

Agenda Licensing Sub Committee 2

Monday, 18 March 2024 at 10.00 am in Committee Room 2 - Sandwell Council House, Oldbury

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	To receive any apologies for absence.	
2	Declaration of Interest	7 - 8
	Members to declare any interests in matters to be discussed at the meeting.	
3	Review of Premises Licence in respect of Fox and Goose, 161 Greets Green Road, Greets Green, West Bromwich B70 9EW	9 - 38
	To consider the Review of Premises Licence in respect of Fox and Goose, 161 Greets Green Road, Greets Green, West Bromwich B70 9EW.	



Shokat Lal Chief Executive

Sandwell Council House Freeth Street Oldbury West Midlands

Distribution

Councillor Fenton (Chair) Councillors E M Giles and N Singh

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Licensing Sub Committee 2

Apologies for Absence

To receive any apologies for absence from the members of the Committee.







Licensing Sub Committee 2

Declarations of Interests

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





Report to Licensing Sub Committee 2

18 March 2024

Subject:	Review of Premises Licence in respect of Fox and Goose, 161 Greets Green Road, Greets Green, West Bromwich B70 9EW.
Director: Director – Borough Economy – Alice Davey	
Contact Officer: Kiran Dubb (Licensing Officer)	
	licensing_team@sandwell.gov.uk

1 Recommendation

1.1 To consider the application to review the Premises Licence submitted by West Midlands Police under Section 53A of the Licensing Act 2003, in respect of premises known as Fox and Goose, 161 Greets Green Road, Greets Green, West Bromwich B70 9EW.

2 Reasons for Recommendations

- 2.1 An expedited review was required following an application made under section 53A of the Licensing Act 2003 to review a Premises Licence in respect of premises known Fox and Goose located at 161 Greets Green Road, Greets Green, West Bromwich B70 9EW. The Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 27 February 2024.
- 2.2 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.
- 2.3 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.



3 How does this deliver objectives of the Corporate Plan?

<u>(7</u> 3)	A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.
	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.

4 Context and Key Issues

- 4.1 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
 - o Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm

5. CURRENT POSITION

- 5.1 An application for summary review has been made by a senior police officer of West Midlands Police who has certified that in their opinion the premises are associated with serious crime and serious disorder (or both). A copy is attached at Appendix 1.
- 5.2 A certificate has been provided by a senior police officer of West Midlands Police that in their opinion the premises are associated with both serious crime and serious disorder. The certificate is provided to ensure the licensing objectives are promoted expeditiously. A copy is attached at appendix 2.



5.3 The summary review application and certificate were served by email to the premises licence holder on 26 February 2024.

6. INTERIM STEPS MEETING

- 6.1 On 27 February 2024, the Licensing Sub Committee considered whether interim steps were necessary in light of the application for summary review.
- 6.2 The Licensing Sub Committee suspended the premises licence with immediate effect under Section 53B (3) (d) of the Licensing Act until the full review has been determined. The premises licence holder was in attendance, also informed of the suspension by email on 27 February 2024. A copy of the decision letter is attached at Appendix 5.
- 6.3 The representation period for the review commenced 28 February 2024.

7. BACKGROUND

- 7.1 The licence was granted on 13 September 2005.
- 7.2 Mrs Tina Bali became the Premises Licence Holder on 7 December 2017.
- 7.3 The current Designated Premises Supervisor is Mr Gurdeep Bali. Mr Bali was specified as DPS on 16 June 2023.
- 7.4 The hours permitted for Licensable Activities are:

Recorded music – including Karaoke Monday to Wednesday 1100 - 2300 Thursday 1100 – midnight Friday and Saturday 1100 – 0200 Sunday 1200 – 2230

Sale by retail of alcohol for consumption on the premises Sale by retail of alcohol for consumption off the premises Monday to Wednesday 1100 - 2330 Thursday 1100 – 0030 Friday and Saturday 1100 – 0230



Sunday 1200 – 2300

Late night refreshment Monday to Wednesday 1100 - 2300 Thursday to Saturday 1100 - midnight Sunday 1200 – 2230

On the following days/dates these hours are extended by on hour at the end of licensed hours:

Friday, Saturday and Sunday immediately preceding May Bank Holiday. May Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday.

Spring/Whitsun Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding August Bank Holiday.

August Bank Holiday Monday.

Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday.

Easter Bank Holiday Monday .

Christmas Eve.

Boxing Day

 7.5 The opening hours of the premises are Monday to Wednesday 1100 - 2330 Thursday 1100 - 0030 Friday and Saturday 1100 - 0230 Sunday 1200 - 2300

On the following days/dates these hours are extended by on hour at the end of licensed hours:

Friday, Saturday and Sunday immediately preceding May Bank Holiday. May Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday.

Spring/Whitsun Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding August Bank Holiday.

August Bank Holiday Monday.

Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday.

Easter Bank Holiday Monday .



Christmas Eve. Boxing Day

- 7.6 A copy of the current licence is attached at Appendix 3.
- 7.7 The location of the premises is attached at Appendix 4.

8. Consultation (customers and other stakeholders)

- 8.1 The Licensing Team displayed a public notice on 28 February 2024 at 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 12 March 2024. Details of the application were also published on the Council's website on 28 February 2024 and displayed in the Reception area at Sandwell Council House in Oldbury on 28 February 2024.
- 8.2 No additional representations have been received from any of the responsible authorities or from other persons.

9 ALTERNATIVE OPTIONS

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

- 9.1 To modify the conditions of the licence.
- 9.2 To exclude a licensable activity from the scope of the licence.
- 9.3 To remove the designated premises supervisor.
- 9.4 To suspend the licence for a period not exceeding three months.
- 9.5 To revoke the licence.
- 9.6 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.
- 9.7 Conditions may be altered or omitted, or any new condition added.



- 9.8 In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 27 February 2024.
- 9.9 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.

9. Implications

There are no direct strategic resource implications associated with this application.
In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.
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. 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. 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 –
	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.
Equality:	The Equality Act 2010 legally protects people from
	discrimination in the workplace and in wider society.
	The operators of this premises are responsible for
	complying with all relevant legislation.
Health and	The benefits of premises being able to conduct
Wellbeing:	licensable activities are subject to the promotion of the
	Licensing Objectives outlined in the report.
Social Value:	The benefits of premises being able to conduct
	licensable activities are subject to the promotion of the
	Licensing Objectives outlined in the report
Climate	The benefits of premises being able to conduct
Change:	licensable activities are subject to the promotion of the
	Licensing Objectives outlined in the report
Corporate	The benefits of premises being able to conduct
Parenting:	licensable activities are subject to the promotion of the
	Licensing Objectives outlined in the report

10 Appendices

- Appendix 1 Summary Review application
- Appendix 2 Certificate
- Appendix 3 Premises Licence
- Appendix 4 Location Plan
- Appendix 5 Decision Letter following interim steps meeting

10 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
- Summary Review Guidance Section 53A-C Licensing Act 2003



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PREMISES LICENCE - LICENSING ACT 2003

PART A – VARY DPS 16TH JUNE 2023

ATE OF GRANT 13 September 2005	PREMISES LICENCE NUMBER:	008002
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Part 1 – Premises details

Postal address of premises	Fox and Goose 161 Greets Green Road Greets Green West Bromwich B70 9EW
Telephone Number	0121 557 3288

Name of premises licence holder	Mrs Tina Bali
Address	
Telephone number	
Email address	-
Registered number of holder (e.g. Company/Charity)	-

Name of Designated Premises Supervisor	Gurdeep Bali
Address	
Telephone Number	-
Personal Licence Number	11/035538/LAPER
Issuing Authority	Sandwell Metropolitan City Council

Where the licence is time limited the dates	N/A
State whether access to the premises by children is restricted or prohibited	

LICENSABLE ACTIVITIES		
Licensable activities authorised by the licence	The times the licence authorises the carrying out of licensable activities	
Recorded music – including Karaoke	Monday to Wednesday 1100 - 2300 Thursday 1100 - midnight Friday and Saturday 1100 - 0200 Sunday 1200 - 2230 On the following days/dates these hours are extended by on hour at the end of licensed hours: Friday, Saturday and Sunday immediately preceding May Bank Holiday. May Bank Holiday Monday. Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday. Spring/Whitsun Bank Holiday Monday. Friday, Saturday and Sunday immediately preceding August Bank Holiday. August Bank Holiday Monday. Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday. Easter Bank Holiday Monday . Christmas Eve. Boxing Day	
Sale by retail of alcohol for consumption <u>on</u> the premises Sale by retail of alcohol for consumption <u>off</u> the premises	Monday to Wednesday 1100 - 2330 Thursday 1100 - 0030 Friday and Saturday 1100 - 0230 Sunday 1200 - 2300 On the following days/dates these hours are extended by on hour at the end of licensed hours: Friday, Saturday and Sunday immediately preceding May Bank Holiday. May Bank Holiday Monday. Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday. Spring/Whitsun Bank Holiday Monday. Friday, Saturday and Sunday immediately preceding August Bank Holiday. August Bank Holiday Monday. Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday. Easter Bank Holiday Monday . Christmas Eve. Boxing Day	

	Monday to Wednesday 1100 - 2300 Thursday to Saturday 1100 - midnight Sunday 1200 – 2230		
	On the following days/dates these hours are extended by on hour at the end of licensed hours:		
	Friday, Saturday and Sunday immediately preceding May Bank Holiday. May Bank Holiday Monday.		
Late night refreshment	Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday.		
	Spring/Whitsun Bank Holiday Monday. Friday, Saturday and Sunday immediately preceding August Bank		
	Holiday. August Bank Holiday Manday		
	August Bank Holiday Monday. Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday.		
	Easter Bank Holiday Monday .		
	Christmas Eve.		
	Boxing Day Monday to Wednesday 1100 - 2330		
	Thursday 1100 – 0030		
	Friday and Saturday 1100 – 0230 Sunday 1200 – 2300		
	Sunday 1200 – 2300		
	On the following days/dates these hours are extended by on hour at the end of licensed hours:		
	Friday, Saturday and Sunday immediately preceding May Bank Holiday.		
Opening hours of the premises	May Bank Holiday Monday. Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday.		
	Spring/Whitsun Bank Holiday Monday.		
	Friday, Saturday and Sunday immediately preceding August Bank Holiday.		
	August Bank Holiday Monday.		
	Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday.		
	Easter Bank Holiday Monday .		
	Christmas Eve. Boxing Day		
	Where this licence does not otherwise permit, on New Years eve these		
	hours may be extended from the end of licensed hours on New Years		
All above licensed activities	Eve to the start of licensed hours on New Years Day .		
All above licensed activities	Where this licence permits licensable activities after 0100, on the day		
	on which British Summer Time begins. The licensed hours are		
Millione wet ethermilier many the	extended at the end of licensed hours by one hour on that day.		
Where not otherwise provided for in this licence Regulated Entertainment may only be provided in respect of the following activities:			
 Music and singing entertainment provided solely by the reproduction of recorded sound (this does NOT allow for 'discos' or 'Karaoke' events) 			
Dancing, music or any other entertainment of the like kind which			
a) is not public entertainment; but			

a) is not public entertainment; but b) is promoted for private gain



Assistant Director Public Protection and Community Safety

General Licensing Team Regulated Services, Borough Economy Sandwell Council House, PO Box 2374, Oldbury, B69 3DE

Mandatory Conditions Section 19 Licensing Act 2003

1. No supply of alcohol may be made under the licence (a) at a time when there is no designated premises supervisor (DPS) in respect of the licence, or (b) at a time when the DPS does not hold a personal licence or that licence is suspended

2. Every supply of alcohol under the licence must be made or authorised by a person who holds a personal licence

<u>Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the Licensing Act</u> 2003 (Mandatory Licensing Conditions) Order 2014

<u>These conditions apply to all relevant premises licences and all relevant club premises certificates</u> authorising consumption of alcohol on the premises.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-

social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ¹/₂ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

<u>These conditions apply to all relevant premises licences and all relevant club premises certificates</u> <u>only authorising consumption of alcohol off the premises</u>

1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a)a holographic mark, or

(b)an ultraviolet feature.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

This applies to all premises where alcohol is sold or supplied for consumption on or off the premises.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. Page 28 For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- (b) "permitted price" is the price found by applying the formula-

 $\mathsf{P} = \mathsf{D} + (\mathsf{D} \times \mathsf{V})$

where-

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in guestion; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(a).

Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

Licensee statement of additional steps intended on variation 3 April 2007

General

Majority of my customers are close friends and family which allows a friendly atmosphere to the pub. We limit numbers on party occasions with the assistance of a doorman to prevent aggravation.

The prevention of crime and disorder

I will not serve people who seem to be intoxicated, rowdy or unruly. There are CCTV cameras on the premises to deter trouble.

Public safety

I will be closing our doors at 11pm even with a later license with no admission after this time to ensure good order and disicpline and a friendly atmosphere. Distrating any person from abusing the later drinking.

The prevention of public nuisance

Taxis will be requested to do call back so do not disturb local people. Customers are alsways asked to leave quietly. I do not allow people to wait outside for their taxi until it arrives.

The protection of children from harm

Not allowed on premises late at night.

Licensee statement of operating schedule on first issue

<u>General</u>

Following an assessment of the premises and its surrounding area the following is proposed: 30 Minute 'drinking up' time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

The prevention of crime and disorder

Most customers are local

Public safety

Fire fighting equipment

The prevention of public nuisance

Managed customer departure.

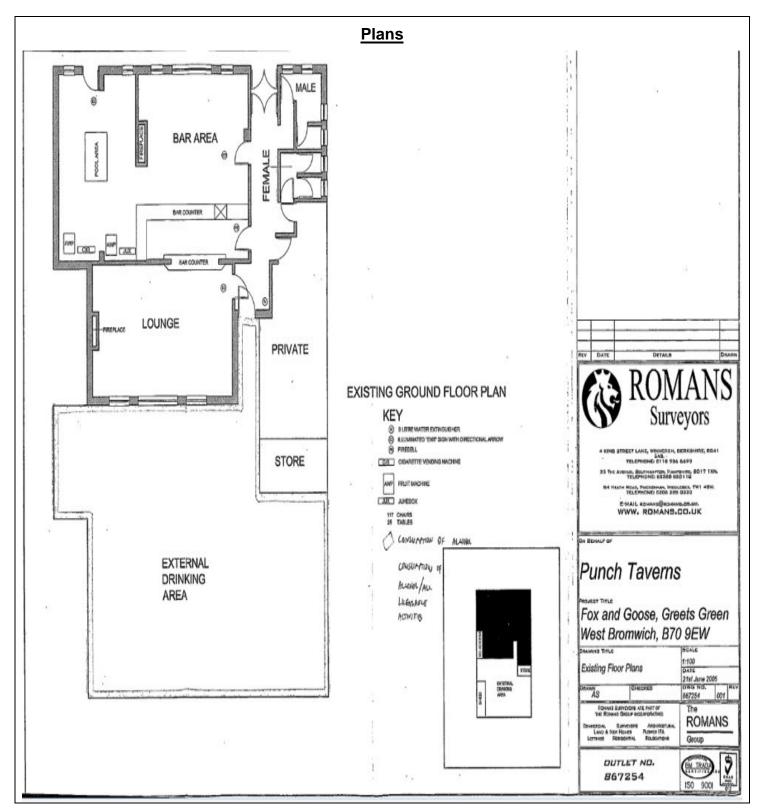
The protection of children form harm No children allowed unaccompanied.

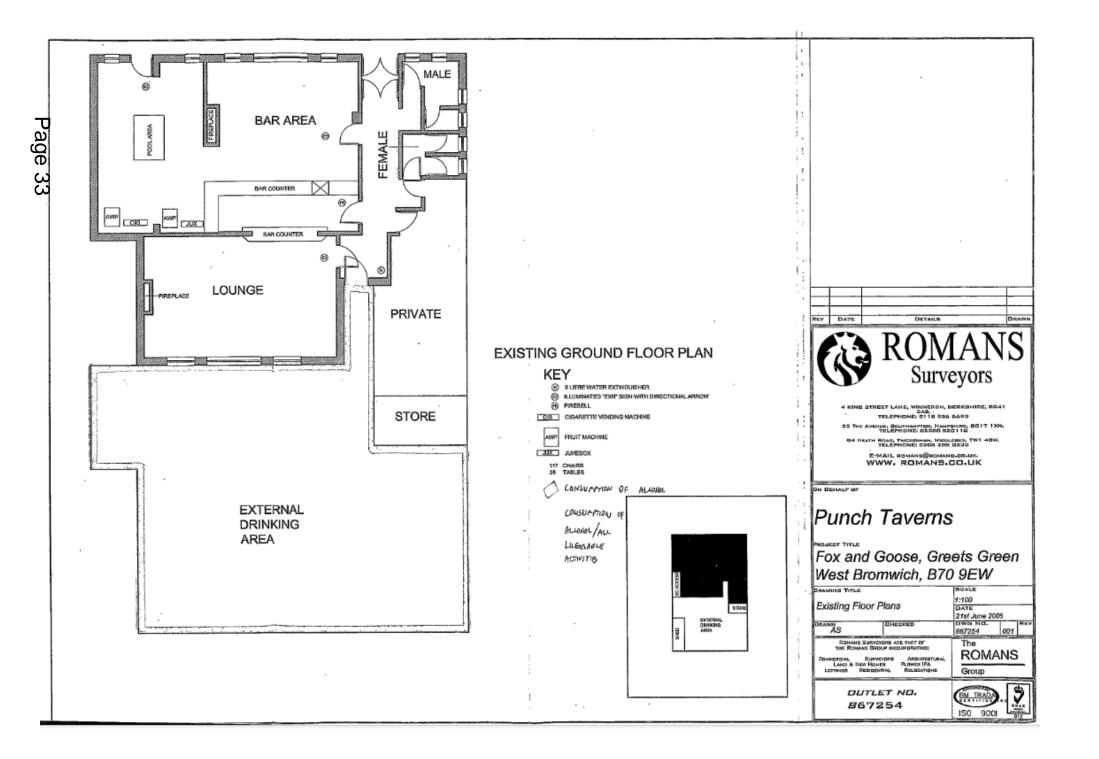
Unless otherwise stated this licence is also granted subject to any restrictions imposed on the use of the premises by any of the following enactments: Children and Young Persons Act 1933 Cinematograph (Safety) Regulations 1955 Licensing Act 1964 Sporting Events (Control of Alcohol Etc) Act 1985

Conditions attached after a hearing by the licensing authority

NONE

Annex 4





By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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