



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - B

THURSDAY 20 OCTOBER

LIME N CHILLI, 72 SOHO ROAD, HANDSWORTH, BIRMINGHAM B21 9BH

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Lime N Chilli Limited, in respect of Lime N Chilli, 72 Soho Road, Handsworth, Birmingham B21 9BH, this Sub-Committee determines:

- that no interim steps are necessary pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

The Sub-Committee recommended that the premises cooperates with West Midlands Police pending the review hearing.

The Sub-Committee's reasons for the decision not to impose any interim steps followed careful consideration of the submissions made at the meeting. Concerns had been raised by West Midlands Police in relation to an incident at the premises on 14th October 2022, which had come to the attention of West Midlands Police as outlined in the Superintendent's certificate and application.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005; the Police explained that to hear the evidence in public would undermine an ongoing criminal investigation. The premises licence holder did not object to this course, and therefore the Sub-Committee agreed to hear the evidence in private session.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A of the Act, related to an allegation of serious crime and disorder which had happened inside the premises in the Function Room. It was believed that a birthday party event was being held in the Function Room at the time in question.

It was the advice of the Police that the Sub-Committee should consider the removal of licensable activities from the Function Room of the premises. The area for licensable activities was delineated on the premises' Plan by a red line; the Police confirmed that their recommendation only applied to the Function Room, as the Police were happy that normal operation could continue elsewhere in the licensed area shown on the Plan.

The Sub-Committee then heard from the premises' agent, who attended the meeting along with the company director of Lime N Chilli Ltd, other members of management, and a businessman connected with the premises. The agent

explained to the Sub-Committee that the director and managers had themselves been injured in the disorder, and were still suffering the effects of these injuries nearly a week later. They were entrepreneurial businesspeople who were making a valuable contribution to the Birmingham economy, and who had a "perfect track record" in operating safe premises. Their investment in the business had improved the local area generally - for example, their lighting and CCTV arrangements offered enhanced safety for the public. They were good members of the business community and had contributed to the resurgence of the Soho Road area.

The agent observed that there had never before been any type of incident in which West Midlands Police had been called out to Lime N Chilli. On the night in question, when the disorder broke out the owners intervened personally to protect their patrons and staff; neighbours in the area had also turned out to help, as they were concerned about the safety of the management and staff. The agent suspected that there had been an invasion of a private party by gatecrashers, who had entered uninvited and had then created disorder. All in all, remarked the agent, the incident was completely out of character for the premises and their style of operation hitherto.

The arrangement for alcohol at the premises was that only the main room was licensed for the sale of alcohol by retail. The Function Room was licensed, and was within the area delineated by a red line on the Plan, but alcohol was not served there. Patrons using the Function Room for private events brought in their own alcohol with them. There had been no trouble whatsoever in the main room. The licence holder was keen to work with the Police, as he wanted to make sure that there was no repeat of the incident.

Another businessman who had attended the meeting addressed the Sub-Committee to confirm that he had worked with them for some time, that the business supported the community, and that there had never been issues of this type. He asked the Sub-Committee to note that the incident in question was an exception, and not the norm, for Lime N Chilli.

In summing up, the Police accepted that the premises was not one of those known for disorder, and accordingly the Police were taking a pragmatic approach. The Police confirmed that they were not asking for suspension of the licence; nor were they asking for the removal of the designated premises supervisor. The Function Room was a separate entity from the main room, and the Police felt that the removal of licensable activities from the Function Room only, pending the full review hearing, was an appropriate interim step.

The Sub-Committee carefully considered the submissions made by the Police but were not persuaded that the issue was the permission for licensable activities in the Function Room. The Sub-Committee noted the submissions of the premises' agent, who asked what effect such a sanction would have in reality, and queried whether the Sub-Committee would simply be "punishing" the premises for an incident which had not been due to any fault of the management. The agent repeated that the premises was keen to work with the Police.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime and serious disorder, which was being investigated by Police. However, it was not clear that there had been a failure in management, or that the operating style was unsafe. The Police had not asked for suspension of the licence, or removal of the sale of alcohol by retail, or the removal of the designated premises supervisor.

The Sub-Committee therefore felt that the correct course was to impose no interim steps, and instead to recommend that the premises cooperate with the Police pending the full review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police and by those representing the licence holder.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.