

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB – COMMITTEE A 4 MARCH 2019</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 4 MARCH 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

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

Councillors Bob Beauchamp and Martin Straker-Welds.

### **ALSO PRESENT**

Shaid Yasser – Licensing Section  
Parminder Bhomra – Legal Services  
Katy Townshend – Committee Services

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### **NOTICE OF RECORDING**

- 1/040319 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.
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### **DECLARATIONS OF INTERESTS**

- 2/040319 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the 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 meeting.
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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/040319 No apologies were submitted.
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### **MINUTES**

- 4/040319 That the Minutes of meeting held on 7 January 2019 were circulated, confirmed and signed by the Chairman.

That the Minutes of meeting held on 18 January 2019 were circulated, confirmed and signed by the Chairman.

That the Minutes of meeting held on 21 January 2019 were circulated, confirmed

and signed by the Chairman.

That the public section of the Minutes of meeting held on 11 February 2019 were noted.

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**LICENSING ACT 2003 PREMISES LICENCE (GRANT) – BAR SHQIPONJA2,  
145 DUDLEY ROAD, BIRMINGHAM, B18 7QY**

Report of the Acting Director of Regulation and Enforcement.

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Applicant**

Mirela Vuka – Applicant  
Ben Rexhaj – Applicant partner  
Rob Edge – Agent

**On behalf of West Midlands Police**

PC Deano Walker – West Midlands Police

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The Chair made introductions and outlined the procedure to be followed.

Shaid Yasser, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of West Midlands Police, PC Deano Walker made the following points:-

- a) That they were considering withdrawing their representations as since the police inspection things had been put into place which had mitigated concerns; including “tweaking” of conditions. They had a concern about the entrance and exit not being monitored; however, the applicant had made changes in order to alleviate their concerns.
- b) That they were worried regarding the operating times but were not aware they had put the times back, so therefore that was no longer a concern.

On behalf of the applicant, Mr Rob Edge went through the new conditions in order to aid Members.

PC Walker advised that the issue was under 18s having to walk past the bar due to where the entrance/exit was located; however the wording of the condition had been changed in order that it would not be an issue.

Mr Rob Edge, on behalf of the applicant, confirmed PC Walkers statement and advised that all the relevant assessments such as, fire assessments, electrical assessments had all been carried out successfully with no issues. The fire service had a few concerns but 10 days following the assessments those issues were rectified and they withdrew their representation.

That they had included conditions regarding CCTV and challenge 25 policy and all to the satisfaction of West Midlands Police.

In answer to Members questions Mr Rob Edge made the following points:-

- a) That the capacity of the premises was small – 25.
- b) That the staff behind the bar had full vision of the entire space.
- c) That the fire service had withdrawn their representations after the premises had met all the requirements.
- d) That the stairwell was a good size, and would be able to comfortably accommodate 2-3 abreast.

The Committee Lawyer asked if anyone had any final submissions, or anything to add, and all parties concluded that they had nothing further.

At 1020 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.

At 1043 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/040319     **RESOLVED:-**

That the application by Mirela Vuka for a premises licence in respect of **Bar Shqiponja2, 145 Dudley Road, Birmingham, B18 7QY** be granted subject to additional conditions as agreed with West Midlands Police immediately prior to the hearing as follows:

1. No under 18's at any time unless accompanied, and children not allowed to approach or stand at the bar except for access and egress from the premises.
2. An additional CCTV camera to be situated on the inside of the entrance upstairs so that it can be monitored by staff downstairs who is entering and leaving the premises.

And those conditions listed 1 to 9 by Environmental Health in their representation

at Appendix 4 in the report including the following:

Modification of hours –  Alcohol (and regulated entertainment)	The hours for the supply of alcohol for consumption on the premises, and provision of Regulated Entertainment consisting of live music and recorded music to operate indoors only shall apply as follows: <ul style="list-style-type: none"><li>• 12:00midday until 11:30pm (Monday to Sunday)</li></ul>
Opening hours	The premises to remain open to the public as follows: <ul style="list-style-type: none"><li>• 09:00am until 12:00midnight (Monday to Sunday).</li></ul>

in order to promote the public safety, and the protection of children from harm objectives in the Act.

The Sub-Committee sought reassurances from the applicant's agent in order to clarify how the above mentioned objectives would be promoted for reasons given below.

Members had concerns in relation to the initial fire risk assessment submitted by West Midlands Fire Service and queried whether those issues relating to public safety had been resolved. In response, the applicant's agent advised that a new fire risk assessment had been submitted and approved by the Responsible Authority this morning, who had now withdrawn their initial representation as the outstanding concerns, had been resolved.

In relation to the initial written representation of West Midlands Police, PC Walker advised two new conditions had been agreed with the applicant and her agent as of this morning which mitigated their originals concerns that arose from a previous inspection of the premises.

The Sub-Committee as such considered the agreed conditions to be appropriate, reasonable and proportionate that addressed the concerns raised by Members, and the Responsible Authorities. Those matters detailed in the operating schedule with the exception of the condition outlined at Part M (e) - '*No children allowed at the bar serverly area*', the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence to be 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's agent 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.

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5/040319      **OTHER URGENT BUSINESS**

There were no matters of urgent business.

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**EXCLUSION OF THE PUBLIC**

6/040319      **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:-  
(Paragraphs 3 & 4)

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CHAIRMAN