

Minutes of Licensing Sub Committee 3

**Wednesday, 6 September 2023 at 10.00 am
at Committee Room 2 - Sandwell Council House, Oldbury**

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)

20/23 Apologies for Absence

No apologies were received.

21/23 Declarations of Interest

There were no declarations of interest.

22/23 Application for a Review of 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 options available in determining the application, following the suspension of the premises licence under interim steps following the expedited review that took place on 16th August 2023. The options available to the Sub Committee were:

- 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 for a period not exceeding three months
- To revoke 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 therefore remained 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:
 - the prevention of crime and disorder
- Due to the seriousness of the incident that occurred at the premises on 13th August 2023 and the failings that had

appeared apparent regarding the premises' door and security arrangements that were in place at the time, the Police requested that the licence be revoked.

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

- The Premises Licence Holder accepted the failings of door and security arrangements which were to be reviewed
- The search policy for customers was under review and all events booked externally would be checked beforehand
- Consideration would be given to replacing the current Designated Premises Supervisor
- The Premises Licence Holder had indicated that they would be content in reducing the terminal hours of the licence to 03:00 the following morning on Friday and Saturday.

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

Resolved that the Premises Licence in relation to MJ's Bar, 38 Bridge Street, Wednesbury be revoked in order to promote and preserve the Crime and Disorder Licensing Objective. The Premises Licence was to remain suspended by way of the interim step imposed on the 16th August 2023, pending the outcome of any appeal.

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 Premises Licence Holder was advised of their right of appeal under section 51/52 of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 3.00 pm

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