



# West Midlands Police

## CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

**Premise: The Toby Jug**

**Premise Licence Number: SOL/PR/005360**

**Premise Licence Holder: The Toby Jug Public House Ltd**

**Designated Premise Supervisor: Liam Peter O'Connor**

**I am Superintendent 29975 Tyrer of West Midlands Police.**

I am producing this certificate because I am of the opinion that the standard review procedures are thought to be inappropriate due to the seriousness of the allegations and crime recently recorded at the location, and the serious management failings of the premises concerned.

The actions the premises took in deciding to operate in the manner they did, ie ignoring the conditions imposed on them following a licensing review in 2021, the fact they are not adhering to the licensing objectives and are allowing customers to not only drink after permitted hours, they are allowing customers to smoke and sleep in the bar area after hours. it warrants the use of this power.

Given the above and the fact we have experienced serious disorders at the location since the hearing in 2021 (including patrons fighting and assaulting each other inside the premises). I am of the opinion that an expedited review of the premises is required.

I have considered the use of the normal review procedures but I do not feel this would be appropriate in these circumstances due to the above reasons. The severity of the allegations is a matter that needs to be brought to the attention of the Licensing Committee immediately. I am conscious of the guidance on the use of "Expedited Reviews" and the emphasis that is given to use of this power to tackle serious crime and disorder, I believe this is the correct course of action to take.

Signed

A handwritten signature in black ink, appearing to be 'L. Tyrer', written over a faint circular stamp.



## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary

**I Superintendent 29975 Tyrer of West Midlands Police (on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003**

1. Premises details:

Postal address of premises <b>Toby Jug, Chester Road,</b>
Post Town: <b>Birmingham</b>
Post Code (if known): <b>B36 0JU</b>
2. Premises Licence details:
Name of premise licence holder (if known): <b>The Toby Jug Public House Ltd</b>
Number of premise licence (if known): <b>SOL/PR/005360</b>

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

<p>I confirm that this is a certificate that has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.</p> <p>(Please tick the box to confirm) <input type="checkbox"/></p>
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4. Details of association of the above premises with serious crime, serious disorder or both:  
(Please read guidance note 2)

### **Previous hearing Brief details**

On the 16<sup>th</sup> of July 2021 an expedited review was applied for serious breaches under the Licensing Act 2003

Following a Licensing Sub Committee hearing on the 12<sup>th</sup> of August 2021

The panel carefully read the papers in the report and heard all verbal representations.

The panel had considered them in detail and added robust conditions (copy attached)

### **Intelligence**

Intelligence received on 6<sup>th</sup> of October 2022 and forwarded to Solihull Licensing department which reads:

*Manager of the Toby Jug, Chester Road, Kingshurst - Liam O'connor 10/10/1995 has lock ins and uses cocaine after opening hours.*

Following the receipt of intelligence that the Toby Jug on Chester Road was having 'lock ins' and that the manager was using drugs, West Midlands Police licensing officers attended the premises on Friday 7<sup>th</sup> October 2022 and met with the designated premises supervisor Liam O'Connor.

The intelligence we had received was explained to Liam who told officers that he was not having any lock ins and that he honestly thought he was allowed to serve alcohol up to midnight. It was explained that his current licence stipulated that alcohol sales were permitted up to 22:30 but fully appreciated the ruling at the previous hearing that stipulated the reduction in hours would only be in place until 12<sup>th</sup> November 2021. West Midlands Police's understanding is that the DPS would have had to re-apply for the current licence to reflect such a change before undertaking sales beyond 22:30 hours or at least seek clarification from the local authority.

Liam was asked to show the CCTV to West Midlands Police so that we could see if he had reverted to the original hours of midnight, Liam assured officers that he was 'generally' shutting the pub at 23:00 and making sure it was empty by midnight. West Midlands Police asked to view the CCTV for Saturday 1<sup>st</sup> October 2022 (the most recent weekend). Liam played the CCTV from 22:00 hours and officers could see that the pub had patrons inside that were all being served alcohol. Officers viewed the CCTV at 22:30 and could see alcohol was still being served at both bars, the CCTV showed that this went on beyond midnight.

There were still customers at both bars at 01:00 hours, we could see that alcohol was still being served at both bars to customers.

One group of customers were then served several bottles of alcohol just before they exited the pub, these bottles were sealed. Liam was questioned about this sale and he stated that he thought he was allowed to sell 'take outs' as they were not consuming it

on site. It was explained that off sales were still governed by the permitted hours on the premises licence. Liam admitted he did not know this and apologised.

Another group of females and males were gathered at the other bar after 01:30 hours and were still being served alcohol. It was this group that officers then saw light up what appeared to be a cigarette or joint whilst sat at the bar and begin to smoke whatever it was they had just lit. This was pointed out to Liam and he said "That shouldn't be happening". On looking at the CCTV officers could see that Liam was actually there whilst they were smoking and drinking alcohol at 01:30. Shortly after one of the females inhaled the cigarette / joint, she collapsed on the floor in the bar and Liam can be seen to be trying to lift her up. Officers asked Liam if he called an ambulance, he stated that he didn't and that he administered first aid, officers could see the female pulling at Liam whilst he was trying to pick her up. Liam then told officers that he had allowed her and others to sleep in the bar that night, Officers questioned this as it was not what we'd expect from a DPS. At 02:00 hours you can see Liam fetching some bedding and giving it to the patrons so they could sleep on the furniture in the bar area.

It was explained to Liam that his actions or lack of have consequences and that we would be looking to take further action, Liam stated it was an isolated incident. Officers told Liam that he needed to adhere to the hours stipulated on his licence and that he would need to speak to the local authority to clarify any change in hours. In summary we have a DPS at a premise that was subject to a licensing review and strict conditions were placed upon the premises licence.

It is clear that the current DPS has no respect for the ruling made by the licensing panel and has also demonstrated a complete lack of knowledge in terms of his authority to sell alcohol. West Midlands Police have lost all confidence in the DPS at this premises as he has clearly allowed sales outside of the permitted hours. The DPS has breached the public safety objective by allowing patrons to sleep in the bar area. He has also breached the public safety objective (and the law) by allowing customers to smoke in the bar. He has not thought through the consequences of allowing patrons to remain on site until after 01:30 hours and then to leave with alcohol that he has sold them outside of the permitted hours, these customers leaving the premises at such a late hour is unpermitted and could have a detrimental effect on the neighbouring properties in terms of the public nuisance objective. Officers have requested the CCTV from the premises to be downloaded between 22:00 hours and 02:30 hours (all cameras) and will arrange collection once the DPS has completed this.

Since the review on the 16<sup>th</sup> July 2021 there have been a number of calls for service to the location, these incidents have involved serious crime and disorder:

On 27/08/21 intelligence was submitted detailing drug dealing taking place on the car park (Log number 4077 – 27/08/21 refers to the call received).

On 15/10/21 a call was received detailing that two people had been attacked violently by offenders on the car park of the premises (log 4260 – 15/10/22 refers to call received).

On 20/11/21 a large scale disorder was called in at the premises whereby it was alleged that up to 10 people were fighting, (log 4415 – 20/11/21 refers)

On 16/02/22 an intoxicated male at the pub called police to state he was being threatened, the log details that the DPS took this male home. (log 3280 – 16/02/22)

On 17/05/22 a patron had their car broken into on the car park (log number 2527 – 17/05/22 refers)

On 02/06/22 intelligence report was received in relation to the premises having 'lock ins'

On 10/08/22 Call received to state that customer had been verbally abused by staff after being asked to leave. This call was made just after midnight? (log number 27 – 10/08/22 refers)

On 28/09/22 intel was received in relation to lock in's at the premises.

Whilst the above calls are a vast reduction in the calls for service to the location prior to the review in 2021, it is worrying that the DPS is allowing internal practices to take place such as lock ins, sales of alcohol outside their permitted hours and smoking inside the bar. It is the poor management of the premises that is causing West Midlands Police concern.

We are conscious that the premises will look to continue to operate whilst this matter is being scheduled for the licensing panel hearing and as such we would ask the following interim measures be discussed to allow the premises to continue to operate so as not to adversely affect those employed at the location or those that socialise responsibly there:

- 1) The removal of the current DPS and replaced with a new DPS who can uphold the conditions on the current licence
- 2) A further reduction in the hours of both licensable activity and opening hours so it can be effectively managed and checked (licensable activity to cease at 20:00 and the premises to be closed at 21:00 hours). This will not adversely affect the café that the premises have opened up in terms of their daily operation.
- 3) A guarantee that the regional manager will be onsite every Friday and Saturday to ensure the current conditions on the licence are being adhered to.

**Signature of applicant:**

*R. Tyrer*

**Date:** 10/10/22

**Superintendent Tyrer 29975**

**Contact details for matters concerning this application: PC 4570 Luke Prescott**

**Address: Solihull Partnership Department, Solihull Police Station, Homer Road,  
Solihull, B91 3QL**

**Telephone Number(s): 101 Ext. 891 3015**

**E-mail - [sh\\_partnerships@west-midlands.pnn.police.uk](mailto:sh_partnerships@west-midlands.pnn.police.uk)**

**Notes for guidance:**

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more: or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.