



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - C

WEDNESDAY 15 SEPTEMBER 2021

Bambu, 1st Floor Kotwall House, Wrottesley Street, Birmingham B5 4RT

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 Arcadian Wrottesley Entertainment Ltd in respect of Bambu, 1st Floor Kotwall House, Wrottesley Street, Birmingham B5 4RT, 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 Jasdeep Kaul be removed as the Designated Premises Supervisor

Members heard the submissions of West Midlands Police, namely that the certificate issued by Superintendent Fox under s53A(1)(b) of the Act related to two instances of wounding under section 18 of the Offences Against the Person Act 1861 which had happened at the premises. There had also been an outbreak of disorder, and an arrest for affray had been made.

The evidence was that on the day in question it was poor management control which had led to the incident. The Police recommended that the Sub-Committee should impose the interim step of suspension of the licence, pending the full review hearing.

The Sub-Committee then heard from the company which held the licence, via its counsel. The licence holder did not oppose the suspension of the licence, and stated an intention to cooperate with the Police in their investigation. The director of the licence holder company had recently taken the premises on, but did not have any previous experience of running licensed premises.

In deliberating, the Sub-Committee determined that the failure to uphold a safe style of operation had led to an outbreak of serious crime, and 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 s18 wounding incidents to be alarming, and not something that inspired the slightest confidence in the operating style at Bambu. The Sub-Committee determined that it had no confidence in the management to ensure safe operation. All in all, the Sub-Committee considered the licence holder to have failed to take its responsibilities seriously.

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 issue, which was the lack of proper management control shown by the licence holder, which was 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 licence holder via its counsel, and by West Midlands 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.