BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE B
12 AUGUST 2025

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 12 AUGUST 2025 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Saddak Miah in the Chair.

Councillors Jane Jones and Adam Higgs.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/120825 **NOTICE OF RECORDING/WEBCAST**

The Chair advised the meeting that the meeting would be webcast for live or subsequent broadcast via the Council's Public-I microsite (please click this link) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/120825 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at the meeting.
If a disclosable pecuniary interest was declared, a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they had been granted a dispensation.
If other registerable interests were declared, a Member may speak on the matter only if members of the public were allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.
If it was a 'sensitive interest', Members did not have to disclose the nature of the interest, just that they have an interest.
Information on the Local Government Association's Model Councillor Code of Conduct was set out via http://bit.ly/3WtGQnN. This included, at Appendix 1, an interests flowchart which provided a simple guide to declaring interests at meetings.

3/120825 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

No apologies were submitted.

4/120825 **MINUTES**

The Minutes of the meeting held on 15 July 2025 at 1000 and 1200 hours and 22 July 2025 at 1000 hours were circulated and confirmed and signed by the Chair.

LICENSING ACT 2003 – PREMISES LICENCE – GRANT – MELLOWS BAR AND RESTAURANT, 57 GROSVENOR STREET WEST, LADYWOOD, BIRMINGHAM, B16 8HJ

On Behalf of the Applicant

Derek Rawlins – Applicant
Carl Moore – Agent
Alexandra Styles – Carl Moore's Daughter

On Behalf of those Making Representations

No one making representations attended the meeting.

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The Chair introduced the Members and Officers present and asked if there were any preliminary points for the Sub-Committee to consider. No preliminary points were made.

However, Carl Moore advised the Committee that his daughter would be making submissions on his behalf due to ill health.

The Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy, Licensing Section, outlined the report.

At this stage the Chair invited the applicant to make their presentation. Alexandra Styles made the following points: -

a) That she is representing the applicant.

b) The clients accountant dissolved the company which held the premises licence which meant if the premises licence was not transferred within 28 days then the licence would be surrendered – the licence was not transferred and her client is not looking to resurrect the company and has therefore had to apply for a new licence with exactly the same opening hours and activities.

c) There are not proposed extensions of hours and all the original conditions were the same.

d) The premises had not received any complaint from Environmental Health regarding noise or disturbances or from any other responsible authorities despite the allegations made by the objectors.

e) The representations mentioned extension of hours and how it would cause noise disturbance to the residential community – however there is no extension of hours, they have just applied for the same as the previous licence.

f) The majority of the representations made reference to extension of hours, however as previously stated the application is the same as the previous licence hours.

g) They had contacted the objectors but had only received two responses.

h) The licence had been in place at the premises for a very long time without issues.

The Chair the invited the applicant to make a brief closing submission however, the applicant opted not to make a closing submission.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and a full written decision was sent to all parties as follows;

5/120825 **RESOLVED**

That the application by T Hay Limited for a premises licence in respect of Mellows Bar and Restaurant, 57 Grosvenor Street West, Ladywood, Birmingham B16 8HJ, be granted in accordance with the application. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The premises operator Mr Derek Rawlins attended, and was represented in the meeting by a licensing consultancy firm. Written representations had been received from other persons; these were all in the Committee Report. None of those who had made written representations attended the meeting in person to address the Sub-Committee. However, the Sub-Committee took all of their written representations into consideration when making the determination.

The consultant explained the reasons for the application for the grant of a new premises licence – namely that the company which held the premises licence had been dissolved. She said that this meant that the premises licence had been surrendered, because the licence had not been transferred over to a new company within the 28 days required under the Act.

She stated that whilst the company had recently been restored, the licence remained surrendered. The company had therefore applied for a new premises licence, requesting exactly the same hours, licensable activities and conditions.

The Sub-Committee was aware that the previous premises licence had in fact lapsed, as opposed to being surrendered, in accordance with the provisions of section 27(1)(d) of the Licensing Act 2003.

The operator had noted that those who had submitted written representations had suggested that there had been breaches of the previous licence conditions. However, the consultant confirmed that the premises had not received any complaints from the Environmental Health officer regarding excessive noise or disturbances, nor from the West Midlands Police Licensing Unit; nor had there been any representations from any of the other responsible authorities. The Sub-Committee noted this.

Regarding the written representations made by the objectors, the consultant noted references to noise nuisance and impact on residential amenity created by what the objectors called “the extension of hours”. However, the consultant reminded the Members that the application was not for any kind of extended hours; indeed, the application simply replicated a previous licence. The Sub-Committee agreed with this, and disregarded the comments about “extension of hours”.

Similarly, suggestions of “previous breaches” of licence conditions (mentioned by some of those making written representations) were disregarded, as the responsible authorities had not taken up any complaints, or approached the premises with news of any complaint.

The consultant confirmed that attempts had been made to correspond with each of the objectors, but only two of them had responded; of those two, both were under the impression that the requested hours were an extension to the previous licence. The consultant had therefore provided them with a copy of the old licence, which showed otherwise. The Sub-Committee was reassured by this.

The consultant added that the licensed premises had in fact been at the location since 1965, well before any of those making objections. The Sub-Committee noted this.

The Sub-Committee was aware that, under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives when considering the representations made against the application.

The Sub-Committee considered all of the written representations in the Committee Report. However, the Members accepted the consultant’s submission that the application replicated the terms of the previous licence. The Sub-Committee considered the operating schedule to be satisfactory to deal with any potential for risks to the licensing objectives.

The Members were aware of the relevant caselaw, namely *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, which emphasised the principles laid down by the Licensing Act 2003 and its accompanying Guidance – namely that there should be light touch bureaucracy applied to applications for licences, and that restrictions should only be attached to premises licences where they were necessary to promote the licensing objectives.

The case highlighted the fact that decisions on applications should be made on evidence, and not based on speculation. The Members were mindful that if the authority gave weight to speculative opinions, it would in fact fail to follow the Guidance issued under s182 of the Act, and its own Statement of Licensing Policy. Those who had made representations did not attend the meeting, and the Sub-Committee therefore did not have an opportunity to ask questions. The Members could see no evidence-based reason to place any further conditions onto the licence.

When deliberating, the Sub-Committee noted that the operating schedule had been drafted with consideration of the licensing objectives, and had been approved by the responsible authorities, who were the experts in the upholding of the licensing objectives. This was reassuring.

There was no reason to suppose that a carefully-managed bar/restaurant premises would create risks to the licensing objectives. After all, no such problems had arisen under the previous licence. Moreover, having examined the operating schedule, the Sub-Committee did not see that any extra measures were required, as all potential risks to the upholding of the licensing objectives had already been satisfactorily addressed, such that the Police and the other responsible authorities had found all to be in order.

After careful consideration, the Sub-Committee determined that the application could safely be granted as requested. The Members considered that by granting the application, the licensing objectives in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and considered that all areas of concern had been satisfactorily addressed.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received, and the submissions made at the hearing by the applicant's consultant.

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 meeting ended 1025 hours.

Chair……..