

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 26 SEPTEMBER 2018
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**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 26 SEPTEMBER 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Olly Armstrong and Neil Eustace.

ALSO PRESENT: -

Bhapinder Nandhra - Licensing Section
Joanne Swampillai - Committee Lawyer
Sarah Stride - Committee Manager.

NOTICE OF RECORDING

1/260918 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/260918 No declarations of interest were raised.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/260918 No apologies were submitted.

MINUTES – PUBLIC

4/260918 **RESOLVED:-**

- i) That the public section of Minutes of the meetings held on 25 July and 8 August 2018 were noted;
 - ii) that the Minutes of the meeting held on 22 August 2018 were confirmed and signed by the Chairman.
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**LICENSING ACT 2003 PREMISES LICENCE (GRANT) – AVERY FIELDS
SPORTS AND EVENTS LIMITED, 79 SANDON ROAD, EDGBASTON,
BIRMINGHAM B17 8DT**

The following persons attended the meeting:-

On behalf of the Applicant:

Duncan Craig - Solicitor, Citadel Chambers
Rob Edge - Agent for applicant
Dean Lewis - DPS
Darren Clegg - Secretary
Michael Palmer - Chairman

Those making Representations:

Margaret Strong - Resident
Mr J Spooner - Resident
Pav Sidhu - Member of North West Edgbaston Neighbourhood Forum
Heather Cooke - Resident
June Kennerley - Resident

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

(See Document No. 1)

Following introductions by the Chairman, the main points of the report were outlined by Bhapinder Nandhra, Licensing Section. He advised that following negotiations with consultees the revised premises license sought to permit the sale of alcohol on the premises only and that the provision of regulated entertainment had now been withdrawn. Appendix 10 contained within the papers had also been withdrawn.

On behalf of the Applicant

Duncan Craig, on behalf of the applicant, stated that the applicant was aware that in reading the representations the majority of objections related to the request for regulated entertainment. In view of this the applicant has withdrawn the request for regulated entertainment. The applicant wished to fully engage and consult with the community and have adapted the license in view of concerns raised.

The Rugby Club had been in existence since 1909 and a number of events had occurred over the last couple of weeks in the Club house. He stated that it was not unusual for a Rugby Club to have a license to sell alcohol as the majority, if not all, Clubs nation-wide provides this service to their members. Social Clubs and Sports Clubs provide a community social setting for members both young and old.

He made reference to the operating schedule and stated that a number of conditions had been amended to reflect the views of the local community. Under paragraph 'M – Describe the steps you intend to take to promote the four licensing objectives' he gave the following description:

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1. The premises (including the restaurant and bar) will be professionally supervised by the DPS and Duty Manager, as well as the appointed catering company and staff at all times.
2. There will be comprehensive policies and procedures in place to ensure that the premises are fully compliant with all four of the licensing objectives.
3. Staff training will be both comprehensive and reviewed on a regular basis, with records being retained at the premises and made available for inspection by any Responsible Authority at reasonable notice.
4. All new members and staff shall be trained within one month of commencing their employment.

He stated that the application put forward today was a totally new and revised application from the one previously submitted to Committee.

He made reference to the prevention of crime and disorder and stated that the paragraph reading 'West Midlands Police Licensing Department and Environmental Protection are to be notified 28 days in advance in writing by email of all events for the outside area' was to be withdrawn.

In relation to the prevention of public nuisance the paragraph reading 'Events in the external areas shall be restricted to six per year (notwithstanding TEN's), had also been withdrawn. The sale of alcohol off the premises had been withdrawn.

He made reference to the photographs submitted which showed the views from the Club House and stated that the perimeter fence was to be completed shortly.

In response to questions raised he confirmed that the freehold was held by Avery Fields Trust which is a charity organization and is precluded from an alcohol license so therefore it was leased to the Rugby Club.

In response to questions raised by Members he gave the following information:

- Patrons were unable to view into residential properties from the balcony windows of the club house. From the back of the club house residential properties were approximately 150m away in distance and from the front of they were approximately 40m away in distance.
- Stewards and car parking attendants will supervise the use of the car park and taxi companies. Stewards will ensure that taxi companies will not use their horns to alert passengers of their arrival.
- The club house will be policed correctly and stewards will ensure that people will leave in an orderly fashion. Signs will be erected in the club house foyer to remind patrons to be respectful of surrounding residential premises and to keep noise to a minimum.
- No large scale external events will take place. Small events will take place inside the club house. When the facility is not being used for rugby events it will be used by others in the community for events such as birthday parties etc and corporate events. The function room can accommodate up to 100 people. In order to gain maximum revenue the club house will be considered for any suitable event. The club house itself will have the final say on the type of event that is held at the premises.

Those making Representations

Margaret Strong - Resident

Mr J Spooner - Resident

Pav Sidhu - Member of North West Edgbaston Neighbourhood Forum

Heather Cooke - Resident

June Kennerley - Resident

- i) Margaret Strong made reference to the historic Deed of Covenant but the Chairman advised that it was not within the remit of the Licensing Sub Committee to consider such issues. She requested clarification as to who actually owned the club and Duncan Craig advised accordingly (the freehold was held by Avery Fields Trust and leased to the Rugby Club. The Trust had consisted of three professional trustees).

Ms Strong made reference to the removal of regulated activities and requested clarification. Duncan Craig responded appropriately and stated that it included the following exemptions – amplified music, live music, boxing and wrestling, dance and plays etc.

Ms Strong objected to the opening hours and stated that the surrounding residential properties contained young children that would be disturbed in the evening by loud music and traffic noise. There were also child safety concerns as selling alcohol so close to a school in the afternoon was considered to be a risk and could result in anti-social behavior in the surrounding area.

- ii) Mr J Spooner stated that he had lived on Popular Avenue for many years and the club house was once a small club for members only. The club house was now a two storey building and noise emissions were a disturbance to local residents. He stated that he could hear music and noise from the front bedroom of his property. He was unable to sit in his garden due to constant noise emanating from the club house. He stated that the hours of opening should be amended to suit local residents.
- iii) Pav Sidhu stated that in his capacity as a Member of the North West Edgbaston Neighbourhood Forum a number of local residents had raised objections and concerns directly to the Forum concerning the use of the club house. He stated that the changes made to the application were not coherent. He stated that many residents felt that if the trustees were in violation of Planning objectives then they will ultimately, over a period of time, be in violation of their Licensing objectives also.

Increase harm to children – drug dealing and prostitution was, in the past, a major concern in the surrounding area and residents fear that incidences will re-occur with a late night drinking venue. Anti-social behaviour will increase in an area that housed vulnerable people in a nearby hostel for recovering alcoholics and drug users.

Noise pollution would have a negative impact on the local community. The licence should be for a sports club and not a drinking venue with late night entertainment. The social club needed to generate income and will not therefore, consider the concerns of local residents when arranging events.

iv) Heather Cooke stated that the club house was within close proximity to residential properties and that noise pollution was a major problem to local residents. The outdoor smoking area was considered anti-social and littering will occur. Balcony windows may be shut in the evening but open in the daytime disturbing local residents with noise. The venue was no longer a sports club but an events venue to maximize revenue with late night drinking and loud noise.

v) June Kennerley stated that she had nothing further to add to the discussion.

At 1108 hours the Chairman adjourned the meeting for a comfort break and reconvened at 1116 hours.

Summary of Statements

In summing up local residents, collectively, made the following points:-

- a) Residents felt that the trustees were not being transparent and were not community focussed.
- b) The club house will be a social venue and not a sports club. The licence will allow the club to become commercially viable to any events leading to anti-social behaviour which could involve children and teenagers.
- c) Licensing hours should be amended to reflect local residents concerns.

In summing up Duncan Craig on behalf of the applicant, made the following points:-

- a) The trustees were law abiding individuals providing a service to local members of the public. The amended application was coherent and appropriate conditions have been imposed to reflect the concerns raised by local residents. A lot of speculation concerning drugs and prostitution has no links whatsoever to the rugby club or the club house.
 - b) 11pm was not an unreasonable time to end an event on the weekday and 12am on a Friday and Saturday was also not unreasonable. The majority of, if not all, rugby/social clubs nationwide worked within these licensing hours. If the licence was granted then a number of conditions will apply. The trustees will seriously consider all event applications and will refuse certain events if not deemed suitable.
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At 1135 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1215 the meeting was reconvened and all parties were invited to rejoin the meeting. The decision of the licensing sub-committee was announced as follows:-

5/260918

RESOLVED:-

That the application by **AVERY FIELDS SPORTS AND EVENTS LIMITED**, for a premises licence in respect of **79 SANDON ROAD, EDGBASTON, BIRMINGHAM, B17 8DT**:

BE GRANTED SUBJECT TO ALL THE CONDITIONS AGREED WITH WEST MIDLANDS POLICE IN ADVANCE OF THE MEETING, in order to promote the licensing objectives in the Act.

In addition to the agreed 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.

The Sub-Committee's reasons for imposing these agreed conditions were to ensure that the applicant could operate properly and uphold the licensing objectives within a residential area.

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 risk to the licensing objectives arising from the proposed/current operation of the premises.

However, the concerns of the local residents, several of whom attended the meeting to address the Sub-Committee, were taken into account by imposing suitable conditions that would allay their apprehension about the potential for problems to arise 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.

A full written Decision Notice, with reasons, will be made available in five working days.

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 and the amendments made, the written representations received, and the submissions made at the hearing by the applicant and their legal adviser, and by those making representations, namely local residents.

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.

OTHER URGENT BUSINESS

6/260918

There was no urgent business.

EXCLUSION OF THE PUBLIC

7/260918

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:-

Minutes of the meetings held on
25 July and 8 August 2018

(Paragraphs 3 & 4)
