

LICENSING AND CONSENTS APPEALS COMMITTEE

21 AUGUST 2018

PRESENT:

Councillors B Yeates (Chairman) Mrs Bacon and Mrs Evans

Also present

Bal Nahal – Solicitor to the Council
Susan Bamford – Partnership, Community Safety & Licensing Manager
Vicky Mckenzie – Licensing Assistant
Christine Lewis – Overview and Scrutiny Officer
Lesley Bennett – Democratic and Legal Services Administrative Officer

Objectors

Councillor J Powell – Spokesperson
P Palmer – Spokesperson
Other Interested Parties also attended the hearing

Applicants

Chris Koumides
Lee Koumides

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DECLARATIONS OF INTERESTS

There were no declarations of interests.

3 LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE FOR XO LOUNGE, 52 THORNHILL ROAD, STREETLY. B74 3EN

The Committee heard evidence from the Applicant that they had agreed further conditions with the Police and as a result there were no objections from that Responsible Authority. They also notified the Panel that they wish to amend their application to state that there would be no external music to be played after 11pm and that this had been agreed with the Environmental Health Service. The Applicant confirmed to the Panel that there had been an error on the application where they had stated that there does not appear to be any residential properties within approximately 100 metres radius on the site, it is now believed this is within 50 metres. The panel accepted that amendment.

Representations were then received from interested parties, local neighbours and Councillor Joseph Powell (Ward Councillor), referring to concerns relating to the four licensing objectives. The applicant responded to questions posed as set out below against the licensing objectives:

Prevention of Crime and Disorder

Residents had concerns that the location of the premises was close to a major route to and from Birmingham City Centre and the nature of the premises would attract illegal activity including sex workers, drug and gang problems. Residents also reported that as the area was

a distance away from central Staffordshire, Police response times were at times, lengthy. The Police would have to attend from Burton upon Trent as that was the nearest Police Station.

The applicant stated that it was their intention to attract local residents and visitors of Sutton Park to the premises and not to be a nightclub style venue. They confirmed that there would be no standing and only 50-70 individuals could be seated. They also felt that there was no evidence of a connection of crime and the proposed style of venue of a coffee shop/wine bar and confirmed that there would be zero tolerance towards any disorderly behaviour. They confirmed that there would also be CCTV and would work with the Police to ensure a safe environment.

Public Safety

The objectors reported concerns regarding the potential for increased traffic to the area without adequate parking. They also felt that the late licence would potentially encourage drunkenness, lewd behaviour and fighting. There were concerns that although it had been agreed to have a door supervisor, that this would not prevent problems, when patrons have left the premises.

The applicant addressed the traffic concerns by reporting that parking had been considered and they felt that the spaces available would be sufficient. They also stated that the type of establishment would not attract binge drinking. They noted that there were already public houses in the area and they wanted their venue to be a different type of establishment with a different type of clientele.

Public Nuisance

Objectors had concerns about potential high noise levels, lights and traffic. Residents felt they were entitled to peaceful enjoyment of their properties, and homes.

The applicant confirmed that ambient music would be at a volume that would allow for conversation without the need for shouting. They also clarified that all genres would be played and any explicit lyrics (which was referred to by the objectors) would only be played unintentionally, and skipped should they be heard.

Protection of Children from Harm

There were concerns that safeguarding would be disregarded and the many under 18's living in the area would be exposed to the potential dangers of underage drinking, drug taking, and exposure to sex workers. The applicant reiterated that the type of establishment and high quality wine was unlikely to attract underage drinkers.

DECISION

The Panel agreed to grant the premises licence for XO Lounge subject to all the conditions as agreed with the Police and the additional condition that there will be no external music after 11pm.

The reason for the decision was as follows:

There had not been any objections from Responsible Authorities and there was insufficient evidence that any of the four licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, would not be met.

The Panel were sympathetic to the residents' concerns, however as the representations were around the possibility of problems occurring, there was no evidence to support this materialising and no objections had been received from any of the Responsible Authorities.

The Panel advised that each party has the right to appeal this decision within 21 days to the Magistrates Court.

Those making representations were advised that in the event of there being any problems concerning the premises in the future, these should be raised with the Police or noise issues, raised with Environmental Health and a request for a review hearing was then an available course of action .

(The Meeting closed at 12.00 pm)

CHAIRMAN