

**Minutes of the
Licensing Sub Committee 3**

**27 August 2019 at 10am
at the Sandwell Council House, Oldbury**

Present: Councillor S Davies (Chair);
Councillors Downing and Moore.

**Matters Delegated to the 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**

41/19 **Application for a Consent Order in respect of Tamasha, 36
Cape Hill, Smethwick B66 4PB**

Present: Makhan Singh Gosal (Licensing Officer);
Chris Coxon (Trading Standards)
David Elliott (Local Authority Solicitor).

The Sub Committee considered a proposed consent order to resolve an appeal by the current Premises Licence Holder against the decision to revoke the Premises Licence at the meeting of the Licensing Sub Committee held on 8th April 2019. (Minute No. 19/19 referred).

Trading Standards, at the time had expressed their concerns regarding the establishment's management following an inspection of the premises which found illicit tobacco and failure to comply with several licensing conditions.

The Local Authority Solicitor requested the application be heard in private session so as not to jeopardise court proceedings.

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Exclusion of the Public

Resolved that the public and press be excluded from the meeting for this matter only to avoid the possible disclosure of exempt information under Schedule 12A of 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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The Premises Licence Holder had appealed to the Magistrates Court on grounds that visitors/casual staff placed the illicit tobacco on the premises without knowledge or consent of the Premises Licence Holder.

CCTV at the premises would monitor licensing activity, as to enforce the agreed conditions. Trading Standards confirmed that they would be making regular visits to the premises to ensure that the current Premises Licence Holder was not at the premises and checking CCTV to ensure that he did not visit the premises.

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

Having considered all the information before them, the Sub Committee was minded to agree to the proposed consent order in respect of Tamasha, 36 Cape Hill, Smethwick B66 4PB and consent to the Magistrates Court to vary the resolution made at the meeting of the Licensing Sub Committee held on 8th April 2019 (Minute No. 19/19 referred).

Resolved:-

- (1) that consent be given to the Magistrates Court to vary the resolution to revoke the Premises Licence in respect of Tamasha, 36 Cape Hill, Smethwick, B66 4PB (Minute No. 19/19 referred);
- (2) that the consent order as follows in respect of Tamasha, 36 Cape Hill, Smethwick B66 4PB be approved:-

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- The Premises Licence shall be transferred from the current holder to a new individual. The current holder being the Appellant, Bahadoor Moharramzadeh. The proposed new Premises Licence Holder being Mr Mohsen Malekidehchaneh.
- The new Premises Holder appoint a new Designated Premises Supervisor, namely Jila Keramati Yamchelo.
- The current Premises Licence Holder was to have no role at the Premises in anyway other than that of the Tenancy Holder. He was not to be employed by the Premises in any way nor to hold any supervisory or managerial role formally or informally in regards to licensable activities or otherwise at the Premises.
- The conditions as required by the Local Authority Respondent to be adopted in to the new Licence upon transfer in order to further endorse the Licensing Objectives.
- The Appellant to pay the Respondent their costs in this Appeal.
- The hearing of this Appeal, currently listed at the Dudley Magistrates Court on 12th September 2019, be vacated.

In making the decision the Committee had regard to the Local Government (Miscellaneous Provisions) Act 1976, relevant case law, Council Policy and Guidelines and the Human Rights Act 1998.

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Application for a new Premises Licence at the Harrier Public House, Powis Avenue, Tipton DY4 0NF

Present: Makhan Singh Gosal (Licensing Officer);
Chris Coxon (Trading Standards);
Neil Aston-Baugh (West Midlands Fire Service);
Sukwinder Singh (Premises Licence Holder);
Patrick Burke (Premise Licence Holder's Solicitor);
David Elliot (Local Authority Solicitor);

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Members considered an application for the new Premises Licence for the Harrier Public House, Powis Avenue, Tipton DY4 0NF following an objection from the West Midlands Fire Service.

The Harrier Public House was a community local pub under refurbishment with plans to reopen. The Premises Licence Holder had submitted the new application which outlined the hours that the premises would be open to the public. CCTV digital recordings would be kept up to 31 days and made available to all licensing authorities on request, an incident book was to be kept and made available to all licensing authorities upon request and staff training to be recorded and the record be made available to authorities upon request.

In 2016, the West Midlands Fire and Rescue Authority performed an audit risk assessment on the premises and notified the Premises Licence Holder to address the deficiencies which had been identified. It was found that the fire alarms were faulty and not in use and the premises was unable to attain satisfactory levels of safety.

Members expressed concern over inadequate fire safety protocol not being in place. The Premises Licence Holder explained refurbishment was still ongoing and the West Midlands Fire Service would be inspecting the premises in a few weeks' time once the refurbishments were completed.

The Premises Licence Holder requested a deferment of the decision of the Sub Committee until the refurbishment of the establishment was completed and the fire safety risk assessment had been fully completed.

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

Having considered all the information before them, the Sub Committee was minded to defer the application for a New Premises Licence at the Harrier Public House, Powis Avenue, Tipton DY4 0NF until the West Midlands Fire and Rescue Authority had completed their assessment.

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Resolved that consideration of the application for a New Premises Licence at the Harrier Public House, Powis Avenue, Tipton DY4 0NF be deferred to a meeting of the Sub Committee on 27th September 2019.

(Meeting ended at 10.26 am)

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