

M I N U T E S

meeting: **LICENSING SUB-COMMITTEE**

date: **8 FEBRUARY 2012**

PRESENT:-

Councillors Claymore (Chair), N Patten and John Rowley

OFFICERS IN ATTENDANCE:-

L Banbury	-	Democratic Support Officer, Delivery
S Hardwick	-	Senior Solicitor, Delivery
R Edge	-	Section Leader (Licensing), Education & Enterprise

Wolverhampton
City Council



PART 1 – OPEN ITEMS

Licensing Act 2003 – Application for Temporary Event Notices
The Malt Shovel, 131 Willenhall Road, Wolverhampton
(Appendix 26)

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In Attendance

PC Williams and

Sergeant Carrier

-

West Midlands Police

The Premises Licence Holder had been advised of the hearing by letter on 1 February 2012 and was sent further correspondence enclosing the report by Royal Mail on 3 February 2012. However, he failed to attend and the Sub-Committee agreed to continue the hearing in his absence.

The Chair outlined the procedure to be followed at the meeting. No declarations of interest were made by the Members.

The Section Leader (Licensing) briefly outlined the report submitted to the meeting and circulated to all parties in advance.

At this juncture PC Williams outlined the objections on behalf of the West Midlands Police, as detailed at Appendix 2 of the Licensing Officer's report and answered questions raised by the Members and Officers as appropriate. On a point of clarification, the Licensing officer advised that the Temporary Events related to a Valentine weekend celebration and anniversary party. It was noted that the Local Police Action was due to expire on 21 February 2012.

The Police Officers were afforded the opportunity to make a final statement.

Exclusion of Press and Public

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Resolved:-

That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from consideration of the items of business in Part II of the Agenda, on the grounds that in view of the nature of the business to be transacted or the nature of the proceedings, exempt information falling within paragraph 3 of Schedule 12A to the Act (Information relating to the business affairs of particular persons) is likely to be disclosed.

All parties, with the exception of the City Council's Solicitor and the Democratic Support Officer, withdrew from the meeting at this point.

PART II - EXEMPT ITEMS

Deliberations and Decisions

- 209 The Sub-Committee discussed the issues which had been raised during consideration of the Temporary Event Notices.
 The Solicitor advised them of the options open to them in determining the applications.

Re-Admission of Press and Public

- 210 Resolved:-
 That the press and public be readmitted to the meeting.

PART I - OPEN ITEMS

Announcement of Decision

- 211 All parties returned to the meeting room and the Solicitor outlined the decision of the Sub-Committee as follows:-

 Having had regard to the Objection Notices of the Chief Officer of West Midlands Police in respect of events taking place on 18 & 19 February and 25 & 26 February 2012, being a letter sent to Wolverhampton City Council on 30 January 2012, the Licensing Sub-Committee are satisfied that counter-notices should be issued to the Premises User, in accordance with Section 105(3) of the Licensing Act 2003 as it is considered necessary for the promotion of the prevention of crime and disorder licensing objective.

 AND NOTICE is given that the reasons for this decision are as follows:

The West Midlands Police have confirmed that:-

1. A serious wounding occurred at the Premises on 11 December 2011 in the early hours of the morning and most problems at the Premises occur after midnight.
2. Insufficient detail has been presented by the Premises User to suggest that having temporary events will not undermine the crime and disorder licensing objective.
3. The Premises regularly open beyond their licensed hours.
4. There is a Local Area Agreement in place with this Premises User. The Premises User has not adhered to the Police Action Plan contained within the agreement during normal licensed hours and the West Midlands Police do not, therefore, want the Premises to have longer trading hours.

 The West Midlands Police believe therefore, that to grant the Temporary Event Notice applied for would undermine the prevention of crime and disorder licensing objective.

 The Premises User has a right of appeal against the decision to the Magistrates' Court within 21 days of written receipt of the decision, but because it is a Temporary Event Notice must be lodged at least 5 working days before the event.