

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 31 OCTOBER 2023
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 31 OCTOBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah and Sybil Spence

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

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

1/311023

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.

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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

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interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/311023 Apologies were submitted on behalf of Councillor Adam Higgs and Councillor Sybil Spence was the nominated substitute Members.

MINUTES

4/311023 The minutes of the meeting held on 30 August 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

The public section of the Minutes of the meeting held on 10 October 2023 at 1000 hours and 1200 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – JUNGLE RUMBLY,
UNIT 21, STAR CITY, WATSON ROAD, NECHELLS, BIRMINGHAM, B7 5SA.**

On Behalf of the Applicant

Alex Tomlinson – Representative
Alex Vowles – Operations Manager (Jungle Rumble)

On Behalf of Those Making Representations

The objector did not attend the meeting.

* * *

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. David Kennedy, Licensing Section, outlined the report.

At this stage the chair invited the applicant/their representative to make their presentation and Alex Tomlinson made the following points: -

- a) That Jungle Rumble had been operating golf course premises for 15 years. Alex Vowles had been the operations manager for many years.
- b) They had premises in places such as Glasgow, London and Manchester and Birmingham was the newest addition which opened last Saturday.

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- c) The premises was aimed at families, friends and the occasional couples date night.
- d) The company had never had a licensing or enforcement issue.
- e) They were an experienced operator with a good track record.
- f) There was a current licence in place at the premises, however due to complications with the previous tenant they were unable to transfer it and therefore had applied for a new licence with slightly longer hours. The longer hours were applied for due to competition and to reflect the same hours as other premises at Star City.
- g) The applicant had agreed a 15 year lease.
- h) They had tried to contact the objector but with no success.
- i) All staff were trained and the training was refreshed annually.
- j) Site was covered by CCTV and staff monitored the premises by walking round the premises every 30 minutes.
- k) They had agreed conditions with WMP.
- l) No other responsible authorities had raised objections.

The Committee had no questions and therefore, the Chair invited Alex Tomlinson to make a closing submission on behalf of the applicant, he made the following closing statements: -

- That they were a responsible operator with a good track record across all their sites.
- It would be an added benefit to Star City and they hoped the Committee granted the application.

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;

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RESOLVED:-

That the application by Jungle Rumble (Star City) Limited for a premises licence in respect of Jungle Rumble, Unit 21, Star City, Watson Road, Nechells, Birmingham B7 5SA, be granted with the amended conditions which were agreed between the applicant and West Midlands Police in advance of the meeting, namely:

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- A CCTV system will be installed and maintained to the specifications and at the locations requested by West Midlands Police (Central Licensing Department). All images will be held for a minimum of 7 days. All images held are available immediately on request by any of the responsible authorities
- There will be someone on site while the premises is carrying licensable activity who is capable of operating the CCTV system
 - The CCTV system will be checked daily to ensure it is full working order and recording, prior to the premises carrying out licensable activity. This check will be documented, timed, dated and signed by the person checking. This documentation will be made available to any of the responsible authorities on request
 - If for any reason the CCTV hard drive needs to be replaced then the previous/old hard drive will be kept on the premises for a minimum of 7 days. This hard drive will be made immediately available to West Midlands Police on request
 - The premises will risk assess the need to deploy door staff at the venue. If door staff are deployed at the premises then they will sign on and off duty together with their full SIA licence number. This signing in book will be made available to any of the responsible authorities on request
 - Door staff will be identifiable by wearing either a high-visibility jacket, coat, tabard and/or corporate uniform
 - All staff working front of house, while it is carrying out licensable activity will be trained in their responsibility of the Licensing Act 2003. This training will be documented and signed by both the trainer and trainee. These training records will be made available to any of the responsible authorities on request

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.

The applicant company was represented at the meeting by its solicitor and the operations manager of the premises. The operations manager had worked for the company for ten years. The solicitor addressed the Sub-Committee on behalf of the applicant company to explain that Jungle Rumble (Star City) Limited ran mini-golf courses across the UK, and had been doing so for 15 years. It currently operated sites in Glasgow, Bristol, London and Brighton. The most recent venue was the Star City branch, which had opened the Saturday before the meeting.

The business model, which was shown in the photographs which were in the Committee Report, was for families and friendship groups to play 18 holes of mini-golf. Throughout the company's 15 years of trading, it had not had a single licensing issue or any enforcement action taken against it, and was "an experienced and good operator".

The company had agreed a 15 year lease at the site. A licence was in place for the site, but it had not been possible to transfer it to the applicant company, and the City Council had advised that a new application would be required. The company's application differed slightly from the terms of the previous licence, in that it sought an additional hour from Sunday to Thursdays, and an additional half hour on Fridays and Saturdays.

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The reason for the extended operating time was in order that the premises would be trading in line with the general Star City opening hours, and in keeping with competitors in the surrounding area; this would ensure a greater chance of commercial success.

The company appreciated the concerns which had been raised by the person who had made written representations (which were in the Committee Report), and had made attempts to contact the objector. This was to alleviate the objector's concerns by offering a site visit or a conversation with the operations manager. However, the objector had not responded. The Sub-Committee noted that the person had also not attended the meeting.

In relation to the objector's concerns in the written representations, the applicant company confirmed that it was careful in all aspects of trading. Drunkenness among young persons had been raised by the objector as an issue of concern at Star City; the company confirmed that it adhered to a strict Challenge 21 policy across all of its sites. Training was provided to all staff before starting work, and thereafter was renewed annually. Each staff member at the Star City branch was provided with a radio which could connect to security on site, should any need arise. The site was covered by CCTV which was monitored, and the staff "did regular 30-minute walk rounds across the whole site".

After submitting the application, the company had accepted all conditions suggested by the police, and observed that no other responsible authority had submitted any objection. The operations manager remarked that the company had been "excited and ready" to open at Star City a few days previously. The company considered itself to be a very responsible operator, with "a fantastic track record across all of its sites". It intended to be an added benefit to Star City, and indeed to Birmingham.

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.

The Sub-Committee considered the written representation carefully, but considered that the person who had objected had not taken into consideration the nature of the operating style, namely that the premises was a national chain of mini-golf premises, which wished to offer alcohol to patrons who would be visiting for the purpose of playing mini-golf. The Sub-Committee did not consider that there was a likelihood that the style of operation (indoor sporting events) would attract a problem clientele. The Sub-Committee noted in particular that there had previously been a premises licence in force for the venue.

Whilst the objector had said that there were issues at Star City with drunkenness and fights, and had described the venue as "already unsafe", these views were not shared by the police, who had found the application satisfactory with the addition of some conditions. The Sub-Committee noted that the person making representations had not responded to contact from the applicant company's

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solicitors, and had not attended the meeting, and therefore the Members did not have an opportunity to ask any questions.

When deliberating, the Sub-Committee noted that the operating schedule had been drafted with regard to the licensing objectives, and had been approved by the police. The other responsible authorities had also found all to be in order. The written representations discussed existing issues that were not connected to the applicant company, which had opened a few days before the meeting, and therefore were rather speculative. The style of operation was inherently low risk, and the applicant company was an experienced national operator which took its responsibilities very seriously. Furthermore, there was also the benefit of radio communication with the security staff at Star City in the event of any issues, which was an additional safety feature.

The Sub-Committee resolved that the application could safely be granted together with the amended conditions proposed by West Midlands Police, as the operating schedule properly addressed the promotion of the licensing objectives. Members considered that by granting the application with the amended conditions, the four licensing objectives in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that the applicant company was experienced. The application was therefore granted with amended conditions.

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 solicitor.

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.

EXCLUSION OF THE PUBLIC

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RESOLVED:-

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

Chair.....