



BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE C

26 October 2016

The Crane, 50 Adderley Street, Digbeth, Birmingham, B9 4ED

That the application by Bow Leasehold Ltd for a premises licence in respect of The Crane, 50 Adderley Street, Digbeth, Birmingham, B9 4ED

BE GRANTED SUBJECT TO A NUMBER OF AGREED AND VOLUNTEERED CONDITIONS, and REVISED OPERATING SCHEDULE to promote the prevention of public nuisance objective in the Act.

The Sub-Committee's reasons for imposing these agreed and volunteered conditions are due to the submissions made by other persons and Environmental Health, regarding the history/ location/ management/ impact of the proposed operation/ likelihood of public/noise nuisance.

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety, risk to children arising from the proposed/current operation of the premises.

However the concerns of the other persons and the responsible authority were taken into account by imposing suitable agreed and volunteered conditions that would allay their apprehension / fear about the potential for public nuisance, and the risk to children, and service users from arising in connection with the proposed operation of the premises.

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

The agreed Conditions are as follows:

1. The agreed hours for Licensable Activities shall be 1000 hours to 0600 hours.
2. The operating hours, i.e. the times during which the premises shall be open to the public shall be 1000 hours to 0630 hours.
3. Fire Door 'A' on the agreed Plan (see attached) shall only be used in the event of an emergency.
4. Portaloo toilets are not to be taken away from the premises via Adderley Street.
5. A security fence, in the form of a solid hoarding 8ft in height, shall be erected between the two points marked with an 'X' on the agreed Plan (see attached) whenever the premises offers any form of licensable activities that requires the use of the external area.
6. Prior to any event taking place at the premises requiring the use of the external area, at least 28 days' notice (or lesser period by agreement) shall be given to the Pat Benson Boxing Academy.
7. The level of music played at the premises shall not be played, so as to cause

a disturbance to the Pat Benson Boxing Academy between 0800 hours and 2200 hours

In addition to the above agreed Conditions, the premises licence holder has agreed to the following Conditions, specifically with Environmental Health, Birmingham City Council.

EH1.

The Crane premises shall not open for licensable activity until works have been carried out to the satisfaction of Environmental Health, Birmingham City Council and Environmental Health, Birmingham City Council have provided written agreement with the premises opening for such licensable activity.

EH2.

A noise limiter is to be fitted and operational at all times. Its installation and setting shall be agreed by Environmental Health at Birmingham City Council. It is to be of an approved design and all amplified regulated entertainment must pass through it.

EH3.

Amplified regulated entertainment shall be so controlled as to be inaudible inside any noise sensitive premises at all times as perceived by officers of Environmental Health, Birmingham City Council

The Conditions set out at EH1 to EH3 above, replace the following volunteered Conditions within the Operating Schedule submitted by the Applicant, under "The Prevention of Public Nuisance":-

"The Licence Holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood and in any case, will ensure that the noise levels from licensed public entertainments shall not exceed levels set at neighbouring occupied residential properties that will be agreed with Responsible Authorities. Whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in the nearest noise sensitive or residential premises."

and

"The Premises Licence holder shall ensure noise propagation tests will be undertaken, during which the sound systems will be configured and operated in a similar manner as intended for the relevant Event. The sound sources used for the test shall be similar in character to the music likely to be produced during the relevant Event. Appropriate control limits at each sound mixer position and adjustments to sound amplification equipment will be agreed as a result of the testing to the satisfaction of the appropriate Responsible Authority."

A copy of the agreed / revised plan is attached to this decision notice for ease of reference.

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.

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.

