

Licensing Sub Committee 1

23 November 2020 at 2.00pm

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
Shane Parkes - Democratic Services Officer
Chantelle Simms - Democratic Services Support Officer

Also present: Mr Amritpal Singh - Premises Licence Holder.
Duncan Craig - Premises Licence Holder's Legal Advisor.
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.**

34/20 **Application for a full review of a Premises Licence in respect of the
Phoenix, Marley Road, Oldbury, B69 1DY.**

The Licensing Officer advised that on 30 October 2020, at an expedited review, the Licensing Sub Committee had taken interim steps of suspending the Premise Licence pending a full a full review on 23rd November 2020 Minute No. 30/20 referred.

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

The Sub Committee was advised by West Midlands Police that a serious assault had occurred outside the premises and Police investigations were ongoing.

West Midlands Police outlined a number of concerns with the premises, including CCTV being leaked to the public, failure in management of dealing



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with the incident on the premises and not complying with Covid-19 restrictions.

A Covid-19 risk assessment had been undertaken after the incident and the Premise Licence Holder's Legal Advisor proposed several conditions be imposed:-

- 1) that the licence holder shall employ at least one SIA registered door staff on a Friday and Saturday night from 19:00 until the premises are closed to the public;
- 2) that the CCTV system would be secured via lock and key and would also be password protected to prevent unauthorised access, tampering, or deletion of images;
- 3) that training in relation to the use of CCTV system, Challenge 25, underage sales, sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she made a sale or supply of alcohol and at least every 12 months thereafter;
- 4) that documented training records must be completed in respect of every member of staff and must be signed by the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who had received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

The Premise Licence Holder had held the licence and been the Designated Premise Supervisor since October 2017. There had been no major incidents at the premises since Mr Singh had been the Licence Holder and West Midlands Police confirmed there had been no concerns prior to this incident. The Licence Premise Holder had been co-operating with West Midlands Police.

The Sub 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 Licensing Holder and legal advice given by the Local Authority's Solicitor, the Licensing Sub Committee agreed to lift the temporary suspension with immediate effect, subject to the additional conditions being imposed.

Agreed that the suspension of the Premises Licence in respect of The Phoenix, Martley Road, Oldbury, B60 1DY be removed with immediate effect subject to the following additional conditions being imposed :-

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- 1) that the Licence Premises Holder employ at least one SIA registered door staff on a Friday and Saturday night from 19:00 until the premises are closed to the public;
- 2) that the CCTV system be secured via lock and key and also password protected to prevent unauthorised access, tampering, or deletion of images;
- 3) that training in relation to the use of CCTV system, Challenge 25, underage sales, sales to intoxicated persons, refusals registers, incident records and all other conditions on the Premises Licence must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she makes a sale or supply of alcohol and at least every 12 months thereafter;
- 4) that documented training records must be completed in respect of every member of staff and must be signed by the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who had received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers
- 5) that a refusal and incident book be kept on the premises and handed to any responsible authority on request;
- 6) that a Challenge 25 policy be introduced at the premises with posters promoting the policy within the premises.

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 3.51pm

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