

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE A 23 JUNE 2025</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 23 JUNE 2025 AT 1000 HOURS AS AN ON-LINE MEETING.**

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

Councillors Jilly Bermingham and Penny Wagg.

### **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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### 1/230625 **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.

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### 2/230625 **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 interests flowchart which provided a simple guide to declaring interests at meetings.

3/230625     **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

Apologies were submitted on behalf of Councillors Moledine and Cornish and Councillors Bermingham and Wagg were the nominated substitute Member.

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4/230625     **MINUTES**

The public part of the Minutes of the meeting held on 19 May 2025 at 1000 hours and the Minutes as a whole were confirmed and signed by the Chair.

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**LICENSING ACT 2003 – PREMISES LICENCE – GRANT – 042 BAR AND RESTAURANT, UNIT 2, 129 SOHO HILL, BIRMINGHAM, B19 1AT.**

**On Behalf of the Applicant**

Duncan Craig – Barrister  
Kelvin Ikechukwu – Applicant

**On Behalf of those Making Representations**

Shuranjeet Singh – Local Resident

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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. No preliminary points were made.

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. Duncan Craig made the following points: -

- a) The premises is going to be a restaurant/bar aimed at the older clientele – 30-60 year olds. They were looking to target the African/Nigerian population.
- b) They had been dealing with WMP (West Midlands Police) and Public Health who had withdrawn representations.
- c) The objections were generic and he suggested that they were generated on Chat GPT as they were all identical. He invited the Committee to consider how much thought, and care had gone into the objections given they were all the same.

## Licensing Sub-Committee A – 23 June 2025

- d) The representations raised concerns about issues such as speeding and late night operation but nothing was tied to the application.
- e) The Section 182 guidance stated that WMP were the Committees main source of advice in crime and disorder and they were content with the application.
- f) Further the objectors stated that the location is too close to a school – however the school would be closed by 4pm.
- g) There is an awful lot of speculation however, there was little evidence.
- h) Public Health were satisfied with the application.
- i) The applicant is an experienced licence holder and held a personal licence.
- j) Traffic issues were not a relevant consideration for the Committee.
- k) Regarding consistency of opening times amongst all the premises in the area, Counsel advised the members to look at the application on its own merits, as per the Guidance issued under s182 of the Act. He reminded them that representations had to be targeted at the application itself - the particular premises, the particular applicant, rather than making generic references to the impact that alcohol had on society more widely.
- l) He reminded the Sub-Committee that paragraph 9.43 of the Guidance required that the decision had to be proportionate and evidence-based; he remarked that there was no evidence that the application with the additional conditions would undermine the licensing objectives. Both responsible authorities (the Police and Public Health) were satisfied with the application.
- m) Counsel reminded the Sub-Committee of the case of R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312, and reminded the Members that their decision making should be a balancing exercise. He urged them to consider the positive impact that licensed premises could have in terms of supporting the local economy, providing amenities for the community and enabling people to meet up and enjoy themselves. He stated that the remarks from the objectors that there were “already other licensed premises in the area” were not relevant.

Members asked questions and Counsel responded: -

- a) Noise management had been addressed via the document in the Committee Report.

The Chair invited Shuranjeet Singh to make their representation. He made the following statements: -

- a) That he was representing the community and evidence suggested that the application will undermine the licensing objectives and the conditions did not go far enough to address the concerns.

**Licensing Sub-Committee A – 23 June 2025**

- b) He had conducted a local survey and over 50 residents had responded and outlined concerns with the application.
- c) Many people did not have the skill to respond to licensing applications, and the feedback from the community is that they did not know how to express their concerns and they did not have the confidence to do so.
- d) The community voices mattered, and their lived experiences meant that alcohol sales up until 0300 hours is not welcomed.
- e) There is a concern for community safety due to the small saturation of licensed premises in that area.
- f) The area is also a subject of high levels of violent crime and sexual crime – many were linked to alcohol consumption. Alcohol increased the risk factors associated with crime.
- g) They were also concerned for women and girls in the area at night and it is important that people felt safe on the street.
- h) He recognised that the applicant had gone some way to try and mitigate concerns, but further action is needed.
- i) Soho road faced increasing issues of anti-social behaviour.
- j) There is very little late night transport options for the late night extension in support of the application.
- k) The 0300 hour closing time is a real concern for residents.
- l) He requested that the hours be reduced to midnight if the Committee were minded to grant the application and that relaxed music be played late at night.
- m) He listed the following measures that he felt would address the concerns of local residents:
  - 1. No vertical drinking
  - 2. Alcohol to be served with meals only
  - 3. No gambling machines at the premises
  - 4. No music to be played outside the premises
  - 5. No outside drinking at any time
  - 6. A 3 person limit to the smoking area
  - 7. No drinks in the smoking area
  - 8. No promotional activities with unlimited alcohol (bottomless brunches etc)
- n) He asked the Committee to consider the conditions to ensure that the area was a safe and greener place to live and to support all residents to thrive in their local place.

## Licensing Sub-Committee A – 23 June 2025

The Chair the invited the Directors to make a brief closing submission where they summarised the points made previously.

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

### 5/230625 **RESOLVED**

That the application by Kelvin Ikechukwu for a premises licence in respect of 042 Bar and Restaurant, Unit 2, 129 Soho Hill, Birmingham B19 1AT, be granted together with all the conditions which were agreed between the applicant and West Midlands Police in advance of the meeting, in order to promote the licensing objectives.

The Sub-Committee also noted the two policy documents submitted by the applicant (in the Committee Report at pages 98 to 100), namely the Dispersal Policy and the Noise Management Plan. The Sub-Committee also resolved to adopt these.

The conditions agreed between the applicant and West Midlands Police are as follows:

- CCTV will be installed, updated and will operate to the recommendations and specifications of West Midlands Central Licensing Team. CCTV will record throughout the whole of the licensable activity and be downloadable. CCTV images and recordings will be held for a minimum of 28 days and be made available to any of the responsible authorities on request. There will be a member of staff on site when carrying out licensable activity who is capable of operating the CCTV
- CCTV will be checked daily, prior to carrying out any licensable activity, to ensure that it is working and recording. This check is to be documented, signed, timed and dated by the person checking. This documented check is to be made available to any of the responsible authorities immediately on request. If for any reason the CCTV hard drive needs to be replaced, the previous/old hard drive will be kept on the premises for a minimum of 28 days, and will be made available to any of the responsible authorities on request
- The premises will have a documented vulnerability policy. This policy will include national schemes such as 'Ask for Angela.' This documented policy will be made immediately available to any of the responsible authorities on request
- All staff will be trained in their responsibilities under the Licensing Act 2003, Challenge 25 policy, vulnerability policy and premises operating conditions. This training will be documented and signed by both the trainer and trainee. No staff to work at the premises, save for personal licence holders, without this documented training. Training records to be made immediately available to any of the responsible authorities on request
- The premises fire risk assessment, which will include capacity figures, will be made immediately available to any of the responsible authorities on request
- Deliveries, waste collections/deposits will not take place between 23.00 hours and 07.00 hours
- No children under the age of 18 will be allowed on the premises when carrying on licensable activity without a responsible adult. All children under the age of 18

## Licensing Sub-Committee A – 23 June 2025

will be off the premises by 21.00 hours, with the exception of private parties where customers are at the premises by personal invitation and the venue is not open to the general public; for private parties, under 18s will be clear of the premises by midnight. This excludes any event where tickets are purchased for the event; at ticketed events, all children under the age of 18 will be off the premises by 2100 hours

- When carrying out regulated entertainment the premises will carry out a noise assessment at the nearest residential property to ensure there is no disturbance. This check will be carried out at least every 90 minutes and will be dated, timed and signed by the person checking. This documentation will be made immediately available to any of the responsible authorities on request
- The premises will deploy door staff from 23.00 hours when trading past this time. The numbers of door staff and any earlier start will be determined by a risk assessment. This risk assessment will be made available to any of the responsible authorities on request
- Door staff will sign on and off duty listing their full SIA licence number. The premises will have telephone and emails contacts for the security company immediately available for any of the local authorities if required. The signing in/out book will be made available to any of the responsible authorities on request

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting. He was represented by counsel. At the start of the meeting the Sub-Committee was informed by the Senior Licensing Officer that Public Health of Birmingham City Council had withdrawn its written representation. Further written representations had been received from a very large number of local residents; these were in the Committee Report.

One objector attended the meeting in person - the resident whose representation was at appendix 2. The other local residents who had objected did not attend the meeting in person, but the Sub-Committee took their written representations into consideration when making the determination.

Counsel for the applicant addressed the Sub-Committee and confirmed that the applicant had been a personal licence holder since 2016, and held a premises licence for an off-licence shop elsewhere. The premises was to be a bar and restaurant. Patrons were expected to be aged 30 to 60. The cuisine was going to be African, and principally Nigerian.

Counsel explained the proposed operating style in detail. Counsel confirmed that the conditions agreed with West Midlands Police (in the Committee Report) were “appropriate, targeted and venue-specific”. He explained them in detail. The Sub-Committee considered that the proposed operating style prioritised the licensing objectives properly, and found all to be in order.

Counsel directed the Sub-Committee to paragraph 9.12 of the Guidance issued by the Secretary of State under section 182 of the Act, which advised that the responsible authorities were the experts in their respective fields. He remarked that Public Health and West Midlands Police had both been satisfied that the application,

## Licensing Sub-Committee A – 23 June 2025

subject to the agreed conditions, was sufficiently well crafted to promote the licensing objectives. The Sub-Committee accepted this.

Regarding the large number of objections from other persons, counsel noted that the majority were identical to each other. He asked the Sub-Committee to note that in terms of the prevention of public nuisance, representations about existing late night establishments were completely irrelevant, as were remarks about cars speeding through the area. The Sub-Committee agreed with this.

Regarding the prevention of crime and disorder, counsel noted that there was nothing to tie the instant premises to antisocial behaviour, and further noted that the Police, who were the main source of advice in relation to the prevention of crime and disorder, had been content with the application.

Regarding public safety, reference had been made in the representations to the numerous schools in the area; counsel remarked that he did not see what the relevance of this was for any premises authorised to sell alcohol to 03.00 hours. He asked what relevance that had to schools, when most schools closed at around 16.00 hours. The Sub-Committee reflected on this and tended to agree that it was not likely that a bar/restaurant licensed to a late hour would affect local schools.

Counsel considered that fears about the application creating an unsafe environment were speculative, and stated that there was no evidence to suggest that the premises would create an unsafe environment. He reminded the Sub-Committee that licensing was a permissive regime, and also pointed out that there was no cumulative impact zone in force around the Soho Hill vicinity. Moreover, concerns about traffic congestion were not a relevant consideration. The Sub-Committee accepted this.

Regarding the protection of children from harm, counsel remarked that Public Health had been satisfied that the application, and indeed the applicant, would promote the protection of children from harm objective. A Challenge 25 policy would be adopted. The applicant was an experienced licence holder, and a personal licence holder as well, who understood his responsibilities. The Sub-Committee agreed with this.

There had been mention in the representations of a Public Space Protection Order, but counsel noted that these were principally aimed at off-sales, to prevent people drinking in public. Measures for street drinkers were not relevant to the instant application, which was for a bar/restaurant offering 'on' sales of alcohol. The Sub-Committee agreed with this.

Regarding consistency of opening times amongst all the premises in the area, counsel advised the members to look at the application on its own merits, as per the Guidance issued under s182 of the Act. He reminded them that representations had to be targeted at the application itself - the particular premises, the particular applicant, rather than making generic references to the impact that alcohol had on society more widely. The Sub-Committee agreed with this.

He reminded the Sub-Committee that paragraph 9.43 of the Guidance required that the decision had to be proportionate and evidence-based; he remarked that there

## Licensing Sub-Committee A – 23 June 2025

was no evidence that the application with the additional conditions would undermine the licensing objectives. Both responsible authorities (the Police and Public Health) had found all to be in order. Noise management had been addressed via the document in the Committee Report.

Counsel reminded the Sub-Committee of the case of *R (on application of Hope and Glory Public House Ltd) v City of Westminster Magistrates' Court and Others (2011) EWCA Civ 312*, and reminded the Members that their decision making should be a balancing exercise. He urged them to consider the positive impact that licensed premises could have in terms of supporting the local economy, providing amenities for the community and enabling people to meet up and enjoy themselves. He stated that the remarks from the objectors that there were “already other licensed premises in the area” were not relevant. The Sub-Committee agreed with this.

The Sub-Committee was aware of other relevant caselaw, namely *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, which emphasised the principles laid down by the Licensing Act 2003 and its accompanying Guidance – namely that there should be light touch bureaucracy applied to applications for licences, and that restrictions should only be attached to premises licences where they were necessary to promote the licensing objectives.

That case highlighted the fact that decisions on applications should be made on evidence, and not based on speculation. The Sub-Committee was aware that if the authority gave weight to speculative opinions, it would in fact fail to follow the Guidance, and its own Statement of Licensing Policy.

The Sub-Committee also bore in mind counsel’s reminder that under paragraph 9.43 – 9.44 of the Guidance, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives.

The Sub-Committee was aware that responsible authorities were the experts in the upholding of the licensing objectives. The Sub-Committee noted that Public Health had withdrawn their representations, the Police had found the application satisfactory with conditions, and the other responsible authorities had not had any objection at all. This was reassuring.

The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives when considering submissions made against the application by the large numbers of objectors, including the local resident who attended the meeting.

The local resident addressed the Sub-Committee on behalf of the Soho and Handsworth Neighbourhood Planning Forums, a community-led voluntary group, to express fears that the amendments offered to the conditions did not go far enough to mitigate against the challenges to the licensing objectives. He considered that additional safeguards were required.

His group had conducted a local survey petition with residents and over 50 residents had responded outlining their concerns; they had also given feedback that, whilst

## Licensing Sub-Committee A – 23 June 2025

they felt concerned about the application, they “did not know exactly how to express their concerns”, and therefore the representation was drafted.

He stated that local people felt that a venue selling alcohol to 03.00 hours was “not at all appropriate locally” and would create risks to the licensing objectives. The first concern was around community safety. Regardless of the conditions agreed with the Police, he felt that there was a saturation of licensed premises in the local area.

He had noted that the Public Space Protection Order in force in the area was the largest in the city and was directly opposite Villa Road, an antisocial behaviour hotspot in Birmingham, which was a concern for the local police. He had noted the number of violent crimes in the area and the fact that alcohol had been implicated in over 40% of them.

He asked the Sub-Committee to reflect that the premises was situated in an area of high levels of violent crime, and also sexual crime as well; he stated that much of this type of crime had “a direct correlation to alcohol consumption and this therefore increases the risk factors in an area of already high crime, not only to people who are living in the area, but other types of stakeholders and people using the local community”. However, the Sub-Committee noted that the Police had found the application satisfactory with some additional conditions.

He feared that to grant the application for a premises adjacent to existing licensed venues would create “the risk of further enhancing and enabling that hotspot of disorder, of violent crime, of sexual crime, which is a direct concern to not only residents but particularly women and girls in the local area”.

He said that those objecting did recognise that some mitigation strategies had been put forward in the application, but considered that “pushing further was required”, to ensure that the licensing objectives in this specific context would be upheld.

He observed that the area faced persistent antisocial behaviour from drinking and public disturbance, and said that there was a lack of infrastructure to support an extended night time economy, such as very little late night transport, which was a concern to local people given the terminal hour of 03.00 hours.

He strongly recommended restricting alcohol sales such that they would cease by midnight. He said that this would align with three existing licensed premises nearby. He gave a detailed list of his preferred conditions. He also stated that the back of the premises backed onto the home of the local vicar, who had not been able to attend the meeting himself, and had asked for this to be mentioned.

In considering the submissions made by the resident in the meeting, the Sub-Committee considered that the starting point was that there was already something of an issue with antisocial behaviour in the area, as there was a Public Space Protection order in force. The issue therefore was whether the proposed operating style was capable of upholding the licensing objectives. Certainly the Police and Public Health had considered that the application was in fact satisfactory with the addition of some conditions.

## Licensing Sub-Committee A – 23 June 2025

The local resident had listed his preferred supplementary conditions, but counsel for the applicant pointed out that the mandatory conditions attached to all licences covered irresponsible drinks promotions. Regarding the other issues, the Police had approved the suite of conditions as being sufficient to cover the risks.

Counsel had assured the local resident that the applicant had a vested interest in the local community as he was an experienced operator who had engaged with responsible authorities in a positive way. The Sub-Committee agreed with this.

The Sub-Committee examined the other written representations in the Committee Report carefully, but determined that the fears expressed by the objectors seemed rather speculative. The applicant had offered a carefully thought out operating schedule, and had taken the advice of the Police.

The Sub-Committee was aware of its responsibilities under the Public Sector Equality Duty and considered the submissions about the safety of women and girls in the area very carefully. However, the Members determined that the proposed style of operation was not likely to create additional risks in this regard. The Sub-Committee also noted that in terms of the likelihood of crime risks, the Police had found the application satisfactory with some conditions added. The Sub-Committee was aware that the Police were the experts in terms of crime prevention.

The Sub-Committee also did not see that any extra measures were required, as all potential risks to the upholding of the licensing objectives had already been satisfactorily addressed via the additional conditions, to the satisfaction of the responsible authorities. The Members found all to be in order in terms of the proposed operating style.

The Members were therefore satisfied that any potential for issues had been sufficiently addressed in the application and new conditions. There was a proper focus on the promotion of the licensing objectives, and a responsible style of trading had been proposed. Nothing in the written representations, or the submissions made in the meeting, had evidenced a threat to the upholding of the licensing objectives.

Accordingly, after careful consideration, the Sub-Committee determined that the application could safely be granted with the agreed conditions. The Members considered that by granting the application, the licensing objectives in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and considered that all areas of concern had been addressed.

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 representations received, and the submissions made at the hearing by the applicant via his counsel, and by the local resident.

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.

**EXCLUSION OF THE PUBLIC**

6/230625 **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*.....