

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE C 30 JUNE 2021

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON WEDNESDAY 30 JUNE 2021, AT 1000 HOURS, AS AN ONLINE MEETING

PRESENT: - Councillor Nicky Brennan in the Chair;

Councillors Neil Eustace and Mike Leddy.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Mandeep Marwaha – Committee Services

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

NOTICE OF RECORDING

- 1/300621 The Chair advised the meeting of housekeeping for online meetings and confirmed that the meeting was public and would be live streamed via Birmingham City Council's website (www.civico.net/birmingham). 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

- 2/300621 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 will be recorded in the minutes of the meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/300621 An apology was submitted on behalf of Councillor Mary Locke and it was noted that Councillor Mike Leddy was the nominated substitute member.
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4/300621

**LICENSING ACT 2003 PREMISES LICENCE – GRANT PASHAJ
MEDITERRANEAN CHARCOAL GRILL, 373 – 375 JOCKEY ROAD,
BOLDMERE, SUTTON COLDFIELD, B73 5XH**

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

(See document No. 1)

The following persons attended the meeting:

On behalf of the Applicant

Chero Hamzai – Applicant
Carl Moore - Licensing Consultant
Leo Charlambides – (Barrister) Applicants Legal Representative

Those Making Representations

No objectors were in attendance

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The Chair introduced the Members and officers present and asked if there were any withdrawals of representation. None were withdrawn.

The Chair explained the hearing procedure prior to inviting Licensing Officer, Bhapinder Nandhra to outline the report.

The Chair invited the applicant to make their submission. At this stage Mr Charlambides made the following points on behalf of the applicant:-

- a) This was a relatively modest and straight forward application for a restaurant within the local area.
- b) Issues such as amenity, parking, impact on local area and traffic had already been considered by the Council via the planning remit. He highlighted this location had been deemed suitable for a restaurant.
- c) The application for the restaurant had a specific decking area which would be used for smoking purposes.
- d) The large garden area had been cleared.
- e) The interior had been fitted with imported marble, stone and tiles.
- f) He emphasised the hours the applicant had indicated were mindful of the area.
- g) He highlighted the restaurant was seeking to permit the sale of alcohol (for consumption both on and off the premises) to operate from:

- From Sunday to Thursday (Midday – 2145 hours) with the premises closing at 2200 hours.
 - Friday and Saturday – (Midday - 2245 hours with premises closing at 2300 hours.
- h) The applicant had previous experience of running a bar. Up until 4 years ago, she and her family lived in Holland where she ran a bar for 4 years.
- i) The applicant had been in the UK for the past 4 years and ran a takeaway which specialised in Greek food. This opened from 12 noon to 2300 hours. No alcohol was served at the takeaway and this operated from 1600 – 2200 hours.
- j) He added small local restaurants need the support of the local community. This was the main catchment area hence reflected in the operating hours.
- k) He noted the operating schedule dealt with aspects expected from a small restaurant in terms of training, role of DPS, CCTV and the role of alcohol.
- l) Discussions had taken place with the Environmental Health Officer who requested for the outside garden area to close at 1900hours. This had been agreed by the applicant.
- m) Smoking would only take place in the externally roofed area (which was indicated in the plan as the externally paved area).

At 1018 hours, the meeting was paused as Councillor Leddy had technical difficulties.

At 1021 hours, Councillor Leddy re-joined the meeting.

At this juncture, Mr Charlabides queried with Councillor Leddy at which point did he experience technical difficulties. Mr Charlabides added he was going through the plans of the premises. Councillor Leddy confirmed this was correct and Mr Charlabides resumed making his points.

- n) Mr Charlabides referred to the plan on page 23 of the document pack and highlighted referred to the premises being a 'horseshoe' shape.
- o) He referred to the decked area, in which the conditions wording was not clear. This should have referred to 'externally decked area' on the plan rather than roofed area. Smoking was contained within the open area.

At 1022 hours, the meeting was paused as the Chair had technical difficulties.

At 1023 hours, the Chair confirmed she was still in the meeting and her camera was switched off however, she could hear the discussions. The meeting resumed.

- p) Mr Charlabides referred to the Facebook comments from residents in the local area. This gave a flavour of conversations taking place in the local community.
- q) He felt the two representations submitted did not directly relate to licensing issues.

At this juncture, the Chair checked if any other attendees from the applicants side wished to make any further submissions.

Mr Charlabides confirmed no further submissions would be made. All those present from the applicants' side were in attendance to answer any questions from the Committee.

Members raised the following concerns around; parking around the premises; the use of alcohol in the garden area after 1900hours and monitoring the noise in the garden area.

In response to Members questions Mr Charlabides made the following points:-

- 1) Parking – he would check with Highways/parking section if the side parking was permitted. Beyond the footway there was a verge alongside the premises that could also be used for parking. However, he noted if this could not be used, then this would be avoided. He added the restaurant would mainly be used by people within the local catchment therefore walk there.
- 2) Parking was an individual responsibility and people should be considerate and lawful whilst making their parking arrangements.
- 3) The applicant was happy to place a sign in the premises to remind people to be mindful of parking.
- 4) No food or drink will be served after 7pm in the garden area.
- 5) It was in the applicant's interest to ensure the outside area was controlled from any noise. They were mindful residents were living around the premises.
- 6) For
- 7) the restaurant to be successful, the reputation of the restaurant was important to the applicant. The applicant recognised the garden area had to be operated in a way to avoid antisocial behaviour, nuisance or any concerns.
- 8) The waiters and waitresses would be serving to people in the outside area and this would be reviewed by the managers.
- 9) External CCTV was installed to monitor the garden area as well as physical inspections.

No further questions were raised by members.

On being invited to sum up, Mr Charlabides made the following points:

- The application was a fantastic local restaurant. The internal amenities were placed at a late stage therefore unable to share pictures with members. A great deal of time, money and effort had been taken to make this an attractive local community business.

At 1030 hours the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and the decision of the Sub-Committee was sent out to all parties as follows: -

5/300621 **RESOLVED:** -

That the application by Pashaj Ltd for a premises licence in respect of Pashaj Mediterranean Charcoal Grill, 373 – 375 Jockey Road, Boldmere, Sutton Coldfield B73 5XH, be granted.

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued, together with the conditions agreed with the Environmental Health department of the City Council in advance of the meeting, namely:

1. Service of food and drinks in the outside garden area shall cease by 19.00 hours
2. Smoking shall only take place in the external paved area marked on the Plan submitted in the Report. Access to the main garden area (marked on the Plan) for smoking shall not be allowed

The Sub-Committee deliberated the operating schedule put forward by the applicant company and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted.

Members carefully considered the written representations made by other persons but were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. Ms Hamzai of Pashaj Ltd had previous experience of running a bar abroad, and since moving to the UK four years ago she had run a takeaway specialising in Greek food; she now wished to open a restaurant to serve the local community. The hours requested were very reasonable – operation only until 22.00 (23.00 at weekends). Suitable conditions had been agreed with the Environmental Health department in advance of the meeting, and those representing the applicant company were keen to cooperate with neighbours and other businesses to make the premises a success. Taking all the circumstances into consideration, there was no reason to suppose that the premises would not be capable of upholding the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State, the application for a premises

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licence, the written representations received and the submissions made at the hearing by the applicant company via its counsel.

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 at 1035 hours.

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CHAIR