

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB COMMITTEE B -  
TUESDAY 6 JUNE  
2017**

**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 6 JUNE 2017  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Barbara Dring in the Chair

Councillors Des Flood and Nawaz Ali

**ALSO PRESENT**

Bhapinder Nandhra Licensing Section  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

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**NOTICE OF RECORDING**

01/060617 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

02/060617 It was also noted that at Annual Meeting of the City Council on 23<sup>rd</sup> May 2017 Councillors N Ali, Clinton and Flood had been appointed to serve on the Licensing Sub-Committee B for period ending with the City Council meeting in May 2018.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT BANNATYNE  
HEALTH CLUB, 3 BRUNSWICK ARCADE, BRINDLEY PLACE,  
BIRMINGHAM, B1 2JF**

The following persons attended the meeting.

**On behalf of the applicant:**

Steven Grey – Solicitor  
Carl Kerrington - Manager

**Making Representations in respect of the application**

David Christensen – Agent

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Mr Nandhra, Licensing Section.

Mr Grey, in presenting the case on behalf of the applicant and in response to questions from Members, made the following points:-

1. Mr Burke stated that Bannatyne Health club are an well-known organisation that have over 37 spas 200,000 members and 51 licensed premises.
2. It has been requested by members that alcohol should be provided whilst undertaking spa treatments at the premises.
3. The alcohol would be placed in a small fridge behind the reception desk; the fridge has the capacity to hold 20 miniature bottles.
4. Members who wish to purchase alcohol will be permitted to consume the alcohol in the lounge area
5. The premises have CCTV and there is staff throughout the building to ensure the consumption of alcohol is controlled and that people consuming alcohol do not go to other areas of the premises..
6. A lot of members have requested this facility to enhance their experience.
7. It is not a 'profit-making' enterprise; another Bannatyne club in Sutton Coldfield has sold only 15 miniature bottles of Prosecco to customers; thus the premises are not intending to sell huge volumes of alcohol.
8. There clientele are usually female.

9. The premises are no longer seeking there to be off-sales and that alcohol will only be sold to members of the club.
10. It was stressed that the premises would not add to the cumulative impact area as there is not going to be an addition of the numbers of customers attending the premises.
11. The environment of the premises is not one to attract people to consume large amounts of alcohol.
12. There are other premises owned by Bannatyne that have this facility.
13. Mr Kerin is the proposed DPS who held an personal licence for 10 years and is aware of the licensing objectives.
14. Members completing questionnaires after their treatment have requested there to be alcohol available.
15. The premises are will to have licensable activity permitted until 2130 hours.
16. Alcohol will be promoted alongside the promotion of spa package/deals.
17. An average miniature bottle will be sold at the price of £6.99; customers would be given a plastic cup.
18. CCTV is in operation in the lounge area which will regularly be monitored by staff.

Mr Christensen, presenting the case and in response to questions from Members, made the following points:

1. Mr the main concerns were in regards to how the consumption and alcohol of sale would be controlled which now has been answered.
2. The monitoring of the lounge both by that staff and the CCTV at the premises are adequate measures that have cleared the concerns the objectors had.

In summing up, Mr Grey stressed that the grant of this application would not add to the special policy area and that the application was merely to enhance the facilities already provided by the premises.

At 1041 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1128 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

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04/060617

**RESOLVED:-**

That the application by Bannatyne Fitness Limited for a premises licence in respect of premises Bannatyne Health Club, 3 Brunswick Arcade, Brindley Place, Birmingham, B1 2JF:

**BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS** to promote the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm objectives in the Act:

- the Premises Licence is granted for consumption on the premises only (and not for off sales)
- The hours for the supply of alcohol shall apply as follows:
  - o Monday to Friday: 10:00 – 21:30
  - o Saturday and Sunday: 10:00 - 19:30

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but after hearing the submissions of the applicant relating to the management arrangements at the premises (and at Bannatyne establishments in general) the Members did not have concerns that there was evidence of a significant risk of any public nuisance, or risk to crime and disorder, or risk to children arising from the proposed operation of the premises.

The application initially sought both on and off sales of alcohol however as the intention was to supply alcohol only to customers of the Health Club who had indicated that they wanted to consume alcohol in the lounge area whilst attending the premises, the applicant removed the provision of "off sales" from the scope of the application at the hearing. The alcohol supplied would be miniature bottles of wine and prosecco, with a plastic cup. Customers consuming alcohol would have already signed in at Reception, and would only be allowed to drink in the lounge area. The lounge area was covered by CCTV. The intention was not to run a profit-making alcohol sales business for the general public; the intention was simply to enhance the Spa Day package for spa customers.

Another person who attended to make representations stated that the submissions from the premises' legal representative, and the proposed Designated Premises Supervisor, had allayed his apprehension about the potential for disturbance or trouble from arising in connection with the proposed operation of the premises.

In addition to the above conditions, 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 Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

The Sub-Committee's reasons for imposing these conditions are due to the submissions made by other persons and the considerations of the Broad Street Special Policy Area – in other words to ensure that the premises do not add to the cumulative impact on the licensing objectives.

**BROAD STREET SPECIAL POLICY AREA**

The Sub-Committee noted that a Cumulative Impact Policy is in force for the Broad Street area, the effect of which is to create a rebuttable presumption that applications will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The premises are located within the area covered by the policy. Having considered the application and the evidence submitted, the Sub-Committee was not convinced that there was an evidential and causal link between the representations made and the effect on the licensing objectives.

The Sub-Committee noted particularly that no representations had been made by the Responsible Authorities. The Sub-Committee as a consequence is satisfied that the premises will not add to the cumulative impact on the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy including the Cumulative Impact Policy in force for the Broad Street area, the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the information in the application, the written representations received, and the submissions made at the hearing by the applicant, their legal adviser, and by 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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**GAMBLING ACT 2005 VARIATION OF A LICENSED PREMISES**  
**GAMING MACHINE PERMIT SQUARE PEG, 115 CORPORATION**  
**STREET, BIRMINGHAM, B4 5PH**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Mr Nandhra, Licensing Section.

At 1142 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1150 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

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04/060617

**RESOLVED:-**

That the application by J D Wetherspoon PLC, for the variation of a Licensed Premises Gaming Machine Permit in respect of Square Peg, 115 Corporation Street, Birmingham B4 5PH

**BE GRANTED**

The Sub Committee deliberated the application, including the J D Wetherspoon PLC policies and procedures, put forward by the applicant and 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.

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, and the application for a Licensed Premises Gaming Machine Permit (including supporting documents).

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The meeting ended at 1152 hours.

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CHAIRPERSON