

Agenda

Licensing Sub Committee 1

Monday, 13 December 2021 at 10.00 am
At Council Chamber - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

To receive any apologies for absence.

2 Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

3 Minutes

5 - 20

To confirm the minutes of the meetings held on:

- 24 August 2021
- 27 August 2021
- 08 September 2021
- 20 September 2021
- 23 September 2021
- 25 October 2021



4 **Exclusion of the Public and Press**

That the public and press be excluded from the rest of the meeting. This is to 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 the financial and business affairs of any person, including the authority holding that information.

5. **To consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire and Hackney Carriage Drivers/ Vehicles/Operator’s Licence related matters**
1, 7

21 -
144

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Interim Chief Executive
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Distribution
Councillor Allen (Chair)
Councillors Z Hussain, R Jones, Mabena and Williams

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Minutes of Licensing Sub Committee 1

**Friday, 27 August 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Fenton and J Webb

Officers: Balbir Dhugga (Licensing Officer); David Elliott (Solicitor);
Shane Middleton ((Senior Citizen & Consumer Protection
Officer); Suky Suthi-Nagra (Democratic Services Manager);
Connor Robinson (Democratic Services Officer); Gabrielle
Evans (Democratic Services Officer)

34/21 Apologies for Absence

An apology was received from Councillor S Gill.

35/21 Declarations of Interest

There were no declarations of interest made.

36/21 Application for the grant of a new Premises Licence at Hamaran 9JA LTD, 461 Bearwood Road, Smethwick B66 4DH

The Sub Committee was advised that the applicant and the Police
had reached an agreement on suitable conditions.

Consideration of this matter by the Sub Committee was therefore
no longer required.



**37/21 Objection to a Temporary Event Notices for 50 Popes Lane,
Oldbury, B69 4PA**

The Sub Committee was advised that, following discussions with the responsible authorities prior to the meeting, the applicant had withdrawn the application for the Temporary Event Notice.

Consideration of this matter by the Sub Committee was therefore no longer required.

Meeting ended at 11.08 am
(with an adjournment between 10.05-11.06am)

Contact: democratic_services@sandwell.gov.uk

Minutes of Licensing Sub Committee 1

**Wednesday, 8 September 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Piper and Rouf

Also present: Balbir Dhugga, David Elliott (Solicitor) and Makhan Singh Gosal (Licensing Officer)

38/21 Apologies for Absence

No apologies for absence were received.

39/21 Declarations of Interest

There were no declarations of interest made.

**40/21 Review of a Premises Licence under Section 167 of the
Licensing Act 2003 in respect of Waggon & Horses Pub, 83
Lewisham Road, Smethwick B66 2DD**

**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**

Further to Minute No. 33/21 (24 August 2021), the Sub Committee considered the review of the premises licence in respect of the Waggon and Horses, 83 Lewisham Road, Smethwick.



At its meeting on 24 August 2021, the Sub Committee agreed to the matter being deferred in order that the owner could arrange for an additional structural engineer survey.

The Council's Building Surveyor outlined the concerns regarding the structurally unsafe building which was in a state of disrepair and posed a serious risk to the public. As far back as 2013 there had been interventions and lack of co-operation to resolve various issues, which also included issues around aggression, threats and hostility. Recent attempts to intervene had required Police assistance.

There were serious reservations regarding safety and also concerns regarding the conduct of the licence holder and, in particular, the designated premises supervisor.

The Committee was advised that a meeting had taken place between the owner's structural engineer and Council officers and it was a very positive step that a structural engineer had been engaged by the current owner.

The Council's Building Surveyor advised that the report was not fully detailed, however, as work continued with a competent builder the works were achievable and if all of the works were carried out by a competent builder the building could be used as a pub again. It was difficult to stipulate timescales, however, it was considered that six weeks may be possible to complete the essential structural work.

The West Midlands Police representative expressed concerns regarding the behaviour of the DPS and agreed that the removal of the DPS could remove the issue. There were also concerns around limited work being undertaken, as it appeared the primary objective was to get the premises open. If not all of the work was undertaken, would the building be safe and whilst there were positive steps being made with a solicitor representing and a structural engineer engaged, there was no guarantee they would continue to engage both going forward.

The owner's representative confirmed:-

- the closure order was in place for three months and could not be lifted until safe;
- the premises would not be allowed to open until they met the requirement for safety and standards, with particular but not

exclusive reference to the requirements of Prohibition Notice served on the premises by the Environmental Health Department;

- there was no other evidence indicating any other issue regarding the operation of the premises;
- the structural engineer would work with the Council to complete the work;
- the committee was invited to remove the current DPS, the owner and premises licence holder were in agreement with this course of action;
- the owner would be happy to share details with the Police with regard to proposed DPS;
- once open the pub would operate as it had previously, in the main open when local football matches were taking place.

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

Following consideration of the submissions made by all parties, including Environmental Health, Licensing and West Midlands Police, the Sub Committee was minded to suspend the premises licence for a period of 3 months and remove the DPS for the following reasons:-

- the condition of the building, which needed significant structural works to serve its function as a public house, on the agreement of experts from the Council, and that appointed by the Premises Licence Holder, undermined the Public Safety Licensing Objective;
- the management of the premises similarly engaged the Public Safety Licensing Objective in terms of overall engagement historically and, on occasions the adoption of a confrontational attitude to raised issues;
- these issues had contributed to the Magistrates Court making a Closure Order on the grounds of public nuisance;
- a Prohibition Notice had been issued by Environmental Health on the 6th August 2021.

As a result of these orders the premises were now closed in law, however, the Sub Committee regarded these issues as ones of utmost seriousness and deserving of severe censure. Accordingly, under its powers under Section 167 of the Licensing Act 2003 the Sub Committee was minded to suspend the Premises Licence for 3 months and remove Mr Amandeep Singh Shankar as Designated Premises Supervisor.

The Sub Committee noted the programme of works that had been implemented to repair the premises and decided the suspension should take effect immediately.

Resolved:-

- (1) that the premises licence in respect of the Waggon and Horses Pub, 83 Lewisham Road, Smethwick, be suspended for a period of 3 months;
- (2) that, in connection with (1) above, Mr Amandeep Singh Shankar be removed as the Designated Premises Supervisor.

Meeting ended at 12.30 pm

Contact: democratic_services@sandwell.gov.uk

Minutes of Licensing Sub Committee 1

**Monday, 20 September 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Piper and Rouf

Also present: Balbir Dhugga (Licensing Officer); Usha Devi (Senior Licensing Officer); David Elliott (Legal Adviser);
Trisha Newton (Senior Democratic Services Officer)

41/21 Apologies for Absence

No apologies for absence were received.

42/21 Declarations of Interest

There were no declarations of interest made.

**Matters delegated to the Sub Committee to consider the
licensing of sex establishments in accordance with (Schedule
3) of the Local Government Act 1982**

43/21 Renewal of Sex Shop Licence for Private Shop, 19 Bull Street, West Bromwich B70 6EU

The Sub Committee considered an application made by Darker Enterprises Limited/Private Shops UK Limited for the renewal of the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich.



The premises had traded as a licensed sex shop at these premises since 2003 and the licence had been renewed each year.

The licence would run for a period of 12 months commencing 1st August 2021 and expire on 31st July 2022.

No objections had been received.

The Committee took advice from its Legal Advisor before adjourning to make a decision.

Having considered all of the information before them, members were minded to renew the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich.

The Sub Committee was satisfied that the application had been advertised in accordance with statutory required in respect of the application process and no objections to the application had been received.

Resolved that the sex shop licence in respect of Private Shop, 19 Bull Street, West Bromwich be renewed for a period of 12 months with effect from 1 August 2021.

44/21 Exclusion of Public and Press

Resolved that the public and press be excluded from the rest of the meeting to 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 any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Matters Delegated to the Sub Committee to consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Driver's/Vehicles/Operators Licensing related matters

45/21 To consider Local Government (Miscellaneous Provisions) Act 1976 – Private Hire and Hackney Carriage Drivers/ Vehicles/Operator's Licence related matters.

Further to Minute No. 29/21, the Sub Committee considered an application for the renewal of a Private Hire Driver's Licence in respect of Mr M R which had been deferred at its meeting on 28 June 2021.

Mr M R was in attendance, supported by his friend who was also a taxi driver.

The Sub Committee had previously deferred consideration of the matter in order that Mr M R could provide more evidence regarding the incident and also have legal representation.

The Sub Committee was advised that Mr M R had reported an incident to the Licensing Office but not the detail that had later transpired. There had also been a delay in notifying the Licensing Office of the conviction.

The Chair expressed concern that the incident had been reported, however, it had been a lot more serious than that reported and included injuries to a teenager.

The Sub Committee was advised that the Licensing Office had only found out the detail of the incident when the DBS had been inspected.

The Chair requested the further evidence that Mr M R had alluded to at the previous meeting. It was thought at the time that there was a video of the incident, however, Mr M R had a recording of a customer calling into the base advising them of the incident – that person had not actually seen the incident and had no details.

Mr M R advised the Sub Committee that he had notified the Licensing Office of the original incident and had attempted to advise them of the 6 points he had received, however, he had difficulties in contacting the office.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application. The Sub Committee was minded to refuse to renew the application for a private hire driver's licence (revoke). The policy guidelines had a starting point of revocation and the Sub Committee saw no reason to depart from policy. Members had heard the telephone evidence, however, the caller was not a direct witness. The Court had seen evidence of the incident and had seen fit to impose 6 points rather than the normal 3 points. Mr M R indicated that he had attempted to call the office unsuccessfully, however, he could have emailed as the guidelines specify matters should be reported in writing. This was a major road traffic offence and the office had not found out about the conviction until 12 months later. Mr M R had 9 live points on his licence and the Sub Committee was obliged to review his record as a whole, which included plying for hire and speeding. Members considered that the record indicated a general cause for concern and a general disregard of the conditions of the licence with regard to reporting convictions.

Resolved that the application for renewal of the Private Hire Driver's Licence in respect of Mr M R be refused.

46/21 Thanks

As this was his last meeting as a Licensing Committee member/Vice Chair, the Chair wished to place on record his thanks to Councillor Piper for his service and wished him all the best in his new role.

Meeting ended at 12:28pm

Contact: democratic_services@sandwell.gov.uk

Minutes of Licensing Sub Committee 1

**Thursday, 23 September 2021 at 1.30 pm
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Chidley and Fenton

Also present: Balbir Dhugga (Licensing Officer); David Elliott (Legal Adviser); Trisha Newton (Senior Democratic Services Officer); Gabrielle Evans (Democratic Services Officer); Connor Robinson (Democratic Services Officer)

47/21 Apologies for Absence

No apologies for absence were received.

48/21 Application for the grant of a new Premises Licence at Palace Amusements, 562 Bearwood Road, Smethwick, B66 4BS

The Committee considered an application for the grant of an Adult Gaming Centre premises licence under section 159 of the Gambling Act 2005 in respect of Palace Amusements, 562 Bearwood Road, Smethwick, B66 4BS.

The Licensing Officer noted that the resident who had made representations against the grant of the application was unable to attend the meeting due to work commitments.

In response to the representations made, the applicant's legal representative addressed the Committee, stating that the applicant



was an experienced license holder of similar premises and measures to promote the licensing objectives were in place across all his current premises.

The applicant legal representative outlined the following measures which would be in place at Palace Amusements, 562 Bearwood Road, Smethwick, B66 4BS:

- Challenge 25 Policy
- Staff on the shop floor regularly interacting with customers
- No Televisions or Entertainment
- No comfy seating, however some machines may have a hard stool
- Staff training, policies and procedures that promoted the licensing objectives
- No alcohol sold on premises
- Litter checks outside the premises twice a day
- CCTV

Only one representation had been received in respect of the application. None were received from any of the responsible authorities including the Police, Environmental Health or Child Safeguarding. The Sub-Committee gave full consideration to the representation made by a local resident and were satisfied with the measures outlined by the applicant. The Committee noted that no default condition applied to adult gaming centres and that they were permitted to open 24 hours 7 days a week.

The Sub Committee noted that the risk assessments prepared by the applicant identified all key areas including under - age admission, the use of CCTV, the treatment and management of vulnerable adults, the sharing of intelligence with nearby operators and smoking policy and money handling.

The applicant was a highly experienced operators with some thirty years in the industry. The applicant demonstrated that they had due regard to relevant Codes of Practice, Guidance and the Council's Statement of Principles introduced in May 2020

The Committee took into account that there was no Cumulative Impact Zone as regards Gambling Premises in Sandwell Borough. In the circumstances the Sub-Committee were minded to grant the Licence. Mandatory conditions would be applied to the Licence as follows:-

- (1) A notice stating no person under 18 is allowed on the premises shall be permanently displayed at every entrance
- (2) No person shall access the premises directly from any other premises regulated by the Gambling Act 2005
- (3) Any ATM on the premises shall be in a place that requires any person who wishes to use it to cease gambling in order to do so
- (4) No alcohol is to be consumed on the premises at any time gambling provisions are being provided on the premises.

The above to be confirmed by prominent notices at all entrances.

Resolved that the application for an Adult Gaming Centre premises licence under section 159 of the Gambling Act 2005, in respect of Palace Amusements, 562 Bearwood Road, Smethwick, B66 4BS, be approved.

In making its decision the Sub Committee took into account the Gambling Act 2005, the Council Gambling Act Statement of Principles introduced May 2020 and the relevant guidelines and Codes of Practice.

The objector would be advised of their right of appeal within 21 days of receipt of the decision letter.

Meeting ended at 2.29 pm

Contact: democratic_services@sandwell.gov.uk

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Minutes of Licensing Sub Committee 1

**Monday, 25 October 2021 at 10.00 am
at Council Chamber - Sandwell Council House, Oldbury**

Present: Councillor Allen (Chair)
Councillors Rouf and Fenton

Also present: Balbir Dhugga (Licensing Officer); Geeta Bangerh (Licensing Officer); David Elliott (Solicitor); Trisha Newton (Senior Democratic Services Officer); Gabrielle Evans (Democratic Services Officer); Amundee Johal (Democratic Services Officer)

49/21 Apologies for Absence

An apology was received from Councillor Webb.

50/21 Declarations of Interest

There were no declarations of interest made.

51/21 Exclusion of the Public and Press

Resolved: that the public and press be excluded from the rest of the meeting to 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 information which is likely to reveal the identity of an individual.



Personal Licence Application

Members considered an application for a personal licence in respect of Mr T L, following an objection made by West Midlands Police under S120(5) of the Licensing Act, as the applicant had two convictions for relevant offences.

West Midlands Police were concerned that the crime and disorder objective would be undermined if the application was granted.

The applicant possessed unspent convictions, one of which was a foreign conviction, that were considered serious for someone who wished to work within the licensed trade and hold a personal licence. The first conviction took place abroad less than 3 years ago. The second offence took place 3 months prior to the Sub Committee meeting and was in the application period. In relation to the foreign conviction, West Midlands Police were not able to provide further detail on the charges to Sub Committee. The Sub Committee was informed that the relevant convictions would remain unspent until December 2021.

Mr T L provided some detail on his convictions and advised the Sub Committee that he wished to open a business and acquiring the personal licence would assist this.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application. The Sub Committee had taken into consideration representations made by all parties.

The Sub Committee was minded to refuse the application for a personal licence. The convictions were of a serious nature and relevant to the application for a personal licence. The Sub Committee noted the importance of the propensity to reoffend, as the convictions were within a short time of one another. The Sub Committee saw no reason to depart from guidance.

Resolved: that the application for a Personal Licence in respect of Mr T L be refused.

Meeting ended at 12.09 pm

Contact: democratic_services@sandwell.gov.uk

By virtue of paragraph(s) 1, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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