



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C

WEDNESDAY 26 AUGUST 2020

AFRICAN VILLAGE, 2 BARKER STREET, LOZELLS, BIRMINGHAM, B19 1 EL

That the application by Simeon Aguh for a premises licence in respect of African Village, 2 Barker Street, Lozells, Birmingham B19 1EL, **BE REFUSED**. In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns expressed by the local Ward Councillor regarding the impact of the proposed operation on the particular locality of the premises, near to residential properties. The Ward Councillor made detailed representations relating to the Barker Street area, and the likely effect on people living in the vicinity.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application, but was not persuaded that that the proposed operation of the premises adequately took into account the needs of local residents.

The application had stated that the premises was to be a restaurant. The applicant's legal representative addressed the Sub-Committee and confirmed that "this is a restaurant where alcohol will be served". Security guards would be on duty – four on Friday and Saturday nights, two/three on other nights.

The main issues raised by the Ward Councillor were parking and antisocial behaviour. Whilst the applicant had arranged for 12 parking spaces in a car park which was "two to three minutes away", it was observed by the Ward Councillor that the capacity of the premises was 85 persons; even allowing for the reduction in numbers required by the ongoing Covid-19 pandemic, the applicant expected to be able to seat around 22 persons. Twelve parking spaces would therefore not be sufficient for customers, staff and the security personnel.

Regarding the risk of antisocial behaviour, the Ward Councillor stated that the sale of alcohol would lead to the same problems which had been experienced in the past in the Barker Street vicinity. Local residents had also made their views on this aspect plain to the Ward Councillor – that the risk of antisocial behaviour was a great worry to them. The Ward Councillor's fears were not speculative, but were based on his direct knowledge of problems created by alcohol-licensed premises which had operated in the area in the past. The Ward Councillor noted in particular that the applicant had arranged for four security guards to be on duty at weekends; the Sub-Committee agreed that this seemed unusual for a premises describing itself as a restaurant.

The Sub-Committee observed that the Ward Councillor was supportive of local businesses; he remarked that a restaurant would expand the food offer available in Barker Street, create jobs and contribute to the local economy. However, the issue was the sale of alcohol, which had been found to create problems in the area in the past, and to adversely affect the lives of residents as a result. The Sub-Committee therefore determined that the correct course was to refuse the application; the premises would be able to operate as a restaurant, but without the alcohol licence which would put the licensing objectives at risk.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the licence might be granted. However, Members considered that neither modifying conditions of the licence, refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations. The terminal hour had already been brought forward, and regulated entertainment (recorded music) removed, from the scope of the application.

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 contained in the application, the written representations received and the submissions made at the hearing by the applicant via his legal adviser, and by the Ward Councillor 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.