

# Licensing Sub- Committee

Tuesday, 4 May 2021

Virtual Meeting – Microsoft Teams

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## MINUTES

### Present:

Councillors Roger Bennett, Julian Grubb and Mark Shurmer

### Also Present:

Mr Sohail Mahmood – Applicant  
Ms Danielle Paton  
Mr Paul Berry  
Mrs Pam Oldfield

### Officers:

Vanessa Brown - Legal Advisor  
Paul Morrish – Licensing Technical Officer - Worcestershire Regulatory Services

### Democratic Services Officer:

Sarah Sellers

## 1. ELECTION OF CHAIR

Councillor Roger Bennett was elected as Chair for the meeting.

## 2. CHAIR'S WELCOME

The Chair welcomed the Committee members, officers, applicant and other parties to the virtual Licensing Sub-Committee meeting being held via Microsoft Teams. The Chair explained that the meeting was being live streamed on the Council's YouTube channel to enable members of the public to observe the committee.

## 3. APOLOGIES

There were no apologies or substitutions on the part of the Councillors making up the Sub-Committee.

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Chair

One of the interested parties who had registered to speak, Mrs Maureen Berry, was not able to attend and had asked for her apologies to be given to the meeting.

#### 4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 5. **PREMISES LICENCE APPLICATION : CHILLIES (FORMER BLUE INN) FAR MOOR LANE WINYATES REDDITCH B98 0SD**

Prior to hearing the Premises License application made by Mr Sohail Mahmood (the Applicant) of Sam's Properties in respect of Chillies at Far Moor Lane, Members were advised by the legal advisor, Mrs Vanessa Brown, that there was a preliminary issue for their consideration.

At the invitation of the Chair, the Applicant addressed the Sub-Committee and requested that the hearing date be postponed. The Applicant stated that the two reasons for him requesting a delay to the hearing were:-

1. To enable the outstanding fire safety works as identified by the fire authority to be completed, and thus enable the objection made by the fire authority to the premises licence be withdrawn.
2. To enable the Applicant to obtain legal representation from a solicitor.

The Members of the Sub-Committee asked Mr Mahmood to give further details as to the outstanding works required, the likely timescale for their completion, and the reasons why he had not already complied with the requirements of the fire authority, which he had been aware of for five or six months.

In response, the Mr Mahmood asked the manager at the hotel, Ms Danielle Paton to address the committee. Ms Paton went through the list of outstanding items describing the issues to the Members. Some related to the restaurant and some to the hotel. In summary, the list included relocation of the existing fire alarm in the conference room to a central position, updating the fire risk assessment, putting stickers up to indicate the fire escape route, obtaining documentary evidence of PAT testing which had already been completed, and works to secure some loose wiring and apply flame retardant filler.

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In explaining the delays to getting the works completed, Mr Mahmood referred to the interruption to his business caused by the Covid restrictions and the impact on income. He had completed that majority of the works identified by the fire authority, but these were the final steps that needed to be completed. Mr Mahmood had already instructed some third parties to assist him with certain elements and believed that the works could be completed in about two weeks.

With regard to legal representation, Mr Mahmood confirmed that he had instructed a local solicitor to whom he had sent all the papers. However, he had not yet been able to speak to the solicitor in person to seek advice.

After further questions, and clarification from the legal advisor that if the matter was postponed then the granting of the premises licence would be considered in full on the next occasion, the applicant stated that he would be seeking to be legally represented at the next hearing.

The Members retired to deliberate on the application to postpone the hearing, and the meeting was suspended from 2.26 pm until 3.20 pm.

On re-starting the meeting, the Chair asked the legal advisor to announce the decision of the Sub-Committee.

## **Decision**

Members had considered the application made by Mr Mahmood for an adjournment of this matter. With regards to the request for time to comply with the fire safety concerns, members did not consider that an adjournment on this basis alone would be sufficient to prevent the application from being considered at the hearing.

However, the request for an adjournment on the basis that Mr Mahmood wished to be legally represented was something that members considered to be in the public interest. Mr Mahmood had instructed a solicitor and provided them with papers and as a matter of some complexity, members considered it to be in the public interest to allow Mr Mahmood to be represented at the next hearing.

In light of the changes in the legislative requirements for hearings due to come into effect shortly, the next hearing may have to be face to face. The local elections would also impact on the membership of the licensing committee and as the new licensing committee members would not be appointed until 24<sup>th</sup> May. In addition, to allow for compliance with the hearing regulations which

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require 5 working days notice of a hearing to be given, the first available date for the next hearing would be 8<sup>th</sup> June.

After announcing the outcome of the meeting further clarification was given by the legal advisor that licensable activity at the premises could not take pending consideration of the application on 8<sup>th</sup> June. The Licensing Technical Officer (Worcestershire Regulatory Services), Paul Morrish, confirmed that he was not aware of any applications for Temporary Events Notices that had been made in relation to the premises.

Meeting closed at 3.30 pm.

The Meeting commenced at 2.00 pm  
and closed at 3.30 pm