


REPORT TO LICENSING SUB COMMITTEE 1

16 December 2019

Subject:	Application for a Temporary Event Notices for MJs Bar & Venue Ltd, 38 Bridge Street, Wednesbury WS10 0AQ
Director:	Director – Prevention and Protection – Neil Cox
Contribution towards Vision 2030:	 
Contact Officer(s):	Kiran Jalaf Licensing Officer Kiranjitdevi_jalaf@sandwell.gov.uk

DECISION RECOMMENDATIONS

That The Licensing Sub Committee:

1. Consider the objection made by West Midlands Police for a Temporary Event Notice given by Michael Straker in respect of MJs Bar & Venue Ltd, 38 Bridge Street, Wednesbury WS10 0AQ

2. Each application must be considered on its merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council’s Licensing Policy. The options that can be considered once evidence has been heard are detailed at paragraph 6.

1 PURPOSE OF THE REPORT

- 1.1 To consider an objection made by West Midlands Police made under Section 104 of the Licensing Act 2003 in relation to a Temporary Event Notice given by Michael Straker in respect of MJs Bar & Venue Ltd.

- 1.2 The Temporary Event Notice was given on the Authority on 5th December 2019

- 1.3 The Licensing Panel is required to consider this objection made on the grounds of the Prevention of Crime and Disorder licensing objective and

determine whether the event should proceed.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.
- 2.2 It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 Under the Licensing Act 2003, only the Police and Environmental Health can object to a temporary event notice which must be relevant to one or more of the four licensing objectives, namely:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 3.2 West Midlands Police have objected to the notice and a copy of their objection is attached at Appendix 2
- 3.3 The objection notice was served on the authority by the Police on 5th December 2019
- 3.4 The grounds for this objection are that there have been recent disorders at the location one of which resulted in a wounding and criminal damage to a police vehicle. This undermines the licensing objective Prevention of Crime and Disorder.

4 THE CURRENT POSITION

- 4.1 A copy of the Temporary Event Notice has been attached at Appendix 1 to this report. For the assistance of members, the notice is for the following:
 - Notified Licensable activities
 - The sale by retail of alcohol for consumption on the premises only.
 - The provision of regulated entertainment

- Notified hours of licensable activities
 - 21th December 2019. At the premises between 22.00pm – 4.00am

4.2 The Temporary Event Notice is for 150 people to attend a Christmas party at the premises.

4.3 The premises are currently subject to a licence that permits all licensable activities Monday to Sunday 09:00am to 01:30am. Premises opening hours are Monday to Sunday 09:00am to 02:00. A copy of the Premises licence is attached to this report at Appendix 3

4.4 The Temporary Event Notice has been given by the Designated Premises Supervisor Michael Straker. The Premises Licence Holder is MJ's Bar & Venue Ltd.

4.5 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 4 to this report.

5 **CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

There is no public consultation for Temporary Event Notices. The notice is only sent to Environment Health and West Midlands Police and only they can object to this Temporary Event Notice.

6 **ALTERNATIVE OPTIONS**

6.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:

6.2 Give the premises user a counter notice if it considers it necessary for the promotion of the licensing objectives to do so.

6.3 If it decides to give a counter notice, this must be accompanied by a notice stating the reasons for its decision with copies of both notices being given to the police.

6.4 If a counter-notice is not given, the premise user and the police must be given a notice of the decision.

6.5 Where the authority decides not to give a counter notice it may impose one or more conditions on the standard temporary event notice if

- a. it considers appropriate for the promotion of the licensing objectives;
- b. the conditions are also imposed on the premises licence that has effect in respect of the same premises and
- c. the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

7 **STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 There are no direct strategic resource implications associated with this application.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Members of the Licensing Sub Committee when making their decision on the notice must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. The premises user and objectors have the right to appeal the decision made by the Licensing Sub Committee to the Magistrates Court by no later than 5 working days before the date on which the event begins.
- 8.2 The Committee are asked to give reasons for their decision wherever possible.
- 8.3 Members of the Sub-Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 9.2 The premises user is responsible for complying with all relevant legislation.

10 DATA PROTECTION IMPACT ASSESSMENT).

Whilst full details of the notice and any objections have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 The Police are a statutory consultee for all Licensing Act 2003 Temporary Event Notice. Prevention of Crime and Disorder is one of the four licensing objectives.
- 11.2 The Police have made an objection to this notice on crime and disorder issues.

12 SUSTAINABILITY OF PROPOSALS

In respect of Temporary Event Notice, we do not for see any issues in respect of sustainability of proposals.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

The notice relates to privately owned property.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

The Licensing Sub Committee is asked to make a decision on the Temporary Event Notice based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision.

16 BACKGROUND PAPERS

Sandwell Metropolitan Borough Council Licensing Policy
Guidance issued under Section 182 of the Licensing Act 2003
The Licensing Act 2003 (Hearings) Regulations 2005

17 APPENDICES:

Appendix 1 – Temporary Event Notice (TEN)
Appendix 2 – Police Objection
Appendix 3 – Current Premises Licence
Appendix 4 – Location Map

Neil Cox
Director – Prevention and Protection