

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 14 FEBRUARY 2024</b>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 14 FEBRUARY 2024 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Sam Forsyth in the Chair;

Councillors Jilly Bermingham and Penny Wagg.

**ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Jane Sarginson – Legal Services  
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/140224 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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2/140224 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation. If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest. Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/140224 No apologies were submitted.

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**LICENSING ACT 2003 – TEMPORARY EVENT NOTICE – STIRCHLEY  
EVENTS, WHARFSIDE LEISURE COMPLEX, 7 LIFFORD LANE,  
BIRMINGHAM, B30 3JH.**

**On Behalf of the Applicant**

The applicant did not attend.

**On Behalf of Those Making Representations**

Ben Reader – WMP (West Midlands Police)

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The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra Licensing Section, outlined the report.

At this stage the chair advised that the applicant was not present at the hearing and therefore, the Committee would hear the submission from WMP. Ben Reader, on behalf of WMP made the following points: -

- a) The applicant applied for the TEN and detailed that it would be a light, indoor style festival. Friday and Saturday night would have a DJ with a later finishing time.
- b) The genre of music is Scar and Reggae.
- c) That his colleague Mark Swallow had been dealing with the application and had contacted the applicant to request a risk assessment and requesting that the operating conditions from the current licence be carried over to the TEN event. However, he did not get a response from the applicant.
- d) There had been no further contact from the applicant.
- e) Mark Swallow had sent an email and made two telephone calls.
- f) It would have been helpful if the applicant had attended the hearing.

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- g) Due to the lack of contact and failure to provide a risk assessment WMP requested that the TEN be refused.

The Chair then invited WMP to make a closing submission, Ben Reader advised that he had nothing further to add.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

4/140224

### **RESOLVED:-**

That, having considered the objection notice from West Midlands Police in respect of the temporary event notice, as submitted by Steven Davis, the premises user, for an event to be held between 31<sup>st</sup> May 2024 – 1 June 2024 at Stirchley Events, Wharfside Leisure Complex, 7 Lifford Lane, Birmingham, B30 3JH this Sub-Committee determines that a Counter Notice be issued under Section 105 of the Licensing Act 2003.

The Sub-Committee's reason for issuing a Counter Notice is to prevent the temporary event from taking place to promote the prevention of crime and disorder / prevention of public nuisance licensing objective in the Act.

The Sub-Committee were of the opinion that allowing the event to proceed at the premises in the absence of a risk assessment and the failure to agree with the police that the imposition of the conditions already in place for the existing license were necessary, would run the risk of the premises being the focal point for crime and disorder in connection with the proposed event and causing unnecessary disturbance to neighbouring residents.

As the premises user did not attend the hearing and provided no representations, the Sub-Committee were not confident that the proposed event could run well / the premises user could overcome the concerns raised in evidence presented by the Responsible Authority.

Therefore the Sub-Committee were satisfied that on the balance of probabilities crime and disorder / public nuisance would arise in connection with the proposed event at the premises

The Sub-Committee therefore determined that it would be appropriate to reject the temporary event notice for the promotion of the prevention of crime and disorder / prevention of public nuisance licensing objective in the Act.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report, Section 182 – Home Office Guidance and its own licensing policy.

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

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twenty-one days of the date of notification of the decision. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

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**The meeting ended at 1019 hours.**

CHAIR.....