



BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY 18 JANUARY 2021

Couch, 1466 Pershore Road, Stirchley, Birmingham, B30 2NT

That the application by Sujan Singh Swani to vary the premises licence in respect of Couch, 1466 Pershore Road, Stirchley, Birmingham, B30 2NT, under section 34 of the Licensing Act 2003, **BE GRANTED**.

After hearing the evidence, the Sub-Committee determined to modify condition 2(d) to require staff to remind any excessively noisy patrons using the garden to be respectful of neighbours, especially during later hours of operation. Condition 2(d) shall therefore read (additional wording underlined and in italics):

“The Premises Licence Holder shall ensure that prominent clear and legible notices shall be displayed at the door requesting the customers to respect the needs of local residents and to leave the premises quickly and quietly. *The Premises Licence Holder shall also ensure that staff check the garden area at intervals, especially during later hours of operation, and in the event that conversation is excessively loud, to remind customers to respect the needs of local residents*”.

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 variation of the premises licence. The Sub-Committee's reasons for modifying the said condition are due to the submissions made by the two persons representing the applicant, who described themselves as directors, one of whom was also the Designated Premises Supervisor. They explained that they were keen to maintain good relations with neighbours and the local community.

A local resident who attended the meeting to address the Sub-Committee stated that an extension which she had built to the loft of her property overlooked the premises' garden, and that she had been troubled by noise. However she explained that this was not noise from amplified music; it was the sound of the patrons. The Sub-Committee therefore determined that modification of condition 2(d) was reasonable and proportionate to address the concerns of residents.

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 s182 of the Licensing Act 2003 by the Home Office, the application for a premises licence, the written representations received and the submissions made at the hearing by the applicant via a director and by the Designated Premises Supervisor, and by 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.