



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

WEDNESDAY 29 SEPTEMBER 2021

The Rocket Club, 258 Broad Street, Birmingham B1 2HF

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 Balevents Limited, in respect of The Rocket Club, 258 Broad Street, Birmingham B1 2HF, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application, and
- that Warrick Ramseir be removed as the Designated Premises Supervisor

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 could undermine the investigation. The Sub-Committee therefore agreed.

Members heard the submissions of West Midlands Police, namely that the certificate issued by Chief Superintendent Graham under s53A(1)(b) of the Act related to an allegation of serious crime which was said to have happened at the premises. It was thought that poor management control had led to the incident. The investigation by West Midlands Police was ongoing. The Police summarised the investigation thus far; it appeared that much of the work of the investigation was yet to be completed.

The Police Sargeant who attended the meeting confirmed that there were further individuals who were of interest to the investigation, but those individuals were as yet unidentified. This had raised Police concerns about the potential for risks to the safety of patrons of the premises, if the premises were to continue to trade pending the full Review hearing.

The Sub-Committee then heard from the company which held the licence, via its solicitor. The licence holder felt that the Police investigation was not being progressed in a timely manner, and confirmed that those delays had not been due to the company or its staff. Those from the company had been cooperating fully with Police, notwithstanding the fact that they did not accept that the serious crime incident had actually occurred. They therefore did not see that they should be prejudiced by losing the ability to trade whilst the investigation was still ongoing.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime, which was being investigated by Police. The Sub-Committee found the Police advice, namely that patrons could be at risk if the premises continued to operate, to be alarming, and did not feel that it could have full confidence in the

management to ensure safe operation (as the Police investigation was still continuing). All in all, the Sub-Committee considered that in an allegation of serious crime, public safety was paramount.

The Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the potential for further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issue, which was the allegation of serious crime which was still being investigated by Police; this was a significant risk to the upholding of the licensing objectives.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. Therefore, the risks could only be properly addressed first by the suspension of the licence, and secondly by the removal of the designated premises supervisor, 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, and the submissions made by the licence holder company via its solicitor, and by West Midlands Police, at the hearing.

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.