



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - A

FRIDAY 2 JULY 2021

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

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 held by Mrs Caroline Marie Dowling in respect of Casey Joes Public House & Restaurant, 1293 - 1295 Warwick Road, Acocks Green B27 6PU, 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, and
- that Mrs Caroline Marie Dowling be removed as the Designated Premises Supervisor

Members heard the submissions of West Midlands Police, namely that the certificate issued by the Assistant Chief Constable under s53A(1)(b) of the Act related to an assault under section 18 of the Offences Against the Person Act 1861 which had happened at the premises on the Sunday before the meeting. The 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, was that on the day in question it was poor management control which had led to the incident.

The background to the certificate issued by the Assistant Chief Constable was that in November of 2020 it had been observed that the "Casey Joes" premises had not been following the Government Guidance relating to Covid-19, which set out the requirements for all licensed premises to trade safely in the pandemic. West Midlands Police spoke to Mrs Dowling at the time, to advise her on the measures to be taken.

Upon viewing the CCTV footage of Sunday 27th June 2021, the Police observed that on the night of the assault patrons were not seated and/or being served at tables, as required by the Government Guidance. Instead, some were standing at the bar and others were walking about freely; one individual was even dancing. Masks were not being worn as patrons mingled and interacted with others, in direct contravention of all official guidance. There was no challenge to any of this from any staff member.

The failure to provide a safe environment had led to an outbreak of serious crime in which one patron had been violently assaulted by another. The person who was assaulted had been taken to hospital with an injury which, at the time, had been assessed as life-threatening.

In deliberating, the Sub-Committee agreed with the Police that the causes of the serious crime appeared to originate from unsatisfactory internal management procedures at the premises. The Sub-Committee found the Police evidence relating to the assault to be alarming, and not something that inspired the slightest confidence in the management arrangements at the premises.

The Sub-Committee agreed with the Police that this was a very serious breach and that it was overwhelmingly likely that poor management practices were to blame. The management control of the premises was unsatisfactory even in the most general terms – for example, basic Covid measures were not yet in place, despite Police advice having been given to Mrs Dowling some nine months ago, and the pandemic having dominated the everyday life of the nation for the past sixteen months.

The Sub-Committee agreed with the Police view that they had no confidence in Mrs Dowling to ensure safe operation. All in all, the Sub-Committee considered the licence holder to have failed to take her responsibilities seriously. Mrs Dowling did not attend the meeting; nor did anybody else representing the premises.

The Sub-Committee determined that it was both necessary and reasonable to impose the interim step of suspension to address the immediate problems with the premises, namely the likelihood of further serious crime.

The Sub-Committee considered whether it could impose other interim steps, including modification of licence conditions, but considered that this would offer little to address the real issues, which were the unsatisfactory practices and the irresponsible attitude shown by the licence holder, both of which were a significant risk to the upholding of the licensing objectives.

However, the Sub-Committee determined that the removal of the designated premises supervisor was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. Therefore the risks could only be properly addressed first by the suspension of the Licence, and secondly by the removal of the designated premises supervisor, pending the full Review hearing.

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 under s182 of the Act, and the submissions made by the Police 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.