BIRMINGHAM CITY COUNCIL

Report to:	Licensing Sub Committee B					
Report of:	Interim Assistant Director of Regulation and Enforcement					
Date of Meeting:	Tuesday 17 th May 2022					
Subject:	Licensing Act 2003 Temporary Event Notice					
Premises:	Nude Bar and Grill, 38 Bennetts Hill, Birmingham, B2 5SN					
Ward affected:	Ladywood					
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer licensing@birmingham.gov.uk					

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 7:00pm until 3:00am on 24th June 2022 to 25th June 2022.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was submitted by Jolanta Zatlere and received on 6th May 2022 in respect of Nude Bar and Grill, 38 Bennetts Hill, Birmingham, B2 5SN.

An objection notice has been received from West Midlands Police.

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.

5. Relevant background/chronology of key events:

A Temporary Event Notice was submitted on 6th May 2022 by Jolanta Zatlere, in respect of Nude Bar and Grill, 38 Bennetts Hill, Birmingham, B2 5SN, which was served on the responsible authorities on 6th May 2022.

The Temporary Event Notice is attached at Appendix 1.

An objection notice has been received from West Midlands Police, which is attached at Appendix 2.

The current premises licence is attached at Appendix 3.

Site location plans are attached, see Appendix 4.

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.

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.

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.

When giving TENs, consideration should be given to the following four licensing objectives:

- 1. The prevention of crime and disorder
- 2. public safety
- 3. The prevention of public nuisance; and
- 4. The protection of children from harm

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.

6. List of background documents:

Temporary Event Notice, attached at Appendix 1. Objection notice from West Midlands Police, Appendix 2. Current premises licence, Appendix 3. Site location plans, Appendix 4.

7. Options available

Allow the proposed temporary licensable activities as stated in the TEN Impose conditions on a TEN to promote the licensing objectives Refuse the proposed temporary licensable activities as stated in the TEN

Appendix 1

Birminghum City Council	Birmingham Temporary Event Notice Licensing Act 2003	For help contac licensingonline@birmingham.gov.u Telephone: 0121 303 989		
		required information		
Section 1 of 9				
You can save the fo	rm at any time and resume it later. You do not need to	be logged in when you resume.		
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.		
Your reference	event june 23	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 ac O Yes	ting on behalf of the applicant?	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	Jolanta			
* Family name Zatlere				
* E-mail				
Main telephone nur	mber	Include country code.		
Other telephone nu	mber			
Indicate here	if you would prefer not to be contacted by telephone			
Are you:				
C Applying as a		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 reg the UK with Compa House?	Contraction of the second s	Note: completing the Applicant Business section is optional in this form.		
Registration numbe	r 11271083			
Business name	Nude bar and Grill	If your business is registered, use its registered name.		
VAT number	GB 988140780	Put "none" if you are not registered for VAT.		
Legal status	Private Limited Company			

Continued from previous page		
Your position in the business	general manager]
Home country		The country where the headquarters of your business is located.
, í		
Registered Address		Address registered with Companies House.
Building number or name		
Street]
District]
City or town]
County or administrative area]
Postcode		-
Country		1
Section 2 of 9		
APPLICATION DETAILS (See	also guidance on completing the form, gene	ral notes and note 1)
Have you had any previous or		
O Yes	No	
* Your date of birth	/ / dd vvvv	Applicant must be 18 years of age or older
	dd mm yyyy	This box need not be completed if you are an
National Insurance number		individual not liable to pay UK national insurance.
Place of birth]
	L	_
Correspondence 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
O Yes	 No 	required. Select "No" to enter a completely new set of details.
Building number or name	38]
Street	Bennets Hill]
District]
City or town	Birmingham]
County or administrative area]
Postcode	B5 25N	
Country	United Kingdom]

Continued from previous page.	•	
Additional Contact Details		
Are the contact details the sa	me 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
 Yes 	C No	required. Select "No" to enter a completely new set of details.
E-mail]
Telephone number		
Other telephone number		
Section 3 of 9		
THE PREMISES		
activity at the premises descri Give the address of the premi	give notice under section 100 of the Licensing Ad ibed below. ises where you intend to carry on the licensable dnance Survey references). <u>(See also guidance c</u>	activities or if it has no address give a detailed
* Does the premises have an	address?	
Yes	C 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
C Yes	No	from section one, or amend them as required. Select "No" to enter a completely new set of details.
* Building number or name	38	
* Street	Bennetts Hill]
District		
* City or town	Birmingham	1
County or administrative area	1]
* Postcode	B5 25N	
* Country	United Kingdom]
* Does a premises licence or o to the premises (or any part o	club premises certificate have effect in relation of the premises)?	
C Neither C Premis	ses licence C Club premises certificate	
* Premises licence number	4897/2]
Location Details		
* Provide further details about	t the location of the event	
to host private event at licen:	sed venue with longer opening hours	

		nd to restrict the area to which this notice applies, give a e form, note 3)
Describe the nature of	of the premises below <u>(see also guidance on co</u>	mpleting the form, note 4)
restaurant and bar		
Describe the nature of	f the event below (see also guidance on comp	leting the form, note 5)
private party with all	venue hire	
Section 4 of 9		
LICENSABLE ACTIVIT	nes	
	ctivities that you intend to carry on at the prer	nises
	completing the form, note 6):	
The sale by reta	il of alcohol	
The supply of al member of the	icohol by or on behalf of a club to, or to the ord club	der of, a
The provision o	fregulated entertainment	(See also guidance on completing the form, note 7).
The provision o	f late night refreshment	
The giving of a	late temporary event notice	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		<u>note oj.</u>
	od of at least 10 working days between the dat ig these premises for licensable activities.	te you submit this form and the date of the earliest even
State the dates on wh	nich you intend to use these premises for licen	sable activities
(see also guidance or	completing the form, note 9)	
Event start date	24 / 06 / 2022 dd mm yyyy	The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seve days.
Event end date	25 / 06 / 2022 dd mm yyyy	

1
Note that the maximum number of people
cannot exceed 499.
E
n, note 1 <u>3)</u>
m, note 13) ment. If so, state the times during the event
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Have you already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?		Yes	¢	No	
Section 8 of 9					
ASSOCIATES AND BUSINESS	COL	LEAGUES	(See also gui	iance on completing the	e form, note 16)
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?	0	Yes	۲	No	
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?		Yes	¢	No	
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?		Yes	۲	No	
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: a) Ends 24 hours or less before; or b) Begins 24 hours or less after the event period proposed in this notice?		Yes	۲	No	

Continued from previous page...

Section 9 of 9	
CONDITION (See als	o guidance on completing the form, note 18)
above include the sup	temporary event notice that where the relevant licensable activities described in Sections 4 and 5 ply of alcohol that all such supplies are made by or under the authority of the premises user.
PAYMENT DETAILS	
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 require	s a fixed fee of £21
DECLARATION (See	also guidance on completing the form, note 19)
THE INFORMATION	CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND ICE:
	IR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE IN IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
LIABLE ON SUMMAR	NAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS Y CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A NG SIX (6) MONTHS, OR TO BOTH.
Ticking this bo	x indicates you have read and understood the above declaration
This section should be behalf of the applican	e completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on t?"
* Full name	jolanta zatlere
* Capacity	general manager
* Date	19 / 04 / 2022 dd mm yyyy
	Add another signatory
1. Save this form to yo 2. Go back to <u>https://</u> continue with your ap	you need to do the following: our computer by clicking file/save as, <u>www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1</u> to upload this file and pplication, sure you have all your supporting documentation to hand.

Don't	forget to	o make sure	you have	all your	supporting	documentation	to hand.

From: bw licensing Sent: 11 May 2022 14:47 To: Licensing Cc: Subject: FW: [External]: FW: Temporary event notice: new application Importance: High

Good Afternoon Licensing,

West Midlands Police object to the granting of this TEN application for Nude Bar & Grill 38 Bennetts Hill Birmingham B5 2SN on 24th in 25th June 2022 between 1900x0300.

The event is a promoted by a third party and while West Midlands Police have no concerns with the event itself, West Midlands Police do have concerns about the lack of control the premises have in relation to this event.

It is West Midlands Police stance that the lack of control the premises licence holder currently has over this event may lead to a breach of the licensing objectives in relation to the prevention of crime & disorder and public safety.

The concerns are:

- The promoters are supplying the security staff which means the premises licence holder has no control of their premises as the door staff will be directed and managed by the promoters. (The premises need to have control of the door team and they need to be deployed by the premises licence holder to have this control.)
- The premises have no way of controlling ticket sales and limiting the sales to the numbers on the TEN application and premises fire certificate.
- The premises are unaware of any risk assessment carried out by the promoter for numbers of door staff, which company they intend to deploy, entry policy, search policy, dispersal policy etc.
- Any risk assessment ideally needs to be carried by the premises holder or at least signed off by them as agreement.
- The fact that the TEN application is between 1900x0300 when the premises is licenced until 0200 so the TEN would nullify the premises licence from 1900.

I have spoken with the applicant at length, explained the above concerns and offered assistance of how to take this forward, who is copied into this email.

If the above concerns are addressed to the satisfaction of West Midlands Police then the objection would be withdrawn.

Many thanks

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4897 / 4

Part 1 - Premises details:

	ar & Grill netts Hill	
Post town:		Post Code:
Birming	Jham	B2 5SN
Telephone Nu	nber:	
Not Sp	ecified	
Where the lice N/A	nce is time limited the da	ates
Licensable ac	ivities authorised by the	licence
E	Live music	
F	Recorded music	
E F G		

The times the licence authorises the carrying out of	of licensa	ble a	activities	
Sunday-Saturday	10:00 23:00		02:00 02:00	E ,F ,G ,M3 L
To extend so that on the morning of British Summer Time (BST), the premises shall operate until 3:30hrs BST and on New years eve to open at 10.00am to 02.30am on 2nd January.				All
To extend until 03.30 hours on Friday,Saturday,Sunday, and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day.				All

The opening hours of the premises				
Sunday-Saturday To extend so that on the morning of British Summer Time (BST), the premises shall operate until 3:30hrs BST and on New years eve to open at 10.00am to 02.30am on 2nd January.	09:00	-	02:30 All	
To extend until 03.30 hours on Friday,Saturday,Sunday, and Monday at			All	

Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence				
e				
Post Code:				
	же			

Registered number of holder for	example company number o	r charity number	(where applicable)
N/A			

Name, address, telephone number of d authorises for the supply of alcohol	esignated premises supervisor where the premises licence
Donna Chance	
Post town:	Post Code:
Telephone Number:	
N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol		
Licence Number	Issuing Authority	
15/00159/LAPERN	LICHFIELD COUNCIL	

Dated 14/10/2021

Bhapinder Nandhra Senior 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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. 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 either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for 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) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:- (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence- (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Licensing Act 2003 Door Supervision Mandatory Condition No: 1 Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

Alcoholic drinks may not be removed from the premises in open containers saved for consumption in external areas provided for that purpose.

No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises at anytime the premises are open to the public.

It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment as to the deployment of door supervisors and will employ the same appropriately. Any persons exercising security (as defined by paragraph 21a of schedule 2 of the Private Security Act 2001 shall be licensed by the Security Industry Authority).

Such person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.

Digital CCTV to be installed and operated within the premises internally within the premises internally to cover all public areas (save for toilet facilities) and to include the rear external terraced area.

The CCTV images will record and display dates and times.

The CCTV footage will be stored for a minimum of 31 days.

On the reasonable request from a Constable or authorised officer of a Responsible Authority the management will give full and immediate cooperation and technical assistance to the downloading of date.

The premises will maintain an incident and refusal log which will be available to the Police and Licensing Authority on reasonable request and be retained for a period of 12 months.

When trading past 01.00hrs for the sale of alcohol the last entry or re-entry to the premises (save for returning smokers) will be 01.00hrs.

A profile of all door staff deployed at the premises will be kept by the premises. This will include a copy of their SIA badge and a copy of photographic ID. If photographic ID is not available then a utility bill less than 3 months will be acceptable. Door staff will sign on and off duty. Profiles and signing in / out sheets will be held on the premises for a minimum of 3 months and made available to West Midlands Police immediately on request.

The premises licence holder or their nominated person will check the CCTV system daily, prior to carrying out any licensable activity to ensure it is working and recording. The check will be documented and signed, timed and dated by the person carrying out the check. This documentation to be made immediately available to any of the responsible authorities on request.

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

The Premises Licensee will comply with the reasonable requirements of the Fire Officer from time to time.

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

Where appropriate prominent and legible notices shall be displayed at all exists requesting the public to respect the needs of the local residents and to leave the premises and area quietly.

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

No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless resident, dining with an adult or attending a pre booked function.

The premises will operate Challenge 21.

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

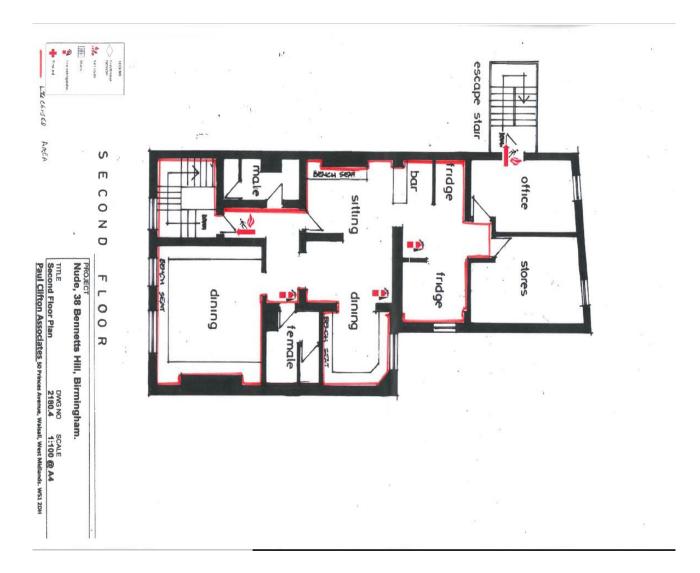
N/A

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



Appendix 4

