

Report to Licensing Sub Committee 1

19 March 2024

Subject:	Application to review a premises licence known as The Manchester Stores (also known as M S Bar and Grill), Park Street, Oldbury, B69 2AS
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Kiran Dhesi/Geeta Bangerh (Licensing Officer) licensing_team@sandwell.gov.uk

1 Recommendations


To consider the application for a review of the premises licence relating to The Manchester Stores (also known as M S Bar and Grill), Park Street, Oldbury, B69 2AS.

2 **Reasons for Recommendation**

- 2.1 To advise members of an application made under section 51 of the Licensing Act 2003 to review a Premises Licence in respect of premises known as The Manchester Stores (also known as M S Bar and Grill), situated at Park Street, Oldbury, B69 2AS.
- 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. The options that can be considered once evidence has been heard are detailed at section 7.



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 was made by West Midlands Police at Sandwell Metropolitan Borough Council on 5 February 2024 for a review of the premises licence.
- 5.2 The application for review is being made by West Midlands Police, the police have serious concerns the Premises is failing to promote the licensing objectives. On Sunday 28 January 2024, a high-risk football match took place, The venue allowed uncontrolled consumption of alcohol, there is also a concern regarding the age of some people at the premises and on 9 December 2023 there was a section 18 wounding. The venue failed to call police and ambulance.



- 5.3 A copy of the review application is attached at Appendix 1.
- 5.4 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 3.
- 5.5 One representation has been received from the Licensing Enforcement department at Sandwell Metropolitan Borough Council and Home Office Immigration Enforcement in support of the review application made by Police. This is attached at Appendix 4.

Background on current licence

- 5.6 The licence was granted 8 September 2005.
- 5.7 Mrs Mandeep Kaur Sanghera is the current premises licence holder and Designated Premises Supervisor and has held the licence since 16th May 2019.
- 5.8 The hours permitted for licensable activities are 11:00 – 00:00 Monday to Saturday and on Sundays 12:00 to 22:30.
- 5.9 The hours the premises are open to the public 11:00 – 00:30 Monday to Saturday and on Sundays 12:00 to 23:00. Licensable activities and opening hours are extended by 1 hour on Bank holidays, New Year's Eve, Christmas Eve, Christmas Day and New Year's Eve. In addition, where British Summer Time begins the licensed hours are extended at the end of licensed hours by one hour on that day.
- 5.10 A copy of the premises licence is attached at Appendix 2.
- 5.11 A location map of the premises is attached at Appendix 3.

6 Consultation (customers and other stakeholders)

- 6.1 The Licensing Team have displayed a public notice on 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. Details of the application were also published on the Council's website.



7 ALTERNATIVE OPTIONS

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

- 7.1 To modify the conditions of the licence.
- 7.2 To exclude a licensable activity from the scope of the licence.
- 7.3 To remove the designated premises supervisor.
- 7.4 To suspend the licence for a period not exceeding three months.
- 7.7 To revoke the licence.
- 7.8 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.
- 7.9 Conditions may be altered or omitted, or any new condition added.
- 7.10 Members of the Sub Committee should be advised that the applicant, or any other person who made relevant representations 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.

8 Implications

Resources:	<p>There are no direct strategic resource implications associated with this review a premises licence application.</p> <p>In respect of a review of a premises licence, we do not foresee any issues in respect of sustainability of proposals.</p>
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Legal and Governance:	<p>Members of the Licensing Sub Committee when making their decision on the review 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 review 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>Whilst full details of the review application and any representations have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public online, in line with data protection protocols.</p>
Equality:	<p>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.</p>
Health and Wellbeing:	<p>This is not applicable to review applications for premises licences submitted under the Licensing Act 2003.</p>
Social Value:	<p>This is not applicable to review applications for premises licences submitted under the Licensing Act 2003.</p>
Climate Change:	<p>This is not applicable to review applications for premises licences submitted under the Licensing Act 2003.</p>
Corporate Parenting:	<p>This is not applicable to review applications for premises licences submitted under the Licensing Act 2003.</p>



8 Appendices

- Appendix 1 – Review Application
- Appendix 2 – Premises Licence
- Appendix 3 – Location Plan
- Appendix 4 – 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

