

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B 8 MARCH 2016

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 8 MARCH 2016
AT 1000 HOURS IN COMMITTEE ROOM 1
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Nawaz Ali and Gareth Moore

ALSO PRESENT

Shaid Yasser, Licensing Section
Sanjeev Bhopal, Committee Lawyer
Gwin Pountney, Committee Manager

NOTICE OF RECORDING

1/080316

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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/080316

There were apologies from Councillor Lynda Clinton and Councillor Barbara Dring attended as nominee member.

3/080316

MINUTES

The Minutes of the meeting held on 29 September 2015, having previously been circulated were confirmed and signed by the Chair.

The Minutes of the meeting held on 9 February 2016 having previously been circulated were confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT BOLDMERE SPORTS
& SOCIAL CLUB (BSSC), 323 BOLDMERE ROAD, SUTTON COLDFIELD, B73
5HQ**

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

Mr Nick Lowe – Committee Member BSSC
Mr Adrian Curtis - Solicitor

Those making representations

Councillor Robert Pocock – Ward Councillor
Mr Peter Deegan – Local Resident
Mr & Mrs Debney – Local Residents
Mr & Mrs Skinner – Local Residents

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr Curtis assisted by Mr Lowe made the following points with regards to the application and in response to questions from Members:-

- a) The hours requested for licensable activity were much reduced than those sought historically. Following the last application the Club had had a rethink and had decided to have regulated entertainment indoors only and live music from 5.00pm till 10.40pm on weekdays.
- b) There had been significant discussions between with the West Midlands Police who had been happy that the 4 licensing objectives would be promoted by the premises and conditions had been agreed with Birmingham City Council Licensing Enforcement.
- c) There had been a great deal of interaction between the residents and the club with 3 residents' meetings being held to show everyone the plans for the function room and allay their fears. There had been many representations initially, mainly as a result of a newsletter that had been circulated with some misrepresentation of the facts that the suite would be operating as a general public house – which was not the case.
- d) Mr Curtis went through the conditions of the licence in detail, as contained within the report, outlining facts regarding monitoring and supervision of events, staff training, the aims for the utilisation of the suite for specific functions, veto of events by the club's committee e.g. 18th/21st parties, the conditions agreed with enforcement, the interaction with West Midlands Police, the challenge 25 policy, CCTV recording and provision as required and the keeping of an incidents book.
- e) That there would be regulated entertainment in the Boldmere Suite only, not in

the clubhouse. The suite was brick built, without windows, well-insulated and on the side of the building away from residential properties with a lobby at the entrance and had a noise limiter set by Environmental Health as part of the planning conditions. The suite was also shielded on one side by changing rooms keeping the noise away from residents.

- f) Photos of the Boldmere Suite, presented as part of the supporting evidence submitted by the applicant were explained to the Sub-Committee showing the location of the suite, the direction that the entrance faced and the existing clubhouse.
- g) That 18 Temporary Events Notice events (TENs) had been held at the Boldmere Suite already with only 1 complaint in June 2014 and following readjustment of some speakers, no further complaints had been received.
- h) The history of premises was therefore that it promoted the licensing objectives, had had no reviews, there had been no challenge to the licence application from any of the responsible authorities and there had been no recent complaints regarding the premises. The club has agreed to robust extra conditions with licensing enforcement and were aware that should these be breached they would be open to a review.
- i) That the events for the Suite would be booked only via a member's only booking system and would undergo committee approval. The events would be supervised and monitored to ensure that they were at the numbers agreed, any uninvited guests would be removed by nominated staff and capacity for the venue would be limited to 120. Any numbers above this would be turned away.
- j) That 6 monthly meetings would continue to be held with residents, an email address had been provided for contacting the venue which would be monitored by Mr Lowe.
- k) That regulated entertainment would be contained within 1 room within the suite, excess noise would be monitored by staff checking on the edges of the premises near residential properties and in case of any problems adjusting the speakers, shutting any doors and recording the noise levels.
- l) That there was no evidence for the allegation that the premises had been open beyond the licensed hours and there had been no steps taken by anyone to remove or review the licence of the club.
- m) That there were no concerns regarding public safety as a result of a single track entrance to the premises by the West Midlands Fire Service who had not raised any objections to the licence.
- n) That there would be no problems regarding noise late at night as customers would disperse by 11.00pm as all events would be finished at 10.40pm. Nominated members of staff would disperse the guests and direct them to taxis.

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Councillor Pocock, in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) This application by the premises had been presented very differently to the previous one in summer 2015. There had been meetings with residents and conditions had been adapted and changed accordingly.
- b) However, there were still some concerns regarding prevention of crime and disorder and prevention of public nuisance. These were regarding admission to the premises if oversubscribed, the use of door staff for the events, staff training for managing aggressive behaviour, reassurances regarding the policing of the venue by club staff, the actions to be taken when noise levels were loud (not monitoring alone) and that the venue was situated in a noise sensitive area.
- c) That these concerns were valid even if the venue was closed at 11.00pm, that the use of door staff was valid depending on the event and that the competent management of the TENS events only showed that similar events could be managed adequately, not all.

Mr Deegan, in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) That he had distributed the newsletter as he had felt that the club had not advertised the licence application adequately to the local residents. (The Chair checked this with the Licensing Officer who confirmed that the notices had been placed correctly).
- b) He stressed that with the first application there had been no contact by the club with residents however with the current application there had been an intervention on behalf of residents by Councillor Pocock which had led to a series of meetings.
- c) He expressed his concerns regarding, cleaning of the premises after 11.00pm, noise from guests leaving the premise, public access to the venue and that the situation had not changed to that of the summer, when the application had been refused.
- d) That he had not cross-checked the dates of the TENS events with the complaints for the preceding years.

Mr Skinner and Mrs Skinner in presenting their case objecting to the application and in response to questions from Members, made the following points:-

- a) That in addition to his written representation at Appendix 26 he would like to state that parking was very limited.
- b) Their concerns regarding over capacity if more than 120 people turned up to an event.
- c) Concerns regarding access for the fire service.

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Mr and Mrs Debney, in presenting their case objecting to the application and in response to questions from Members, made the following points:-

- a) Stated that there was persistent noise from the premises from the music but accepted that a noise limiter would help.
- b) Most of the club members were not local residents.
- c) The single track access to the venue that would impede the fire service in the event of an emergency.
- d) The noise from children playing outside the venue late at night.
- e) Accepted that the West Midlands Fire service had not had any concerns regarding the premises given that the clubhouse was highly flammable.

In summing up Councillor Pocock asked that the club management included in their management policy that the public would be restricted to be guests of club members only (which Mr Lowe confirmed could be done), that door staff be employed at larger events, that there be a condition in the management policy preventing the use of both rooms of the suite at one time and for the premises and the Sub-Committee bore in mind the fact that the Boldmere Suite was in a very noise sensitive area.

In summing up Mr Curtis on behalf of the Applicant said that all clubhouse members were required to sign in, this was a small room for functions with music in a better location for sound insulation and no regulated entertainment would take place at the clubhouse. The capacity for the suite had been approved by the Fire service who had no concerns regarding a number of 120 people. Mr Curtis further stressed that this was a very low level application in terms of times and the door staff would control events, car parking for the venue was available on a nearby road, events would be held in one room only with a maximum capacity of 120. Furthermore, there had been no requests for a review of the current licence from any responsible authority. He concluded that this was a well thought out application with robust conditions with regulated entertainment ceasing at 11.00pm with no issues regarding the TENs that had operated on the premises.

At 1400 hours the Chairman requested all present with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1510 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/080316

RESOLVED:-

That the application by Boldmere Sports and Social Club for a premises licence in respect of Boldmere Suite, Boldmere Sports & Social Club, 323 Boldmere Road, Sutton Coldfield, B73 5HQ **BE GRANTED.**

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there

was evidence of a significant public nuisance, risk to crime and disorder, risk to public safety or, risk to children arising from the proposed and current operation of the premises.

However, the concerns of the other persons were taken into account within the Conditions volunteered by the Applicant within their Operating Schedule. Some of these were varied by agreement with Birmingham City Council Licensing Enforcement specifically to address the prevention of public nuisance, and the protection of children from harm.

It was noted that West Midlands Police had also been consulted on the proposed Conditions and had not objected to the same. Furthermore, West Midlands Police had not suggested any proposed conditions over and above what the applicant had stated within their Operating Schedule.

The Sub Committee felt that the operating schedule, including the opening and closing times, restrictions on when licensable activities would take place, and conditions volunteered by the applicant would be sufficient to address the concerns of those making representations. Given the strict admission arrangements to the premises via the Club's Rules the Sub Committee felt that the type of operation being proposed was very different to a standard "Public House" which would ordinarily open for longer and carry out different licensable activities and be exposed to different operational concerns.

The Sub Committee considers the conditions imposed and volunteered to be appropriate, reasonable and proportionate to address concerns raised.

The Sub Committee noted that the premises had applied for various TENs since 2014 up to and including the last one in February 2016. Both West Midlands Police and Environment Health have to be served with a copy of any proposed TEN and have the opportunity to object. They chose not to do so as a result of which various TEN's were granted as set out with the applicant's representations. The Sub Committee also noted that no responsible authority had chosen to make a representation against the grant of the licence.

The Sub Committee sympathised with those making representations, but were not on balance persuaded there was sufficient evidence to refuse the application. They felt that the operating schedule and proposed and varied conditions were sufficient to properly promote the licensing objectives. The protection afforded to local residents was provided by the statutory review procedure set out within the Licensing Act 2003, as well as any Responsible Authority, particularly West Midlands Police in the event of serious crime and/or serious disorder.

The Sub Committee noted that part of the site was already licensed through a Club Premises Certificate (CPC), but notwithstanding that, and the various representations before Committee against the Grant of the licence, no party had chosen to seek a Review of the CPC.

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

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 information in the application, the written representations received and the submissions made at the hearing by the applicant, their legal adviser 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.

5/080316

OTHER URGENT BUSINESS

There was no other urgent business.

The meeting ended at 1515 hours.

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CHAIRMAN