

Statutory Licensing Sub-Committee

7 February 2020

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 Keith Inston
Cllr Rita Potter

Conservative

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

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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 Ikon Fitness Suite, 2 Showell Road, Wolverhampton, West Midlands, WV10 9LU (Pages 3 - 18)

CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Sub- Committee 07 February 2020
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Report title	Licensing Act 2003 - Temporary Event Notice in respect of Ikon Fitness Suite, 2 Showell Road, Wolverhampton, West Midlands, WV10 9LU	
Wards affected	Bushbury South and Low Hill	
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 Ikon Fitness Suite.

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 Ikon Fitness Suite.

2.0 Background

- 2.1 The application was received on 28 January 2020 from Ms Leonie Cohen for a Temporary Event Notice in respect of Ikon Fitness Suite, 2 Showell Road, Wolverhampton, West Midlands, WV10 9LU.
- 2.2 The Temporary Event Notice has been applied for to temporarily permit the following licensable activities at the above-named premises on 28 to 29 March 2020 between 22:00 to 03:30 hours; the sale of alcohol on the premises and provision of regulated entertainment.
- 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 Bushbury South and Low Hill 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 do not hold a premises licence.

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 22 January 2020.
[NC/03022020/C]

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. The event here is to take place from Saturday 28 March 22:00 to Sunday 29 March 2020 3:30 and is requiring the sale of alcohol for a maximum of 350 attendees. No previous TEN have been filed.
- 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. The notice is dated 28 January for an event end of March and is therefore well within the 10 working days.
- 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. A notice from the Chief Officer of Police was received by this authority on 30 January 2020 via email, advising that if the event was to go ahead, crime and disorder could follow. No further explanations were provided and clarification will be required.
- 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 will 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 contents of the TEN
 - 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 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, remain 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. []

[LW/04022020/H]

5.0 Equalities implications

5.1 This report has human rights implications for both the premises users 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.

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 resources 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

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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 or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send two copies of this notice to the licensing authority and an additional copy must be sent to the chief officer of police for the area in which the premises are situated. The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

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 type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
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		Post code	
██████████████████		██████████	
7. Other contact details			
Telephone numbers			
Daytime	██████████████████		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (optional)		██████████████████	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (optional)	

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)
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)
Please describe the nature of the event below. (Please read note 5)

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input 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	<input type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 7)	
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 8)	
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 9)	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 10)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 11)		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		

Licence number	
Date of issue	
Date of expiry	██████████
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 12)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 13)		
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input 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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

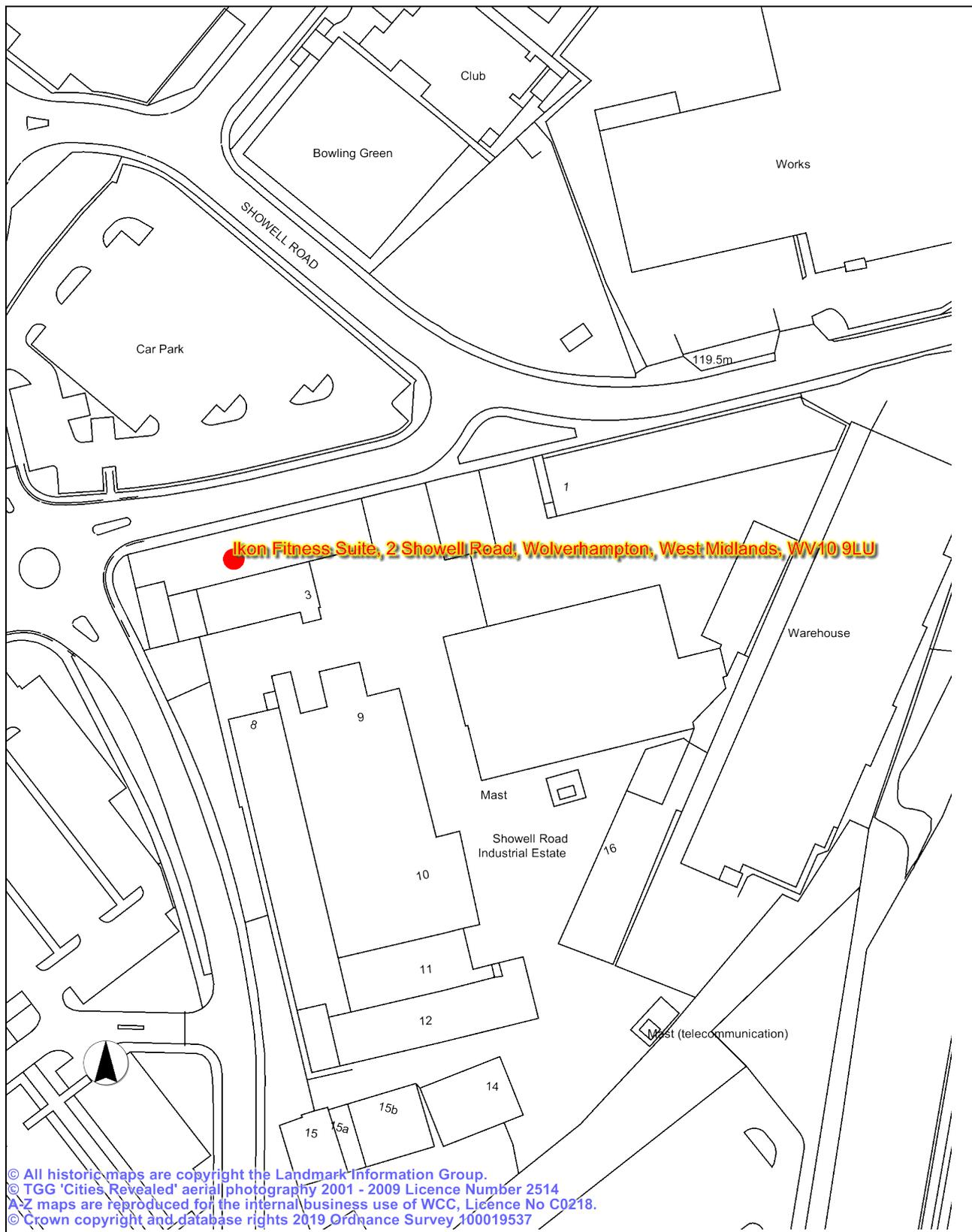
7. Checklist (Please read note 14)	
I shall (Please mark the appropriate boxes with an "X")	
Send two copies of this notice to the licensing authority for the area in which the premises are located	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are located	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 15)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 16)	
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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	
Name of Person signing	

For completion by the Licensing Authority

10. Acknowledgement (Please read note 17)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the Licensing Authority
Date	
Name of Officer signing	



Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced 31.1.2020
Scale 1:1,250

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From: WV Licensing <wv_licensing@west-midlands.pnn.police.uk>
Sent: 30 January 2020 11:38
To: Sandeep Lally <Sandeep.Lally3@wolverhampton.gov.uk>
Cc: Michelle Churm <michelle.churm@west-midlands.pnn.police.uk>; Paul Frear <p.frear@west-midlands.pnn.police.uk>
Subject: RE: [External]: [Possible SPAM] TEN, IKON Fitness Suite, 2 Showell Road, WV10 9LU

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

Hi,

Under the licensing objectives of Prevention of Crime and Disorder West midlands Police are putting in representations regarding this TEN.

We believe that if this event goes ahead crime and disorder could occur.

With Kind Regards

Aimee Taylor

Wolverhampton NPU | Licensing

West Midlands Police
T: 101 (ext. 8713194) |

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

[If it's not 999, search WMP Online](#)



From: Sandeep Lally [mailto:Sandeep.Lally3@wolverhampton.gov.uk]
Sent: 28 January 2020 11:34
To: WV Licensing; firesafety.admin@wmfs.net; Environmental Health (Responsible Authority)
Subject: [External]: [Possible SPAM] TEN, IKON Fitness Suite, 2 Showell Road, WV10 9LU

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

Hi All,

We have received an ONLINE TEN for the above premises for 28.03.20 to 29.03.20

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