

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 9 MARCH 2021</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 9 MARCH 2021 AT 1100 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

### **ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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### **NOTICE OF RECORDING/WEBCAST**

- 1/090321 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/090321 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/090321 No apologies were submitted.
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**MINUTES**

- 4/090321 The Minutes of the meeting held on 25 August 2020 were confirmed and signed by the Chairman.  
The Minutes of the meeting held on 1 September 2020 were confirmed and signed by the Chairman.  
The Minutes of the meeting held on 22 September 2020 were confirmed and signed by the Chairman.  
The Minutes of the meeting held on 6 October 2020 were confirmed and signed by the Chairman.  
The Minutes of the meeting held on 17 November 2020 were confirmed and signed by the Chairman.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – THE RHODEHOUSE,  
1<sup>ST</sup> FLOOR, 123 THE PARADE, SUTTON COLDFIELD, B72 1PU.**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**On Behalf of the Applicant**

Leo Charalambides - Barrister  
Terry Monaghan – Applicant  
Carl Moore - Agent

**Those Making Representations**

No one making representations attended the meeting.

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The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

Afterwards, the Chairman invited the applicant or their representative to outline their application, at which stage Leo Charalambides made the following points: -

- a) That it was an interesting application.
- b) The applicant is the sole director who already had other local business in the area including an accident repair company.
- c) The applicant was keen to give back to the community and that was the reason behind the application.

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- d) The venue had been used for licensing activity in the past.
- e) The hours applied for were modest.
- f) The capacity of the venue was about 200 people.
- g) West Midlands Police and Environmental Health had agreed conditions with the applicant.
- h) They hoped that the premises (in the daytime) would be used as a work space and community facility offering tea and coffee. Further, 25% of the profits would go back into the community.
- i) The DPS was very experienced and had ran large venues before.
- j) The applicant's daughter would also be working within the company. She is a University graduate and would be involved in the Human Resources/Health and Safety side of the business.
- k) Carl Moore covered all the basics and the additional conditions.
- l) The representations were considered, and they were content that the public aspects were covered by the operating schedule.
- m) There was also detailed correspondence between the applicant and the objectors which was included in the paperwork. The residents had the applicants contact details and they had dealt with it in an open way.

In answer to questions from Members, Leo Charalambides, on behalf of the applicant made the following points: -

- a) That they had reduced the hours, considered the role of SIA staff and would have additional provision if necessary.
- b) They would risk assess all events.

The Chairman invited the applicant and their representative to make a closing submission, however, they did not wish to add anything.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the Teams meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

5/090321

### **RESOLVED:-**

That the application by The Rhodehouse Limited for a premises licence in respect of The Rhodehouse, 1<sup>st</sup> Floor, 123 The Parade, Sutton Coldfield B72 1PU **be granted** with the following hours:

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- Amended Hours for Alcohol: Sunday to Friday – 09:00-23:30; Saturday 09:00-00:00
- Amended Hours for Regulated Entertainment: Sunday to Friday – 11:00-23:00; Saturday 11:00-23:30
- Amended Operating Hours: Sunday to Friday – 08:00-00:00; Saturday 08:00-00:30hrs

The licence shall also be subject to all the conditions agreed in advance of the meeting with the responsible authorities, namely West Midlands Police and Environmental Health, as follows:

- 1) External doors and windows shall be kept closed, other than for access and egress, whenever regulated entertainment is provided (i.e. music levels that require customers to raise voices)
- 2) Customers will not be permitted to carry open bottles or glasses beyond the licensed area. Exception is the outdoor smoking terrace on the 1st Floor
- 3) No licensable activities are to be carried out on the 1st floor smoking terrace
- 4) The premises will risk assess its standard operating procedures covering seven days a week, included in this risk assessment will be any security provisions. A copy of risk assessment to be made available to West Midlands Police Licensing Department
- 5) The premises shall risk assess the need for SIA registered door supervisors. This shall be documented and kept on the premises
- 6) The premises shall maintain an incident register, with details of incidents that occur inside and immediately outside the premises. The incident book will be available for inspection at any time by any responsible authority
- 7) There will always be a staff member on site, fully trained in the operation of the CCTV who will be able to download selected footage onto a storage device to be readily available for the licensing authorities
- 8) In the event of the hard disk drive being replaced for any reason, the old hard drive must be kept at the premises for 31 days and readily available to the licensing authorities
- 9) The outside terrace shall only be used for customers to smoke between 10am and 11.30pm Monday to Saturday and 10 to 10.30pm Sunday
- 10) The Designated Premises Supervisor shall be responsible for ensuring that the smoking terrace does not create a nuisance to neighbours at their property, and if necessary restrict the number of people utilising the smoking areas at any one time
- 11) Notices shall be displayed near the entrances, exits and rear smoking area of the premises advising customers who wish to use the outside smoking facilities that they should do so with respect for the nearby residents and keep noise levels to a

minimum

- 12) There shall be a lobbied area created at the ground floor entrance to the premises or alternatively the first floor entrance. This will ensure that whilst regulated entertainment is taking place one door will remain closed whilst persons are entering and exiting the site

In addition the licence will also include a further condition, agreed (in advance of the meeting) between the applicant and a neighbouring resident, namely:

- All the windows of the premises (9 in total) overlooking the neighbouring residence will have vinyl screens placed on the inside so that there is no visibility of the neighbouring residence. When viewed from the outside, and from the neighbouring residence, the vinyl screens will be blank without any images

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

Counsel for the applicant company explained the plans, and the Sub-Committee considered that all aspects were satisfactory. The Sub-Committee took into account the written representations made; these were covered by the agreed conditions. The Sub-Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representations received and the submissions made at the hearing by counsel for the applicant company and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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**Please note, the meeting ended at 1058.**