

Nh I BIRMINGHAM CITY COUNCIL

LICENSING SUB-
COMMITTEE C
THURSDAY, 20
DECEMBER, 2018

**MINUTES OF A MEETING OF THE LICENSING
SUB-COMMITTEE C HELD ON THURSDAY, 20
DECEMBER 2018 AT HOURS, IN ELLEN PINSENT
COMMITTEE ROOM , COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair.

Councillors Neil Eustace and Martin Straker-Welds

ALSO PRESENT

Shaid Yasser, Licensing Section
Catherine Ravenscroft, Committee Lawyer
Louisa Nisbett, Committee Manager

NOTICE OF RECORDING

1/201218

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.

DECLARATION OF INTERESTS

2/201218

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

APOLOGIES

3/201218

There were no apologies received.

LICENSING ACT 2003 PREMISES LICENCE GRANT CHASE FARM SHOP & CAFÉ, WEEFORD ROAD, ROUGHLEY SUTON COLDFIELD, B75 5RL

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

(See document no. 1)

On behalf of the Applicant

Rebecca Marklew and Rachel Richards
Adrian Curtis, Solicitor

Those Making Representations

Mr Ian Jones - Resident

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Adrian Curtis, Legal Representative and the applicants made the following points with regards to the application and in response to questions from Members:-

- a. Adrian Curtis stated that the application had taken into account the potential for noise, nuisance to the neighbours and animals on the working farm. The regulated entertainment would be indoor only. In the past an application would have been made to vary a licence, however the rules had now changed.
- b. The premises has held a licence since 2014 covering the shop premises for retail and sales and the café. The plan was to convert the barn into a function room and target small functions up to 2300 hours catering for clientele of a more mature age.
- c. The Committee was asked to note that the application was not for a new licence. The premises had operated since 2014 with no objections from neighbours or Environmental Health. The business lived in harmony with the local community.
- d. The applicants explained that the type of functions they planned would include funerals and small parties. The small function room seated 40 – 45 people with tables and did not include space for dancing. Reference was made to the plans on the application.
- e. Photographs were shown of the premises and surrounding semi rural area. The car parking management included signage and parking directions on the barns. The barns were not residential. The signs asked customers to include respect neighbours and animals when leaving.

- f. They would not disrupt the semi rural area as there were no animals or tenants on site. The application was not for a huge party plan.
- g. There was currently staff parking spaces at the side of the area next to the barns. The cars would park onto the fields and there was no residents in that area. The parking was at the rear and cars would not come through the main building. The residents from the nearest property had not objected to the application.
- h. With regards to public protection there were animals on site. They did not want to upset the neighbours but needed flexibility in the licence for every day use to enable them to book the venue as required.
- i. The shop closed at 1730 hours. The licence was from 0830 hours. The 2 sheds would buffer the noise from the premises. The road to the field is near the M6 Toll Road.
- j. The live music would be amplified. Live bands would continue to be booked as they had since 2014 without complaints. They were just adding an extra room. They were not aware of any complaints against them.
- k. The building was insulated as it was built within the barn roof. They had previously held a few events with live bands. The size of the room limited the venue to private dining and a small band.
- l. Examples of the types of events held there previously were Christmas events, charity events, children/adult choirs with a pianist. There was an open farm on Sundays and catering on site. Enquiries from the public so far were about bookings for funeral parties, 90th Birthday party, 70's nights, private dining and a wedding enquiry.
- m. The area outside consisted mainly of the patio. The smoking area was near the property and not the farm. There was no smoking near the working farm.
- n. In response to a question that the premises could hold up to 90 people, the Committee was advised that the intention was not to operate the whole venue simultaneously.

In objecting to the application Mr Ian Jones made the following points with regards to the application and in response to questions from Members:-

- a. Mr Jones told the Committee that he had lived in the area for 20 years and the premises was a farm shop. They had become used to the odours and noise from the shop as time went on and the shop had expanded.
- b. He lived on Weeford Road which had become busier as the farm gained popularity.
- c. With regard to the security of the farm occasionally animals escaped and the alarms went off. There was a public footpath that went through the farm.

- d. They had worked together with the farm in the past and there had been no complaints as the shop expanded to a café and was a good contributor to the community. There was never an issue with the licence from 2014 however planned social events were a cause for concern as they had not been held there before.
- e. Mr Jones indicated on photographs how close his property was to the farm. He lived 50 metres from the farm. Deliveries would be bigger and more frequent. He thought that he would have received a notification about the planning application but he had not.
- f. With regard to the licence from 0830 to 2300 hours, he worked full time during the week however on Sundays the premises would be open whilst he was at home. It could not be guaranteed that the venue would be used to hold parties for 90 year olds as the premises will want to make a profit.
- g. He was concerned about the live music. The doors would be opened when people wanted to smoke outside. There was nothing to stop people walking round the building.
- h. It was confirmed by the Licensing Officer that the interacting door being open was not a breach of licence.
- i. Mr Jones continued that there would be no control over the behaviour of people or what age group used the premises or nothing to stop smokers and people wondering around.
- j. His tranquillity will be shattered at the weekend by the noise that will travel from the premises.

At 1039 hours the meeting was adjourned in order for Adrian Curtis to consult with his clients. All parties left the meeting with the exception of the Committee Members, Committee Lawyer and Committee Manager.

The meeting reconvened at 1045 hours.

- k. Adrian Curtis informed that the applicant was willing to offer a volunteered condition with regard to amplified music in order to allay concerns. The level should be set by the management of Chase Farm as Environmental Health had not objected to the application. The volunteered condition was as follows:-

“The licence holder shall install a noise limiter at the premises to be calibrated at a level set by Chase Farm Shop & Café management so as not to cause nuisance to neighbouring properties.”

- l. In response to a question from Mr Jones, objecting, whether the functions would be restricted to the new areas only and for a restriction on the number of people at functions, Adrian Curtis answered that they were referring to inside the premises only. The applicant would not welcome conditions limiting the use of the building as the type of bookings was unknown.

- m. The intention was that the Café would be closed. There were interlinking doors to the party room with this would not cause more noise as the people would be led away from the properties. From a business point of view the applicant did not want any restrictions on that area.
- n. The objector was not the closest neighbour and the closest neighbour had not objected to the application. The premises had been licenced since 2014 and the lack of complaints demonstrated a record of self-management in operating the premises.
- o. Mr Jones informed there had been an increase in traffic and lunch times were busier with more activity. He was at work during the week however the farm was busy at the weekend but only until 1730 hours. He agreed that the premises were well run.

Mr Jones did not wish to make any further comments to sum up his objections.

During his summing up Adrian Curtis made the following points.

- a. In his own submission Mr Jones, who had objected to the licence did not have any complaints about the premises.
- b. There had been no breach of licence conditions by the well run business. There had been no objections from the farmer and the animals were protected.
- c. The applicant did not have any control of the public footpath through the farm however there was no concerns.
- d. The door to the conservatory was for safety. Parties will be supervised and noise levels will be set by management.
- e. This was a successful business and should be allowed to expand.
- f. It was requested that the Sub-Committee grant the licence with the additional voluntary condition.

At 1058 hours the meeting was adjourned.

The Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

After an adjournment, and at 1123 hours the meeting was reconvened. All parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

**CHASE FARM SHOP & CAFÉ, WEEFORD ROAD,
ROUGHLEY, SUTTON COLDFIELD, B75 5RL**

That the application by Walter Smith (Farms) Limited for a premises licence in respect of Chase Farm Shop & Café, Weeford Road, Roughley, Sutton Coldfield B75 5RL.

BE GRANTED

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued together with those conditions as volunteered by the applicant as follows:

- i. The licence holder shall install a noise limiter at the premises to be calibrated at a level set by Chase Farm Shop & Café management so as not to cause nuisance to neighbouring properties.

Members carefully considered the representations made by other persons but were not convinced that there was an evidential and causal link between the issues raised and the effect on the Licensing Objectives. The objection raised by other persons related to the potential risk of public nuisance. The applicant has been licensed since 2014 with similar operating schedule and there have been no previous complaints. It was submitted on behalf of the applicant that the proposed operating schedule would be similarly managed.

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the proffered conditions, and concluded that by granting this application, the four Licensing Objectives contained in the Act will be properly promoted.

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

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

OTHER URGENT BUSINESS

There was no other urgent business.

The meeting ended at 1125 hours.

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CHAIRMAN