

Bromsgrove District Council

Licensing Sub Committee

26<sup>th</sup> November 2020

Decision Notice

Consideration of Interim Steps Pending Review Hearing

Under Section 53A of the Licensing Act 2003

The Sub Committee was required to consider whether it was necessary to take interim steps pending the determination of the review application, in relation to Deedar Restaurant, 26 Hewell Road, Barnt Green, Birmingham B45 8NE, and in doing so had regard to the Certificate and supporting documentation provided by West Mercia Police and the correspondence provided by Mr Dildar Hussain to the Senior Licensing Practitioner.

The Sub- Committee concluded that the following interim steps are necessary:

- Removal of the DPS
- Suspension of the licence

The Sub Committee reasons for this decision are as follows:

Having considered the evidence presented the Sub-Committee was satisfied that the information provided by the Police identified significant and serious breaches of the Coronavirus regulations which imposed restrictions which were specifically to protect the public. What was witnessed by the police identified a risk to public safety.

The Sub Committee was of the view that there had been a flagrant disregard of the regulations which the police were satisfied identified criminal offences, and for which a Fixed Penalty Notice was issued, and a potential public nuisance as the risk to the public extended not only to those in the restaurant at that time but could transmit to other unsuspecting members of the public.

The evidence demonstrated a significant and fundamental failing in the management of the business not only with regards to the current coronavirus restrictions but also in relation to the licence condition which allows alcohol to be sold only to persons who were eating in the premises. The police witnessed customers who were intoxicated which endorsed the failing in management of the premises. There was no identifiable DPS as required under the Licensing Act 2003 again providing a clear indication that this premises was failing to operate within the licensing regime.

The Sub Committee considered the interim steps to be necessary to address the immediate concerns arising at this premises.

The Decision of the Sub Committee takes effect immediately it is served.

The holder of the premises licence can make representation against any of the interim steps taken by the Sub Committee, and if a representation is received the licensing authority **must** hold a hearing to consider the representations within 48 hours of its receipt.

Dated 26<sup>th</sup> November 2020