

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 14th June 2017
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Lower Severn Street between John Bright St & Hill Street, and John Bright Street pavement outside the Old Skin Hospital (71-79 John Bright Street)
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 the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption both on and off the premises) on Saturday 29th July 2017, to operate from 10:00am to 11:00pm.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was received on 1st June 2017 in respect of Lower Severn Street between John Bright St & Hill Street, and John Bright Street pavement outside the Old Skin Hospital (71-79 John Bright Street).

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.

<p>5. Relevant background/chronology of key events:</p> <p>Miss Jennifer Nadin submitted on 1st June 2017 a Temporary Event Notice in respect of Lower Severn Street between John Bright St & Hill Street, and John Bright Street pavement outside the Old Skin Hospital (71-79 John Bright Street).</p> <p>The Temporary Event Notice, including supporting documents, is attached at Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>Site location plans are attached, see 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's are in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for Lower Severn Street between John Bright St & Hill Street, and John Bright Street pavement outside the Old Skin Hospital (71-79 John Bright Street).</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 West Midlands Police, attached at Appendix 2.</p> <p>Site location plans, Appendix 3.</p>
<p>7. Options available</p> <p>To issue the TEN's</p> <p>To issue Counter Notice's</p>

Appendix 1

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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	NADIN		
Forenames	JENNIFER		
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	n/a		
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)			
[Redacted Address]			
Post town		Postcode	
7. Other contact details			
Telephone numbers	[Redacted]		
Daytime	[Redacted]		
Evening (optional)	[Redacted]		
Mobile (optional)	[Redacted]		
Fax number (optional)	n/a		
E-Mail address (if available)	[Redacted]		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

REGULATION & LICENSING SECTION
 DATE RECEIVED
 01 JUL 2012
 REF NO 0008001000112
 INITIALS PD 121 06 06/12

Post town: Postcode:

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail address

(if available)

3. 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 reference) (Please read note 2)

Lower Severn Street between John Bright St and Hill Street and John Bright St pavement in front of the Old Skin Hospital 71-79 John Bright St B1 1BL

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

n/a

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)

n/a

Please describe the nature of the premises below. (Please read note 4)

Street, with two mobile bars (pictured attached) two 6x6m marquee tents and german style benches

Please describe the nature of the event below. (Please read note 5)

Street Party as part of Birmingham Beer Week, beer festival, live music, walking

bars in association with 'still walks' and 'hidden spaces'

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 ☒

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 (Please read note 7) ☐

The provision of late night refreshment ☐

Are you giving a late temporary event notice? (Please read note 8) ☐

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

29/7/2017

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 10)

10:00 until 23:00 on 29/7/2017

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 11)

499

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)

On the premises only ☐

Off the premises only ☐

Both ☒

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 (including, but not limited to lap dancing and pole dancing). (Please see note 13)

n/a

4. Personal licence holders. (Please read note 14)	
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	LEEDS CITY COUNCIL
Licence number	
Date of issue	
Any further relevant details	


5. Previous temporary event notices you have given. (Please read note 15 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 type="checkbox"/> No <input checked="" 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	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 16 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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
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"/> n/a
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"/> n/a
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"/> n/a
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
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 of any amount; 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 of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	1/6/2017
Name of Person signing	JENNIFER NADIN

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
Name of Person signing

For completion by the licensing authority

10. Acknowledgement (Please read note 19)
I acknowledge receipt of this temporary event notice.
Signature
Date
Name of Officer signing

NOTES

General

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per

Enquiry Form for use of City Centre Public Space

All enquiries will be assessed against the following criteria:

- Type and quality of the promotion/activity, including appropriateness, decency, breadth of appeal and good taste for a multi-cultural city.
- Suitability of location(s), dates and timings
- Public safety, potential for crime and disorder, public nuisance, and the protection of children.
- Level of any associated disruption (to traffic, pedestrians, businesses, etc.) related to the activity.
- Enquiries should normally be made at least 28 days in advance of the proposed activity date(s).
- In accordance with the Licensing Act (2003), any unauthorised regulated activity will be subject to any necessary enforcement action undertaken by Birmingham City Council and / or West Midlands Police

1. Name of Activity	John Bright Street Party	
2. Proposed Activity Venue	Multiple along the street	
3a. Activity start date: 29/07/2017	3b. Activity end date: 29/07/2017	
4. Full Business Name and address of organisation wishing to use public space. Please state full company name and address for invoicing purposes. Incorrect invoicing details resulting in a re-issue of an invoice will incur an additional £75 charge	Cherry Reds Café Bar Ltd 88-92 John Bright St B1 1BN	
5. Is this organisation acting on behalf of another? If YES, please state the name of your client's organisation: Brewdog Birmingham (Brewdog), The Railway (Mitchell's & Butlers), The Victoria (Bitters & Twisted venues), The Stable (The stable bars & restaurants)		
6. Primary Contact – Who will act as the Activity manager? Name: Jen Nadin Position: Director/Manager Telephone: . Mobile: Email: .		
7. Web site for further details about the proposed activity/activity: Birminghambeerweek.uk ;		

8. What category would your Activity fall into			
City Council	Community	Charity	Fund Raising
Commercial	Non Commercial	Public Information	Other
9. Build start and end dates & times:	n/a		
Activity start and end dates & times	11am 29/07/2016 to 11pm 29/07/2016		
De-rig start and finish date & times	n/a		
10. Do you intend to give out any flyers, promotional leaflets, food or drink samples as part of the activity? <u>YES</u> / NO If yes, please state the details: There will be bars on the street providing some samples			
11. Are you intending to sell any services, products or produce? <u>YES</u> / NO If, YES can you provide details. We are hoping to have two external bars selling craft beer			
12. Does your activity involve the preparation and cooking for food? YES / NO If YES please provide details. Only in house, we will be providing seats which people may eat their own food on			
13. What clean up measures will you have in place to ensure litter is minimised during and after your Activity? For all food related activities a detailed waste management plan will be required. Ryans cleaning will be providing 8 general waste and recycling areas along the street and cleaning the street after the event. D-tox portloos will be providing 3 extra toilets.			
14. What is the total amount of space required for your Activity, during set up and when the Activity is 'live'? <u>Measurements required in metric</u> - convert feet to metres = ft / 3.39			

? From Navigation street to Station street			
Length	Width	Height	Sq Mt
<p>15. Please list all displays, equipment, structures, stalls, and stages that you intend to use on the Venue as part of your Activity. In addition to the list, a layout plan with images of all items will be required.</p> <p>The tippie truck Brewdog bar Marquee 10 German beer benches</p>			
<p>16. Do you require vehicle access to the site? If so, please provide a schedule that includes the following details: date, time on and time off the Venue, reason for access, registration number. You must clearly highlight on the schedule which vehicles need to stay on the Venue. Note that the Venue will not be used as a convenient car park and only vehicles that are directly part of the Activity will be considered to remain on site. In most cases support vehicles, holding equipment/stock, will have to park off site.</p> <p>Yes for Brewdog bar MY64 PZW and the tippie truck R127 PDA will park in appropriate bays, staying on site throughout the day, they will both be on the street from 9am on 29/7/2017 to 5pm 30/7/2017</p>			

Detailed description of the proposed Activity

Please provide as much information as possible on any activity area listed below that may be applicable to your proposed activity. If at present you do not have full details please state 'Details to follow' for any of the activity areas.

1. Activity Summary.

Why are you doing the activity, at whom is it aimed and what will be involved?

This is a 'street party' as part of Birmingham Beer Week.

It is aimed at craft beer fans

There will be two outside bars and a lighted marquee on Lower Severn street between Cherry Reds and the Railway pub with german beer benches. Pubs will be doing their own events using their own café licensed areas including live music.

2. Potential participants.

Who are they and what are the anticipated audience numbers?

Beer fans, hidden spaces followers. Expected 2,000 over the course of the day, probably around 200 in the street at any one time.

Is the Activity totally reliant on natural footfall at the Venue?

no

How will the public interact with the Activity?

Social media, drinking finely crafted beers!

Do you intend to ask members of the public about their personal details or any other questions?

no

What is your target group?

Anyone who likes beer and enjoys the architecture of John Bright st

Will the Activity be free to the public or will there be restricted access/entry?

free

Will all elements of the Activity be accessible to people with disabilities?

yes

3. Staff Resources.

How many staff will be on duty and what will be their roles and responsibilities?

All bars have 2 door supervisors who will support the management of any drunk and disorderly behavior. Each bar will have an extra member of staff working to maintain their section of the road. Ryans cleaning providing staff to clean the street after the event, haven't given me numbers yet but their job is to restore it to original look.

What stewarding and security provisions will you make?

As above

What on site communications will you have in place?

Duty manager from each venue has contacts of other venues

4. Activity Content

Will any of the following be part of the Activity: Portable stages, trailers, marquees, stalls, display stands/boards, live or recorded music, alcohol or non alcohol sales or consumption, pre-prepared or food cooked at the Venue, PA systems, balloon launch, animals, fairground equipment, amusements rides or any other attractions?

If so please provide details, including plans, drawings and pictures.

Marquee as described

Alcohol as described

Live music as described

What safety equipment will you be using to manage the Activity during the build, live and de-rig periods?

n/a

Do you require power and water? If yes, please provide details – please note that mains powers may be available for an additional cost, if you provide your own, only silent diesel generators are allowed onto the Venue.

no

5. Publicity

What pre and post publicity will you be undertaking and when?

Social media

Do you have a website where further details can be found?

Birminghambeerweek.uk ; we have not started advertising this event yet but it will be on here from next week

Will you be using social media and if you please provide details?

? Yes twitter, facebook, Instagram of all the bars and [@BirmBeerWeek](https://twitter.com/BirmBeerWeek)

Please note that through the event assessment process you will also be required to submit the following:

- Copy of your public liability insurance certificate – minimum cover of £5m required
? Really for two outside bars? I have 2m liability
- Risk assessments for the Activity
Extended from bars
- Activity layout plan specific to the Venue
attached
- Method statement and safety calculations for all structures
n/a
- A detailed schedule for vehicles that require access to the Venue
n/a two that will stay parked there all day as described
- Copies of promotional material you intend to use as part of the Activity
Can only afford to have them designed/printed if you agree to this! Have attached beer week promo

Information provided in this application form and any attachments will be held both electronically and manually. It will be used to assess your application and may be shared with other departments within Birmingham City Council, West Midlands Police, West Midlands Fire Service, West Midlands Ambulance Service, sub-contractors and any other parties with whom we are required to consult and liaise.



Appendix 2

From: Abdool Rohomon
Sent: 06 June 2017 13:49
To: Licensing; bw licensing
Cc:
Subject: TEN - application for John Bright Street (29/07/17)

Dear Licensing

West Midlands Police have received a TEN application for a street party for John Bright Street on the 29th July 2017. The application was received by West Midlands Police on the 2nd July via e-mail.

Having looked at this application West Midlands Police object to the granting of it, on the grounds of crime and disorder and public safety. West Midlands Police have arranged to meet the applicant on Friday 9th July, as there are concerns around control of numbers, control of people and alcohol, both from the premises involved in the event and from the 2 additional bars, safety in terms of vehicle access and mitigation and the infrastructure that is intended to be placed on the highway.

These event is planned in an area with high footfall, within the City Centre and as such West Midlands Police need to ensure that the correct control measures are in place and the correct paperwork in place to show these. These are currently not documented within the application to the satisfaction of West Midlands Police.

Therefore West Midlands Police object to this application

Kind regards

Abs Rohomon

**PC 4075 Rohomon
BWC Planning and Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

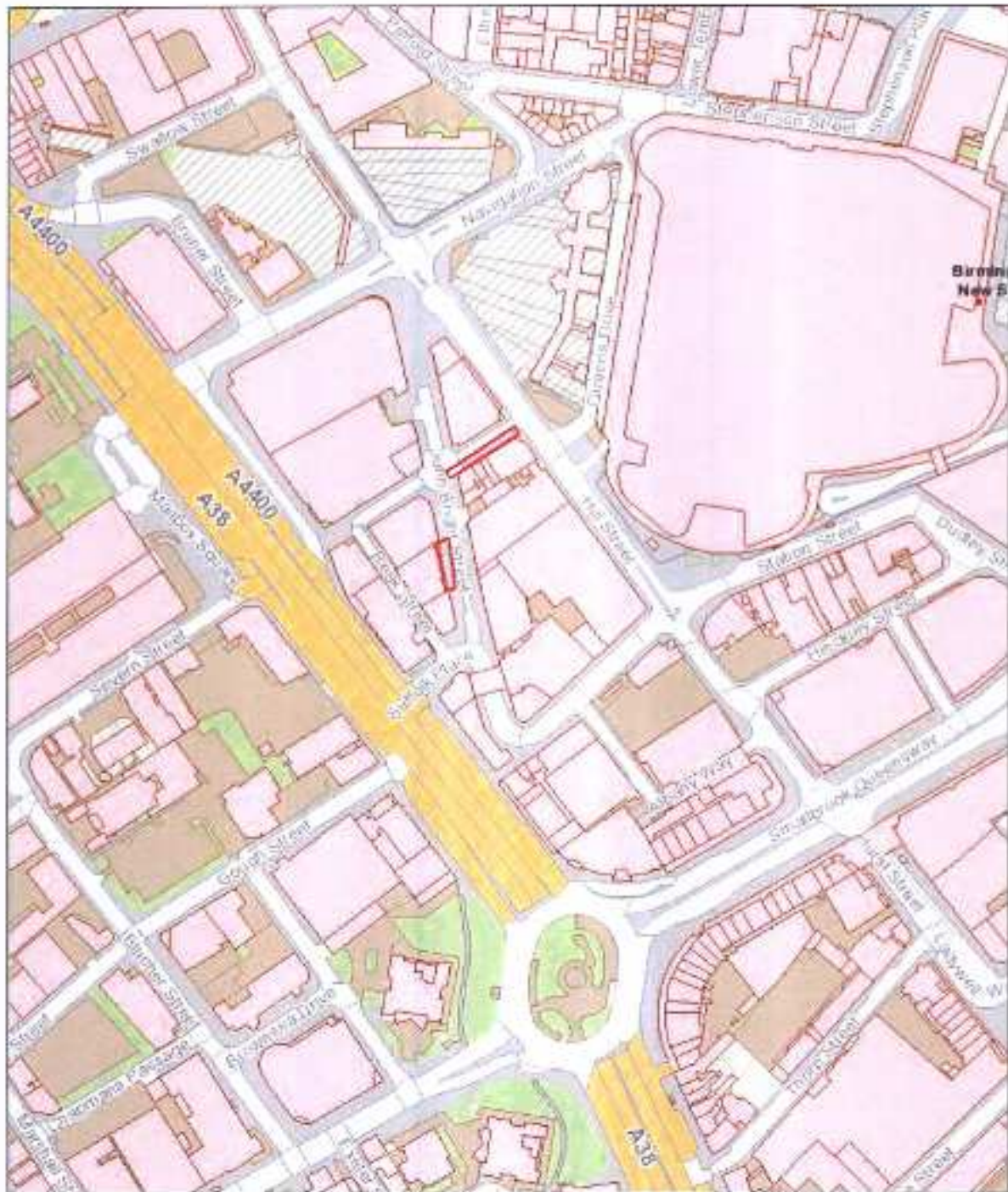
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West Midlands Police

Website: www.west-midlands.police.uk
Twitter: www.twitter.com/brumpolice
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

Appendix 3



Birmingham City Council Map Created By:

Notes

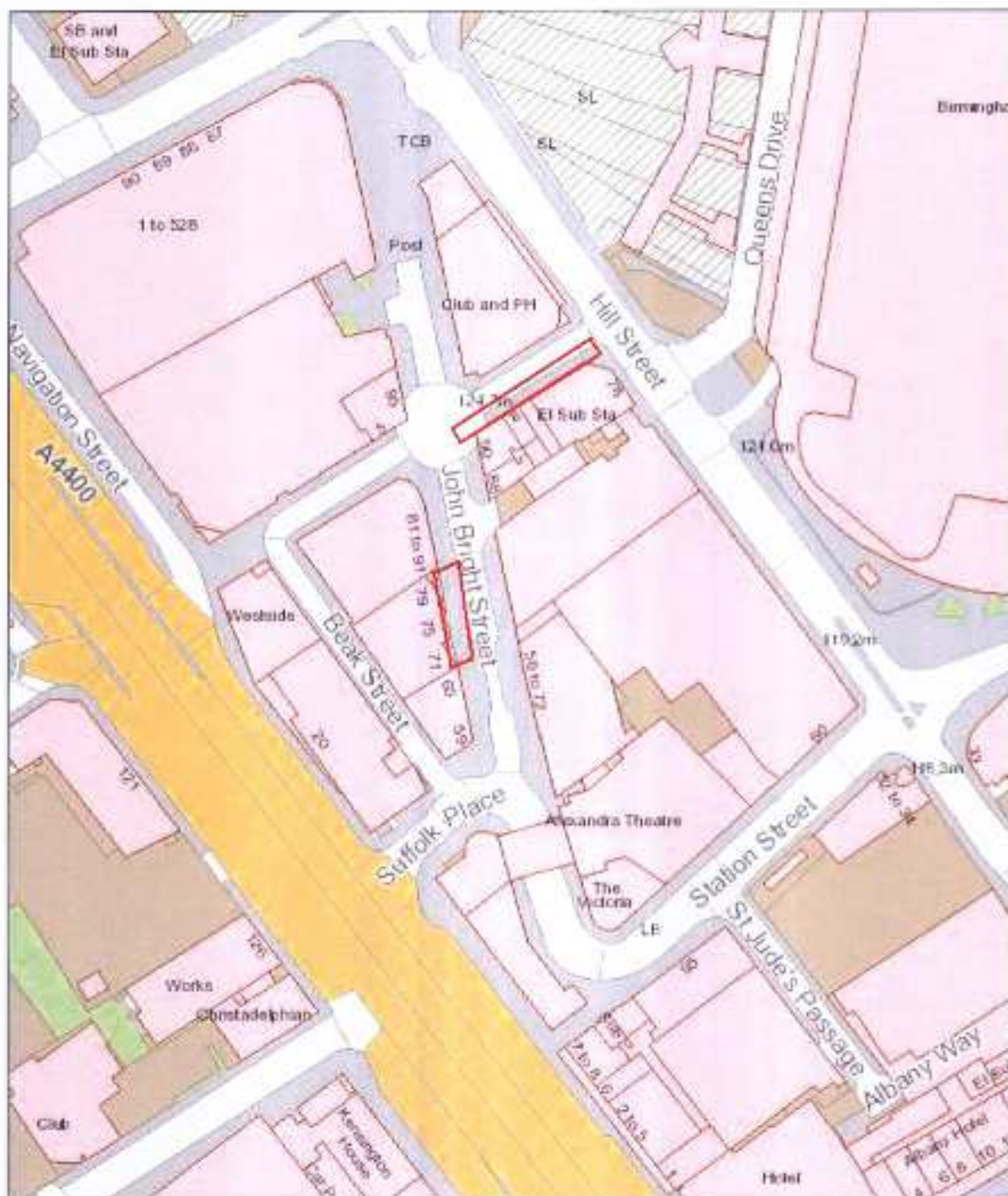
Date of Map Creation: 07/06/2017



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Scale:
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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 07/06/2017



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