

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

12 August 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 (Lab)

Labour

Cllr Asha Mattu

Conservative

Cllr Jonathan Crofts

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:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st 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.services@wolverhampton.gov.uk
Tel 01902 550320

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 a Review of a Premises Licence in respect of the Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU (Pages 3 - 110)

NB. PLEASE NOTE THAT PRESS AND PUBLIC WILL BE EXCLUDED FOR THE DISCUSSION OF APPENDIX 2 - REVIEW APPLICATION UNDER PARAGRAPH 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972, AS IT CONTAINS INFORMATION RELATING TO AN INDIVIDUAL.

CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Sub- Committee 12 August 2019
--	---

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU	
Wards affected	Bilston East	
Accountable director	Ross Cook, City Environment	
Originating service	Licensing Services	
Accountable employee	Debra Craner	Section Leader Licensing
	Tel	01902 556055
	Email	Debra.Craner@wolverhampton.gov.uk

Recommendation for decision:

The Statutory Licensing Sub-Committee is recommended to:

1. Consider an application by West Midlands Police for a review of the above Premises Licence, following an expedited review.

1.0 Purpose

- 1.1 The Statutory Licensing Sub-Committee is required to consider the application by West Midlands Police for a Review of the above Premises Licence, following an Expedited Review.

2.0 Background

- 2.1 The current premises licence is attached at Appendix 1.

3.0 Expedited Summary Review Application

- 3.1 An application was received from the Chief Officer of Police for West Midlands on 16 July 2019 for an expedited review of the Premises Licence in respect Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU.
- 3.2 A copy of the expedited review application can be found at Appendix 2 of this report, this appendix has been made exempt under paragraph 1 of the schedule 12a of the Local Government Act 1972, as it contains information relating to an individual.
- 3.3 The premises are situated in the Bilston East ward and a location plan is attached at Appendix 3.
- 3.4 A Licensing Sub-Committee hearing was held on 18 July 2019 to determine the interim steps to be applied to the Premises Licence pending the full review hearing. The Statutory Licensing Sub-Committee resolved to suspend the Premises Licence as the interim step.

4.0 Review Application

- 4.1 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 4.2 Representations have been received from Environmental Health and the Licensing Authority as Responsible Authorities and can be found at Appendices 4 and 5 of this report.
- 4.3 The applicant for review, the Premises Licence Holder, and those who have made representations have been invited to attend the review hearing.

5.0 Closure Order

- 5.1 On 18 July 2019 West Midlands Police submitted an application for a Closure Order to the Black Country Magistrates Court.

5.2 On the afternoon of 19 July 2019 Dudley Magistrates Court ordered that the Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU, be closed immediately and remain closed for 3 months. A copy of the Memorandum is attached to this report at Appendix 6.

6.0 Withdrawal of consent of individual being specified as Premises Supervisor

6.1 On 26 July 2019 the Designated Premises Supervisor, Sharon Clare, submitted a notice to Licensing Services withdrawing consent to be named as the designated premises supervisor under Section 41 of the Licensing Act 2003. A copy of this notice is attached at Appendix 7

7.0 Premises Licence Surrender

7.1 On 26 July 2019 the Premises Licence Holder, Mark Coyne, surrendered the premises licence in respect of Dog & Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU with immediate effect, under Section 28 of the Licensing Act 2003. A copy of this notice is attached at Appendix 8.

8.0 Financial implications

8.1 There are no direct financial implications associated with the recommendations in this report. No fee is levied for an Expedited Summary Review application. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 20 March 2019. [MK/31072019/I]

9.0 Legal implications

9.1 The Licensing Authority must consider the application for the review under Section 53A of the licensing act.

9.2 The Licensing Sub-Committee is asked to determine the review under Section 53A(2)(b) in accordance with Section 53C of the Act. The licensing authority must hold a hearing and consider the application for review and any relevant representations.

9.3 The Sub-Committee must consider what steps (if any) should be taken to secure the promotion of the licensing objectives.

9.4 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

9.5 The steps that may be taken by the Sub-Committee on a full review are:

- (a) Modify the conditions of the licence;
- (b) Exclude a licensable activity from the scope of the licence;

- (c) Remove the designated premises supervisor;
- (d) Suspend the licence for a period not exceeding 3 months;
- (e) Revoke the Licence.

9.6 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. [SH/02082019/A]

10.0 Equalities implications

10.1 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.

10.2 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.

11.0 Environmental implications

10.1 There are no environmental implications associated with this report.

12.0 Human resources implications

12.1 There are no human resources implications associated with this report.

13.0 Corporate landlord implications

13.1 There are no corporate landlord implications associated with this report.

14.0 Schedule of background papers

14.1 None

15.0 Appendices

15.1 Appendix 1 - Premises Licence

15.2 Appendix 2 - Expedited Review Application (Exempt)

- 15.3 Appendix 3 - Location Plan
- 15.4 Appendix 4 – Environmental Health Representations
- 15.5 Appendix 5 – Licensing Authority Representations
- 15.6 Appendix 6 – Memorandum (Closure Order)
- 15.7 Appendix 7 - Withdrawal of consent of individual being specified as Designated Premises Supervisor
- 15.8 Appendix 8 – Surrender Notice

This page is intentionally left blank

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: 3rd 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

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

This page is intentionally left blank

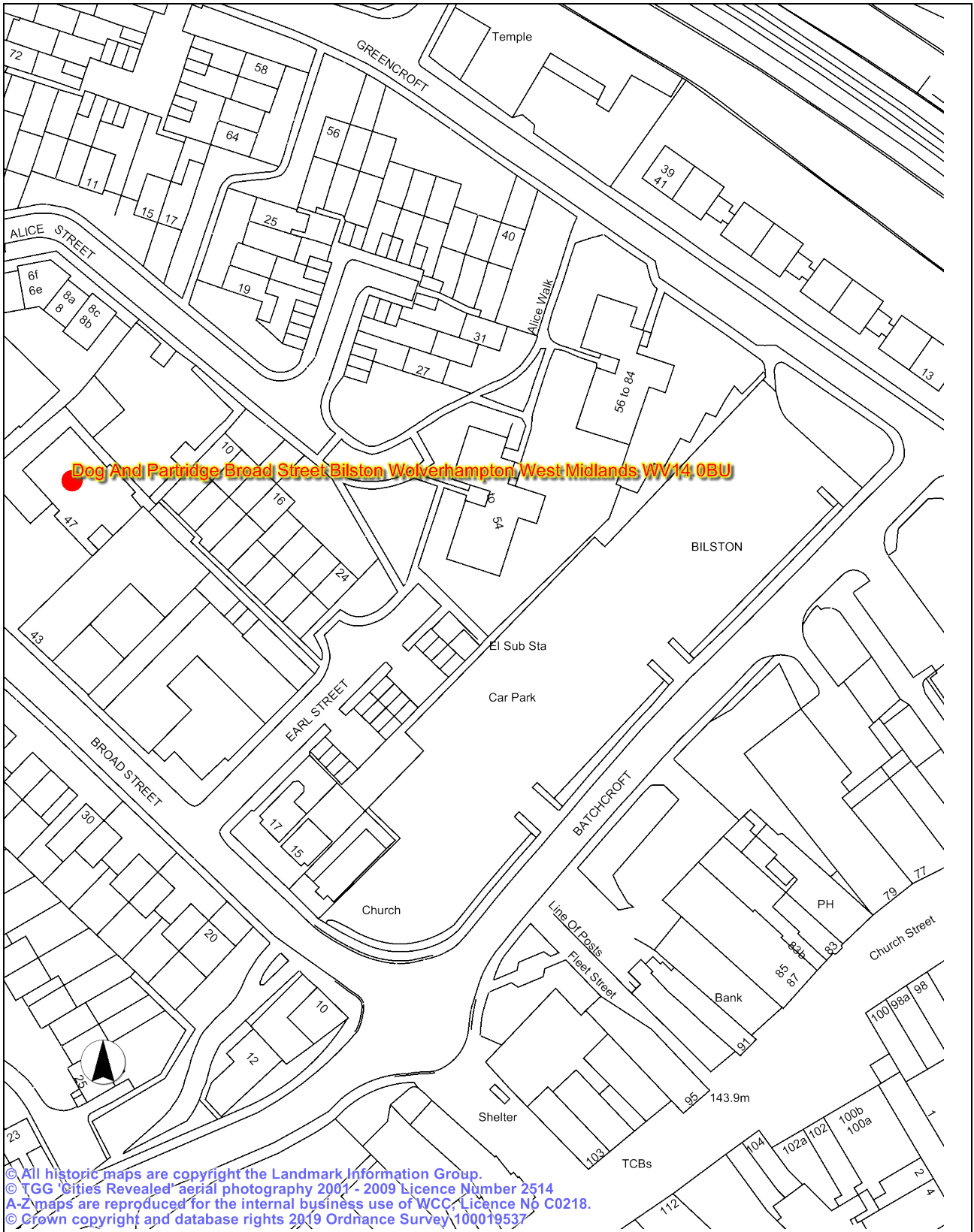
Document is Restricted

This page is intentionally left blank

CITY OF
WOLVERHAMPTON
COUNCIL

*Dog & Partridge, Borad Street, Bilston, Wolverhampton,
WV14 0BU*

IMAGINE - Powered by



© All historic maps are copyright the Landmark Information Group.
 © TGG 'Cities Revealed' aerial photography 2001 - 2009 Licence Number 2514
 A-Z maps are reproduced for the internal business use of WCC, Licence No C0218.
 © Crown copyright and database rights 2019 Ordnance Survey 100019537

Asset Management
 Civic Centre
 St Peters Square
 Wolverhampton
 WV1 1RL

Plan Produced 17.7.2019
 Scale 1:1,250

This page is intentionally left blank

This page is intentionally left blank

CITY OF
WOLVERHAMPTON
COUNCIL

Mrs Debra Craner
Licensing Services
City of Wolverhampton Council
St Peter's Square
Wolverhampton
WV1 1SH

26 July 2019

Application for a review of a premises licence under Licensing Act 2003
Dog And Partridge, Broad Street, Bilston, Wolverhampton, WV14 0BU

I write on behalf of the Licensing Authority as a responsible authority. I write in support of the above review application made by the Chief Constable of West Midlands Police. Representations are made against Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

The premises licence holder, Mr Mark Coyne and the designated premises supervisor, Sharon Clare together with the management of the premises have not demonstrated they are operating in accordance with the premises licence and therefore are not promoting any of licensing objectives of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.

The premises have a history of noise complaints undermining the Prevention of Public Nuisance licensing objective.

On 12 July 2019 the Statutory Licensing Sub-Committee resolved to refuse an application for a Temporary Event Notice for a "Family Fun Day" due to take place at the Dog and Partridge on 13 July 2019.

A Counter Notice was issued to the applicant Sharon Clare who is also the designated premises supervisor. The Counter Notice was also hand delivered to the premises on 12 July 2019.

On 16 July 2019, West Midlands Police submitted an expedited review application due to an event taking place at the premises which resulted in members of the public receiving injuries which included a stab wound.

On 18 July 2019, the Statutory Licensing Sub-Committee determined interim steps were necessary and resolved to suspend the premises licence pending the full review hearing.

On 18 July 2019, West Midlands Police submitted a Notice of application for a Closure Order in respect of The Dog and Partridge, 47 Broad Street, Bilston, Wolverhampton, WV14 0BU under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014.

On the afternoon of 19 July 2019, the Black Country Magistrates Court issued a Closure Order for the premises to be closed immediately and remain closed for 3 months.

The Licensing Authority has great concerns over the Premises Licence Holder and the management of the premises as from the evidence provided by West Midlands Police they are not upholding the four licensing objectives.

If Councillors are satisfied that illegal activities have taken place at the premises and are in breach of promoting the licensing objectives, the Licensing Authority would request the Statutory Licensing Sub-Committee ensure these issues are addressed in accordance with section 52 of the Licensing Act 2003 and guidance issued by the secretary of state under 182 of the Act together with City of Wolverhampton Councils Statement of Licensing Policy.

Councillors are advised that Sharon Clare the Designated Premises Supervisor has withdrawn her DPS consent with immediate effect today (26 July 2019) and the Premises Licence Holder, Mark Coyne surrendered the premises licence with immediate effect the same day.

Councillors may conclude from the evidence given within the review application and at the hearing in order to promote all four licensing objectives that there is no alternative but to revoke the Premises Licence.

The Licensing Authority fully supports the review application brought by West Midlands Police and concludes the above issues should be resolved in order to promote the four licensing objectives of Crime and Disorder, Public safety, Prevention of Public Nuisance and the Protection of Children from Harm.

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

Yours sincerely



Mrs Elaine Moreton
Section Leader
On behalf of the Licensing Authority

Direct: 01902 552772
Email: licensing@wolverhampton.gov.uk

CC: Premises Licence Holder & Designated Premises Supervisor

MARK COYNE AND PAUL RICKETTS

The Dog and Partridge
47 Broad Street
Bilston
Wolverhampton
WV14 0BU

Case Number: **1900403110**

Defendant Present: Yes

Attending Solicitor: Miss Hancox

Informant: PBL019 West Midlands Police: SW

Post-Hearing Custody Status:

1

AS14514

Application for a closure order following service of a notice on 18/07/2019 in respect of The Dog and Partridge, 47 Broad Street, Bilston, Wolverhampton, WV14 0BU.

Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

CLOODN

Order that premises The Dog and Partridge 47 Broad Street, Bilston, Wolverhampton, WV14 0BU be closed immediately and remain closed for 3 months. Further orders: The premises known as the Dog and Partridge at 47 Broad street, Bilston Wolverhampton WV140BU with the exception of Flat 1, 47 Broad Street, Bilston, Wolverhampton WV14 0BU shall be closed immediately to all persons and remain closed for 3 months from the date of this order. Any persons seeking admission to the premises must do so with the permission of the police.

I certify the above extract to be a true copy

Date Printed: 22/07/2019

_____ of the said Magistrates' Court.

This page is intentionally left blank



CITY OF WOLVERHAMPTON COUNCIL

Withdrawal of consent of individual to being specified as premises supervisor

Section 41 Licensing Act 2003

Part A – notice to licensing authority and premise licence holder (ss (1))

I Sharon Clare (full name of premises supervisor)

of [redacted] (home address of premises supervisor)

hereby withdraw my consent to be specified as the designated premises supervisor relating to: -

a premises licence PREM 686 (number of licence, if known)

for Dog and partridge Broad Street Bilston (name and address of premises to which the notice relates)

with effect from 26.7.2019 (insert date on which you wish to cease being the premises supervisor but see also note 2 below)

Part B – direction to premise licence holder (ss (4) & (5))

Marc Coyne (insert name of premise licence holder)

of 8a Napier Road Wolverhampton WV2 3DX (insert address of premise licence holder)

are directed to send to the relevant licensing authority within 14 days of receiving this notice, the premise licence (or the appropriate part of the licence) or, if that is impractical, a statement of the reasons for the failure to provide the licence (or part).

Part C – confirmation of sending notice

I hereby confirm that I sent a copy of this notice and direction to the premise licence holder at the address shown on 26.7.19 (insert date)

Signed [redacted] Dated 26.7.19

Print name SHARON CLARE

This page is intentionally left blank



Surrender Notice
Premises Licence

Premises Name and Address
..... DOG & Partridge
..... Broad Street
..... BILSTON
..... W.V.14 0BU

Premises Licence Number
..... PREG 86 19/13 283/PREGAS

Granted Date
..... ~~29/4/2019~~ 3/6/19

Name of Premises Licence Holder
(This must be the name of the person signing the notice)
..... Mark Coyne

I wish to surrender the premises licence for the above premises as of
..... 26/07/2019 (Date on which the licence is to end)

Name
..... MARK COYNE
Signature
..... [Redacted]
Date
..... 26/7/2019

Please tick all that apply below:

I have enclosed both summary and full licence

I understand that the licence will end on the date that I have requested and that the premises is no longer authorised for any licensable activities

This page is intentionally left blank