

Report to Licensing Sub Committee 3

6th September 2023

Subject:	Application made under Section 53A of the Licensing Act 2003 for Review of Premises Licence in regards MJ's Bar & Venue, located at 38 Bridge Street, Wednesbury, WS10 0AQ
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Balbir Dhugga (Licensing Officer) licensing_team@sandwell.gov.uk

Recommendations

- 1 Sandwell MBC Licensing Sub Committee are asked to consider an application to review the Premises Licence submitted by West Midlands Police, Section 53A of the Licensing Act 2003. In respect of premises known as MJ's Bar & Venue, 38 Bridge Street, Wednesbury, WS10 0AQ.
2. Take into account any actions taken by Licensing Sub Committee so far, in regards to the interim steps meeting on 16th August 2023.
3. Each application must be considered on its merits taking into account, the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The options that can be considered once evidence has been heard are detailed at section 6.


1 PURPOSE OF THE REPORT

- 1.1 To advise members that an expedited review is required following an application made under section 53A of the Licensing Act 2003 to review a Premises Licence in respect of premises known as MJ's Bar & Venue, located at 38 Bridge Street, Wednesbury, WS10 0AQ.



- 1.2 The Licensing Sub Committee is required to consider this application and take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives.

2 How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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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 An application for summary review has been 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 & Venue, 38 Bridge Street, Wednesbury, WS10 0AQ. A copy is attached at Appendix 1.



- 4.2 A certificate has been provided by a senior police officer of West Midlands Police that in their opinion the premises are associated with both serious crime and serious disorder. The certificate is provided to ensure the licensing objectives are promoted expeditiously. A copy is attached at appendix 2.
- 4.3 The summary review application and certificate were served by email to the premises licence holder on 15th August 2023. A hardcopy was also hand delivered and posted through the letterbox at the premises on 16th August 2023.
- 4.4 In an email dated the 30th August 2023, West Midlands Police have stated the only course of action they suggest in regards the outcome of the review is the revocation of the licence. West Midlands Police have also requested that the interim step of suspension of the licence which was imposed on the 16th August 2023 is also maintained by the Licensing Sub Committee. A copy of the email is attached at appendix 6.

INTERIM STEPS MEETING

- 4.5 On 16th August 2023, the Licensing Sub Committee considered whether interim steps were necessary in light of the application for summary review.
- 4.6 In order to promote the Licensing Objectives, specifically the prevention of crime and disorder, it was agreed by the premises licence holder and the Police that the appropriate interim step to take pursuant to the review was to suspend the premises licence for MJ's Bar & Venue, 38 Bridge Street, Wednesbury, WS10 0AQ pending inquiries, leading to a full review.
- 4.7 The Licensing Sub Committee suspended the premises licence with immediate effect under Section 53B (3) (d) of the Licensing Act until the full review has been determined. The premises licence holder and his counsel were also informed of the suspension by email on 16th August 2023. A copy of the decision letter is attached at Appendix 5.
- 4.8 The representation period for the review commenced 17th August 2023.



BACKGROUND

- 4.9 The licence in respect of MJ's Bar & Venue was granted on 12 February 2019.
- 4.10 The Premises licence holder is MJ's Bar & Venue Limited who have held the licence since 12 February 2019.
- 4.11 The current Designated Premises Supervisor is Mr Michael Straker. Mr Straker was specified as DPS on 28th February 2019.
- 4.12 The hours permitted for Licensable Activities (as stated in 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
- 4.13 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
- 4.14 A copy of the current licence is attached at Appendix 3.
- 4.15 The location of the premises can be seen on the location map, which is attached at Appendix 4.

5. Consultation (customers and other stakeholders)



- 5.1 The Licensing Team displayed a public notice on 16th August 2023 at or near the premises outlining the application and inviting comments/representations to be sent to the Licensing Authority, detailing a closing date for these to be received, which was 30th August 2023. Details of the application were also published on the Council's website on 16th August 2023 and displayed in the Reception area at Sandwell Council House in Oldbury on 16th August 2023.
- 5.2 No additional representations have been received from any of the responsible authorities or from other persons.

6 ALTERNATIVE OPTIONS

The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

- 6.1 To modify the conditions of the licence.
- 6.2 To exclude a licensable activity from the scope of the licence.
- 6.3 To remove the designated premises supervisor.
- 6.4 To suspend the licence for a period not exceeding three months.
- 6.5 To revoke the licence.
- 6.6 Additional conditions or restrictions to licensable activities and/or times should only be imposed if considered appropriate for the promotion of the licensing objectives. If other law already places certain statutory responsibilities on a premise, it would not be appropriate to impose similar duties.
- 6.7 Conditions may be altered or omitted, or any new condition added.
- 6.8 In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 16th August 2023.
- 6.9 Members of the Sub Committee should be advised that the applicant, or any other person who made relevant representations/comments in relation to the application, may appeal against the decision made to the



Magistrates' Court within 21 days of the date on which they were notified.

7. Implications

<p>Resources:</p>	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of premises licence applications, we do not foresee any issues in respect of sustainability of proposals.</p>
<p>Legal and Governance:</p>	<p>Members of the Licensing Sub Committee when making their decision on the application 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. The applicant and those who have made relevant representations have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court, so the Committee are asked to give reasons for their decision wherever possible.</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 determine the application having had an opportunity to consider all relevant facts.</p>
<p>Risk:</p>	<p>The Police have made a representation as in connection with the Expedited Review Application under the Prevention of Crime and Disorder. The Hearing 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:	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The operators of this premises are responsible for complying with all relevant legislation.
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
- Appendix 5 – Decision Letter following interim steps meeting
- Appendix 6 – West Midlands Police representation

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

