

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A 5 MAY 2021

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON WEDNESDAY 5 MAY 2021 AT 1400 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Bob Beauchamp.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

1/050521 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/050521 **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 will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/050521 No apologies were submitted.

MINUTES

4/050521

That the public part of the Minutes of the meeting held on 23 October 2020 were noted.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – THE PUB @ KINGS HEATH, 165 – 167 HIGH STREET, KINGS HEATH, BIRMINGHAM, B14 7DJ

On Behalf of the Applicant

Oliver Price – applicant

Those Making Representations

Julia Lowndes – Resident

Liz Fletcher - Resident

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The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

The Chair invited the applicant or their representative to make their submissions, at which stage Oliver Price made the following points: -

- a) That he wanted to offer something to the local community; a food outlet.
- b) He would be employing approximately 20 local people.
- c) He had submitted the application with all details about promoting the licensing objectives and included policies such as Challenge 25.
- d) The early licence hours were applied for as they intended to serve breakfast from 9am.
- e) They did not want to attract late night drinkers and were hoping to attract families.
- f) He had been in the pub trade for 30 years.

In answer to Members questions Oliver Price made the following statements: -

- a) That the estimated levels of employment included cleaners. They had 197 applications already.
- b) Staff would receive full training which would be regularly updated.
- c) That he lived in Bromsgrove.

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- d) The upstairs was converted into toilets, a kitchen and an office space.
- e) The only trading area was downstairs.

The Chairman invited those making representations to make their case at which stage Julia Lowndes made the following points: -

- a) That she was concerned about community safety in the area. She had statistics which she said did not make happy reading.
- b) That the statistics showed that in the B14 area there was significant issues with violent and sexual crimes, which were linked to alcohol and drugs.
- c) Only 8% of streets were more dangerous.
- d) She went through the statistics.
- e) That many of the crimes were fuelled by alcohol.
- f) There were also issues with overstretched police forces and parking.
- g) That it was quite late to have a family pub open in a difficult area.

Liz Fletcher then outlined her representation by making the following statements:

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- a) That she had nothing against the pub but there were already 5 public houses in Kings Heath High Street.
- b) That 4 of the pubs already had to use the High Street for deliveries and empties which caused congestion and caused issues with air quality.
- c) That there was a reluctance to pay for parking and as such many people used side roads to park their vehicles, meaning many of the side streets were also congested.
- d) That she was glad to hear about local jobs, but if people weren't local then where would they park cars?
- e) That she was concerned about the direction of travel for Kings Heath in terms of the night time economy – it was becoming a neighbourhood of pubs, off licences and fast food outlets.
- f) One of the positives of Covid was that there was less broken glass, less signs of alcohol excess, and less disturbance.
- g) That she didn't back another public house in the area,
- h) That there were deliveries happening at 9am during school runs etc, which caused extensive tailbacks.

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Julia Lowndes added: -

- a) They had experience with drug problems and had campaigned for gates at the back of the Pear Tree because drug dealing was happening.
- b) There was evidence of drug dealing such as cannisters.
- c) Drug dealing could be witnessed outside the Pear Tree.

The Chairman invited those making representations to make a closing submission, at which stage Liz Lowndes made the following statements: -

- That she had witnessed things like this before.
- That she had listened to the applicant, and what he said was all well and good, but she was afraid that unless the premises was tightly regulated there would be problems.
- That she hoped the Committee would listen to the resident's concern.

The applicant Oliver Price made a closing submission: -

- There won't be any under 16s in the premises after 7pm.
- There was a CCTV system in place.
- That they were aware of the issues and were working with the local authorities to make sure they did their utmost to ensure the business operated in the way they anticipated.
- They had a private alley way for deliveries.
- Hopefully they would be allowed to move forward in a positive manner.

At this stage the meeting was adjourned in order for the Sub-Committee to make a decision and all parties left the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was sent out to all parties as follows;

5/050521

RESOLVED:-

That the application by The Pub @ Kings Heath Limited for a premises licence in respect of The Pub @ Kings Heath, 165 - 167 High Street, Kings Heath, Birmingham B14 7DJ, BE GRANTED.

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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 the conditions agreed with West Midlands Police in advance of the meeting, namely:

- CCTV to be fitted /updated to the specifications and recommendations of West Midlands Police Central Licensing Team. CCTV to record throughout the whole of the licensable activity. CCTV will display the correct time and date stamp and be downloadable. There will be at least 1 camera which covers the outside frontage of the premises. CCTV recordings and images will be made immediately available to any of the responsible authorities on request. There will always be at least 1 member of staff on duty (while the premises is open for licensable activity) who is capable of operating the CCTV system and downloading images. All CCTV recordings will be held for a minimum of 31 days. If the hard drive needs to be replaced for any reason then the old/previous hard drive must be kept on the premises for a minimum of 31 days
- The premises will risk assess their standard trading operation and the need to deploy door staff. The risk assessments will be made immediately available to any of the responsible authorities on request
- For any event that falls outside the premises' standard operation or for any promoted event or any sporting event the premises will inform West Midlands Police Central Licensing Team a minimum of 28 days prior to the event. This notification will include the name and address of any person(s) hiring the venue & stage name and real names of any DJs, acts or artists. The premises will supply West Midlands Police Central Licensing Team with a written risk assessment for any event that they grade medium risk or above a minimum of 21 days before the event taking place. This risk assessment is to be agreed with West Midlands Police Central Licensing Team and will become part of the premises' operating conditions for that event. This notification requirement does not apply to any persons booking tables at the premises which amount to less than half of the venue capacity, when the venue is still open to the general public.
- West Midlands Police Central Licensing Team reserve the right to request a risk assessment for any event if they believe (with the details supplied) that there is likely to be a negative impact on the crime and disorder licensing objective
- If door staff are deployed at the premises then they will sign on and off duty. The premises will maintain profiles of all door staff which will include a copy of their SIA badge and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months old may be accepted). The premises will keep the signing in book and profiles for a minimum of 3 months and both are to be made immediately available to any of the responsible authorities on request
- The premises will operate a Challenge 25 policy. Challenge 25 signage will be prominently display on the entrance door(s) and bar service area(s)
- All staff will be trained in their responsibilities under the Licensing Act 2003, Challenge 25 and premises licence conditions This training will be documented and signed by both the trainer and trainee. No staff shall work at the premises (while it is carrying out licensable activity) without this documented training, with the exception of personal licence holders
- The premises will make their fire risk assessment immediately available to any of the responsible authorities on request
- The first floor of the premises will not be used for any licensable activity and will not be open to the general public

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The proposal was to offer a food-led public house for the local community. The Sub-Committee deliberated the operating schedule put forward by the applicant company, and the likely impact of the application (particularly in the light of the conditions which were agreed in advance of the meeting) and concluded that by granting this application, the four licensing objectives contained in the Act will be properly promoted. The Sub-Committee was particularly reassured by the agreements regarding CCTV and staff training.

Members carefully considered the written representations made by other persons. Two of these persons also attended the meeting and addressed the Sub-Committee directly. However, Members were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives.

Those making representations stated that to grant the application would have a negative impact on the licensing objectives, due to a possibility of an increase in crime, antisocial behaviour and public nuisance. However, the applicants had made proper efforts to mitigate against any potential for trouble. The Sub-Committee heard from the two residents who attended the meeting. Their submissions were focused on the risk that unless the licence was tightly conditioned, problems would arise. However, the Sub-Committee noted that West Midlands Police had already required stringent conditions. As the applicant company's representative observed, there was no evidence to justify a belief that the licensing objectives would be undermined by the style of operation proposed.

The Sub-Committee recognised that it was important to balance the legitimate business interests of the applicants with the interests of those objecting, and the submissions made by the applicant company's representative had made clear that there was no reason to think that either the operation, or the licence holder, would not be capable of upholding the licensing objectives.

The Sub-Committee noted that West Midlands Police had found the application to be satisfactory, and no representations had been made by any of the other responsible authorities. The concerns of those making representations were taken into account by imposing the agreed conditions, which would allay their apprehensions about the potential for trouble arising in connection with the proposed operation of the premises. The Sub-Committee considers the conditions imposed to be reasonable and proportionate to address the concerns raised.

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 company, 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

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Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The meeting ended at 1446