

Report to Licensing Sub Committee 2

18 March 2024

Subject:	Review of Premises Licence in respect of Fox and Goose, 161 Greet's Green Road, Greet's Green, West Bromwich B70 9EW.
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Dubb (Licensing Officer) licensing_team@sandwell.gov.uk

1 Recommendation


- 1.1 To consider the application to review the Premises Licence submitted by West Midlands Police under Section 53A of the Licensing Act 2003, in respect of premises known as Fox and Goose, 161 Greet's Green Road, Greet's Green, West Bromwich B70 9EW.

2 Reasons for Recommendations

- 2.1 An expedited review was required following an application made under section 53A of the Licensing Act 2003 to review a Premises Licence in respect of premises known Fox and Goose located at 161 Greet's Green Road, Greet's Green, West Bromwich B70 9EW. The Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 27 February 2024.
- 2.2 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.
- 2.3 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.



3 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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4 Context and Key Issues

4.1 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

5. CURRENT POSITION

5.1 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 copy is attached at Appendix 1.

5.2 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.



5.3 The summary review application and certificate were served by email to the premises licence holder on 26 February 2024.

6. INTERIM STEPS MEETING

6.1 On 27 February 2024, the Licensing Sub Committee considered whether interim steps were necessary in light of the application for summary review.

6.2 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 was in attendance, also informed of the suspension by email on 27 February 2024. A copy of the decision letter is attached at Appendix 5.

6.3 The representation period for the review commenced 28 February 2024.

7. BACKGROUND

7.1 The licence was granted on 13 September 2005.

7.2 Mrs Tina Bali became the Premises Licence Holder on 7 December 2017.

7.3 The current Designated Premises Supervisor is Mr Gurdeep Bali. Mr Bali was specified as DPS on 16 June 2023.

7.4 The hours permitted for Licensable Activities are:

Recorded music – including Karaoke
Monday to Wednesday 1100 - 2300
Thursday 1100 – midnight
Friday and Saturday 1100 – 0200
Sunday 1200 – 2230

Sale by retail of alcohol for consumption on the premises
Sale by retail of alcohol for consumption off the premises
Monday to Wednesday 1100 - 2330
Thursday 1100 – 0030
Friday and Saturday 1100 – 0230



Sunday 1200 – 2300

Late night refreshment

Monday to Wednesday 1100 - 2300

Thursday to Saturday 1100 - midnight

Sunday 1200 – 2230

On the following days/dates these hours are extended by on hour at the end of licensed hours:

Friday, Saturday and Sunday immediately preceding May Bank Holiday.
May Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday.

Spring/Whitsun Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding August Bank Holiday.

August Bank Holiday Monday.

Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday.

Easter Bank Holiday Monday .

Christmas Eve.

Boxing Day

7.5 The opening hours of the premises are

Monday to Wednesday 1100 - 2330

Thursday 1100 – 0030

Friday and Saturday 1100 – 0230

Sunday 1200 – 2300

On the following days/dates these hours are extended by on hour at the end of licensed hours:

Friday, Saturday and Sunday immediately preceding May Bank Holiday.
May Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding Spring/Whitsun Bank Holiday.

Spring/Whitsun Bank Holiday Monday.

Friday, Saturday and Sunday immediately preceding August Bank Holiday.

August Bank Holiday Monday.

Thursday, Friday, Saturday, Sunday preceding Easter Monday Bank Holiday.

Easter Bank Holiday Monday .



Christmas Eve.
Boxing Day

- 7.6 A copy of the current licence is attached at Appendix 3.
- 7.7 The location of the premises is attached at Appendix 4.

8. **Consultation (customers and other stakeholders)**

- 8.1 The Licensing Team displayed a public notice on 28 February 2024 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 12 March 2024. Details of the application were also published on the Council's website on 28 February 2024 and displayed in the Reception area at Sandwell Council House in Oldbury on 28 February 2024.
- 8.2 No additional representations have been received from any of the responsible authorities or from other persons.

9 **ALTERNATIVE OPTIONS**

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

- 9.1 To modify the conditions of the licence.
- 9.2 To exclude a licensable activity from the scope of the licence.
- 9.3 To remove the designated premises supervisor.
- 9.4 To suspend the licence for a period not exceeding three months.
- 9.5 To revoke the licence.
- 9.6 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.
- 9.7 Conditions may be altered or omitted, or any new condition added.



- 9.8 In addition the Sub Committee will need to decide what action, if any, should be taken regarding the interim steps imposed on the 27 February 2024.
- 9.9 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.

9. Implications

Resources:	<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>
Legal and Governance:	<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>
Risk:	<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</p>



	<p>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:	<p>The benefits of premises being able to conduct licensable activities are subject to the promotion of the Licensing Objectives outlined in the report.</p>
Social Value:	<p>The benefits of premises being able to conduct licensable activities are subject to the promotion of the Licensing Objectives outlined in the report</p>
Climate Change:	<p>The benefits of premises being able to conduct licensable activities are subject to the promotion of the Licensing Objectives outlined in the report</p>
Corporate Parenting:	<p>The benefits of premises being able to conduct licensable activities are subject to the promotion of the Licensing Objectives outlined in the report</p>

10 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

10 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

