

Meeting date: 3 November 2022

Report to: Licensing Act Panel

Report title: Review of the premises licence granted in respect of the Toby Jug, Chester Road, Kingshurst, B36 0JU following a summary review application submitted by West Midlands Police.

Report from: Director for Economy & Infrastructure

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Wards affected:

- All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege
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Public/private report: Public

Exempt by virtue of paragraph: N/A

1. Executive Summary

- 1.1 To consider a review of the premises licence granted in respect of the Toby Jug, Chester Road, Kingshurst.
- 1.2 The review is required following an application for a Summary Review submitted by West Midlands Police on 10 October 2022. A meeting to consider interim steps was held on 12 October and steps were imposed, the panel is now asked to consider whether these steps should continue and/or whether any further sanctions are required.

2. Decision(s) Recommended

- 2.1 That the panel consider the application and all representations and make an appropriate and proportionate decision in line with legislation and guidance.

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1. Matters for Consideration

- 1.1 The Toby Jug is a large public house set just off the Chester Road in Kingshurst. It has a beer garden and patio to the rear and a large car park to the front and side. The premises licence, number SOL/PR/005360 was originally granted by way of conversion from the Licensing Act 1964 and came in to force on 24 November 2005.
- 1.2 Since this date there has been a number of variations to the designated premises supervisor (DPS) and transfers of licence holder. The current premises licence holder is The Toby Jug Public House Limited, and the current DPS is Liam Peter O'Connor and this has been the case since 22 July 2021.
- 1.3 On 12 August 2021 the premises licence was reviewed following a summary review application made by West Midlands Police on 16 July 2021. Licensable activity times were reduced, and a number of conditions added. Details of this meeting can be found here: [Agenda for Licensing Act Panel on Thursday 12th August 2021, 10.00 am | Solihull City and District Council](#) The Licence was updated and is attached at **Appendix A.**
- 1.4 On 10 October 2022 West Midlands Police submitted an application for a Summary Review of the premises licence. The certificate under section 53A of the Licensing Act 2003 was also submitted and all documents are attached at **Appendix B.**
- 1.5 The Licensing Act 2003 Section 53A(2) dictates that once a summary review application has been received, the Local Authority has 48 working hours in which to determine if any interim measures are necessary. A meeting of the Licensing Act Panel was held on 12 October and members resolved to implement interim steps pending the full licence review hearing:
- (a) Removal of the current DPS
 - (b) A reduction on the hours of licensable activities to 8pm and for the premises to close by 9pm.
- Mr O'Connor was informed of this decision shortly after the meeting on 12 October – see **Appendix C.**
- 1.6 Following consultation, representations were received from:
- (a) West Midlands Police
 - (b) Local Safeguarding Children's Partnership
 - (c) Two members of the public, Angel Jane and Rioen Shorthouse
- 1.7 These representations are attached at **Appendix D.**
- 1.8 Members should also be aware that there is a 'shadow licence' in place for the

premises, held by EI Group Limited, which was granted on 17 August 2022. The term shadow licence has no legal definition, but it is simply another licence granted on exactly the same terms as the original licence, normally granted to the landlord (which is the case here) and has the sole purpose of providing the landlord the comfort and protection of a licence in their own name. This 'shadow licence' also has an additional condition as follows: **"This shadow licence will only be used in the event that the existing licence lapses, is surrendered or revoked."**

2. What options have been considered and what is the evidence telling us about them?

2.1 The steps the Licensing Act Panel may take (if any) are as follows:

- (a) Modify the conditions of the premises licence (including the adding, altering or omitting of any condition);
- (b) Exclude a licensable activity from the scope of the licence;
- (c) Remove the Designated Premises Supervisor;
- (d) Suspend the licence for a period not exceeding three months;
- (e) Revoke the licence.

2.2 The Panel will also need to consider the interim steps imposed and whether or not to remove or continue with them.

2.3 The decision of the Panel must be proportionate and appropriate for the promotion of the four licensing objectives, which are:

- (a) The prevention of crime and disorder
- (b) Public safety
- (c) The prevention of public nuisance
- (d) The Protection of children from harm

3. Reasons for recommending preferred option

3.1 The preferred option must be in line with the appropriate legislation and guidance and full reasons must be given for the decision.

3.2 Officers do not have the delegated authority to make decisions on this matter,

4. Implications and Considerations

4.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>People and Communities:</p> <ol style="list-style-type: none"> 1. Improving outcomes for children and young people in Solihull. 2. Good quality, responsive, and dignified care and support for Adults in Solihull when they need it. 3. Take action to improve life chances and health outcomes in our most disadvantaged communities. 4. Enable communities to thrive. 	To support residents and businesses to work together, ensuring the needs of both are effectively balanced.
<p>Economy:</p> <ol style="list-style-type: none"> 5. Develop and promote the borough's economy, with a focus on revitalising our town and local centres. 6. Maximising the opportunities of UK Central and HS2. 7. Increase the supply of affordable and social housing that is environmentally sustainable. 	To promote and support responsible businesses operating within the hospitality sector.
<p>Environment:</p> <ol style="list-style-type: none"> 8. Enhance our natural environment, improve air quality and reduce net carbon emissions. 	N/A
<ol style="list-style-type: none"> 9. Promote employee wellbeing 	N/A

4.2 Consultation and Scrutiny:

4.2.1 All Responsible Authorities were consulted as follows:

Solihull MBC – Solihull Local Children's Partnership

Solihull MBC - Environmental Health

Solihull MBC – Licensing Authority

Solihull MBC – Planning

Solihull MBC – Public Health

Solihull MBC – Trading Standards

Home Office (Immigration)

West Midlands Fire Service

4.2.2 The review application was advertised by way of statutory notices posted around the premises, at the licensing office and on the licensing register on the Council website. The consultation period ran from 11-25 October 2022.

4.3 Financial implications:

4.3.1 None

4.4 Legal implications:

4.4.1 Members are reminded of the need to have regard to the relevant provisions of the European Convention on Human Rights, the Human Rights Act 1998 and the Crime and Disorder Act 1998.

4.4.2 Members should also have regard to statutory guidance issued by the Home Office under s182 of the Licensing Act (last revised April 2018), as well as the Council's own Statement of Licensing Policy (published January 2021).

4.5 Risk implications, including Risk Appetite:

4.5.1 If the applicant (West Midlands Police), the premises licence holder or any other person is aggrieved by the decision of the panel, they may appeal to Birmingham Magistrates Court within 21 days of receiving notification of the decision.

4.6 Equality implications:

4.6.1 None identified

4.7 Linkages to our work with the West Midlands Combined Authority (WMCA), Local Enterprise Partnership or the Birmingham & Solihull Integrated Care System (ICS):

4.7.1 No specific linkages – this is a statutory process.

5. List of appendices referred to

5.1 Appendix A – Current Premises Licence

Appendix B – Summary Review application

Appendix C – Interim steps decision

Appendix D – Representations

6. Background papers used to compile this report

6.1 None

7. List of Other Relevant Documents

7.1 None