

Minutes of Licensing Sub Committee 3

**Tuesday 29 November 2022 at 10.29am
In Committee Room 2 - Sandwell Council House, Oldbury**

Present: Councillor Gavan (Chair)
Councillor Dunn and N Singh

Helen Brimelow (Citizen & Consumer Protection Officer)
Makhan SinghGosal (Senior Licensing Officer)
Geeta Bangerh (Licensing Officer)
Nicola Stansbie (West Midlands Police)
Mr Melia (applicant)
Kerry Fox (representing the applicant)
David Elliott (SMBC Legal Advisor)
Trisha Newton (Senior Democratic Services Officer)
Connor Robinson (Democratic Services Officer)

(Meeting adjourned 10.30am to 10.47am due to quorum)

19/22 **Apologies for Absence**

No apologies for absence were received

20/22 **Declarations of Interest**

There were no declarations of interest made at the meeting.



Application for Temporary Event Notices for Turks Head, 25-26 Lower High Street, Wednesbury

The Sub Committee considered an application for four Temporary Event Notices for the Turks Head, Wednesbury, covering weekends in December 2022 leading up to Christmas.

Objections had been received from local residents and responsible authorities citing the undermining of the four licensing objectives:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

The applicant's representative advised the Sub Committee that:

- the applicant accepted that the Turks Head had a colourful past;
- the application for Temporary Event Notices was made under by a new applicant;
- the new applicant wished to demonstrate his competence in running the establishment and had provided evidence of his previous involvement in licensed premises;
- the former Premises Licence Holder still owned the property, however, it was important to note that the application was made under the prospective new manager.

Environmental Health addressed the Sub Committee and highlighted their concerns as follows:

- local residents had expressed their concern around the increase in noise disturbance citing numerous previous incidents;
- there was a persistent level of anti-social behaviour emanating from the property;
- the anti-social behaviour often escalated into violence on the street impacting local families.



West Midlands Police had made a representation and addressed the Sub Committee noting:

- the area had been blighted with serious crime, disorder and anti-social behaviour;
- the venue had had its licence revoked following an expedited review due to a serious Police incident;
- licensing conditions could not be placed on a Temporary Event Notice and assurances from the applicant were not enforceable;
- the Temporary Event Notices would coincide with the Christmas period where the Police would experience peak demand on their service.

The applicant addressed the objections made and stated that he was an experienced pub/bar owner with over 20 years experience, was a local man and had managed similar venues. The applicant stated his connection with the owners of the property and that he had worked with them successfully at other venues. The applicant felt that the objections stated referred to historical incidents and he was attempting to move on from these.

The Sub Committee heard that the application was to limit the opening hours to 10.00pm, and noted that previous incidents had been occurring post 02.00am.

The applicant was finalising the CCTV requirements for the venue and explained how he wanted to move the Turks Head in a new direction where it would be a more traditional pub venue and a safe environment.

The Police and Environmental Health stressed their concern that the Temporary Event Notices had no enforceable conditions and the potential for disorder citing the history and location of the premises.

The Police highlighted the lack of door staff to manage a venue with such a capacity. The applicant confirmed that no door staff would be present, but stressed the move away from previous



clientele and a new focus on being a responsible venue. The applicant also stressed that he would be present at all times during the opening period.

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

Having taken into consideration representations made by all parties, the Sub Committee was minded to grant the Temporary Event Notices for the Turks Head, Wednesbury.

In making its decision the Sub Committee noted:

- the experience of the applicant and his local knowledge;
- the opening hours of the venue were not excessive;
- the representations of the responsible authorities were taken into account.
- the Sub Committee recognised the temporary nature of the application.

Resolved that the Temporary Event Notices for Turks Head, 25-26 Lower High Street, Wednesbury, WS10 7AQ be granted.

In making its decision the Sub Committee took into account the Licensing Act 2003, 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 responsible authorities would be advised of her right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

Meeting ended at 1.32pm
(with an adjournment between 10.30am and 10.47am)

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