

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 11 APRIL 2019

**MINUTES OF A MEETING OF LICENSING SUB-COMMITTEE B HELD ON
THURSDAY 11 APRIL 2019 AT 0930 HOURS IN ROOM C, COUNCIL HOUSE
EXTENSION, MARGARET ST, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair

Councillors Bob Beauchamp and Mike Sharpe

ALSO PRESENT

Bhapinder Nandra, Licensing Section
Parminder Bhomra, Committee Lawyer
David Smith, Committee Manager

NOTICE OF RECORDING

- 1/110419 The Chair advised and the meeting noted that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/110419 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 meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/110419 Apologies were submitted on behalf of Councillor Higgs. Councillor Beauchamp was the nominee Member.

MINUTES – PUBLIC

- 4/110419 The Minutes of the public session of the meeting held on 12 March 2019 were noted.
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LICENSING ACT 2003 MULTIPLE TEMPORARY EVENT NOTICES
QUANTUM, 77A UPPER TRINITY STREET, BIRMINGHAM B9 4EG

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

(See document No. 1)

The following persons attended the meeting.

On behalf of the premises user

Olivia Rhoden

Those making representations

Martin Key – Environmental Health

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Following introductions by the Chair, Martin Key, Environmental Health, advised that he had reached an agreement with Olivia Rhoden, on behalf of the premises user, and he felt that the Environmental Health objections would be met if the Committee was minded to accept the proposals.

The following schedule of proposed conditions was tabled on behalf of the premises user:-

(See document No. 2)

Bhapinder Nandra, Licensing Section, introduced the report and advised that notification had been received from West Midlands Police that it was withdrawing its objections.

Olivia Rhoden, on behalf of the premises user, advised that a noise monitoring device had been installed and activated at the premises and that it was proposed to end the events at 0200 hours.

Martin Key, Environmental Health, informed Members that the noise monitoring device had been effective, limiting the power level and preventing the volume from being increased. The device had been monitored and tested, with additional measurements taken inside and outside the premises. He confirmed that there had not been any complaints in relation to the previous event on 7 April 2019 and noise levels were felt to be acceptable. While the license included live music, the premises user had not included that provision within the Temporary Event Notices. The only amplification would be through the in-house limited system. The premises user had undertaken to produce a revised and updated Security Risk Assessment and Deployment Plan.

In response to a question from Councillor Beauchamp, Martin Key explained that the device 'clipped' the volume by preventing an increase in power. The sound waves were compressed, producing a cleaner, less distorted sound than other systems. It was popular with musicians and entertainers and had been proved to be effective during use.

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In response to further questions from Members of the Sub-Committee, Olivia Rhoden and Martin Key made the following points:-

- a) The device had a sealed cover, with a tag added by Environmental Health to prevent tampering. It was kept in a locked box and in a locked room.
- b) The Plan was to be updated and tailored to the premises, rather than being a generic document. Environmental Health would work with the premises user and advise on expanding the contents, with the inclusion of operator procedures.
- c) Environmental Health would monitor the events and ensure that controls were in place. The premises user had discussed sound and vibration issues with Environmental Health and was proceeding as advised.

With reference to the proposed conditions tabled by the premises user, Parminder Bhomra, Committee Lawyer, advised that the first proposed condition could be achieved by amending the Temporary Event Notices (TENs). With regard to the second condition, the premises user confirmed that the TENs did not include live music. The Committee Lawyer confirmed that the Sub-Committee could impose the third proposed condition and advised that the fourth and fifth proposed conditions could be agreed under Section 2D of the license, which would be transferred to the TENs under the third proposed condition.

At this stage in the meeting, Martin Key summed up by advising Members that he believed the premises user could operate and act appropriately with the proposed conditions in place. Environmental Health would withdraw its objections if the proposed conditions were accepted, along with the assurances given.

In summing up, Olivia Rhoden advised, on behalf of the premises user, that the premises user would agree to comply with the proposed conditions.

At 1020 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1045 hours the meeting was reconvened and all parties were invited back into the meeting. The decision of the Licensing Sub Committee B was announced as follows:-

5/110419 **RESOLVED:-**

That, having considered the objection notices from Environmental Health in respect of the two temporary event notices for 21 April and 9 May 2019, as submitted by Thomas Jenkins, the premises user, for the events to be held at Quantum, 77A Lower Trinity Street, Birmingham B9 4EG, this Sub-Committee determines that a Counter Notice is not issued under Section 105 of the Licensing Act 2003.

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The Sub-Committee considers both events should be allowed to proceed at the premises following on from the premises user modifying the TEN's during the hearing by reducing the licensing hours for all regulated entertainment to cease at 2am.

Further, that the premises licence conditions attached to licence number 4986 are transferred to both TENs to promote the licensing objectives.

In respect of a previous temporary event held on 7th April 2019, Members noted there was no complaint. Members noted both parties were engaged in positive dialogues and that there was a strong willingness on the part of the premises user to overcome any issues or concerns raised. This was apparent in the submissions made by both parties, particularly Environmental Health, who carried out a noise risk assessment shortly after 7th April, and calibrated a noise limiter device that had been installed by the premises user.

The Sub-Committee gave careful consideration to the submissions from both the premises user and Responsible Authority, in addition to the report, Section 182 – Home Office Guidance and its own licensing policy.

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. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

OTHER URGENT BUSINESS

6/110419 There was no urgent business.

EXCLUSION OF THE PUBLIC

7/110419 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-

(Paragraphs 3 & 4)
