

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