

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A 18 DECEMBER 2017

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE A
HELD ON MONDAY 18 DECEMBER 2017
AT 0930 HOURS IN COMMITTEE
ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Nagina Kauser and Bob Beauchamp

ALSO PRESENT

Shaid Yasser, Licensing Section
Joanne Swampillai, Committee Lawyer
Gwin Pountney, Committee Manager

NOTICE OF RECORDING

- 1/181217 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 2/181217 There were no Nominee members.

**LICENSING ACT 2005 PREMISES LICENCE – GRANT CRAFT INN, 40
BIRMINGHAM ROAD, SUTTON COLDFIELD, WEST MIDLANDS, B72 1QQ**

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

Aaron Harte – Director Emerald Enterprise Ltd
Rob Edge - Licensing Agent

On behalf of those making Representations

There was no-one present

Following introductions by the Chairman, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

In presenting the case for the applicant, and in response to questions from Members of the Sub-Committee, Mr. Edge made the following points:-

1. That in March 2017 the company had started the craft inn brand as a wonderful place with an inviting atmosphere sourcing beers from all over the UK very different to the normal beers available.
2. Craft beers would be available on tap and as bottled beers with a tasting room try out the different beers and wines on location to take away from the premises.
3. There were a number of these premises throughout the UK but none in the West Midlands. The average pint of beer cost £3 - £3.50 – craft beers cost between £4 and £5 per pint.
4. Customers were predominantly business men and office workers coming in after work – however the premises would not be open past 11pm – this was not a night time economy.
5. The applicant had created an operational folder with a site training manual, records and documents of staff training, a refusals log, institute of licensing guidance, a Challenge 25 policy and guidance on running the premises.
6. The applicant had liaised with the responsible authorities including Environmental Health, West Midlands Police and Trading Standards regarding the type of premise and conditions they would like on the licence and that they were happy with the application submitted.
7. Paul Lett, the manager would meet with Pub Watch on a monthly basis.
8. The applicant would meet the licensing objectives through due diligence and strict management control with minimal hours from 12noon to 11pm.
9. That the objection received had been regarding the perception of noise from the premises – the premises as a café had had speakers in the ceiling – these had now all been removed.
10. The only music on the premises would be recorded music played on a domestic music machine, playing incidental background music. The

equipment would have a noise limiter not allowing staff to turn the music up beyond a certain level.

11. It would be all seated drinking with a capacity of 20 on the premises – it was very small. There would be no vertical drinking.
12. That with regard to anti-social behavior (ASB) referred to in the representation – there would be 2 members of staff present at all times (9 staff working rotationally) – any problems would be referred to the police. A closing time of 11pm, possibly earlier initially, should not cause many problems of ASB.
13. An alarm system for staff and CCTV would be in place.
14. The premises would be located away from the High Street – much further down the road than other establishments.
15. There would no seats outside the front of the premises and smokers would have an area at the rear. Customers would be discouraged from standing outside the premises
16. This would be smart premises with loose furniture dispensing craft samples with the tills and bar at the back, a smoking area and no drinking outside the premises.
17. Deliveries would be every 2 weeks at the restaurant owners (next door) loading section. The beers would come in kegs with some cans and bottles.
18. Parking was limited but most of the customers would not come and park up on a regular basis and there was public parking behind Pizza Express.
19. There was provision for rubbish in containers at the back and a washing system on the premises.
20. Beer was sold in 6 bottle carrier crates or in a demi-john.
21. A lock-in system could be put in place to prevent children from entering the premises.
22. The clientele would be more affluent people with money to spend on craft beers, 'a bit geeky' quite intelligent individuals between 25 and 85.
23. The DPS, currently working elsewhere, had held his licence for 2 years and there were no objections from WMP regarding him.

In summing up, Mr. Edge stressed that the applicant had tried their best to work around the Section 182 guidance for licensing. An operating schedule had been put in place to take account of the local area, there was a strong management team, full diligence had been given to the licensing objectives, they were a member of Pub Watch, signage would put in place for customers to leave quietly, 9 staff would be employed at the premises, an initial investment of £60 000 had

been put into the premises and the applicant was a professional organization setting up a business in a responsible manner.

Mr. Edge further agreed that; the DPS would ensure regular litter pickups outside the premises; signage would be put up regarding no alcohol/glassware to be taken outside or into the smoking area; all deliveries would be carried out during daytime hours (midday onwards); the DPS would attend Pub Watch and an intercom lock system would be put in place to control entry to the premises.

At 1038 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 1137 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/181217

RESOLVED

That the application by Emerald International Enterprise Ltd for a premises licence in respect of Craft Inn, 40 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QQ

GRANTED SUBJECT TO THE FOLLOWING CONDITIONS to promote the prevention of crime and disorder, public safety, the prevention of public nuisance, the protection of children from harm objectives in the Act:

A.	Signage	<p>The applicant shall erect prominent, clear and legible signage inside and outside the premises requesting patrons to be considerate of local residents, particularly when leaving the premises after 8pm.</p> <p>The applicant shall erect prominent, clear and legible signage inside and outside the premises requesting that patrons do not congregate outside the premises so as to cause a nuisance to local residents.</p>
B.	Rubbish disposal	<p>The applicant shall ensure that staff undertake a litter patrol before the start of each trading day in order to clear up any litter outside the premises and dispose of this in the appropriate manner.</p>
C.	Entry to Premises	<p>The applicant volunteered to install a door entry system at the premises in response to concerns raised by the Sub Committee around children gaining unauthorised access to the premises throughout the trading day, given the proximity of schools nearby and a bus stop directly in front of the premises.</p>
D.	Smoking Area/Outside drinking	<p>The applicant will ensure that patrons are not permitted to take alcohol to the outside smoking area of the premises and will display clear prominent signage at the premises</p>

Licensing Sub-Committee A – 18 December 2017

		reflecting this Condition of Licence.
E.	Deliveries	Deliveries of stock will only take place from midday onwards and where possible, at the start of each trading day so as to minimise any noise nuisance to any residents nearby during the trading day.
F.	Other Conditions volunteered by the Applicant	Once appointed, the Designated Premises Supervisor will attend the local meetings of “Pub Watch”, and take any such actions required in order to properly promote the licensing objectives particularly where matters of concern have been raised in connection with the premises and the locality within which they are situated or are otherwise needed in order to promote the licensing objectives.

The Sub-Committee's reasons for imposing these agreed/volunteered conditions are due to the submissions made by other persons regarding the location; impact of the proposed operation and the likelihood of public/noise nuisance and crime and disorder emanating from the premises.

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 operation of the premises given the additional voluntary/agreed conditions which the applicant had agreed to in order to properly promote all the licensing objectives.

However, the concerns of the other persons were taken into account by imposing suitable conditions that would allay their apprehension / fear about the potential for disturbance/trouble/ 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.

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.

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 information in the application, the written representation received and the submissions made at the hearing by the applicant, their licensing 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.

4/181217 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

5/181217 **RESOLVED:**

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:-

(Paragraphs 3 & 4 - Local Government Act 1972)