

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE A  
29 NOVEMBER 2024**

## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON FRIDAY 29 NOVEMBER 2024 AT 1200 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair.

Councillors Jilly Bermingham and Julien Pritchard.

### **ALSO PRESENT**

Bhupinder Nandhra– Licensing Section  
Jane Sarginson – Legal Services  
Shilpa Manek – Committee Services

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

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1/291124

### **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.

2/291124

### **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

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interests flowchart which provided a simple guide to declaring interests at meetings.

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### APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/291124 There were no apologies received.

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### LICENSING ACT 2003 – SUMMARY REVIEW – KING OF THE CLUBS, HILL STREET, BIRMINGHAM, B5 4AH

4/291124 The report of the Director of Regulation and Enforcement was submitted:-

#### On Behalf of the Applicant

Mark Swallow – West Midlands Police

#### On Behalf of the Premises Licence Holder

Angela Nelson – DPS  
Dilshad Ghareeb – Owner

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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.

Mark Swallow, on behalf of WMP made a preliminary request that the meeting be held in private due to the on-going criminal investigation.

Angela Nelson, DPS of King of the Clubs and Dilshad Ghareeb, Owner of premises had no objections to the preliminary request submitted by West Midlands Police.

Following a short adjournment to allow the Committee to consider the request, the Chair announced that the meeting would be held in private given the sensitive nature of the incident and in order to not prejudice the criminal investigation.

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

The Licensing Officer outlined the report.

### EXCLUSION OF THE PUBLIC

5/291124 RESOLVED

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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.

The public were re-admitted to the meeting and the summary decision of the Sub-Committee was announced and the full written decision was sent to all parties as follows: -

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

### 6/291124 **RESOLVED**

That having reviewed the premises licence held under the Licensing Act 2003 by MD76 Limited in respect of King of the Clubs, Hill Street, Birmingham B5 4AH following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the only action to be taken is for:

- The nine interim conditions imposed by the Sub Committee B on the 19th of November 2024 to remain and to be changed to operating conditions of the licence.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police (WMP) under regulation 14(2) of the Licensing Act 2003 (hearings) Regulations 2005. There was an ongoing police investigation and to hold the hearing in public might prejudice the investigation. There were no objections from all parties

WMP addressed the Sub-Committee and set out the facts that culminating in an application pursuant to section 53A of the Licensing Act 2003 made by the Chief Constable of WMP for an expedited review in that in the premises, at about 03.56am on the 3rd of November 2024.

WMP submitted that since the incident, WMP and the DPS had worked together and agreed the conditions with the DPS, as originally submitted to the Sub-Committee on the 19th of November 2024. All conditions had been complied with and the DPS, who was described as honest and open. The Police recommended that all conditions become operating conditions of the licence, they being a proportionate as to what was necessary to promote the four licensing objectives.

The Sub-Committee also heard submissions from Angela Nelson the DPS who confirmed that she had worked closely with the police in order to ensure that the conditions requested were put in place. She said that this was the first incident that had occurred in about 2 years and she too was working towards ensuring the four licensing objectives were met.

The Sub-Committee considers both submissions and determined that the agreed conditions imposed to be appropriate, reasonable and proportionate to address

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concerns raised in particular the likelihood of serious crime and or serious disorder.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to 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 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the police, and the premises licence holder and/or their (legal) representative [other persons/responsible authority].

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.

**The Meeting ended at 1415 hours.**

*Chair*.....