

**Minutes of the  
Licensing Sub Committee 1**

**9<sup>th</sup> October 2019 at 2.30pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Allen(Chair);  
Councillors S Davies and Downing.

**Matters Delegated to the Sub Committee to  
exercise those functions of the Licensing Committee under  
the Licensing Act 2003 and any regulations made under that  
Act, together with any related functions.**

55/19

**Application for an interim summary review of a Premises  
Licence in respect of The Flower Pot, 131 Spon Lane, West  
Bromwich**

**Present:** Makhan Singh Gosal (Licensing Officer);  
David Elliott (Local Authority Solicitor);  
PC Steventon (West Midlands Police).  
Mr Daljit Singh Clair (Premises Licence Holder)

The Sub Committee considered an application for an interim summary hearing in respect of The Flower Pot, 131 Spon Lane, West Bromwich.

The application for review had been made by a senior police officer of West Midlands Police who had certified that, in his opinion, serious crime and serious disorder was associated with this premises.

The authority was required to consider the application within 48 hours and consider whether any interim steps were needed, pending the full review. A full review must be held and determined within 28 days of receipt of the application and this was scheduled to take place on 4<sup>th</sup> November, 2019.

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The Premises Licence Holders, Mr Daljit Singh Clair and Mr Inderjit Singh Samra had been notified of the application for the review and had been invited to attend the interim review.

Mr Daljit Singh Clair was in attendance at the meeting and advised that he was also representing Mr Inderjit Singh Samra.

The Premises Licence had been transferred to the current Premises Licence Holders on 29<sup>th</sup> November 2012. Mr Denver Allen had been the Designated Premises Supervisor since 5<sup>th</sup> January 2016.

The hours permitted for licensable activities were between 10.00am and 12.00 midnight Monday to Thursday, 10.00am to 1.00am Friday to Saturday and 11.00am to 12.00 midnight on Sunday. These were extended to 1.00am on Friday, Saturday and Sunday immediately preceding English Bank Holiday Monday, Christmas Eve and Boxing Day. On New Year's Eve hours were extended to the start of the licensing hours on New Year's Day. An additional 30 minutes was added to opening hours on these occasions.

The application inviting comments and representations had been advertised in accordance with licensing conditions and published on the Council's website.

The Sub Committee was advised by West Midlands Police that a serious assault had occurred outside the premises on Sunday 15<sup>th</sup> September 2019 during a private event. A child had suffered minor injuries and the targeted victim had received horrific slash and stab wounds which required immediate hospital treatment.

Early enquiries suggested that this was an organised attack on a targeted victim which was believed to be gang motivated.

Investigations into CCTV coverage had revealed that there was only one camera at the premises which was outdoors and pointing to part of the car park and did not contain any footage of the incident.

A Temporary Event Notice had been granted for the 27<sup>th</sup> October 2019, however if this was not withdrawn voluntarily by the Premises Licence Holder, the Police would use their powers to close the premises.

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The concerns for the premises appeared to surround private booked events and interim conditions to prevent any private events at the premises, until a full hearing, was being sought by West Midlands Police.

The Premises Licence Holder confirmed that the premises regularly facilitated private events. He stated that the victim was not a regular customer of the premises.

The Premises Licence Holder disputed that the assailants had entered the premises looking for the victim.

West Midlands Police concluded that there was serious concern for the public safety and asked that there be better management in respect to private party bookings.

The Committee took advice from its legal advisor before adjourning to make a decision.

Having considered the Licensing Officer's report, representations made by West Midlands Police, the Premises Licence Holder and legal advice given by the Local Authority's Solicitor, the Licensing Sub Committee was minded to suspend the Premises Licence in respect of The Flower Pot, 131 Spon Lane, West Bromwich with immediate effect.

The reason for the decision was as follows:-

- (1) the Sub Committee considered that this was an extremely serious and shocking incident and, as it was believed that this was gang related, it could not rule out the possibility of a revenge attack which could impact on customers and nearby residents or the public in general;
- (2) the CCTV provision at the premises was inadequate and although it was accepted that there had not been a breach of licensing conditions, the Premises Licence Holder should not consider the current CCTV arrangements as adequate for promoting the crime and disorder objective.

**Resolved** that the Premises Licence in respect of The Flower Pot, 131 Spon Lane, West Bromwich, be suspended pending a full review on 4<sup>th</sup> November 2019.

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All parties would be advised that there was no right of appeal in respect of an interim review, however, if the Premises Licence Holder wished to make representations against the interim steps taken by the Authority a further hearing would be heard within 48 hours of receipt of such representations.

(Meeting ended at 3.58pm)

Contact Officer: Shane Parkes  
Democratic Services Unit  
0121 569 3190