

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 21st February 2017
Subject:	Licensing Act 2003 Club Premises Certificate – Review
Premises:	Stanley's Club, 400 Kingstanding Road, Kingstanding, Birmingham, B44 8LD
Ward affected:	Oscott
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Club Premises Certificate.

2. Recommendation:
To consider and determine the review application.

3. Brief Summary of Report:
Review application received on 5 th January 2017 from West Midlands Police in respect of Stanley's Club, 400 Kingstanding Road, Kingstanding, Birmingham, B44 8LD. No additional representations have been received from representatives of other responsible authorities or 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.

<p>5. Relevant background/chronology of key events:</p> <p>The Chief Constable of West Midlands Police applied on 5th January 2017 for a review of the Club Premises Certificate under Section 87 of the Licensing Act 2003 for Stanley's Club, 400 Kingstanding Road, Kingstanding, Birmingham, B44 8LD.</p> <p>No additional representations have been received from representatives of other responsible authorities or other persons.</p> <p>Review application is attached, see Appendix 1.</p> <p>The Club Premises Certificate and Club Rules are attached at Appendix 2.</p> <p>Site location plans are attached at Appendix 3.</p> <p>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.</p> <p>The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Review Application Form, Appendix 1 Copy of the Club Premises Certificate and Club Rules, Appendix 2 Site Location Plans, Appendix 3</p>
<p>7. Options available</p> <p>Modify the conditions of the Club Premises Certificate Exclude a Licensable activity from the scope of the Club Premises Certificate Suspend the Club Premises Certificate for a period not exceeding 3 months Revoke the Club Premises Certificate No Action</p> <p>Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.</p>

Appendix 1

*Birmingham City Council, Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ*

Application for the review of a premises licence or club premises certificate 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.

I Chief Constable of West Midlands Police

(Insert name of applicant)

~~apply for the review of a premises licence under section 51~~ / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

Stanleys Club
400 Kingstanding Road,

Post town Birmingham

Post code (if known) B44 8LD

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
5 JAN 2017	

REF NO	-----
INITIALS	-----

Name of premises licence holder or club holding club premises certificate (if known)
Stanleys Club

Number of premises licence or club premises certificate (if known)
230

Part 2 – Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

X

3) a member of the club to which this application relates

☐

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

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

Surname

First names

--

I am 18 years old or over

Please tick ✓ yes
☐

**Current postal
address if
different from
premises
address**

[illegible]

Post town

Post Code

**Daytime contact telephone number**

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Birmingham West and Central Police Station Steelhouse Lane Birmingham B4 6NW
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

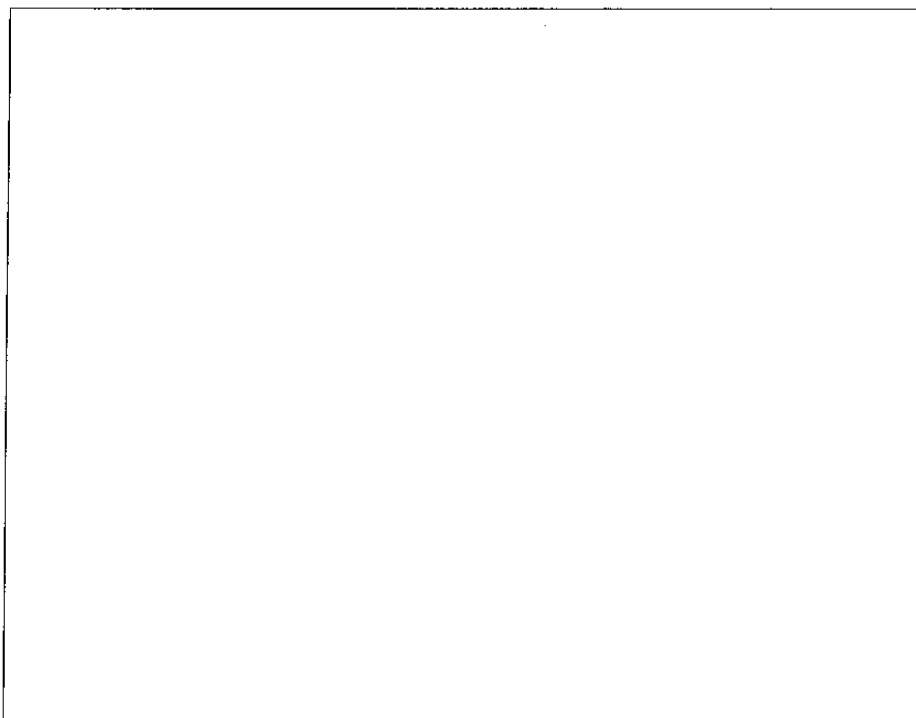
Stanleys Snooker Hall is a registered club in the Oscott area of Birmingham. It is licenced to operate from 12:00 until 02:00 with indoor sporting events and the supply of alcohol for members and guests from 12:00 until 01:30.

On 9th October 2016, Police were called to the premises after local residents reported screaming and noise from the premises. On arrival officers were met by staff who stated they would ensure the music is turned down. Officers re-attended the premises at 2:40 hours and found the venue still operating with approximately 60 people inside. The club was littered with cigarette butts, helium balloons and canisters, and the room was full of smoke. Licensing Officers from West Midlands Police met with management of the premises following this incident for an intervention meeting to discuss the concerns.

On 26th December 2016, Police were alerted to a suspected stabbing at the premises at 06:06 hours. On arrival, officers were met with aggressive males leaving the club. Once entry had been gained to the premises, it was clear the venue was still operating, with a large number of customers still inside. One male was seen leaving the venue with a pint of beer, he stated to officers that he was 17 years old.

On 30th December 2016, Officers conducted a visit to the club, and it is believed that cannabis had been smoked on the premises, due to the strong smell lingering inside. On this occasion, staff were unable to provide a membership book and also stated to officers that there were too many members to maintain a register.

The management of the premise are not operating this venue in accordance with the club premises certificate. Following previous police intervention and advice, they have continued to operate outside their licensed hours, with the suggestion of serving alcohol to underage customers.



Please provide as much information as possible to support the application (please read guidance note 3)

Police CCTV footage

Statements from officers

Police logs

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Birmingham Central Licensing Team
Birmingham Central Police Station
Steelhouse Lane

Post town

Birmingham

Post Code

B4 6NW

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Appendix 2

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003 CLUB PREMISES CERTIFICATE

Club premises certificate number: 230 / 1

Club details

Name of club in whose name the certificate is granted and relevant registered postal address of club Stanley's Club 400 Kingstanding Road	
Post town: Birmingham	Post Code: B44 8LD
Telephone Number:	

If different from above the postal address of club premises to which the certificate relates, or if none, ordnance survey map reference or description	
Post town:	Post code:
Telephone number:	

Where the club premises certificate is time limited the dates N/A

Qualifying club activities authorised by the certificate	
C	Indoor sporting events
M5	Supply of alcohol for members & guests (on the premises only)

The times the certificate authorises the carrying out of qualifying club activities			
Monday - Sunday	12:00	-	01:30 C, M5

The opening hours of the club			
Monday - Sunday	12:00	-	02:00

Where the certificate authorises supplies of alcohol whether these are on and/or off supplies On Supplies

Dated 31/03/2009

Carolyn Bennett
Senior Licensing Officer
For Director of Regulatory Services

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with the Club operating schedule

2a) General conditions consistent with the operating schedule

No adult entertainment services or activities permitted on the premises at any time.

Licensable activities to take place on the premises only.

A Steward, appointed by the committee, will monitor and manage the premises to ensure that the licensing objectives are promoted and met. The Steward will attend any reasonable and necessary training courses which may assist them in their role.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

CCTV to be operated on the premises, covering the outside entrance to the premises and the internal foyer.

Entry to the premises will be controlled by personal supervision.

The club will cooperate with any reasonable police initiatives relevant to the club which may assist.

2c) Conditions consistent with, and to promote, public safety

Regular safety checks are carried out and records of the checks are kept.

The Steward will carry out risk assessments as and when the need arises.

The club complies with all fire regulations and officers of the Fire Authority are allowed to access the club premises at all reasonable times.

The club complies with the relevant health and safety regulations.

2d) Conditions consistent with, and to promote the prevention of public nuisance

Signs are erected to remind club members and their guests to keep noise levels to a minimum when leaving the premises.

2e) Conditions consistent with, and to promote the protection of children from harm

No activities take place at the premises of an adult nature.

The 'Think 21' scheme will be operated to reinforce the club rule and law that no individual under 18 years of age is sold or supplied with alcohol and persons who appear younger than 21 years will be asked to produce identification to prove their age, only if they are 18 years of age or over will they be sold or supplied with alcohol.

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **59630-230/1 (Drawing Number 2563-APA-01)** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.

STANLEY'S MEMBERS' CLUB RULES

1. Name and address

- 1.1 The club is called 'Stanley's' hereinafter referred to as 'the Club'.
- 1.2 The address of the Club is 400 Kingstanding Road, Birmingham, West Midlands B44 8LD

2 Objects

The objects of the club are:

- 2.1 to promote and encourage the playing of Snooker, Billiards and Pool; and
- 2.2 the provision and maintenance of club premises at 400 Kingstanding Road, Birmingham, West Midlands, B44 8LD, together with snooker, billiard and pool tables and accessories together with such other facilities as shall be appropriate from time to time and everything reasonably necessary for carrying on the Club in accordance with these rules.

3 Adult members

- 3.1 To be eligible for membership a candidate may be male or female aged 18 years or over.
- 3.2 Every candidate for membership shall generally complete and lodge with a committee member the appropriate application form and the current membership entrance fee.
- 3.3 Every candidate for membership must generally be proposed and seconded by a member of the club.
- 3.4 The candidate's full name and address and occupation and the names of the proposer and seconder must be communicated in writing to the secretary, who must prominently exhibit those particulars in the club house in a part frequented by the members for a period of at least 2 days before the candidate's election as a member.
- 3.5 No person may be admitted to membership or be admitted candidate for membership, to any privileges of membership without an interval of at least 2 days between their nomination or application for the membership and their admission.
- 3.6 Until a candidate is elected as a member, they are not entitled to any of the privileges of the club.

- 3.7 Any person becoming a member without prior nomination or application may not be admitted to the privileges of membership without an interval of at least 2 days between their becoming members and their admission.

4 Junior Members

- 4.1 A young person male or female aged between 12 and 18 years of age may upon nomination in accordance with the provisions of Rule 3 be elected by the committee as a Junior Member of the Club.
- 4.2 Junior Members shall pay a annual subscription from time to time set by the committee which is due on election to membership and annually thereafter on a date set by the committee and also pay a visit hourly rate for the use of a snooker, billiard or pool table as from time to time set by the committee.
- 4.3 They shall be entitled to all the rights and privileges of membership, except that they may not consume alcohol in the Club, attend general meetings, become candidates for committee or other office, propose or second candidates for office, vote at elections or introduce visitors.
- 4.4 They shall be subject to such special regulation as the committee shall from time to time make regarding Junior Members.
- 4.5 On attaining the age of 18 years Junior Members shall become Adult Members entitled to all the rights and privileges of adult membership and shall pay subscriptions in accordance with Rule 10.
- 4.6 The names and addresses of all Junior Members shall be entered in a special register to be kept by the secretary for the purpose.
- 4.7 This Rule may at any time be revoked by a general or special meeting of members, in which event all Junior Members shall cease to be members of the Club.
- 4.8 The number of persons permitted to membership under this Rule shall not result in them being significant in proportion to the total membership.

5 Election

Candidates for membership may be elected by the committee at its sole discretion.

6 Management

- 6.1 The Management of the club must be entrusted to a committee consisting of the chairman, secretary, treasurer ('the Officers') and at least one other member of the club, all of whom must be at least 18 years old, elected annually at the annual general meeting.
- 6.2 All the members of the committee are eligible for re-election.

-
- 6.3 The committee meet at such times as it determines and is required.
 - 6.4 At all meetings of the committee 2 forms a quorum.
 - 6.4 A steward appointed by the committee shall manage the day to day running of the club for the benefit the membership.

7 Rights and liabilities of members

- 7.1 Members shall be entitled to all of the benefits and privileges of the club and shall be bound by the rules of the club.
- 7.2 Members shall not acquire any proprietary rights in the club premises or any property therein.
- 7.3 The liability of a member shall be limited to the amount of their annual subscription.

8 Casual Vacancies

- 8.1 The Committee may at any time and from time to time fill any casual vacancy among the officers and the committee.
- 8.2 Any officer or member of the committee so appointed holds office until the next following Annual General Meeting but is then eligible for re-election.

9 Purchase and supply of alcohol

- 9.1 The purchase of alcohol for the club and supply of alcohol by the club shall be managed by the committee excluding those members of the committee who derive their membership of the committee by appointment under rule 8.1
- 9.2 The committee must not in any way be restricted within their freedom of purchase of alcohol.

10 Entrance Fee

- 10.1 On being admitted to membership of the club every member must pay the current entrance fee as from time to time set by the committee..
- 10.2 Every member must pay an annual subscription as from time to time set by the committee on a date nominated by the committee.
- 10.3 Every member shall also pay an hourly fee as from time to time set by the committee for the use of snooker, billiard and pool tables.

11 Commission

- 11.1 No person shall receive at any time at the expense of the club or any member of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- 11.2 No person shall directly or indirectly derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to its members or guests, apart from any benefit accruing to the club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise to or contributing to a general gain from the carrying on of the club.

12 Supply of alcohol and provision of regulated entertainment

The supply of alcohol and provision of regulated entertainment will be during such hours and subject to such conditions as are prescribed in the club premises certificate issued under the Licensing Act 2003 or other authorisation granted under the Licensing Act 2003.

13 Application of profit

No money or property of the club or any gain arising from the carrying on of the club may be applied otherwise than for the benefit of the club as a whole or for some charitable, benevolent or political purposes chosen by the resolution of a general meeting.

14 Borrowing Powers

- 14.1 If at any time the club in a general meeting passes a general resolution authorising the general management committee to borrow money, the general management committee may borrow for the purposes of the club the amount of money (either at one time or from time to time) and at the rate of interest, in the form and manner and upon the security specified in the resolution.
- 14.2 Every member of the club, whether it is on a resolution authorising borrowing or not, and everyone becoming a member of the club after the passing of such a resolution is deemed to have assented to the resolution as if 'in favour' of it.

15 Accounts

A copy of the full account of the financial affairs of the club will be made available on request by a member to the Chairman when notice convening the general meeting is given.

16 Subscriptions in arrear

If any member fails to pay their subscription within 14 days after it becomes due and the treasurer or secretary sends notice in writing to their address as recorded in the books of the club calling on them to pay the subscription within 7 days then the committee may terminate their membership without further notice if they fail to pay.

17 Annual general meetings

- 17.1 An annual general meeting of the club must be held on a date set by the committee.
- 17.2 At each general meeting:
 - 17.2.1 the accounts for the previous financial year end prior to the meeting must be presented and, if accepted, passed;
 - 17.2.2 the Officers and the committee must be elected;
 - 17.2.3 any other business that has been communicated to the secretary and included in the notice of the meeting sent by him to the members may be conducted.

18 Extraordinary general meetings

- 18.1 An extraordinary general meeting may be convened at any time and must be convened within 21 days on the requisition of 20 of the members of the club for the time being.
- 18.2 A requisition must state the purpose for which a meeting is required and must be remitted to the secretary.

19 Notice of meetings

At least 14 days before any general meeting the secretary must post in a conspicuous place in the club premises a notice of the meeting stating the time when and the place where it will be held and the business to be conducted.

20 Business at a general meeting

- 20.1 The business at any general meeting must be limited to that provided for by these rules and any further matters set out in the notice convening the meeting.
- 20.2 The quorum at any general meeting is 2.

21 Votes

Each member has one vote at all meetings of the club.

22 Chairman

The chairman of the club presides at all meetings of the club, but if he is not present within 15 minutes after the time appointed for the meeting or has signified his inability to be present at the meeting, the members present and entitled to vote may choose one of their number to be the chairman of the meeting.

23 Expulsion of members

- 23.1 The committee may expel any member who offends against the rules of the club or whose conduct, in the opinion of the committee, renders them unfit for membership of the club.
- 23.2 Before any member is expelled the secretary must give them 7 days' written notice to attend a meeting of the committee and must inform them of the complaints made against them.
- 23.3 No member may be expelled unless:
 - 23.3.1 they are first given an opportunity of appearing before the committee and answering complaints made against them; and
 - 23.3.2 at least two-thirds of the committee then present vote in favour of this expulsion.

24 Associate members

- 24.1 A person may be admitted to the club as an associate member provided they are a full member of another recognised club as defined in the Licensing Act 2003.
- 24.2 An associate member will have no voting rights.
- 24.3 An associate member must produce their membership card to confirm that they are a member of a recognised club, they must enter their full name, address and the name of the recognised club for which they hold full membership in the record book provided which shall be kept on the club premises and pay on each occasion the current associate membership entrance fee.

25 Guests

- 25.1 Any member may introduce guests to the club, provided that no one whose application for membership has been declined or that has been expelled from the club may be introduced as a guest.
- 25.2 The member introducing a guest must enter the name and address of the guest together with his own name in a book which must be kept on the club premises and must pay on each occasion the current entrance fee.

26 Opening of club premises

The club is open between 12 noon and 2am on each day provided that the committee may by resolution extend these hours on any specified occasion.

27 Permitted hours for the supply of alcohol

The permitted hours for the supply of alcohol are as specified in the club premises certificate or other authorisation granted under the Licensing Act 2003.

28 Modification of rules

28.1 These rules may be altered, deleted or added to by the committee at any time.

28.2 Notice of such alteration, deletion or addition, shall be given to the members of the Club by exhibiting notice thereof on the Club notice board.

29 Headings

The headings to these rules are for ease of reference only and are not to be taken into account in their interpretation.

Appendix 3



Map Created By:

Date of Map Creation: 06/02/2017

Notes



Scale:
1:4,000

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Birmingham City Council Map Created By:

Date of Map Creation: 06/02/2017

Notes



Scale:
1:1,250

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