

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B - TUESDAY 30 MAY 2017
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 30 MAY 2017
AT 1000 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Des Flood and Nawaz Ali

ALSO PRESENT

Shaid Yasser, Licensing Section
Lisa Woodward, Licensing Section (Observing)
Joanne Swampillai, Committee Lawyer
Tayyibah Daud, Committee Manager

NOTICE OF RECORDING

- 01/300517 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 02/300517 Apologies were submitted on behalf of Councillor Clinton. It was noted that Councillor Dring had been identified as the nominated member. It was also noted that at Annual Meeting of the City Council on 23rd May 2017 Councillors N Ali, Clinton and Flood had been appointed to serve on the Licensing Sub-Committee B for period ending with the City Council meeting in May 2018.

MINUTES

- 03/300517 The public section of the Minutes of the meeting held on 9 May 2017 were noted.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT STARBUCKS,
NORTHFIELD DRIVE THRU, SIR HERBERT AUSTIN WAY,
BIRMINGHAM, B31 1PT**

It was noted that the representation had been withdrawn and the meeting started at 1130 hours as previously agreed.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT ACE FACE
BARBERS, 92 BRISTOL STREET, BIRMINGHAM, B5 7AH**

The following persons attended the meeting.

On behalf of the applicant:

Craig Milard – Applicant
Patrick Burke – Solicitor

Making Representations in respect of the application

Paul Cueson-Speck –The Wellington Hotel
Kenneth Turner –The Wellington Hotel

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr Burke, in presenting the case on behalf of the applicant and in response to questions from Members, made the following points:-

1. Mr Burke stated that the Mr Millard has been in the business for 10 years; he wishes to obtain a premises licence so that when customers are waiting to have a haircut they are able to consume and alcoholic drink.
2. Mr Burke stated that many barber shops do this without a premises licence however his client wished to adopt a responsible approach and only have the sale of alcohol with a licence.
3. The hours requested are to allow flexibility.
4. Majority of customers that visit the barber shop are adults.
5. The premises will have a challenge 25 policy in place.
6. Conditions have been agreed with West Midlands Police.

7. The cost of alcohol would be added on to the bill of the haircut.
8. Most barber shops have now changed and provide a range of services such as dry cuts, clipper cuts and beard trims.
9. There was a sunbed previously at the premises however the lease had expired thus it had not been applied for in the licensable activities.
10. The majority of customers are males; rarely children come to have a haircut thus the price list does not include a child's rate.
11. Appointments for a haircut are booked via online.
12. Mr Craig has a basic food hygiene certificate.
13. Mr Burke stated that the reasons objections had been received was that the objectors were worried the financial effect the grant of this licence would have on their business.
14. The alcohol would be stored in a small fridge that is placed under the sink.
15. There will not be any promotions regarding the sale of alcohol.
16. Licensable activity is being sought until 2200 to accommodate for pre-wedding grooming.
17. There are usually 2 members of staff at the premises.
18. There is never a queue as every customer is pre-booked.
19. Mr Milard stated that staff are trained; they have previously been employed in bars and restaurants.
20. Mr Millard stated that the premises were not seeking off-sales; customers who enter the shop for a haircut would only be sold alcohol that would need to be consumed on the premises.
21. Mr Millard stated he agreed to have a condition which restricted him from transferring the licence; he stated that had a 10 year lease and does not wish to move elsewhere.
22. It is likely that customers would only have one drink.
23. Mr Milard stated he was a responsible person; he stated he was happy to move the fridge containing alcohol out of the view from public.
24. Referring to the plan; Mr Milard stated that the premises are quite small; there is a small kitchen next to the toilet.

25. Mr Milard stated that he intended to purchase alcohol from the Indian Brewery.

26. Customers do not have access to the back of the premises.

Mr Cueson-Speck, presenting the case and in response to questions from Members, made the following points:

1. Mr Speck stated that he had known the applicant for a few years; he stated that the cellar area has been used previously for parties.
2. At these parties alcoholic drinks were provided and that attendees of up to 55 people were present.
3. He stated that his main concern was where and how the supply of alcohol would be controlled as it would be placed in the public view.
4. Mr Speck stated that when he attended a party at the premises in March 2017, he did not feel safe.
5. Mr Turner stated that the plan does not demonstrate the layout of the premises there is a stairway on the left that leads to the cellar.
6. Mr Speck stressed that they are not objecting due to competition but that they feel the alcohol at the premises will need to be controlled.

Mr Yasser clarified that the cellar that had been referred to is not on the plan of the premises; thus no licensable activity had been applied for that area.

In summing up, Mr Milard stated that the party that was referred to was 2 years ago; all attendees were connected to an art exhibition that had taken place. Another party that happened in February 3 years ago; finished at 9pm and after that people attending the party went to The Wellington.

Mr Burke stressed that his applicant wished to be a responsible retailer and did not intend to sell alcohol before lunchtime. The premises were willing to modify the licensable times requested; It was stated that if the licensable activity time was restricted before 2200 hours; the premises could apply for an Temporary Event Notice if they had any wedding bookings

At 1237 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1346 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/300517 **RESOLVED:-**

That the application by Craig Peter Milard, for a premises licence in respect of premises Ace Face Barbers, 92 Bristol Street, Birmingham, B5 7AH:

BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

to promote the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm objectives in the Act:

- The hours for the supply of alcohol shall be from 0900 hours until 2130 hours daily, and shall be strictly for consumption of alcohol on the premises, the opening hours of the premises being 0800 hours until 2200 hours daily
- All conditions agreed with West Midlands Police in the email of 6th April 2017 shall apply
- The area for alcohol supply shall be only that floor of the premises which is shown on the Plan; it does not include the basement floor (or 'cellar' area) of the premises
- Alcohol shall be supplied only to those patrons of the barbershop who are on the premises for the purpose of having haircutting and/or grooming services, to ensure that the supply of alcohol shall be entirely ancillary to the main service provision, which is haircutting and/or grooming services
- The refrigerator in which the alcohol shall be stored shall be moved to a new location, namely the staff kitchen at the rear of the premises, in order that it will not be directly accessible by customers
- No promotions, or price offers, relating to alcohol shall be offered or displayed at any time

The Sub-Committee's reasons for imposing these conditions are due to the submissions made by other persons, who attended the hearing to address the Members regarding the background history of the premises, and the impact of the proposed operation. They stated that their objections were mainly in regard to public safety and the protection of children from harm.

The Sub-Committee carefully considered the objections. In addition, having heard directly from the applicant, and examined the operating schedule put forward by the applicant, they considered the likely impact of the application.

Given that the applicant had agreed Conditions in advance with West Midlands Police, the Sub-Committee did not accept that there was evidence of any significant risk that the Licensing Objectives would be undermined by the proposed operation of the premises.

However the concerns of the other persons were taken into account by imposing suitable conditions that would allay their apprehension about the potential for trouble. Those making objections confirmed to the Sub-Committee that their principal concern was that the sale of alcohol should be adequately controlled. The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised by those making objections, and to reduce any likelihood of trouble from arising in connection with the proposed operation of the premises.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will 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 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 and their adviser, and by 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.

ADVISORY NOTE

The Sub-Committee asked the applicant about his intentions about the future of the premises, and was reassured when the applicant confirmed that, if granted, he had no intention of transferring the Licence to a third party.
