

Statutory Licensing Sub-Committee

Minutes - 14 November 2023

Attendance

Members of the Statutory Licensing Sub-Committee

Cllr Zee Russell (Chair)

Cllr Rashpal Kaur

Premises Licence Applicant

Mr Christopher Way

Ms Tanya Willetts

Tettenhall College Cricket Pavilion and Pitches

Tettenhall College Cricket Pavilion and Pitches

Responsible Authorities

Faye Pearson

Emma Caddick

Amitabh Singh

Kayley Nixon

Environmental Health

Environmental Health

Licensing Authority

West Midlands Police

Other Persons

Mr Don Gwinnett

Ms Samantha Barnett

Ms Maria Walters

Employees

Debra Craner

Ronald Sempebwa

Jacob Stokes

Section Leader – Licensing and Compliance

Solicitor

Democratic Services Officer

Observers

Paul Dosanjh

Service Manager – Trading Standards and Licensing Act

Item No. *Title*

1 Apologies for absence

Apologies for absence were received from Councillor Sally Green.

2 Declarations of interest

There were no declarations of interest.

**3 Licensing Act 2003 - Application for a Premises Licence in respect of
Tettenhall College Cricket Pavilion & Pitches, Tettenhall College, Wood Road,
WV6 8QX**

An application for a Premises Licence in respect of Tettenhall College Cricket Pavilion & Pitches, Tettenhall College, Wood Road, WV6 8QX was considered following representations received from Environmental Health, the Licensing Authority, West Midlands Police and Other Persons.

The Chair welcomed all parties to the hearing and invited all those present to introduce themselves. All parties did so.

The Chair outlined the procedure to be followed and all parties confirmed that they understood the procedure.

The Sub-Committee's statutory duty was to consider the application and representations, and to take such steps as contained in the Licensing Act 2003, as it considered appropriate for the promotion of the Licensing Objectives.

Debra Craner, Section Leader – Licensing and Compliance, provided an outline of the application. Mr Christopher Way, Applicant, confirmed that the summary was accurate.

The Chair invited the Applicant to present the application. Mr Way did so, as per Appendix 1 of the report. He stated the following:

1. Mediation had been undertaken on this application, and Tettenhall College was more than happy to accept the recommendations put forward by the Responsible Authorities.
2. The application was for four events. He provided details on these events.
3. He recognised resident concerns regarding noise and had agreed to mediation that would limit noise.
4. As per the mediation, Tettenhall College would notify the Safety Advisory Group at least twelve weeks prior to the fireworks event.
5. There was an excellent CCTV system in place at the school.
6. The planned events were family orientated, and there had been no trouble in the six years that they had been running.
7. Professional security was hired for events.
8. The Henwood Road gate was only available for emergency use or for the small number of disabled persons who had agreed to use this access point in advance.

9. Tettenhall College took parking complaints very seriously. There was sufficient parking on site and any hirers had to sign an agreement to use the school's parking facilities.
10. The fireworks event took place between 17:00 and 21:00 hours, and Tettenhall College was happy to take any measures necessary and work with all relevant bodies to ensure the amount of disturbance caused was minimal.
11. The sale of alcohol would be at limited times. A Challenge 25 policy was in place, staff had been trained on this, and all events were ticketed.
12. Risk assessments were carried out for all events.

The Chair afforded all parties present the opportunity to question the Applicant in relation to his submission. Mr Way responded to questions asked and stated the following:

1. The music played at events was background music, and he was happy to reduce the volume of music or remove it entirely, if necessary.
2. Areas would be patrolled to ensure noise was not unduly audible beyond the perimeters of the site. He was happy to equip those patrolling with noise monitoring devices.
3. Tettenhall College had not received a single complaint following this year's fireworks event.
4. Any hirers found to be in breach of the terms and agreements would have their contract terminated.
5. Tettenhall College was very careful on who they let use their facilities and had turned down a lot of bookings.
6. A lessons learned exercise would be undertaken following this year's fireworks event.
7. Tettenhall College was happy to have a point of contact for residents to contact with their concerns during events.
8. There was no record of the Pavilion having been hired out in the Summer.
9. A member of security was always present on site to ensure that only authorised parties were using the facilities.
10. The fireworks event was a community event, and virtually all those who attended walked to the site.
11. The application was for the supply of alcohol on the premises only.
12. During events, the Henwood Road gate was monitored by staff and security.

The Chair invited Environmental Health to make representations. Faye Pearson, Senior Officer – Food and Health and Safety, did so, as per Appendices 3 and 45 of the report. She stated that Environmental Health had successfully mediated with the Applicant, and conditions had been agreed. She outlined these conditions for the Sub-Committee.

The Chair afforded all parties present the opportunity to question Environmental Health in relation to its submission. The Senior Officer – Food and Health and Safety and Emma Caddick, Service Manager – Environmental Health, responded to questions asked.

The Chair invited the Licensing Authority to make representations. Amitabh Singh, Licensing Section Leader, did so, as per Appendices 4 and 46 of the report. He stated that the Licensing Authority had successfully mediated with the Applicant, and conditions had been agreed. He outlined these conditions for the Sub-Committee.

The Chair afforded all parties present the opportunity to question the Licensing Authority in relation to its submission. There were no questions asked.

The Chair invited West Midlands Police to make representations. Kayley Nixon did so, as per Appendices 5 and 47 of the report. She stated that West Midlands Police had successfully mediated with the Applicant, and conditions had been agreed. She outlined these conditions for the Sub-Committee.

The Chair afforded all parties present the opportunity to question West Midlands Police in relation to its submission. Kayley Nixon responded to a question that was asked.

The Chair invited Other Persons to make representations. Mr Don Gwinnett did so. He stated the following:

1. Residents had suffered abuse from people leaving the site after events and this would be made worse by alcohol.
2. Wardens and security cameras had failed to prevent intruders onto the site, and this posed a danger.
3. There would be significant disturbances to wildlife on the site and in the nature reserve opposite the site.
4. The fireworks event had caused considerable nuisance, and resident phone calls to Tettenhall College had not been answered.
5. Residents he had spoken to had expressed grave concerns about the application.
6. The arrangements put in place have failed to allay the concerns from residents.

The Chair clarified that any new evidence could not be considered by the Licensing Sub-Committee as it had not been submitted prior to the hearing.

The Chair afforded all parties present the opportunity to question Mr Gwinnett in relation to his submission. There were no questions asked.

Ronald Sempebwa, Solicitor, provided legal advice to the Sub-Committee and clarified that parking issues did not fall under the remit of the Licensing Objectives and could not be taken into account by the Sub-Committee in their decision making.

He stated that the application related to the Applicant's own specific events and not those organised by external providers.

He outlined that the main concern for the Sub-Committee was the promotion of the four Licensing Objectives.

He reminded the Sub-Committee of their available options when determining this application.

The Chair invited Ms Samantha Barnett to make representations. She stated the following:

1. Many residents had not been aware of the application, meaning that some concerns from residents had not been submitted prior to the hearing.

2. Consultation with residents on behalf of Tettenhall College may have alleviated a lot of the concerns of residents.
3. It would be beneficial to establish a working group to ensure that these issues could be discussed with the school.

The Solicitor confirmed that the application had been properly made and had been advertised in the required places.

The Applicant confirmed that the school would welcome a working group, and that this would allow for better engagement with residents.

The Chair afforded all parties present the opportunity to question Ms Barnett in relation to her submission. There were no questions asked.

The Chair invited Ms Maria Walters to make representations. She stated that the current location of the firework display posed serious safety concerns.

The Chair afforded all parties present the opportunity to question Ms Walters in relation to her submission. There were no questions asked.

The Chair invited all parties present to make their final address.

There were no final statements made.

All parties, with the exception of the Solicitor and Democratic Services Officer, withdrew from the meeting to enable the Sub-Committee to determine the matter.

The Sub-Committee adjourned at 12.00 hours.

The Hearing reconvened at 13.23 hours.

All parties re-joined the meeting.

The Chair advised all parties of the decision of the Sub-Committee, a summary of which was read out by the Solicitor.

Resolved:

An application was received on 21 September 2023 from Tettenhall College Cricket Pavilion and Pitches for a premises licence in respect of Tettenhall College Cricket Pavilion & Pitches, Tettenhall College, Wood Road, WV6 8QX.

The application was in respect of the provision of Live Music, Recorded Music (indoors and outdoors) and the Sale/Supply of Alcohol on the premises.

Relevant Representations were received from the Licensing Authority, Environmental Health, West Midlands Police and 39 Other Persons. The Applicant, who was represented by Mr. Christopher Way and Ms. Tanya Willetts, and all those who submitted representations were invited to attend the hearing of the Statutory Licensing Sub-Committee on Tuesday 14 November 2023.

Having regard to the Licensing Objectives and for the reasons set out above, the Statutory Licensing Sub-Committee resolved to grant the application subject to

- a) the conditions consistent with the operating schedule accompanying the application and modified to such extent as by the Responsible Authorities.
- b) mandatory conditions under sections 19, 20 or 21

An appeal may be made to the Black Country Magistrates' Court against this decision, by the Applicant, the holder of the premises licence, or any other person who made a relevant representation, within 21 days from the date of receipt of the written notice of decision.