THE CITY OF HAMILTON LICENSING COMMITTEE PRESENTS REPORT 07-001 AND RESPECTFULLY RECOMMENDS:

1. APPOINTMENT OF CHAIR AND VICE CHAIR (Item A)

(a) That Councillor T. Whitehead be appointed Chair of the City of Hamilton Licensing Committee.

(b) That Councillor B. Bratina be appointed as Vice Chair of the City of Hamilton Licensing Committee.

2. Mr. Mahadi A. Kazzam – Show Cause Hearing; Taxicab Driver Licence (Item 4.2)

That the Taxicab Driver Licence, issued to Mr. Mahadi A. Kazzam, be suspended for one week commencing at 12:01 a.m. on Monday, January 29, 2007 to be reinstated at 12:01 a.m. Tuesday, February 6, 2007.
3. **The Up in Smoke Café, 227 King Street East, Hamilton, Ontario – Show Cause Hearing; Eating (Restaurant) Establishment Licence (Item 4.3)**

That, as the conditions of the Licence are not in compliance with Licensing Code By-law 06-213 and other applicable laws, and that the holder of the Eating (Restaurant) Establishment Licence, for The Up In Smoke Café, has stated that he would continue to operate the establishment in the same manner of non-compliance, the Eating (Restaurant) Establishment Licence for The Up In Smoke Café be revoked.

4. **In-Nam Huh – Green Garden Convenience, 1216 Upper Wentworth Street, Hamilton, Ontario; Establishment - Cigarettes and Tobacco Sales Licence – Show Cause Hearing (Item 5.1)**

(a) That the Establishment - Cigarettes and Tobacco Sales Licence for Green Garden Convenience, located at 1216 Upper Wentworth Street, Hamilton, Ontario, be suspended commencing Thursday, January 25, 2007 to be reinstated on Saturday, April 28, 2007.

(b) That the Licensee, Mr. In Nam Huh, comply with the City of Hamilton Licensing Code By-law 06-213 and all other applicable laws.

**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk noted the following change to the agenda:

(i) Item 5.2 – C.D. Sports Bar Restaurant, 180 Ottawa Street North, Hamilton Ontario – Multiple Licence for Restaurant and Billiards, will be moved to Item 4.5 to be heard In Closed Session, as the request to postpone being brought forward contains confidential information about an identifiable individual.

The agenda was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

There were none declared.
(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

This being the first meeting of the Licensing Committee for the new term of Council (2006 to 2010) there were no previous minutes.

(d) PRIVATE AND CONFIDENTIAL (Items 4.1 through 4.5)

Committee moved into Closed Session to hear items 4.1 through 4.5, as the matters pertained to information about identifiable individuals, and reconvened in Open session between each hearing in order that the Committee’s recommendations be heard in Open Session.

(e) Mr. Najem Al-Maksousi – Appeal; Refusal of Application for Public Garage B2 Licence (Item 4.1)

Mr. Najem Al-Maksousi was neither in attendance nor was he represented by legal counsel or agent, and a request for postponement was not received by the Committee Clerk.

Therefore, the appeal, requested by Mr. Najem Al-Maksousi, respecting his application for a Garage B2 Licence, was declared abandoned and the appeal was denied.

(f) Mr. Mahadi A. Kazzam – Show Cause Hearing; Taxicab Driver Licence (Item 4.2)

This matter was heard in Closed Session, as the matter pertained to information about an identifiable individual (see information Item (d)). Subsequently, the Committee’s recommendation was heard in Open Session.

Mr. Mahadi A. Kazzam was sworn under Affirmation, prior to providing his testimony.

Mr. Kenneth Clark, By-law Officer – Canadian Core of Commissionaires, and a witness for the City of Hamilton, was sworn under Oath, prior to providing his testimony.

Councillor B. Clark clarified for the record that he was no relation to the witness, Mr. Kenneth Clark.
(g) **Mr. Chris Goodwin, The Up in Smoke Café, 227 King Street East, Hamilton, Ontario – Show Cause Hearing; Eating (Restaurant) Establishment Licence (Item 4.3)**

This matter was heard in Closed Session, as the matter pertained to information about an identifiable individual (see information Item (d)). Subsequently, the Committee’s recommendation was heard in Open Session.

(h) **Mr. Luis B. Veras – Show Cause Hearing; Taxicab Driver Licence (Item 4.4)**

This matter was heard in Closed Session, as the matter pertained to information about an identifiable individual (see information Item (d)). Subsequently, the Committee’s recommendation was heard in Open Session.

Mr. Luis B. Veras was sworn under Oath, prior to providing his testimony.

As members of the Licensing Committee were not satisfied with the evidence provided, the staff recommendation to suspend Mr. Veras’ Taxicab Driver Licence was not supported by Committee. Therefore, the Taxicab Driver Licence held by Mr. Luis B. Veras will remain active and without conditions.

(i) **C.D. Sports Bar Restaurant, 180 Ottawa Street North, Hamilton, Ontario; Multiple Licence for Restaurant and Billiards (Item 4.5)**

Mr. Omar Shabbir Khan, Solicitor, was in attendance, on behalf of Mr. Domingos Pereira, C.D. Sports Bar Restaurant, to request a postponement of the Show Cause hearing.

Details of the request for postponement were provided in Closed Session, as the reasons for postponement contained confidential information about an identifiable individual. Subsequently, the Committee’s recommendation was heard in Open Session.

The request for postponement, put forward by Mr. Omar Shabbir Kahn, Solicitor, respecting the matter of C.D. Sports Bar Restaurant, located at 180 Ottawa Street, North Hamilton, Ontario – Multiple Licence for Restaurant and Billiards, was approved.

The Committee Clerk was directed to schedule a new hearing date for the matter of C.D. Sports Bar Restaurant, located at 180 Ottawa Street, North Hamilton, Ontario – Multiple Licence for Restaurant and Billiards within the two week timeframe immediately following January 18, 2007.
Mr. Khan, Solicitor for C.D. Sports Bar Restaurant, located at 180 Ottawa Street, North Hamilton, Ontario, was advised that his client must comply with the current conditions imposed on the Multiple Licence for Restaurant and Billiards for that establishment.

For the record, Mr. Khan stated that he was available for the upcoming hearing on January 24, 29 and 31 as well as February 2, 2007.

(j) ADJOURNMENT (Item 9)

There being no further business, the Committee adjourned at 6:45 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
City of Hamilton Licensing Committee

Stephanie Paparella
Legislative Assistant
January 18, 2007