

# Statutory Licensing Sub-Committee

12 July 2019

**Time** 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory

**Venue** Committee Room 5, Ground Floor - Civic Centre

## Membership

**Chair** Cllr Alan Bolshaw

Cllr Obaida Ahmed  
Cllr Keith Inston

Quorum for this meeting is two Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

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# Agenda

## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Licensing Act 2003 – Temporary Event Notice in respect of Dog and Partridge, Broad Street, Wolverhampton, WV14 0BU (Pages 3 - 34)</b>

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Sub - Committee

12 July 2019

<b>Report title</b>	<b>Licensing Act 2003 – Temporary Event Notice in respect of Dog and Partridge, Broad Street, Wolverhampton, WV14 0BU</b>	
<b>Wards affected</b>	Bilston East	
<b>Accountable director</b>	Ross Cook, City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Debra Craner	Section Leader, Licensing
	Tel	01902 556055
	Email	Debra.craner@wolverhampton.gov.uk

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## Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider an Objection Notice in relation to a Temporary Event Notice received by the Licensing Authority in respect of Dog and Partridge.

## **1.0 Purpose**

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an Objection Notice in relation to a Temporary Event Notice received by the Licensing Authority in respect of Dog and Partridge.

## **2.0 Background**

- 2.1 The application was received on 28 June 2019 from Miss Sharon Clare for a Temporary Event Notice in respect of Dog and Partridge, Broad Street, Wolverhampton, WV14 0BU.
- 2.2 The Temporary Event Notice has been applied for to temporarily permit the following licensable activities externally at the above named premises on 13 July 2019; the sale of alcohol on and off the premises, provision of regulated entertainment and late-night refreshment.
- 2.3 A copy of the Temporary Event Notice is attached at appendix 1, where further details of the event are provided.
- 2.4 The premises are situated within Bilston East Ward, and a location plan is attached at Appendix 2.
- 2.5 It is the understanding of the licensing authority that the application for this Temporary Event Notice has been properly made.
- 2.6 West Midlands Police and Environmental Health have been consulted on this application.
- 2.7 West Midlands Police proposed modifications to the Temporary Event Notice and were agreed with by the applicant, attached at appendix 3.
- 2.8 Relevant objections have been submitted by Environmental Health as they are satisfied that allowing the premises to be used in accordance with the Temporary Event Notice would undermine the Public Nuisance Licensing Objective. A copy of the Objection Notice is attached at Appendix 4.
- 2.9 The premises hold a premises licence as detailed in appendix 5.

## **3.0 Financial implications**

- 3.1 There are no direct financial implications associated with the recommendations in this report. The fee for this application is £21.00 and is non-refundable. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Statutory Licensing Committee on 20 March 2019. [MK/05072019/M]

## 4.0 Legal Implications

- 4.1 Part 5 of the Licensing Act 2003 entitled 'permitted temporary activities' details the statutory powers available to a Licensing Authority when processing a Temporary Event Notice.
- 4.2 Provisions within Part 5 allow the temporary carrying on of licensed activities at premises which are not authorised by a premises licence or club premises certificate.
- 4.3 A Temporary Event Notice is given by an individual 'premises user' indicating the intention of the premises user to conduct one or more licensable activity at the premises for no more than 168 hours. A temporary event is subject to certain restrictions to include the requirement that there should be a minimum of 24 hours between events.
- 4.4 The premises user must give the Temporary Event Notice to the Licensing Authority and submit a duplicate to the Chief Officer of Police and Environmental Health (for the area in which the premises is situated). This must be done at least 10 working days (not including the day it is served or the day of the event) before the start of the event period.
- 4.5 The Chief Officer of Police or Environmental Health may object to the holding of the temporary event on the grounds that they are satisfied that allowing the premises to be used in accordance with the notice would undermine the licensing objectives and they must issue an Objection Notice to the Licensing Authority, the premises user and any other relevant person explaining the reasons why. When an Objection Notice is received the Licensing Authority must hold a hearing.
- 4.6 At the hearing, the Licensing Authority must, having regard to the Objection Notice, give the premises user a Counter Notice if it considers it necessary for the promotion of the licensing objectives. By issuing a Counter Notice the Licensing Authority stop the temporary event from occurring.
- 4.7 At any time before a hearing is held, a temporary event notice may be modified to address concerns of the responsible authorities. Once the Temporary Event Notice has been modified, the Licensing Authority must send a copy of the modified notice to all parties.
- 4.8 If Police or Environmental Health objections are not received or are withdrawn, the Licensing Authority has no power under the Licensing Act to prevent permitted temporary events.
- 4.9 When considering what action to take with regard to the Temporary Event Notice the Licensing Committee must have regarded to:
  - the Objection Notice;
  - the four licensing objectives;
  - the Licensing Act 2003
  - the statutory guidance issued by the Secretary of State in accordance with Section 182 of the Act [ amended]; and
  - Wolverhampton City Council's Statement of Licensing Policy.

4.10 Premises users are not required to be on the premises for the duration of the event, but at all times, remains liable to prosecution should they cause or allow any provisions of general law to be breached. For example, laws governing sales of alcohol to persons under 18 years. [SH/05072019/A]

## **5.0 Equalities implications**

5.1 This report has human rights implications for both the premises user and the residents from the local neighbourhood. Refusal of a Temporary Event Notice may have financial implications for a premises user's business and livelihood whereas authorising a Temporary Event Notice may have impact upon the day to day lives of residents living in close proximity to the premises. This report does not have any equality implications.

5.2 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. Councillors 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.

## **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.

## **7.0 Human resources implications**

7.1 There are no human resource implications in relation to this report.

## **8.0 Corporate landlord implications**

8.1 There are no corporate landlord implications in relation to this report.

## **9.0 Schedule of background papers**

9.1 None

## **10.0 Appendices**

10.1 Appendix 1 – Application

10.2 Appendix 2 – Location Plan

10.3 Appendix 3 – Police modification

10.4 Appendix 4 - Environmental Health Objection Notice

10.5 Appendix 5 – Premises Licence

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Licensing Services, 2<sup>nd</sup> Floor, Civic Centre, St. Peter's Square, Wolverhampton, WV1 1SH

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CLARE		
Forenames	SHARON		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	[REDACTED]		
Forenames	[REDACTED]		
3. Your date of birth	[REDACTED]	Day	Month
4. Your place of birth	[REDACTED]		
5. National Insurance Number	[REDACTED]		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
7. Other contact details			
Telephone numbers Daytime	[REDACTED]		
Evening (optional)	[REDACTED]		
Mobile (optional)	[REDACTED]		
Fax number (optional)	[REDACTED]		
E-Mail address (if available)	[REDACTED]		

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
DOG + PARTRIDGE 47 Broad STREET BILSTON WV14 0BU	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	PRE 686
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
PUBLIC HOUSE	
Please describe the nature of the event below. (Please read note 5)	
family fun day & Barbeque	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
13/7/19 15 00 - 00.00.	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)	
15.00 - 00-00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	
100 \$	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

4. Personal licence holders (Please read note 14)					
Do you currently hold a valid personal licence? (Please tick)	<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No				
<input checked="" type="checkbox"/>	<input type="checkbox"/>				


If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	WOIVERHAMPTON
Licence number	PER 3477
Date of issue	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	28-06-19
Name of Person signing	Sharon Clare

For completion by the licensing authority

10. Acknowledgement (Please read note 20)
I acknowledge receipt of this temporary event notice.

Signature	
Date	On behalf of the licensing authority
Name of Officer signing	

## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.



If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

#### Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

#### Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

#### Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

#### Note 20

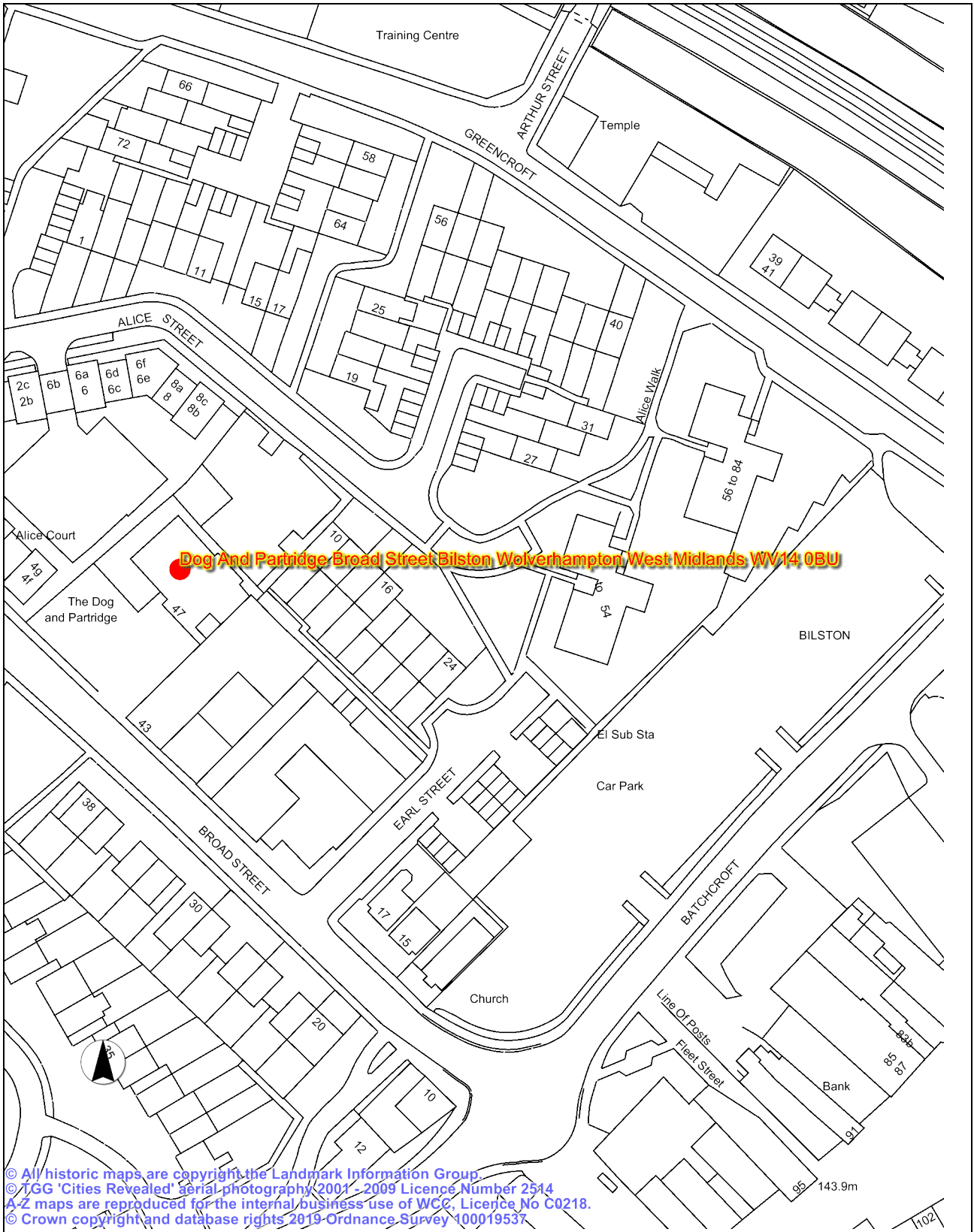
You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.



CITY OF  
WOLVERHAMPTON  
COUNCIL

*Dog and Partridge, Broad Street, Wolverhampton, WV14  
0BU*

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Asset Management  
 Civic Centre  
 St Peters Square  
 Wolverhampton  
 WV1 1RL

Plan Produced 5.7.2019  
 Scale 1:1,250

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**From:** WV Licensing <wv\_licensing@west-midlands.pnn.police.uk>  
**Sent:** 01 July 2019 13:15  
**To:** Licensing <Licensing@wolverhampton.gov.uk>  
**Subject:** RE: TEN- PRE686- Dog & Partridge, 47 Broad Street, WV14 0BU

Hi,

My representations are that there are no activities on outside after 11pm, this includes music. This is due to noise complaints around the surrounding area.

I have no representations for this Ten as long as the above is in place.

Sharron, from the dog and partridge has confirmed she is going to follow the above and has no issues regarding this shown in the email attached.

---

**From:** Licensing [mailto:Licensing@wolverhampton.gov.uk]  
**Sent:** 28 June 2019 16:16  
**To:** WV Licensing; firesafety.admin@wmfs.net; Environmental Health (Responsible Authority)  
**Subject:** TEN- PRE686- Dog & Partridge, 47 Broad Street, WV14 0BU

Sensitivity: PROTECT

Hi All

We have received a ten for the above premises for the 13/07/2019

Can I please have your comments within 3 working days of this email

Kind Regards

Pele Harvey  
Temporary Licensing & Compliance Officer  
Tel. Office: 01902553834

**From:** [REDACTED]  
**Sent:** 01 July 2019 12:13  
**To:** Aimee Taylor  
**Subject:** Re: Ten Application  
**Attachments:** image004.png

I can confirm there will be no music outside after 11pm

On Mon, 1 Jul 2019, 12:04 Aimee Taylor, <[aimee.taylor@west-midlands.pnn.police.uk](mailto:aimee.taylor@west-midlands.pnn.police.uk)> wrote:

Hi,  
Following our telephone conversation, can you please confirm there will be no activities', including music, outside the venue from 11pm onwards due to noise complaints.

**With Kind Regards**

PCSO Aimee Taylor

Wolverhampton NPU | Licencing

West Midlands Police  
T: 101 (ext. 8713284) |

**Preventing crime, protecting the public and helping those in need.**

If it's not 999, search WMP Online



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**From:** Lucy Kendall  
**Sent:** 02 July 2019 10:35  
**To:** [Redacted]  
**Cc:** Licensing  
**Subject:** Temporary Event Notice - Dog and Partridge, Broad Street, Bilston

Sensitivity: PROTECT

Good morning Miss Clare

I wish to inform you that Environmental Health has objected to the recent Temporary Event Notice submitted for 13.07.19 at The Dog and Partridge, Broad Street, Bilston. This is due to ongoing noise complaints received about the premises which have included previous "Family Fun Days".

I believe Licensing will be in contact to discuss the next steps with you.

Regards

Lucy Kendall  
Compliance Officer - City Centre  
Tel. Office: 01902 550972  
Tel. Mobile: 07584175368

[E-mail: Lucy.Kendall@wolverhampton.gov.uk](mailto:Lucy.Kendall@wolverhampton.gov.uk)  
City of Wolverhampton Council



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# Premises Licence

Issued in accordance with The Licensing Act 2003

**Name of Premises:** Dog & Partridge

**Address of Premises:** Broad Street  
Bilston  
Wolverhampton, West Midlands  
WV14 0BU

**Premises Licence Number:** 19/13283/PREDPS– Variation of Premises DPS

**Date Licence Granted:** 3<sup>rd</sup> June 2019

## 1. Opening hours of the premises

**Normal Hours:** Monday to Wednesday 1000hrs to 2330hrs  
Thursday to Saturday 1000hrs to 0130hrs  
Sunday 1200hrs to 2300hrs

**Seasonal Variations:** None

**Non Standard Hours:** The premises will close 30 minutes after the end of the non-standard timings identified in alcohol sales

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

**Activity:** Films

**Normal Hours:** Monday to Wednesday 1000hrs to 2300hrs  
Thursday to Saturday 1000hrs to 0100hrs  
Sunday 1200hrs to 2230hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** Indoor Sporting Events

**Normal Hours:** Monday to Wednesday 1000hrs to 2300hrs  
Thursday to Saturday 1000hrs to 0100hrs  
Sunday 1200hrs to 2230hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** Live Music

**Normal Hours:** Monday to Wednesday 1000hrs to 2300hrs  
Thursday to Saturday 1000hrs to 0100hrs  
Sunday 1200hrs to 2230hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity: Recorded Music**

**Normal Hours:** Monday to Wednesday 1000hrs to 2300hrs  
Thursday to Saturday 1000hrs to 0100hrs  
Sunday 1200hrs to 2230hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity: Performances of Dance**

**Normal Hours:** Monday to Wednesday 1000hrs to 2300hrs  
Thursday to Saturday 1000hrs to 0100hrs  
Sunday 1200hrs to 2230hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity: Late Night Refreshment**

**Normal Hours:** Thursday to Saturday 2300hrs to 0100hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity: Sale/Supply of alcohol on the premises**

**Normal Hours:** Monday to Wednesday 1000hrs to 2300hrs  
Thursday to Saturday 1000hrs to 0100hrs  
Sunday 1200hrs to 2230hrs

**Seasonal Variations:** None

**Non Standard Hours:** To permit sale of alcohol and such regulated entertainment as authorised hereunder until 0100hrs on Friday, Saturday, Sunday and Monday at Bank Holiday weekends. New Years Eve 1000hrs to New Years Day - terminal hour.

**Activity: Sale/Supply of alcohol off the premises**

**Normal Hours:** As per 'on' sales

**Seasonal Variations:** As per 'on' sales

**Non Standard Hours:** As per 'on' sales

**3. Name of the designated premises supervisor if the sale of alcohol is involved**

Sharon Clare

Personal Licence Number: PER3447

Issued by City of Wolverhampton Council

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

Provision only as prohibited or restricted under the Licensing Act 2003  
Children under the age of 16 shall not be permitted to enter the premises after 2100hrs

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

Mark Coyne  
80 Napier Road  
Wolverhampton  
West Midlands  
WV2 3DX

## **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 to the Licensing Act 2003

## **Conditions consistent with the Operating Schedule**

### **General**

I have undertaken my own risk assessment to take the following proposed steps:

- The types of regulated entertainment proposed materially do no more than reinstate the normal pub entertainment that was previously unregulated;
- No new steps have been identified in relation to the four licensing objectives save as below

### **The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below,

- Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority
- Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence
- Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty
- No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public
- Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police
- Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose

### **Public Safety**

No further risks have been identified which need to be addressed, save as below,

- To comply with the reasonable requirements of the fire officer from time to time
- To comply with the reasonable requirements of the building control officer

### **The prevention of public nuisance**

No further risks have been identified which need to be addressed, save as below,

- Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly
- Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties

### **The protection of children from harm**



- The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risk of harm to children have been identified.
- No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification
- Children under the age of 16 shall not be permitted to enter the premises after 2100hrs

**Plans**

As submitted with application dated 24/08/2005 and retained by Wolverhampton City Council

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