

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 17th August 2016
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Staycity Aparthotels, Newhall Square, 88 Charlotte Street, Birmingham, B3 1PW
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on and off the premises) to operate from 10:00am until 11:00pm (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 22nd June 2016 in respect of Staycity Aparthotels, Newhall Square, 88 Charlotte Street, Birmingham, B3 1PW.

Representations have been received from Environmental Health, as a responsible authority, and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

Staynewhall Square Ltd applied on 22nd June 2016 for the grant of a Premises Licence for Staycity Aparthotels, Newhall Square, 88 Charlotte Street, Birmingham, B3 1PW.

A representation has been received from Environmental Health, as a responsible authority. See Appendix 1.

Representations have been received from other persons. See Appendices 2 – 10.

The application is attached at Appendix 11.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 12.

Site Location Plans at Appendix 13.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 10

Application Form, Appendix 11

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 12

Site Location Plans, Appendix 13

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

Appendix 1



Enacted
RJ

To:	Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ	Date: 20/07/ 2016
From:	Paul R Samms, Environmental Protection Officer Environmental Health, Manor House, 40 Moat Lane Digbeth, Birmingham, B5 5BD	
CC:	Ref:	
Subject:	Application for Premises License – Staynewhall Square Ltd, 88 Charlotte Street, Birmingham.	

I, Paul R Samms, as a representative of Environmental Health, formally raise a representation on the above application.

My representation(s) concern the likely effect of the grant of the licence on the promotion of the following licensing objective: **the prevention of public nuisance**

I am concerned that the grant of the licence would undermine the licence objective for the prevention of public nuisance.

My concerns include (but are not exclusive to) a complainant complaining of intrusive noise as a result of :

1. Noise from patrons using the external area during noise sensitive times.
2. Noise from taxi's.
3. Noise from patrons from within the hotel rooms.

I think that this concern can be dealt with by the use of appropriate conditions.

1. The Hotel Manager shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a nuisance to local residents.
2. Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the Hotel Manager.
3. Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use
4. The Hotel Manager shall ensure notices shall be displayed near the entrance and exits of the Hotel at a weekend advising customers who wish to use the outside areas that they should do so with respect for the nearby residents and keep noise levels to a minimum.
5. The Hotel Manager shall be responsible for ensuring that patrons wishing to utilise the outside areas do so quietly and that noise from patrons moving to and from the external areas is kept to a minimum.
6. The Hotel Manager shall be responsible for ensuring that the external areas do not create a nuisance to neighbours at the premises and if necessary restrict the number of people utilising the outside areas at any one time.
7. Customers will not be allowed to take drinks outside the premises.
8. From 9pm until 8am on each day all external doors and windows are to be closed except for access and egress.
9. Guests shall be prevented from using the lounge area after 11pm.

In light of the matters set out above I have no objections to the licence being granted provided appropriate conditions are imposed to deal with the concerns raised.

Appendix 2

ENTERED
BV

2

From:
Sent: 12 July 2016 19:40
To: Licensing
Subject: 96476 application

Dear sir/Madam

I have a concern about the above application Stay City Hotel Newhall / Charlotte Street. The hotels entrance is on Charlotte street directly opposite House of York residences. As a resident of house of York we have ample experience of some of the guest of the hotel. I have contacted the council about noise and unacceptable behaviour from guests at the hotel in the past.

I would request that the council come and view any weekend night at the entrance to the hotel or our apartments. We now experience large groups drinking outside the hotel and in our entrances while they smoke. The noise is impossible and we have come to accept no sleep at weekends. The hotel never seem to feel obliged to manage their guests, smoking, drinking and extreme noise levels are a weekly occurrence. I am concerned that the current difficulties are not addressed and adding alcohol on the premises will further exacerbate difficulties and lead to violence on our street.

In essence I am objecting their request for an alcohol license.

Yours sincerely

house of York

ENTERED RJ

From:
Sent: 20 July 2016 18:05
To: Licensing
Subject: Stay City Hotel - Jewellery Quarter Licensing Application

To Whom It May Concern,

I am writing to voice my objection to a recent application for a licence to sell alcohol which has been shown in the windows of the Stay City Hotel on Charlotte Street in the Jewellery Quarter. I understand that it is possible to raise any objections prior to the 28 July 2016.

We have had numerous issues with the hotel not controlling noise levels from residents on the street outside at all hours (normally from midnight until 5am). Further to this, residents from the hotel have been smoking cannabis in the street outside and littering the area (with clothing, shoes, broken bottles and glasses) - something which the hotel have not tackled.

I am a resident in the House of York apartments opposite the hotel and our lives have been seriously disrupted since the hotel opened. Despite numerous complaints to the council and the hotel itself, nothing has been done. Noise levels are out of control at the weekend and the street is filthy come monday morning.

I now fear that if this alcohol licence is granted it will only increase the disruption on an otherwise quiet street. The hotel have shown an inability to manage residents when they don't have a bar, I am concerned they will have no way of controlling things with alcohol being sold.

I think it would be a short sighted and irresponsible move to grant the licence which would cause further distress to residents on the street (which also contains offices and a secondary school).

Please let me know if you need me to do anything else or register my objection in any other way.

Kind Regards

ENTERED

4

B

From:
Sent: 21 July 2016 11:44
To: Licensing
Subject: Opposition to licensing application for alcohol license at StayCity Hotel, Charlotte Street, Birmingham

Good morning

I live at Caspar House on Charlotte Street and up until earlier this year, I have enjoyed living in the street since I first moved here in 2013.

I have already registered a complaint with my local MP Shabana Mahmood, Cllr Kath Harley, Cllr Sir Albert Bore and Cllr Carl Rice about the general upset the StayCity Hotel has brought to the residents of Charlotte Street since it opened because of anti-social behavior from the residents of the hotel particularly over a weekend.

Since this hotel has opened the tone of the street has been lowered significantly because of the standard of guests that the hotel is attracting. When the plans were put up for discussion, some of us from Charlotte Street attended a meeting to discuss the hotel and we were all assured by the hotel management/owners that it would only be business visitors and families that would be staying there. However, this is not the case - it is full of noisy and disruptive stag and hen parties and general gangs of people who have no regard or respect for the local environment they are staying in.

On a regular basis (mainly Thursdays to Sundays) we have to put up with:

- Gangs of youths standing on the street late at night who are noisy, drunk and smoking drugs openly on the street
- Gangs of young men shouting and swearing loudly, urinating on the street including against our apartment block Caspar House, the House of York (the block directly opposite the hotel) and the college
- General litter including food, pizza boxes and empty bottles and beer cans being left on the street, this has attracted seagulls to the area.

As you will appreciate this is not what we want and as a result we have started to ask for our street to be cleaned more because the hotel only clears the pavement directly outside its own building.

The way I see this is that we all share the street, but since the StayCity has opened it does not act fairly or properly in its obligation to respect that ethos and as a result their guests make it very unpleasant for residents who permanently live here. For the record, we never had this much trouble when the Travelodge was the only hotel on our street.

I am alarmed to see that the StayCity wants to obtain a license to sell alcohol in the hotel, please for the sake of the residents of Charlotte Street who share the street with the hotel please do not grant this license as I really dread what will happen if their customers are allowed to buy alcohol on tap, it is bad enough that they can buy alcohol from the Co-op supermarket next door to the hotel.

Before the hotel is allowed to sell alcohol it should make a investment in committing to stopping its guests and their anti-social behaviour and once this has been tested and proven that is it working, then the application should be reviewed again.

I am interested to hear your comments and your proposed actions on this matter.

Caspar House
Charlotte Street
Birmingham
B3

ENTERED *fu*

5

From:
Sent: 27 July 2016 21:58
To: Licensing
Subject: Application Reference 96476

Hello,

I'm writing to object to the above premises licence application, concerning Staycity Aparthotel Newhall Square, 88 Charlotte Street, Birmingham B3 1PW.

I am a local resident - in fact, I live directly opposite Staycity at House of York, Charlotte Street.

My experience of witnessing how the hotel is managed, the amount of alcohol that is already consumed in it, & the inability of the management and staff (particularly the door staff) to control the behaviour of their (frequently drunk) guests (particularly at week-ends), informs my view that this application should not be approved.

My specific objections in terms of the licensing objectives relate to the prevention of public nuisance, and the prevention of harm to children.

Concerning public nuisance, there is already considerable late-night noise, particularly on Thursday, Friday and Saturday nights (and early mornings) from hotel guests smoking (and drinking) outside the premises, and returning or leaving in cabs etc. Currently, guests either arrive with plenty of alcohol that they have brought with them, and/or buy it from the Cooperative Food Store just a few yards away from the hotel. The hotel's management and door staff are already incapable of controlling the noise and anti-social behaviour of many of their guests, and there is no evidence, or likelihood, that they would be able to prevent people buying alcohol on their premises from taking it outside, or that that they would be able to stop non-guests from accessing the premises and buying alcohol there. Granting a licence to Staycity would only exacerbate, in my view, the existing problems at the hotel.

The second grounds for my objection concerns the prevention of harm to children. The hotel's (non-noisy) guests often include families with young children, and any increase in the availability of alcohol on the premises, and an increase in the number of people drinking in the public areas of the hotel, could only impact negatively on them.

If, despite these objections, the committee is minded to grant the application, then I would strenuously request that a licence be granted for on-sales only and that the last time for the sale of alcohol should be no later than 22.00. But in fact I consider the reasons against granting the licence altogether to be strong enough to request that the committee turn down the application altogether.

Please acknowledge receipt of this objection.

Appendix 6

Entered

2

From:
Sent: 29 July 2016 14:42
To: Licensing
Subject: Objection to alcohol license for stay city ref 96476

, House of York

Charlotte Street

B3 :

29 July 2016

Dear Sir or Madam,

I write to you as a resident of House of York, a development located on Charlotte Street in Birmingham's Jewellery Quarter.

I note that StayCity Apartments have made an application (no. 96476) to Birmingham City Council for a licence to sell alcohol on their premises, which is located across the road from our development. I write to strongly oppose the granting of this licence.

The opening of StayCity Apartments has considerably altered the nature of Charlotte Street in only a few months of business. Previous to the opening of the hotel, Charlotte Street has been a reasonably quiet residential street. You will, of course, be aware, that Travelodge have operated a hotel franchise for several years in the street. In the main, there has been little significant disruption from this hotel over the years.

This character is now no longer present within Charlotte Street. Each weekend brings large groups of guests who have come to explore Birmingham's nightlife. These groups are persistently rowdy; there is often noise spilling out from the apartments located at the front of the complex. Those coming to the front of the building to smoke are also persistently loud.

Even more disruptive is the level of noise caused by guests returning from a night out. Many like to loiter at the front of the hotel due in part, again, to its use as a smoking area. Despite persistent complaints from residents, StayCity have been unable to adequately control the disruption caused by their guests.

I note that, several weeks after opening, small signs urging guests to be mindful of residents have sporadically been displayed. A security guard is now also used across the weekend and during the week.

Despite these measures, the same issues persist. The impact of the measures taken by the hotel has been minimal. I am deeply concerned that the grant of a licence to serve alcohol on site will serve to further exacerbate the issue, exclusively caused by StayCity Apartments.

It is clear that the decision to apply for this licence is a purely commercial one. The Apartments are already served by a Co-Op, which sells alcohol until 11.00 pm, 7 days per week, and a pub (The Queens Arms), the combination of which allows guests to enjoy alcohol both in their rooms at any time and socially during licensed hours. Both of these amenities are less than 100 metres from the hotel. As most of the weekend trade is already staying in groups, there is no additional need to provide a social space for alcohol to be enjoyed in.

Granting a licence is likely, however, to increase the already detrimental effect that the hotel has already had on local residents. Alcohol will now be even more freely available than it already is, leading to louder guests, and a probable increase in people coming outside to smoke throughout the day and night, causing even greater disturbance. We believe that this level of impact is a step that is significant and disproportional on residents.

We would urge you to take the quality of life of residents on the street into serious consideration when deciding to grant this licence. It appears to bring no benefit to anyone, except the shareholders of the hotel who do not have to live with the local impact. We acknowledge that living in a city centre brings with it a certain level of noise; it is what makes our centre so vibrant. However, it seems deeply unfair to permit such a significant change to a residential street in order to simply serve the financial interest of a large company.

Yours Sincerely

Entered
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7

From:
Sent: 29 July 2016 07:56
To: Licensing
Subject: Objection Stay City Apartments Alcohol licence

Dear Sir or Madam,

I write to you as a resident of House of York, a development located on Charlotte Street in Birmingham's Jewellery Quarter.

I note that StayCity Apartments have made an application to Birmingham City Council for a licence to sell alcohol on their premises, which is located across the road from our development. I write to strongly oppose the granting of this licence.

The opening of StayCity Apartments has considerably altered the nature of Charlotte Street in only a few months of business. Previous to the opening of the hotel, Charlotte Street has been a reasonably quiet residential street. You will, of course, be aware, that Travelodge have operated a hotel franchise for several years in the street. In the main, there has been little significant disruption from this hotel over the years.

This character is now no longer present within Charlotte Street. Each weekend brings large groups of guests who have come to explore Birmingham's nightlife. This has had a huge impact on both the traffic and parking in the street (often parking on double yellow lines in front of the House of York complex) and a substantial increase in litter (and unfortunately vomit). These groups are persistently rowdy; there is often noise spilling out from the apartments located at the front of the complex. Those coming to the front of the building to smoke are also persistently loud.

Even more disruptive is the level of noise caused by guests returning from a night out. Many like to loiter at the front of the hotel due in part, again, to its use as a smoking area. Despite persistent complaints from residents, StayCity have been unable to adequately control the disruption caused by their guests.

I note that, several weeks after opening, small signs urging guests to be mindful of residents have sporadically been displayed. A security guard is now also used across the weekend and during the week.

Despite these measures, the same issues persist. The impact of the measures taken by the hotel has been minimal. I am deeply concerned that the grant of a licence to serve alcohol on site will serve to further exacerbate the issue, exclusively caused by StayCity. Apartments.

It is clear that the decision to apply for this licence is a purely commercial one. The Apartments are already served by a Co-Op, which sells alcohol until 11.00 pm, 7 days per week, and a pub (The Queens Arms), the combination of which allows guests to enjoy alcohol both in their rooms at any time and socially during licensed hours. Both of these amenities are less than 100 metres from the hotel. As most of the weekend trade is already staying in groups, there is no additional need to provide a social space for alcohol to be enjoyed in.

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We would urge you to take the quality of life of residents on the street into serious consideration when deciding to grant this licence. It appears to bring no benefit to anyone, except the shareholders of the hotel who do not have to live with the local impact. We acknowledge that living in a city centre brings with it a certain level of noise; it is what makes our centre so vibrant. However, it seems deeply unfair to permit

such a significant change to a residential street in order to simply serve the financial interest of a large company.

Yours Sincerely

Appendix 8

Entered
at

From:
Sent: 29 July 2016 10:30
To: Licensing
Subject: Licensing Objection - Staycity Newhall Square REF:96476

House of York
Charlotte Street
Birmingham
B3

28th July 2016

REF:96476 Licensing Application, StayCity Newhall Square.

Dear Sir or Madam,

I am writing in regards to the licence application Ref:96476 for StayCity Apartments New Hall Square. I live directly opposite the hotel and am writing to strongly oppose the granting of the licence as I am certain that the licence will only compound the negative impact the hotel has had on the lives of the residents of Charlotte Street since it opened.

I have owned my apartment since October 2014 and until StayCity opened in February this year I have loved living in what was a quiet, clean residential street so close to the city centre. While I understand that living near the city will naturally mean there is noise, particularly on weekend evenings, the Travelodge Hotel and the Queens Arms pub on the road have rarely caused any disturbance and it has always been transient when it did occur. However since the StayCity Apartments opened there have been a marked change in the noise and rubbish on the street. The street is now covered with empty alcohol bottles, take away containers and at weekends vomit can frequently be seen outside our building.

This is due to the fact that the StayCity hotel is predominantly used by large groups who are in Birmingham for either stag and hen parties or nights out in Birmingham, despite the hotel's claims that the clientele are largely business or family guests. They often bring crates of alcohol with them and can be seen buying large quantities of alcohol at the Co-Op mini-supermarket which is next door, and, it should be noted, is open from 7am until 11pm every night. There are large groups of drunk guests creating significant noise from early evening where it can be heard that they are having parties in their rooms, then throughout the night when they are leaving for and returning from nights out in the city centre, typically until 4am at weekends.

The front of the hotel is used as the smoking area, which also causes significant disturbance to those living on Charlotte Street as the smokers come out throughout the night and as stated are frequently drunk and loud, making it impossible to sleep. Unfortunately this occurs every weekend and frequently during the week. The hotel management have employed security staff to try and control the guests, a move it should be noted that the Travelodge have never had to employ. However they are often unresponsive and I have had to contact the hotel numerous times throughout the night since the hotel opened to get the security staff to quieten the guests as they are shouting in the street. As recently as 7th July I had to call the Jewellery Quarter Police as there were guests of StayCity who were on the street outside the hotel drunk and shouting throughout the night. They were drinking on the street throughout the night and were hugely disruptive. Calls to the hotel only resulted in the security guards moving the guests a few meters down the road where they were still just as audible. It should be noted that this was a Wednesday night and the third night in a row that the residents of House of York were unable to sleep due to the drunk guests at StayCity.

Numerous bottles and cans of alcohol are left on the street and in our driveway arches, which despite discussing with StayCity they take no responsibility for other than the area of pavement directly outside their front door. The road now looks dirty and unkempt all the time due to this. There is a secondary school 100 meters from the hotel and the children will often walk down Charlotte Street on their way to school and I have had to stop children taking the half-empty bottles; by granting an alcohol license to the hotel it will surely just increase the problem.

StayCity Newhall Square has caused significant disruption and upset to the residents of Charlotte Street since its opening and this is largely in part to the drunk nature of the guests. As stated above, the guests already have easy access to alcohol at the Co-Op shop next door and in the numerous pubs and bars within walking distance to the hotel. Giving the hotel an alcohol licence would benefit no one apart from the shareholders of the hotel who are interested only in profit. I implore you to consider the local residents who have to live with the consequences of the hotel and their guests and decline the application for an alcohol licence; it will surely only cause greater disruption and benefit no one.

Yours Sincerely,

Appendix 9

Entered

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9

From:
Sent: 29 July 2016 14:29
To: Licensing
Subject: Application 96476
Attachments: App Ref- 96476 - Stay City.pdf

Dear sir / madam,

Please find attached a letter of correspondence in relation to the above licence application. As a resident of Charlotte Street, I have noted that Stay City have been unable to successfully manage their guests, who are already well served by outlets selling alcohol. The application for a licence is a purely commercial measure which I believe will further impact the residents of the street. In addition to the noise that they create, guests also regularly litter the entire street. This litter often includes discarded alcohol containers and nitrous canisters. The negative impact felt by the entire street in already, I believe, excessive. The grant of an alcohol license will only make this worse, and will bring no benefit to the street, the quarter, or the local economy.

I would be grateful if you could pass this email and the attached letter to the appropriate official when considering whether to grant this licence.

Yours Sincerely

Resident of House of York
Charlotte Street

28 July 2016

Dear Sir or Madam,

Re: Licence Application 96476

I write to you as a resident of House of York, a development located on Charlotte Street in Birmingham's Jewellery Quarter.

I note that StayCity Apartments have made an application to Birmingham City Council for a licence to sell alcohol on their premises, which is located across the road from our development. I write to strongly oppose the granting of this licence.

The opening of StayCity Apartments has considerably altered the nature of Charlotte Street in only a few months of business. Previous to the opening of the hotel, Charlotte Street has been a reasonably quiet residential street. You will, of course, be aware, that Travelodge have operated a hotel franchise for several years in the street. In the main, there has been little significant disruption from this hotel over the years.

This character is now no longer present within Charlotte Street. Each weekend brings large groups of guests who have come to explore Birmingham's nightlife. These groups are persistently rowdy; there is often noise spilling out from the apartments located at the front of the complex. Those coming to the front of the building to smoke are also persistently loud.

Even more disruptive is the level of noise caused by guests returning from a night out. Many like to loiter at the front of the hotel due in part, again, to its use as a smoking area. Despite persistent complaints from residents, StayCity have been unable to adequately control the disruption caused by their guests.

I note that, several weeks after opening, small signs urging guests to be mindful of residents have sporadically been displayed. A security guard is now also used across the weekend and during the week.

Despite these measures, the same issues persist. The impact of the measures taken by the hotel has been minimal. I am deeply concerned that the grant of a licence to serve alcohol on site will serve to further exacerbate the issue, exclusively caused by StayCity Apartments.

It is clear that the decision to apply for this licence is a purely commercial one. The Apartments are already served by a Co-Op, which sells alcohol until 11.00 pm, 7 days per week, and a pub (The Queens Arms), the combination of which allows guests to enjoy alcohol both in their rooms at any time and socially during licensed hours. Both of these amenities are less than 100 metres from the hotel. As most of the weekend trade is already staying in groups, there is no additional need to provide a social space for alcohol to be enjoyed in.

Granting a licence is likely, however, to increase the already detrimental effect that the hotel has already had on local residents. Alcohol will now be even more freely available

than it already is, leading to louder guests, and a probable increase in people coming outside to smoke throughout the day and night, causing even greater disturbance. We believe that this level of impact is a step that is significant and disproportional on residents.

We would urge you to take the quality of life of residents on the street into serious consideration when deciding to grant this licence. It appears to bring no benefit to anyone, except the shareholders of the hotel who do not have to live with the local impact. We acknowledge that living in a city centre brings with it a certain level of noise; it is what makes our centre so vibrant. However, it seems deeply unfair to permit such a significant change to a residential street in order to simply serve the financial interest of a large company.

Yours Sincerely

**Resident of House of York
Charlotte Street**

ENTERED
BV

From:
Sent: 28 July 2016 16:58
To: Licensing
Subject: Licensing Objection - Staycity Newhall Square REF:96476
Importance: High

House of York
Charlotte Street
Birmingham
B3

REF:96476
Licensing Application, Stay Newhall Square.

Good afternoon,

Having been involved with the licensed trade for close to twenty years, I would like to strongly object to this license application for the following reasons:

1. The prevention of crime and disorder

The clientele of Staycity are implied by their marketing to be business guests and families. Whilst there are some business guests and families that stay there, the vast majority of weekend guests are young people looking for a cheap night out. Many can be seen purchasing quantities alcohol from the Co-Operative store on Charlotte Street or shipping in crates. It is a regular occurrence to see young males swigging from bottles in the street and drinking from cans in the reception area. Those who have been to the many clubs and bars in the city centre return at intermittent intervals all through the night until 6am. Many are drunk, noisy and abusive. I have photographic evidence of this behaviour and also photographic evidence of the inaction of hotel security.

Since the premises opened, the litter on Charlotte Street has increased ten fold. From takeaway wrappers to vodka bottles to condoms – all of which I have witnessed being thrown from cars by people parking up to enter Staycity.

The smell of cannabis smoke regularly comes in through our windows which is unpleasant as well as illegal. The guests smoking cannabis do so on the House of York side of the road to escape the view of security staff. When challenged, many of these people become aggressive.

2. Public safety

I have witnessed drug use outside the apartments, along with discarded 'laughing gas' canisters strewn up and down the street. These problems have been mentioned to Staycity management. Whilst I understand that the gas canisters are not illegal, I believe that with the combination of gas, alcohol and any other drugs

that Staycity guests are consuming, it will only be a matter of time before a fatality occurs. Police have been called to the premises several times recently – once involving a knife attack.

3. Prevention of public nuisance

As residents of The House of York, Charlotte Street, Birmingham, myself and my partner have had our lives turned upside down since Staycity opened. We currently have a case open with Environmental Health (case **WK/008308932**, Contact name – Paul Samms) who are investigating our complaints of nuisance noise caused by Staycity guests. I believe that the addition of an alcohol licence will increase the likelihood of public disturbance to local residents. I am of the firm opinion that due to the fact that Staycity cannot control their guests when they have been drinking elsewhere, it would be foolish to expect them to be able to control them whilst drinking in their own premises.

Urination and vomiting in the street and also in the private archways of House of York have also been witnessed.

The 'smoking area' at the front of the building currently causes the most disturbance. This occurs mostly at weekends but can happen on any day between 11pm and 5am.

This has caused us no end of problems. We initially had to move our mattress into our living room as it has fewer windows than the master bedroom.

We have now taken the drastic step of moving our bed into our box room at the rear of our flat. We should not have to live like this.

4. The protection of children from harm

As the previous points should illustrate, any children staying at this premises with their families are already exposed to far more than any child ever should. To even consider that an already noisy environment with regular drug users, groups of drunk youngsters and other anti social behaviour would be an appropriate setting for children to be staying in is positively ludicrous. The belief that adding a premises licence into the mix would not increase the already extensive problems and badly managed nuisance is quite frankly disturbing and worrying.

That Staycity and Birmingham City Council would even contemplate an alcohol licence for this premises is beyond ridiculous.

The other Birmingham Staycity site does not have a licence, despite it being in a more appropriate area for such.

It is my opinion that to allow Staycity to serve alcohol, Birmingham Council would be giving the green light to Staycity to continue to operate as they are – without thought or valid consideration for the families who wish to stay in their premises.

Reading the Tripadvisor reports on this premises, many of the guests who stay there report internal noise constantly throughout the night with little or minimum action taken to prevent it.

I look forward to hearing your reply and verdict.

App ref: 96976

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

We Staynewhall Square Ltd apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Staycity Aparthotels, Newhall Square, 88 Charlotte Street	
Post town Birmingham	Post code B3 1PW

Telephone number of premises (if any)

Non-domestic rateable value of premises

 Band C

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals* ☐ please complete section (A)
- b) a person other than an individual*
- i. as a limited company ☒ please complete section (B)
 - ii. as a partnership ☐ please complete section (B)
 - iii. as an unincorporated association or ☐ please complete section (B)
 - iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)

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- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 - Statutory function or ☐
 - A function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname First names

I am 18 years old or over ☐ Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname First names

I am 18 years old or over ☐ Please tick

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Staynewhall Square Ltd
Address Arc Apartments, The Arcadian Centre,, Hurst Street, Birmingham, B5 4TD
Registered number (where applicable) 07846693
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

As soon as possible

Day Month Year

--	--	--	--	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Please give a general description of the premises (please read guidance note 1)

The applicant operates aparthotels across the United Kingdom.

The unit intended to be licensed at 88 Charlotte Street (Newhall Square) offers some 170 serviced apartments consisting of 4 studio apartments, 142 one bedroom apartments and 24 two bedroom apartments.

Each apartment offers cooking facilities within each unit but the applicant now offers a coffee area which it is intended to extend to a limited food and beverage offering for residents and their bona fide guests as identified on the plans deposited with this application, at ground floor level.

It is proposed that the permitted hours for licensable activities for these premises should be Monday – Sunday: 10.00 – 23.00 inclusive. The premises will remain open 24 hours a day to apartment residents.

This application seeks to licence the premises specifically to authorise under the Licensing Act 2003 the following activity, namely the sale of alcohol.

The appropriate drawings deposited with this application are:

- Drawing no. A-GWP-286.1311.(00).10M – detailed ground floor plan to a scale of 1:100 with the intended licensed area edged red.
- Drawing no. A-GWP-286.1311.(00).11.G – indicative upper floor layout plan.
- Drawing no. 60(02) Rev A – fire strategy drawing.

Please note that the internal area edged red on the licensing drawing at ground floor level is intended to be used (as required) for the licensable activity of the sale of alcohol.

Please further note that the appropriate fire safety precautions are incorporated within the development in consultation with the Fire Safety Officer and under the Building Regulation approval process.

CCTV – CCTV is already installed within the premises and covers the areas intended to be licensed.

The intended licensed facility at ground floor level is for the benefit of residents and their bona fide guests only. Members of the public who are not resident or bona fide guests of residents will not be entitled to the sale of liquor on the premises. Please note that the apartments themselves are not intended to be included within the ambit of the Licence save that alcohol purchased from the facility to be licensed may be consumed in those apartments by those residents.

Given the location of the site, during the evenings SIA registered door supervisors are engaged at the premises controlling access to the same and it is intended that this will continue.

It is not believed that the site is within any Cumulative Impact Policy area adopted by Birmingham City Council.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

Provision of regulated entertainment

- a) Plays (if ticking yes, fill in box A) ☐
- b) Films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
Day	Start	Finish	Both		
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Mon				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	10:00	23:00			
Fri	10:00	23:00			
Sat	10:00	23:00			
Sun	10:00	23:00			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name: JAMES GWILLIAM.....	
Address:	
Postcode:	
Personal Licence number (if known):	
Issuing licensing authority (if known):	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	00:00	00:00	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

We have undertaken our own risk assessment to propose the following steps:-

The steps which we have identified in relation to the four licensing objectives are listed below

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below

1. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Alcoholic and other drinks may not be removed from the premises save for consumption in the apartments within the development.

3. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
4. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
5. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
6. The management of the premises will liaise with police on issues of local concern or disorder.
7. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
8. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

c) Public safety

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

e) The protection of children from harm

- 1) The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
- 2) No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
- 3) Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
- 4) There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

- 5) The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
- 6) Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Please tick ✓ Yes

- I have made or enclosed payment of the fee ☒
- I have enclosed the plan of the premises ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable ☒
- I understand that I must now advertise my application ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: 21 June 2016

Capacity: Solicitors.....

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date:

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT

Appendix 12

From: Gary Callaghan
Sent: 08 July 2016 13:06
To: Karen Knight
Subject: FW: Staycity Aparthotels

Hi Karen

Please see attached email

Regards
Gary

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement

Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES
Website: www.birmingham.gov.uk/licensing Twitter: @BCC Licensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to
<http://publicregister.birmingham.gov.uk>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

From: John Gaunt
Sent: Monday, July 04, 2016 4:09 PM
To: Gary Callaghan
Subject: Staycity Aparthotels

Gary

Thanks for this; just to confirm:

- My clients will be happy to accept the following conditions as suggested by you:
 - The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided.
 - The staff training records will be kept at the premises and made available for inspection to any Responsible Authority upon request.

Hope this all helps.

Regards

John Gaunt
Partner

Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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From: Gary Callaghan
Sent: 30 June 2016 15:06
To: John Gaunt & Partners
Subject: Licensing Application

RE: Staycity Aparthotels
Newhall Square
88, Charlotte Street
B3 1PW

Mr Gaut,

Further to our telephone conversation today,

I would like to add onto the conditions to be attached to the premises licence the following under Crime & Disorder objective the following:

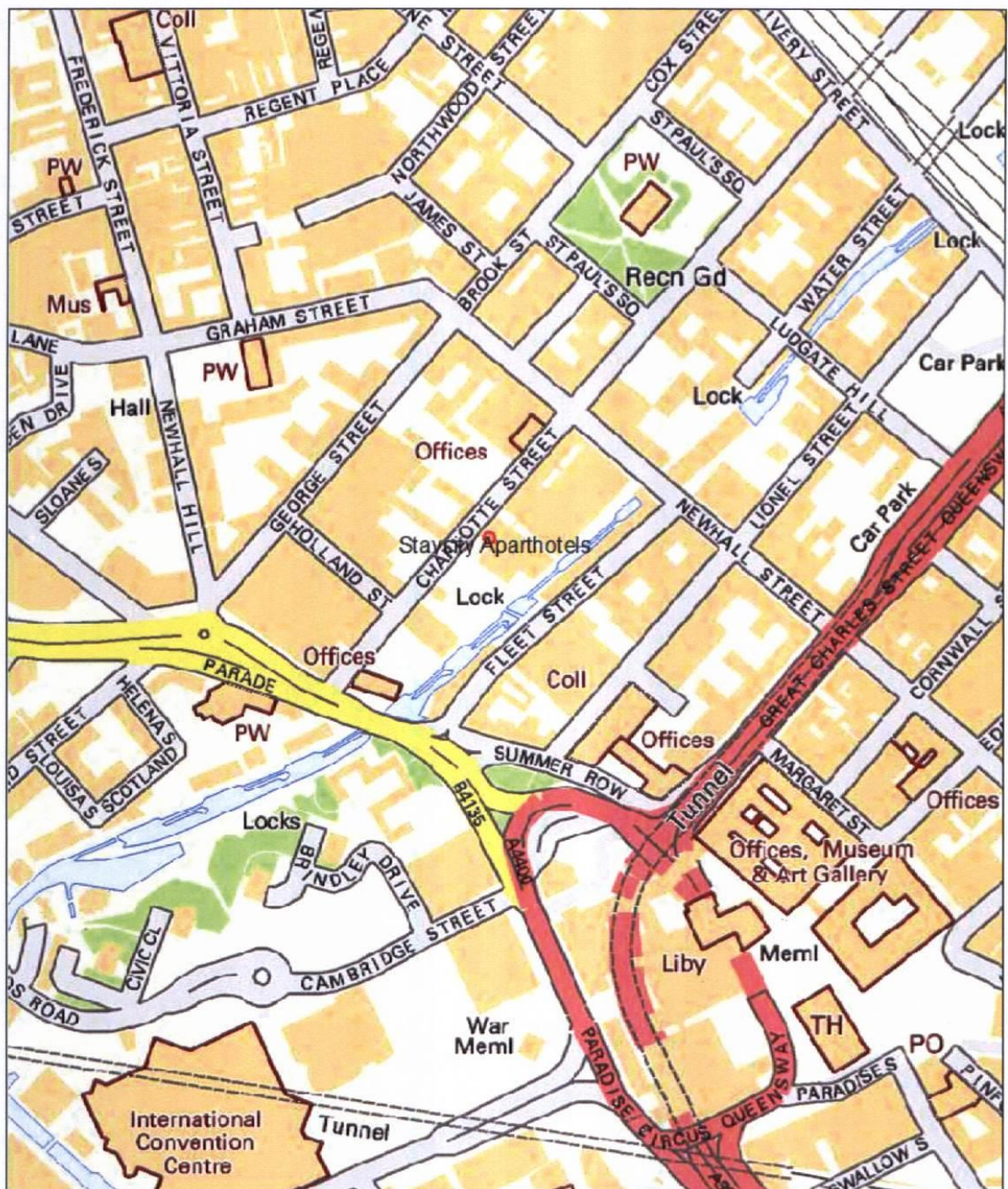
The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided.

The staff training records will be kept at the premises and made available for inspection to any Responsible Authority upon request.

Can you confirm that you and your client are happy with the above ?

Regards
Gary Callaghan

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement



Map Created By:

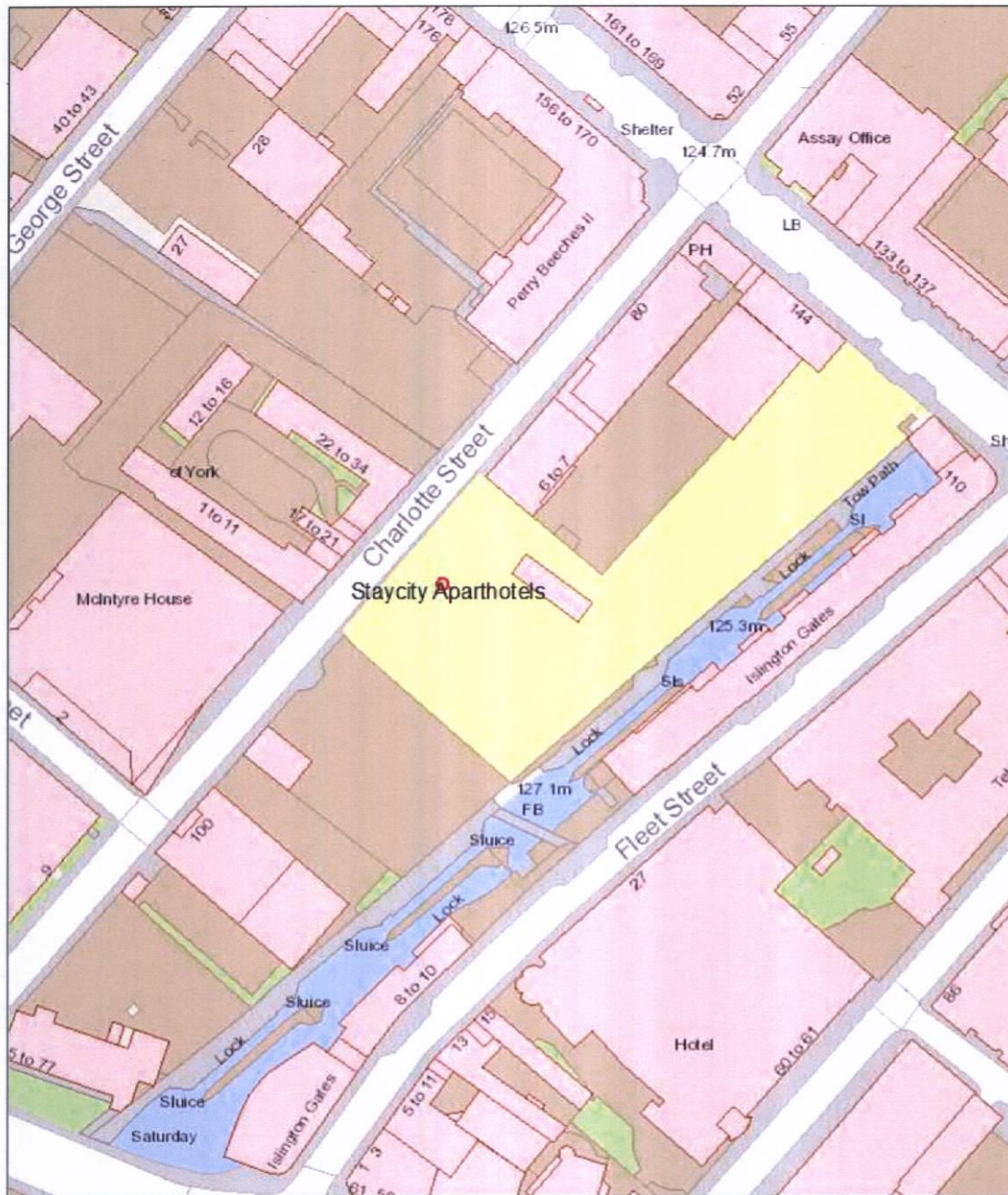
Notes

Date of Map Creation: 21/07/2016



Scale:
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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 21/07/2016



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