



Licensing Sub-Committee

22 April 2015

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Committee Room 1 - Civic Centre, St Peter's Square, Wolverhampton WV1 1SH

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour	Conservative
Cllr Rita Potter	Cllr Patricia Patten

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the democratic support team:

Contact Linda Banbury, Democratic Support Officer
Tel/Email Tel: 01902 555040 Email: 01902 555040
Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

Website www.wolverhampton.moderngov.co.uk1
Email democratic.support@wolverhampton.gov.uk
Tel 01902 555043

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i> |
|-----------------|--|
| 1 | Apologies for absence |
| 2 | Declarations of interest |
| 3 | Licensing Act 2003 - Application for variation to a Premises Licence in respect of The Malt Shovel, 131 Willenhall Road (Pages 3 - 52)
[To consider the application.] |
| 4 | Exclusion of press and public
To pass the following resolution:
That in accordance with section 100A (4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business as it involves the likely disclosure of exempt information falling within paragraph 3 of schedule 12A to the act relating to the business affairs of particular persons. |

PART II - PRESS AND PUBLIC EXCLUDED

- | | |
|---|---|
| 5 | Deliberations and decision |
| 6 | Re-admission of press and public |

PART I - ITEMS OPEN TO THE PRESS AND PUBLIC

- | | |
|---|---------------------------------|
| 7 | Announcement of decision |
|---|---------------------------------|



Licensing Sub-Committee

22 April 2015

Report Title

Licensing Act 2003 – Application for a variation of a Premises Licence in respect of The Malt Shovel, 131 Willenhall Road, Wolverhampton WV1 2HR.

Classification	Public
Wards Affected	East Park
Accountable Strategic Director	Tim Johnson, Place
Originating service	Licensing Services
Accountable officer(s)	Rob Edge Tel 01902 55(0106) Email rob.edge@wolverhampton.gov.uk

Recommendation for action or decision:

The Licensing Sub-Committee is requested to consider this application for a Variation of a premises licence.

1.0 Purpose of Report

1.1 To submit for consideration by the Sub-Committee an application for a variation of a premises licence.

2.0 Background

2.1 An application has been received from the agent of the holder of the premises licence, TLTC Ltd on behalf of Eucal Shippey and Lorraine Heath in respect of The Malt Shovel, 131 Willenhall Road. Wolverhampton. WV1 2HR. A copy of the application is attached at Appendix 1.

2.2 It is the understanding of the licensing authority, that the application to vary this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with. The premises are located in the East Park ward and a location plan is attached at Appendix 2

2.3 The current application was received on 3 March 2015 and is to add hours to the licensable activities.

2.5 A copy of the current licence is attached at Appendix 3.

2.6 The following responsible authorities have been consulted on this application:

- Licensing Authority
- Environmental Health
- West Midlands Police
- West Midlands Fire Service
- Planning
- Social Services
- Trading Standards
- Local Health Board

2.7 Relevant representations have been received from

- Licensing Authority
- Member of Parliament
- Ward Councillors
- West Midlands Fire Service
- Environmental Health
- Other Persons

Copies of the representations can be found at Appendices 5 - 9

2.8 The applicant, and all of those who have made representations, has been invited to attend the hearing.

3.0 **Legal Implications**

3.1 Section 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the licensing objectives namely:

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

3.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the licensing objectives when determining a premises licence variation application.

3.3 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council's Licensing Policy Statement. [KR/30032015/F]

4.0 **Human Rights and Equalities Implications**

4.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.

4.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

5.0 **Financial Implications**

5.1 Councillors agreed fees and charges for this function on 26 February 2014; the fees are based on a cost recovery basis. The fee for this application is £190.00, and is non-refundable. [TK/13022014/Q]

6.0 **Environmental Implications**

6.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises.

This page is intentionally left blank

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Eucali Shippey & Lorraine Heath

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

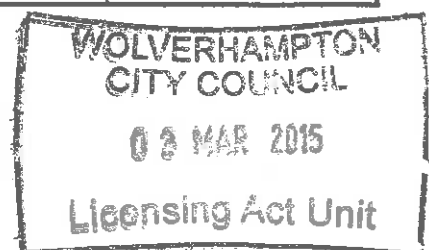
Premises licence number	14/03371/PRE
-------------------------	--------------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Malt Shovel 131 Willenhall Road Wolverhampton West Midlands			
Post town	Wolverhampton	Postcode	WV1 2HR
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£7,300	<i>checked DC</i>	

Part 2 – Applicant details

Daytime contact telephone number	07774735634		
E-mail address (optional)			
Current postal address if different from premises address	5 Wetherby Close Bromford Birmingham		
Post town	Birmingham	Postcode	B36 8QA



Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? **Yes** **No**

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see guidance note 1) **Yes** **No**

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The proposed variation is to extend the hours of certain licensable activities every Friday and Saturday of the year from the current hours to 0200 hours.

The licensable activities to be considered for extending are recorded music, sale of alcohol, facilities for dancing and activities like music or dance.

All other licensable activities to remain the same

All Bank holiday timings and seasonal variations to remain the same

All of the present conditions on the premises licence to remain the same

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? **X Yes**

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation is to extend the hours of certain licensable activities every Friday and Saturday of the year from the current hours by a period of 30 minutes. 02.00

The licensable activities to be considered for extending are recorded music, sale of alcohol, facilities for dancing, and activities like music or dance.

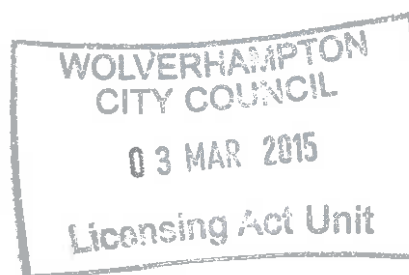
All other licensable activities and times to remain the same.

All Bank holiday timings and seasonal variations to remain the same.

All of the present conditions on the premises licence would remain the same.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A



Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F) X
- g) performances of dance (if ticking yes, fill in box G) x
- h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) x

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p>Please give further details here (please read guidance note 3) To include pay for view sporting events.</p> <p>State any seasonal variations for the exhibition of films (please read guidance note 4)</p> <p>Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) To include dart or pool exhibitions
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> Live music will be in the form of an occasional singer or karaoke type competitions.					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300		
Fri	1000	0200			
Sat	1000	0200			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300		
Thur					
Fri	1000	0200	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300		
Sat	1000	0200			
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	1000	0200	Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300		
Sat	1000	0200	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun			Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300		

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	x
Day	Start	Finish		Off the premises	
Mon				Both	
Tue					
Wed					
Thur					
Fri	1000	0200			
Sat	1000	0200			
Sun					
			<p><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300</p>		

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300
Day	Start	Finish	
Mon			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) Seasonal Variations & Bank Holidays timings to remain the same, that is Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve, and Boxing Day 1000-0300
Tue			
Wed			
Thur			
Fri	1000	0230	
Sat	1000	0230	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking. **NONE**

lease tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

Nothing beyond existing Fire & Health and Safety Regulations, and as outlined hereafter to promote the four licensing objectives.

b) The prevention of crime and disorder

CCTV cameras are used within the premises. Recordings will be retained for 31 days, stored in accordance with the requirements of the Data Protection Act and the information commissioners. CCTV recordings will be produced to Police or authorised Responsible Authorities on demand. A staff training package will be in place for any member of staff who is not a Personal Licence holder. Records of such training or re-training will be kept and produced on demand to Police or authorised responsible authorities. Refusal books will be kept and used at the premises, and again produced to the Police or Responsible Authorities on demand. Door supervisors that are used will be registered with the SIA in accordance with current legislation.

c) Public safety

The premises have marked fire exit doors to the front and side of the premises. Fire Fighting and First aid equipment is in place at the premises. Fire exits are identified by signage and a fire evacuation policy is in place. Health & Safety laws will be fully complied with.

d) The prevention of public nuisance

Public nuisance through noise has been minimised in line with current license conditions. All efforts will be made to ensure that persons do not loiter outside the premises.

e) The protection of children from harm

A challenge 25 policy is in place. Proof of ID will be by Passport, Driving licence or pass approved card with signage to support such challenge, along with signage outlining the proxy sale offence. As previously stated refusals books will be kept and used and produced to Police or authorised Responsible Authorities on demand. Signage will be used throughout the premises outlining Challenge 25, The PASS proof of ID and PROXY sales.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature		(Michael Pearce FBII.tp)
Date	Monday 2 nd March 2015	
Capacity	Authorised Agent to the Applicants	

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

Michael Pearce FBII.tp. CHE in Licensing Law (Warwick)
Michael Pearce TLTC Limited
West Midlands House
Gipsy lane
Willenhall
West Midlands

Post town	Willenhall	Post code	WV13 2HA
Telephone number (if any)	07815 746123 (24 Hours)		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) michaelpearcetltd@live.co.uk			

This page is intentionally left blank

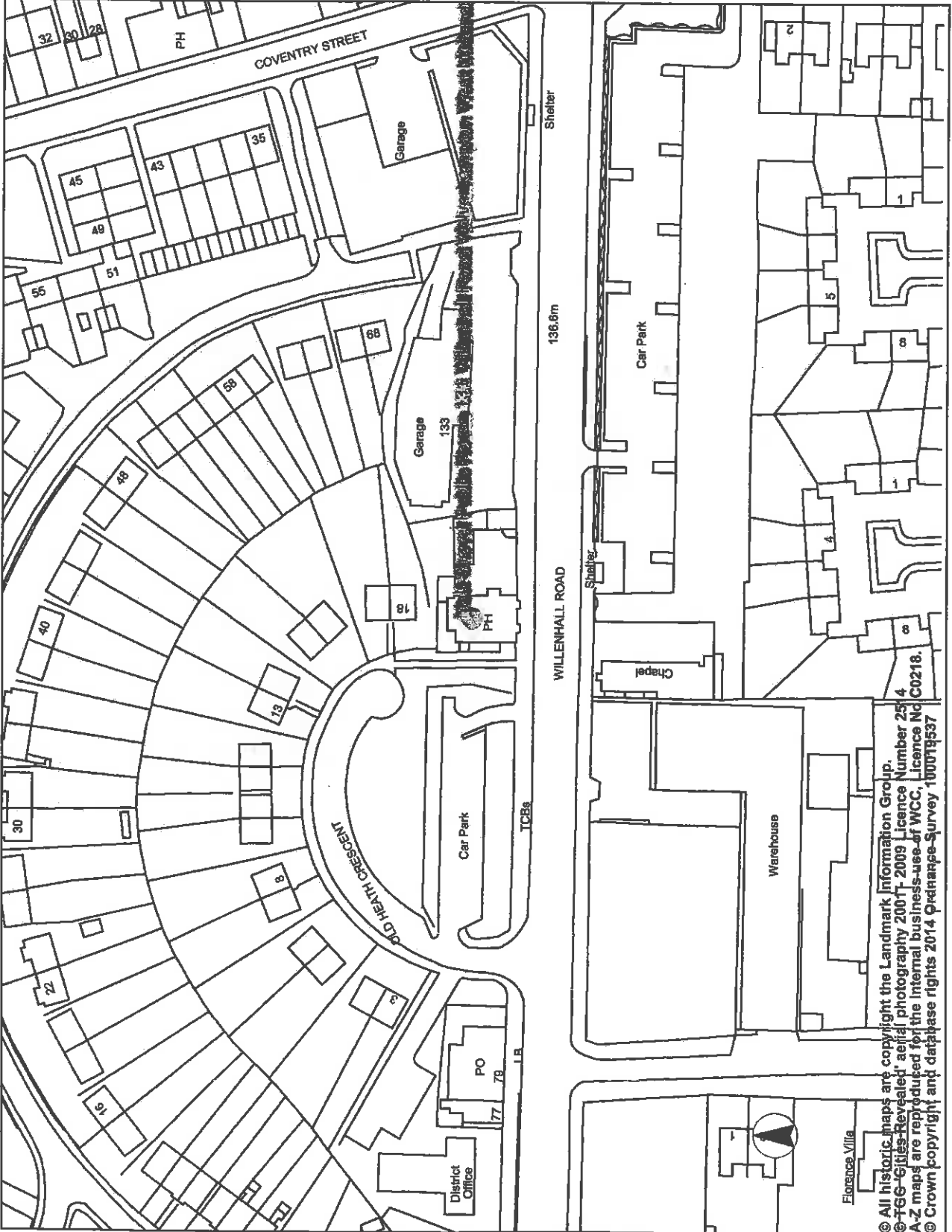


The Malt Shovel
131 Willenhall Road

Wolverhampton City Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced
25.3.2015
Scale 1:1,250

IMAGINE - Powered by



© All historic maps are copyright the Landmark Information Group.
© FGG - Gtills-Revealed aerial photography 2007-2009 Licence Number 254
A-Z maps are reproduced for the internal business-use of WCC. Licence No C0218.
© Crown copyright and database rights 2014 Ordnance Survey 100019537

This page is intentionally left blank

Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: The Malt Shovel

Address of Premises: 131 Willenhall Road
WOLVERHAMPTON
WV1 2HR

Premises Licence Number: WN/14/03371/PRE

Date of Last Update: 8th December 2014

1. Opening hours of the premises

Normal Hours

Seasonal Variations:

Non Standard Hours:

2. Licensable Activities authorised by the licence and the times the licence authorises the carrying out of these activities:

Sale/Supply of Alcohol off the premises

Period	Times
Friday and Saturday	10:00 - 01:30
Sunday to Thursday	10:00 - 00:30
Non Standard Timing	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day 1000 to 0300 Hours

Alcohol On

Period	Times
Friday and Saturday	10:00 - 01:30
Sunday to Thursday	10:00 - 00:30
Non Standard Timing	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day 1000 to 0300 Hours

Films

Period	Times
Friday and Saturday	10:00 - 01:00
Saturday to Thursday	10:00 - 00:00
Non Standard Timing	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day 1000 to 0300 Hours

Indoor Sporting Events

Period	Times
Friday and Saturday	10:00 - 01:00
Sunday to Thursday	10:00 - 00:00
Non Standard Timing	Friday, Saturday, Sunday and Monday on Bank Holiday weekends, Christmas Eve and Boxing Day 1000 to 0300 Hours

Live Music**Period**

Friday and Saturday
Sunday to Thursday
Non Standard Timing

Times

10:00 - 01:00
10:00 - 00:00
None

Late Night Refreshment**Period**

Friday and Saturday
Sunday to Thursday
Non Standard Timing

Times

23:00 - 02:00
23:00 - 01:00
Friday, Saturday, Sunday and Monday on Bank
Holiday weekends, Christmas Eve and Boxing
Day 1000 to 0300 Hours

Recorded Music**Period**

Friday and Saturday
Sunday to Thursday
Non Standard Timing

Times

10:00 - 01:00
10:00 - 00:00
Friday, Saturday, Sunday and Monday on Bank
Holiday weekends, Christmas Eve and Boxing
Day 1000 to 0300 Hours

Similar to music and/or dance**Period**

Friday and Saturday
Sunday to Thursday
Non Standard Timing

Times

10:00 - 01:00
10:00 - 00:00
Friday, Saturday, Sunday and Monday on Bank
Holiday weekends, Christmas Eve and Boxing
Day 1000 to 0300 Hours

3. Name of the Designated Premises Supervisor if the sale of alcohol is involved

Mr Eucal Shippey as of 1st September 2013

Issued by – Wolverhampton City Council

4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003.

Provision only as prohibited or restricted under the Licensing Act 2003

5. Name, (registered) address of the holder of the premises licence

Ms Lorraine Heath
5 Wetherby Close
Birmingham
B36 8QA

Mr Eucal Shippey
5 Wetherby Close
Birmingham
West Midlands
B36 8QA

N. P. Edwards

**Assistant Director - Regeneration
On behalf of Wolverhampton City Council**

Mandatory Licensing Conditions (Licensing Act 2003)

Mandatory conditions as required by the Act will apply to the licence.

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

Conditions consistent with the Operating Schedule

General Licensing Objectives:

The types of regulated entertainments proposed re-instate and then enhance the normal pub entertainments that were previously unregulated, with the benefit to enhance the local facilities for social entertainment and reduce the focus on alcohol;
No new steps have been identified by my risk assessment in relation to the four licensing objectives, except as below.

Prevention of Crime & Disorder:

Providing a 60 minute extension to opening hours after the end of the sale of alcohol will promote this objective as the last drink will be consumed less quickly, with access to the pubs toilet facilities;
Application made to the local pub watch scheme.

Public Safety:

My risk assessment identifies no other risk or crowding
During times of regulated entertainment the maximum occupancy for the premises will be 60 persons.

Prevention of Public Nuisance:

All windows and doors will be kept closed during times of regulated entertainment.

Protection of Children from harm:

The restrictions set out in the Licensing Act 2003 will apply;
No unusual risks of harm to children have been identified.

Plans

As submitted with application dated 08.12.2014 and retained by Wolverhampton City Council.

Conditions attached after a hearing by the licensing authority:

Plans

Plans submitted at the time of the application

This page is intentionally left blank



Please Ask For
Direct Line
Facsimile
E-mail
Minicom

Elaine Moreton
(01902) 555033

Nick Alderman
Service Director
City Environment

Civic Centre St Peter's Square
Wolverhampton WV1 1DA
Main Switchboard (01902) 556556
Website www.wolverhampton.gov.uk

Mr R Edge
Licensing Service
Wolverhampton City Council
St Peter's Square
Wolverhampton
WV1 1DA

Your Ref. PRE42
My Ref.

31 March 2015

Dear Mr Edge

Application to vary a Premises Licence under Licensing Act 2003
The Malt Shovel, 131 Willenhall Road WV1 2HR

I write on behalf of the Licensing Authority as responsible authority to make formal representations to the above variation application. Representations are made in support of the Prevention of Public Nuisance licensing objective.

The applicants Eucall Shippey and Lorraine Heath the premises licence holders have indicated that the application to vary has been made to extend the hours of licensable activities for recorded music, sale of alcohol, facilities for dancing and activities like music and dance by 30 minutes on a Friday and Saturday nights. However there are irregularities within the variation application as to the licensable activities and the hours applied for.

The Licensing Authority is also aware of numerous noise related complaints received by Environmental Health (Commercial) from residential properties within the vicinity of the premises. Environmental Health will be submitting their representations to the Licensing Services Committee at the hearing.

The Licensing Authority therefore requires clarification from the applicants how the variation for extended licensing activities will not undermine the licensing objection of the Prevention of Public Nuisance licensing objective.

The Licensing Authority would be willing to withdraw aspects or all of the above representations should any of the above issues be resolved in dialogue to the satisfaction of the Licensing Authority and/or any other responsible authority.

I shall be in attendance at the hearing should Councillors have any questions or require any further assistance.


E Moreton
Section Leader Licensing
On behalf of the Licensing Authority

cc. Copy to Applicant



This page is intentionally left blank

This page is intentionally left blank

Rt Hon Pat McFadden - Labour MP for Wolverhampton South East



HOUSE OF COMMONS

LONDON SW1A 0AA

Mr Rob Edge – Section Leader Licencing Services
 Wolverhampton City Council
 Civic Centre
 St Peter's Square
 Wolverhampton
 WV1 1DA



Our Ref: PAM/MCFA03004/03150150

24 March 2015

Dear Rob,

Re: Malt Shovel Public House, Willenhall Road, Wolverhampton

I am writing on behalf of a number of my constituents to object to the licencing application from the Malt Shovel Public House to extend its licencing hours to 2am at weekends.

As you are aware I have written to you previously about the noise nuisance from this venue. It has been quiet for the last few months due to the winter and the windows being closed and also the customers remaining inside a lot more of the time. But my constituents are worried with the warmer nights coming that the noise levels will increase. They are also concerned about the parking outside on the double yellows.

I would therefore be grateful if you could take this letter into consideration when reviewing this licence application.

Many thanks for your assistance with this matter.

Yours sincerely,

**Rt Hon Pat McFadden MP
 Wolverhampton South East**

Crescent House, Broad Street, Bilston, WV14 0BZ

Telephone: 020 7219 4036

Fax: 01902 402381

Email: patrick.mcfadden.mp@parliament.uk

This page is intentionally left blank

Rob Edge

From: Councillor Harman Banger <Harman.Banger@wolverhampton.gov.uk>
Sent: 25 March 2015 09:06
To: Rob Edge
Subject: RE: malt shovel ext app

Dear Rob Edge

I wish to make formal representations in relation to the Malt Shovel, for its variation of a premises licence, as I believe that the application in its current state undermines the licensing objective of public nuisance and due to insufficient evidence to support the application.

I wish to object to the application in support of the local residents that have raised concerns as their ward councillor and on behalf of Councillor Keith Inston.

Kind regards

Councillor Harman Banger

Sent from Outlook

This page is intentionally left blank

Rob Edge

From: Sarah Stiles
Sent: 25 March 2015 13:11
To: Licensing
Cc: Rob Edge; William Humphries
Subject: The Malt Shovel PRE42 NOT PROTECTIVELY MARKED

On behalf of Environmental Health Commercial, I would like to put in representations in relation to this application. Over the past 2 years Environmental Health have been in receipt of a number of complaints relating to noise nuisance, and the measures detailed in the application do not sufficiently address the licensing objective of the prevention of public nuisance.

I will be working with the applicant to discuss the application and its requirements further.

I trust this is of use.

Regards
Sarah

Sarah Stiles
Senior Environmental Health Officer
Environmental Health (Commercial)
Civic Centre
St Peter's Square
Wolverhampton
WV1 1DA
01902 554407
sarah.stiles@wolverhampton.gov.uk



This page is intentionally left blank

“Other Persons” Representations

From: Wilkes, Paul
Sent: 27 March 2015 12:33
To: 'linensing@wolverhampton.gov.uk'
Cc: 'pdw62@live.co.uk'
Subject: Malt Shovel

Paul Wilkes
5 Minton Close
Eastpark
Wolverhampton
WV1 2DE

I would like to object to the extended licence on a Friday & Saturday for the Malt Shovel public house

On the grounds of public nuisance regarding the loud music

We live the back of the park and ride and my granddaughters stay every weekend and keeps them awake

If you need any more information please contact me

Kind regards

Paul Wilkes

From: [REDACTED]
Sent: 27 March 2015 12:51
To: Licensing
Subject: Objection to Malt Shovel licence extension application

Hi,

I have sent this by letter but just in case any problems I'm now doing it by email, is it possible to let me know you have received it ?

Malt Shovel extension to licence objection

I write to you to put my objection to the Malt Shovel licence extension under the section of public nuisance.

For the past three or four years each summer I have had to endure on most Friday and Saturday nights loud music being played until the early hours, after 3am at times, this I feel is unacceptable given the current licensing hours of the pub.

They have constantly flouted the law by ignoring the terms of their current license.

I have rung the out of hour's service on numerous times over the past few years and if these calls were logged you will be able to see for yourself.

I have also phoned the police only to be told they couldn't do anything about the noise.

This problem is only a 'summer' problem as they don't go outside in the winter and therefore no music can be heard coming from the courtyard at the side of the pub.

To be able to hear such music means they must have the speakers in the courtyard (which they will deny) and I'm told they don't have a licence for this but they do it anyway. The windows being open is not a valid excuse as there are very few windows if any that open to any great extent.

They also appeared to be cooking food from the courtyard, again not sure if this is allowed. There is also the issue of the noise from the people outside the pub and also the noise when they leave the pub at all hours of the morning and also the noise of the numerous cars parked I would have thought illegally on the pavement by the pub and also the pavement across the road.

In an effort to get this stopped I have spoken to Sarah Stiles from the Environment department on numerous occasions, I have spoken to councillor Harman Banger and councillor Keith Inston who has actually witnessed the noise for himself on one occasion.

I have also spoken to Pat McFadden MP who is also a resident of East Park.

I have also attended the local PACT meetings where other residents voiced their concerns.

I dread to think what time the music and noise would go onto if the extension is granted.

The owners of the pub show absolutely no regard to their neighbours who are sick of this ongoing problem.

As with issues like this other neighbours maybe reluctant to get involved this I hope won't affect my objection to the extension and also my concerns about the present licence and how that is being managed and monitored

I am more than willing to speak to the licensing subcommittee when the application is heard,
Many thanks,

Mr. A. Edge
Section Leader
Licensing Services
Wolverhampton City Council

Mrs. B Allcock
3. Wedgewood Close
Wolverhampton
WV1 2.DA

Dear Sirs

I am a resident in Wedgewood Close and I am very concerned by the application by The Matt Shovel Public House for an extension of opening hours.

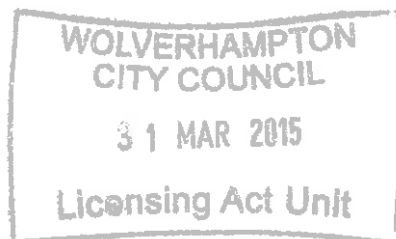
Last summer we had music playing after 2am. Added to that there was the noise of people coming and going. Also the police have attended a number of times.

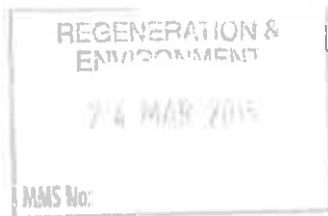
I have two children and do not want them disturbed in the early hours of the morning by all the noise from them.

If an extension is allowed this I feel will cause a public nuisance.

I strongly oppose this application and hope my concerns will be considered when a decision is made.

Yours sincerely





27, WOODSTOCK ROAD,
EAST PARK,
WOLVERHAMPTON.
WV1 2DY
20 MARCH, 2015.

RE: "MALT SHVEL" LP WILLENHALL ROAD

DEAR MR. EDGE,

DURING VARIOUS CONVERSATIONS FROM ATTENDEES OF THE EAST PARK PACT MEETING OF THURSDAY, 19th MARCH 2015. WE WERE MADE AWARE OF MR. SHIPPY'S APPLICATION FOR A LICENCE FOR MUSIC TO BE PLAYED FROM THE SAID PREMISES UNTIL 2AM ON FRIDAYS AND SATURDAYS.

WITH SUMMER MONTHS IMMINANT AND HAVING EXPERIENCED NUMEROUS SLEEPLESS NIGHTS AT TIMES UNTIL 03.30HRS I WISH TO RAISE MY OBJECTION TO THE APPLICATION BEING PERMITTED.

RECENT WINTER MONTHS - I HAVE BEEN AWAKEN FROM SLEEPER THROUGH NOT SO THUNDEROUSLY LOUD.

MY OBJECTION IS TO THE EXTENTION BEING PERMITTED ON THE GROUNDS OF



PUBLIC NUISANCE BY EXPRESSIVE NOISE UNREASONABLE INCONSIDERATE BEHAVIOUR LEADING TO DISORDER OF THOSE DRINKING TO EXCESS - BEING SICK ON PAYMENT WHICH COULD LEAD TO UNFORESEEN ACCIDENT BRUISING INJURY SHOULD A PERSON SLIP ON THIS. ALSO ARGUMENTS CAUSED BY DRINK - LEADING TO FIGHTS NEEDING POLICE PRESENCE. MANY PEOPLE WITHIN THE AREA ARE CONCERNED ABOUT THE NUMBER OF PERSONS SPILLING OUT ONTO THE PATHWAY AND ROAD - EXPRESSING HOW INTIMIDATED THEY FEEL, DUE TO THE ATTITUDE OF CUSTOMERS AT THIS VENUE. OTHERS WHO HAVE USED THE "MALT SHVEL" STATE THAT DRUG USE IS ALSO PREVELENT.

Yours Sincerely

KATH HILL (MISS)

(2)

6am and once the noise and nuisance dies down which some mornings has been 2am and later we do not get the much needed sleep we need.

God help us if they get their extension to 2am, the nuisance could go on for at least 2 hours after. This is not something we look forward to in the slightest.

The winter hasn't been too bad but even then it is noisy when people are coming going but as we rarely have windows open in winter the sound doesn't invade our home as much.

However, with our windows open in the summer we may as well move into the pub as the noise levels are atrocious. Please, please, please do NOT pass this extension. Thank-you
Yours, very sincerely,

7 Wedgewood Close

Wolverhampton

REGENERATION &
ENVIRONMENT

31 MAR 2015

HMUS/Mr

Dear Mr Edge,

We are writing to express our concern with regard to the Mott Shovels application to extend their late licence.

Last summer was horrendous with the loud music and cars coming & going very noisily. People either shouting or talking loudly all the time going on until the very early hours of the morning. We feel that this is a public nuisance and rather than extend the hours should be looking into reducing them.

We strongly feel that this should be looked at seriously and as working, tax paying residents think that we should be taken seriously.

Dear Sirs

Extension to existing Late Licence - Malt Shovel Public House, Willenhall Road, Wolverhampton

I am writing to register my objection to the application for extension of existing late licence of the above public house. The basis for this opposition is public nuisance – late night/early morning noise.

Being a Resident in this area we already suffer noise nuisance from the premises on weekends supposedly with their premises closing at 1.00am. With the noise of the music playing until 1.00am and when they leave the premises and also the cars parked on the pavement. We already endure this inconvenience, and it is totally unacceptable to expect them to continue to do so until 2.00am.

The writer would also ask to remain anonymous

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully

This page is intentionally left blank