

## REPORT TO LICENSING SUB-COMMITTEE

30 October 2020

<b>Subject:</b>	Application made under Section 53A of the Licensing Act 2003 for Summary Review of Premises Licence at The Phoenix, Martley Road, Oldbury, B69 1DY
<b>Director:</b>	Director – Prevention and Protection – Neil Cox
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Geeta Bangerh (Licensing Officer), Balbir Dhugga (Licensing Officer) licensing_team@sandwell.gov.uk

### DECISION RECOMMENDATIONS

**That Licensing Sub-Committee:**

1. Consider a Summary Review application submitted by West Midlands Police under Section 53A of the Licensing Act 2003 to review the Premises Licence in respect of The Phoenix, Martley Road Oldbury, B69 1DY. To consider whether interim steps are necessary taking into account the evidence presented at the hearing, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The options that can be considered once evidence has been heard are detailed at paragraph 6.

## 1 PURPOSE OF THE REPORT

- 1.1 To advise members of an application made under section 53A of the Licensing Act 2003 for a summary review of the premises licence for The Phoenix, Martley Road, Oldbury, B69 1DY.

- 1.2 The application for summary review is being made by a senior police officer of West Midlands Police who has certified that in his opinion the premises are associated with serious crime and serious disorder.
- 1.3 The Licensing Authority must within 48 hours of receipt of the application consider whether it is necessary to take interim steps pending determination of the review of the premises licence.
- 1.4 A review of the premises licence must be held and determined within 28 days of receipt of the application.

## **2 IMPLICATIONS FOR VISION 2030**

- 2.1 Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.
- 2.2 It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.
- 2.3 Our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods, all local partners are focused on what really matters in people's lives and communities.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 Under the Licensing Act 2003, a responsible authority or any other person may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely:
  - The Prevention of Crime and Disorder
  - Public Safety
  - The Prevention of Public Nuisance
  - The Protection of Children from Harm
- 3.2 The representation period for full review will commence 30 October 2020.

## **4 THE CURRENT POSITION**

- 4.1 The application is made by West Midlands Police for a summary review of the premises licence. A copy of the application is attached at Appendix 1.
- 4.2 A certificate has been given by a senior member of that force that in his opinion the premises are associated with serious crime and serious disorder. A copy of the certificate is attached at appendix 2.
- 4.3 The application has been served by email on the premises licence holder, Mr Amritpal Singh. He has also been informed of the interim steps hearing by telephone call and invited to attend.

- 4.4 The committee may consider the application without the holder of the premises being given an opportunity to make representations.
- 4.5 The licence was granted on 06 May 2014.
- 4.6 The licence was transferred to Mr Amritpal Singh on 12 October 2017.
- 4.7 The current Designated Premises Supervisor is Mr Amritpal Singh. Mr Singh was specified as DPS on 12 October 2017.
- 4.8 The hours permitted for Licensable Activities are 8:00 to 02:00 Monday to Sunday. The hours will be extended at the end of licensed hours on New Years Eve to the start of licensed hours on New Years Day.
- 4.9 The opening hours of the premises are an additional 30 minutes.
- 4.10 A copy of the current licence is attached at Appendix 3.
- 4.11 The location of the premises can be seen on the location map provided which is attached at Appendix 4.

## **5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 5.1 The Licensing Team have displayed a public notice on or near the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority in respect of the full review, detailing a closing date for these to be received. Details of the application have also been published on the Council's website.

## **6 ALTERNATIVE OPTIONS**

- 6.1 The options available to the Licensing Sub Committee having considered all the relevant information are as follows:
  - To modify the conditions of the licence
  - To exclude the sale of alcohol by retail from the scope of the licence
  - To remove the designated premises supervisor
  - To suspend the licence
- 6.2 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

## **7 STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 There are no direct strategic resource implications associated with this application.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 Members of the Licensing Sub Committee when making their decision on the application must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.
- 8.2 Careful consideration should be given to the practical implications of compliance and to any significant cost or permanent or semi-permanent adjustment to the premises as an interim measure pending the outcome of the full review.
- 8.3 Interim steps should focus on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.
- 8.4 Members of the Sub Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.
- 8.5 The decision to take any interim steps takes effect immediately and immediate notice of the decision and reasons for doing so must be given to the holder of the premises licence and the chief officer of Police who made the application.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 9.2 The operators of these premises are responsible for complying with all relevant legislation.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

Whilst full details of the application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

The Police are a statutory consultee for all Licensing Act 2003 applications. Prevention of Crime and Disorder is one of the four licensing objectives and licence holders should take steps to promote the licensing objectives.

## **12 SUSTAINABILITY OF PROPOSALS**

In respect of premises licence applications, we do not for see any issues in respect of sustainability of proposals.

## **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

This is not applicable to applications for premises licences submitted under the Licensing Act 2003.

#### **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

The application relates to privately owned property.

#### **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

The Licensing Sub Committee is asked to make a decision on the application based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision immediately.

#### **16 BACKGROUND PAPERS**

Sandwell Metropolitan Borough Council Licensing Policy  
Guidance issued under Section 182 of the Licensing Act 2003  
The Licensing Act 2003 (Hearings) Regulations 2005  
The Licensing Act 2003 (Summary Review of Premises Licences)  
Regulations 2007

#### **17 APPENDICES:**

Appendix 1 – Summary Review application  
Appendix 2 – Certificate  
Appendix 3 – Premises Licence  
Appendix 4 – Location Plan

**Neil Cox**  
**Director – Prevention and Protection**