

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B - TUESDAY 16 MAY 2017
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 16 MAY 2017
AT 1000 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Alex Buchanan and Mike Leddy

ALSO PRESENT

David Kennedy, Licensing Section
Joanne Swampillai, Committee Lawyer
Tayyibah Daud, Committee Manager

NOTICE OF RECORDING

01/160517 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

02/160517 Apologies were submitted on behalf of Councillor Ali and Councillor Clinton. It was noted that Councillor Dring and Councillor Buchanan had been identified as the nominated members.

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW A G
CONVENIENCE, 182 BRIGHTON ROAD, BALSALL HEATH,
BIRMINGHAM, B12 8QN**

The following persons attended the meeting:

On behalf of the Licence Holder

Duncan Craig – Barrister
Hamidreza Taghizadeh Sardeh – Licence Holder
Hasan Tavakoli– Interpreter

On behalf of Trading Standards

Paul Ellson – Trading Standards Officer for and on behalf Of Donna Bensley,
Chief Inspector of Weights and Measures

On behalf of West Midlands Police

PC Ben Reader

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 Mr Kennedy, Licensing Section.

Mr Kennedy stated that there was an error in the review application; on 1st October 2013 it was in fact Mr Amang Ali at the time who was the Licence Holder and not Mr Sardeh.

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

1. Mr Ellson referred to the review application submitted.
2. Mr Ellson stated that that in June 2016 Birmingham Trading Standards undertook an advisory visit upon receiving intelligence that illicit cigarettes were being sold at the premises. A warning was issued to the licence holder.
3. On 18 October 2016 the premises were visited by Trading Standards as part of operation strike- an operation to find and remove illicit tobacco.
4. The inspection was conducted during normal daytime hours. A man behind the counter identified himself as Mr Koshan Ahmed. A Code B Notice was issued to Mr Ahmed but he refused to sign; he was explained these notices

are issued to allow Trading Standards to search premises for any illicit products.

5. Mr Ellson stated that upon inspection of the premises no illicit products were found however, the dog handler explained that the dog has indicated presence of tobacco in a van which was outside and adjacent to the premises.
6. Mr Morovat stated that he did not know where the keys to the van was, however upon search the keys were found inside a fridge.
7. Mr Ellson stated two cardboard boxes were found in the van which contained non-duty paid foreign cigarettes including 16 packs of jin ling, 36 packs of Minsk and 34 packs of NZ.
8. Mr Morovat refused to sign the seized property record.
9. Mr Ellson stated the approximate value of the tobacco seized is £1,500; however he stressed that he does not know the value that they are sold to customers.
10. It is not known what products are contained within counterfeit tobacco as there is no traceability element.
11. Mr Ellson referred to Section 11.27 of the 182 Guidance of the Licensing Act 2003 and stated this is a matter of extreme seriousness as it is not known how the tobacco got into the country and it is of concern that such a huge volume was found adjacent to the premises in a van.
12. Mr Ellson stated that it was 'unusual' that the Licence holder of the premises had changed several times of a short period of time.
13. In October 2016 the premises licence holder was Mr Sardeh; this was then transferred to Mr Morovat on 19 December 2016 and then transferred back to Mr Sardeh on 22nd February 2017.
14. In July 2014, 16 bottles of illicit alcohol were found on the premises.
15. The premises were visited again by Trading Standards on 25th January 2017; the bin in the premises contained wrappers of cigarettes in foreign writing (polish). Also, there were two silk cut tins that were placed behind the counter which contained 33 single cigarettes which are a common method for children to be able to purchase cigarettes.
16. There were 3 bottles of non-duty alcohol found on the shelves; they did not have a UK duty stamp and cannot be sold in the UK.
17. Mr Ellson stated that on 21 December 2016 a test purchase of cigarettes were made by an officer from HMRC which all were counterfeit and had been produced from behind the counter.

18. Mr Ellson stated the operation of the premises was 'chaotic' as it seems unclear who is managing the premises and where the products in the premises came from.

PC Reader, in presenting the case on behalf of West Midlands Police and in response to questions from Members, made the following points:

1. PC Reader stated a pattern of behaviour can be seen from 2014 where the Licensing Objectives are repeatedly being undermined.
2. Issues at the premises date back to 2014 when the current licence holder was the licence holder then at the premises.
3. In regards to the operation which was undertaken in October 2016 by Trading Standards it is clear that it was a conscious decision to conceal the key to the van in the fridge.
4. PC Reader stated that he gave the invoices little credibility as cannot tell if it is from the premises in question and that a very low number of products have been purchased.
5. Only one bottle of Glenn's Vodka has been purchased which provides legitimacy to conceal the fact that Illicit and non-duty paid goods are being sold at the premises.
6. PC Reader stated that West Midlands Police fully support the review application submitted by Trading Standards as the Licensing Objectives; in have continuously been undermines and that revocation of the premises licence is an appropriate course of action.

Mr Craig, in presenting the case on behalf of the Licence Holder and in response to questions from Members, made the following points:

1. Mr Craig stated that the 14 bottles of illicit alcohol that were found in the premises in July 2014 were products that belonged to the previous licence holder before Mr Sardeh had taken over.
2. Mr Craig stated that the illicit products found in the van in October 2016 did not have any connection with Mr Sardeh. Mr Craig stated that the van belonged to an individual called Mr Reza Yassiri Mogadam who is known to Mr Sardeh.
3. Mr Craig stated that Mr Sardeh is not a registered driver of that vehicle; the van was not taxed and had been left outside the premises and the key placed in a fridge. Mr Craig stated that the fridge was not in use.

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4. Mr Craig referred to section 11.27 of the 182 Guidance of the Licensing Act 2003 and stated that no illicit products were found in the premises or were seen on shelves.
5. The premises licence had been transferred to Mr Morovat on 19th December 2016 as he proposed to buy the premises from Mr Sardeh; however he was unable to provide the funds for this, thus the licence was transferred back to Mr Sardeh in February 2017.
6. Mr Craig referred to the invoice and stated it showed that products had been brought from East End Foods; showing that Mr Sardeh purchases products from a legitimate retailer. (See Documents No.2).
7. In regards to the foreign cigarette wrapper found at the premises in January 2017; Mr Craig stated that the bin was placed in a public area; any customer could have placed the wrapper in the bin and that Mr Sardeh had no knowledge of this.
8. Mr Craig stated that no illicit products were found in the drawer mentioned and that the draw is very well hidden in the base of a cupboard which would be an obvious place to hide counterfeit items.
9. The single cigarettes found are used by Mr Sardeh for his personal consumption.
10. Mr Craig stated that Mr Sardeh had no knowledge in regards to the HMRC visit made at the premises.
11. Mr Craig referred to a number of proposed conditions and stated that as the premises licence had no other conditions other than the mandatory conditions; modified conditions would be modern and reflective of the operation at the premises. (See Documents No.3)
12. The conditions have not been agreed with the West Midlands Police as the Police are seeking a different determination.
13. In order to arrange training in regards to the Licensing Objectives, Mr Craig volunteered a 'brief' suspension of the licence for a period of one month.
14. Referring to Section 11.20 of the Guidance Issued under the Licencing Act 2003 Mr Craig stated that the addition of conditions would be a much more reasonable and appropriate response.
15. The inspection conducted by Trading Standards in October did not show there to be any illicit products inside the premises and that in January 2016; after showing evidence today there was only one bottle of illicit alcohol.
16. Mr Tavakoli on behalf of Mr Sardeh stated that the reason the licence was transferred to Mr Morovat in December 2016 was due to him intending to purchase the premises; he had already deposited £5,000 but did not pay

the outstanding amount, thus the licence was transferred back to Mr Sardeh.

In order to assist Members, Mr Kennedy stated the chronological order of when the premises licence had been transferred and to whom:

- 9th July 2011 – Mr Amang Ali was the Licence Holder
- 4th October 2014 – Mr Sardeh applied for a transfer of a premises licence which took immediate effect.
- 22nd November 2016 – Mr Morovat applied for a transfer of the licence which took immediate effect.
- 16th December 2016 – Mr Sardeh applied for a transfer of the licence which took immediate effect.

PC Reader stated that Mr Sardeh was in fact the Licence Holder at the time of the inspection carried out by Trading Standards on 25th January 2017.

17. There was no link between the vehicle owner and the licence holder; the key was left with the licence holder who placed it in the fridge.
18. Mr Sardeh stated he was aware of the draw behind the counter and that draw is visible; it opened with a button.(See Documents No.4).

Members were concerned if the Enforcement Officers visiting the premises experienced any language barriers; Mr Ellson stated that Mr Morovat was present at the premises at the initial inspection; he was uncooperative. Mr Ellson stated that individuals present at the premises were aware of what was happening but there was a clear lack of control in regards to management of the premises.

19. Mr Sardeh stated that the single cigarettes were for his personal use.
20. Mr Craig stated that Mr Sardeh does not have any knowledge in regards to the visit conducted by HMRC.
21. Mr Craig stated that the invoices demonstrate where the Havana Club Spirit was purchased from.

The interpreter translated but members were unclear as to what the responses from Mr Sardeh were. In order to seek legal advice at 1126 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting. At 1130 hours, after an adjournment, all parties were recalled to the meeting and continued.

22. Mr Tavakoli stated that he was translating in a language called Farsi and that he had been a bona fide interpreter for 4 years.

The Chair stated that in order to follow procedure it would be helpful if Mr Tavakoli could translate the response he receives from Mr Sardeh in full to the Sub-Committee.

23. The van did not belong to the licence holder; he merely placed the keys of the van inside the premises.
24. Mr Sardeh does not accept the fact that there were illicit products in the premises.
25. Either an employee or Mr Sardeh visits the cash and carry to buy goods; if the products found are counterfeit it is the fault of the cash and carry and not Mr Sardeh as they are responsible.
26. The staff employed at the premises are trained; Mr Sardeh has undertaken training in regards to the Licensing Objectives in 2003.
27. The proposed condition regards to CCTV should be disregarded as the licence already has a conditions relating to CCTV.
28. An up to date refusals book is maintained at the premises.

In summing up Mr Ellson stated that it was unusual for a key to be placed in a fridge unless it was there for the purpose to conceal something. Mr Ellson stated that he believed Mr Sardeh had no control over the operation and a management of the premises and describe it as 'arm lengths control'. Mr Ellson stated that there it unclear where the illicit products came from and who placed them on shelves; which the public were able to purchase.

In summing up PC Reader stated that there is clear dishonesty and the notion of 'chaos' is being used as a means of a defence. PC Reader stressed it was highly unlikely for products from the previous owner to still be present at the premises. The invoice produced before the Sub-Committee only shows two products found at the premises ; it does not include the premises details and thus do not prove whether the products have actually been brought from this specific cash and carry.

PC Reader stated it became apparent during the course of the meeting that Mr Morovat was the Licence holder for only a short period of time (approx. 3 weeks) thus he cannot be held accountable for the illicit product. PC Reader stated that the proposed conditions would not remedy the issue occurring at the premises and that West Midlands Police do not believe that Mr Sardeh would comply to conditions as he has shown complete disregard to the Licensing Objectives to generate more income.

Mr Craig stated that there has not been evidence produced from HMRC in regards to the test purchase they undertook at the premises. Mr Craig stated that Mr Sardeh has not tried to hold Mr Morovat accountable for the products found at the premises. Mr Craig stated that it would not be proportionate to revoke the licence on the basis that one illicit product was found at the premises which cannot be traced. Mr Craig stated a one month suspension would allow the licence holder to undertake relevant training for himself and employees and implement the proposed conditions and avoid the Sub-Committee from drawing 'conclusions' that evidence did not support.

At 1157 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1307 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

03/160517 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Hamidreza Taghizadeh Sardeh in respect of A G Convenience, 182 Brighton Road, Balsall Heath, Birmingham, B12 8QN upon the application of Trading Standards, this Sub-Committee hereby determines:

THAT THE LICENCE BE REVOKED, in order to promote the prevention of crime and disorder, public safety, and the protection of children from harm objectives in the Act.

The Sub-Committee heard from the Chief Inspector of Weights and Measures (via an Enforcement Officer), and also from West Midlands Police.

The Enforcement Officer described the visits undertaken by Trading Standards officers to the premises, and the examination of a locked van which was parked at the rear of the premises. It was in the locked van that 271 packets of illicit tobacco were found. These illicit goods circumvent UK duty law, and in addition (leaving aside the ordinary health risks of tobacco) there is a risk that such products could potentially be unsafe if they are not the genuine product. Whilst it was accepted that the Premises Licence Holder did not own the van, the fact that the key for the van was found concealed in a fridge at his premises, and that he was registered as a driver of the van, meant that there was an obvious link. The explanation given to the Sub-Committee, namely that the stock had been legitimately purchased from a Cash & Carry, was not accepted.

During a later visit, further illicit goods, namely bottles of non-duty rum and vodka, were found on open display behind the counter for sale to customers. The premises licence holder could not satisfactorily explain how non-duty alcohol had come to be on sale in his shop. The suggestion offered, namely that it could have been left behind by the previous owner, who had left some ten months ago, was not persuasive.

The Sub-Committee's reasons for revoking the licence are due to concerns raised by the Chief Inspector of Weights & Measures and West Midlands Police representatives in relation to the management and general operation of the premises. It was the specific recommendation of West Midlands Police that the Licence should be revoked due to these unsatisfactory arrangements that were not capable of promoting the licensing objectives. The seized tobacco and alcohol were illegal, and a risk to public safety.

The Premises Licence Holder himself was not at the shop at the time of either of the visits. Trading Standards officers observed a lack of cooperation from staff on duty at the premises when they conducted their visits. These members of staff refused to give the details requested by officers, or to sign Notices when asked, and had shown a level of hostility towards the inspections.

Trading Standards described the arrangements at the shop as 'chaotic', and the descriptions of the changes in personnel, and the "arm's length" style of management, made clear that there had been a lack of proper supervision by the person in charge. The Sub-Committee concluded that the level of management control fell far short of the standard expected of a responsible premises licence holder.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence (as suggested by the Premises' legal representative), or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination. The management arrangements currently operating at the premises did not inspire any confidence that the Premises Licence Holder would exercise proper control in future.

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 review, the written representations received and the submissions made at the hearing by the premises licence holder & their legal adviser, by the Chief Inspector of Weights & Measures, and by West Midlands Police.

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 determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

OTHER URGENT BUSINESS

**LICENSING ACT 2003 – TEMPORARY EVENT NOTICE APPLICANT –
STEFAN KREUTER, RE: SOIREE LOUNGE, UNIT 2, 5-11 FLEET STREET,
BIRMINGHAM, B3 1JP**

The following persons attended the meeting:-

On behalf of the applicant

Stefan Kreuter – Applicant

Imran Rashid – On Behalf of the Director of the Premises, Tariq Rashid

Natalie Moore- C.N.A. Risk Management Ltd

Those Making Representations

Paul Samms- Environmental Health Officer

The following report of the Acting Director of Regulation and Enforcement were submitted :- (See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Mr Kennedy stated that alongside the application an dispersal policy and risk assessment were submitted that are not an statutory requirement when applying for an Temporary Event Notice and that conditions that have been volunteered are not enforceable as they cannot be attached to an TEN.(See Documents No.2).

Mr Samms, on behalf of Environmental Health, in presenting the case and answering Members questions stated the following points:

1. Mr Samms stated that there was a noise issue coming from the premises which has caused disruption to local residents.
2. Mr Samms stated that a complaint was received from a local resident but was later withdrawn as the complainant felt vulnerable.
3. Mr Samms stated he did not disagree with the dispersal policy submitted.
4. Mr Samms stated that the premies does not have the right noise limiter installed; he stated he would like to observe further information in regards to the noise limiter.
5. Mr Samms stated that he did not have knowledge that a previous TEN had been submitted.

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6. Mr Samms stated that he did not have CCTV footage from the night in question.
7. Mr Samms stated that there would not be an objection on behalf of Environmental Health if the noise limiter was set by them.
8. The complainant was disturbed on Sunday 9th May 2017 at 0230 hours in the early morning. A complaint had been sent to the local councillor who then forwarded the complaint on to Environmental Health.

Mr Kennedy informed Members that the premises had applied previously for 5 Temporary Event Notices that had not been objected by Environmental Health.

9. Mr Samms stated the reason for this was that the Environmental Health department had been short staffed and that a new intern had been employed; who had not had noticed the TEN for this particular premises.
10. There is not a 'red flag' system in place which would have picked up the address of the premises immediately.
11. Mr Samms stated that the reason that the complainant had withdrawn the complaint was that they felt the premises were linked to gang activity.

In order to seek legal advice at 1350 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting. At 1401 hours, after an adjournment, all parties were recalled to the meeting and continued.

12. Mr Samms stated that in the early hours of the morning on 9th April 2017 a sports car was outside the premises which attracted a lot of people causing disturbance to residents.
13. Mr Samms state that there were concerns from Environmental Health in regards to noise and the potential risk that the Licensing Objectives may be undermined.
14. There are approximately about 60 residents that live in a block of flats which are quite near the premises.

Mr Kreuter, the applicant for the Temporary Event Notice, in presenting the case and answering Members questions stated the following points:

1. Mr Kreuter stated that he has a good working relationship with PC Rohomon and that he had placed strict control measures to how the premises operate.

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2. There are two doors that need to be opened upon entrance of the premises.
3. There is now a responsible management in place that has nothing to do with the previous way the premises had been managed.

Members were concerned that the premises may have had a name change but the previous management was still associated with the premises.

4. Mr Kreuter stated that he has been appointed in a managerial capacity and that he had been brought on board by licensing Consultant Carl Moore and had no family/ emotional commitments towards the premises.
5. Mr Kreuter stated he has been in this field for over 15 years and was fully aware of the Licensing Objectives and the standards expected at a licensed premises.
6. Everyone entering the premises will need to scan their ID; the ID details are immediately sent over to West Midlands Police, Licensing Department.
7. It was stated that two Local Councillors have attended events at the premises.

In order to seek legal advice at 1415 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting. At 1420hours, after an adjournment, all parties were recalled to the meeting and continued.

8. Mr Kreuter stated that there has only been once complaint received and that there is no evidence that the premises are linked with gang activity.
9. Mr Kreuter stated that numerous cars go up and down the street as it is a busy area; loud noise could be coming from an vehicle and should not be associated with the premises.
10. Mr Kreuter stressed that he would like to discuss what Mr Samms/ Environmental Health would like to be changed at the premises; he stated he was more than happy to ensure the correct Noise limiter was installed with the satisfaction of Environmental Health.
11. Mr Kreuter assured Members that the previous management at the premises were no longer involved in the operation and day to day running of the premises.
12. Mr Rashid stated that C.N.A Management were never part of the previous management and have been employed since 8th April 2017.
13. Mr Rashid stated that the complaint was received by Environmental Health on 9th April 2017 and that they were notified of this on 28th April 2017.

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14. Mr Kreuter stated that he was very forthcoming to ensue dialogue with local residents; he stated that the residents have not made any contact as of yet as it is visible to them that the premises are 'slowly re-opening'. He stated that he has made contact with the Chair of the local Housing Association.
15. Mr Kreuter stated that the maximum attendees they have had at the premises for an event is 60 people.
16. People are not allowed to smoke inside the premises.
17. Mr Kreuter referred to the dispersal policy and stated that there is 1 door man who is SIA registered; where he would close one door then open the second door.
18. The guest list is sent to PC Rohomon who is able to vet the list and check any details he may wish to.
19. Mr Kreuter stated that the Director, Mr Rashid has to scan his ID to gain entry into the premises.
20. Mr Kreuter stated it is a completely different management and that events have not been advertised publicly but just to close family and friends.
21. There are: 2 door staff outside the premises; 4 at the front door, 2 at the fire exit and 7 within the premises.
22. If any incident was to occur at the premises the doors would be shut immediately; the sound system turned off and the Police would be called immediately.
23. There will be a Taxi marshal present at the premises.
24. The security firm 'More Secure' are now the security providers for the premises.
25. The previous licence holder, Mr Tariq Rashid, was still the director of the company that owns the premises.
26. Mr Rashid stated that the previous licence holder does not have any dealing with the running of the premises any longer and that the proposed premises user Mr Kreuter is now the manager of the premises.
27. Mr Rashid stated that the venue has now been running for 6 weeks via Temporary Event notices.
28. On 8th April 2017 a sports car that was not associated with the premises was seen parked in street that was playing loud music.
29. Mr Rashid stated that the noise limiter had been installed and that it was linked to the fire exit and was placed away from customers.

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30. Mr Rashid stated that Mr Samms has not come to inspect the limiter and that there is no requirement that there is a condition on a Temporary Event Notice that must state a limiter must be installed.
31. Mr Rashid stated that the premises had been operating for over 6 weeks and that only one complainant had been received that had been withdrawn now.
32. Ms Moore stated that the 4 Temporary Event Notices that were applied and counter noticed in January 2017 were applied before C.N.A Management became involved with the premises.
33. Each event has a risk assessment and a dispersal plan which is not a requirement of a Temporary Event Notice showing the management of the premises have put in place stricter measures.
34. Mr Kreuter is the proposed premises licence holder and that Mr Rashid, the previous licence holder has no links with the business.

In summing up Mr Samms stated that it is unclear why only one complaint was received from the public. He stated that he did not feel that the event should go ahead and that it may be beneficial that there is dialogue between the premises and Environmental Health to address any issues.

In summing up Mr Kreuter stated that only one complaint had been received that had now been withdrawn. He stated he wished to undertake dialogue both with the Environmental Health officer and the local residents and to address any concerns that they may have; he stated he was wary of his reputation and was passionate about operating the premises and ensuring that all the Licensing Objectives were upheld. Ms Moore stated that she was forthcoming of any visits that Environmental Health Officers wished to undertake at the premises and that in the 6 weeks of operation of the premises none of the Licensing Objectives have been undermined.

At 1511 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1555 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/160517

RESOLVED:-

That, having considered the objection notice from Environmental Health in respect of the temporary event notice, as submitted by Stefan Kreuter, the premises user, for an event to be held on:

Saturday 27th May at 22:00 hours
until Sunday 28th May 2017 at 04:00 hours

at Soiree Lounge, Unit 2, 5-11 Fleet Street, Birmingham, B3 1JP

this Sub-Committee determines that a **Counter Notice is not issued** under Section 105 of the Licensing Act 2003 (as amended).

The Sub-Committee is of the opinion that the event should be allowed to proceed at the premises, as there is insufficient evidence to suggest that the event would give rise to public nuisance.

It was also noted that there had been no confirmed incidents at the premises which would indicate that the premises could undermine the prevention of public nuisance objective within the Act.

Although there was some evidence presented by the Environmental Health Department of Birmingham City Council, which the Sub-Committee considered carefully, on the balance of probabilities the Sub Committee did not consider the event being proposed would undermine the prevention of public nuisance objective within the Act.

The Sub-Committee noted that the premises user, Mr Kreuter, assured them that he was keen to adopt the measures recommended by Environmental Health and to work cooperatively with them in dealing with any issues that could arise. The Sub-Committee were impressed by this. Such an offer gave them confidence that the premises user was taking his responsibilities seriously and was keen to uphold the licensing objectives. The Sub-Committee heard from another person who attended the hearing and who was connected to the previous management of the premises (who had been in charge at the time of an incident which had been a factor in the decision to revoke the Premises Licence), but were satisfied that it was Mr Kreuter who was the premises user and the person who would be responsible for the management of the temporary event.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the Report, the Section 182 Home Office Guidance, and its own Statement of Licensing Policy.

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. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

The meeting ended at 1559 hours.

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CHAIRMAN