

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

10 December 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 Keith Inston
Cllr Rita Potter

Quorum for this meeting is two Councillors.

Information for the Public

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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 – Temporary Event Notice in respect of Chill Spot, 35A Lichfield Street, Bilston, Wolverhampton, WV14 0AJ (Pages 3 - 20)

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10 December 2019

Report title	Licensing Act 2003 – Temporary Event Notice in respect of Chill Spot, 35A Lichfield Street, Bilston, Wolverhampton, WV14 0AJ	
Wards affected	Bilston East	
Accountable director	Ross Cook, City Environment	
Originating service	Licensing Services	
Accountable employee	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.Craner@wolverhampton.gov.uk

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 Chill Spot.

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 Chill Spot.

2.0 Background

- 2.1 The application was received on 27 November 2019 from Mr Anthony Tomlinson for a Temporary Event Notice in respect of Chill Spot, 35A Lichfield Street, Bilston, Wolverhampton, WV14 0AJ.
- 2.2 The Temporary Event Notice has been applied for to temporarily permit the following licensable activities at the above-named premises on 14 December 2019 between 00:00 to 04:30 hours; the sale of alcohol on 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 Relevant objections have been submitted by West Midlands Police as they are satisfied that allowing the premises to be used in accordance with the Temporary Event Notice would undermine the Prevention of Crime and Disorder Licensing Objective. A copy of the Objection Notice is attached at Appendix 3.
- 2.8 The premises hold a premises licence as detailed in Appendix 4.
- 2.9 On 20 November 2019, Mr Anthony Tomlinson applied for a Late Temporary Event Notice for this event to take place on 30 November 2019. West Midlands Police submitted an objection notice to the application and therefore Licensing Services issued a Counter Notice to Mr Tomlinson.

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. [KP/29112019/O]

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/29112019/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 Climate Change and Environmental implications

6.1 There are no Climate Change implications associated to this report

6.2 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 – West Midlands Police Objection Notice

10.4 Appendix 4 - Premises Licence

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Licensing Services, 2nd 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 checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	TOMLINSON		
Forenames	ANTHONY		
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 type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
		■	■
4. Your place of birth		■	
5. National Insurance Number		■	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
■			
Post town		■	
Postcode		■	
7. Other contact details			
Telephone numbers	■		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	■		

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)	

2. The premises	
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)	
35A LICHFIELD STREET BILSTON WV14 0AJ	
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	17/13234/PREDPS
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)	
Chill Spot 2nd year anniversary party and customer appreciation organised by Anthony Tomlinson	

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)		14.12.19
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)		
24:00 - 04:30		
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 checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input 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)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	WALSALL
Licence number	WS/PEL/2348
Date of issue	11/12/2014
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 checked="" type="checkbox"/>	No <input 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	six 6	
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 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 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 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 type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

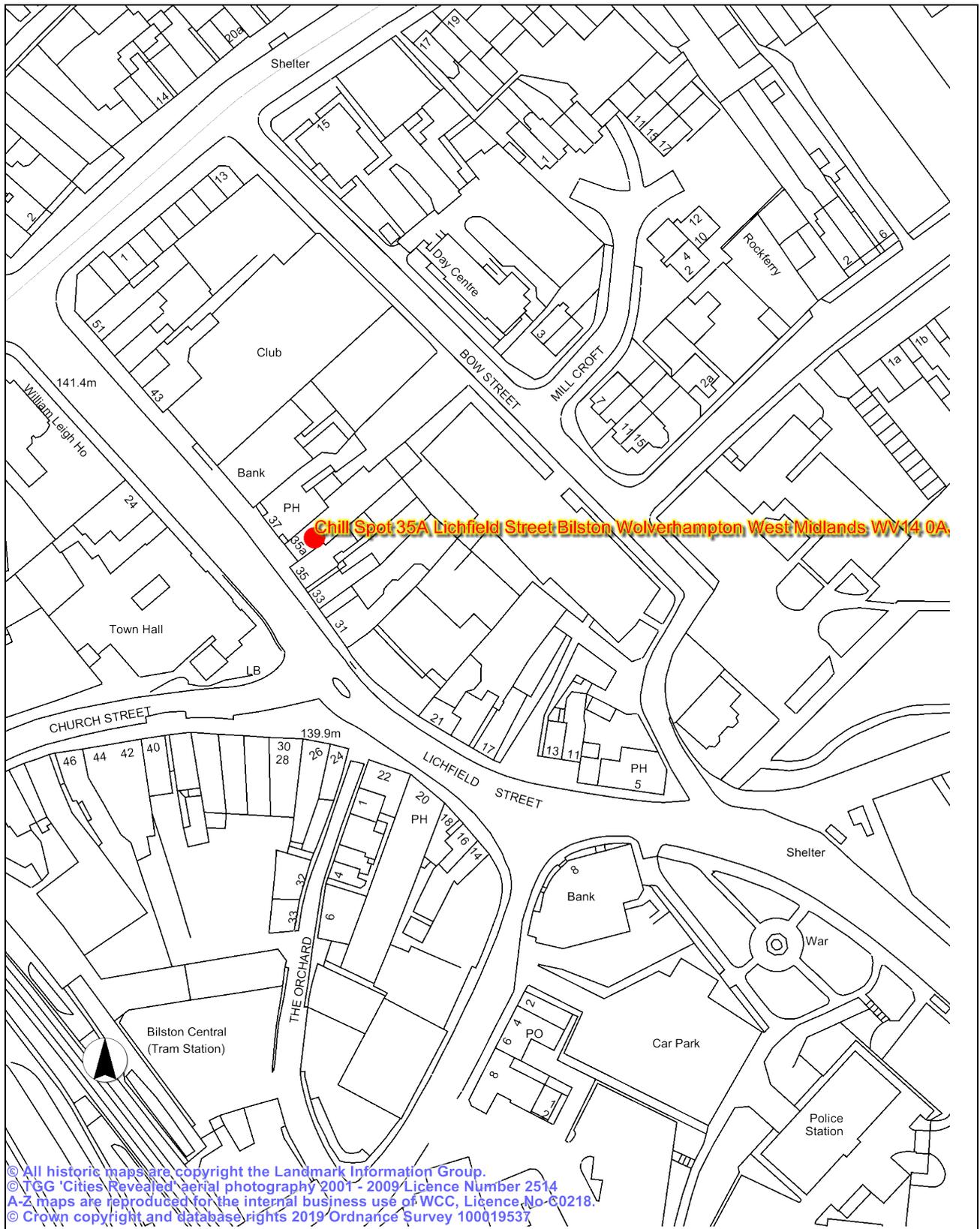
8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

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	26.11.19
Name of Person signing	ANTHONY TOMLINSON

For completion by the licensing authority

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

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



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Asset Management
 Civic Centre
 St Peters Square
 Wolverhampton
 WV1 1RL

Plan Produced 29.11.2019
 Scale 1:1,250

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[REDACTED]

From: WV Licensing <wv_licensing@west-midlands.pnn.police.uk>

Sent: 28 November 2019 14:51

To: Licensing <Licensing@wolverhampton.gov.uk>

Cc: [REDACTED]

Subject: RE: TENS - Chill Spot, 35A Lichfield Street, Bilston, Wolverhampton, WV14 0AJ - PRE1134

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Afternoon,

West Midlands Police make representations under the licensing objective of Prevention of Crime and Disorder. There have been a number of incidents at Chill Spot, which are currently being investigated by the BeatTeam covering the area, non crime ASB number 20WV/279434P/19 refers.

Due to this current investigation into anti social behaviour, West Midlands Police believe that the above licensing objective is not being adhered to.

Kind Regards

WPC 2467 Michelle Churm

**Partnerships and Licensing Department
Wolverhampton Police Station
Bilston Street
Wolverhampton
WV1 3AA**

Telephone: 101
Extension: 871 3284/3280/3196
Email: michelle.churm@west-midlands.pnn.police.uk
Website: <http://www.wolverhamptonpolice.org.uk>
Twitter: www.twitter.com/wmpolice
Facebook: www.facebook.com/wolverhamptonpolice
YouTube: www.youtube.com/westmidlandspolice
Flickr: www.flickr.com/westmidlandspolice

To report crime and anti-social behaviour which does not require an emergency response, please call 101. In an emergency, dial 999.

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Premises Licence Summary

Issued in accordance with The Licensing Act 2003

Name of Premises: Chill Spot

Address of Premises: 35a Lichfield Street
Bilston
Wolverhampton
WV14 0AJ

Premises Licence Number: 17/13234/PREDPS– Premises Change of Name

Date Licence Granted: 8th November 2017

1. Opening hours of the premises

Normal Hours: Monday to Sunday 1000 to 0030 hours
Seasonal Variations: Christmas Eve, Boxing Night & New Years Eve to be extended by two hours.
Non Standard Hours: Friday, Saturday, Sunday & Monday of Bank Holiday weekends to be extended by one hour.

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 Sunday 1000 to 2400 hours
Seasonal Variations: Christmas Eve, Boxing Night & New Years Eve to be extended by two hours.
Non Standard Hours: Friday, Saturday, Sunday & Monday of Bank Holiday weekends to be extended by one hour.

Activity: Indoor Sporting Events
Normal Hours: Monday to Sunday 1000 to 2400 hours
Seasonal Variations: Christmas Eve, Boxing Night & New Years Eve to be extended by two hours.
Non Standard Hours: Friday, Saturday, Sunday & Monday of Bank Holiday weekends to be extended by one hour.

Activity: Live Music
Normal Hours: Monday to Sunday 1000 to 2400 hours
Seasonal Variations: Christmas Eve, Boxing Night & New Years Eve to be extended by two hours.
Non Standard Hours: Friday, Saturday, Sunday & Monday of Bank Holiday weekends to be extended by one hour.

Activity: Recorded Music
Normal Hours: Monday to Sunday 1000 to 2400 hours
Seasonal Variations: Christmas Eve, Boxing Night & New Years Eve to be extended by two hours.
Non Standard Hours: Friday, Saturday, Sunday & Monday of Bank Holiday weekends to be extended by one hour.

Activity: Sale/Supply of alcohol on the premises

Normal Hours: Monday to Sunday 1000 to 2400 hours

Seasonal Variations: Christmas Eve, Boxing Night & New Years Eve to be extended by two hours.

Non Standard Hours: Friday, Saturday, Sunday & Monday of Bank Holiday weekends to be extended by one 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

Anthony Tomlinson

Personal licence number: WS/PEL/2348

Issued by Walsall Council

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

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

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

Anthony Tomlinson

3 Drancy Avenue

Willenhall

WV12 5RD