

**Minutes of the
Licensing Sub Committee 3**

**8th April 2019 at 10.00am
at Sandwell Council House, Oldbury**

Present: Councillor Piper (Chair);
Councillors S Davies and Padda.

Matters Delegated to the Licensing Sub Committee to exercise those functions of the Licensing Committee under the Licensing Act 2003 and any regulations made under that Act, together with any related functions.

17/19

Application to vary a premises Licence for the Knights Quest High Street, Rowley Regis, B65 0EE

Present: Kiran Dhesi (Licensing Officer);
David Elliott (Local Authority Solicitor);
Mr T G Lloyd (Premises Licence Holder);
M Hazlewood (Premises Licence Holder's Solicitor);
Russell Dingley (Employee at Knights Quest);
Sarah Dingley (Premises Licence Holder's Daughter);

The Sub Committee considered an application for a variation of a premises licence submitted by Thomas Gerald Lloyd the Premises Licence Holder, in respect of Knights Quest, High Street, Rowley Regis B65 0EE following receipt of a representation from a local resident objecting to the grant of the application in respect to the prevention of crime and disorder and public nuisance.

The variation sought to extend the permitted hours for licensable activities by one hour on Fridays and Saturdays until 2.00am with the premises closing to the public at 2.30pm.

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In an attempt to modernise the Premises Licence and provide greater clarity as to the obligations of the Premises Licence Holder, the variation also sought to delete a number of conditions on the licence which had carried across from the previous licensing regime as these were now outdated or were adequately covered by other legislations. The conditions to be deleted were the Public Entertainment Licence conditions 1 to 37 inclusive.

It was considered that their deletion would not adversely affect the four licensing objectives.

The Premises Licence had previously been reviewed on 12th June 2017 following a review application made by West Midlands Police and as a result the Sub Committee had imposed a number of conditions on the premises licence, which included a condition reducing the hours for licensable activities.

A notice had been published in a local paper and a public notice had been displayed at the premises outlining the application and detailing a closing date for receipt of representations. Details of the application were also published on the Council's website.

The Licensing Sub Committee was advised by the Premises Licence Holder's Solicitor that since the last review the Premises Licence Holder had been co-operating with the Police and had been involved with pub watch and the Police had made no objections to the application.

There had been no incidents over the last 18 months and there had been Temporary Events Notices granted during this period which had not led to any further issues.

The variation requested that the condition imposed at the review on 12th June 2017 below be removed:

- A reduction in hours for licensable activities to 9am – 1am on Friday and Saturday, with a closing time of 1.30am. That was a reduction of one hour for licensable activities and the closing time on Friday night and Saturday night.

Further conditions attached after the review under section 52 of the Licensing Act 2003 held on 12th June 2017 and consent order issued by Black Country Magistrates Court on 7th December 2017 would be maintained.

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The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

The Sub Committee considered the information before them, including the representation from a resident and was minded to grant the application to vary the Premises Licence in line with the operating schedule provided and that the conditions from the review on 12th June 2017 be maintained except for the condition in respect of hours for licensable activities.

The reason for the decision was that since the previous Premises Licensing review there had been no serious incidents which was reflected by the lack of representation, from the Police and Environmental Health to the variation sought.

During this year a series of Temporary Entertainment Notice related events had been held which drew no objections from the Police.

Resolved

- (1) that the Public Entertainment Licence conditions numbered 1 to 37 inclusive be removed from the premises licence;
- (2) that the condition in respect of a reduction in the hours of licensable activities imposed on the Premises Licence at the review on 12th June 2017 be removed;
- (3) that the hours for licensable activities on Fridays and Saturday be from 9.00am to 2.00pm.
- (4) that the remaining conditions imposed on the Premises Licence at the review on 12th June 2017 be maintained.

In making its decision the Licensing Sub Committee took into account the provisions of the Licensing Act 2003, mainly Sections 51 and 52. It also took into account Section 182 guidance, relevant case law and the Human Rights Act, 1998.

Those who made a relevant representation in relation to the application, may appeal against the decision made to the

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Magistrates' Court within 21 days from the receipt of written notification.

18/19

Application to review a premises Licence at 2 Old Walsall Road, Great Barr B42 1NN

Present: Sarah Brookes (Licensing Officer);
Makhan Singh Gosal (Licensing Officer);
David Elliott (Local Authority Solicitor);
Mark Beesley (Trading Standards Officer);
Chris Coxon (Trading Standards Officer);
Alan Kamarany (Designated Premises Supervisor).

The Sub Committee considered an application to review the Premises Licence submitted by SMBC Trading Standards on 14th February 2019 in respect of premises situated at 2 Old Walsall Road, Great Barr B42 1NN made under section 51 of the Licensing Act 2003.

The application had been made on the grounds of the prevention of crime and disorder objective following an inspection of the business premises by SMBC Trading Standards and the discovery of illicit tobacco at the premise. Alcohol had also been sold outside of the permitted hours stated on the licence.

The licence was granted on 17th April 2014 and the holder of the premises licence was Mr Mohammadi who had held the licence since 18th January 2019.

Mr Alan Kamarany had been the Designated Premises Supervisor since 18th January 2019 and had submitted an application to transfer the Premises Licence into his name, however due to a technicality with the form this had not been undertaken as yet. Mr Mohammadi (Premises Licence Holder) had been notified and invited to attend the meeting.

Trading Standards Officers requested that this matter be heard in private session as they did not wish to jeopardise the ongoing investigations and any potential court proceedings.

Members adjourned the meeting to consider the Public Interest Test.

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Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime and Regulation 4 of the Licensing Act(Hearings) Regulations 2005.

Trading Standards Officers presented their case and answered questions from Mr Kamarany and the Sub Committee.

Mr Kamarany presented his case and answered questions from Trading Standards Officers and the Sub Committee.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered the Licensing Officer's report, representations made by Trading Standards Officers and Mr Kamarany and legal advice given by the Local Authority's Solicitor, the Sub Committee was minded to revoke the Premises Licence in respect of the Premises at 2 Old Walsall Road, Great Barr B42 1NN.

The Sub Committee considered that there had been confusion in respect of ownership of the premises and the Premises Licence Holder was not present or overseeing the premises. The Designated Premises Supervisor should be aware of the law and the licensing objectives, however had not appreciated that it was an offence to sell illicit or counterfeit tobacco. There had been an incident in respect of the sale of alcohol outside of licenced hours and there had been a failure in the overall management of the Premises.

Resolved that the Premises Licence in respect of the Premises at 2 Old Walsall Road, Great Barr B42 1NN be revoked.

In making its decision the Licensing Sub Committee took into account the provisions of the Licensing Act 2003, mainly Sections 51 and 52. It also took into account Section 182 guidance, relevant case law and the Human Rights Act, 1998.

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Those who made a relevant representation in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days from the receipt of written notification.

19/19

Application for the review of a Premises Licence known as Tamasha, 36 Cape Hill, Smethwick B66 4PB

Present: Sarah Brookes (Licensing Officer);
Makhan Singh Gosal (Licensing Officer);
David Elliott (Local Authority Solicitor);
Mark Beesley (Trading Standards Officer);
Chris Coxon (Trading Standards Officer);
Mr Bahadoor Moharramzadeh (Premises Licence Holder and Designated Premises Supervisor);
Mr Moharramzadeh (Premises Licence Holder's Son);
Thomas Griffiths (Barrister for Premises Licence Holder).

The Sub Committee considered an application to review the Premises Licence submitted by SMBC Trading Standards on 14th February 2019 in respect of premises known as Tamasha, 36 Cape Hill, Smethwick B66 4PB made under section 51 of the Licensing Act 2003.

The application had been made on the grounds of the prevention of crime and disorder following an inspection of the business premises by Sandwell Metropolitan Borough Council Trading Standards who found illicit tobacco at the premises and also failure to comply with a number of licensing conditions.

The Premises Licence Holder was Bahadoor Moharramzadeh, who had held the licence since 20th February 2014 and Mr Moharramzadeh had also been the Designated Premises Supervisor since 22nd April 2015.

On 22nd April 2015 an application made by SMBC Trading Standards to review the premises licence was brought before the licensing Panel. The Premises Licence was suspended for six

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weeks, the Designated Premises Supervisor was removed and conditions on the premises licence modified.

Representations in support of Tamasha from customers and neighbours had been submitted on 14th March 2019.

Trading Standards Officers requested that this matter be heard in private session as they did not wish to jeopardise the ongoing investigations and any potential court proceedings.

Members adjourned the meeting to consider the Public Interest Test.

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime and Regulation 4 of the Licensing Act(Hearings) Regulations 2005.

Trading Standards Officers presented their case and answered questions from the Premises Licence Holder's Barrister and the Sub Committee.

The Premises Licence Holder's Barrister presented his case and answered questions from Trading Standards Officers and the Sub Committee.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered the Licensing Officer's report, representations made by Trading Standards Officers, local residents, the Premises Licence Holder and the Premises Licence Holder's Barrister and legal advice given by the Local Authority's Solicitor, the Sub Committee was minded to revoke the Premises Licence in respect of Tamara, 36 Cape Hill, Smethwick B66 4PN.

There had been a number of conditions attached to the Premises Licence at the previous review and the Designated Premises

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Supervisor had been removed, however the Premises Licence Holder stated that he was not aware of the conditions and did not take action to undertake those conditions.

Members had serious concerns in respect of staff training records and the refusal log not being kept up to date and CCTV not working. There was a weakness in management even though the Designated Premises Supervisor had been removed and no lessons had been learned.

Resolved that the Premises Licence in respect of Tamara, 36 Cape Hill, Smethwick B66 4PN be revoked.

(Meeting ended at 2.22 pm following adjournments between 10.30 am and 10.35 am and 12.55 pm and 1.00 pm)

<p>Contact Officer: Shane Parkes Democratic Services Unit 0121 569 3190</p>
