

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE B 23 APRIL 2019
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 23 APRIL 2019, AT 0930 HOURS, IN ELLEN PINSENT, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Mike Sharpe and Adam Higgs.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Parminder Bhomra – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

- 1/230419 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

- 2/230419 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

- 3/230419 No apologies were submitted.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – SO CALLED STUDIOS, FORWARD HOUSE, REAR OF 32 STATION ROAD, ACOCKS GREEN, BIRMINGHAM, B27 6DN

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

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Ryan Lowry – Applicant
Michael Sadde – Employee

Those Making Representations

No one attended.

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Following introductions by the Chairman, Bhapinder Nandhra, Licensing Section, made introductory comments relating to the report.

Mr Lowry made the following points:-

- a) That in relation to the petition, they had taken legal advice on the application and it was never going to be full on.
- b) That they had been operating 4 years in May.
- c) That most people had not heard of them, but the building was fully sound proof and everyone behaved responsibly.
- d) That there was construction work going on at a warehouse near them and residents thought it was their premises and they assumed it was going to be a huge construction.
- e) That they have 4-5 bands Monday-Thursday and most people bring their own alcohol and have a drink whilst they are there.
- f) That it was not a young person's venue.
- g) That people would not want to pay their prices for alcohol, so it would not attract the general public.
- h) That fire risk assessments had been carried out and confirmed the capacity was limited to 30-40 people.
- i) That they had carried out TENs in order to test it.
- j) That they had spoken with residents and initially Cllr Harman started the petition, however he did not really know what they were doing really and then when he realised it was much smaller than he thought they agreed some conditions and resolved the issues. However the petition still stood.
- k) That they would make sure people left quietly.

- l) That most people were “old rockers”.
- m) That they got on well with people locally.
- n) That all the single objections had been withdrawn.
- o) That they tried to contact everyone but were unable to contact one who actually lived in Hall Green.
- p) That they could not open the windows in the venue and had air conditioning.
- q) That one resident could hear drums, but when they took her down to the venue, it became apparent that the sound of drums was coming from another venue.
- r) That if they had time they would have gone and got people to sign a petition in favour of the licence.
- s) That most people would pay to park over the road so it was not an issue.
- t) That a lot of people also got the train.
- u) That they didn’t want to fall out with anyone.
- v) That it was a one way street and they had been asking for a sign to be put up to remind people.
- w) That they were only looking to sell alcohol for income.
- x) That Mr Lowry would be behind the bar with another female member of staff.
- y) That Mark was SIA trained.
- z) That most people were in their mid-30s+.

In summing up Mr Lowry made the following points:-

- That they had changed the times from 4pm – so the premises would open at 1600 hours.

Bhapinder Nandra, Licensing Officer asked Mr Lowry if he was amending the application.

The Committee Lawyer further advised that changing the application to accommodate when the premises would open was a matter for them; it was a business matter.

Mr Lowry confirmed that they would not be amending the application.

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At 1002 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 1018 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/230419 **RESOLVED:-**

That the application by So Called Studios Limited for a premises licence in respect of _So Called Studios, Forward House, Rear of 32 Station Road, Acocks Green, Birmingham, B27 6DN

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.

Members carefully considered the written representations made by other persons in the form of a petition but were not convinced that there was an evidential and causal link between the issues raised and the effect on the Licensing Objectives. Further, it was noted that the local ward councillor who had organised the petition had withdrawn his objection after the applicant had made contact to address the concerns raised.

The Sub Committee having heard submissions from the applicant noted there was a misunderstanding amongst the residents who had signed the petition. According to the applicant, the noise nuisance complained of emanates from keep fit classes (with very loud music) held in the gym opposite and building works being carried out on a warehouse nearby. The applicant explained the noise nuisance was not associated with the venue as it was fully sound proofed and had operated well with live bands under recent temporary events notices.

The Sub Committee 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.

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.

5/230419 **OTHER URGENT BUSINESS**

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There were no matters of urgent business.

The meeting ended at 1025 hours.

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CHAIRMAN