

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 15 MAY 2023
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 15 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Julien Pritchard.

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)

1/150523

NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/150523

DECLARATION OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/150523

Apologies were submitted on behalf of Councillor Simon Morrall and Councillor Julien Pritchard was the nominated substitute Member.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – NEW PARKLANDS SUITE, PARK ROAD, SOHO, BIRMINGHAM, B18 5HE.

On Behalf of the Applicant

Russell George – Representing the applicant
Mr Chana – Applicant

On Behalf of Those Making Representations

No one attended on behalf of those making representations.

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited Russell George to outline his case on behalf of the Applicant and he made the following points: -

- a) He shared his screen and showed the Committee a map of the premises and outlined where the premises is in relation to where the person who made representations is located. He is not an immediate neighbour.
- b) The residential properties were quite a distance away separated by a railway track.
- c) The premises has been trading for 20 years, but this is a new application for a new owner and the application is pretty much the same as the previous licence.
- d) They had no knowledge of complaints and no responsible authorities had made any objections.
- e) It is primarily a banqueting suite operating at weekends, some events such as funerals may take place in the week, but not often.
- f) The objection seems to be in relation to one event and related to car parking issues.

- g) They will be making patrons aware of local car parks.
- h) They can't see this application impacting the businesses in the area due to the trading hours.

Members were invited to ask questions and Russell George gave the following responses: -

- a) Deliveries and refuse collection will be done between 10am-4pm.
- b) Big funerals/wakes wont be happening often, maybe a few times a year.
- c) For bigger events they would have more controls, car park marshals.
- d) The premises had a 2 door exit system to ensure no noise breakout.

The Chair invited the parties to make a closing submission and Russell George, on behalf of the applicant made the following closing statements: -

- The objection refers to one event where someones drive was blocked by a parked car. They would ensure that issues were dealt with by keeping phones on and resolving any issues that arise.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

4/150523

RESOLVED:-

That the application by NPBS (WM) Limited for a premises licence in respect of New Parklands Suite, Park Road, Soho, Birmingham B18 5HE, be granted together with the conditions which were agreed between the applicant company and West Midlands Police in advance of the meeting, namely:

- For externally promoted events, the licence holder will provide West Midlands Police licensing with a minimum of 28 days' notice, unless otherwise agreed by West Midlands Police, to include details of the event. This will be supported by a risk assessment including security deployment plan which will be made available to West Midlands Police on request
- If the premises wish to operate after 02:00 hours, then the licence holder needs to provide a minimum of 7 days' notice to West Midlands Police Licensing

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

the licence issued.

The applicant company was represented at the meeting by its agent and by the operations manager of the business. The agent addressed the Sub-Committee and showed an aerial map of the area, with the New Parklands Suite building on Park Road in the centre of the map. Also shown was the building occupied by a business which had made representations against the grant of the licence; the Sub-Committee noted that the other premises was not an immediate neighbour.

The agent pointed out that the nearest residential properties were to the south of Park Road, and located on the other side of a railway track. He observed that the nearest residents were therefore quite a distance away, and separated from the premises by a railway track.

Whilst the instant application was for the grant of a new licence, the premises had been trading for 20 years with the same operating style as proposed by the applicant company. The new owners had submitted a new licence application which emulated the previous arrangements. The agent also confirmed that to the applicant's knowledge there had never been any objections in the past, or any complaints about the operation under the previous owners. Moreover, there had been no objections from any of the responsible authorities, several of which had visited the premises. West Midlands Police were satisfied that the application was suitable with the addition of two agreed conditions.

Turning to the representations which had been received, which were in the Committee Report, the agent repeated that whilst a nearby business had objected, there had been no complaints from the immediate neighbours. He outlined the proposed operating hours (as shown in the Committee Report) and explained that the new Parklands Suite premises was a banqueting venue that would operate mostly at weekends. There would also be the occasional weekday event, such as funeral wakes.

Parking and traffic issues had been raised as part of the objection, but the Sub-Committee was aware that these issues were not strictly relevant to the determination of the application. Moreover, the agent remarked that the photographs of vehicles parked in the vicinity, which had been submitted by those making representations, appeared to relate to one event - if in fact it was the case that the vehicles shown in the photographs related to patrons of the New Parklands Suite.

The applicant company viewed the objection to be "quite strange", said the agent, as none of the immediate neighbours had complained. The agent noted that in any event there were no parking restrictions in the area, such as double yellow lines or red parking restrictions. Regardless of this, the applicant company had taken on board the comments which had been made in the objection, and intended to draft customer contracts to make patrons aware of parking nearby.

Finally, the agent reiterated that there were no local residents nearby to have any concerns about noise nuisance, or even concerns about parking issues. Furthermore, whilst the objector was a business, the applicant company did not see that its style of operation would have any detrimental impact on others, because the applicant's trading hours were outside the trading hours of other businesses in the area. Deliveries and waste collections would be scheduled during normal daytime hours, namely between 10:00 and 16:00.

In summing up, the agent confirmed that it was a straightforward application which emulated the previous owner's style of operation at the site, which had given rise to no objections or complaints at all.

Members asked how often events would be hosted on weekdays, and/or after midnight, both of which might potentially contribute to the effect on the promotion of the licensing objectives. The agent replied that from talking to people who had worked at the venue, large-scale funeral wakes were held around once a year; in the event of hosting that type of large function, the company would have more controls in place, such as employing car parking marshals.

As for the operating times, it was not anticipated that many events would last beyond 01.00 or 02.00, but as the neighbourhood was an industrial area, there was no risk of disturbance for residents. The agent reiterated that there had never been any complaints in the past from local residents.

The Chairman noted the point made in the objection letter about noise levels during the early hours of the morning, from patrons leaving the premises. The agent confirmed that the building design incorporated an air lock system at the exit, such that patrons coming out would go through two separate sets of double doors. The company made sure that both double doors were not open at the same time, and therefore any noise during the event would be isolated in an air lock system. In addition, patrons leaving would be advised by security staff to leave quietly, but as the agent had already explained, the area was industrial and there were no immediate residential neighbours.

Those making representations did not attend the meeting, but the Sub-Committee read their submission carefully. The agent remarked that the photographs attached to the objection were perhaps from a past event where vehicles had blocked the entrance, but the applicant company intended to address that by keeping its telephone lines open to people and informing local residents if a large-scale event was planned.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore

looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

Members carefully considered the written representations made by a local business, but did not find that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. The Members also noted that the local business was not represented at the meeting, and therefore the Members did not have the opportunity to ask questions.

When deliberating, the Members agreed with the remarks of the company's agent, namely that the application could safely be granted as requested. The application had been straightforward, with no objection from West Midlands Police once the two extra conditions had been agreed, or from any of the other responsible authorities.

The applicant company had put forward an operating schedule which properly addressed the promotion of the licensing objectives. Moreover, the site was not near to residential properties, and in any event a railway line was a feature of the area; the Members considered that a railway line would itself create a certain amount of noise.

Members considered that the applicant company had drafted a satisfactory operating schedule, and therefore concluded that by granting this application, the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that both the applicant company and the operating schedule were suitable. All in all, the application inspired confidence. The application was therefore granted with the additional conditions agreed between the applicant company and the Police in advance of the meeting.

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 the applicant company via its agent.

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.

**GAMBLING ACT 2005 – LICENSED PREMISES GAMING MACHINE PERMIT –
BOTTLE OF SACK, 2 BIRMINGHAM ROAD, SUTTON COLDFIELD,
BIRMINGHAM, B72 1QG**

This was a non-invite application.

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

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

The Members had no questions.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

5/150523

RESOLVED:-

That the application by JD Wetherspoon PLC, for the variation of a Licensed Premises Gaming Machine Permit in respect of Bottle of Sack, 2 Birmingham Road, Sutton Coldfield, Birmingham B72 1QG, be granted.

The Sub-Committee deliberated the application put forward by the applicant company. The Sub-Committee considered the likely impact of the application, and concluded that by granting this application, the three licensing objectives contained in the Act will be properly promoted.

The application was to operate a total of five Category C Gaming Machines within an alcohol licensed premises. Licensing Enforcement had confirmed that they had not found any issues after carrying out a site visit. The Sub-Committee therefore granted the variation as requested.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under section 25 of the Gambling Act 2005 by the Commission, the application for a Licensed Premises Gaming Machine Permit, and the written representations received.

The meeting ended at 1019 hours.

CHAIR.....