

# Minutes of Licensing Sub Committee 1

**Thursday 16 June 2022 at 2.00pm  
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);  
Mr Bagri (Premises Licence Holder);  
Mr Singh (in support of Licence Holder);  
Duncan Craig (representing the Licence Holder);  
PC Homes (West Midlands Police);  
Nicola Stansbie (West Midlands Police);  
Sgt Andrew Evans (West Midlands Police);  
Andrew Clarke (SMBC ASB Team Manager);  
Connor Robinson (Democratic Services Officer);  
Mateusz Sliwinski (Democratic Services Officer);  
Trisha Newton (Senior Democratic Services Officer).

## 21/22 **Apologies**

No apologies were received.

## 22/22 **Declarations of Interest**

There were no declarations of interest



**Matters Delegated to the Sub Committee to exercise  
Those functions of the Licensing Committee under the  
Licensing Act 2003 and any regulations made under that Act,  
together with any related functions**

23/22

**Application made under Section 53A of the Licensing  
Act 2003 for Review of Premises Licence at Seven Bar,  
25 Lower High Street, Wednesbury**

Further to Minute No. 20/22 (19 May 2022, the Sub Committee considered the review of the Premises Licence following the application submitted by West Midlands Police under Section 53A of the Licensing Act 2003 in respect of premises known as Seven Bar, 25 Lower High Street, Wednesbury.

The application for a summary expedited review was made by a senior police officer of West Midlands Police, due to the premises being associated with serious crime and serious disorder following a stabbing which occurred at the premises on 13 May 2022.

The Police addressed the Sub Committee and set out their reasons for the expedited review of the premises licence:

- the Premises were associated with serious crime and disorder and therefore undermined the following objectives contained within the Licensing Act 2003:
  - the prevention of crime of crime and disorder
  - public safety
  - prevention of public nuisance;
- the premises had been a continued source of concern for the Police due to the frequency of violence emanating from the venue;
- a substantial list of serious crime and disorders presented a very worrying picture for the Police;



- the stabbing on 13 May 2022 had been very serious both in relation to the individual concerned and the immediate response:
  - o the activity of the bar did not cease when the extent of the incident was known to staff;
  - o the CCTV was not proficient throughout the premises nor was it available where the incident took place;
  - o there was a complete lack of door management and customers continued to enter and exit the venue at will;
  - o a self-imposed dress code was not adhered to;
  
- the behaviour and disorder had become commonplace and accepted which was leading to serious injuries and a negative impact on the local community.

The Police requested that they be permitted to present CCTV footage to the Sub Committee showing the serious incident in question and similar disturbances on previous dates. The footage would be part of an ongoing investigation and the Police requested, therefore, that the footage only be viewed by the Sub Committee and relevant parties, not to the public or press.

**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 public and press were excluded from the meeting whilst CCTV footage was shown to the Sub Committee.

(The public and press were invited back into the meeting)



The Sub Committee had also received written representations from local councillors and residents regarding the premises and its impact locally as a focal point for ongoing disturbances and criminal activity.

The Police stated that ongoing discussions had taken place with the Designated Premises Supervisor and although they listened and indicated they would make the necessary changes, these would never materialise.

In response to the representations made, the applicant's legal representative addressed the Sub Committee:

- the owner of the premises was not the operator of the venue and this was the responsibility of the Designated Premises Supervisor;
- it was argued that case law demonstrated that just because an individual was a licence holder that they were responsible for the activities within that property;
- the business model operated at Seven Bar saw day to day activity run by the Designated Premises Supervisor;
- the CCTV was fit for purpose and those cameras that had been identified as deficient were in the process of being replaced;
- it was agreed that the Designated Premises Supervisor had acted inappropriately to the situation;
- the actions of the bar staff in response to the stabbing in initiating first aid went some way to saving the individual's life;
- the notion that the business of the bar continued as normal while events were taking place was rejected and was not supported by evidence submitted;
- the Designated Premises Supervisor was being replaced and a new tenant was being sought;
- the Premises License Holder had held that licence for a period of 13 years and hoped that would have some bearing on the determination of the Sub-Committee;
- the Police had not had any direct contact with the Premises Licence Holder.



The applicant's legal representative introduced some measures for the Sub Committees consideration:

- to add to the condition of the licence the requirement for an incident log and door register;
- the removal of the current Designated Premises Supervisor;
- a suspension of the licence for an agreed period to initiate necessary changes;
- bring in a new Designated Premises Supervisor and reflect on issues that had led to the hearing.

The Sub Committee noted that the Premises Licence Holder ran a number of similar pubs across the West Midlands.

The Sub Committee noted that the supervisor had been appointed in 2019 and following the events had been subsequently removed. It was stated that the relationship was one of arm's length, which as not an unusual relationship in the business. It was stated that the supervisor was known personally to the licence holder.

The Police questioned the agreed management structure of Seven Bar and stated that on a number of visits it had been unclear who was in charge of the venue with the Premise Licence Holder's son indicating he had some management involvement at the venue.

The Premises Licence Holder indicated that despite repeated visits to the venue there had been no communication directly with him from the Police about the incidents reported at Seven Bar and whether the Premises Licence Holder had received any letter from them was disputed.

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 revoke the licence on the basis that:-

- this was a small venue with a Designated Premises Supervisor and Premises Licence Holder which, for the purposes of the Licensing Act ran fairly effectively as a management team;
- all reasonable steps should have been taken to protect the licence and the catalogue of incidents at the premises were deeply concerning;
- the CCTV footage had demonstrated the inadequacies of door management at the venue as well as the shortcomings of the CCTV coverage itself and areas covered;
- the processes in place for the protection of the public and bar staff was inadequate;
- the self-imposed dress code for the venue had not been enforced;
- the Designated Premises Supervisor overseen by the Premises Licence Holder should have produced management systems to prevent the scenes that occurred in May 2022 and previous incidents catalogued;
- the upholding of the licensing objectives were paramount and in this instance the view of the Licensing Sub Committee was that this could only be served by revoking the premises licence and not by replacing the Designated Premises Supervisor and adding conditions to the licence.

**Resolved** that the Premises Licence in relation to Seven Bar, 25 Lower High Street, Wednesbury, WS10 7AQ be revoked.

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 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 Interim Steps would be maintained until the appeal period had come to an end and the appeal disposed of.

Meeting ended at 6.10pm

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