

**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, 04 OCTOBER 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 - 10**

To confirm and sign the Minutes of the meeting held on 6 September 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 **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)

2 **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 6  
SEPTEMBER  
2017**

**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE C  
HELD ON WEDNESDAY 6 SEPTEMBER 2017  
AT 0930 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

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

Councillors Mike Leddy and Ian Cruise

**ALSO PRESENT**

Bhapinder Nandhra, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Katy Poole, Committee Manager

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**NOTICE OF RECORDING**

01/060917 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

02/060917 There were no nominee members.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT THE DIGBY. 911  
CHESTER ROAD, ERDINGTON, BIRMINGHAM, B24 0HJ**

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:**

Jim Fisher – Applicant  
Andy Grimsey – Solicitor  
Yvonne Gillick – Deputy Manager, The Digby.

**Making Representations in respect of the application**

Mr Nandhra, Licensing Officer, explained that two of the representations had been withdrawn, and that no one was present to put forward the final representation in respect of the application.

Following introductions by the Chairman, the main points of the report were outlined by Bhapinder Nandra, Licensing Section.

In response to members questions Mr Grimsy and Mr Fisher made the following points:

1. That it was odd applying for a new licence when they already had one, but they were requesting an additional area which exceeded the size limits.
2. That the plans on page 31 of the evidence bundle were the existing premises licence plans and the additional “long leg” part is the building to which they had converted to a dining area. The building had always been there, but it had never been used for licensable activity. This had been the reason for them submitting the application, as they wished to incorporate the area as a dining facility.
3. That the objections relate to the new application, in which residents had misunderstood the application, thinking that it was a new and separate premises.
4. That they have spoken with residents and eased their concerns.
5. That the application was exactly the same as the previous licence, other than the larger licensable area and the updated conditions which were outdated and were included after discussions with the police.
6. That an additional condition regarding training had been discussed and agreed with licencing.
7. That on page 1 of the evidence bundle there was an amended training application, in relation to refresher training course required for all staff.
8. That in essence they were applying for a like for like licence with the additional building, which had been there for years.
9. That the newly refurbished internal area was available to see on page 37. It included a back wall with fake books, a mirror. The dining area was very nice,

and there was a stud wall up, and if the Committee were minded to grant the dining area was already to go, and the stud wall would be removed.

10. That the rest of the premises had a lighter, brighter feel and there was more lighting and seating for diners.
11. That the area within the red line is covered with tables and chairs, apart from the bottom right hand corner which had a pool table and was essentially the “local’s area”.
12. That the “long leg” area they were hoping to go into is full of dining tables and chairs. The darts area had been removed.
13. That the full menu for the venue was available at pages 38-42 of their evidence bundle.
14. That the whole ambience had been changed and more suited towards diners.
15. That this venue was not a wet led entertainment venue, the focus was on good quality dining.
16. That there were 2 enormous car parks, and they were keen to attract passing trade, as well as locals, families and the older community.
17. They have offers on throughout the week, such as Monday being Silver Saver promotion, aimed at the older generation.
18. That the duke box was being removed so they would have complete control over the music. Although, the duke box had been popular with the locals.
19. That this venue was a “real deal” food venue.
20. That in regard to the representations, as soon as they were aware of them, they made contact with the residents to try and resolve the issues.
21. That two of the representations were a husband and wife, of which they had met with on Monday (they were on holiday and therefore, had not stayed up to date with the correspondence from the applicant) and subsequently one of the two representations from this couple had been withdrawn.
22. That they have addressed the other concerns and agreed some local conditions with the residents, they are at a local level and do not concern nor affect this application.
23. That they have spoken with the residents and explained the application.
24. That some residents made representations regarding the premises not actively trying to attract the locals. The applicant expressed that this had perhaps been the case with previous management, now Yvonne was addressing this. She was going to a meeting about involving the community and speaking with local care homes.

25. That the representations regarding excess noise, they were not aware of. Environmental Health had raised no concerns. The venue was operating as a pub and therefore, there would be some raised noise levels; but they had spoken with residents and addressed their concerns regarding the noise complaints.
26. That they have disco style evenings, including a dance floor. But they only have 2 live music events annually. Therefore, they do not see the noise getting out of control, or being a regular occurrence.
27. That light pollution had been brought to their attention in relation to this application. That the security lights had been left on overnight for various reasons, but they are now on timers, and turn off at appropriate times. The lights will be going off once everyone has gone home.
28. That the issues raised regarding nuisance drivers were being addressed. They had gained authority to install bollards at the gates of the car parks. Yvonne will be managing this, and any other persons will be given training. Cars had often been left in the car park over night when people have had too much to drink; therefore, it will be made clear that the bollards will be closed overnight and that vehicles can be collected within the opening hours. The Deputy Manager will oversee this.
29. That the passage ways were being used for illicit behaviours so they were going to install lockable gates so people are unable to get through to cause a nuisance.
30. That they are going to install double gates on the other car park, they have all bases covered.
31. That there had been mention of violent affrays. However, they had not known anything about these and the police had made no representations regarding it. That the Committee should trust the fact that the police have made no objections.
32. That a lot of effort had been taken to cut back trees and other overgrown shrubbery, to which they do this to be helpful and cooperative.
33. That they arranged a meeting with the 2 residents who had made objections in writing and they felt that it had gone well.
34. That the early opening time is to allow them the option to serve breakfast if they wanted.
35. That the international sporting events will be sports such as football and rugby and will only be shown during operating hours, and must be in British sociable hours.
36. That it is generally for sky sports channel.

In response to members questions Ms Yvonne Gillick made the following points:

1. That they have put signs up stating that the premises close at 12 midnight, glasses are collecting at 11:30pm to ensure that people leave on time.
2. That staff have received further training on this.
3. Risk assessments are done and kept on file and if there is anything out of their comfort zone, they have other people who are able to assist them.
4. That she has worked in a similar set up previously.
5. Usually with around 25/30,000 people attending the venue weekly.
6. That big sporting events will be supported by extra door staff.
7. That Stonegate would not be holding events without liaising with the police. Door staff would be needed if there were any risk of a change of clientele from the normal diners.
8. That additional door staff for sporting events would be normal.
9. That the premises are much better secured now they have gates from both car parks.
10. That notices will be put up explaining that vehicles will be locked in after a certain time, but will be collectable between such hours. No pressure will be put on clients to drive home, due to alcohol being available at the premises.

In summing up Mr Grimsy and Mr Fisher made the following points:

1. That they do not think it would be fair for the Committee to take away any conditions that they already had, or restrict the licence further, as ultimately they are applying for the same, just with additional operating space.
2. That if the Committee were minded to grant, they would want to get the stud wall down as soon as possible, therefore, they would appreciate a speedy response.
3. That the old licence will be surrendered if the application is granted.

At 1016 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1044 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

03/060917

**RESOLVED:-**

**The Digby, 911 Chester Road, Erdington, Birmingham, B24 0HJ**

That the application by Stonegate Pub Company Ltd for a premises licence in respect of The Digby, 911 Chester Road, Erdington, Birmingham B24 0HJ be granted subject to conditions:

- Those matters detailed in the proposed operating schedule, the revised Plan, and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued (save that all references to 'Challenge 21' shall be amended to 'Challenge 25')
- As agreed in advance with the Licensing Department of Birmingham City Council:

All bar staff to receive appropriate training in relation to alcohol sales prior to commencing their duties. This will include training on the premises licence conditions, underage sales policy and other relevant licensing matters, such training to be refreshed in line with company policy. Training documents (which may be in electronic format) shall be made available to an authorised Police Officer and/ or Licensing Authority Officer upon request

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

The Sub-Committee was told by the applicant's legal representative that the premises had undergone a programme of refurbishment. The intention was for the business plan to concentrate in future on offering dining (rather than just offering drinking & music/entertainment). The extensive menu, offering a wide variety of pub-style food, was shown to the Sub-Committee. The Designated Premises Supervisor, who was an experienced person and had worked for national pub chains, had previously been responsible for a similar type of "food-led" Public House elsewhere in the West Midlands.

The newly-refurbished dining area would make food sales the main focus of the business, and the style of the new décor, such as gilded mirrors, reflected this. The photographs of the interior showed tables and chairs arranged for dining, rather than a traditional pub interior where consumption of alcohol would be the main activity.

It was the premises' intention to only hold music events occasionally, and the jukebox had already been removed. The Sub-Committee was told that it was certainly not the intention to offer 'disco-style music' (as feared by one objector). Nor did the premises intend to host televised sporting events at very late hours of the night; that would be the kind of activity associated with "alcohol-led" Public



Houses, whereas the applicant was keen to “change the dynamic” of the business, such that serving food would become a main activity.

It was noted by the Sub-Committee that the main purpose of the application was simply to license the newly-refurbished dining area - not to increase the operating hours, or alter the licensable activities. In fact the premises had already been operating at the same hours, and offering the same licensable activities, for a period of years, without problems arising. No objections had been raised by West Midlands Police or any other Responsible Authority.

The 3 objectors (local residents) had been contacted by the applicant’s legal representative, who invited them to hear about the plans for the business, and to look around the refurbished dining area. As a result, two of the three objectors had withdrawn their representations shortly before the meeting.

All three representations had been considered carefully by the applicant, and various measures were either planned, or already in place, to deal with the issues raised by objectors. These measures included switching off the outdoor security lighting once the premises closed, the installation of a lockable gate in the side passageway, and the placing of lockable bollards in one of the car parks and strong double gates in the second car park. In addition the applicant had paid for the cutting back of trees in the vicinity, had put up signs at the exits asking patrons to leave quietly and even waited with patrons outside the premises at closing time until they were all collected by taxis.

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

**ADVISORY NOTE**

The applicant’s legal adviser confirmed to the Sub-Committee that upon expiry of the Appeal period, the premises will surrender the old Licence to the Licensing Department of Birmingham City Council.

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04/060917

**OTHER URGENT BUSINESS**

There were no matters of urgent business.

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