

BROMSGROVE DISTRICT COUNCIL

**LICENSING SUB-COMMITTEE
TUESDAY 1ST DECEMBER 2020**

LICENSING ACT 2003

**SUMMARY REVIEW –
CONSIDERATION OF REPRESENTATIONS AGAINST INTERIM STEPS**

DEEDAR RESTAURANT, 26 HEWELL ROAD, BARNT GREEN, BIRMINGHAM

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Dave Etheridge Senior Licensing Practitioner 01905 822799 enquiries@worcsregs services.gov.uk
Ward(s) affected:	Barnt Green and Hopwood
Appendices:	Appendix 1 – Application for Summary Review Appendix 2 – Existing Licence Appendix 3 – Decision Notice (Interim Steps) Appendix 4 – Representations Against Interim Steps

1 PURPOSE OF REPORT

- 1.1 To consider representations made against the interim steps taken by the licensing authority in response to an application received from West Mercia Police for a summary review of the premises licence in respect of:

**Deedar Restaurant
26 Hewell Road
Barnt Green
Birmingham
B45 8NE**

- 1.2 Having considered the representations, Members are required to consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to modify or withdraw the steps taken.

2. BACKGROUND

- 2.1 At 12:32 hours on Wednesday 25th November 2020 an application was received from West Mercia Police for a summary review of the premises licence in respect of:
- Deedar Restaurant
26 Hewell Road
Barnt Green
Birmingham
B45 8NE**
- 2.2 A copy of the application, the accompanying certificate from the Senior Police Officer and other supporting documents can be seen at **Appendix 1**.
- 2.3 A copy of the current premises licence is attached at **Appendix 2**.
- 2.4 The premises licence is currently held by Mr Kachi Kabir and Mr Kaptan Miah and the designated premises supervisor named on the licence is Mr Kachi Kabir.
- 2.5 Mr Kachi Kabir's personal licence under the Licensing Act 2003 was issued by Solihull Metropolitan Borough Council. Enquiries with Solihull Metropolitan Borough Council have revealed that Mr Kabir surrendered his personal licence in September 2018. Therefore it appears that the designated premises supervisor named on the premises licence does not currently hold a personal licence.
- 2.6 On Thursday 26th November 2020, as required by section 53A of the Licensing Act 2003, the licensing authority considered whether it was necessary to take interim steps pending the determination of the review application.
- 2.7 Following consideration of this matter a decision was taken to take the following interim steps:
- (a) the removal of the designated premises supervisor from the licence;
 - (b) the suspension of the licence.
- 2.8 A copy of the decision notice can be found at **Appendix 3**. The decision notice has been served on the licence holders and West Mercia Police.

- 2.9 At 11:20 hours on 27th November 2020, the licensing authority received representations against the interim steps taken, that were submitted on behalf of one of the two holders of the premises licence, Mr. Kaptan Miah. A copy of the representations received can be seen at **Appendix 4**.
- 2.10 The licensing authority is now required to consider these representations within 48 hours and consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to modify or withdraw the steps taken. In computing the period of 48 hours time that is not on a working day is to be disregarded.
- 2.9 Whether or not the interim steps are modified or withdrawn, the licensing authority must determine the application for summary review of the premises licence within 28 days after the day of receipt of the application. A Licensing Sub-Committee hearing will be arranged in due course in order to determine the application.

3. LOCAL POLICY CONSIDERATIONS

- 3.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.
- 3.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email enquiries@worcestershire.gov.uk

4. LEGAL IMPLICATIONS

- 4.1 The Sub-Committee is obliged to consider whether the interim steps are appropriate for the promotion of the licensing objectives and determine whether to modify or withdraw the steps taken.
- 4.2 In considering those matters the relevant licensing authority must have regard to—
- (a) the certificate that accompanied the application;
 - (b) any representations made by the chief officer of police for the police area in which the premises are situated (or for each police area in which they are partly situated); and
 - (c) any representations made by the holder of the premises licence.
- 4.3 In making its decision, the Sub-Committee is obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

- 4.4 The licensing authority must hold a hearing to reach a determination on the review application no later than 28 days after the application for a summary review was received from the Chief Officer of Police.

5. FOR DECISION

- 5.1 The Sub-Committee must:

- (a) Consider the representations received against the interim steps,
- (b) Consider whether the interim steps are appropriate for the promotion of the licensing objectives, and
- (c) determine whether to modify or withdraw the steps taken.