

Licensing Sub Committee 1

30 October 2020 at 3.00pm

Present: Councillor Allen (Chair);
Councillors Dhallu and I Jones.

Officers: Makhan Singh Gosal - Acting Senior Licensing Officer
Geeta Bangerh - Licensing Officer
Balbir Dhugga - Licensing Officer
David Elliott - Local Authority Solicitor
Deborah Breedon - Democratic Services Officer
Shane Parkes - Democratic Services Officer

Also present: Mr Amritpal Singh - Premises Licence Holder.
Nicola Stansbie - West Midlands Police

**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.**

30/20 **Application for an interim summary review of a Premises Licence in
respect of the Phoenix, Marley Road, Oldbury, B69 1DY.**

The Licensing Officer advised the Sub Committee that the application for an interim review had been made by a senior police officer from West Midlands Police who had certified that in his opinion the premises was associated with serious crime and disorder.

The application had been served by e mail on the premises licence holder who attended this meeting.

The licence was granted on 6 May 2014 and transferred to Mr Amritpal Singh on 12 October 2017, the Premises Licence holder was also specified as the Designated Premises Supervisor.

A serious incident had occurred outside the premises and it was considered that there had been serious failing of the premises management.



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Concerns were expressed that the premises was not adhering to the restrictions currently placed on venues which had posed unnecessary risk to the health of individuals, families and the local communities during the pandemic.

West Midlands Police requested that this matter be heard in private session as they did not wish to jeopardise their investigations and any subsequent court proceedings.

Members received legal advice from the Authority's Solicitor and considered that maintaining the exemption outweighed the Public interest in disclosure and agreed to exclude the public press.

Resolved that the public and press be excluded from the rest of the meeting avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the local Government (Access to information) (Variation) Order, 2006, relating to any individual and information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime and Regulation 4 of the Licensing Act (Hearing) Regulations 2005.

West Midlands Police presented their evidence and answered questions from the Sub Committee.

The Premises Licence Holder presented their case and answered questions from the Sub Committee.

The Licensing Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application.

Having considered the Licensing Officer's report, representations made by West Midlands Police, the Licence Holder and legal advice given by the Local Authority's Solicitor, the Sub Committee was minded to suspend the Premises Licence in respect of the Phoenix, Martley Road, Oldbury, B69 1DY with immediate effect. It was confirmed that this was an interim step pending a full review of the Premises Licence which would be held on 23 November 2020 @ 2.00pm.

The reason for the decision was as follows:-

- the Sub Committee was satisfied that a serious incident had taken place at these premises on the night in question;
- there had been a serious failing of premises management in dealing with the incident;
- there had been concerns raised in respect of adhering to restrictions currently placed on venues to protect the public during the pandemic.

Resolved

- (1) that the Premises Licence in respect of the Phoenix, Martley Road, Oldbury, B69 1DY be suspended with immediate effect;
- (2) that a full review of the premises licence be held on 23 November 2020 @ 2.00 pm.

All parties were 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.

In making its decision the Sub Committee took into account the Licensing Act itself, the Section 182 Guidance and noted that it must carry out all its functions under the Act with a view to promoting the licensing objectives. It also took into account the Human Rights Act 1998.

Meeting ended at 4.45pm with an adjournment
from 4.20pm until 4.35pm

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