

# BIRMINGHAM CITY COUNCIL

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| <b>LICENSING<br/>SUB-COMMITTEE B<br/>14 APRIL 2026</b> |
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 14 APRIL 2026 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Saddak Miah in the Chair;

Councillors Ray Goodwin and Adam Higgs

### **ALSO PRESENT**

Bhapinder Nandhra – 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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### 1/140426 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will 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.

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### 2/140426 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are 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 is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

**Licensing Sub-Committee B – 14 April 2026**

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/140426 No apologies were submitted.

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**MINUTES**

4/140426 The Public section of the Minutes of the meeting held on 3 March 2026 at 1000 hours were circulated and confirmed and signed by the Chair as a whole.

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**LICENSING ACT 2003 – PREMISES LICENCE – REVIEW – PHOENIX, 4 MASSHOUSE PLAZA, BIRMINGHAM, B5 5JE**

**On Behalf of the Applicant**

PC Ben Reader – WMP (West Midlands Police)  
Shelley Benning - WMP

**On Behalf of Those Making Representations**

Raj Hundal – Home Office Immigration  
Sarah Hemsall – Birmingham City Council, Licensing Enforcement

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

At this stage, 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.

At this stage the Chair invited the applicant to make their presentation, Shelley Benning on behalf of WMP, made the following points: -

- a) The review application is in relation to the Pheonix Bar. The Immigration Service would usually lead on these types of review application, however WMP agreed to take this forward due to capacity and time restraints faced by Immigration Services.
- b) A joint operation was conducted between WMP and Immigration whereby four person were found working at the premises with no Right to Work in the UK documentation. Arrests were made.

## Licensing Sub-Committee B – 14 April 2026

- c) WMP had serious concerns over the management of the premises and the promotion of the Licensing Objectives, particularly surrounding the crime and disorder objective.
- d) In March 2026 an application was made to transfer the licence and vary the designated premises supervisor, the licence was transferred and then surrendered at the end of March.
- e) WMP had received no contact from the premises.
- f) WMP had serious concerns and requested that the licence be revoked.

The Chair invited questions from Members and Shelley Benning gave the following responses: -

1. The application to vary the designated premises supervisor (DPS) was applied for and the new DPS is also the DPS for the supermarket next door to Phoenix.
2. The only link is the fact that the premises are next door.

The Chair then invited those making representations to make their presentation. Raj Hundal, Home Office Immigration made the following points: -

- a) The Immigration Officer outlined the impacts of illegal working which included encouraging people to break immigration laws, people entering the UK illegally and employment exploitation.
- b) The joint visit carried out at the premises found three individuals; two were failed asylum seekers and one had an outstanding asylum claim. None of the three had any right to work in the UK.
- c) It is employers' responsibility to ensure that all employees had the right to work checks carried out before offering employment.
- d) The evidence shows that the premises were employing illegal workers and therefore the prevention of crime and disorder objective had been undermined.
- e) He agreed with WMP that he had no confidence in the premises to operate legally and asked the Committee to consider revocation.

The Chair invited Sarah Hemsall from Licensing Enforcement to make her presentation, she made the following points: -

- a) Following notification from WMP about their inspection, Licensing Enforcement carried out their own inspection at the premises on 19 March 2026.

**Licensing Sub-Committee B – 14 April 2026**

- b) Neither the PLH or DPS were present during the visit but there was a manager there at the time who gave his name as Mr Chen.
- c) A number of matters were identified that were in breach of the licence – the premises licence was not on display, staff training was not provided and the CCTV system only had nine days of recordings available, despite the licence condition being 31 days or recordings should be retained.
- d) Mr Chen was unable to provide any profiles for doorstaff, or provide any risk assessments. There was no signage displayed at the entrance of the premises asking customers to leave quietly – all of which are conditions on the licence.
- e) A Trader's Notice was issued identifying all the matters of concern but as yet the PLH/DPS had not made contact with the Licensing Enforcement Team.
- f) Licensing Enforcement had no confidence in the premises ability to uphold of the Licensing Objectives, particularly the prevention of crime and disorder and the prevention of public nuisance.
- g) The PLH/DPS did not take their responsibilities seriously and she requested that the licence be revoked.

All parties were invited to make a brief closing submission. They each summarised their points made previously and requested the licence be revoked.

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

5/140426     **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by PX Music Bar Entertainment Ltd, in respect of Phoenix, 4 Masshouse Plaza, Birmingham B5 5JE, upon the application of a Superintendent of West Midlands Police, this Sub-Committee hereby determines that the licence be revoked, in order to promote the licensing objective of the prevention of crime and disorder in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns expressed principally by West Midlands Police, and also by the Home Office Immigration Enforcement Team and Licensing Enforcement of Birmingham City Council. The three responsible authorities had all submitted written representations, which were in the Committee Report. Officers from all three responsible authorities attended the meeting in person.

At the start of the meeting the Senior Licensing Officer advised the Sub-Committee that the licence had been transferred and a new designated premises supervisor appointed, and thereafter the licence had been surrendered.

## **Licensing Sub-Committee B – 14 April 2026**

However, he further advised that despite the surrender of the premises licence, section 50 of the Licensing Act 2003 would enable the licence to be reinstated at any time up until 00:00 midnight on the 22<sup>nd</sup> April 2026. He advised the Members that the Review hearing should therefore proceed. The Sub-Committee accepted this.

The new licence holder did not attend the meeting and was not represented. The Sub-Committee proceeded with the meeting in the absence of the new licence holder.

West Midlands Police addressed the Sub-Committee as per their documents in the Committee Report, which included an additional statement from PC Reader. The Sub-Committee was told that a joint operation had been carried out at the premises by West Midlands Police and the Home Office Immigration Enforcement Team.

During this operation, Police were informed by the premises manager that the premises was running an event and 206 tickets had been sold. However, staff at the front door stated to Police that they were stopping admissions at a capacity of 150 people, which raised concerns as to why the premises would sell 206 tickets.

It was also noted that two staff members on the door were searching customers on entry, although neither held an SIA badge; these were therefore unlicensed searches. Furthermore, as a result of this joint operation, persons were found to be working at the premises with no legal right to work in the UK due to their immigration status. These persons were arrested by immigration officers at the scene.

These issues had created serious concerns for West Midlands Police regarding the management of the premises, and the premises' ability to promote the licensing objective of the prevention of crime and disorder.

Whilst the Police had not been in contact with the premises due to the surrender of the premises licence, they confirmed that they still had serious concerns regarding the licensing objective of the prevention of crime and disorder, and recommended that the premises licence should be revoked. The Sub-Committee noted this.

The officer from the Home Office Immigration Enforcement Team then addressed the Sub-Committee and explained the impact of illegal working (as per his document in the Committee Report). He confirmed that during the visit to the Phoenix premises, three individuals of interest had been discovered; two of those were failed asylum seekers and one had an outstanding asylum claim. None of the three individuals had any legal right to work in the UK.

He reminded the Sub-Committee that it was incumbent on all employers to conduct right to work checks before offering employment; had such a right to work check been done on any of these three people, it would immediately have been clear that they did not have the right to work. The Sub-Committee agreed with this.

He noted that the prevention of crime and disorder objective had been undermined, given that illegal working had been found at the premises. He confirmed that, in line with West Midlands Police, he did not have confidence that the premises was being run in a proper way and recommended that the Sub-Committee revoke the licence. The Sub-Committee noted this.

## Licensing Sub-Committee B – 14 April 2026

The Sub-Committee then heard from a Licensing Enforcement officer from Birmingham City Council, who confirmed that she had conducted an inspection of the premises in relation to the premises licence and conditions attached to it. She explained the various breaches which had been found (as per her document in the Committee Report). The Sub-Committee noted these.

She had issued a trader's notice identifying the matters of concern. She had not received any contact from the premises licence holder, the designated premises supervisor, or any representative from the premises since her visit.

She confirmed that Licensing Enforcement had no confidence that the licensing objectives could be upheld, particularly the prevention of crime and disorder and the prevention of public nuisance. She remarked that neither the licence holder nor the designated premises supervisor had taken their responsibilities seriously in respect of the licence. She asked that the Sub-Committee revoke the licence. The Sub-Committee noted this.

When making its decision, the Sub-Committee considered the documents submitted by all three of the responsible authorities very carefully. The Sub-Committee was aware that for any licensed premises to be involved in immigration offences was a very serious matter; as such, the Members took a very dim view of it. The employment of illegal workers indicated poor management, or lack of management.

In the case of the instant premises, there were also the various breaches of licence condition discovered during the inspection by Licensing Enforcement. The Sub-Committee looked askance at these.

The Sub-Committee looked at all options when making its decision, and placed particular emphasis on the need to ensure that it had confidence that the management of the premises would not engage in criminal activity.

After reviewing the evidence, the Members determined that they could have no such confidence. The employment of illegal workers was an overt risk to the promotion of the licensing objectives. The three responsible authorities who attended had been unanimous that the sanction should be revocation of the licence.

The Sub-Committee agreed that the failings had been so serious that revocation was the correct way forward. The operation had been managed in a way that was not merely irresponsible, but also illegal. The findings had shown a lack of professional supervision and control, and consequently an inability to uphold the licensing objectives, particularly that of the prevention of crime and disorder.

After hearing all the evidence, the Sub-Committee determined that the failings discovered were indeed so serious that they could not be tolerated. The Sub-Committee therefore resolved to take the course which had recommended by the responsible authorities – namely to revoke the licence.

The Members gave consideration as to whether they could modify the conditions of the licence, or suspend the licence for a specified period, but were not at all satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination, for the reasons set out above - and particularly in

**Licensing Sub-Committee B – 14 April 2026**

view of the surrender of the licence. The most sensible course was to follow the recommendation of the responsible authorities.

A determination to revoke would follow the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. Paragraph 11.27 recommended that the Sub-Committee should take immigration issues particularly seriously.

Paragraph 11.28 advised that where the crime prevention objective was being undermined through the premises being used to further crimes, it was expected that revocation of the licence – even in the first instance – should be seriously considered. There were no compelling reasons to depart from the Guidance on this occasion.

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 responsible authorities.

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 determination of the Appeal.

**EXCLUSION OF THE PUBLIC**

6/140426

**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:-

Exempt Paragraph 3.

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CHAIR.....