

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 9 JANUARY 2019

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 9 JANUARY 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Neil Eustace and Nicky Brennan

ALSO PRESENT

Bhapinder Nandhra, Licensing Section
Parminder Bhomra, Committee Lawyer
Katy Townshend, Committee Manager

NOTICE OF RECORDING

1/090119 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.

DECLARATIONS OF INTERESTS

2/090119 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/090119 There were no Nominee members.

LICENSING ACT 2003 PREMISES LICENCE – GRANT FLAMINGO CAFE & RESTAURANT, 81-83 VILLA ROAD, BIRMINGHAM, B19 1NH

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

No one attended on behalf of the premises.

Those making representations

Martin Keys – Environmental Health

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Following introductions by the Chairman, Bhapinder Nandhra, Licensing Section, made introductory comments relating to the report. In addition, he also advised Members that no one had attended on behalf of the applicant; numerous calls had been made in an attempt to ascertain whether they wished to attend or not, however, they were unable to make contact.

In response to questions from Members of the Sub-Committee, Mr Martin Keys, on behalf of Environmental Health, made the following points:-

- a) That the original application had issues with public nuisance and they only had planning permission until 2300 hours.
- b) That he agreed the draft conditions in the application, but the premises still found it hard to understand the issues with the 0500 terminating hour.
- c) He continued to liaise with them, and then their agent contacted informing him they would reduce the hours to 0130 hours and 2330 hours in the week. Therefore, there was no reason to object and some conditions were subsequently not relevant so they were removed.
- d) That there were no issues with the current hours and all the conditions had been agreed therefore, he withdrew his representation at 12noon yesterday, but a meeting still had to be held.

Councillor Leddy asked questions regarding the basement, and was concerned that it only had one point of access.

Mr Martin Keys response was that the access was not the ground of his representation and therefore could only confirm that it had one access in and out.

Mrs Parminder Bhomra, Committee Lawyer explained that there were no

objections from the fire service or any other responsible authority raising the access as a concern. Further, that the Members had the option to adjourn should they feel they have questions for the applicant.

Councillor Leddy advised that he agreed with the conditions but wanted to ask questions regarding the access as Mr Martin Keys had been to the premises.

Mr Martin Keys explained that he was aware of other premises with one access point; however, it was a matter for the fire service and the applicant. That the premises had flats above them.

At 1001 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1009 the meeting was reconvened and all parties were invited to rejoin the meeting. The decision on the Licensing Sub Committee was announced as follows:-

4/090119 **RESOLVED:-**

That the application by Samsom Kahsay for a premises licence in respect of Flamingo Café & Restaurant, 81-83 Villa Road, Birmingham, B19 1NH **BE ADJOURNED** to Wednesday 20 February 2019 at 0930 hours in order that the applicant and his representative attend the hearing to provide further information to the Sub-Committee in respect of the premises licence application and agreed conditions with the Responsible Authority, Environmental Health. The Sub-Committee noted that neither the applicant nor his representative were in attendance at the hearing.

The Sub Committee were advised by the Committee Lawyer of their discretionary powers to adjourn the matter under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members considered that an adjournment was necessary in the public interest. Given the principles of natural justice, the Members had a duty as decision-makers to conduct a proper examination of submissions, arguments and evidence adduced by both parties in order to reach a proper determination. This would require the grant of an adjournment so the applicant and his representative attend the hearing and assist the Sub-Committee with their enquiries and to enable them to properly and fully consider the application.

OTHER URGENT BUSINESS

5/090119 There was no urgent business.

Licensing Sub Committee C – 9 January 2019

Meeting ended 1010 hours.

CHAIRMAN.....