

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE A 15 APRIL 2019
--

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 15 APRIL 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Sanjeev Bhopal – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

- 1/150419 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.

DECLARATIONS OF INTERESTS

- 2/150419 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the 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 meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/150419 No apologies were submitted.

LICENSING ACT 2005 PREMISES LICENCE (REVIEW) – STORIES, 30 LADYWELL WALK, BIRMINGHAM, B5 4ST

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

On behalf of the Applicant

PC Rohomon – West Midlands Police – WMP
PC Reader – West Midlands Police - WMP

On behalf of the Licence Holder

Jerome Good – Premises Licence Holder/ Director
Ryan Gough – Designated Premises Supervisor - DPS
Sarah Clover – Barrister – Kings Chambers
Carl Moore – Agent

* * *

During introductions the Chair invited all parties to make any preliminary points, at which stage Sarah Clover, on behalf of the premises enquired as to whether the Committee had seen the minor variation. At which stage, Bhapinder Nandhra explained that he had a copy of all the conditions for Members and the Chairman confirmed that the Committee had been informed regarding the matter.

The Licensing Officer, Bhapinder Nandhra gave the copies to Members.

The Chairman continued to outline the procedure to be followed at the hearing.

The Committee Lawyer, Sanjeev Bhopal interjected advising all parties that it may be necessary to announce a summary decision given that there was a second application scheduled for 1100 hours.

Bhapinder Nandhra, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of West Midlands Police, PC Reader made the following points:-

- a) That the conditions were the same as the previous SEV, Legs 11.
- b) That they were operating as a nightclub yet the conditions were in relation to a SEV.
- c) That when WMP visited on Boxing Day there were balloons being inhaled. However, the club had not denied it, they said it was the first time it had happened.
- d) The female who was selling the balloons said they were being sold for £5.00 each.
- e) That it was the first time he had witnessed balloons being sold in the premises.

Licensing Sub-Committee A – 15 April 2019

- f) That they carried out another visit, and no balloons were found at all. However, there were issues around door staff portfolios.
- g) That having spoken to Carl Moore, they had discussed conditions; the ones presented today by the PLH were phase 2 as the previous ones were not as thorough. Carl had invited them to comment on the conditions.
- h) That the issue of selling Nitrous Oxide in a premises needed bringing to the attention of the Committee.
- i) That the mark up on Nitrous Oxide was huge, the sale would be illegal as it wouldn't be going through the books.
- j) That they couldn't be sure that the conditions offered would stop the problems occurring again. It was difficult to condition something that should not be happening anyway.

In response to Members questions PC Reader made the following points:-

- a) That they weren't aware of any issues of other drugs at the premises.
- b) That the licensing objectives they were concerned about were crime and disorder and public safety.
- c) That the found incomplete door staff profiles.

The Committee Lawyer asked questions in relation to the premises and in response Sarah Clover, representing the premises advised that she would address it in her presentation.

Sarah Clover, on behalf of the premises, made the following points:-

- a) That the premises licence was held by the company, which had two directors.
- b) That the premises was formerly Legs 11.
- c) That in relation to the premises licence there was no such thing as operating under SEV conditions. The premises needed a premises licence for SEV as they also sold alcohol.
- d) That they had a premises licence like any other premises, in order to sell alcohol.
- e) That the minor variation was seen as a good idea in order to tidy up the licence and make it relevant to Stories.
- f) That there were no issues previously; it was a one off incident.

Licensing Sub-Committee A – 15 April 2019

- g) That there was no context to the sale of the nitrous oxide balloon, no records, and no build up. Just an isolated incident.
- h) That WMP had made an example of it as it was endemic in the Birmingham night life.
- i) That Nitrous Oxide was basically laughing gas which was used in hospitals, and up until recently was legal.
- j) That perhaps with it recently being outlawed, there was a training issue with licensed premises which needed addressing.
- k) That the woman who sold the balloon was not employed by Stories directly.
- l) That the police had access to all CCTV and had carried out further checks; which was confirmation that it was a one off incident.
- m) That the quote in the paperwork made the premises come across as though they knew what they were doing, and they knew it was wrong. But that was not the case.
- n) That training was an issue.
- o) That the key members of staff had been on an awareness course.
- p) That the woman who sold the balloon had only been in the club 20 minutes.
- q) That it was transgression without consequences on this occasion.
- r) That the incident happened in December 2018, yet the police didn't bring the licence up for review until February 2019, so did not regard it as an urgent matter.
- s) That there was no indication from police that they wanted the premises to stop trading.
- t) That the other issues were SIA door staff profiles, which were completely unrelated and didn't occur on the same date. It was a different police visit.
- u) That the door staff profiles weren't comprehensive enough. There was no suggestion that certain members of staff shouldn't have been there or that they had done anything wrong, it was a strict compliance issue.
- v) That the management was having issues with the door security firm who were reluctant to hand over management files as they felt it breached their data protection act; that was the issue. The minor variation has a conditions regarding the records.
- w) That they had improved systems, drugs policies and protocols.

- x) That the variation would provide a new licence with conditions to match.
- y) That there was some tweaking and tidying up to do with the conditions, but they were the best policies that Carl Moore had assisted with.
- z) That the premises were keen to upgrade the licence and make it fit for the operation.
- aa) That the police had nothing further to bring before the Committee, and both of the issues raised dated back to February.
- bb) That WMP needed to bring the matter before the Committee due to the severity of it, and said they weren't sure conditions would stop it however, it had already stopped at Stories and that was evidential.
- cc) That the Section 182 Guidance was clear; the Committee should look to the police for advice, yet the police were saying they didn't know, they were not really asking the Committee to do anything.
- dd) That WMP had provided no feedback on the application and any absent conditions could have been highlighted by them.
- ee) That the review process was a last alternative in order for the committee to impose measures.
- ff) That the Public Health representation (they did not attend the hearing, but made a written representation which was included in the agenda pack) was basically a repeat of the police's representation and it was misguided – it included alcohol statistics and the illegality of drugs.
- gg) That their contention to the Committee was that everything had already been put in place and that was encapsulated in the variation. That if the Committee thought anything else needed to be added, they could take that step.
- hh) Sarah Clover queried whether the police had any conditions to add.

PC Reader advised that the conditions were the ones Carl Moore would normally submit, however, they could not understand why they didn't submit the variation at the time of them taking the premises over in order to operate properly.

PC Rohomon added, that there were two aspects to this, conditions had been offered as an end result; zero tolerance drug policy. However, they had not really explained why they had been selling balloons that night, they just said someone came in and was selling it – it was nothing to do with the management.

The Chairman addressed WMP representatives and explained that they should not be bringing more evidence forward, they had made their presentation and they should have addressed the matters in their presentation.

PC Rohomon explained he was just addressing Sarah Clover's concerns. He reiterated that the fact they didn't object to the conditions was evidence that they accepted them.

Sarah Clover advised that it would have been helpful for WMP to email them to explain that.

Sarah Clover highlighted the following conditions for Members attention:-

- That when using a new promoter the police will be informed.
- They will have a zero tolerance drugs policy. (A double page on nitrous Oxide)
- High risk events will give WMP power of veto.

In answer to Members question Sarah Clover, made the following points:-

- a) That Nitrous Oxide was called "laughing gas" – it made people silly and giggly. However, it had health risks. The premises weren't aware that they were contravening any law and as soon as they knew they stopped.
- b) That they stopped on the night the police visited, as soon as the police pointed it out.
- c) That the issue with SIA door staff was just missing date of birth's and addresses. The company had concerns about handing out that information as they were data controllers and were concerned it would put them in breach of their GDPR requirements. That had now been sorted.
- d) That there were no issues with the door staff not doing what they should have been.

Mr Jerome Good explained that they had switched to a new door company and were having difficulty getting all the information. The issue of the balloons being sold in the venue was only for about 20 minutes, once it was brought to their attention they stopped immediately. They wanted to make the venue the best it could be. There were issues, but they wanted to do everything to the highest standard.

Mr Ryan Gough confirmed that all the door staff were signed in and had their badges; it was just an issue with the holding of personal data.

Sarah Clover further confirmed that the members of staff were signed in and management knew their details it was just not written down, but the conditions required it to be written down however, they couldn't do that because the door company wouldn't let them.

Additionally, Sarah Clover advised that the Nitrous Oxide balloons were a fashionable drug at the moment and the premises appreciated it was wrong as they didn't realise it was illegal. The reason they didn't put these conditions forward when they took over the licence was because Carl and the PLH were

discussing them, and they could run the premises anyway they wanted and were complying with the licence as it was; there was no reason to make a variation. That the premises should have been aware that Nitrous Oxide was illegal, however, they now had training in place to address it.

Mr Jerome Good confirmed that now it had been brought to their attention they were aware. He apologised to the Committee.

Mr Jerome Good outlined his previous work history/experience for Members which included:-

- Running an alcohol distribution company

Mr Jerome Good confirmed that the balloon incident only happened for 20 minutes and had never happened before.

In summing up PC Reader made the following points:-

- That if the conditions were complied with they would promote the licensing objectives. But were the Committee happy that it was the correct resolution.

In summing up Sarah Clover, on behalf of the premises, made the following points:-

- That it was difficult to know what the Committee were supposed to do in order to be fair.
- That she understood the police wanted to raise the profile but was it the right way to do it?
- That she couldn't understand what the police were asking the Committee to do?
- That the conditions they had put forward were good and would promote the licensing objectives.
- That the committee had not been asked to revoke the licence.
- Would the Committee really revoke the licence if they had not been asked to do so?
- That the PLH had taken on board all of WMP's advice.
- That she respectfully asked the Committee to note the variation application.

At 1106 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1153 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/150419 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by New Era Birmingham LTD in respect of **Stories, 30 Ladywell Walk, Birmingham, B5 4ST** upon the application of the Chief Constable of West Midlands Police, this Sub-Committee hereby determines that the premises licence holder be issued with an informal warning with regard to the conduct and operation of the premises licence.

The licence holder is advised that the licensing authority would expect to see continued improvements in the way the premises are managed and run, and were pleased to note that the revised Conditions attached to the Premises Licence, by way of a minor variation application in the week prior to today's meeting, would go some way to addressing its concerns.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor, suspend the licence for a specified period of not more than 3 months, or revoke the premises licence but was not satisfied given the evidence submitted and the representations made by both West Midlands Police and Public Health Birmingham that it would be appropriate to do so at this time.

Members of the Sub Committee wished to emphasize to the Premises Licence Holder and indeed the current designated premises supervisor, that ignorance was no defence in law in allowing the sale of nitrous oxide balloons at the premises and that as a responsible premises licence holder, there was a responsibility to ensure that the licensing objectives were properly promoted particularly the prevention of crime and disorder and promotion of public safety.

Although it was the designated premises licence holder who had condoned or permitted the sale of these now unlawful substances at the time, the ultimate responsibility for promoting the licensing objectives of course rests with the holder of the licence. The Sub Committee felt compelled to criticise the holder of the licence in not undertaking a review of the premises licence and the conditions set out in the operating schedule prior to the Review application being submitted by the Police given that the premises had been trading since August 2018.

For these reasons the Sub Committee were very close to removing the designated premises supervisor and suspending the premises licence. However, when considering the history of the premises and the representations made on behalf of the holder of licence, and in particular that neither responsible authority had made any representations on the options available to the Committee at the meeting, the Sub Committee concluded that it was appropriate to issue this warning instead.

The Sub Committee also requested that a copy of this Decision Notice should be passed to officers in the Council's Licensing Enforcement section given the

Police's concerns about the sale of unlawful substances and compliance with the conditions of the premises licence at the time.

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 review, the written representations received and the submissions made at the hearing by the Applicant, the premises licence holder and their legal adviser.

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.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

**LICENSING ACT 2005 PREMISES LICENCE (GRANT) – WAREHOUSE CAFÉ
BAR, 55-57 ALLISON STREET, DIGBETH, BIRMINGHAM, B5 5TH**

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

On behalf of the Applicant

Emmanuel Blondel – Director

Those making representations

Brian Mullen – Allison House Hostel

* * *

During introductions the Chair asked if anyone wished to withdraw their representations.

Those making representations confirmed they did not wish to withdraw.

The Chairman continued to outline the procedure to be followed at the hearing.

Bhapinder Nandhra, Licensing Section, made introductory comments relating to the documents submitted.

Licensing Sub-Committee A – 15 April 2019

Mr Emmanuel Blondel made the following points:-

- a) That he would be the Designated Premises Supervisor (DPS)
- b) That the application was about changing the use of the Warehouse Café, from a vegetarian restaurant, it would still be a vegetarian space, but more about the events they would put on. They want a social space for; community club, workshops, dances.
- c) That the use of the alcohol licence was not to become a big nightclub.
- d) That he was new to the area and was not aware of the hostel two doors down; as soon as he was made aware he pulled the hours back.
- e) That in terms of public nuisance, the building had a full interior. The café was on the inside of the building and the windows were well insulated, windows would be closed.
- f) That he had met Brian a few times and had now agreed on most things. They had agreed to use the other exit, which was further away from the hostel. They would have signs up asking people to be quiet and respect the neighbours. They would also lock the door to Allison's Street at 2100 hours. It was really important to them not to cause nuisance for the hostel.
- g) That he hoped they would reduce the problems in the area. He didn't want people in the garden causing havoc.
- h) That they wanted to promote relationships with neighbours and wanted the café to be a place for people to go and feel safe, chat and have a few drinks.
- i) That he was the director; it was a workers club with 10 members.
- j) That they would do daily litter patrols. No deliveries before 0800 hours, however, they would have bread deliveries before then, but he had spoken to Brian about that.
- k) That after talking with Brian who initially didn't want the licence to go past 2300 hours, he was now happy with 0000 midnight on Friday and Saturday nights. They also wouldn't have deliveries after 1800 hours.
- l) That he hoped that he had a good relationship with Brian and they had got on well so far.
- m) That one of his parents was an alcoholic, so he took alcohol very seriously. They would be having monthly "dry days" to encourage people who have alcohol problems to use the café.
- n) He really wanted to hold events for the community.

In answer to Members questions Emmanuel Blondel, made the following points:-

- a) That events would be booked in advance, however the café would be open even without events. It could seat 60 people maximum, however, they usually only had 45.
- b) That the alcohol licence was only for the one floor.

Bhapinder Nandhra, Licensing Officer confirmed that he had a licensable area highlighted upstairs also.

Mr Emmanuel Blondel explained that he was sure he had taken it out.

Licensing Officer confirmed that it was still in the application.

Mr Emmanuel Blondel confirmed that alcohol would not be sold upstairs.

Mr Emmanuel Blondel continued:-

- a) That the garden was not their land.
- b) That the windows would not be open, or the doors. However, during the summer they may have them open, but they had agreed a condition to have them closed from 2100 hours.
- c) That all the electronic locks on doors unlocked in case of a fire alarm.
- d) That they had done tests with Brian in relation to music and worked out where best to have the music system.
- e) That they wouldn't be having a professional noise test done.

Mr Brian Mullen made the following points:-

- a) That there were 26 residents in the hostel and also terraced houses close by.

Mr Emmanuel Blondel continued:-

- a) That the smoking area was in the street.
- b) That they would put a doorman on if they had to.
- c) That they didn't have specific parking, but there was some parking next to the building and 4 other large carparks within walking distance.
- d) That the communal gardens were locked 99% of the time. They grow fruit and vegetables; it had been there for 20 years.
- e) That he felt uncomfortable with the upstairs area selling alcohol, he thought it may be better to remove it. However, he would be the DPS for upstairs also and it would be his responsibility.

- f) That the TENs went really well. They finished at 2300 hours and the only issue was people smoking and drinking out the front, but they had now put signs up.
- g) That he would prefer not to have a noise limiter but if it had to happen he would do it.
- h) That during the noise tests, Brian couldn't hear it.
- i) That he didn't want to disturb people and welcomed any conditions.
- j) That he was aware of the licensing objectives and wanted to make the café a child friendly area.
- k) That in terms of safeguarding children he took it seriously.

At 1323 the Committee Lawyer requested an adjournment which the Chair granted. All parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1333 after a short adjournment to seek legal advice, all parties were invited to re-join the meeting.

The Committee lawyer advised that the applicant needed to make it explicitly clear which conditions he didn't agree with.

Mr Emmanuel Blondel confirmed that the hours would be 12-12midnight Friday and Saturday. That no deliveries before 0800 hours he could agree to apart from bread. Then all doors and windows to be closed, should read after 2100 hours. He wanted to be able to sell cans for people to take home and also did not want a noise limiter.

Mr Brian Mullen made the following points:-

- a) That he was a support worker at the hostel which been there 40 years. The hostel was mainly occupied by males over 50yo and majority of them were homeless people in crisis.
- b) The hostel had a no drinking policy.
- c) The residents had a wide range of problems and were particularly vulnerable. The residents could become expensive if they went into crisis as they present to A&E, social services, police.
- d) That the hostel was running well but they needed support to remain that way.
- e) That the main concern was the licensing application until 0200 hours, the whole back of the property is affected by noise from the Warehouse Café.

- f) They had a good relationship with the premises.
- g) That the area they were situated usually went quite around 2100 hours.
- h) That they were concerned if their residents were affected by noise, they then struggled to sleep and could then go into crisis.
- i) That the major issue was noise.
- j) That there was an issue with noise outside the property with people drinking and smoking however; they had moved the smoking area.
- k) That Hennessey's had a noise limiter.
- l) That he thought the premises should have the same as other local venues, and was not asking for anything further.
- m) That certainly the Warehouse Café had changed and he could not be sure what it would turn into in the future. However, he did know that with doors and windows open they would be affected by noise.
- n) That if 60 people were in the venue that would generate a lot of noise and they were only 10 meters away.
- o) They had ex-offenders residing with them and could not be sure how they would react to noise nuisance.
- p) That depending on what events they put on it could add to Cumulative Impact Zone, unless they operated effectively. It would have a weekly impact.
- q) That he wanted the first floor activity taken out.
- r) That there was concern over food and beverages been given outside.
- s) That they would expect the doors and windows to be closed if they were having regulated entertainment.
- t) That with regard to the noise limiter, he was happy to wait until there was a problem and then he would be on the phone.
- u) That he had a working relationship with Emmanuel.
- v) That he was happy with the bread delivery being before 0800 hours.
- w) That live music was an issue as they had not tested that yet.
- x) That the café's alcohol would be too expensive for their residents.
- y) That windows needed to be double glazed.

Emmanuel confirmed that the windows were double glazed, but could not be fully sound proof – they were “about as good as you get”.

Mr Brian Mullen explained that if they opened the windows effectively the whole front of the café would be open, and they would complain if they heard noise.

In summing up Mr Brian Mullen made the following points:-

- That they just wanted to work in collaboration with the premises and he hoped noise issues would be addressed and they could move forward.
- That his primary concern was late night events and drinking outside, which would threaten the residents of the hostel.

In summing up Mr Emmanuel Blondel made the following points:-

- That he was glad Brian came to the hearing so they could have further discussions.
- That the kind of events they were holding could be conditioned, 99% of the events they hold will not be an issue.
- That he welcomed conditions to stop spill out into the street.
- That he had TENs and had tested the noise.
- That he welcomed conditions regarding windows and doors being shut beyond 2100 hours.
- That he worried people thought the premises was going to be a bar, and hold parties but they actually just wanted a safe space to gather, read books and spend little money.
- That he felt bad when he found out about the hostel being two doors down.
- That he was happy to have the first floor removed from the application.

At 1405 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1457 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/150419

RESOLVED:-

The revised application as presented at the meeting of Sub Committee, removing the first floor area of the premises from within the scope of the licensable

Licensing Sub-Committee A – 15 April 2019

activities BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS to promote the prevention of public nuisance objective in the Act.

Agreed or Modified Conditions

Those matters agreed by the Applicant and those making representations will form part of the Premises Licence save for the following which have been modified by the Sub Committee:-

- All doors and windows save for access and egress will be closed after 2100 hours.
- The revised operating hours as sought by the applicant will be granted, namely Sunday to Thursday 1200 to 2300 hours; and Friday to Saturday 1200 to 0000 (midnight) hours.
- The consumption of alcohol is not a licensable activity and the Sub Committee are not permitted to condition this as part of the application determination. However, the Premises Licence holder is encouraged to ensure that any noise or public nuisance caused as a result of the consumption of alcohol purchased at the premises, taking place off the premises, is minimised as a result of the regularly monitoring noise outside the venue.
- Deliveries will be permitted to the premises before 0800 hours but only in so far as they relate to non-alcohol items, such as bread, food etc,. The restriction in respect of deliveries at the premises after 1800 hours will however apply.

In addition to the above, the following agreed/modified will also be included within the operating schedule on the licence:

- The premises licence holder will display clear legible notices at all exits/entrances to the premises requesting patrons to consider the needs of local residents and to leave the premises and area quietly.
- The premises licence holder will display notices requesting that patrons respect nearby residents and keep noise levels to a minimum.
- That the licence holder/designated premises supervisor ensures that daily litter patrols to clear litter emanating from the premises from all external areas are undertaken and that external litter bins are provided.
- That bottle bins are not to be emptied at the premises after 2100 hours and before 0800 hours.
- Access/egress to the premises should be limited to Shaws Passage after 2100 hours, save for any emergency access/egress.

- Patrons leaving or arriving at the premises by taxi should use the entrance/ exit located at Shaws Passage and clear signage will be displayed at the premises to this effect.

Advisory Note

The applicant is encouraged to contact Environmental Health, Birmingham City Council in order to determine whether the measures now agreed with those making representations are sufficient in order to address the potential for noise or public nuisance, but if not, what measures would be needed to address these concerns, in particular the need for noise limiting device.

At present, and in the absence of a representation from Environmental Health, the Sub Committee was not persuaded on the balance of probabilities that any such device was needed at the time of granting the licence. However, given the proximity of a nearby residential hostel, housing vulnerable adults with varying medical issues, it was felt by the Sub-Committee that the applicant as a responsible premises licence holder would heed this advice.

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

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

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

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

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy including the Cumulative Impact Policy in force for the Digbeth area, the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the information in the application, the written representations received and the submissions made at the hearing by the applicant and those making representations.

Licensing Sub-Committee A – 15 April 2019

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.

6/150419 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

Meeting ended at 1505.

.....
CHAIRMAN