

Licensing Sub- Committee

Wednesday, 30th March, 2022

MINUTES

Present:

Councillors Tom Baker-Price, Joanne Beecham and David Thain

Also Present:

Mr. A. Hussain Khan, Applicant
Mr. Billy Chauhan, Director of Business Operations at Global Venues,
Applicant's Representative
Mr. Hussain (Mr. Hussain Khan's brother)
Mr. S. Sutch, Hemmings (Landlord)

Officers:

Ryan Keyte and Tom Phelan

Democratic Services Officers:

Pauline Ross

12. ELECTION OF CHAIR FOR THE MEETING

Councillor Tom Baker-Price was elected as Chair for the meeting.

13. CHAIRS WELCOME

The Chair welcomed the Committee members, officers, the applicant and his representatives to the Licensing Sub-Committee meeting. At the request of the Chair, all those present briefly introduced themselves.

14. APOLOGIES

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

15. DECLARATIONS OF INTEREST

There were no declarations of interest.

Chair

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16. PREMISES LICENCE APPLICATION: PINK FLAMINGO, 22 UNICORN HILL, REDDITCH, WORCESTERSHIRE, B97 4QU

The Sub-Committee then considered an application for a Premises Licence, submitted by Mr. Arfaq Hussain Khan and Purple Beret Limited, in respect of Pink Flamingo, 22 Unicorn Hill, Redditch, Worcestershire, B97 4QU.

The application was subject to a Hearing in light of one representation being received from Westgrove Property Management. The basis of their representations was on the grounds of the Prevention of Crime and Disorder and Public Safety, as detailed at Appendix 3 to the report.

PC Norris, West Mercia Police had agreed a number of conditions and changes to the opening hours, as detailed at Appendix 2 to the report.

The Technical Officer (Licensing) WRS, introduced the report and in doing so highlighted that, during the application process, and since the publication of the Licensing Sub-Committee agenda; that the applicants had agreed with PC Norris, West Mercia Police, to the conditions and amended opening hours, as detailed at Appendix 2 to the report, as follows: -

Sale of Alcohol

Sunday to Thursday	08:00 to 00:00 hours
Friday and Saturday	08:00 to 02:00 hours

Music (live and recorded)

Sunday to Thursday	08:00 to 00:00 hours
Friday and Saturday	08:00 to 02:00 hours

Late Night Refreshments

Sunday to Thursday	08:00 to 00:00 hours
Friday and Saturday	08:00 to 02:00 hours

It was noted that the police had also requested the following opening hours to the public:-

Sunday to Thursday	08:00 to 00:30 hours
Friday and Saturday	08:00 to 02:30 hours

The Chair then invited Mr. Arfaq Hussain Khan, to put forward the case in support of the application.

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At this stage in the meeting, Mr. Billy Chauhan, Director of Business Operations at Global Venues, the applicant's representative addressed Members on behalf of the applicants.

Mr. Chauhan commented that the person who had sent in a representation was not present at today's meeting, and he questioned if he had withdrawn his objection.

In response the Technical Officer stated that he had contacted the person who had submitted a representation on a number of occasions, with regard to attending the Hearing to address Sub-Committee Members; however, he had not received a reply. The Technical Officer further clarified that the representation had not been withdrawn.

Mr. Sutch, Hemmings, who was also present on behalf of the applicant, stated that he had spoken to the person who had submitted the representation to inform him that the applicant had agreed to reduce the opening hours, as agreed with West Mercia Police. Mr. Sutch had received a text message from them just saying 'cool'.

Mr. Chauhan briefly referred to the fire escape and rights of access as detailed in the representation.

In response the Chair stated that with regard to the fire escape that would be the responsibility of Hereford & Worcester Fire and Rescue Service and was not a matter for Members to consider.

The Council's Legal Advisor reiterated this and highlighted that Sub-Committee Members would only consider those matters relevant to the four licensing objectives. Two of which, namely Crime and Disorder and Public Safety, were referred to in the representation received from Westgrove Property Management.

Mr. Chauhan continued and highlighted that no objections has been received from the police with regard to Crime and Disorder and furthermore Mr. Arfaq Hussain Khan had agreed to all of the conditions, which had included reducing the opening hours, as requested by PC Norris, West Mercia Police. The reduced opening hours would be in line with the licensed premises next door. With regard to Public Safety, Mr. Arfaq Hussain Khan was an experienced Designated Premises Supervisor (DPS) and was Security Industry Authorised (SIA) registered. All of the required policies and procedures would be put in place in order to meet the conditions of the licence.

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At the invitation of the Chair, in summing up, the Technical Officer referred to the Legal Implications, paragraph 5.4 “The Sub-Committee much take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) Grant the application as requested.
- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the application in whole or in part.

At the invitation of the Chair, in summing up, Mr. Chauhan stated that Mr. Arfaq Hussain Khan was the named DPS, he had had many years of experience with Global Venues, with events holding up to 10,000 people. His role would be to visit the Pink Flamingo premises to ensure that the premises was compliant. He was a good citizen to run such premises.

At this stage in the meeting and with the agreement of the Chair, the Technical Officer (Licensing), WRS drew Members’ attention to a letter received from Mr. S. Sutch, Hemmings, with regard to the objection received from Westgrove Property Management. The letter highlighted that the path to the right hand side on 22 Unicorn Hill was not owned by the objectors, Westgrove Property Management, the path was owned by Mr. Sutch’s parents.

The Technical Officer took the opportunity to circulate the letter to Licensing Sub-Committee Members and the Council’s Legal Advisor.

The Council’s Legal Advisor informed Members that they should consider the four licensing objectives, the written and oral representations as presented during the course of the Hearing, section 182 of the Licensing Act 2003 and the Council’s own Statement of Licensing Policy.

Members should consider all of the evidence provided and heard during the course of the Hearing.

Members should note that with regards to Crime and Disorder, Licensing Authorities should look to the police as the main source of advice on Crime and Disorder. Members should be mindful that the applicant had agreed to the conditions and revised opening hours as requested by PC Norris, West Mercia Police and to address the concerns raised by Westgrove Property Management. The police had raised no objections to the application.

Having had regard to:

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- The licensing objectives set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The guidance issued under section 182 of the Act.
- The Report presented by the Technical Officer, Licensing, Worcestershire Regulatory Services.
- The application submitted by Mr. Arfaq Hussain Khan and Purple Beret Limited, and the oral representations made at the Hearing by the applicant's representative Mr. B. Chauhan and Mr. S. Sutch, Hemmings.

The Sub-Committee decided to grant the application for a premises licence relating to Pink Flamingo, 22 Unicorn Hill, Redditch, Worcestershire, B97 4QU; with the amended opening hours and conditions as agreed with West Mercia Police.

The reasons for the Sub-Committee's decision were as follows:

- In considering the objections and concerns raised, the Sub-Committee gave weight to the representations submitted by the applicant and his agents/representatives. That Mr. Hussain Khan was an experienced operator, that following agreed amendments to the opening hours and additional conditions the police had not raised any issues and the public objectors principle issue was the opening hours and these had now been amended.
- It was suggested that following the amended opening hours the member of the public had withdrawn their objections, however the member of the public had not formally notified Redditch Borough Council that they had withdrawn their objection, so the hearing proceeded on the basis that it was not withdrawn.
- The Sub-Committee considered the written representations and the concerns with regard to Crime and Disorder and Public Safety. It was also pointed out to Members that any issues raised that were not covered by the licensing objectives such as access rights and land ownership relating to fire escapes and refuse bin storage should not be considered. The usual and primary source of information in relation to Crime and Disorder would be the police and following the amended opening hours and additional agreed conditions they had no objections.
- The Sub-Committee did not consider that there was evidence that the Crime and Disorder or Public Safety licensing objectives would be undermined by granting the licence.

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The following legal advice was given:

- That the Licensing Objectives must be the paramount consideration;
- That the Sub-Committee may only have regard to representations which promote the four licensing objectives;
- The usual and primary source of information in relation to Crime and Disorder was the police; and
- That the Sub-Committee should not attach any less weight to the representations made because an objector has made the decision not to attend the hearing.

An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which written confirmation of the decision was received by the Applicant.

The Meeting commenced at 11.30 am
and closed at 11.46 am