

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE B
TUESDAY 24 JANUARY
2023**

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 24 JANUARY 2023 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah and Adam Higgs.

ALSO PRESENT

David Kennedy – Licensing Section
Jeremy Phillips KC & Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

8/240123 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

9/240123 **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

10/240123 No apologies were submitted.

LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – THE CRANE, 50 ADDERLEY STREET, BIRMINGHAM, B9 4ED.

On Behalf of the Applicant

Gary Grant – Barrister
Ben Reader – (WMP) West Midlands Police
Chris Jones – WMP

On Behalf of the Premises Licence Holder

Damian Eston – (PLH) Premises Licence Holder -Digital Arts Media Limited
Nicholas Levisieur – Barrister, 3 Paper Building Chambers
Rakesh Gadhis – DPS (Designated Premises Supervisor)

On Behalf of Those Making Representations

Martin Key – (EH) Environmental Health
Martin Williams – (TS) Trading Standards
Shaid Ali – (LE) BCC Licensing Enforcement
Will Power & Abdool Rohomon – Lab 11
Sara Bremner and Abdool Rohomon – Oval Real Estate

* * *

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

Opening for West Midlands Police (WMP), Mr Gary Grant of counsel, made application under Regulation 14(2) Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005 No.44) for the licensing authority to exclude the public from part of a hearing on the ground that the public interest in so doing outweighed the public interest in the hearing, or that part of the hearing, taking place in public. The basis of the application was that following a knife attack at the premises on 26 December 2022 three persons had been charged with murder. A trial had been set down for July 2023. Police investigations were underway, and they did not want to jeopardise any criminal proceedings.

Counsel for the Licensee, Nicholas Levisieur supported the application from WMP and were too concerned that the evidence intended to be presented may hinder the criminal investigation, particularly the jury trial.

Licensing Sub-Committee B - 24 January 2023

Abdool Rohomon, on behalf of both Lab 11 and Oval Real Estate submitted that they had additional evidence regarding a video on social media but did not intend on jeopardising the criminal proceedings. They had not served the video.

After a short adjournment the Chair advised that the Committee had determined that the public would be excluded from those parts of the proceedings.

The Chair then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

Further, the representative for the Licence Holder advised that much of their evidence bundle contained interlinked material and as such, should be placed before the Committee in private. The redactions could then be dealt with afterwards and placed in the public domain once the sensitive material had been considered. This was agreed by the Committee.

The Committee retired for lunch at 1300 hours.

The meeting was reconvened at 1333 hours and the Chair invited the applicant to make their submission and Gary Grant, on behalf of WMP made the following statements: -

- a) At the Interim Steps hearing on 30th December 2022 WMP submitted that the licensing objectives of crime and disorder and public safety were at grave risk.
- b) They had carried out further investigations and considered the evidence bundle from the PLH but their view remained the same. If the venue was permitted to reopen, those licensing objectives would remain at grave risk.
- c) The police requested that the licence be revoked.
- d) The licence for The Crane was only granted in the Summer/Autumn of 2022, so had only operated for a short time, some three months, yet a murder at the premises had taken place and a Summary Review had been triggered. Indicating the terrifying risk involved in the operation of this venue.
- e) On Boxing Day a young man, Cody Fischer was tragically murdered inside the venue, when police investigated, they discovered blatant and wide spread drug use being unchallenged inside the premises. Including Nitrous Oxide being used and supplied within the premises and hundreds of discarded drug bags containing white powder all over the dancefloor.
- f) The PLH failed to uphold the highest standards of management of this venue.
- g) Searches were inconsistent and hap hazard, and the perimeter of the venue was left unsecured. There are only two possible ways the murder weapon and drugs got into this premises, through the inadequate search regime, or they came over the unsecured perimeter wall. Either way, when running a venue with a capacity of over 1000 persons, they are not details that can be overlooked or forgiven. It is inadequate operation.

- h) The event on Boxing Day resulted in three people being carried out of the venue due to drug overdoses, one of which had to be assessed and taken by an ambulance. Looking at the events, not just a murder, but also a general perception that the event was not properly controlled; the state of three customers whom had to be carried out, a knife got into the premises, drug use and supply inside the premises, CCTV shows a blatant disregard by staff. All of which led WMP to the conclusion that they have no confidence that this operator can operate this venue and therefore, they were seeking revocation.

At this stage WMP indicated that they wished to go into private session.

EXCLUSION OF THE PUBLIC

11/240123 **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 to the meeting and the Chair invited those making representations to present their case.

Martin Key, EH, was invited to make his case and he made the following points: -

- a) That he hadn't heard anything the PLH had said as it was held in private, so he was going purely from the information in front of him.
- b) There is a long history involving the premises since 2017.
- c) WMP had described chaos at the premises, drug use and inadequate security.
- d) EH objected to the original application in 2017, due to concerns about noise mitigation, the residential nearby, large capacity of the premises and the large, glazed roof panels. Conditions were attached to the licence.
- e) Prior to the premises operating, a noise assessment needed to be carried out and a mitigation scheme in place. Despite requests for that, nothing was provided.
- f) EH carried out investigations and there was significant low noise impact which would amount to nuisance.
- g) To date no noise management plan has been submitted or approved.
- h) In absence of that, it indicates a failure to uphold the licensing objectives and EH fully supported WMP that they had no confidence in the management of the premises to uphold the licensing objectives of public nuisance, noise nuisance and crime and disorder.

Martin Williams, TS, was then invited to make his case and he made the following points: -

- a) TS support WMP in the review application.
- b) The evidence from WMP points to a complete lack of management at the premises, particularly regarding the prevention of crime and disorder and public safety objectives.

Mr Leviser on behalf of the PLH asked Mr Key the following questions: -

- 1. Is any noise mitigation in place?
- 2. When did EH last carry out an inspection?
- 3. Had Mr Key been unwell, so not been able to work?
- 4. Do the conditions attached to the premises apply?
- 5. Are the conditions attached to the licence a clerical error?

Mr Key gave the following responses: -

- 1. He wasn't aware of any noise mitigation at the premises.
- 2. There haven't been any further inspections, as far as he was aware the premises wasn't open or trading.
- 3. He had been off work for 2 weeks but had still been dealing with matters, including planning in relation to the premises.
- 4. The conditions do apply.
- 5. That he couldn't answer that.

The Chair invited Shaid Ali, LE to outline his points and he made the following points: -

- a) He had been in contact with WMP Licensing Team and they had shared the information as to the scene at the premises when they arrived.
- b) He's received emails and made further enquiries.
- c) One email had video footage that was uploaded onto social media; it was very distressing. It shows the injured parties receiving treatment and the area around it was littered with Nitrous Oxide cannisters and the video clearly shows someone inhaling a balloon, the patron was oblivious to the fact security and the police were there.
- d) The zero tolerance drug policy isn't being enforced and the police back this up with their observations; drug bags were found on the floor and Nitrous Oxide cannisters.
- e) There was another anonymous email suggesting that the private medical company be contacted as they had made a number of recommendations to Mr Eston regarding the operation and Mr Eston had refused the recommendations. After that they advised that medical cover needed to be increased and that the event they covered prior to Boxing Day, the level of

medical cover was unsafe for them to continue. Again, he refused those recommendations.

- f) The medical company reported that during 6 events, 16 out of 21 patients were assessed and were displaying symptoms of recreational drug use. This confirms what WMP witnessed on the night in question and that the zero tolerance drug policy was not being upheld.
- g) He supported WMP's recommendations.

Mr Levisaur asked the following questions: -

- 1. Is Nitrous Oxide an illegal drug?
- 2. Did Mr Ali know that Nitrous Oxide was legal?
- 3. That out of 15000 patrons over the course of the events covered by medical staff, 16 were attended to for drug related problems. Did that suggest that the management weren't trying to enforce a zero-tolerance drug policy?

Shaid Ali responded: -

- 1. That Nitrous Oxide wasn't illegal in the food industry, but it was illegal to inhale it.
- 2. He stood corrected; he wasn't aware it was legal to inhale.
- 3. That whilst it might be a few people out of thousands who attended, it was clear from the footage seen that a drug policy wasn't being enforced.

The Chair then invited Abs Rohomon to make his case on behalf of Lab 11 and Oval Real Estate, as such he made the following points: -

- a) There is anguish and anger within the Digbeth business community.
- b) There had been substantial change in Digbeth; trying to change the reputation after years of bad publicity.
- c) The lack of management at The Crane has caused reputational damage in Digbeth.
- d) Mr Eston isn't a new operator; he had been involved in the night time economy and promoting events for a number of years.
- e) He had held many large scale events.
- f) Sometimes things go wrong, but operators learn from mistakes. Mr Eston has been involved with promoting huge events and festivals all over Birmingham so he knows what is expected. In 2009 he ran a huge carnival in Digbeth with some 9000 patrons, so he should be used to dealing with large capacity events.
- g) Given the information from the medical company and 16 patrons being treated for drug related problems over 6 events, he should have learnt that they were dealing with a drug problem at the premises. Yet the police attended on

Boxing Day to a scene covered in drugs, and the management were turning a blind eye.

- h) He went against professional advice from the medical company when they said more staff were needed.
- i) The video uploaded to social media shows someone blatantly inhaling a balloon and whilst Nitrous Oxide isn't illegal the effects of inhaling it are unknown. The supply of it is a criminal offence.
- j) Premises in Birmingham now operated huge Nitrous Oxide procedures to stop it getting in as they don't know what the effects are.
- k) In this instance, Nitrous Oxide is clearly being supplied to individuals. Three patrons were carried out of the venue under suspected drug use.
- l) There is anger in Digbeth due to all this.
- m) All the hard work over the last 6 years has taken time and money to repair the situation and it had been tarnished.
- n) For Lab 11, New Year's bookings fell significantly. Many people called the premises asking if it was safe to attend. The Crane had caused this due to their lack of management. The Lab 11 event on New Year should have attracted over 1000 people, yet only 300 tickets were sold. People are scared.
- o) All of this is against the backdrop of someone who should have known better. Mr Eston ignored professional advice, a knife got into the premises, and someone was tragically murdered.
- p) Oval Group are landlords for a large number of properties in Digbeth, they take a great deal of interest in business and what people are doing. They take pride in the area and are very proactive.
- q) They had changed the way the area worked and worked with licensed premises to make sure they were operating properly.

Following a short adjournment to seek legal advice regarding cross examination, Mr Levisur was invited to ask questions which had been previously submitted to the Committee and one question was accepted by the Members during the adjournment: -

1. Did Mr Rohomon know what medical support was actually available and provided at The Crane on Boxing Day?

Abs Rohomon responded: -

1. That he didn't know.

After a short comfort break the Chair invited all parties to make a closing submission, firstly those who had made representations.

Abs Rohomon made the following closing statements on behalf of Lab 11 and Oval Real Estate: -

- That they were still of the opinion that the licence should be revoked, not to do so would indicate a blasé attitude to poor management.
- A licence is granted to premises, and it is for them to promote the licensing objectives, The Crane hadn't done that in any way.
- If the licence is revoked, they requested that the interim step of suspension remain in place during the appeal process as otherwise it would make a mockery of the incident.

Shaid Ali was invited to make his closing statements on behalf of LE: -

- From his own investigations and what he had heard at the hearing, he had not heard anything that would make him change his mind.
- He supported WMP's request for revocation of the licence and that the interim step of suspension should remain in place.

Martin Williams, TS made the following closing statements: -

- That he agreed with the other representations.
- The licence should be revoked, and the interim steps should remain in place.

Martin Key, EH made the following closing submissions: -

- He hadn't had an opportunity to hear the PLH representation in public session.
- On balance the review had clearly identified poor control and a lack of confidence that the operator can uphold the licensing objectives.
- They support WMP's request for revocation and ask that the interim steps remain in place.

Gary Grant on behalf of WMP made the following closing statements: -

- The PLH has put before the Committee how professional and experienced they are, but compare that to the contrast of those assertions and the reality – a knife got into the premises and Nitrous Oxide in commercial cannisters got into the premises, drugs bags were all over the floor along with small Nitrous Oxide cannisters.

- The reality on the ground shows the operators do not have sufficient control over what is going on at this premises. A young man lost his life at the venue.
- The Committee needed to bear in mind everything they had seen and heard in public and private session. Would the Members be comfortable with their son, daughter or loved one attending the next event at the venue?
- The answer to that question indicates what the proportionate and appropriate way to deal with this matter is and what action needs to be taken.
- Revocation of the licence is the most appropriate and proportionate measure, and the interim steps should be maintained.

The PLH was invited to make their closing submission and Nicholas Levisur made the following closing statements: -

- Rhetorical question submitted by WMP should be answered by risk assessment, which involved evaluation of total number of events, numbers, risk, and outcome. He didn't wish to make any comment at all about what led to the tragic death of a young man in public.
- The evidence has been set out in the bundle provided by the PLH. Instructive to look at what has been asserted as to what the factual position is.
- Revocation is wholly inappropriate in this case. Logically if licence was revoked to maintain interim steps. But revocation isn't appropriate and therefore there are no necessary interim steps.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision with reasons was sent to all parties as follows;

12/240123 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 (the Act) by Digital Arts Media Limited in respect of The Crane, 50 Adderley Street, Birmingham, B9 4ED, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines:

1. That the licence be revoked in order to promote the prevention of crime and disorder and the public safety objectives in the Act; and
2. The interim step of suspension, imposed at the Sub-Committee meeting of 30th December 2022, shall remain in place pending the

determination of any Appeal.

The determination of the Sub-Committee, save for maintaining the interim steps decision of the 30th December 2022, 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.

The Sub-Committee also requires the premises to re-submit the licence holder's evidence bundle in its intended redacted form, such that it can be published, without delay, and by 13.00 hours 25 January 2023 at the latest.

Reasons

The review proceedings were conducted virtually through Microsoft Teams and in accordance with the licensing authority's protocol for such matters.

Opening for West Midlands Police (WMP), Mr Gary Grant of counsel, made application under Regulation 14(2) Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005 No.44) for the licensing authority to exclude the public from all or part of a hearing on the ground that the public interest in so doing outweighed the public interest in the hearing, or that part of the hearing, taking place in public. The basis of the application was that following a knife attack at the premises on 26 December 2022 three persons had been charged with murder. A trial had been set down for July 2023. Police investigations were underway and the purpose of those criminal proceedings could be frustrated (or at least harmed) were the entirety of the licence review hearing to be conducted in public. Such an approach could seriously compromise the possibility of a fair trial.

Counsel for the licensee, Mr Nicholas Levisier, supported the application, which the Sub-Committee duly granted, finding that the public interest in preserving the integrity of the criminal proceedings and to secure the proper administration of justice outweighed the countervailing interest in open justice. The Sub-Committee gave a short judgment explaining to the public the nature of what had taken place and in particular why it had had to derogate from the principle of open justice, but solely in relation to those matters which could be capable of affecting the criminal proceedings. Consequently, a direction was made that the public would be excluded from those parts of the proceedings.

Introducing the formal part of the proceedings Mr David Kennedy, Licensing Officer, reported to the Sub-Committee that on the 28th of December 2022, Superintendent Simpson applied for a review under Section 53A at the Licensing Act 2003 as amended by the Violent Crime Reduction Act 2006 in respect of the premises licence granted

to Digital Art Media Limited relating to The Crane, 50 Adderley Street, Birmingham B9 4ED. Licensing Subcommittee B had met on the 30th of December and resolved that the licence be suspended pending the hearing of the expedited review.

Members then heard the public submissions from both parties and evidence from PC Ben Reader (for WMP) and Damian Eston and Rakesh Gadhia (for the licensee) in relation to the events of 26 December 2022.

Following the public element of the police case the Sub-Committee agreed to hear in private further submissions of the police and the response of the licensee. All other persons, save for the committee and its officers, the WMP and its representative and the licensee and its representatives were required to leave the virtual hearing until the public element of the proceedings resumed.

Upon resumption of the public part of the proceedings the committee heard from Martin Key from environmental health. He suggested that there were a number of conditions attached to the licence, which required, prior to any person operating the premises, that a noise assessment should be carried out. However, to date, no noise management plan or noise mitigation scheme had been submitted or approved, and there was no information about any noise limiting device. These were conditions that required compliance prior to the operation of any licensable activity. The EHO had no confidence in the ability of the management operating this site to meet the premises licence conditions or the licensing objectives in respect of public nuisance, public safety and crime and disorder. If the committee were to conclude that revocation was the right answer, then environmental health would also support suspension as an interim measure.

Martin Williams from Birmingham Trading Standards also expressed support for the review brought by West Midlands police, saying that considering the evidence provided by the police, they felt that it pointed to a complete lack of effective management control of the business, particularly with regard to upholding the license and objectives, in particular prevention of crime and disorder and of public safety.

Shaid Ali, Enforcement Officer, gave evidence on behalf of the Licensing Authority as a responsible authority, supporting the police application. He asked that the suspension should remain in place while the committee made its decision..

On behalf of Lab 11 and Oval Real Estate Mr Abdool Rohomon also expressed support for the review, saying that the problems at the venue had occurred due to 'pure lack of management' resulting in 'so much anger' within the local community against the backdrop of somebody who should know better. The venue should have been taking the advice of people, but it ignored that. If the committee determined to revoke the licence he asked that the interim steps of

suspension remain in place.

In closing Mr Grant for the WMP submitted that the reality was that the knife used in the assault, the nitrous oxide in the large commercial canisters and the hundreds of smaller nitrous oxide canisters had clearly somehow made their way into the premises, together with the 'drug bags'. He invited the members of the committee to consider whether they would be comfortable with their son or daughter, or loved one, attending the next event to take place at the premises? The appropriate and proportionate step to take in order to promote the licensing objectives of public safety and the prevention of crime and disorder was revocation of the licence. If that was the committee's decision, the interim step pending any appeal ought to be the continued suspension of the licence.

For the licensee Mr Leviser suggested that the rhetorical question posed by the WMP ought to be answered against the background of risk assessment. That involved an evaluation of the total numbers of events of risk and of outcome of those events. The uncontroverted evidence had been set out in the bundles provided by the licensee, which the committee had considered. His concluding submission was that revocation was wholly inappropriate in the circumstances of this case.

The committee reminded itself that the s 182 Guidance recently re-published by the Secretary of State in December 2022 stated that:

"11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. [..]

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or

associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime; [..]

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

Considering the evidence from all parties, including all photographs submitted, the Sub-Committee accepted on the balance of probabilities that the police had found evidence of open and widespread use of Nitrous Oxide (NO²) within the premises. Although it had been submitted on behalf of the licensee that the use of NO² was not itself illegal, the Sub-Committee accepted that the supply of the substance by one person to another was a criminal offence. Having viewed photographs of open use of the gas by patrons during the evening in question and small and large cannisters (the latter, with dispensing nozzle, measuring some 15 inches in length) the committee could not accept, as suggested on behalf of the licensee, that it would have been difficult for the premises to have observed, or attempted to contain, the activity witnessed.

The committee further accepted that such widespread use was highly indicative of both inadequate controls upon entry, as well as control and supervision of patrons once inside.

Reference was also made by WMP to hundreds of discarded bags containing white powder, which was believed to be ‘one illegal drug or another’. The licensee submitted that in the absence of chemical analysis the committee should not accept that the bags amounted to evidence of illegal drug use. The committee reminded itself, however, that in considering the evidence in this case it should apply the civil standard of the balance of probabilities. It also accepted that there was some evidence of patrons being seen carried out by friends or staff and at least one ambulance had to be called out to deal with a serious drug incident when a friend of the victim had described her as a

dribbling out of her mouth and barely breathing. In the absence of some other explanation, it was a reasonable inference that the bags in question did indeed contain illegal narcotics.

The committee attached some weight to Mr Ali's evidence that videos he had seen demonstrated that there was clear breach of the 'Zero tolerance of illegal drugs' policy. It attached no weight in its decision, however, to his evidence concerning the supposed under provision of medical support by the licensee as this had been anonymous hearsay.

Similarly, the Sub-Committee were inclined to attach little weight when arriving at its decision to the submissions of either Lab 11 or Oval Real Estate, both represented by Mr Abs Rohomon, accepting the submission of the licensee that these were essentially trade objections where it would be difficult to discern the extent to which (if at all) the licensing objectives played a part, given the commercial motivation that in all probability informed the representations made.

Having upheld the principal grounds upon which the review had been brought, the Sub-Committee proceeded to consider what steps (if any) should be taken in respect of the premises licence, beginning with those that would have least impact upon the licensable activities carried out at the premises.

Although the Sub-Committee gave careful consideration to the broad submissions made by the premises licence holder, members were not persuaded that the issues identified could be addressed satisfactorily without some further action. The Sub-Committee therefore gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months. However, it accepted that the underlying problems that had been revealed at the premises were suggestive of a fundamental failure of the premises to engage with the problems that were so clearly evident at the premises whilst under their management. Accordingly no lesser step than revocation would suffice to resolve the issues which had been identified in relation to the promotion of the licensing objectives.

In reaching its decision that the premises licence should be revoked and, separately, that the interim step of suspension, imposed at the Sub-Committee meeting of 30th December 2022, should remain in place, pending the determination of any Appeal, having regard to promotion of the licensing objectives and relevant representations made, the Sub-Committee gave due consideration to:

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- 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 and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, and
 - the written representations, evidence and submissions made at the hearing by the police and the premises licence holder and its legal

representative, as well as the responsible authorities and other persons.

Rights of appeal

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal to the Magistrates' Court against the decisions of the Licensing Authority both in relation to the review of the premises licence under section 53C and the review of the interim steps under section 53D, such an appeals to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee under section 53C 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 disposed of.

The meeting ended at 1803 hours.

CHAIR.....