

Minutes of Licensing Sub Committee 1

**Thursday 19 May 2022 at 10:15am
in Council Chamber, Sandwell Council House, Oldbury**

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

16/22 **Apologies for Absence**

No apologies were received.

17/22 **Declarations of Interest**

There were no declarations of interest.

18/22 **Expedited Hearing – Seven Bar**

The Chair advised that a request for an expedited hearing had been received and, as the interim steps needed to be considered within 48 hours, the matter would be heard as an urgent item on today's agenda following the planned business on the agenda (see Minute No. 20/22 below).

In attendance: Makhan Singh Gosal (Senior Licensing Officer);
Geeta Bangerh (Licensing Officer);
David Elliott (Legal Advisor);
Mr Mizinski (owner);
Nicola Stansbie (West Midlands Police);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer).

19/22

**Review of Premises Licence at Dylans Drink Shop,
627 Bearwood Road, Smethwick**

The Licensing Sub Committee considered a review of a premises license in respect of Dylan's Drink Shop following a review application received from West Midlands Police stating that they considered the operation of the premises undermined three of the licensing objectives: the prevention of crime and disorder, public safety and the protection of children from harm.

West Midlands Police had submitted representations on two previous occasions, relating to temporary event notices submitted by the Premises in December 2021 and a representation in relation to the granting of the Premises Licence in January 2022.

The Police Licensing Officer explained that a warrant had been executed at the premises on 9 January 2022 on the basis that they had obtained intelligence that the premises was involved in drug dealing. Upon entering the premises, a backpack in the storeroom was found containing cannabis, weighing scales and dealer bags. A search of the premises was conducted, and more dealer bags were found behind the counter along with a knife, baseball bat and cricket bat which posed a risk to the public and staff. There were also nitroxide cannisters, cannabis lollipops and cannabis grinders for sale, although it was highlighted that this was legal.

The premises' legal representative had stated that these issues would be addressed. However, following a further visit, whilst there was a vast improvement around the shop, intelligence was still being received regarding the potential activity of drug dealing on the premises. An employee stated he was using the cannabis for personal use. It was uncertain whether the owner of the shop knew this or whether the shop was involved in the potential drug dealing.

There appeared to be a degree of lack of control and oversight within the shop, particularly regarding the display of alcohol.

There were no criminal charges due to the lack of direct evidence.

The owner advised the Sub Committee:-

- he had been advised by his legal representative that they were able to continue trading and the licence for sale of alcohol still applied despite changing address;
- the applicant had been compliant with Licensing and the Police to bring the shop to an acceptable standard;
- after being found to be unlicensed, the applicant applied for a temporary event notice which was refused. Consequently, the applicant reapplied for a new licence for the sale of alcohol;
- these issues had impacted the applicant's livelihood and the reputation of the shop;
- the applicant had now dismissed the employee involved in the drug activity and had employed family to work in the shop;
- the applicant's sister would be made the Designated Premises Supervisor (DPS) to ensure that someone was at the premises at all times to maintain oversight of the shop, therefore measures had been taken to ensure that no issues occurred in future.

In response to the Committee's questions of the objectors, applicant and his representative and officers present, the following points were noted:-

- the applicant had held a personal licence since 2016;
- whilst an individual needed to be over 18 to purchase the cannabis lollipops, the applicant understood the issue of displaying the cannabis sweets next to other sweets which were easily accessible to children;
- staff had undertaken training courses on sale of alcohol and training would take place every 3 months for staff;
- the applicant was happy to enrol staff onto further training as required;
- it was suggested that appropriate vetting processes needed to be implemented in future when employing more staff to protect the business and customers.

With regard to the management of premises, the DPS was responsible for the premises at all times and would usually be present on a regular basis, approximately in excess of 50% over a 7-day week, which was not currently being fulfilled.

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

Having considered all of the information provided, the Sub Committee was minded not to revoke the licence, however, additional conditions would be added to the licence to address the concerns of the Police. In addition, the applicant was warned to tighten management procedures, as a future visit could result in more serious consequences. The Sub Committee also suggested that that the applicant stood down as DPS and substitute a family member but this was not a condition.

Resolved that in respect of the Premises Licence at Dylans Drink Shop, 627 Bearwood Road, Smethwick:-

- (1) the individual involved in the alleged drug activity has no further involvement in Dylan's Drinks Shop in any capacity;
- (2) a personal licence holder be on the premises whenever it is open.

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 would be advised of his right of appeal under section 53c of the Licensing Act 2003 to the Magistrates Court within 21 days of receipt of the decision letter.

[The Sub Committee adjourned at 12:55pm and reconvened at 1:37pm]

20/22

**Expedited hearing for an interim summary review
of a Premises Licence in respect of Seven Bar, 25
Lower High Street, Wednesbury**

In attendance: Makhan Singh Gosal (Senior Licensing Officer);
Geeta Bangerh (Licensing Officer);
David Elliott (Legal Advisor);
Nicola Stansbie (West Midlands Police);
Sgt Deakin (West Midlands Police);
Trisha Newton (Senior Democratic Services Officer);
Amundeeep Johal (Democratic Services Officer).

The Sub Committee considered an application made by a senior police officer from West Midlands Police for an interim review stating that in his opinion the premises was associated with serious crime and disorder.

The Premises Licence Holder had been invited to the meeting.

The licence was granted on 22 August 2005 to the Premises Licence holder. Another individual had been specified as the Designated Premises Supervisor.

A serious incident had occurred and it was considered that there had been serious failing of the premises management.

Concerns were expressed that the premises had not dealt with the incident appropriately and the correct procedures were not in place and this posed an unnecessary risk to the customers and staff of the premises.

West Midlands Police requested that this matter be heard in private session as they did not wish to jeopardise their investigations and any subsequent court proceedings.

Members received legal advice from the Legal Advisor and considered that maintaining the exemption outweighed the public interest in disclosure and agreed to exclude the public.

Resolved that the public and press be excluded from the rest of the meeting 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.

West Midlands Police presented their evidence and answered questions from the Sub Committee.

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

Having considered the Licensing Officer's report, representations made by West Midlands Police, and legal advice, the Sub Committee was minded to suspend the Premises Licence in respect of Seven – Lower High Street, Wednesbury, pending a full review of the Premises Licence on 16th June 2022.

The reason for the decision was as follows:-

- the Sub Committee was satisfied that a serious crime had been committed in the vicinity of the premises;
- there had been a serious failing of premises management in dealing with the incident;
- the Police had concerns over previous incidents linked to the premises;

- the Sub Committee concluded that the crime and disorder licensing objective was seriously undermined and the immediate suspension of the Premises Licence was justified as an interim step.

Resolved:-

- (1) that the Premises Licence in respect of the Seven Bar, Lower High Street, Wednesbury be suspended with immediate effect as an interim step;
- (2) that a full review of the premises licence be held on 16th June 2022.

The Premises Licence Holder had the right to make representations in connection with the decision and if made the Sub Committee were required to consider a review of its decision within 48 hours of the representation being made.

The suspension was an interim step pending a full review within 28 days.

Meeting ended at 2.56pm

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