

# Report to Licensing Sub Committee 3

**Monday 29 November 2022**

<b>Subject:</b>	Objection to a Temporary Event Notices for Turks Head, 25-26 Lower High Street, Wednesbury, WS10 7AQ
<b>Director:</b>	Director – Borough Economy – Alice Davey
<b>Contact Officer:</b>	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

## 1. Recommendations

1. Consider the objection made by West Midlands Police for Temporary Event Notices given by Mr Anthony Melia.
2. Each application must be considered on it's 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 7.


## 2. Reasons for Recommendations

- 2.1 To consider an objection made by West Midlands Police under Section 104 of the Licensing Act 2003 in relation to a Temporary Event Notice given by Mr Anthony Melia in respect of Turks Head, 25-26 Lower High Street, Wednesbury, WS10 7AQ
- 2.2 4 x Temporary Event Notice was given on the Authority on 15<sup>th</sup> November 2022.



- 2.3 The Licensing Sub Committee is required to consider this as objections made on the grounds of the 4 licensing objectives and determine whether the event should proceed.
- 2.4 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.

### 3. How does this deliver objectives of the Corporate Plan?

	<p><b>A strong and inclusive economy</b> Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>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.</p>
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### 4. Context and Key Issues

- 4.1 Under the Licensing Act 2003, a responsible authority or any other person may make representations in respect of the application 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
- 4.2 West Midlands Police and Environmental Health have objected to the notice and a copy of their objection is attached at Appendix 2.
- 4.3 The objection notices were served on the authority by the EHO and West Midlands Police on 16<sup>th</sup> November 2022.



## 5. CURRENT POSITION

- 5.1 The premises does not have a current licence.
- 5.2 Copies of the 4 Temporary Event Notice have been attached at Appendices 1 to 4 to this report.

TEN 1 – 3 and 4 December 2022.

TEN 2 – 9,10,11 December 2022.

TEN 3 – 16,17 and 18 December 2022.

TEN 4 – 23 and 24 December 2022.

- 5.3 The TEN is for the following:

- Notified Licensable activities applied for
  - The sale by retail of alcohol
- Notified hours of licensable activities
  - At the premises between 10:00 to 22:00.

- 5.4 The Temporary Event Notice is for 499 people to attend a Pre-Christmas Event

- 5.5 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 6.

## 6. Consultation (customers and other stakeholders)

- 6.1 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.

## 7. Alternative Options

- 7.1 The options available to the Licensing Sub-Committee having considered all the relevant information are as follows:
- 7.2 Give the premises user a counter notice if it considers it necessary for the promotion of the licensing objectives to do so.



- 7.3 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 and Environment Health.
- 7.4 If a counter-notice is not given, the premise user and the Police/ Environment Health must be given a notice of the decision
- 7.5 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.

## 8. Implications

<b>Resources:</b>	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of Temporary Event Notice, we do not for see any issues in respect of sustainability of proposals.</p> <p>The notice relates to privately owned property.</p>
<b>Legal and Governance:</b>	<p>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.</p> <p>The Committee are asked to give reasons for their decision wherever possible.</p> <p>Members of the Sub-Committee should not allow themselves to predetermine the application or to be</p>



	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.
<b>Risk:</b>	<p>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.</p> <p>The Police and Environmental Health have made an objection to this notice on all 4 licensing objectives.</p> <p>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.</p>
<b>Equality:</b>	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The premises user is responsible for complying with all relevant legislation.
<b>Health and Wellbeing:</b>	This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.
<b>Social Value</b>	This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.

## 9. Appendices

- Appendix 1 – Temporary Event Notice (TEN 1)
- Appendix 2 – Temporary Event Notice (TEN 1)
- Appendix 3 – Temporary Event Notice (TEN 1)
- Appendix 4 – Temporary Event Notice (TEN 1)
- Appendix 5 – Representations
- Appendix 5a – Police Evidence
- Appendix 6 – Location Map

## 10. 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

