

Minutes of Licensing Sub Committee 3

Wednesday, 16 August 2023 at 11.30 am
Meeting held virtually through Microsoft Teams

Present: Councillor Lewis (Chair);
Councillors Hussain and Tromans.

In attendance: Councillor J Giles (Observer)
Balbir Dhugga (Licensing Officer);
Makhan Singh Gosal (Senior Licensing Officer);
Liz Nembhard (Operations Manager, Citizen and Consumer
Protection Team);
Michael Straker (Premises Licence Holder);
Duncan Craig (representing the Premises Licence Holder);
Nicola Stansbie (West Midlands Police);
Ben Reader (West Midlands Police);
David Elliott (Legal Advisor, Sandwell Metropolitan Borough
Council);
Toby Howes (Interim Democratic Services Officer)

17/23 Apologies for Absence

No apologies were received.

18/23 Declarations of Interest

There were no declarations of interest.

19/23 Application for an Expedited Review for the Premises Licence for MJ's Bar, 38 Bridge Street, Wednesbury, WS10 0AQ



The Sub Committee had received a request from the Police that the application be considered only by the Sub Committee and relevant parties, not to the public or press, as an incident that had occurred at the premises on 13th August 2023 was subject to an ongoing Police investigation.

Resolved that the public and press be excluded from this part 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 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.

The Licensing Officer presented the report and advised the Sub Committee of the interim steps available in determining the application, these being:

- To modify the conditions of the premises licence
- To exclude the sale of alcohol by retail from the scope of the licence
- To remove the designated premises supervisor from the licence
- To suspend the licence

The Police addressed the Sub Committee and set out their reasons for the expedited review of the premises licence:

- The Police confirmed that an incident at the premises on 13th August 2023 and was subject to an ongoing Police investigation
- the Premises were associated with serious crime and disorder in respect of the incident on 13th August 2023 and therefore undermined the following objectives contained within the Licensing Act 2003:
 - o the prevention of crime and disorder
- Due to the seriousness of the incident that occurred at the premises on 13th August 2023, the Police requested that the licence be suspended, pending a full review.

The Premises Licence Holder's Representative then addressed the Sub Committee and confirmed the following:

- The Premises Licence Holder would not object to the licence being suspended under the interim steps, pending the full review.
- The Premises Licence Holder would engage with the Police to address matters regarding the operation of the premises in view of the incident that took place on 13th August 2023.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the application for an expedited review of the premises licence.

Resolved that the Premises Licence in relation to MJ's Bar, 38 Bridge Street, Wednesbury be suspended under the Interim Steps, under Section 53B (3) (d) of the Licensing Act until the full review has been determined.

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.

The Licensing Sub Committee and all parties agreed that the full review of the premises take place on 6th September 2023.

Meeting ended at 12.55 pm

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