

Report to Licensing Sub Committee 1

Friday 27 August 2021

Subject:	Objection to a Temporary Event Notices for 50 Popes Lane, Oldbury, B69 4PA
Director:	Interim Director – Borough Economy – Nicholas Austin
Contact Officer:	Balbir Dhugga Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

- 1.1 Consider the objection made by West Midlands Police and Sandwell MBC Environmental Health Department for a Temporary Event Notice given by Ms N C in respect of 50 Popes Lane, Oldbury, B69 4PA


2. Reasons for Recommendations

- 2.1 To consider an objection made by West Midlands Police and Sandwell MBC Environmental Health Department under Section 104 of the Licensing Act 2003 in relation to a Temporary Event Notice given by Ms N C in respect of 50 Popes Lane, Oldbury, B69 4PA
- 2.2 The Temporary Event Notice was given on the Authority on 13th August 2021.
- 2.3 The Licensing Sub Committee is required to consider this objection made on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance 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. The options that can be considered once evidence has been heard are detailed at paragraph 7.

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

	<p>A strong and inclusive economy</p> <p>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 have objected to the notice and a copy of their objection is attached at Appendix 2.
- 4.3 Environmental Health have objected to the notice and a copy of their objection is attached at Appendix 3.
- 4.4 The objection notices were served on the authority by both the Police and Environmental Health on 18th August 2021.



- 4.5 The grounds for this objection from the Police are that there has been a breach of Covid restrictions, a previous event took place without a necessary Temporary Event Notice in place. Weapon and drugs being found at the premises. This undermines the licensing objective Prevention of Crime and Disorder.
- 4.6 The grounds for this objection from Environmental Health are recent complaints received relating to alleged noise disturbance, littering, and car parking from events already held at the location. Limited details in the application regarding noise mitigation measures to control noise levels. Concerns about the hours requested for the event up to 4.00am and the impact of noise levels on local vicinity and arrangements for patrons leaving the site following the event to minimise disturbance. This undermines the licensing objective Prevention of Public Nuisance.

5. CURRENT POSITION

- 5.1 The premises does not have a premises licence.
- 5.2 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 provision of regulated entertainment
 - Notified hours of licensable activities
 - 28th August 2021. At the premises between 23.00 – 4.00.
- 5.3 The Temporary Event Notice is for 150 people to attend a Birthday celebration at the premises.
- 5.4 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 4 to this report.

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

8. Implications

Resources:	There are no direct strategic resource implications associated with this application. In respect of Temporary Event Notice, we do not for see any issues in respect of sustainability of proposals. The notice relates to privately owned property.
Legal and Governance:	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. The Committee are asked to give reasons for their decision wherever possible.



	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.
Risk:	<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 have made an objection to this notice on crime and disorder issues.</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>
Equality:	<p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.</p> <p>The premises user is responsible for complying with all relevant legislation.</p>

9. Appendices

- Appendix 1 – Temporary Event Notice (TEN)
- Appendix 2 – Police Objection
- Appendix 3 – Environment Health Objection
- Appendix 4 – 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

