

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE B**

**WEDNESDAY, 30 AUGUST 2023 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

### **A G E N D A**

#### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

#### **2 DECLARATIONS OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 20**

4 **LICENSING ACT 2003 TEMPORARY EVENT NOTICE BLUE PIANO, 24 –  
26 HARBORNE ROAD, EDGBASTON, BIRMINGHAM, B15 3AA**

Report of the Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 10:00pm.

5 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

## BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 30<sup>th</sup> August 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>Blue Piano, 24 – 26 Harborne Road, Edgbaston, Birmingham, B15 3AA</b>
<b>Ward affected:</b>	<b>Edgbaston</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

To consider the objection notice to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and the provision of late night refreshment, to operate from 07:00pm until 02:00am on 23<sup>rd</sup> September – 24<sup>th</sup> September 2023.

**2. Recommendation:**

To consider the objection that has been made and to determine the notice, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

**3. Brief Summary of Report:**

A Temporary Event Notice was submitted by Madhuri Aulak and received on 19<sup>th</sup> August 2023 in respect of the Blue Piano, 24 – 26 Harborne Road, Edgbaston, Birmingham, B15 3AA.

An objection notice has been received from Environmental Health.

**4. Compliance Issues:**

When carrying out its licensing functions, a licensing authority must have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>A Temporary Event Notice was submitted on 19<sup>th</sup> August 2023 by Madhuri Aulak in respect of the Blue Piano, 24 – 26 Harborne Road, Edgbaston, Birmingham, B15 3AA, which was served on the responsible authorities on 21<sup>st</sup> August 2023.</p> <p>The Temporary Event Notice is attached at Appendix 1.</p> <p>An objection notice has been received from Environmental Health, which is attached at Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such events taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on each TEN.</p> <p>Where TENs are submitted, and objection notice(s) are maintained, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued relating to each TEN.</p> <p>When giving TENs, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> <li>1. The prevention of crime and disorder</li> <li>2. public safety</li> <li>3. The prevention of public nuisance; and</li> <li>4. The protection of children from harm</li> </ol> <p>If the TENs are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TENs if it considers that this is appropriate for the promotion of the licensing objectives.</p>
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<p><b>6. List of background documents:</b></p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection notice from Environmental Health, Appendix 2.</p> <p>Current premises licence, Appendix 3.</p> <p>Site location plans, Appendix 4.</p>
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<p><b>7. Options available</b></p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>
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**Birmingham**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 9**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  
☐ Yes ☒ No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☒ Indicate here if you would prefer not to be contacted by telephone

Are you:  
☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House? ☒ Yes ☐ No Note: completing the Applicant Business section is optional in this form.

Registration number

Business name  If your business is registered, use its registered name.

VAT number  Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business

Home country  The country where the headquarters of your business is located.

**Registered Address** Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

required information

**Section 2 of 9**

**APPLICATION DETAILS** [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

☒ Yes ☐ No

Enter details of any previous names or maiden names

First name

Family name

\* Your date of birth Year must be later than 1900. Applicant must be 18 years of age or older

/  /   
dd mm yyyy

National Insurance number  This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

#### Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

E-mail

Telephone number

Other telephone number

\* required information

### Section 3 of 9

#### THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

\* Does the premises have an address?

☒ Yes

☐ No

#### Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

☒ Yes

☐ No

\* Building number or name

24-26

\* Street

Harborne Road

District

Edgbaston

\* City or town

Birmingham

County or administrative area

\* Postcode

B15 3AA

\* Country

United Kingdom

\* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

\* Premises licence number

3553/2

#### Location Details

\* Provide further details about the location of the event

Event to be held across the main dining area, bar area and outside garden terrace.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Ground floor of the premises to be used only.

Continued from previous page...

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Restaurant, Bar, Guest House with outside garden terrace.

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

Private Ticketed Social Event with Live Music and a DJ.

\* required information

#### Section 4 of 9

##### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

[\(see also guidance on completing the form, note 6\):](#)

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

##### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date

23 / 09 / 2023  
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

24 / 09 / 2023  
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

19.00 - 02.00

[\(see also guidance on completing the form, note 10\)](#)

Continued from previous page...

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

180

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only  
☐ Off the premises only  
☐ Both

required information

#### Section 5 of 9

##### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

The entertainment will be by a live band and a DJ, with music playing from 19.00 - 02.00.

required information

#### Section 6 of 9

##### PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council

Licence number

2717/3

Date of issue

/  /   
dd mm yyyy

Any further relevant details

Date of issue is not shown on my Personal Licence card

Section 7 of 9	
<b>PREVIOUS TEMPORARY EVENT NOTICES</b> <a href="#">(See also guidance on completing the form, note 15)</a>	
<p>Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	
<p>State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year</p>	<div style="border: 1px solid black; padding: 2px; display: inline-block;">1</div>
<p>Have you already given a temporary event notice for the same premises in which the event period:</p> <p>a) Ends 24 hours or less before; or <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>b) Begins 24 hours or less after the event period proposed in this notice?</p>	

\* required information

Section 8 of 9	
<b>ASSOCIATES AND BUSINESS COLLEAGUES</b> <a href="#">(See also guidance on completing the form, note 16)</a>	
<p>Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>Has any associate of yours already given a temporary event notice for the same premises in which the event period:</p> <p>a) Ends 24 hours or less before; or <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>b) Begins 24 hours or less after the event period proposed in this notice?</p>	
<p>Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<p>Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:</p> <p>a) Ends 24 hours or less before; or <input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>b) Begins 24 hours or less after the event period proposed in this notice?</p>	

<b>Section 9 of 9</b>	
<b>CONDITION</b> <a href="#">(See also guidance on completing the form, note 18)</a>	
It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.	
<b>PAYMENT DETAILS</b>	
This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21	
<b>DECLARATION</b> <a href="#">(See also guidance on completing the form, note 19)</a>	
<p>* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:</p> <p>* (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND</p> <p>* (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.</p> <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"</p> <p>* Full name <input type="text" value="Madhuri Aulak"/></p> <p>* Capacity <input type="text" value="Manager"/></p> <p>* Date <input type="text" value="18"/> / <input type="text" value="08"/> / <input type="text" value="2023"/> dd mm yyyy</p> <p><input type="button" value="Add another signatory"/></p> <p>Once you're finished you need to do the following:</p> <ol style="list-style-type: none"> <li>1. Save this form to your computer by clicking file/save as...</li> <li>2. Go back to <a href="https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1">https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1</a> to upload this file and continue with your application.</li> </ol> <p>Don't forget to make sure you have all your supporting documentation to hand.</p>	

**From:** Harry Bevington **On Behalf Of** Pollution Team  
**Sent:** 22 August 2023 12:46  
**To:** Licensing Online ; bw licensing ; Pollution Team  
**Subject:** RE: TEN - Blue Piano - 1410965

Hi licensing,

I cannot support this TEN – there are residential locations proximate to the location and I believe this event will breach the public nuisance licensing objective. This is due to the use of the outdoor terrace and traversal of music through the venue to external areas.

Best wishes,  
Harry Bevington.

**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

3553 / 2

**Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**

Blue Piano  
24-26 Harborne Road  
Edgbaston

**Post town:**

Birmingham

**Post Code:**

B15 3AA

**Telephone Number:**

Not Specified

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

E	Live music
F	Recorded music
M1	Sale of alcohol by retail (on the premises)

**The times the licence authorises the carrying out of licensable activities**

Monday – Sunday	11:00	-	00:00	M1
Wednesday – Thursday	18:00	-	23:00	E,F
Friday	18:00	-	00:00	E,F
Saturday – Sunday	14:00	-	00:00	E,F

**The opening hours of the premises**

Monday - Sunday	07:00	-	00:00
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On Supplies Only

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Blue Piano Limited	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b>	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 07359547
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Ms Siew Kuan Yap	
<b>Post town:</b> Birmingham	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 4078	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 28/07/2012*

David Kennedy  
Principal Licensing Officer  
For Director of Regulation and Enforcement

## **Annex 1 – Mandatory Conditions**

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) the responsible person shall ensure that it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

The responsible person must also ensure that customers are made aware of the availability of the aforementioned measures.

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

Regulated entertainment shall take place indoors only.

Staff will be trained in relation to the sale of alcohol and the 4 Licensing Objectives.

### **2b) Conditions consistent with, and to promote the prevention of crime and disorder**

No enforceable conditions identified from the operating schedule.

### **2c) Conditions consistent with, and to promote, public safety**

A taxi firms details will be made available for customers.

### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

Any person or people who cause a nuisance at the premises will be asked to leave.

### **2e) Conditions consistent with, and to promote the protection of children from harm**

Children will be accompanied by a responsible adult at all times.

A challenge 21 policy will be in force at the premises.

**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

**3b) Committee conditions to promote the prevention of crime and disorder**

N/A

**3c) Committee conditions to promote public safety**

N/A

**3d) Committee conditions to promote the prevention of public nuisance**

N/A

**3e) Committee conditions to promote the protection of children from harm**

N/A

## Annex 4 – Plans





