



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C

WEDNESDAY 17 NOVEMBER 2021

**XOVER SPACES, 19 GEORGE STREET,
BALSALL HEATH, BIRMINGHAM B12 9RG**

That the application by Xover Spaces Limited for a premises licence in respect of Xover Spaces, 19 George Street, Balsall Heath, Birmingham B12 9RG, be granted (with conditions) for:

- the sale of alcohol (for consumption on the premises) to operate from 11:00am until 10:00pm (Sunday), 6:00pm until 10:00pm (Monday to Wednesday), 6:00pm until 11:00pm (Thursday) and 11:00am until 11:00pm (Friday and Saturday), and
- the premises to remain open to the public from 10:00am until 10:00pm (Sunday to Wednesday), 10:00am until 11:00pm (Thursday to Saturday)

The Sub-Committee determined that the following conditions, agreed by the applicant company and West Midlands Police in advance of the meeting, are adopted:

1. Staff involved in the sale of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell/supply alcohol. All training is to be documented and signed by the DPS and the trainee. Staff involved in the sale/supply of alcohol are to receive documented refresher training every twelve months. All training records are to be made available to any of the responsible authorities on request
2. Risk Assessments will be reviewed every 12months and readily available to responsible authorities upon request
3. The premises will operate the Challenge 25 Policy. The only forms of identification acceptable will be a passport, photo driving license, military pass or a proof of age ID card bearing the PASS hologram
4. An incident register will be kept at the premises recording any incidents of disorder taken place at the premises
5. A refusal register will be kept at the premises and maintained at the premises, made available upon request to responsible authorities
6. CCTV that is approved by West Midlands Police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous/old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request
7. Doors and windows will remain shut at all times apart from ingress and egress
8. A dispersal policy will be kept at the premises and made available to responsible authorities on request
9. No open drinking vessels are to be taken beyond the boundaries of the premises

10. The premises will risk assess the need for SIA Registered door staff at the premises; when SIA registered door staff are deployed a register is to be kept and maintained. This register will contain information relating to the full name of the door staff, accompanied with their badge number and time/date of shift they have worked
11. Under 18's will not be allowed onto the premises after 19:00hrs without being accompanied or supervised by a responsible adult
12. The premises staff will not be left in charge of any under 18s at the premises at any given time

The Sub-Committee adopted the amended Plan, and also noted that the applicant company had agreed with the Police to remove the conditions originally offered in paragraph 18e of the operating schedule, relating to the protection of children from harm, as these had been covered in the conditions suggested by Police.

The Sub-Committee also determined that the following condition relating to the prevention of public nuisance, agreed between the applicant company and Licensing Enforcement of Birmingham City Council in advance of the meeting, is adopted:

- A notice must be prominently displayed in the premises requesting that customers respect the needs of local residents and other businesses in the vicinity and to leave the premises quietly

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

At the start of the meeting, counsel for the applicant company announced that the application for regulated entertainment was withdrawn. The application was therefore for the sale of alcohol only.

The Sub-Committee deliberated the operating schedule put forward by the applicant company and the likely impact of the application, including the agreed conditions, and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. No representations had been made by Environmental Health, even before the regulated entertainment element had been removed. Counsel for the premises reminded the Sub-Committee that paragraph 9.12 of the Guidance issued under s182 of the Act stated that the responsible authorities were the experts in terms of ensuring that the licensing objectives were promoted; in this instance they had endorsed the application.

The Sub-Committee carefully considered the submissions of the Ward Councillor who addressed the meeting regarding the concerns of some of those in the local area, but took the view that the application (as amended) was very modest, and moreover had been supported by both the Police and Licensing Enforcement. Accordingly, the Members were not convinced that there was an evidential and causal link between the issues raised by the Ward Councillor and the potential for any adverse effect on the licensing objectives. The addition of a comprehensive suite of conditions, after consultation with two of the responsible authorities, was sufficient to allay any concerns. It was therefore reasonable and proportionate to grant the application with the agreed conditions.

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 application for a premises licence, the written representations received and the submissions made at the hearing by those from the applicant company, and 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.