

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB – COMMITTEE C 28 AUGUST 2019</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 28 AUGUST 2019, AT 0930 HOURS, IN ELLEN PINSENT, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor Straker-Welds in the Chair;

Councillors Locke and Eustace.

### **ALSO PRESENT**

Shaid Yasser – Licensing Section  
Parminder Bhomra – Legal Services  
Katy Townshend – Committee Services

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### **NOTICE OF RECORDING**

- 1/280819 The Chairman advised the meeting to note that 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**

- 2/280819 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 to be recorded in the minutes of meeting.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/280819 Apologies were submitted on behalf of Councillor Leddy and Councillor Locke was the nominee Member.

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### **MINUTES**

- 4/280819 That the public section of the Minutes of meeting held on 26 June 2019 were noted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT - THE HARBIN  
LOUNGE, UNIT 1/2C, 41 ESSEX STREET, BIRMINGHAM, B5 4TR.**

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

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Applicant**

Jonathon Yam (Jin) – Applicant

Freddie Humphreys – Barrister

John Beard – Designated Premises Supervisor (DPS)

**Those Making Representations**

No one attended.

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Following introductions by the Chairman, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

Mr Freddie Humphreys, on behalf of the applicant made the following points:-

- a) That he would do the talking, but any questions could be referred to the other gentlemen.
- b) That the Harbin Lounge was the second of its kind, one was granted a few years ago and was operating successfully. The business model was a Chinese board game lounge, with a niche audience of Chinese students.
- c) That the plan of the premises showed the kitchen area, 2 private games rooms and a lounge area with removable tables in it.
- d) That people made advanced bookings to hire the private games rooms and they would attend and play them.
- e) That food would be served alongside the games, as well as drinks.
- f) That the food was Chinese BBQ skewers of meat.
- g) That people came to the premises to socialise and play games together.
- h) That the two gentlemen in attendance were the proposed DPS and the Premises Licence Holder (PLH). The DPS and PLH were the same as the other premises that was already in operation.
- i) That someone would be preparing the food and another one working behind the bar.

- j) That the premises would only have roughly 15 people at any one time.
- k) That the focus was on the rental of rooms.
- l) That the other venue had no complaints.
- m) The objections received were concerned about parking, however, the audience they were attracting was students who were located in the area so that wouldn't be an issue, and couldn't be associated with their premises. It was not a licensing matter. The objection actually addressed "planning".
- n) That they had agreed conditions with the licensing department.
- o) That John had extensive experience and used to be the DPS for Birmingham Pride. He was already running the other premises without concern.
- p) The premises was relatively small scale and non-controversial.

In answer to Members questions, Mr Beard made the following points:-

- a) That he had been managing the other premises since it opened.

Mr Jonathon Yam added that the other business had been going for 2 years. No money changed hands; it was done via online booking systems and was pre-booked and paid for. The type of games they were promoting was fantasy computer games. It was open to men and women.

Mr Beard responded to questions regarding the early opening time. He didn't think that people would book in at 8am, however, there was the opportunity for people to have coffee or breakfast – Chinese breakfast was nothing like British breakfast.

Mr Humphreys added that it gave them flexibility during exam period for people to go earlier. The premises was advertised through the University. .

In summing up Mr Humphreys, made the following points:-

- That there was no real objection as it was a parking issue and couldn't be related to these premises.
- That the venue was not going to create any further issues.
- That the staff had extensive experience and a proven track record of doing well.
- That it was a niche premises with only small numbers attending so would be easily managed.
- The DPS was experienced to deal with issues and there were robust conditions.

- That everything had been done.

At 1005 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1010 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/280819

**RESOLVED:-**

That the application by Sun and Seal Limited, for a premises licence in respect of The Harbin Lounge, Unit 1/2c, 41 Essex St, Birmingham, B5 4JR **BE GRANTED subject to conditions agreed with Licensing Enforcement Authority.**

Conditions listed in the operating schedule of the application will therefore be replaced by the below, agreed conditions:

- **General**

The Designated Premises Supervisor will ensure that all staff are trained with regards to their responsibilities under the Licensing Act 2003 to include challenge 25 and Fire Regulations. Refresher training will be given to each member of staff every 6 months.

- **General**

A record of the training will be kept by the Management and will be made available to any authorised officer of a Responsible Authority.

- **Prevention of Crime and Disorder**

CCTV will record at all times licensable activity is taking place.

- **The Protection of Children from harm**

Challenge 25 posters will be prominently displayed on the premises.

- **The Protection of Children from harm**

The refusals register will be signed by the DPS on a monthly basis even if there have not been any refusals.

The Sub Committee heard representations from the applicant's legal representative in respect of the premises. The applicant intended to run a business that provided rental rooms for Chinese student community to play Chinese board games. The thrust of the business was reliant on indoor sporting events booked in advance, with Chinese style BBQ food and drinks on offer.

It was envisaged that there would be no more than 15 -20 customers inside the premises at any one time as the rental rooms were small in addition to 4 members of staff. The legal representative alluded members to the fact that the applicant and the proposed DPS were operating a similar operation a few hundred yards away without complaint in the last two years and simply sought to expand the business to accommodate a growing customer base.

The applicant and the proposed DPS explained the early hours sought was to allow some business flexibility for social events based around board games and to offer customers passing by in the morning to purchase a cup of coffee or sandwiches.

The legal representative addressed the written representation of the objector not in attendance which raised issues and concerns in relation to car parking on double yellow lines in the area. The position was that these issues were not for the licensing authority but for parking enforcement.

It was explained to the Sub-Committee that the conditions agreed with Licensing Enforcement Authority were to replace the proposed conditions in the operating schedule to better promote the licensing objectives as those conditions were worded imprecisely and therefore unenforceable.

Members carefully considered the written representations of the objector against the applicant's submissions but were not convinced that there was an evidential and causal link between the issues raised by the objector and the effect on the Licensing Objectives. The Sub Committee noted the applicant and proposed DPS who had considerable experience as a licensing professional were running a similar business without complaint or concern from Responsible Authorities, and concluded that by granting the application with the agreed conditions, the four licensing objective will be properly promoted.

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 representation received and the submissions made at the hearing by the applicant, their legal adviser and the proposed DPS.

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.

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6/280819

**OTHER URGENT BUSINESS**

There were no matters of urgent business.

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**EXCLUSION OF THE PUBLIC**

7/280819

**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:-  
(Paragraphs 3 & 4)

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CHAIRMAN