

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 29 FEBRUARY, 2024
--

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON THURSDAY 29 FEBRUARY, 2024 AT 1300 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Penny Wagg and Sam Forsyth

ALSO PRESENT

David Kennedy – Licensing Section
Jane Sarginson – Committee Lawyer
Louisa Nisbett – Committee Services

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

1/290224 **NOTICE OF RECORDING/WEBCAST**

The Chair advised the meeting to note that this meeting would 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 were confidential or exempt items.

2/290224 **DECLARATION OF INTERESTS**

Members were 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

3/290224 Apologies were submitted on behalf of Councillors Adam Higgs and Saddak Miah. Councillors Sam Forsyth and Penny Wagg were the nominated substitute Members.

LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 PREMISES LICENCE – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS – ELITE COCKTAIL BAR AND RESTAURANT, 81 STEWART STREET, BIRMINGHAM, B18 7AF

On Behalf of the Applicant

Mark Swallow – WMP (West Midlands Police)
Alfred Ratcliffe – WMP (West Midlands Police)

On Behalf of The Premises Licence Holder (PLH)

Duncan Craig – Legal Representative
Mrs Angela Raymond – PLH/ DPS (Designated Premises Supervisor)

* * *

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

Mark Swallow, WMP requested as a preliminary point, that the meeting be conducted in private owing to the on-going police investigation into the incident and also so that the CCTV of the incident could be viewed.

Duncan Craig on behalf of the Premises Licence Holder had no objections to this.

At 1316 the Chair adjourned the meeting in order for the Members to deliberate the preliminary request submitted by WMP.

The Committee reconvened at 1320 hours and the Chair announced 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. The main points of the report were outlined by David Kennedy, Licensing Section.

EXCLUSION OF THE PUBLIC

4/290224 **RESOLVED:-**

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

At 1433 hours The public were re-admitted to the meeting.

Following the Members, Committee Lawyer and Committee Manager having conducted the deliberations in a separate private session the decision was announced at the meeting and a full written decision of the Sub-Committee would be sent to all parties as follows;

5/290224 **RESOLVED:-**

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 in respect of Elite Cocktail Bar and Restaurant, 81 Steward Street, Ladywood, Birmingham, B18 7AF 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
- That Ms Angella Raymond be removed as the Designated Premises Supervisor.

The Sub-Committee's reasons for imposing these interim steps are due to concerns by West Midlands Police in relation to matters which came to light at the premises on the 23rd of February 2024 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determined the causes of the serious crime and or serious disorder appeared to originate from patrons of the premises. The licensing conditions were not met, and there was an inability in management to ensure the security and safety of those on and leaving the premises, and to ensure an appropriate approach was taken by staff and security staff in response to a serious incident of crime and disorder.

It was therefore necessary and reasonable to impose these steps to address the immediate problems with the premises, in particular the likelihood of serious

Licensing Sub-Committee B – 29 February, 2024

crime and or serious disorder, and to promote the prevention of crime and disorder objective in the Act.

In reaching its decision, the Sub Committee considered the submissions made on behalf of the premises licence holder, but they were not satisfied that those submissions dealt with the concerns as raised by the Police.

Similarly, the Sub-Committee did not believe that any other interim measures would address the totality of issues brought to their attention by the police.

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.

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 1437 hours.

.....

CHAIR