

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

26 February 2020

Report title	Licensing Act 2003 - Temporary Event Notice in respect of Blossoms Fold, Wolverhampton City Centre, WV1 1RD & North Street, Wolverhampton City Centre, WV1 1RE	
Wards affected	St Peters	
Accountable director	Ross Cook, City Environment	
Originating service	Licensing Services	
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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 Blossoms Fold and North Street.

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 Blossoms Fold and North Street.

2.0 Background

- 2.1 The application was received on 28 January 2020 from Mr Johnny Jones for a Temporary Event Notice in respect of Blossoms Fold, Wolverhampton City Centre, WV1 1RD & North Street, Wolverhampton City Centre, WV1 1RE.
- 2.2 The Temporary Event Notice has been applied for to temporarily permit the following licensable activities at Blossoms Fold, Wolverhampton City Centre, WV1 1RD & North Street, Wolverhampton City Centre, WV1 1RE on 12 to 14 April 2020 between 14:00 to 02:00 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 applicant also provided supporting documentation which is attached at Appendix 2, marked as exempt from publication under Schedule 12A of the Local Government Act 1972 (as amended), Part 1, Paragraph 3.
- 2.5 The premises are situated within St Peters ward, and a location plan is attached at Appendix 3.
- 2.6 It is the understanding of the Licensing Authority that the application for this Temporary Event Notice has been properly made.
- 2.7 West Midlands Police and Environmental Health have been consulted on this application.
- 2.8 Relevant objections have been submitted by West Midlands Police as they are satisfied that allowing the area 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 4.
- 2.9 The area does not hold a premises licence.
- 2.10 A statutory Licensing Sub-Committee hearing was held on 10 February 2020 to determine the application. West Midlands Police requested that the hearing be adjourned. The Statutory Licensing Sub-Committee agreed to adjourn the hearing until 26 February 2020.

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/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. This TEN is for a street party to take place from Sunday 12 April 2020 14:00 to Monday 13 April 2020 2:00 (Easter week-end). The event will cater for a maximum of 400 attendees when the area could cater for up to 700, with alcohol on sale and live entertainment. Arrangements have been made for security and health & safety considerations.
- 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 event taking part in April, notice has been provided in plenty of time.
- 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 a valid Objection Notice is received the Licensing Authority must hold a hearing. The notice received does not provide details of the reasons for the objections and clarifications will be required in good time for the applicant to be able to address these during the 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 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 and associated information
 - 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, 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.

[LW/04022020/C]

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.
- 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 in relation 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 Statutory Licensing Sub-Committee Minutes Dated 10 February 2020

10.0 Appendices

10.1 Appendix 1 – Application

10.2 Appendix 2 – Exempt supporting documentation

10.3 Appendix 3 – Location Plan

10.4 Appendix 4 – West Midlands Police Objection Notice