

# BIRMINGHAM CITY COUNCIL

**LICENSING  
SUB-COMMITTEE C  
2 AUGUST 2023**

## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 2 AUGUST 2023 AT 1330 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Sam Forsyth in the Chair;

Councillors Phil Davis and Penny Wagg.

### **ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Alex Cerutti – Trainee Solicitor  
Katy Poole – Committee Services

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

\*\*\*\*\*

### 1/020823 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will 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 are confidential or exempt items.

---

### 2/020823 **DECLARATION OF INTERESTS**

Members are 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**

3/020823 Apologies were submitted on behalf of Councillor Bermingham and Councillor Davis was the nominated substitute Member.

---

**MINUTES**

4/020823 That the Minutes of the meeting held on 28 June 2023 at 1000 hours and 5 July 2023 at 1000 hours were noted, and the Minutes as a whole were confirmed and signed by the Chair.

---

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW – LEVANA, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM, B5 4TD.**

**On Behalf of the Applicant**

Chris Jones – West Midlands Police (WMP)

**Those Making Representations**

Piers Warne – TLT Solicitors (representing L&C Commercial Ltd)

**On Behalf of the Premises Licence Holder**

Leo Charalambides – Barrister

Carl Moore – Agent

Karchi Parvaneh – Joint Business Owner (PLH)

Jenna Wilde – Designated Premises Supervisor (DPS)

\* \* \*

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

Chris Jones, on behalf of WMP, requested that the Committee allow him to screen 9 clips of CCTV. However, he further requested that this evidence be screened in private due to the on-going investigation and sensitivity around the footage.

Leo Charalambides, on behalf of the PLH company did not object to the application submitted by WMP, but asked for clarity that the 9 clips were the same clips he had been sent, as he had received them as one continuous loop.

## **Licensing Sub-Committee C – 2 August 2023**

Chris Jones, WMP confirmed that they were the same clips sent to Leo Charalambides on Friday 28 July 2023.

Following a short adjournment, the Chair advised that the Committee approved the request for the CCTV to be screened privately.

David Kennedy, Licensing Section, outlined the report.

Chris Jones, on behalf of WMP was invited to make his case, he made the following points: -

- a) The incident that led to the review happened on 5 June 2023 when a 15yo girl was allowed entry into the premises, her friends also gained entry. No ID check was carried out on the 15yo girl.
- b) In May 2022 WMP held a meeting with Mr Karchi (PLH) following a disorder in the Arcadian which involved customers from Levana. An action plan was agreed with the premises, the main change was introducing an ID scanner and changing the front of house on the entry points.
- c) In September 2022 WMP officers were investigation another disorder in Arcadian, they requested the ID scanner information from Levana. However they were informed that it was not operational on that night.
- d) WMP had another meeting with Mr Karchi who explained that the ID scanner was not operational due to wifi issues but that would be rectified. WMP explained that they were disappointed.
- e) In December 2022 a group of underage girls attended the safe space in Arcadian which is manned by St John's ambulance Service. They told the ambulance service that they had been at Levana and were very drunk. St John's had to phone their parents. This was a direct breach of the licence issued to the PLH.
- f) Following this they viewed the CCTV footage and the girls had been at Levana and weren't subject to ID checks. Mr Karchi stated that the ID scanner wasn't used if it was raining or if they had wifi issues. Which was a direct conflict of the action plan agreed with WMP and the PLH.
- g) The incident was very serious, the young girls had to use the Arcadian safe space.
- h) Due to all of these incidents WMP requested that the premises submit a minor variation to condition the ID scanner. That was submitted in early January 2023.
- i) There was an overhaul of the conditions on the licence.
- j) Even after the variation and intervention by WMP there was a review hearing with almost identical situation and failings.

- k) 6 June 2023 a 15yo girl entered the premises with a group of friends, the ID scanner wasn't used. This is not just a one off.
- l) Mr Karchi stated he wasn't there on that evening and the staff didn't use the ID scanner, but he would get a new DPS and sort it out.
- m) The senior police officer reviewed this and asked WMP Chris Jones to submit a review due to there being a 14 month period with similar issues on-going.
- n) Over the 14 month period WMP had tried to work with the premises and had deployed a pragmatic approach, but there is nothing else they could offer the premises so they needed to bring it to the Committee's attention.
- o) WMP described the interaction with the premises as like 'a merry go round'.

The Chair then advised that the private session would start, and all parties moved over to the separate private Teams session.

At this stage the Members, officers and other parties joined a separate MS Teams meeting which was held privately.

---

### **EXCLUSION OF THE PUBLIC**

5/020823

#### **RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

---

The public were readmitted into the meeting.

Chris Jones, WMP continued to make the following points: -

- a) That Mr Karchi had agreed to use an ID scanner back in May 2022, however, numerous times after that the ID scanner was not being used. Furthermore, WMP visited the premises multiple times following incidents involving people gaining entry to the premises who were underage.
- b) The ID scanner was not being used effectively and the changes to front of house staff were also ineffective, as such WMP had no confidence in the management of the premises in being able to uphold the licensing objectives and therefore requested that the licence be revoked.

Piers Warne was invited to make his presentation but advised that he was acting on behalf of the landlords of the premises and was simply observing. The Committee had his written representation.

## **Licensing Sub-Committee C – 2 August 2023**

The Chair then invited Leo Charalambides, on behalf of the PLH company to make his case, he made the following submissions: -

- a) That for the most part they shared the same concerns as WMP.
- b) They did not agree that there was a failure of engagement or cooperation by the PLH.
- c) Under the review process the Section 182 guidance paragraph 11.20 gives guidance on how to proceed. The Committee needed to identify the concerns and then determine the appropriate and proportionate remedy.
- d) Diagnosis of concerns was something that took a lot of time.
- e) That they believed the review process and intervention by WMP was working. WMP highlighted concerns and Mr Karchi cooperated and engaged with WMP.
- f) That whilst there were concerns last summer about a disorder at Arcadian, Levana customers were not the only premises involved. There was no information submitted by WMP about what intervention was carried out at other premises.
- g) Mr Karchi had worked with WMP, agreed to use an ID scanner, provided CCTV and made changes to front of house. They also submitted a variation upon the recommendation by WMP.
- h) There had been issues with front of house staff being over familiar with regular patrons and therefore not always adopting the usual security measures.
- i) In September 2022 WMP raised more concerns about a disorder in the Arcadian, again Mr Karchi practiced clear and swift engagement with WMP.
- j) They had given WMP CCTV footage from the premises on numerous occasions in order to aid their investigations.
- k) They also submitted a variation which involved them having to amend their team and some of their management practices.
- l) Hiram Taj met with Mr Karchi at another venue he operates and said he was very happy and had no issues with Mr Karchi and the way he operated his businesses.
- m) During the period of intervention and discussions with WMP over the summer of 2022 they identified that street promoters were meeting people on the street and encouraging them to come into Levana, they weren't being ID scanned on entry as the street promoters were letting them gain access. Street promoters had undergone training so they would be aware of the rules moving forward.

## **Licensing Sub-Committee C – 2 August 2023**

- n) They had redeployed the SIA staff, reorganised the areas at the front, cleared the entrance and removed the DPS and employed a new one.
- o) The premises had never been reviewed since it had been in operation.
- p) They had improved the challenge 25 training and drunkenness training.
- q) There were 15-16 members of staff not including door staff. All of which had undergone further training.
- r) They had 5-6 SIA registered door staff.
- s) Since the incident the new procedures and operation had been tested and worked well.
- t) They had a clear queuing system and patrons would be informed that they needed photo ID for entry.
- u) Full body searches with handheld scanning devices would be in operation and bag searches would be carried out.
- v) People queuing who had no ID would be asked to leave the queue in order not to hold the queue up.
- w) The DPS had been tasked with supervising the SIA staff and the queueing system to ensure that the search procedures are followed.
- x) The former DPS was now acting as the dedicated ID scanner supervisor. There would be 3 sets of eyes on the ID scanner process.
- y) WMP could view the CCTV footage from the past month, in order to see the new practices in action at the premises.
- z) That they were surprised with the request for revocation from WMP as the operator had engaged, invested in new equipment, new staff and training. Asking for revocation was wholly disproportionate and inappropriate.
- aa) He urged the Committee to adopt to recommended review process and allow the parties to work together. They recognised the failures and need for improvement and were all committed to ensuring the issues were resolved.

The Chair invited questions from Members and Leo Charalambides on behalf of the PLH gave the following responses: -

- a) That the ID scanner worked by customers placing their ID photo side down into the scanner, it takes a digital photo and also checks the details virtually checking that the details don't match any banned persons. Furthermore, it keeps the record. Sometimes it may be necessary to check a secondary source of ID such as a bank card.

## **Licensing Sub-Committee C – 2 August 2023**

- b) That WMP suggested that they didn't adopt procedure. However, the ID scanner wasn't used in September due to wifi issues. Moving forward they were working to resolve any wifi issues and had employed additional staff to monitor the staff using the ID scanner.
- c) That there were multiple factors that meant procedures weren't being consistently followed. Street promoters were letting people into the premises and SIA door staff weren't checking patrons if they knew them.
- d) The procedures were old habits, but that was no longer acceptable.

The Chair invited both parties to make a closing submission and Chris Jones, WMP made the following closing statements: -

- WMP had never said that the premises didn't engage or cooperate but were instead concerned about the premises poor management, breach of conditions, poor operation and the premises not following an agreed action plan.
- That 14 months ago the premises agreed to use an ID scanner, yet since then on all the occasions where WMP had visited/requested any information from the ID scanner it had not been operational, or not been used.
- WMP worked with the premises and employed a pragmatic approach and yet 14 months later the premises had similar issues which had resulted in a review.
- The premises themselves had identified issues and failed procedures when they submitted the variation. In June 2023, almost identical circumstances were identified again.
- In June 2023 the ID scanner was an operating condition on the licence and yet it was still not being consistently used resulting in a 15yo child being intoxicated at the premises along with a friend who was under 18yo.
- It showed complete disregard for the licence conditions.
- The premises did have a dedicated entry point but was not used and that is bore out by the CCTV footage screened to the Committee.
- Therefore WMP requested revocation of the premises licence.

The Chair then invited Leo Charalambides to make a closing submission and as such he made the following closing statements: -

- That each and every time that the police had engaged with the venue they had cooperated and provided CCTV when requested that had sometimes worked against their interests. It had taken some time to achieve better practice but that was not to say that engagement was always wanting. In a process that was designed to be regulatory and administrative they needed to

respond to change and work to improve, that was the point of reviews. They had engaged and cooperated.

- It was disappointing that WMP had just 'shut the door'.
- That everyone had a common goal and must move towards promoting the licensing objectives together.
- Premises had never been reviewed and had a long history of operating in the area.
- That the Committee should accept the remedy that the PLH had put forward and invited WMP to visit the premises and see the new measures in practice.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

6/020823

**RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by True Leisure Limited, in respect of Levana, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, upon the application of West Midlands Police, this Sub-Committee hereby determines that the licence be revoked in order to promote the licensing objectives in the Act of the prevention of crime and disorder, public safety and the protection of children from harm.

The Sub-Committee's reasons for revoking the licence were due to the concerns expressed by West Midlands Police, as outlined fully in the Committee Report. The licence holder company attended the meeting, represented by counsel, together with the company director, the designated premises supervisor and the premises' licensing consultant. Also in the meeting was a solicitor representing the premises' landlord.

Part of the meeting, namely the playing of the CCTV evidence, was conducted in private session, after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005.

The Police explained that to view the CCTV evidence in public would undermine an ongoing criminal investigation. They had forwarded the CCTV clips to counsel for the licence holder in advance of the meeting. Counsel did not raise any objection to the course proposed by the Police. The Sub-Committee therefore resolved to view the CCTV evidence in private session, as the public interest in so doing outweighed the public interest in that part of the hearing taking place in public.



The Police summarised the investigation thus far, exactly as per their documents in the Committee Report, and played the CCTV clips. Their lengthy dealings with the Levana premises had brought to light poor management practices, and consequent failings in the promotion of the licensing objectives. Police intervention had been required after it was discovered that underage young persons had been subjected to harmful drinking practices within Levana in December 2022. Advice had been given by the Police.

A variation application had been submitted by the premises in February 2023, on Police advice. The intention behind the minor variation had been to mitigate against the likelihood of young persons being put at further risk. However, the Police had been unamused to discover that there had then been a further episode, in June 2023, in which underage persons had been admitted to the premises and had become intoxicated in the venue.

The use of an ID scanner had been an operating condition of the premises licence at the time of the incident in June 2023 – yet the ID scanner was not in fact in use on the night in question. Upon examining the CCTV, the Police had observed that the disregard for the ID scanner condition appeared to be so commonplace as to be entirely the norm at the premises, and was therefore not just a one-off failure, or the action of a rogue member of staff.

The company director had told Police that he had not been at the venue on the night, saying that it was the fault of his staff that the ID scanner had not been used. He had told Police that he intended to change the door team and to employ a new designated premises supervisor.

The Police licensing team had had ongoing interactions with the premises over a 14 month period, with “very similar concerns and issues being identified” relating to poor management. Unsatisfactory operating practices had been something of a running theme. During their dealings with the premises, the Police had taken what they had felt was a pragmatic approach of engaging, explaining and encouraging, in an attempt to ensure that the premises’ management offered a safe environment which was capable of promoting the licensing objectives.

The assistance given by Police had not had the desired effect, and given that the premises had had a repeat incident in June 2023 involving admission of underage persons, the Police had moved to the enforcement option, by bring a Review before the Sub-Committee. The Police considered that they had been “on a merry go round” with the premises, in which any interaction with the premises had led to an improvement in the management style and operation - for a time. However, further incidents had then followed, and further interactions with Police; as a result of these, the Police view was that “the

management of the premises has been found wanting”.

The Police considered that the conditions already on the licence should have been sufficient to enable the premises to operate safely, legally and in a manner which promoted the licensing objectives. However, what had been observed was that the operating style at Levana had placed children into extremely vulnerable situations. The Sub-Committee noted that the CCTV clips showed the poor operating standards at the premises on the relevant night, and in particular the total disregard for the ID scanner condition.

The Police made further submissions relating to the conditions, namely that whenever they had requested information from the ID scanner, they had been told that the ID scanner had not been operational at the relevant time - despite several assurances from the company director that it would be operational. It had not been operational during either of the incidents involving admission of underage persons into the premises – neither on the December 2022 occasion, nor the June 2023 occasion (following the variation of the licence). The other measures, such as changing the door team, had proved to have limited or no effect on the overall operation of the premises.

Due to the previous dealings and interactions with the premises, the Police confirmed that they had little confidence in the management of the premises to uphold the licensing objectives, or even to uphold their own premises licence conditions. Accordingly, the Police requested that the Sub-Committee revoke the premises licence.

The Sub-Committee then heard from counsel for the premises. He explained that as far as the police representation was concerned, the premises shared the same concerns, but disagreed that there had been any failure of engagement and/or cooperation by the management.

Counsel reminded the Sub-Committee that paragraph 11.20 of the Guidance issued under s182 of the Act gave clear instructions as to how the Sub-Committee should proceed – namely by identifying the cause or causes of concern, and thereafter by determining whether there was an appropriate and proportionate remedy.

The premises recognised that in 2022 there had been concerns around disorder in The Arcadian as a whole. Whilst this had included patrons from Levana, other premises had also been involved, and it was not known what other engagement had been undertaken by the Police and the responsible authorities with those other premises.

The director of the premises licence holder company had immediately engaged with the Police, had cooperated with the development of an action plan, had provided CCTV that was damaging to his own case, and had purchased an ID scanner and begun the introduction of changes to front of house, exactly as encouraged by Police. The door

team which had been familiar with the premises' typical patrons, and had been for some ten years, was suddenly moved. This was relevant because one of the problems at the door had been the loss of familiarity with patrons. The new security team, quite improperly, had been permitting people to enter, including underage persons.

Counsel remarked that the premises had shown full cooperation to find a common solution to the challenges. The director, he said, had shown clear and swift engagement – most notably in provision of details to Police around the use of the ID scanner, the challenges with the ID scanner, and also offering full availability of the CCTV, even though all of those things went against the premises. Counsel observed that the director had engaged with Police openly and fairly to identify failings and to seek ways in which he and his premises could improve.

Counsel remarked that the whole point of engagement, explanation and encouragement was in order to tease out, through the remedial process, what was needed. The variation application had been agreed and submitted following advice from the Police. There had then followed a period of several months without any issues. The director was an experienced person who had begun his career as a registered SIA supervisor, and had over 20 years of experience of operating in the area.

Counsel directed the attention of the Sub-Committee to paragraph 9.12 of the Guidance regarding the expertise of the responsible authorities. The premises had held meetings with the Police, enabling the Police to identify all their concerns. A series of amendments and processes had then begun, to further improve the operating style – for example the role of the street promoters who worked to encourage people to come into the venue, and who been waving patrons through the ID scanning system, and moreover giving them complimentary entry without a requirement to pay the admission charge. The director had found this to be quite unacceptable, and had implemented a training programme for the street promoters such they were now aware of proof of age requirements, ID requirements, scanning requirements, Challenge 25 and indeed safeguarding.

The director had also reviewed the security provisions. On this point, counsel directed the Members to the documents in the Committee Report, which identified a number of changes regarding the redeployment of SIA staff and their numbers, and the reorganisation of the areas at the front so that there was a clear entrance and a clear exit, and also a clear smoking area. The designated premises supervisor had also been replaced and the proposed new person had been accepted by the Police.

Regarding the designated premises supervisor, counsel reminded the Sub-Committee that the Police had a power to object to the new designated premises supervisor where there were exceptional

circumstances; if there had existed such exceptional circumstances, the Police would have objected, yet in this case they had not done so. He further reminded the Members that the premises licence had never been reviewed, and asked whether it was the correct course that it should be revoked at the first opportunity.

A training programme had been implemented, covering relevant issues such as Challenge 25 and drunkenness, for all staff from the general manager downwards. All concerned had agreed that the real problem was at the door; accordingly, a security review had been done, and the director had developed a far clearer ID search and entry procedure. Counsel led the Members through this new procedure in detail, and confirmed that under the new procedure no ID would mean no entry; this had become a key policy for security staff, including the street promoters, and had been the subject of training conferences and internal dialogue between all at Levana.

The new regime would be strengthened by the redeployment of the former designated premises supervisor, who was an experienced person, and who would be acting as the dedicated ID scanner supervisor. Counsel observed that as well as the full SIA door team during peak hours, there would now be “three sets of eyes on this ID scanner and the ID scan process”. The process had been in place throughout June and July 2023 and the licence holder was confident that the Police concerns would be allayed if they visited and saw the new practices.

Counsel remarked that the new arrangements were the proportionate and appropriate response which was recommended in the s182 Guidance. Whilst it was acknowledged that the ID system had failed in the past, the director was a cooperative operator who had worked with the Police, had provided CCTV, and had invested in new equipment, new staff, retraining and also a rearrangement of the staff; for these reasons, counsel considered revocation to be wholly disproportionate. He urged the Sub-Committee to simply endorse the new procedure and to accept that those at the premises were committed to its improvement.

Members asked about the ID scanner which had not been in use on the night of the June 2023 incident, and whether any substitute measures were adopted (in terms of physically checking at the door). Counsel replied that the new procedure of additional staff at the ID scanner would cover this. However, the Members were concerned that these measures had not been applied on the evening of the incident, and observed that to subsequently adopt such measures could be compared to shutting the stable door after the horse had bolted.

Counsel replied that groups of staff within the venue had been operating independently, and that it had perhaps been a situation of “too many chiefs” in terms of taking responsibility. The street promoters had been found to be suggesting that patrons could simply

go into the premises, as if they had been checked, when they had not been checked. However, in recent months, previous practices had been overhauled and replaced with appropriate practices.

When deliberating, the Sub-Committee agreed with the Police that any licensed premises which admitted underage persons put the licensing objectives at very grave risk; as such, the Sub-Committee took a very dim view of the operation. The Police had reminded the Sub-Committee that 14 months ago the premises had agreed to deploy an ID scanner, which would have brought the problem under control - yet on all the occasions since that time, whenever the Police had requested any information from the ID scanner, they had been told that it had not been operational or had not been in use at the relevant time.

The company director was an experienced person who should have been more than aware of the standards expected of all licence holders in Birmingham. The breaches of condition regarding the ID scanner were therefore unacceptable.

The Police had observed that they had lost confidence in the management at Levana to uphold the licensing objectives. After scrutinising the Police evidence carefully, in particular by viewing the CCTV clips, the Members shared the Police concerns and felt that what the CCTV had shown was more than sufficient to confirm that the premises was operating in a manner which undermined the licensing objectives.

The Police had applied a pragmatic approach to the issues at the premises, but had found that whilst the premises then appeared to improve the management of the operation for a time, there would then be a further incident. This was a grave concern as it suggested that the management did not take its responsibilities seriously, which was a direct risk to the upholding of the licensing objectives.

The Police observed that the premises itself had identified management failings, poor practice and the fact that children had been put at risk in the variation application they had submitted; the Sub-Committee agreed with this view, and noted that despite this acknowledgement of poor practice by the premises' management, a few months later there had again been an instance of underage persons gaining entry and becoming intoxicated.

Whilst counsel had said that the director had always given full and speedy cooperation, and had offered "real engagement", the Sub-Committee was not at all sure that this was the case, given that the failings had been repeated.

Counsel had said that the licensing process was designed to be regulatory and administrative, not adversarial, and that the premises should be allowed to respond to change and work to improve, keeping in mind the common goal. The Sub-Committee agreed that this would

ordinarily be the correct course, but the issue in the instant matter was whether those at Levana were capable of doing so; the past history strongly suggested that they would try to, for a period of time, but then revert to poor practices which seriously undermined the licensing objectives.

The Sub-Committee noted counsel's submission that Levana was a premises which had been trading for a decade, and had never had its licence reviewed. He had urged the Members not to fall into "the same closed-minded trap" as the Police; yet the past history showed that the Police had taken a pragmatic and understanding approach, and had endeavoured to assist the premises across a considerable period of time. However, their efforts had not succeeded because of management failings and the improper operating style of the premises.

The Sub-Committee looked at all options when making its decision, and referred to paragraph 11.20 of the Guidance, as counsel had suggested. In determining the appropriate and proportionate course, the Sub-Committee placed particular emphasis on the need to ensure that it had confidence that the premises could be trusted to uphold not only the licensing objectives generally, but also its own licence conditions, given what had been found in relation to underage persons being permitted to enter without the use of the ID scanner, or indeed any ID checks.

The Members determined that it was not possible to have any such confidence, and moreover were unsure how the licence holder company and its director had felt that the style of management seen in the CCTV recordings had been a proper way to operate licensed premises. Nothing in the management style inspired confidence. The terms of the recent variation, which had been submitted on Police advice following the discovery of poor practice, had not been followed, and underage persons had been allowed to enter – yet the conditions in the variation had been designed to guard against exactly that risk. The Sub-Committee therefore concluded that it would be foolhardy to expect the premises to adhere properly to its new procedures.

The Police had said that they had little confidence in the management of the premises to uphold the licensing objectives or to follow the licence conditions, and had made a request for revocation of the premises licence. The Members agreed that this was the only appropriate course, due to the past history and repeated failings.

The Members gave consideration to counsel's suggestion that they should accept the new procedures which were being put in place, but on reflection the Members were not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination, or that the premises could be trusted to operate within the law; after all, this had not been the case in the recent past.

The evidence, and in particular the CCTV recordings, had shown a complete disregard for the law by the licence holder and the staff alike. The operation had been managed in a way that was not merely irresponsible, but also illegal. The findings had shown a lack of professional supervision and control by the licence holder company and its director; in short, the licence holder company had demonstrated on more than one occasion that it was incapable of upholding the licensing objectives even when assisted and supported by the Police. Revocation was therefore proportionate in the circumstances.

After scrutinising all the evidence, the Sub-Committee determined that the issues around underage patrons were indeed so serious that they could not be tolerated; in addition, there had been a breach of the ID scanner condition. A determination to revoke would follow the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, and was an entirely appropriate and proportionate sanction given that the premises' style of operation had seriously undermined the licensing objectives in Birmingham on more than one occasion.

There were no compelling reasons to depart from the Guidance in this instance. To take some other course (other than revocation) ran the risk of sending a message that admitting underage persons and breaching a licence condition were not a serious matter, or that there would be no consequences for such failings, which the Sub-Committee was not prepared to do. The Sub-Committee therefore resolved to revoke the licence.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by West Midlands Police, and by counsel for the licence holder.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is determined.

---

**Please note the meeting ended at 1143 hours.**

CHAIR.....