

STATEMENT OF JOANNE HIPKISS

1. I am the Licensing Manager of Ei Group Ltd. Ei Group Limited is wholly owned by Stonegate Group.

2. I make this statement to assist the Licensing Sub Committee with regard to the review application in respect of the Great Western Hotel, 10 Yardley Road, Acocks Green, Birmingham. This review application follows the earlier expedited review, the hearing of which took place on 17th March 2023. On behalf of Ei Group Ltd, the premises licence holder and through my solicitor, I did not oppose the Police application to suspend the premises licence pending review.

3. Ei Group Ltd owns around 4,500 public houses in England and Wales. The vast majority of these are the subject of leases/tenancy agreements through which the tenant operates his/her/its own business out of premises owned by Ei.

4. Where premises are the subject of long leases/tenancy agreements, the premises licence is held by the tenant. The tenant usually takes transfer of the premises licence upon completion of a long lease deal. Prior to the completion of a long lease, a tenant will want to take possession and operate the premises – a sort of trial period. In these circumstances, we enter into a tenancy at will agreement which can be terminated by either the landlord or tenant on 7 days notice. The tenancy at will requires operation in accordance with the terms of the premises licence but Ei retains the premises licence.

4. The Great Western Hotel is the subject of a tenancy at will in favour of BDI Properties Ltd. The personal guarantors are Baljeet Singh and Jasmine Rama. The premises licence holder is Ei Group Ltd and the DPS is Jasmine Rama. BDI Properties Ltd have been in occupation of these premises since 3rd October 2019.

6. Ei has been in litigation with its tenant following the service of a notice to quit due to a rent debt. The termination letter was issued in February 2021 since which time litigation has been ongoing. (It is important to note that the reason for the service of the notice to quit was nothing to do with the tenant's operation of the premises.)

7. BDI Properties Ltd has refused to vacate the premises, contending that they have right to remain in the premises.

8. The final possession hearing has been adjourned twice. It was initially listed in June 2022 but Ei's Barrister had covid meaning that the hearing was adjourned until September.

9. At the September hearing, the Judge determined that he could not determine if a periodic tenancy existed and matters are now listed for a trial on 25th and 26th April 2023. I understand, however that the tenants are seeking to adjourn this further due to their Barrister being unavailable and a witness being on holiday.

10. As a consequence of the litigation, all contact with the tenant has been through our solicitors.

11. Following the appalling incident at these premises on the evening of 13th March 2023, the Licensing Department (who are based in Solihull) was contacted by the Police. I was very pleased to see in the decision notice for the hearing held on 17th March 2023 that my colleagues had been open and honest with the Police and advised of the breakdown of the relationship.

12. We have a good working relationship with the Police and due to the breakdown in the relationship with the tenant, I instructed our solicitor that he was not to oppose the Police application to suspend the premises licence as an interim step pending review.

13. I instructed our Solicitors to advise the Police that this was the position and that we would continue to work with the Police to ensure the promotion of the licensing objectives.

14. Following the suspension of the premises licence, I met with PC Jones on 31st March. We are agreed that as we have no control over the tenant, we will not attempt to open the premises until we do so.

15. In the circumstances, we have agreed the following conditions which we will invite the Committee to impose upon the review:-

- i. The premises will not carry out any licensable activity until the premises licence holder has influence over the operation of the premises and they are in a position to promote the licensing objectives, together with liaison with the DPS. Any recommencement of licensable activity at the premises is to be confirmed via an email to West Midlands Police Central Licensing Team, from the premises licence holders. This conformation will be sent a minimum of 48 hours prior to the recommencement of any licensable activity on the premises.
- ii. The DPS or their nominated person will check the CCTV system daily, to ensure it is working and recording. This check to be documented, timed, signed and dated by the person checking. This documentation to be made immediately available to any of the responsible authorities on request.

- iii. CCTV will be installed / updated to the specifications and recommendations of West Midlands Police. CCTV will record throughout the whole of the licensable activity, store recordings for a minimum of 28 days, show the correct time & date stamp and be downloadable. CCTV to be made immediately available to any of the responsible authorities on request.
- iv. The premises will have a written vulnerability policy. All staff working in the premises while it carrying out licensable activity will be trained in this policy, prior to their first shift. Training records will be dated and signed by the trainer and trainee – unless held electronically. These training records will be made immediately available to any of the responsible authorities on request.
- v. All staff (with the exception of personal licence holders) will be trained in their responsibility of the licensing act and challenge 25 policy , prior to their first shift. Training records will be dated and signed by the trainer and trainee – unless held electronically. These training records will be made immediately available to any of the responsible authorities on request.
- vi. The DPS and duty managers will be trained in (crime) scene management. There will always be a member of staff on duty, at the premises who has had this training. These training records will be made immediately available to any of the responsible authorities on request. Training records will be dated and signed by the trainer and trainee – unless held electronically.

- vii. The premises will keep an incident book and record all instances of crime, disorder, ejections and ASB at the premises, whether the emergency services are contacted or not. This report to be completed as soon after the incident as possible but at the latest at the end of licensable activity for that day. This log will be signed off weekly by the DPS, unless held electronically. This log will be made immediately available to any of the responsible authorities on request.
 - viii. A refusals log will be kept on the premises. All refusals of the sale of alcohol will be recorded. This log will be signed off weekly by the DPS, unless held electronically. This log will be made immediately available to any of the responsible authorities on request.
 - ix. The premises will operate a Challenge 25 policy. Only photographic ID with a hologram logo will be acceptable under this policy. Prominent signage will be displayed within the premises at the bar serving area(s) of this policy.
16. Our intention with these conditions is that the premises remain closed until Ei recovers possession of the premises. If, in the Civil Court, the Judge does not grant Ei possession and require that the tenant vacates then we will arrange the transfer of the premises licence to the tenant who will then be responsible for compliance with these conditions.
17. In addition to the imposition of these conditions, we will invite the sub committee to formerly remove the existing designated premises supervisor. The effect of this would render alcohol sales illegal once the suspension is lifted and mean that prior to reopening, an application to specify a new DPS would need to be made, an application which would give the police the opportunity to review the proposed DPS and object if it was felt that the appointment would not be consistent with the promotion of the crime and disorder objective.

18. I understand that this course of action is acceptable to the Police with whom we will continue to work.

19. I will be attending the remote hearing on the morning of 12th April 2023 in order that I can assist the member of the Sub Committee with any question that they might have.

The contents of this statement are true to the best of my knowledge and belief.

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JOANNE HIPKISS

4th April 2023

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DATED