

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 16th May 2017
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Soiree Lounge, Unit 2, 5-11 Fleet Street, Birmingham, B3 1JP
Ward affected:	Ladywood
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection to a Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on and off the premises), and the provision of regulated entertainment on Saturday 27th May 2017 at 22:00 hours until Sunday 28th May 2017 at 04:00 hours.

2. Recommendation:

To consider the objection notice made by Environmental Health

3. Brief Summary of Report:

A Temporary Event Notice was received on 04th May 2017 in respect of the Soiree Lounge, Unit 2, 5-11 Fleet Street, Birmingham, B3 1JP

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>5. Relevant background/chronology of key events:</p> <p>Mr Stefan Timothy Kreuter submitted on 04th May 2017 a Temporary Event Notice in respect of Soiree Lounge, Unit 2, 5-11 Fleet Street, Birmingham, B3 1JP</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice has been received from Environmental Health, see Appendix 2.</p> <p>A site location plan is attached at Appendix 3</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 an event 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 a TEN.</p> <p>Where a TEN is submitted, 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.</p> <p>Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm
<p>6. List of background documents:</p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice from Environmental Health, attached at Appendix 2.</p> <p>Site location plan, Appendix 3.</p>
<p>7. Options available</p> <p>To issue the TEN</p> <p>To issue a Counter Notice</p>

Appendix 1



Birmingham City Council

Birmingham City Council, Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	KREUTER		
Forenames	Stefan Timothy		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day:	Month: Year
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
;			
Post town:		Postcode:	
7. Other contact details			
Telephone numbers	<div style="border: 1px solid black; padding: 5px; text-align: center;"> BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED </div>		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
C/O Carl Moore C.N.A. Risk Management Limited P.O. Box 13293 Great Barr		REF NO	
		INITIALS	
Post town: Birmingham		Postcode: B42 9BP	

9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address	

2. The premises	
Please 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) (Please read note 2)	
SOIREE LOUNGE UNIT 2, 5 – 11 FLEET STREET BIRMINGHAM B3 1JP	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Lounge/Bar – Currently Unlicensed	
Please describe the nature of the event below. (Please read note 5)	
<p>The event will be held on two floors, with a DJ providing amplified music.</p> <p>Please see attached Events Risk Assessment which incorporates a Dispersal Policy and list of suitable conditions.</p> <p>The premises have liaised with West Midlands Police and Environmental Health in previous TENS applications with regards to any concerns they may have. This will continue</p>	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
Saturday 27th May through to Sunday 28th May 2017		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 9)		
22:00hrs to 04:00hrs		
Please 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. (Please read note 10)		150
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment.
None

4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Birmingham City Council	
Licence number	314	
Date of issue	26.08.2005	
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
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?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please 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	7	
Have you already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) Ends 24 hours or less before; or		
b) Begins 24 hours or less after the event period proposed in this notice?		

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) Ends 24 hours or less before; or		
b) Begins 24 hours or less after the event period proposed in this notice?		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
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:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) Ends 24 hours or less before; or		
b) Begins 24 hours or less after the event period proposed in this notice?		

7. Checklist (Please read note 16)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
- (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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature

Date

Thursday 4th May 2017

Name of
Person signing

Carl Moore – C.N.A. Risk Management Ltd, Authorised Agent

For completion by the licensing authority

10. Acknowledgement (Please read note 19)

I acknowledge receipt of this temporary event notice.

Signature

On behalf of the licensing authority

Date

05.05.17

Name of Officer
signing

LISA WOODWARD.

Appendix 2

From: Paul R. Samms
Sent: 08 May 2017 16:22
To: Licensing
Cc:
Subject: FW: Application for a TENS for SOIREE LOUNGE, Unit 2, 5-11 Fleet Street, Birmingham - Saturday 27th May 2017
Attachments: TENS Application - 27.05.2017.pdf

Afternoon,

As representative of Environmental Health, I hereby object to the above TENS submitted for SOIREE LOUNGE, Unit 2, 5-11 Fleet Street, Birmingham on grounds of likely public nuisance.

If you have any queries please do not hesitate to contact me (please note I do not work Tuesday's or Wednesday's).

Regards,

Paul Samms
Environmental Protection Officer

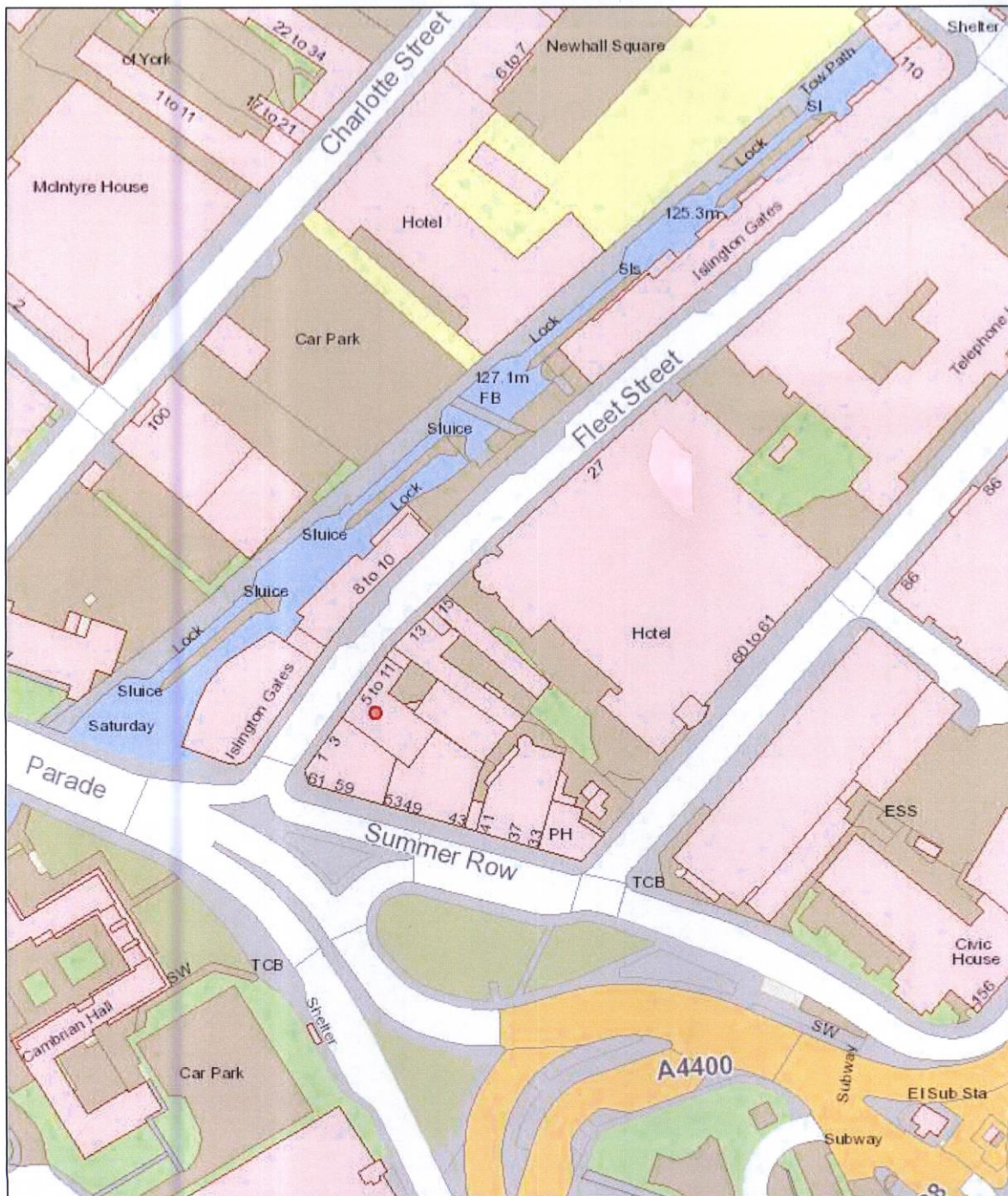
Environmental Protection Unit
Environmental Health
Manor House
40 Moat Lane
Digbeth
Birmingham
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908,
Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>
Facebook: <http://www.facebook.com/ehbham>
Twitter: <http://www.twitter.com/ehbham>
Flickr: <http://www.flickr.com/photos/envhbham>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

Soiree Lounge



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 09/05/2017



Scale:
1:1,250

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved