

BIRMINGHAM CITY COUNCIL

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| LICENSING SUB COMMITTEE A 18 JUNE 2018 |
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE A
HELD ON MONDAY 18 JUNE 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair

Councillors Bob Beauchamp and Martin Straker Welds

ALSO PRESENT

Bhapinder Nandra, Licensing Section
Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

- 1/180618 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.
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DECLARATIONS OF INTERESTS

- 2/180618 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.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/180618 Councillor Dring submitted her apologies and Councillor Kauser was the nominee Member.
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MINUTES – PUBLIC

- 4/180618 That the Minute of meetings held on 21st May 2018 were confirmed and signed by

the Chairman.

**LICENSING ACT 2003 PREMISES LICENCE – SANTRA, 2ND FLOOR,
KOTWALL HOUSE, WROTTESLEY STREET, BIRMINGHAM, B5 4RT**

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

Duncan Craig – Solicitor – Citadel Chambers
Tom Moore – DPS

Those making representations

PC Abdool Rohomon – West Midlands Police

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Following introductions by the Chairman, Bhapinder Nandra, Licensing Section, made introductory comments relating to the report.

The Chairman requested any preliminary points to be made at this juncture.

Mr Duncan Craig on behalf of the premises advised that Mr Murphy (applicant) was unable to attend today due to his father's terminal illness. However, it was essential that Mr Murphy be at the hearing to answer any questions. Mr Craig had notified licensing and WMP at the earliest opportunity of their intentions to request a second adjournment.

In response to the Chairman, PC Abdool Rohomon confirmed he had no objections to the unusual request for a second adjournment.

The Chairman advised that the request to adjourn the meeting would be approved.

At 0940 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

5/180618

RESOLVED:-

That the application by Desmond Murphy for a premises licence in respect of SANTRA, 2ND FLOOR KOTWALL HOUSE, WROTTESLEY STREET, BIRMINGHAM, B5 4RT **BE FURTHER ADJOURNED TO A DATE TO BE NOTIFIED**, in order that the applicant can attend the hearing in person, in order to address the Sub-Committee.

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

The applicant's legal representative attended the meeting and submitted that the applicant's attendance at the hearing was 'hugely important, if not essential'. This would require the grant of a second adjournment, as the applicant was dealing with a family matter which was expected to occupy his time for a short while. The Sub-Committee would then be able to properly and fully consider the application.

West Midlands Police confirmed that given the circumstances they did not oppose the application for a second adjournment.

The Sub-Committee decided on this occasion to accede to this unusual request for a second adjournment, on the basis that it was for personal/ family reasons which could not be postponed. 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. The applicant felt that his attendance in person before the Sub-Committee was 'hugely important'; in addition, West Midlands Police did not oppose a second adjournment. The adjournment was therefore granted.

OTHER URGENT BUSINESS

6/180618 There was no urgent business.

EXCLUSION OF THE PUBLIC

7/180618

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:-
(Paragraphs 3 & 4)
