

# Minutes of Licensing Sub Committee 1

**22 September 2022 at 3.06pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors Fenton and Z Hussain.

**In attendance:** Geeta Bangerh (Licensing Officer);  
Makhan Singh Gosal (Senior Licensing Officer);  
David Elliott (Legal Advisor SMBC);  
Duncan Craig (representing the applicant);  
Nicola Stansbie (West Midlands Police);  
Trisha Newton (Senior Democratic Services Officer);  
John Swann (Democratic Services Officer).

14/22 **Apologies**

No apologies were received.

15/22 **Declarations of Interest**

There were no declarations of interest

16/22 **Application for the grant of a new Premises Licence at  
The Turks Head, 25-26 Lower High Street, Wednesbury**

An application for the grant of a new Premises Licence had been received in respect of The Turks Head, 25-26 Lower High Street, Wednesbury.



A hearing had originally been set to consider the matter on 19 September 2022, however, the hearing had been cancelled following the calling of a bank holiday.

Agreement was sought to an adjourned date for consideration of the new premises licence application.

Following consultation with all concerned parties, the matter was adjourned to 2.30pm on 7 October 2022.

**Resolved** that consideration of the application for a new premises licence at The Turks Head, 25-26 Lower High Street, Wednesbury, be adjourned to 7 October 2022.

(meeting ended 3.24pm)

**7 October 2022 at 2.40pm  
at Sandwell Council House, Oldbury**

**Present:** Councillor Allen (Chair);  
Councillors Fenton and Z Hussain.

**In attendance:** Geeta Bangerh (Licensing Officer);  
David Elliott (Legal Advisor SMBC);  
Duncan Craig (representing the applicant);  
Kerry Cox (supporting Mr Craig);  
Mr A Melia (applicant);  
Nicola Stansbie (West Midlands Police);  
Andrew Evans (representing West Midlands Police);  
Sgt Deakin (West Midlands Police);  
Neil Aston-Baugh (West Midlands Fire Service);  
Helen Brimelow (Environmental Health);  
Trisha Newton (Senior Democratic Services Officer);  
John Swann (Democratic Services Officer).

**Observing:** Councillors M Gill and N Singh;  
Makhan Singh Gosal (Licensing);  
Liz Nembhard (Licensing).



Further to Minute No. 16/22 above, the Sub Committee considered the application for a new Premises Licence in respect of The Turks Head, 25-26 Lower High Street, Wednesbury following receipt of representations from a local resident and responsible authorities, objecting to the grant of the application due to public safety, public nuisance and the prevention of crime and disorder issues.

The Sub Committee noted that the applicant was the proposed Premises Licence Holder and the proposed Designated Premises Supervisor.

The Sub Committee had been advised of proposed additional conditions in advance of the meeting from the applicant's representative, as follows:-

- No baseball caps or hoodies will be worn by patrons inside the premises;
- No children under the age of 16 will be allowed unaccompanied on the premises at any time;
- No person under the age of 18 will be allowed on the premises after 21:00;
- The premises will have an operational search and drugs policy;
- There will be one qualified first aider on the premises whenever licensable activities are being carried on;
- From the grant of this licence the sale of alcohol will not take place after 21:00 for a period of one month. During this period the premises will have two door supervisors on a Friday and Saturday evening from 20:00 until close;
- Simon Bagri and Harjinder Singh Bagri will not be involved in the operation or management of the premises;
- The premises licence holder will supply a risk assessment for all externally promoted events held at the premises, to include all security provision, with a minimum of 14 days' notice (or lesser period if agreed with West Midlands Police Licensing Department) Risk assessments will



include search policies and a security deployment plan to reflect the risk of the event. Dispersal policies will also be contained;

- Any Items that appear to be or are controlled substances will be seized if possible and the person will be refused entry. This will be recorded in the incident book with time, date and description of person refused entry. This will be recorded in the incident book with time, date and description of person refused entry and item seized. The police will be called as soon practicable and in case within 24 hours of items recovered. This will include any items that have been recovered which are weapons or anything of a similar sort. The items will be kept in a secure locked safe place where there is no access to any members of the public;
- The toilets will be checked on an hourly basis and a record of the member of staff and time checked will be kept in the toilet.

The resident objecting was not present at the meeting, however, the Licensing Officer outlined the details of the concerns of residents:-

- residents were elderly, vulnerable and young families;
- incidents had been happening and information had been passed to the Police;
- the premises had been operating with incidents being reported to the Police nearly every other week, especially at the weekends;
- concerns re CCTV being operational and monitored;
- concerns about the impact on other businesses in the street being closed after incidents happening at these premises late nights/early hours;
- residents being forced from their homes.



The Police addressed the Sub Committee and set out the reasons for requesting that the application for the new premises licence be refused:-

- the Police would object to any application, even modified, as they deemed there were still unacceptable risks if granted;
- the premises and its previous management had a history with the former licence being revoked on 16 June 2022;
- the premises had persistently undermined the licensing objectives;
- it had never been clear to the Police who was in control, however, the responsibility lay with the landlord as Premises Licence Holder and the lack of transparency continued to be of concern;
- there had been a previous stabbing incident at around 11pm at night and there was continued concern;
- the Police were concerned with the premises and the management not exercising effective control;
- there had been several warnings and the history was relevant to the risks identified now;
- the Police were concerned that if the premises re-opened they would be under pressure by the previous clientele;
- since the premises had closed, in the opinion of the Police, the incidence of alcohol fuelled disorder had significantly reduced in Wednesbury High Street;
- even with the proposed modified conditions and a new DPS in place, there was no confidence in the application;
- the premises would be styled as a bar/pub and was highly likely to attract the same risky clientele;
- the proposed 11pm closing only reduced the risk, it would not eliminate the risks up to that point, similarly with reduced regulated entertainment;
- the landlord remained and the applicant's name had been mentioned at the time of the previous review;
- it was considered that the landlord was not fit to be involved in the active management of the premises and the applicant was not completely new – the Police believed that the applicant was a manager of these premises up to 2016;



- the Police may have been reassured if there was transparency as to who was in control;
- the applicant's CV showed experience in the trade but he had not held a Personal Licence in his name before or any experience of managing medium to high risk premises;
- there was concern around lack of door supervisors until 11pm and who would be responsible for enforcing the conditions and problems were not confined to the early hours;
- the application had been modified and there were a lot of conditions proposed and it was not clear if the premises were considered to be average risk whether the proposed conditions were proportionate.

The Sub Committee reviewed the applicant's CV and identified that he had worked with the owner on previous occasions. The applicant had previously been DPS at the premises in 20/15/16 (formerly known as The Tavern) with the premises also owned by the current landlord at that point.

The Environmental Health Officer set out their representation as follows:-

- between 2016 and 2020 there were several complaints from residents;
- from discussions with complainants there was concern that the premises had attracted violence;
- concerns were expressed around fighting, shouting, singing, revving of engines, vomiting and urinating, music from cars, 16 year olds in the premises;
- there was a DJ on at a weekend and door staff were reported to take no notice;
- there were issues every weekend as the premises had been open until 3am.

A couple of short videos were shown to the Sub Committee to demonstrate disturbances.



The West Midlands Fire Officer had made representations following a visit to the premises in August 2022. However, since the issues identified around a faulty fire alarm and emergency lighting issues, a voluntary undertaking had been provided by the applicant and a fire risk assessment would be carried out and certification provided for lighting prior to the premises being reopened.

The applicant's representative addressed the Sub Committee with the following points:-

- there had been an expedited hearing in relation to the premises and the applicant had been mentioned previously, however, discussions had not taken place with the applicant until about a month later;
- a basic application had been submitted with a date for the hearing set, since then a meeting had been held with the Police and the proposed conditions had been shared;
- there was concern regarding the Police's notion regarding hours and the type of clientele at the premises. High risk venues tended to be licensed for later opening hours and the type of clientele was based on the previous premises;
- it had been difficult forming conditions to limit the clientele of the premises;
- there was a possibility the initial one-month period could be extended to two months to allow any work to be completed;
- conditions needed to be proportionate – if door staff were in place during reduced hours the business would not be viable;
- the premises being closed for a number of months would have had an effect with people moving away;
- the landlord had accepted that he could not be involved in the premises in response to the concerns of the Police as to who would be in charge – the applicant would be the PLH and DPS and there would be no operational involvement from the landlord;



- the landlord owned the premises but would be in the background, the applicant had a track record of running premises and had successfully run these premises in the past;
- the applicant would be happy to change the condition relating to allowing 16/17 years olds on the premises without an adult to 18 year olds.

The applicant advised the Committee that:-

- he was an experienced DPS and had run these premises before in 2016 when the premises were not considered as a concern;
- he was local to the borough;
- he had run the premises around 2015/16 but had given back due to issues around the lease;
- he believed he could turn the premises around and previous pubs he had been involved in had been run down/rough/middle of estates, etc. and he had turned them around and kept trouble away;
- he had moved around a lot as he had been working for the Brewery so he would be told which premises to go to and when;
- he had recently been working at another premises which was owned by the landlord;
- he would be able to enforce the conditions but if required would put door staff on at certain times;
- although the premises could hold around 200 people it was likely there would be up to 75 at busy times;
- he would do whatever was required to manage the risk and had experience;
- with regard to substances, the applicant confirmed all staff would be trained and deal with, including a secure safe which would only be accessed by himself;
- he believed the business was viable with regular custom and would be present at the premises as this was his full time venture.





The Police confirmed that the applicant would not be able to perform many functions of a door person as suggested, as he was not SIA trained and this would not be lawful.

The applicant's representative confirmed that people would not be routinely searched, however, there would be a drugs/search policy in place for times when appropriate and all staff would be provided with the necessary training. Details of the policy would be provided to the Police.

In summing up, the Police advised the Sub Committee:-

- they remained unconvinced by the application and remained of the opinion that the application should be refused;
- they would like to see the applicant succeed, however, this was a risky premises and the resources appeared to be inadequate;
- even with the additional conditions it was not considered viable;
- the applicant didn't currently hold a licence in their name;
- it would be preferred if the premises were closed for a longer period and there was a complete divorce from the landlord;
- it was not considered that the applicant had gone far enough to consider granting the licence safely on this occasion.

In summing up, the Environmental Health Officer advised:-

- there had been no complaints from other premises;
- the conditions set out were not something that would change the culture of the premises.

In summing up, the applicant's representative stated:-

- the culture of the pub had been different when the applicant was there previously and it could change again;
- the applicant was a local person from the area and was an experienced DPS;



- background checks had been undertaken by the Police and there was nothing to suggest that the applicant was not a suitable person or incapable.

The Sub Committee took advice from its Legal Advisor before adjourning to make a decision on the review.

The Sub Committee had taken into consideration representations made by all parties and was minded to refuse the application for the following reasons:-

- the application had been made a short time after revocation of the licence in June following an expedited hearing triggered by a series of complaints culminating in a stabbing;
- the revocation had not been appealed and the new applicant was known to the previous PLH who remained landlord;
- incidents of recordable crime had reduced significantly since the revocation of the licence;
- the applicant's representative argued that the raft of conditions proposed would alter the character of the premises;
- members considered the short space of time with the landlord remaining the same and the demands that would be placed on the applicant;
- the Sub Committee was not convinced transformation of the venue was achievable.

**Resolved** that the application for a Premises Licence in respect of The Turks Head, 25-26 Lower High Street, Wednesbury be refused.

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 applicant was advised of his right of appeal to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 6.32pm

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