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FAO: Richard Simmonds

Ref: JDT/ADVENTURE.LEISURE/BIRMINGHAM
Your Ref: RS/BDK/M-00745179

7 July 2018

Dear Mr Symonds

Re: Adventure Leisure Limited – Mr Mulligans Golf Birmingham
Application for a Premises Licence to be Granted under the Licensing Act 2003
Your Client : Travelodge Hotels Limited

I act on behalf of Adventure Leisure Limited in their above Application for a Premises Licence at Unit 5,6,7 Broadway Plaza, Five Ways, Birmingham B16 8LP. Please note my client has requested the removal of the word "Space" from the name of it's new premises licence.

Birmingham City Council have forwarded to me, by email, a copy of your formal letter of representation objecting to the Application with particular reference to the hours proposed for the service of alcohol and refreshments and the playing of late night music, particularly given the premises' proximity to the Hotel.

I note you have referenced the Birmingham City Council's Statement of Licensing Policy and the DCMS Guidance for interested parties making representations.

It is noted the Hotel forms part of the Broadway Plaza Retail Park together with other retail tenants / restaurants and residential occupiers. I believe this Park also houses the Broadway Casino at 1 – 4 Broadway Plaza, whose Licence caters for the Sale of Alcohol, Live Music, Recorded Music, Performance of Dance or anything similar, Late Night Refreshment with licensing hours, depending on the activity, from 23:00 to 05:30 and 8:30 respectively.

As you have raised issue under the Licensing Objectives, having taken regard to the points made, my client has asked me to make it clear, they have paid particular attention to such objectives when filing this Application and have also taken on board the experience available to them from their other sites. They have referenced in particular Mr Mulligans Golf in Newcastle which is very similar to this premises in that there is a "Premier Inn" situated above their premises and therefore stringent attention was taken with the "sound proofing" at this property together with other measures incorporated in to the Licence to adhere to the

Licensing objectives and if it would give your client some comfort, my client company would be happy to consider adding the following condition *"Noise or Vibration shall not emanate from the premises so as to cause nuisance to nearby properties"*.

Furthermore, my client is more than willing to meet with your client representative to show them around the premises and discuss the main concerns which could be addressed in a more informal surrounding.

In response to your Licensing Objectives listed in your letter of the 5th July I shall use the same headings to set out responses.

The Prevention of Public Nuisance

It is noted this is your client's principle concern relating to the Application.

- (i) The Playing of late night music – we reiterate, our client has paid particular attention to ways of limiting any unsociable noise levels with devices installed such as controllable speakers, whether the music is live or recorded and noise levels would be similar to the existing units on the Retail Park. Investment with planning, time and money was to ensure noise levels could be controlled along the lines of its other premises, such as in Newcastle where they have received "no complaints" from the Hotel above such premises. If your client would prefer assurance in this respect, my client is more than happy to demonstrate to your client company representative. In any case it must be pointed out that late night music, will not be played every day, this will only occur when an "Event" or "Special Function" takes place such as a Birthday Party of Corporate Event. No Live Music will be played on the proposed roof terrace.
- (ii) I would at this stage point out my client's primary business is that of "Indoor Golf" and anything ancillary such as an "Event" or "Special Function" will be carefully monitored. My client's business is not that of a "Night Club". The clientele my client will be entertaining will be booking through either their online booking system, or through registering at the main reception desk and very stringent training will be taking place, and continuing to take place in respect of the licensing objectives. The sort of disturbance therefore that you describe is not anticipated.
- (iii) Again I must point out this is not a "Club" – but an "Indoor Golf" establishment with ancillary events with strict controls. As with your client's licence, there will be Notices reminding patrons to leave quietly and to respect the local residential amenity, it is not anticipated that patrons will seek access to your client's premises, which entrance is a floor above our client's exit, unless of course they are staying there? In any case if our client has an "Event" or "Special Function" this will be fully Risk Assessed and if necessary SIA door staff will be present to ensure an effective dispersal from the property.
- (iv) Again it is reiterated this is primarily an "Indoor Golf" venue and not a "Nightclub". My client's is quite happy to discuss times when it would not be suitable to empty the collected bottles into the outside bins to prevent any excessive noise at unreasonable hours.
- (v) As our client has an online booking system where the majority of bookings are taken, the "walk ins" from the street are not expected to produce any "queuing" particularly as patrons entering the premises proceed upstairs to another lobby / reception area where they are booked in. Any "Events" or "Special Occasions" are block booked and entry is expedited. Therefore queuing is not anticipated. It

may assist your client to send it's DPS or Representative familiar with licensing, to attend the premises to see for itself.

With regard to outdoor "smoking areas", as mentioned above, the entrance to my client's premises is from the level below the entrance to your client's premises and any allocated "smoking area" will be on the entrance level to my client's premises and a similar set up to the one already in place for Frankie and Benny's, which it is not therefore anticipated will affect your client's sleeping residents any more than any other establishment at the lower level.

- (vi) Again it is reiterated this is primarily an "Indoor Golf" venue and not a "Nightclub". The ancillary events will not be taking place every night. Any "Event" or "Special Occasion" will be Risk Assessed which will take into account any Dispersal Policy required which will be discussed with both the Police and the Licensing Authority.

It is not anticipated that the Primary Activity of "Indoor Golf" will have a serious detrimental impact upon the local area and the Hotel, to the contrary it is anticipated that the venue will attract many families and corporate clients which could bring business into the Hotel and the ancillary events will provide something "different" but well organised for both the general public and promotion of the tourist industry in Birmingham. It must be noted that there is already the Broadway Casino operating in this area with extensive licensing facilities.

Prevention of Crime and Disorder

My client is not aiming to attract "Criminals" and "Thugs" into it's premises which is primarily an "Indoor Golf" venue aimed at families and the corporate clients, as stated in the "Application for the Licence". It is run with an online booking system and walk ins or prior "Events" or "Special Events" bookings, whereby all patrons are required to go through the reception area and if anyone is deemed by the well trained staff to be in breach of any of the Licensing Objectives they will be refused entry or asked to leave.

In your client's experience on other sites, is the premises an "Indoor Golf" venue?

The points raised are answered as follows:-

- (i) It is reiterated this is not a "Nightclub" facility where "Criminals" and "Thugs" will be welcomed. The booking system has been outlined above. Any ancillary events will be Risk Assessed with the relevant authorities and any concerns addressed. There are other establishments in the same area already operating that could elicit the outcomes your client has listed.
- (ii) It is reiterated this is not a "Nightclub" facility, whereby other events are ancillary and limited in occurrence to fully managed bookings where the patrons being welcomed will be families and corporate clients.

We understand the Casino is open until the early hours of the morning providing a full range of licensed facilities.

The Police have not put in any objections, but have worked with my client to ensure relevant Conditions are in place in order to comply with all the licensing objectives.

Public Safety

I repeat all the aforementioned points, relating to the primary function of this Licence, the Management and Booking system, the Risk Assessments and working with the necessary authorities including the Police and implementation of various policies to ensure a safe and enjoyable experience for both the patrons and staff of my client company and hopefully your client company, where it could be a possibility that business strategies could benefit both clients.

Conditions

My client's Application to Licence the premises has taken into account that under the Planning Regulations it has A4 usage which we set out below an extract having particular regard to this:-

A4 Drinking establishments - Public houses, wine bars or other drinking establishments (but not night clubs).

Please note the Planning "fact" that usage does not allow for "Night Clubs". It believes the manner of licence applied for will be safe and free from nuisance, and will be operating in a manner consistent with other business in the local area where one must inevitably bear in mind the operating style of the Casino and the opening hours of the Odeon cinema both of which already have patrons egressing from the area in the early hours of the morning.

For all of the reasons outlined above, my client does not feel the representations made on behalf of your client are consistent with the licensing objectives in regard to this particular Licence Application, where my client has worked closely with the Police to achieve all the necessary objectives and will continue to work with the Police in respect of additional agreed Conditions to be incorporated into the Licence. For your client's comfort I list the additional Conditions :-

1. If the premises is carrying out an exclusive DJ/Live Music event (where customers will attend specifically for the act(s) rather than the premises normal core business of Adventure Golf (with anything being ancillary) they will notify West Midlands Police, Birmingham Licensing Department a minimum of 28 days prior to the event. For this type of event the premises will supply a full written risk assessment with the event notification. The risk assessment is to be agreed with West Midlands Police Birmingham Licensing Department and will form part of the premises operating conditions for that event/evening.

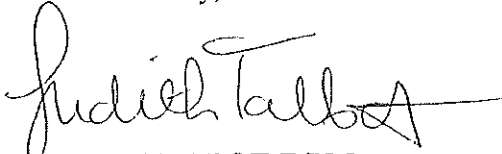
The Police have therefore confirmed to my client and the Licensing Authority, they are happy my client is complying with the Licensing Objectives.

My client will, therefore rely upon the facts stated in this letter at any Hearing set down.

I would reiterate my client very much wants to work with your client to achieve the best outcome and would welcome an "on site" visit and discussion as to possible business strategies conducive to all parties, following which it is hoped that your client would feel confident to withdraw its representations.

I would suggest, as time is of the essence in order to avoid any unnecessary wasted costs, that you respond to this correspondence by way of email to

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Judith Talbot', with a long horizontal flourish extending to the right.

JUDITH TALBOT F.PLL
Licensing Consultant

Cc: Licensing Department Birmingham City Council