

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 26 JULY 2017 AT 09:30 HOURS**  
**IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,**  
**BIRMINGHAM, B1 1BB**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

**A G E N D A**

**1     NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

**2     APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3     MINUTES**

**3 - 40**

To note the public part of the Minutes of the meeting held on 22 March 2017.

To confirm and sign the Minutes of the meeting held on 10 May 2017.

To note the public part of the Minutes of the meeting held on 31 May 2017.

To confirm and sign the Minutes of the meeting held on 14 June 2017.

**4     OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

**5     EXCLUSION OF THE PUBLIC**

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:-

Minutes - Exempt Paragraphs 3 and 4

## **PRIVATE AGENDA**

### **1 MINUTES**

To note the private part of the Minutes of the meeting held on 22 March 2017 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 31 May 2017 and to confirm and sign the Minutes as a whole.

### **2 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENSES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

### **3 OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE C,  
WEDNESDAY, 22 MARCH  
2017**

**MINUTES OF A MEETING OF THE LICENSING  
SUB-COMMITTEE C, HELD ON WEDNESDAY, 22  
MARCH, 2017 AT 0930 HOURS, IN COMMITTEE  
ROOM 1, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Alex Buchanan in the Chair

Councillors Mike Leddy and Neil Eustace

**ALSO PRESENT**

David Kennedy, Licensing Section  
Sanjeev Bhopal, Committee Lawyer  
Tayyibah Daud, Committee Manager

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**NOTICE OF RECORDING**

01/220317 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES**

02/220317 There were no apologies submitted.

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**MINUTES**

03/220317 The public part of the Minutes of the meetings held on 8 February 2017 and 22 February 2017 were noted.

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**LICENSING ACT 2003 - TEMPORARY EVENT NOTICE - TOWER  
BALLROOM, 101 RESERVOIR ROAD, EDGBASTON, BIRMINGHAM,  
B16 9EE- (SATURDAY 25<sup>TH</sup> MARCH 2017)**

The following persons attended the meeting:-

**On behalf of the applicant**

Vicky Sherwin – General Manager  
Jason Balazejwski – Security Manager  
Sital Lally - DPS

**On behalf of Environmental Health**

Paul Samms – Environmental Health Officer

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Ms Sherwin, the applicant for the Temporary Event Notice, made the following points in respect of his representation and in response to Members' questions:-

1. The Premises Licence allows licensable activity to be undertaken until 2300hours; the premises are just requesting an extra hour.
2. This particular event has been running for many years.
3. A Temporary Event Notice was applied for in January; the event finished at 1300 hours and no complaints had been received by the premises.
4. Ms Sherwin stated she spoke to Mr Samms and sent him a copy of the risk assessment; he required a revised plan with more security. Ms Sherwin stated she had been unable to submit the revised risk assessment prior to the meeting.
5. Mr Balazejwski stated that the revised risk assessment had 'up scaled' security. Security will assist in the dispersal of patrons; security staff has now been asked to start half a prior to the event and remain half an hour after the event. Similarly, traffic marshals will now staff an hour before the event and an hour after the event.

6. Two members of staff have been allocated in the morning after the event to clean up any litter as a result of the event.
7. Events that continued into the early hours of the morning are not undertaken at the premises any longer.
8. Ms Sherwin stated that she is aware of the clientele that will be attending this event and knows how to manage the event.
9. Ms Sherwin stated she wished to prove that 'we are good' operators and will not disrupt neighbours.
10. Ms Sherwin stated the premises have had no consultation with local residents at all.
11. She stated that she had attempted to know of any neighbourhood watch meetings and asked council rangers; however was unsuccessful and did not know how to approach residents.
12. Ms Sherwin stated she was willing to drop letters into the letter box of residential properties around the premises. Ms Sherwin stated she had no issue with creating a monthly newsletter allowing residents to be aware of which events are taking place at the premises.
13. There are excessive of 400 parking spaces including the parking spaces at the premises and spaces at Birmingham Sea Cadets which is leased by the premises.
14. The security at the premises is employed by the premises.
15. The event is described as 'Boxing/MMA Show & Thai – Kick Boxing'. However, it is a family event; a lot of children and adults attend the event.
16. Since the revised licence has been granted in February 2016 there have been no complaints from local residents.
17. There is a map included in the new traffic management to illustrate how traffic will be managed.

Mr Kennedy stated that the document that the applicant is referring to has not been submitted as supporting evidence prior to the meeting thus cannot be shown to Members. However, outside the meeting, Mr Samms has stated he has no issue with the applicant to make reference to that document and expand on any changes they intent to implement.

18. Mr Balazejwski stated that the entrance of the premises has been changed to Osler Street which has allowed a better flow of traffic and does not disrupt residents.

19. There will be one traffic marshal on the day of the event.
20. Mr Balazejwski stated that the reason why no complaints have been received from residents was not because that late night events had ceased and are happy with the current timing of the licence. In fact, it is because they can see a difference.
21. Issues such as; traffic, noise from patrons leaving the late-night events have been addressed.

Mr Kennedy stated in regards to the appeal decision in February 2016; when local residents were consulted in regards to the opening times of the premises, they viewed the closing time to be appropriate between 2215 hours and 2245 hours. This was taken into account when the decision was made by District Judge Robinson. (See Documents No.3)

Mr Samms, on behalf of Environmental Health made the following points in respect of his representation and in response to Members' questions:-

1. Mr Samms referred to his representation. (See Documents No.2)
2. In view of the previous history of the premises; it would be expected for them liaise with Environmental Health well before the event.
3. In regards to an event that took place in February until 0100 hours was a mistake of Environmental Health as they did not 'spot' the event.
4. Mr Samms stressed that the event that took place in February was a Hindu fashion show which is a completely different event to the one proposed to be undertaken on 25<sup>th</sup> March 2017.
5. The premises have not organised the event adequately and not implemented policies to the satisfaction of Environmental Health.
6. There is no written information confirming whether the parking at the Sea Cadets is allowed to be used by the premises.
7. The applicant has requested for the event to operate from 1800 hours to midnight on their application form. However, they have stated that they intend to have everyone off the premises at 2330 hours. It is unclear what operational hours the premises are seeking.
8. As the event is intended to finish at midnight, it is expected for everyone to leave the premises at 0030 hours, causing disruption to residents.
9. The risk assessment submitted by the premises did not state when the doormen will leave the premises.
10. Mr Samms stated that marshals outside the premises may not be able to control patrons when exiting they are exiting premises; thus requiring the

assistance of security staff ; which could reduce the ability to control the event inside.

11. Osler Street is a semi-residential area.

12. Mr Samms stated he was unsure how many people attended the event in February 2016.

In summing up, Mr Samms stated that he wished to see an orderly organised approach from the premises to demonstrate that they are able to implement policies. However, as they have not done this he believes the event should not go ahead.

Ms Sherwin in summing up stated that as the premises have a lease with Sea Cadets; it is their car park. The event in February 2016 was a fashion show and has 450 attendees. There was no alcohol at the event and it finished at 0100 hours. As the event was for students there were a lot of private hire vehicles. Ms Sherwin apologised for requesting the event to finish at midnight on the application form; she intended to request 2330 hours.

Mr Balazejwski reiterated in the more detailed risk assessment there will be security staff starting half an extra prior and after the event. Likely, the traffic marshals will remain outside the premises and hour before and after the event to ensure everyone leaves the premises in an orderly manner. The premises will aim to inform residents of events in the future.

At 1122 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1207 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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04/220317 **RESOLVED:-**

That, having considered the objection notice from Environmental Health in respect of the temporary event notice, as submitted by Vicky Sherwin, the premises user, for an event to be held on 25<sup>th</sup> March 2017 at Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE this Sub-Committee determines that a **Counter Notice be issued** under Section 105 of the Licensing Act 2003.

The Sub-Committee's reason for issuing a Counter Notice is to prevent the temporary event from taking place to promote the prevention of public nuisance licensing objective in the Act.

The Sub-Committee were of the opinion that allowing the event to proceed the premises would cause unnecessary disturbance to neighbouring residents as a result of noise breakout from the premises and the noise of patrons leaving the

premises, particularly due to the close proximity of residential properties in the early hours of the morning.

Although the Sub-Committee were informed by the applicant that there had been no recent complaints by residents since the re-instatement of the premises licence for the venue following its appeal of the decision of the Licensing Sub Committee on the 16<sup>th</sup> February 2016, and that it had run similar events as proposed under the TEN under the revised premises licence, the Sub Committee felt that the rationale for this, was because the premises were required to cease all licensable activities at 2215 hours, so that the premises were closed by 2245 hours.

The proposed TEN had sought to permit the sale of alcohol for consumption on the premises only and the provision of regulated entertainment and late night refreshment to operate from 1800 hours to 0000 hours. Although constructive discussions had now taken place with Environmental Health over how the event should be managed to prevent public nuisance from occurring, the Sub-Committee were concerned that no meaningful discussions had taken place with both any responsible authority or indeed the local residents to ensure that any concerns expressed by either group were adequately addressed as part of the planning for the temporary event well in advance of the submission of the application itself. These matters were of particular concern to the Sub Committee in the context of the location of the premises, its proximity to residents homes, and the concerns over nuisance that had arisen from the operation of the premises in the recent past.

Although due regard was given to the premises user's representation, the Sub-Committee were however, not confident that the proposed event could run well the premises user could overcome the concerns raised in light of evidence presented by the Responsible Authority. The Sub Committee had considered whether it was appropriate to restrict the hours for the proposed event and/or impose conditions which would allay the concerns of the Responsible Authority. However, notwithstanding these options, the Responsible Authority was not confident that the event would proceed without causing public nuisance at this stage.

Had more detailed discussions taken place with the Responsible Authority demonstrating all the steps the applicant would take to promote the licensing objectives in particular the prevent of public nuisance detailed adequate risk assessments and traffic management plans and consultation with residents, the Sub Committee may have been minded to allow the event to proceed. The Sub Committee concerns were specific to the type of event being proposed, the clientele it would attract, and the nature of the licensable activities sought. A boxing/MMA & Thai-Kick Boxing event was very different to the type of event the premises had undertaken under a previous TEN in February 2017, although the Sub Committee were pleased to note that that event in February 2017 had proceeded without incident.

The Sub-Committee therefore determined that it would be appropriate to reject the temporary event notice for the promotion of the prevention of public nuisance licensing objective in the Act.



The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report, Section 182 – Home Office Guidance and its own licensing policy.

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. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

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**LICENSING ACT 2003 - TEMPORARY EVENT NOTICE - TOWER  
BALLROOM, 101 RESERVOIR ROAD, EDGBASTON, BIRMINGHAM,  
B16 9EE- (SATURDAY 1<sup>ST</sup> APRIL 2017)**

The following persons attended the meeting:-

**On behalf of the applicant**

Vicky Sherwin – General Manager  
Jason Balazejwski – Security Manager  
Sital Lally - DPS

**On behalf of Environmental Health**

Paul Samms – Environmental Health Officer

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

(See Documents No. 2)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Ms Sherwin, the applicant for the Temporary Event Notice, made the following points in respect of his representation and in response to Members' questions:-

1. The event is a completely different event to the event on 25<sup>th</sup> March 2017; it is a ballroom dancing event.
2. The individuals attending the event are all over 60 years old.

3. It is not a risky event where customers may shout and disturb neighbours.
4. Ms Sherwin stated she had initially asked for the event to finish at 2330 hours but is willing to modify this to 2300 hours.
5. There are 300 people attending the event and tickets have been sold out.
6. After consultation with Mr Samms outside the meeting, an extra door staff (SIA Registered) has been agreed.
7. Ms Sherwin stated she would notify neighbours this evening in regards to this event; if they raise any concerns she will contact Mr Samms immediately to deal with them.
8. Ms Sherwin stated she is passionate about this event as she has been running this event since 2008.
9. The opening times and licensable activities times are the same from 1900 hours to 2330 hours.

Mr Samms, on behalf of Environmental Health made the following points in respect of his representation and in response to Members' questions:-

1. Mr Samms referred to his representation.
2. Mr Samms stated that in regards to the traffic management plan; he is now aware the premises are able to use the car parking at Birmingham Sea Cadets.
3. Mr Samms stated that an extra door staff would address the issue of controlling the noise outside the premises and not affecting the security arrangements inside the premises; which has been agreed by the applicant.
4. In regards to the traffic management plan, it is not clear when the door staff start and end and that it would be preferred that they remain to provide support to the traffic marshals.

In summing up, Mr Samms stated that he did not think the event should go ahead. Issues such as parking and security should have been addressed well before the event to allow Environmental Health to have the confidence that policies have been implemented.

In summing up, Ms Sherwin stated that she would liaise with Mr Samms in regards to future events. She stated she would like an opportunity to prove that the traffic management does work and that the premises are 'good' operators. It was also stated to address the concern of Environmental Health that the security staff will be present at the premises half an hour before and after the event. Likely,

traffic marshals would be present an hour prior to the event and hour after the event.

Mr Samms stated this verbally confirmed the concern that Environmental Health had.

At 1158 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1236 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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05/220317 **RESOLVED:-**

That, having considered the objection notice from Environmental Health in respect of the temporary event notice, as submitted by Vicky Sherwin, the premises user, for an event to be held on 1st April 2017 at Tower Ballroom, 101 Reservoir Road, Edgbaston, Birmingham, B16 9EE this Sub-Committee determines that a **Counter Notice is not issued** under Section 105 of the Licensing Act 2003.

The Sub-Committee is of the opinion the event should be allowed to proceed at the premises as it was not persuaded on the balance of probabilities that the type of event being proposed and fundamentally the clientele it would attract would result in public nuisance as suggested by the Responsible Authority.

The applicant confirmed to the Sub Committee, that the hours of licensable activities which sought to permit the sale of alcohol for consumption on the premises only and the provision of regulated entertainment and late night refreshment to would be limited to 1900 hours to 2330 hours (and would not include relevant entertainment). The premises would also close at 2330 hours.

The Sub-Committee was satisfied that the additional measures being proposed by the applicant, which were largely agreed with Environmental Health would negate public nuisance. These included Risk Assessments, Traffic Management Plans and increased security on site both before and after the event (30 minutes either side). The applicant would continue to engage with Environmental Health prior to the event on the 1 April 2017, and take all reasonable steps to address any continuing concerns raised by the Responsible Authority.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report, Section 182 – Home Office Guidance and its own licensing policy.

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. No appeal may be

brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

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# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C, WEDNESDAY, 10 MAY 2017</b>
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**MINUTES OF A MEETING OF THE LICENSING  
SUB-COMMITTEE C, HELD ON WEDNESDAY, 10  
MAY, 2017 AT 0930 HOURS, IN COMMITTEE ROOM  
1, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Alex Buchanan in the Chair

Councillors Mike Leddy and Neil Eustace

**ALSO PRESENT**

David Kennedy, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

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**NOTICE OF RECORDING**

01/100517 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES**

02/100517 There were no apologies submitted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT QUANTUM  
EXHIBITION CENTRE, GROUND FLOOR, REFRESHMENT LOUNGE,  
UNIT 2, 30 – 34 RIVER STREET, DIGBETH, BIRMINGHAM, B5 5SA**

The following persons attended the meeting:-

**On behalf of the applicant**

Tom Jenkins – General Manager  
Olivia Rhoden – Operations Director  
Cleon Smith – Events Coordinator

**Those Making Representations**

David Roberts – Solicitor

Tim Davies – Bond Company

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

(See Documents No. 1)

Following introductions by the Chairman, Mr Kennedy informed Members that additional supporting documents had been submitted by both parties on Tuesday 9<sup>th</sup> May 2017 at 1730 hours approx. However, the applicants have challenged the additional supporting documents submitted by the objector. (See Documents No.2 and 3).

Mr Roberts stated that the applicants are objecting to a letter from Digbeth Residents Association which was received yesterday from his client.

Mr Jenkins stated that it is a letter which has been used as supporting document in previous hearings and does not have a date stated.

Mr Kennedy, informed the Members for fairness and transparency that all supporting letters submitted by the applicants did not have a date on them either.

The Chair informed both parties that a decision would be based on the evidence presented before the Sub-Committee today and not from previous hearings.

Mr Jenkins stated he is happy for Mr Roberts to use the letter as supporting evidence.

In order to seek legal advice at 0951 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 0959 hours, after an adjournment, all parties were recalled to the meeting and continued.

Cleon Smith attended the meeting.

The Chair advised all parties that Members had read all the additional supporting documents and were happy to continue the meeting.

The main points of the report were outlined by David Kennedy, Licensing Section.

Mr Jenkins stated that he believed the representation received from Mr Roberts on behalf of the Bond Company did not cover or address any Licensing Objectives which may be undermined and thus he did not deem this to be a valid representation.

Mr Kennedy informed the Sub-Committee that any representation received from any persons / Responsible Authority are vetted to assess whether or not it is a valid representation according to the Licensing Act 2003; Mr Kennedy stated the representation received was deemed valid by the Licensing Authority.

Mr Jenkins made the following points in support of the application and in response to questions from Members:-

1. Mr Jenkins stated that Quantum Gateway is a community based centre which allows youths to use the venue to be used for various purposes such as music, art, drama, shoot music videos and DJ training.
2. A premises licence is being sought for a refreshment lounge.
3. Unit 2 can accommodate 399 people standing and 175 seated.
4. The premises have been used for a variety of events including live events, functions, documentaries and fairs.
5. Mr Jenkins referred to the Management and Training Team section and stated that all staff are very experienced. (See Documents No.4)
6. Mr Jenkins stated that Quantum Gateway had 8 trustees including himself Ms Rhoden and Mr Smith.
7. Mr Jenkins stated that the premises have run events over 360 hours via Temporary Event Notices; there have been no complaints received or any issues in regards to public nuisance and crime and disorder.
8. The premises have co-operated extensively with West Midlands Police and have added additional conditions including: if the premises operate in conjunction with another premises a minimum of 28 days' notice must be provided to the Police, if deemed necessary a SAG process must be adhered to and that any event which operates past 0100 hours must be informed to the Police 28 days prior to the event and that the police have a power of veto.
9. There will be two Designated Premises Supervisors present at the premises at all times.
10. There will be noise limiting devices and sound insulation to manage any noise that may cause disruption.
11. A Challenge 25 policy will be implemented.
12. Mr Smith stated that the premises have tried working closely with residents and other Responsible Authorities to ensure that the application is not objected to.

13. Ms Rhoden stated that the premises aim is to engage with the community.
14. Mr Jenkins stated that the reason why the premises were applying for a licence was to make them commercially sustainable and that other entities did not take them seriously.
15. Different areas within the premises required a Temporary Event Notice.

Mr Kennedy stated that the premises had applied for 13 Temporary Event Notices – which 2 were late Temporary Event Notices that were counter noticed.

16. Security measures will be in place to prevent people from taking alcohol from one area to another area within the building.
17. Mr Smith stated that the premises do not generate enough income by just operating on Temporary Event Notices.
18. Ms Rhoden stated that youths will be charged reasonable prices; and that there is a safeguarding procedure in place.
19. Mr Jenkins stated that measures in place were adequate such as one hour shutdown period, searches, challenge 25 policy and that no allowing member of the public are allowed in the premises ,

Mr Kennedy informed Members that measures that had been stated by the applicant had not been included in the operating schedule and thus policies and procedures which had been stated were not currently enforceable conditions that had been volunteered by the applicant.

Mr Roberts, Solicitor representing Bond Company made the following points with regards to the objections to the application and in response to questions from Members:-

1. Mr Roberts stressed that his clients have nothing against community work but their main concern was the ambiguity of what the premises are purposing and intending to do.
2. Mr Roberts stated that the premises are former factory building and are not designed to accommodate a venue for licensable activities.
3. This is the fourth grant application submitted by the applicant; it still remains unclear how the premises propose to operate.
4. Mr Roberts stated that it is accepted that the applicants have liaised with the Police and Environmental Health but there are still a number of concerns that have not been addressed.



5. An event at the premises in October 2015 caused disruption and nuisance to the residents and the tenants of The Bond Company.
6. In order to carry out community work a premises licence is not required.
7. Referring to the plan, Mr Roberts stated it is unclear how the premises intended to operate as there are additional rooms which would allow customers to consume alcohol in other areas.
8. The capacity of people stated by the applicants is much larger than what has been indicated; there are great concerns on how this would be controlled.
9. Referring to images; Mr Roberts stated that the fire exits were not adequate; one of the fire exits led out to the industrial area where the gates are locked. (See Documents No.5).
10. There is also a smoking area; which could potentially be a fire obstruction.
11. Mr Roberts referred to a promotions poster and stated that the premises are hosting an event via a TEN on 14<sup>th</sup> May 2017; the event has been advertised to start from 10pm till late and that an after party would take place from 0500 hours till 1000 hours in the early hours of the morning. (See Documents No.6).
12. Mr Roberts referred to another promotion post which stated that '1 Night Stand returns to River Street after an 18 month break'; this correlates with the TEN in October 2015 which The Bond Company had great concerns about.
13. Referring to another advertisement of the same event it was stated that the last entry would be 0230 hours and that the event would end at 0500 hours. The event was advertised as 'this is not a night club this is a rave'.
14. Mr Roberts stated that it was of concern that under a TEN the premises were operating as a night club.
15. Mr Roberts stressed that it was events like this that are of great concern for his client; there would be noise emanating from the premises as the large unit 1 area is not sound insulated.
16. There would be public nuisance as people attending these late night events would queue outside the premises to enter and when leaving the premises causing noise and disturbance to local residents.
17. The smoking area at the rear of the premises can accommodate 100 people; this would also cause a lot of public nuisance.
18. Mr Roberts stressed that the premises application was a 'foundation' to allow the premises to extend into a greater night club.

19. Referring to another advertisement it had been stated that 765 members were proposed to attend the event on Sunday 14<sup>th</sup> May 2017; Mr Roberts stressed this would be beyond the number of attendees permitted under a TEN.
20. Mr Roberts stressed that the representation by his clients was not vexatious but was it was genuine concern to the health and safety of the customers and public nuisance issues that would disrupt tenants.
21. Mr Roberts stressed that as the premises is in a Cumulative Impact Zone Area; allowing events to carry on until 0500 hours would add to the cumulative impact.
22. Mr Roberts referred to conditions that had been submitted in the operating schedule that had been agreed with the applicant and the Police under the prevention of crime and disorder and stated that:
  - The proposed fifth condition regarding the Safety Advisory Group (SAG) Procedure; Mr Roberts stated that it was ambiguous and did not indicate whether the SAG meeting would be called upon if the applicant wished to.
  - It was also stated that SAG does not have any statutory meaning and it is not known who is involved in a SAG meeting.
  - In regards to the fourth proposed condition; the power of veto is only applicable to the Police and thus The Bond Company have strong concerns that events could potentially be going on until 0300 hours if the Police do not object.
23. Mr Roberts stressed that there was a clear issue with enforceability of the proposed conditions.
24. It is unclear what the other rooms in the premises would be used for.

Mr Kennedy informed Members that a Temporary Event Notice had been submitted by the applicants for Saturday 13<sup>th</sup> May 2017 – Sunday 14<sup>th</sup> May 2017 until 0500 hours, in the exhibition area for a '90's revival event'.

Mr Smith stated that there had been two separate events and that the event inviting 765 attendees was called 'rat pack' and had been subsequently cancelled.

Mr Jenkins stated that there are other licences premises in close proximity to The Bond Company and that The Bond Company themselves have a Premise licence which enables licensable activities until 0100hours.

The Chair advised that it is not of concern what licenced premises are within in the area but that the application made by the applicants today was of concern to them. The Chair stated that a decision will be made based on the evidence presented before them today and that it is up to the Members to decide what to take into account when making a decision.

In summing up, Mr Roberts stated that the application made by the same applicant has changed on numerous occasions; it unclear how the exhibition room will be used. It of concern that late night events would cause severe disruptions to local residents and that the fire provisions at the premises are not adequate. Mr Roberts urged the Members to take into account letters that had been submitted and stated that The Bond Company are not objecting to the charity work that has been undertaken by the premises but it is of their view that a premises licence is not required until the early hours of the morning to carry out charitable activities.

In summing up, Ms Rhoden stated that The Bond Company are objecting as they see the premises as a competing business and do not wish for them to generate income. Mr Smith stated that the fire exits were adequate and that the premises regularly meet with the Fire Service. Mr Smith stated that there had been no complaints received from residents to state that the premises had been causing nuisance and noise issues.

At 1057 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1158 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

03/100517 **RESOLVED:-**

That the application by Quantum Gateway Ltd, for a premises licence in respect of Quantum Exhibition Centre, Ground Floor, Refreshment Lounge, Unit 2, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA

**BE REFUSED**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns of other persons regarding the impact of the proposed operation, especially as the premises are within a Cumulative Impact Zone.

The Sub Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application, but were not persuaded that that either the applicant or the proposed operation of the premises were capable of promoting the Licensing Objectives within a Cumulative Impact Zone.

Members considered that although the premises were offering a worthwhile contribution to the local area as a 'community venue', the proposed opening hours were akin to those of a nightclub. Letters of support from organisations that

had used the premises for community events were not relevant to the promotion of the licensing objectives.

Having considered the operating schedule and the premises' own Policy & Procedure documents (which covered much of the proposals for operating), the Sub-Committee considered that there was something of a flavour that the premises' engagement with the Responsible Authorities would be at their own discretion. This was not the same thing as submitting conditions agreed in advance with the Responsible Authorities. Those making representations also observed that there had not been any endorsement of the proposed operating schedule by any Responsible Authority. All in all, the considerations relating to the Cumulative Impact aspect meant that the correct course was refusal.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however Members considered that neither modifying conditions of the licence, refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by those making representations.

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 information contained in the application, the written representations received and the submissions made at the hearing by the applicant 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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The meeting ended at 1202 hours.

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CHAIRPERSON

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C, WEDNESDAY, 31 MAY 2017</b>
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**MINUTES OF A MEETING OF THE LICENSING  
SUB-COMMITTEE C, HELD ON WEDNESDAY, 31  
MAY, 2017 AT 0930 HOURS, IN COMMITTEE ROOM  
1, COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Alex Buchanan in the Chair

Councillors Barbara Dring and Bob Beauchamp

**ALSO PRESENT**

David Kennedy, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Tayyibah Daud, Committee Manager

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**NOTICE OF RECORDING**

01/310517 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES**

02/310517 Apologies were submitted on behalf of Councillor Leddy. It was noted that Councillor Dring was the nominated member. Councillor Cruise observed the meeting.

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**MINUTES**

03/310517 The public part of the Minutes of the meeting held on 26 April 2017 were noted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT SIMMER DOWN  
CIC EVENT ON SUNDAY 23RD JULY 2017 AT HANDSWORTH PARK,  
HOLLY ROAD, BIRMINGHAM, B20 2BY**

The following persons attended the meeting:-

**On behalf of the applicant**

Jesse Gerald – Chair of Simmer Down CIC  
Jan Kimber – Vice Chair  
Alex William – Producer  
Mushtar Dar- Festival Director  
John Duffy - Leon Security Services  
Jonathan Leon –Director of Leon Security Services

**On behalf of West Midlands Police**

PC Ben Reader

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section. Supporting evidence had been submitted by the applicant (See Documents No.2) and by West Midlands Police. (See Documents No.3)

Ms Kimber in presenting the case for Simmer Down CIC and in response to questions from Members, made the following points:

1. Simmer Down is a family festival which has been operating since 2009 and is a non-profit organisation.
2. The event has operated in conjunction with Perry Barr Arts Forum; providing a lot of activities and is not a pop concert.
3. Ms Kimber stated that the organisers had been liaising with Supt. Mat Shaer and have decided to take a different approach on proposals such as traffic management.
4. Parking would be available at Hinstock Road- it had been initially proposed to close this road; however upon advice from the Highways Dept of the City Council it appeared that the closure could result in significant traffic issues. It is now proposed that Holly Road will be closed.

5. Ms Kimber stated that as opposed to the event held in 2015 which only had 2 Enforcement Officers; this year's event would have 4 Enforcement officers. The Officers will be working solely on Hinstock Road from 11:00 hours till 2000 hours; residents would be given a letter and passes notifying them of the parking arrangements and allowing them to gain access via their allocated passes.
6. Residents would also be given a 'hotline' number which will allow them to communicate with the organisers directly if any issues arose.
7. In regards to the written representation received; Ms Kimber stated that the noise complaint did not apply to Simmer Down but to an event which was held last year called Jamfest.
8. Ms Kimber stated that the speakers at the Jamfest event were facing towards Hinstock Road; this was not the proposed method for Simmer Down as the speakers at this event would be facing towards the allotments and the railway.
9. Ms Kimber stressed that, the previous event held by Simmer Down in 2015, did not receive any noise complaints.
10. Ms Kimber referred to Section 10 of the proposed Event Manual; staff would be equipped with hand held noise monitors; the noise levels would be regularly checked to ensure there is no public nuisance and that impact is kept minimal.
11. Ms Kimber stated that there had been numerous discussions that had been taken with West Midlands Police and upon recommendations and suggestions certain amendments had been made. Supt Shaer had suggested that a more robust exit strategy was required.
12. Ms Kimber stressed that it is impossible for fine detail to be included in the Event Manual and that also incidents such as the attack in Manchester may mean additional security measures may be required to by the Police.
13. Ms Kimber stated that the organisers had had a good working relationship with Inspector Henderson. They were now working with Inspector Murrin. Inspector Murrin has arranged to visit the site on Friday 2<sup>nd</sup> June 2017 and if any recommendations are suggested the organisers are willing to accept this.
14. At the end of the festival all readings obtained from the noise monitors will be reported to Birmingham City Council.
15. Ms Kimber stated that the nature of the music that will be played at the festival will not be "solid bassline" and thus will not cause noise that would disturb residents.

16. There was an issue regarding the delivery and installation of barriers at the last event in 2015 however once the organisers noticed this they were very quick to act and rectify this.
17. Ms Kimber stated this would not happen again as following the advice of the Council and taking extra measures another road closure at Phillip Victor Rd is proposed. This will allow the follow of traffic and avoid any parking issues.
18. Ms Kimber stressed that eight Enforcement Officers would be sufficient to avoid any parking issues that may arise.
19. Ms Kimber stated that the organisers do not believe that there will be 15,000 people attending the event due to the nature of artists that will be performing. However West Midlands Police had advised them to allow headroom.
20. The Artists/music finish a long time before the proposed licensable activity times; which will mean crowds would disperse as soon as the music finishes.
21. Similarity to the event in 2015 event a clicker system will be used.
22. Ms Kimber stated that it is a family event which is similar to the clientele at Lord Mayor's show apart from the ethnicity; which is largely African Caribbean. She stated that people attending the Lord Mayor's Show would not be searched.
23. The event in 2015 had only 2 crimes reported throughout the whole event; a robbery and indecent exposure; no one was seen acting disorderly or dealing drugs.
24. Mr Duffy stated that extra security measures following the attack in Manchester will be imposed such as bag searches, random searches and hand held detectors.
25. There will be communication between the Enforcement Officers and the event control team allowing the team to be aware of any issues or the requirement of more officers.
26. The theme of the event is to celebrate family festivals and celebrate the history of reggae and its influence on music and culture; there will be activities provided for children,
27. The event has been marketed as a 'family fun day'.
28. There will be a leaflet delivered to all the local residents including information in regards to the parking arrangements and a hotline number will be included so that residents are able to contact organisers if they are experiencing any issues.



29. Majority of people attending the event are expected to travel on foot. However, there are 3 car parks which are available.
30. The same evacuation policy is in place as the last event.

PC Reader in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

1. PC Reader, who was maintaining the objection on behalf of West Midlands Police, stated that it was not the Police whose job it was to grant the Licence. That was the job of the Sub-Committee.
2. PC Reader stated that there has been significant communication between the applicant and PC Rohomon; the event manual has been thoroughly looked at due to the number of anticipated attendees at the event
3. PC Reader referred to the memorandum dated 25<sup>th</sup> May 2017; issues 1-4 have been dealt appropriately with the Police's standard.
4. In regards to the monitoring the number of festival goers; PC Reader stated the Police are not present to have any control at the event but present in a community engaging view. The Police were not to be in control of things as it was not a Public Order Command Event like the Pride Festival.
5. In regards to security teams; PC reader stated he was confident in the Security provider for the event.
6. In regards to the planning permission PC Reader stated this required updating including the mechanism to contact and deploy Officers.
7. PC Reader stated that a SAG meeting has been arranged with the applicant tomorrow; the outcome of the SAG meeting will need to be binding and updated on the event manual.
8. PC Reader stated he agreed that there will be changes but the Police will need the final event manual including all the security arrangements.
9. PC Reader referred to the 'Pride' event and stated as this was a large event similar security measures in regards to counterterrorism, a site inspection on the day of the event and a formalised debrief after the event would be required.
10. PC Reader stated that the Licence could be granted following the attendance of the SAG meeting, the production of the final event manual and final security spec. However he then stated that he had referred the matter to the Commander in view of recent events in Manchester.

11. When asked by the Chair if West Midlands Police would have been happier with a delay, PC Reader stated that he was not saying it should not be granted, but that it was a moving process.

Mr Kennedy stated that a Licence can be granted to include a condition which will require there to be documentation (i.e. finalised event manual) to be produced to the satisfaction of the Responsible Authority.

PC Reader stated that there are written arrangements/ proposed conditions which need to be organised and presented in a final document.

Ms Kimber stated that she was in agreement to have a condition to require a site inspection and a formal debrief after the event.

Ms Kimber stated the event manual is a work in progress and amendments will keep being made; the organisers propose to have the final event manual to be completed 3 weeks prior to the event.

Mr Duffy stated that in 2015 safety officers had provided the security company with training in regards to counterterrorism.

Mr Kennedy stated that as the applicant and the Police had stated during their presentations proposed conditions; he felt that a brief adjournment should follow to allow both parties to discuss outside the meeting the proposed conditions.

At 1033 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1051 hours, after an adjournment, all parties were recalled to the meeting.

Mr Kennedy presented the Sub-Committee with proposed conditions agreed both by the Police and applicant. (See Document No.3)

In summing up, PC Reader stated that he was viewing the application from a 'process' point of view and wished to make sure that all issues had been dealt with.

In summing up, Ms Kimber stated that the event organisers were willing to co-operate and add in extra measures and conditions if requested by the Police.

At 1054 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1132 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/310517 **RESOLVED:-**

The Sub Committee, having heard carefully the submissions from the applicant and from West Midlands Police in the matter of the grant of a premises licence for the Simmer Down CIC Event on Sunday 23rd July 2017 at Handsworth Park, Holly Road, Birmingham, B20 2BY, and having reviewed the four draft Conditions (which were drafted by hand following very brief discussions held during a short adjournment in this morning's hearing), have decided that the hearing shall be adjourned to a further specified date, as follows:

Wednesday 14th June 2017  
in Committee Room 1  
at The Council House, Victoria Square, Birmingham  
at 0930 hours

The Sub Committee were advised by the Committee Lawyer of their discretionary powers to adjourn the matter in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

The decision to adjourn to a future date will give both parties the chance to attend the scheduled SAG meeting, to incorporate the Conditions, and to finalise discussions, in order that both the applicant and West Midlands Police should have clarity on the arrangements. Once this has been done, the Sub-Committee will be able to properly and fully consider the application.

Members considered this necessary in the public interest, as they (as decision-makers) had a duty to conduct a proper examination of the full submissions, arguments and evidence adduced by both parties, whether on matters of dispute or agreement, in order to reach a proper determination and to ensure that the licensing objectives were promoted.

For this reason, the adjournment is expected to provide ample opportunity for a meaningful dialogue between the applicant and West Midlands Police, for example at the scheduled SAG meeting, in order to address the matters of concern, and by the time of the next hearing it is to be hoped that there will be clarity and certainty regarding the arrangements.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT THE ARENA, 18 – 19 HACK STREET, DIGBETH, BIRMINGHAM, B9 4AH**

The following persons attended the meeting:-

**On behalf of the applicant**

Andrew Potts – Solicitor  
Callum Sharman – Proposed DPS  
Lennard Coppage – Freedom Security  
Marc Blanchette – Consultant on Recreational Drug Use

**On behalf of West Midlands Police**

PC Ben Reader

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

(See Documents No. 1)

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

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

1. Mr Potts stated that legally the premises were able to apply for a grant; there is no intention of undermining the decision made by the Sub-Committee on 30<sup>th</sup> January 2017.
2. Mr Potts stated the representation received by West Midlands Police stated the new application was similar to what is on the current licence however this was incorrect.
3. Conditions agreed by Environmental Health Officer have been proposed to be added onto the licence.
4. Mr Potts referred to three proposed conditions which he intended to include in the operating schedule. (See Documents No.2)
5. The proposed DPS is Callum Sharman.
6. Mr Potts stated that there have been 3 events undertaken at the premises and referred to an email from Police Sgt Martin Williams which stated that there had been no issues in regards to the Police.
7. Mr Potts stated that previous comments made by the Sub-Committee in regards to the operation of the premises have been taken on board.
8. Referring to the incident which occurred on 19<sup>th</sup> November 2016; Mr Potts stated the premises took measures such as keeping extra security staff and drugs dog until the premises closed.
9. Mr Potts stated that the premises were not opened for financial gain but in fact opening the premises incurred further costs; it was 'sensible' to open the premises and there were problems in the area.

10. Mr Potts stressed that the 'dynamic approach' had been criticised by West Midlands Police however the premises had the best intention to safeguard the large crowd outside the premises.
11. Mr Potts stated that there were no serious incidents that night.
12. Mr Potts stated he accepted that there is now a Cumulative impact zone policy in the area and stated that the premises are precisely the same as they were the premises are not expanding the size of the premises or increasing the number of attendees.
13. Mr Potts stated the new application has tight conditions which will allow the premises to promote licensing objectives and that the existing licence will be surrendered.
14. A representation has been only received by West Midlands Police; Birmingham City Council have not objected to the application.
15. The objection by West Midlands Police is based around an event which took place 6 months ago; the Sub-Committee should judge the merits of this application moving forward and not backwards.
16. Mr Coppage stated the conditions relating to drugs that were put forward to the Sub-Committee in February 2016 were drafted by him.
17. Before any event at the premises a full briefing session is undertaken.
18. A new management structure and CCTV is in place at the premises.
19. Mr Potts stated that events have taken place at the premises were all Responsible Authorities have not objected or complained.
20. Mr Potts stated that the premises have worked closely with Councillor Moore in regards to flyposting and have volunteered a condition in regards to flyposting. There has been an loss of £40,000 suffered since cancelling contracts that have used flyposting to promote their event.
21. A new medical area has been leased which the Police are happy with.
22. Mr Coppage stated that a full briefing is carried out on the day of any event and is documented and available to be viewed for anyone who requests to see it.
23. Mr Coppage stated that there have been discussions with the Police to remedy the failings of the previous event. An extra layer of management team has been implemented.
24. Referring to the previous event Mr Coppage stated that he contacted the DPS at the times and advised him to open the premises without the adequate security measures.

25. The Police are objecting on the grounds of Public Safety and Crime and Disorder however the premises have been operating for 5 months and no incidents have taken place at the premises.
26. Mr Coppage stated that this showed that the premises are able to operate after discussing and implement measures advised by the Police.
27. The applicants for the premises are Bowlease Hold Ltd which are the same licence holders on the current licence.

Members were concerned that the applicant is the same as the current licence holder; the Chair stated it was of concern that if this licence was granted today by the Sub-Committee; there could be potentially two licences in operation at the same premises within a Cumulative Impact Zone Area.

Mr Potts stated that the premises did not intend to do this.

28. Mr Blanchette stated that as a drug practitioner the most important aspect is the safety of people therefore if he would need to challenge the management of the venue in case where he feels the customers are at harm he would have no hesitation in doing so.

PC Reader in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

29. PC Reader stated that he was concerned that the applicant, management and operation of the premises was identical as to the current licence and that it is the same people that were previously involved with the premises.
30. PC Reader that there was concern for West Midlands Police as the premises is quite large and can hold up to the capacity of 4000 people.
31. PC Reader referred to previous Decision Notices and stated that conditions that were volunteered in February 2016 were not adhere to which resulted the premises returning before the sub-committee in January 2017. (See Documents No.3)
32. PC Reader stated he did not see this as an appropriate forum to disagree with the decision made previously and that the justification from the premises that an appeal is costly is not valid.
33. PC Reader stated it is a concern for West Midlands Police that the premises can be transferred or that two premises licence could potentially be deemed granted on one premises.
34. It is not clear whether conditions in regards to flyposting have been volunteered as an proactive or reactive measure.

35. PC Reader stressed that granting this application would mean that the decision made by the Sub-Committee in January 2017 was incorrect and that it is of huge concern that there could be in fact two licences for the same premises operating in a cumulative impact area.

In summing up, Mr Potts stated that appeals are an costly and lengthy process; the premises have co-operated with West Midlands Police and operated without undermining any of the Licencing Objectives; the managerial structure at the premises has changed; it has remedied the concerns that were placed before the Sub-Committee at previous Hearings; the proposed conditions do not allow there to be an 'dynamic approach' to be carried out again in any circumstance therefore the licence should be granted.

At 1406 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1525 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

05/310517 **RESOLVED:-**

That the application by Bow Leasehold Ltd for a premises licence in respect of the premises:

The Arena, 18-19 Hack Street, Digbeth, Birmingham, B9 4AH

**BE REFUSED**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder, public safety and the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due principally to the fact that the premises is located within a Cumulative Impact Zone, namely Digbeth. In addition, the Sub-Committee took note of the objection raised to the application by West Midlands Police.

The Sub-Committee heard that the applicant has an existing licence for The Arena, being an "event venue" which only opens for specific events and that 11 events were currently scheduled to take place during 2017.

The Sub Committee carefully considered the Operating Schedule put forward by the applicant, and the likely impact of the application, but were not persuaded that the granting of a second licence would not add to the cumulative impact within Digbeth . Indeed Members observed that there was in fact a potential risk that if a situation were to arise where two Premises Licences were in existence for the same premises, there could in theory be an increase in the number of events

being held at the venue thereby adding to the cumulative impact as a result of a second licence being granted.

The Sub-Committee noted the assurances of the applicant's legal representative that it was not the intention of the applicant that that should happen, and moreover that if such a situation were ever to arise, various agencies would act to put a stop to it. However, given the designation of Digbeth as a Cumulative Impact Zone, it was the view of the Sub-Committee that such a potential risk could not be contemplated, as to do so would directly contravene policy (namely to refuse applications unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives).

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence be granted; however Members considered that neither modifying conditions of the licence, refusing the proposed Designated Premises Supervisor nor excluding any of the licensable activities from the scope of the licence would mitigate the concerns raised by West Midlands Police.

The Sub-Committee listened carefully to the submissions made by the applicant's legal representative, who reminded them that the Premises Licence Holder had had their existing Premises Licence suspended following a decision of the Licensing Sub-Committee in January 2017, but had not in fact served any period of suspension. Instead, a Notice of Appeal to the Magistrates' Court had been lodged, which had kept the Licence in force, such that the premises had been able to operate three events during the past five months.

The applicant's legal representative urged that the new application (made by the same Premises Licence Holder) should be granted, in order to save the costs of an Appeal hearing. Lengthy submissions were made regarding what was described to Members as the successful operating which had been going on during the past six months - namely three events which had been held without any problems arising in terms of crime or disorder.

Two members of staff (a security consultant, and a recreational drugs consultant) addressed the Sub-Committee regarding the events of the night of 19th November 2016, which had led to the previous Committee decision to suspend the Premises Licence for three months.

Both of the consultants, via the applicant's legal representative, explained that:

- the events on the night of 19th November 2016 had been unfortunate, and difficult decisions had had to be taken on that night
- however since the last Sub-Committee hearing in January 2017, there had been full cooperation with the Police by the premises
- the premises had been operating without problems since January 2017
- the application for a grant of a fresh Premises Licence should therefore be granted



- thereafter the Appeal to the Magistrates' Court relating to the existing Premises Licence would be abandoned

However, Members did not consider this to be the correct course. An Appeal hearing had been set down, and the proper forum for testing the previous decision was the Magistrates' Court. As for the instant application, the correct course was to refuse, in the interests of upholding policy regarding the Cumulative Impact Zone. Nor did the Licensing Sub-Committee consider it proper either to interfere in an Appeal process which had been started by the applicant, or to grant a fresh Licence to that applicant where an Appeal hearing was pending.

West Midlands Police also observed that the submissions made to the Sub-Committee by the two consultants were more a matter for the Appeal hearing at the Magistrates' Court than for a committee meeting to consider the grant of a new Premises Licence.

All in all, the considerations relating to the Cumulative Impact aspect meant that the correct course was refusal.

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 information contained in the application, the written representations received and the submissions made at the hearing by the applicant 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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# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE C,  
WEDNESDAY, 14 JUNE  
2017**

**MINUTES OF A RECONVENED MEETING OF THE  
LICENSING SUB-COMMITTEE C, HELD ON  
WEDNESDAY, 14th JUNE, 2017 AT 0930 HOURS,  
IN COMMITTEE ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Alex Buchanan in the Chair

Councillors Barbara Dring and Bob Beauchamp  
Councillor Cruise - Observing

**ALSO PRESENT**

David Kennedy, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Louisa Nisbett, Committee Manager  
Katy Poole, Committee Manager (Observing)

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**NOTICE OF RECORDING**

01/140617 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES**

02/140617 No Apologies were submitted.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT SIMMER DOWN  
CIC EVENT ON SUNDAY 23RD JULY 2017 AT HANDSWORTH PARK,  
HOLLY ROAD, BIRMINGHAM, B20 2BY**

The following persons attended the meeting:-

**On behalf of the applicant**

Jesse Gerald – Chair of Simmer Down CIC  
Jan Kimber – Vice Chair  
Alex William – Producer  
John Duffy - Leon Security Services

**On behalf of West Midlands Police**

PC Abdool Rohomon  
Superintendent Matt Shear

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

(See Document No. 1)

Following introductions by the Chairman,

Ms Kimber started by updating Committee Members on the matters since the last meeting:

1. In response to Cllr Dring, Ms Kimber assured Members that the issues raised by residents regarding parking for the Simmer Down CIC had been resolved.
2. Cllrs were happy that the residents' concerns had been addressed.
3. Ms Kimber continued by informing the Members that since the adjournment, a Safety Advisory Group meeting had been held and a full interrogation of safety had been carried out. Subsequently, as a result of the SAG meeting 4 conditions had been agreed. A copy of these conditions had been circulated to Members prior to the meeting.

(See document No. 2)

4. Ms Kimber informed members that a safety manual will be produced and finalised prior to the event and that it will be circulated to all relevant parties.

5. Ms Kimber also stated that the organisation was grateful for the input from West Midlands Police to ensure the success of the Simmer Down CIC event.
6. Members were concerned regarding the application for a Permanent Licence. Mr Kennedy confirmed with Members that the application was in fact for a time limited Premises Licence for Sunday, 23 July, 2017 only.

PC Adbool Rohomon in presenting the case for West Midlands Police and in response to questions from Members, made the following points:

1. PC Rohomon, who was maintaining the objection on behalf of West Midlands Police, stated that, following discussions, they were withdrawing their objection.
2. PC Rohomon also stated that the police were in agreement with the application subject to the 4 conditions.
3. PC Rohomon also confirmed to the Members that the parking conditions had been resolved and agreed.

At 0950 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1030 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

03/140617 **RESOLVED:-**

That the application by Simmer Down CIC, for a time-limited premises licence in respect of premises “Simmer Down CIC Event”, also known as the “Simmer Down Festival”, on Sunday 23rd July 2017 at Handsworth Park, Holly Road, Birmingham, B20 2BY:

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

- The four special Conditions, agreed in advance with West Midlands Police and voluntarily adopted by the applicant, will be incorporated, namely:
  1. A multi-agency site inspection will take place on the morning of the Festival. WMP will be invited to attend.
  2. A debrief will be held within six weeks of the Festival.

3. Any suggestions made in respect of Counter Terrorism will be taken on board and incorporated into the final security plans. This could be up to the day of the Festival.
  4. A Final Events Manual will be produced three weeks before the day of the Festival. However if additional requests are made after this date it will be amended.
- The Licence will be solely for the one-off “Simmer Down CIC Event”, also known as the “Simmer Down Festival”, taking place on Sunday 23<sup>rd</sup> July 2017, at Handsworth Park, from the hours of 12:00 hrs to 20:00 hrs

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's reasons for imposing these agreed and volunteered conditions are due to the submissions made by West Midlands Police, who stated that the four special Conditions were suitable. The applicants were working with the Police, and had attended the recent Safety Advisory Group Meeting as requested, where details and plans for the event had been discussed at length. They had also made amendments to the Event Manual and submitted it to the Police. The Police Officers who attended the meeting stated to the Sub-Committee that they considered the planning of the event to be “in a much better position than two weeks ago”.

The applicant stated that they were happy to voluntarily adopt the four special Conditions and added that they were grateful to West Midlands Police for their assistance.

The Sub-Committee therefore considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

The Sub-Committee also considered written representations made by another person, regarding parking in neighbouring streets. However after hearing submissions from the applicant at the earlier hearing, relating to the advice they had received from the City Council's Highways Department, and their plans to deal with parking issues, the Sub-Committee was satisfied that appropriate measures would be put in place to promote the prevention of public nuisance objective.

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 information in the application, the written representations received and the submissions made at the hearing by the applicant and those making representations, namely West Midlands Police.

**Licensing Sub Committee C –14 June 2017**

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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The meeting ended at 1033 hours.

