

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE A
16 JUNE 2025**

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 16 JUNE 2025 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair.

Councillors Saddak Miah and Maureen Cornish.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Chris Riley – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/160625 **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.

2/160625 **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.

3/160625 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

No apologies were submitted.

4/160625 **APPOINTMENT OF SUB-COMMITTEE**

To note the appointment by the City Council of the Sub-Committee and Chair for the Municipal Year 2025/26.

Members of the Sub-Committee may nominate another Member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in the Licensing Committee Code of Practice for Members and Officers (Part C9 of the Constitution).

5/160625 **DELEGATIONS TO THE SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

"To determine matters under the Licensing Act 2003 and the Gambling Act 2005 as assigned and matters in respect of hackney carriage licences and private hire licences and such business as may be referred by the Director of Regulation and Enforcement."

LICENSING ACT 2003 – PREMISES LICENCE – GRANT – EMPRESS AFRICAN RESTAURANT, 3 ST STEPHENS ROAD, SELLY PARK, BIRMINGHAM, B29 7RR

On Behalf of the Applicant

Olusegun Akande – Director
Oyetola Isola – Director

Ryan Lynch – Commercial Surveyor (supporting the application).

On Behalf of those Making Representations

None of the objectors attended the meeting.

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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.

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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. Olusegun Akande made the following points: -

- a) The representation made by a member of the public was concerned for the consumption of alcohol at the premises.
- b) They had newly acquired the premises and they had another premises in Newtown which operated as restaurant. It was situated in a densely populated area with residential surrounding it.
- c) They had a good relationship with the local authorities.
- d) They also operated a grocery store with no issues.
- e) They had been operators in the trade for over a decade, and had never had any issues or concerns raised.
- f) They had agreed conditions with WMP (West Midlands Police).
- g) They wanted to serve really good African food and sell alcohol.
- h) The premises had operated as a pub before but this was a different enterprise, offering food and drinks. It is a family restaurant and 50% of the time people would require reservations.
- i) They wanted to work with Deliveroo and Uber Eats.
- j) The food hygiene ratings for the other businesses were 5 stars.
- k) No responsible authorities had made objections to the application.
- l) The objector from the local residents expressed concerns, but the premises was controlled properly and security would be outside.
- m) African cuisine would be a new offering in the area.
- n) It will be a great addition to the area and would provide local jobs.

Ryan Lynch advised Members that he is a Commercial Surveyor who worked with the Director over the years. He also leased a premises to him. He provided a statement about the Directors character and stated that they were good operators and would be a great asset to the Stirchley environment.

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

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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;

6/160625 **RESOLVED**

That the application by Olusegun Akande on behalf of DMG Ventures Limited for a premises licence in respect of Empress African on behalf Restaurant, 3 St Stephens Road, Selly Park, Birmingham, B29 7RR, be granted subject to all those conditions agreed between the applicant and West Midlands Police in advance of the meeting, as per the document in the Committee Report, namely:

- Fire risk assessment to be made available to any of the responsible authorities on request.
- The premises will operate a vulnerability policy. The policy will include nationally recognised schemes such as 'Ask for Angela' This policy will be made available to any of the responsible authorities on request.
- All staff will be trained in their responsibility of the licensing act, challenge 25 policy and vulnerability policy. This training will be documented and signed by both the trainer & trainee and made available to any of the responsible authorities on request. No staff will work at the premises while it is carrying out licensable activity without this documented training, with the exception of personal licence holders. Training records will be made available to any of the responsible authorities on request.
- CCTV will record for 31 days and be available for responsible authorities on request.
- No unaccompanied children under the age of 16 years old to be permitted on the premises.
- The premises will trade predominately as a restaurant with a substantial food offer when carrying out licensable activity.

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 DMG Ventures Limited attended the meeting represented by Olusegun Akande.

There were supporting representation from Ryan Lynch. Ryan Lynch is a commercial surveyor with no vested interests in the application or the applicant's business.

A written representation against the application had been received from another person; that document was in the Committee Report at Appendix 1. The objector did not attend the meeting in person, and the Senior Licensing Officer confirmed that the Licensing Department had not received notification under Regulation 8 of a wish to participate in the hearing.

The written representation was that when the previous owner had the premises serving alcohol there was a great deal of trouble from the clients using the establishment. On several occasions the police had to be called in to calm down

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situations of shouting, arguing, chanting and general unsociable behaviour on our streets.

This was a residential area and there were concerns about aggression on our doorsteps.

The Sub-Committee considered the Home Office guidance pursuant to Section 182 Licensing Act 2003 at paragraph 2.1 which deals with the licensing objectives of Crime and disorder. The guidance states that Licensing authorities should look to the police as the main source of advice on crime and disorder.

The applicant had accepted all of the Police suggestions as earlier mentioned.

The Sub-Committee was aware that, under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, 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 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 the written representation made against the application.

There was no reason to suppose that granting the application was likely to undermine the licensing objectives, and the Members noted the representative's remark that to grant it would enable a disused building to be utilised and would likely enhance the area.

The Members therefore resolved to grant the application subject to the statutory conditions and the conditions that had been agreed with the Police.

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's representative.

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 meeting ended at 1038 hours.

Chair.....