

BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE C
27 MARCH 2024

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 27 MARCH 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Phil Davis and Saddak Miah.

ALSO PRESENT

Shaid Yasser – Licensing Section
Andrew Evans – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/270324

NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

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DECLARATION OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/270324

Apologies were submitted on behalf of Councillors Jilly Bermingham and Penny Wagg and Councillors Phil Davis and Saddak Miah were the nominated substitute Members.

LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF A PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS – BAR 28, 28 BIRMINGHAM ROAD, SUTTON COLDFIELD, WEST MIDLANDS, B72 1QG.

On Behalf of the Applicant

Ben Reader – West Midlands Police (WMP)
Paul Littler - WMP

On Behalf of Those Making Representations

Richard Paten – Director, Bad Lady Limited
James Wilson – Director, Bad Lady Limited

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Ben Reader, WMP made a preliminary request that the meeting be held in private due to the fact that there had been an incident whereby a person had been run over outside the premises and there was an on-going criminal investigation. He planned to show the Committee CCTV footage from the incident, this footage was not intended to be in the public domain.

James Wilson and Richard Paten both confirmed they had no objection to the meeting being held in private, in fact they endorsed the request.

The Chair approved the request made by Ben Reader and confirmed that the meeting would be held in private.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Shaid Yasser Licensing Section, outlined the report.

EXCLUSION OF THE PUBLIC

4/270324

RESOLVED:-

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That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

The public were readmitted to the meeting at 1120 hours.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

5/270324

RESOLVED:-

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 (as Amended by the Violent Crime Reduction Act 2006) for an expedited review of the premises licence held by Bad Lady Ltd in respect of Bar 28, 28 Birmingham Road, Sutton Coldfield, West Midlands, B72 1QG 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 receipt of the Chief Officer of Police's certificate and application for an expedited review.
- Miss Laura Seymour be removed as the Designated Premises Supervisor.

The Sub-Committee exercised its power to hold part of this summary review hearing in private in accordance with regulation 14 of the Licensing Act 2003 (Hearings Regulations 2005) because there is an ongoing criminal investigation, the integrity of which ought reasonably to be protected at this time.

The Sub-Committee's reasons for imposing these interim steps are that they accept the advice and opinion of West Midlands Police in relation to the events inside and immediately outside the premises on the night of Friday 22nd March 2024.

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It is clear that on the night in question the premises was being traded for licensable activities over an hour after the last permitted time for the supply of alcohol. At a time when the premises should have been winding down to its closure time, alcohol was still being served across the bar and the premises as a result remained busy with customers.

A disorder in which some violence occurred began inside the premises and spilled outside. A crowd followed the disorder outside and many patrons took glasses with them outside into the street. A few minutes later a patron was run down by a car outside the premises, in the Police's opinion with intent by the driver to do him serious harm. The person who was run down received serious leg injuries.

The Sub-Committee has considered all of the representations made today by the Police in support of the application and on behalf of the Premises Licence Holder.

The Sub-Committee took into account the representations today from two directors of the company that holds the premises licence. They explained that they had held the licence for nearly 18 months and not had any problems of this type before. They accepted that the premises was supplying alcohol after permitted hours on the night in question. The explanation given was that there was a lack of staff training and the DPS who was not on the premises had delegated authority to supply alcohol to a relatively new member of staff who had received minimal training from them. It was further stated that the normal clientele was over 30 years of age but on the night of the disorder a much younger and larger crowd had unexpectedly attended. It was accepted that glasses had been taken out of the premises by customers in the absence of any door supervisors, who had not previously been needed. It was emphasised that the emergency services had been called and the injured person had been taken to hospital by a director who had quickly attended on being notified of the incident. CCTV was provided to the Police to assist in their investigation. Apologies for the problems that occurred were offered to the Sub-Committee and there was some acceptance of the need for better training and management practices going forwards.

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The Sub-Committee finds that there is a clear causal link between the management failures of the Premises Licence Holder and the Designated Premises Supervisor on the night in question, and the serious failure to promote the prevention of crime and disorder licensing objective that occurred. Both the PLH and DPS appeared ill-equipped to properly assess the risk of the licensing objectives not being promoted before the incident in question and design implement and enforce suitable measures to control those risks. The premises had a simple licence broadly suitable for its permitted alcohol hours, and early closing time, yet was being traded as a much higher risk late night bar on the night.

It seemed to the Sub-Committee that management failures led to not only unlicensed supplies of alcohol on the night but a wholesale lack of risk assessment and protective measures being in place to reduce the risk of crime and disorder. The Sub-Committee was very concerned that the premises were being traded in such a way absent any effective or responsible management control.

While the concessions made by the Premises Licence Holder's representatives are welcomed as to events, on the night in question, the Sub-Committee has no confidence in their ability to adequately promote the licensing objectives at this time. This hearing has been heard on the eve of the coming Easter bank holiday weekend when the premises is bound to be put under similar pressure to that which occurred last Friday night. Accordingly, the licence must be suspended and the DPS removed as interim steps pending a full review. These steps are necessary and proportionate to the information provided to the Sub-Committee at this time.

The Sub-Committee considered whether to exercise its powers to impose some lesser step including a shorter-term suspension, and/or the modification of permissions or conditions on the licence but did not consider that any lesser step was adequate to meet their concerns as to the risk of the licensing objectives not being promoted and further serious crime or disorder occurring.

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 in relation to expedited and summary licence reviews, and the submissions made by the police (and the premises licence holder) at the hearing.

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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.

The meeting ended at 1122 hours.

CHAIR.....