shops do this without a premises licence however his client wished to adopt a responsible approach and only have the sale of alcohol with a licence.
3. The hours requested are to allow flexibility.
4. Majority of customers that visit the barber shop are adults.
5. The premises will have a challenge 25 policy in place.
6. Conditions have been agreed with West Midlands Police.



7. The cost of alcohol would be added on to the bill of the haircut.
8. Most barber shops have now changed and provide a range of services such as dry cuts, clipper cuts and beard trims.
9. There was a sunbed previously at the premises however the lease had expired thus it had not been applied for in the licensable activities.
10. The majority of customers are males; rarely children come to have a haircut thus the price list does not include a child's rate.
11. Appointments for a haircut are booked via online.
12. Mr Craig has a basic food hygiene certificate.
13. Mr Burke stated that the reasons objections had been received was that the objectors were worried the financial effect the grant of this licence would have on their business.
14. The alcohol would be stored in a small fridge that is placed under the sink.
15. There will not be any promotions regarding the sale of alcohol.
16. Licensable activity is being sought until 2200 to accommodate for pre-wedding grooming.
17. There are usually 2 members of staff at the premises.
18. There is never a queue as every customer is pre-booked.
19. Mr Milard stated that staff are trained; they have previously been employed in bars and restaurants.
20. Mr Millard stated that the premises were not seeking off-sales; customers who enter the shop for a haircut would only be sold alcohol that would need to be consumed on the premises.
21. Mr Millard stated he agreed to have a condition which restricted him from transferring the licence; he stated that had a 10 year lease and does not wish to move elsewhere.
22. It is likely that customers would only have one drink.
23. Mr Milard stated he was a responsible person; he stated he was happy to move the fridge containing alcohol out of the view from public.
24. Referring to the plan; Mr Milard stated that the premises are quite small; there is a small kitchen next to the toilet.

25. Mr Milard stated that he intended to purchase alcohol from the Indian Brewery.

26. Customers do not have access to the back of the premises.

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

1. Mr Speck stated that he had known the applicant for a few years; he stated that the cellar area has been used previously for parties.
2. At these parties alcoholic drinks were provided and that attendees of up to 55 people were present.
3. He stated that his main concern was where and how the supply of alcohol would be controlled as it would be placed in the public view.
4. Mr Speck stated that when he attended a party at the premises in March 2017, he did not feel safe.
5. Mr Turner stated that the plan does not demonstrate the layout of the premises there is a stairway on the left that leads to the cellar.
6. Mr Speck stressed that they are not objecting due to competition but that they feel the alcohol at the premises will need to be controlled.

Mr Yasser clarified that the cellar that had been referred to is not on the plan of the premises; thus no licensable activity had been applied for that area.

In summing up, Mr Milard stated that there party that was referred to was 2 years ago; all attendees were connected to an art exhibition that had taken place. Another party that happened in February 3 years ago; finished at 9pm and after that people attending the party went to The Wellington.

Mr Burke stressed that his applicant wished to be a responsible retailer and did not intend to sell alcohol before lunchtime. The premises were willing to modify the licensable times requested; It was stated that if the licensable activity time was restricted before 2200 hours; the premises could apply for an Temporary Event Notice if they had any wedding bookings

At 1237 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1346 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

---

04/300517 **RESOLVED:-**

That the application by Craig Peter Milard, for a premises licence in respect of premises Ace Face Barbers, 92 Bristol Street, Birmingham, B5 7AH:

**BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

to promote the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm objectives in the Act:

- The hours for the supply of alcohol shall be from 0900 hours until 2130 hours daily, and shall be strictly for consumption of alcohol on the premises, the opening hours of the premises being 0800 hours until 2200 hours daily
- All conditions agreed with West Midlands Police in the email of 6th April 2017 shall apply
- The area for alcohol supply shall be only that floor of the premises which is shown on the Plan; it does not include the basement floor (or 'cellar' area) of the premises
- Alcohol shall be supplied only to those patrons of the barbershop who are on the premises for the purpose of having haircutting and/or grooming services, to ensure that the supply of alcohol shall be entirely ancillary to the main service provision, which is haircutting and/or grooming services
- The refrigerator in which the alcohol shall be stored shall be moved to a new location, namely the staff kitchen at the rear of the premises, in order that it will not be directly accessible by customers
- No promotions, or price offers, relating to alcohol shall be offered or displayed at any time

The Sub-Committee's reasons for imposing these conditions are due to the submissions made by other persons, who attended the hearing to address the Members regarding the background history of the premises, and the impact of the proposed operation. They stated that their objections were mainly in regard to public safety and the protection of children from harm.

The Sub-Committee carefully considered the objections. In addition, having heard directly from the applicant, and examined the operating schedule put forward by the applicant, they considered the likely impact of the application.

Given that the applicant had agreed Conditions in advance with West Midlands Police, the Sub-Committee did not accept that there was evidence of any significant risk that the Licensing Objectives would be undermined by the proposed operation of the premises.

However the concerns of the other persons were taken into account by imposing suitable conditions that would allay their apprehension about the potential for trouble. Those making objections confirmed to the Sub-Committee that their principal concern was that the sale of alcohol should be adequately controlled. The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised by those making objections, and to reduce any likelihood of trouble from arising in connection with the proposed operation of the premises.

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 and their adviser, and by 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.

**ADVISORY NOTE**

The Sub-Committee asked the applicant about his intentions about the future of the premises, and was reassured when the applicant confirmed that, if granted, he had no intention of transferring the Licence to a third party.

---