



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C

7 July 2021

Casey Joes Public House & Restaurant
1293 - 1295 Warwick Road, Acocks Green B27 6PU

That, having considered the representations made on behalf of Mrs Caroline Marie Dowling, the premises licence holder for Casey Joes Public House & Restaurant, 1293 - 1295 Warwick Road, Acocks Green B27 6PU, in respect of the interim steps imposed on the 2 July 2021, this Sub-Committee hereby determines that

- the licence will remain suspended and
 - the decision that Mrs Caroline Marie Dowling shall be removed as designated premises supervisor will remain in place
- until the determination of the Review hearing.

The Sub-Committee carefully considered the incident which had happened at the premises on Sunday 27th June 2021 as detailed in the original application, and heard the representations made on behalf of the premises licence holder and by West Midlands Police.

The premises licence holder made submissions via her counsel. Mrs Dowling was an experienced licence holder who had run various public houses in the Birmingham area since 1993; she was keen to reopen the "Casey Joes" premises as it was a local venue, highly valued by the local community with many regular patrons.

She acknowledged that the premises had fallen short of the required standard, particularly regarding Covid-19 safety, and regretted that there had been a violent incident on the night of the 27th June when she had not been on duty. She confirmed that she had spoken to her daughter, who was on duty, on the night of the 27th June, and the daughter had stated that the premises was quiet, with around 25 patrons inside.

Since the night of the violent incident, a full series of risk assessments had been carried out by an independent third party. The plan was that if the Sub-Committee were to decide that the suspension could be lifted, the premises would not reopen immediately, but instead would reopen in what Mrs Dowling's counsel called "a considered fashion", towards the end of the week. The premises would be open on Sunday 11th June for the televised final of the UEFA Euros 2020, with three Covid marshals on duty.

Members then heard the submissions of West Midlands Police and considered the Police evidence, part of which was heard with the public excluded from the hearing, following a request from West Midlands Police in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

Whilst the Police agreed that the new risk assessments carried out by an independent third party were fully satisfactory, the issue was whether there was confidence in Mrs Dowling as designated premises supervisor, and particularly whether she would be able to implement the risk assessments properly and uphold the licensing objectives pending the full Review hearing (scheduled for the last week of July 2020).

The Sub-Committee noted in particular the Police's observation that it can be "very difficult to control a football crowd". The Police also remarked that three Covid marshals would not be sufficient unless the risk assessments were followed carefully. Regarding Mrs Dowling's comment about the night of the 27th June - namely that her daughter had reported that it was quiet, with around 25 patrons in attendance - the Police observed that such a situation should have easily been controlled.

The Police asked the Sub-Committee to consider whether it had confidence in Mrs Dowling to adhere to the risk assessments and to safely resume operating.

The Sub-Committee reflected carefully on the evidence, and determined that it did not have sufficient confidence to lift either the suspension of the licence or the removal of the designated premises supervisor which had been imposed at the previous meeting to safeguard public protection. Whilst the risk assessments were entirely satisfactory, the Sub-Committee was keenly aware that on the night of the violent assault, it had been poor management control which had led to the incident; the Members concluded that the promotion of the prevention of crime and disorder objective had been undermined by the failure of management to ensure the safety of persons using the premises. The correct course was therefore for the interim steps to remain in place pending the full Review hearing scheduled for the end of the month, in order to ensure the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office under s182 of the Act, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review, the City Council's Statement of Licensing Policy, the documents submitted on behalf of the premises licence holder, and the submissions made by the licence holder via her counsel, and by West Midlands Police, at the hearing.

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