



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A

FRIDAY 19 APRIL 2024

**BELLE VIEW ALSO KNOWN AS BELLE VUE, 289, ICKNIELD PORT ROAD,
BIRMINGHAM, B16 0AG**

That, having considered the representations made on behalf of Mrs Andrea Tracey-Ann Murray the premises licence holder for Belle View, 289, Icknield Port Road, Birmingham, B16 0AG in respect of the interim steps imposed on the 27 March 2024, this Sub-Committee hereby determines that the licence will remain suspended until the final review hearing.

The Sub-Committee carefully considered the individual incident dated the 22nd of March 2024 as detailed in the application for review and explored the representations made both by the police and on behalf of the premises licence holder.

In relation to the incident on the 22nd of March 2024, members concluded that the promotion of public safety was undermined by the failure of management to ensure the physical safety of persons using the premises.

Concerning the incident on the 22nd of March 2024, the Sub-Committee accepted that there were factual discrepancies between the two parties in relation to how the reported allegation of serious violence commenced. However on the balance of probability, members believed that the actual act of violence took place in the smoking area of the premises and that management had failed to exercise responsibility for customers.

With regard to the incident on the 22nd of March 2024, the disturbance that took place within the smoking area of the premises was not disputed between the police and the Designated Premises Supervisor. However, at the time of the incident the Designated Premises Supervisor was absent, she had not put in place a suitably qualified and experienced alternative, the Designated Premises Supervisor failed to notify the police of this incident of serious disorder, and at the time failed to provide the police with a copy of the relevant CCTV, all of which brought into question the competence of management at the premises.

The Sub-Committee therefore considers that the suspension of the premises licence and that the removal of Ms Andrea Coleen Tracey-Ann Murray as Designated Premises Supervisor remains in place until determination of the review hearing as they are necessary for 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 in relation to expedited and summary licence reviews, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 and the application for review.

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.