

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 10 MARCH 2020
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 10 MARCH 2020, IN ELLEN PINSENT ROOM, COUNCIL HOUSE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Catherine Ravenscroft – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

1/100320 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/100320 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/100320 No apologies were submitted.

MINUTES

4/100320 The Minutes of meeting held on 11 February were confirmed and signed by the Chairman.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – STIRCHLEY TAP HOUSE, 29B MARY VALE ROAD, STIRCHLEY, BIRMINGHAM, B30 2DA

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

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Aaron Harte – Director/ Applicant
Rob Edge – Agent

Those making representations

Rob Morris – Chair – Stirchley Forum Group
Jerry Orme - Resident
Melanie Abraham - Resident
Richard Wilkes – Resident

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The Chairman outlined the procedure to be followed during the meeting and enquired as to whether there were any preliminary points. None of the parties had any preliminary points to make.

Bhupinder Nandhra, Licensing Section outlined the report.

Mr Rob Edge instructed Mr Harte to give a general overview of the application and as such Mr Harte made the following points as follows: -

- a) That he set up a website as a point of contact for the residents. However, rumours began and started snowballing. They arranged a meeting to talk to residents and he thought that it had a good reception.
- b) If the situation was reversed, he would have done things differently.
- c) He had previously managed a whole host of craft ale bars.
- d) He wanted it to be a premium venue.

Mr Edge made the following points: -

- a) The applicant also intended to offer the opportunity to do street food on the menu.

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- b) The premises would offer 20 jobs for the local community and the applicant would be investing £70,000 into the refurbishment of the building.
- c) The venue was spacious and had a maximum capacity of 130 as discussed with the fire service.
- d) The venue would not cause issues for residents.
- e) The predominant trade was Thursday – Sunday.
- f) They wanted to offer the community the opportunity to use the premises on non-trade days for their community events.
- g) They wanted to do mediation to try and mitigate the hearing. There had been emails back and forth and a meeting with the Stinchley Forum and the residents to try and resolve the concerns.
- h) None of the Responsible Authorities had submitted representations.
- i) That he did not believe this type of premises would add to the Cumulative Impact in the area.
- j) They had operations manuals, challenge 25 policy, refusals books, log books, staff training and signage.
- k) The business would be run professionally, and they had invested money without compromising the licensing objectives.
- l) One member of staff had already done a personal licence course.

In answer to Members questions Mr Edge made the following points: -

- a) The premises was previously used as a garage.
- b) The premises had no sound proofing, however they had liaised closely with Environmental Health and decided that any music should stop at 11pm.
- c) The hours requested were Thursday-Sunday 12 midday – 11pm and Sunday to close at 10pm.
- d) Hot food would not go beyond 10pm.
- e) The closing time would be 30 minutes after the sale of alcohol.
- f) The average cost of a pint of craft beer was £5.00.

At this stage the residents queried the address of the premises as it was different to that displayed on the online portal.

The Licensing Officer clarified the address as 29B – it was just the one unit.

Mr Jerry Orme requested confirmation that it was just the one unit.

The Committee confirmed it was just the one unit.

Mr Richard Wilkes asked Mr Edge to confirm that they were removing late night refreshment from the scope of the licence?

Mr Edge clarified that late-night refreshment was only applicable after 11pm and therefore was not in line with the hours and therefore was not applicable.

Mr Wilkes handed round an email which was contained within the report. Moreover, he requested that the Sunday hours should be reduced and earlier cut off times should be considered. He compared other venues in the area, some of which closed at 6pm on Sundays, and therefore he felt that this premises should close earlier. He stated that the premises was in a residential area with houses opposite and at the back of the premises. This premises was not situated on the main road, this premises access was from residential streets. Much of the other premises in the area were purpose built; British Oak and Three Horse Shoes. Due to that he requested that recorded music should end at 10pm, as he stated that there would be noise pollution emanating from the premises.

Mr Wilkes began to refer to the planning status of the premises and clarified that no change of use had been submitted; the whole site was a D1 specification.

He wanted to see them reduce the hours in the week and on Sunday.

Councillor Higgs asked Mr Wilkes regarding other venues in the area, Wild Cat and British Oak whom licensed hours were 11pm/12midnight.

Mr Wilkes advised that they were directly on the Pershore Road and were purpose-built venues. The access for those premises was off the main road and not from residential streets.

Mr Orme was in agreement with the points and concerns raised by Mr Wilkes but added the following points: -

- a) That the area was residential and this premises was different to the other premises in the area.
- b) That they wanted more information about the noise assessments.
- c) There house was the closest residential property to the premises and they wanted clarity of the noise assessments.
- d) That the residents were an afterthought by the applicant and initially the premises was described and branded as a “mega bar”. That was a huge concern.
- e) The premises had no planning change of use and therefore, he was concerned over the suitability of the premises and raised general concerns over whether the licensing decision could be made due to the outstanding planning issue.

Ms Abraham added that the comments about making the premises open to the local community to use was also a concern as who would monitor who used it and the noise. She also raised points regarding rubbish bin collections and goods deliveries and at what hours they would be. There was concern over the noise and the disruption they could cause to local residents.

Mr Edge confirmed that the planning application was in place.

The Chair advised all parties that the planning application was a separate issue and would not be a matter for consideration at the Licensing Sub Committee.

Mr Orme added that the late licence in a residential area was the primary concern as it seemed fairly excessive.

Mr Morris confirmed that the meeting with the premises was helpful and some conditions came out of it. Moreover, other residents had made objections. Stirchley was a developing area and it was good that new enterprises wanted to open in the area, however, this application aroused huge suspicions right from the start. It was a difficult area and was highly residential. Lots of residents were unhappy.

In summing up Mr Orme made the following points: -

- ❖ He asked if he would get his questions answered.

Mr Wilkes added that he wanted to ask Mr Edge a question in relation to the planning application.

At this stage the Chair advised that any questions relating to the planning application needed to be discussed outside in his own time.

In summing up Mr Harte made the following points: -

- ❖ That they got it wrong initially and that's how rumours started. He made a mistake, he should have communicated with residents sooner.
- ❖ He had investigated the issues with parking and deliveries, but the premises had on sight parking for deliveries and for customer parking. Therefore, they didn't anticipate that being an issue.
- ❖ They had looked at the hours to make sure they were in line with other premises in the local area and apart from Sunday, they were in line with other venues.
- ❖ That 90% of the other residents were in favour of the application accordingly to a petition.
- ❖ He was professional and transparent.
- ❖ Any issues going forward would be addressed immediately.

- ❖ He was wrong to advertise the venue as a mega bar with 500 capacity.
- ❖ That Environmental Health had signed off the self-assessment and noise monitoring.

Mr Wilkes interjected and stated that the petition/poll was new evidence and he had not heard about it before.

The Chair explained to Mr Wilkes that the Committee would apply as much weight to that as they saw fit.

At 1028 the meeting was adjourned and all parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1053 the meeting was reconvened and all parties were invited to re-join the meeting and decision of the Sub-Committee was announced as follows:-

5/100320

RESOLVED:-

That the application by For Real Investments Ltd for a premises licence in respect of Stirchley Tap House, 29B Mary Vale Road, Stirchley, Birmingham, B30 2DA be granted.

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued together with those conditions as agreed with West Midlands Police, Environmental Health and the new proposed hours for licensed activities as volunteered by the applicant as follows:

1. Alcohol sales from 12 midday to 11pm Monday – Saturday and until 10pm on Sunday
2. Opening Hours until 11:30pm Monday – Saturday and until 10:30pm on Sunday

Members carefully considered the representations made by other persons but were not convinced that there was an evidential and causal link between the issues raised and the effect on the Licensing Objectives. The Members took note of the discussions the venue had had with other responsible authorities and the local community. In particular they noted that there were no representations received from other responsible authorities. They also took into account other venues in the area and were satisfied that the application was in line with similar local venues.

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, and concluded that by granting this application, the four Licensing Objectives contained in the Act will be properly promoted.

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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 the applicant, their agent 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.

Please note, the meeting ended at 1059

CHAIRMAN.....