

Report to Licensing Sub Committee [3]

16 August 2023, meeting held by remote means (MS Teams)

Subject:	Meeting is to consider whether interim steps are necessary after receipt of an Application made under Section 53A of the Licensing Act 2003 for Expedited Review of Premises Licence at MJ's Bar, 38 Bridge Street, Wednesbury, WS10 0AQ
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Balbir Dhugga (Licensing Officer) licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 An expedited review application dated 15th August 2023 has been submitted by West Midlands Police under Section 53A of the Licensing Act 2003 to review the Premises Licence in respect of MJ's Bar, 38 Bridge Street, Wednesbury, WS10 0AQ.
- 1.2 The meeting is to consider whether interim steps are necessary, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The options that can be considered detailed at section 6.

2. Purpose of Report

- 2.1 To advise members of an expedited review application made under section 53A of the Licensing Act 2003 for a summary review of the premises licence for MJ's Bar, 38 Bridge Street, Wednesbury, WS10 0AQ.
- 2.2 The application for summary review is being 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 male was dropped off at Walsall Manor Hospital on 13th August



2023 with serious injuries. This was after an incident occurred inside MJ's Bar, 38 Bridge Street, Wednesbury, WS10 0AQ.

- 2.3 The Licensing Authority must within 48 hours of receipt of the application consider whether it is necessary to take interim steps pending determination of the review of the premises licence.
- 2.4 A review of the premises licence must be held and determined within 28 days of receipt of the application.

3. Context and Key Issues

- 3.1 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
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm

4. CURRENT POSITION

- 4.1 The application is made by West Midlands Police for a summary review of the premises licence. A copy of the application is attached at Appendix 1.
- 4.2 A certificate has been given by a senior member of that force that in his opinion the premises are associated with serious crime and serious disorder (or both). A copy of the certificate is attached at appendix 2.
- 4.3 The application has been served by email on the premises licence holder (MJ's Bar & Venue Limited) on 15th August 2023 via the current director, a Mr Michael Straker. The premises licence holder has been informed that this is an interim steps meeting.
- 5.1 The committee may consider the interim steps without the holder of the premises being given an opportunity to make representations.



- 5.2 The licence was granted on 12 February 2019.
- 5.3 The current Designated Premises Supervisor (DPS) is Mr Michael Straker. Mr Straker was specified as DPS on 28th February 2019.
- 5.4 The hours permitted for Licensable Activities (as stated on Appendix 3) are
Monday to Wednesday - 09.00 – 01.30
Thursday 09.00 – 02.30
Friday & Saturday – 09.00 – 04.30
Sunday – 09.00 – 02.00

The hours will be extended at the end of licensed hours on Christmas Eve, Christmas Day, Boxing Day, St Valentine's Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day. The Sunday before a Bank Holiday. On these days the hours are 09.00 – 04.45

- 5.9 The opening hours of the premises are
Monday to Wednesday - 09.00 – 01.30
Thursday 09.00 – 03.15
Friday & Saturday – 09.00 – 05.30
Sunday – 09.00 – 02.45
- 5.10 A copy of the current licence is attached at Appendix 3.
- 5.11 The location of the premises can be seen on the location map provided which is attached at Appendix 4.

6. Options available at meeting

- 6.1 The interim steps available to the Licensing Sub Committee having considered all the relevant information are as follows:
- To modify the conditions of the premises licence
 - To exclude the sale of alcohol by retail from the scope of the licence
 - To remove the designated premises supervisor from the licence
 - To suspend the licence
- 6.2 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new



conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

7. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of expedited review applications, we do not foresee any issues in respect of sustainability of proposals.</p>
Legal and Governance:	<p>Members of the Licensing Sub Committee when making their decision on interim steps 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.</p> <p>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 decide on the application having had an opportunity to consider all relevant facts.</p>
Risk:	<p>The Police have put in this expedited review. The meeting and information connected with it shall be in the public domain subject to the requirements of the following –</p> <p>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.</p>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The operators of this premises are responsible for complying with all relevant legislation.</p>



Health and Wellbeing:	The benefits of premises being able to conduct 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

8. Appendices

- Appendix 1 – Summary Review application
- Appendix 2 – Certificate
- Appendix 3 – Premises Licence
- Appendix 4 – Location Plan

9. 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

