

# Agenda

## Licensing Sub Committee 1

Thursday, 16 June 2022 at 2.00 pm  
in Committee Room 1

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 apologies for absence.

2 **Declarations of Interest**

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

3 **Seven Bar, 25 Lower High Street, Wednesbury, WS10 7AQ**

5 - 80

To consider the review application of the premises licence in respect of Seven Bar, 25 Lower High Street, Wednesbury, WS10 7AQ.



**Kim Bromley-Derry CBE DL**  
**Managing Director Commissioner**  
Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution**

Councillor Allen (Chair)  
Councillors Fenton and Hussain

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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## Report to Licensing Sub Committee [ ]

16<sup>th</sup> June 2022

<b>Subject:</b>	Application made under Section 53A of the Licensing Act 2003 for Review of Premises Licence at Seven 25 Lower High Street, Wednesbury WS10 7AQ
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Geeta Bangerh (Licensing Officer) licensing_team@sandwell.gov.uk

### Recommendations

- 1 The Sandwell Council Sub Licensing Committee are asked to consider an application to review the Premises Licence submitted by West Midlands Police, Section 53A of the Licensing Act 2003. In respect of premises known as Seven Bar, 25 Lower High Street, Wednesbury, WS10 7AQ.
2. Each application must be considered on its merits taking into account, the evidence presented at the hearing, and 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 section 6.

### 1 PURPOSE OF THE REPORT

- 1.1 To advise members of an application made under section 51 of the Licensing Act 2003 to review a Premises Licence in respect of premises known as Seven 25, Lower High Street, Wednesbury, WS10 7AQ.



- 1.2 The Licensing Sub Committee is required to consider this application and take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives.

## 2 How does this deliver objectives of the Corporate Plan?

	<p><b>A strong and inclusive economy</b> Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>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.</p>
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## 3 Context and Key Issues

- 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

## 4. CURRENT POSITION

- 4.1 An application for a summary review was made by a senior police officer of West Midlands Police, the premises were associated with serious crime and serious disorder following a stabbing which occurred at the premises on 13 May 2022. A copy is attached at Appendix 1.
- 4.2 A certificate was been given by a senior member of that force and that in his opinion the premises are associated with serious crime and serious disorder. A copy is attached at appendix 2.



4.3 The application was served by email to the premises licence holder on 19<sup>th</sup> May 2022. The Licensing Sub-committee considered the application, in the absence of the licence holder and concluded, that Crime and Disorder Licensing Objective was seriously undermined, and the immediate suspension of the Premises Licence was justified as an interim step. The premises licence holder was informed of the interim steps by email and the same was delivered to premises licence holder on 19<sup>th</sup> May 2022. (A copy of the decision letter is attached at Appendix 5).

4.4 The representation period for the review commenced 23<sup>rd</sup> May 2022.

## **BACKGROUND**

4.5 The licence in respect of Seven was granted on 22 August 2005.

4.6 The Premises licence holder is Mr Harjinder Singh Bagri who has held the licence since 17 July 2009.

4.7 Mr Anuj Panwar is the Designated Premises Supervisor and has been since 5th December 2019.

4.8 The hours permitted for Licensable Activities are

Sunday to Thursday 09:00 to 00:00

Friday and Saturday 09:00 to 02:00

The hours will be extended at the end of licensed hours on New Year's Eve to the start of licensed hours on New Year's Day.

4.9 The opening hours of the premises are

Sunday to Thursday 09:00 to 00:30

Friday and Saturday 09:00 to 02:30

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, which is attached at Appendix 4.



## 5. Consultation (customers and other stakeholders)

- 5.1 The Licensing Team displayed a public notice on or near the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing a closing date for these to be received, which was 7th June 2022. (The evidence is attached at appendix 6 and 7)  
Details of the application were also published on the Council's website.

## 6 ALTERNATIVE OPTIONS

The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- 6.1 To modify the conditions of the licence.
- 6.2 To exclude a licensable activity from the scope of the licence.
- 6.3 To remove the designated premises supervisor.
- 6.4 To suspend the licence for a period not exceeding three months.
- 6.7 To revoke the licence.
- 6.8 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be appropriate to impose similar duties.
- 6.9 Conditions may be altered or omitted, or any new condition added.
- 6.10 Members of the Sub Committee should be advised that the applicant, or any other person who made relevant representations/comments in relation to the application, may appeal against the decision made to the Magistrates' Court within 21 days of the date on which they were notified.



## 7. Implications

<b>Resources:</b>	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p>
<b>Legal and Governance:</b>	<p>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. The applicant and those who have made relevant representations have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court, so the Committee are asked to give reasons for their decision wherever possible.</p> <p>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.</p>
<b>Risk:</b>	<p>The Police have made a representation as in connection with the Expedited Review Application under the Prevention of Crime and Disorder. The Hearing and information connected with it shall be in the public domain subject to the requirements of the following –</p> <p>The requirements of GDPR and the Data Protection Act 2018, and Regulation 14 of the Licensing Act 2003 (Hearings Regulations) 2005 which allows the sub-committee to resolve to go into private session for all or any part of the proceedings, if they consider the public interest is best served by doing so.</p>
<b>Equality:</b>	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p>



	The operators of this premises are responsible for complying with all relevant legislation.
<b>Health and Wellbeing:</b>	The benefits of premises being able to conduct licensable activities are subject to the promotion of the Licensing Objectives outlined in the report.
<b>Social Value</b>	The benefits of premises being able to conduct licensable activities are subject to the promotion of the Licensing Objectives outlined in the report

## 8 Appendices

- Appendix 1 – Summary Review application
- Appendix 2 – Certificate
- Appendix 3 – Premises Licence
- Appendix 4 – Location Plan
- Appendix 5 – Decision Letter
- Appendix 6 – Police Evidence
- Appendix 7 – Supporting Evidence

## 9 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



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