

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub - Committee

12 July 2019

Report title	Licensing Act 2003 – Temporary Event Notice in respect of Dog and Partridge, Broad Street, Wolverhampton, WV14 0BU	
Wards affected	Bilston East	
Accountable director	Ross Cook, City Environment	
Originating service	Licensing Services	
Accountable employee(s)	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 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