

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 7th August 2019
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Premises at 35 Birchfield Road, Aston, Birmingham, B19 1SU
Ward affected:	Aston
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objections 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 on 17th August 2019, to operate from 12:00midday until 01:30am (the following day).

2. Recommendation:

To consider the objection notices made by West Midlands Police and Environmental Health.

3. Brief Summary of Report:

A Temporary Event Notice was received on 25th July 2019 in respect of 35 Birchfield Road, Aston, Birmingham, B19 1SU.

An objection notice has been received from West Midlands Police and 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>Kadian Mowatt submitted on 25th July 2019 a Temporary Event Notice in respect of 35 Birchfield Road, Aston, Birmingham, B19 1SU.</p> <p>The Temporary Event Notice, including a risk assessment, is attached at Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>An objection notice has been received from Environmental Health, see 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 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 35 Birchfield Road, Aston, Birmingham, B19 1SU.</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 and risk assessment is attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Objection Notice from Environmental Health, attached at Appendix 3.</p> <p>Site location plans, Appendix 4.</p>
<p>7. Options available</p> <p>To issue the TEN</p> <p>To issue a Counter Notice</p>

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)		BCC REGULATION & ENFORCEMENT	
1. Your name		LICENSING SECTION	
Title	Mr Mrs Miss Ms Other (please state)	DATE RECEIVED	
Surname	Mowatt	20 JUL 2013	
Forenames	Kadian		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)		INITIALS	
Title	Mr Mrs Miss Ms 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)			
35 Birchfield road, Aston, Birmingham			
Post town	Postcode	B19 1SU	
7. Other contact details			
Telephone numbers			
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)			

Post town		Postcode
9. Alternative contact details (if applicable)		
Telephone numbers:		
Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (if available)		
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)		
35 Birchfield road, Aston, Birmingham, B19 1SU		
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)		
Caribbean takeaway		
Please describe the nature of the event below. (Please read note 5)		
We will be having official shop opening, customer appreciation BBQ, and funday.		

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	Yes	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No	
The provision of regulated entertainment (Please read note 7)	Yes	
The provision of late night refreshment	Yes	
Are you giving a late temporary event notice? (Please read note 8)	No	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	17/08/19	
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)		
12:00pm - 1:30		
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)	450	
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	Error! Bookmark not defined. Yes
	Off the premises only	No
	Both	No

<p>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)</p> <p>We will have bounce castle, face painting and live music playing inside a big marquee all activities will taken place at the back garden of the premises, no actiities will be at the front of shop all food and refreshment will be serve from the main counter inside the shop. Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am</p>

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	<input type="checkbox"/>	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
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?	<input type="checkbox"/>	No
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?	<input type="checkbox"/>	No

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?	<input type="checkbox"/>	No
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?	<input type="checkbox"/>	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?	<input type="checkbox"/>	No
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?		No
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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	Yes
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	Yes
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	Yes
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	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	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	N/A
Made or enclosed payment of the fee for the application	Yes
Signed the declaration in Section 9 below	Yes

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	25/07/2019
Name of Person signing	Kadian Mowatt

1 Full event plan with map of where licensable activity will take place:

I Kadian Mowatt is planning to keep a small barbecue gathering for my customers to show my appreciation of their support over the past couple of months. this will be between 12:00 until 23:00 which will then be taken on the inside for further socialising until 01:00.

2. Risk assessment, to include –

· **How you will control numbers attending the event.**

I will be giving arm band to monitor the amount of people coming in and will stop people coming in as soon as I reach my legal amount.

· **Door staff being used and their deployment plan.**

security will be present whom will carry out checks on everyone before entrance and will also provide customers with armbands. there plan is to supervise the doors and walk around to keep checks on both the premises and customers.

· **Entry policy.**

my policy for the night will be search before entry and refusal of searching will be turn away.

· **Toilet facilities.**

indoor toilet with wash sink, hand dryer and hot and cold running water from top.

· **First aid provisions.**

A certified first aider and fire marshal will be present on site from the beginning to the end of the event.

· **Vulnerability policy**

security will keep regular checked on customers in order to keep the environment safe and secure they will also keep in regular contact with first aider to make sure all vulnerable support is intact.

· **Method statement and health and policy for contractors:**

there is a cancelation of bouncy castle: therefore the event will not be having one.

· **Fire risk assessment to include evacuation plan and numbers permitted within the area being used for the event.**

a certified fire marshal will be on the premises encase the event of a fire should occur

· **Noise management plan.**

All noise will turn down and will be taken on the inside in order to control environmental noise and nuisance to neighbours.

From: bw licensing
Sent: 31 July 2019 07:10
To: Licensing Online; Pollution Team
Subject: RE: ON LINE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU

Licensing,

Unfortunately West Midlands Police do not feel that the applicant has addressed our concerns and satisfied us that the licensing objectives will be promoted.

Because of this, West Midlands Police formally make representation to the grant of this certificate on the grounds that the prevention of crime and disorder, public nuisance and public safety will not be promoted.

Regards

PC 1978 Walker
Birmingham Police Central Licensing Team
Birmingham Partnerships
Lloyd House

From: Martin Key
Sent: 31 July 2019 11:09
To: Licensing
Cc: Kadian Mowatt; Pollution Team; bw_licensing@...
Subject: RE: ON LINE LATE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU
Importance: High

Hi

I have received the application for a TEN for 17/18 August 2019 at 35 Birchfield Road between the hours of 12 noon and 01.30 for alcohol sale, late night refreshment and regulated entertainment. I have previously raised issues by sending the applicant an email last week as follows:-

Further to my earlier telephone conversation you will need to amend the TEN application you have submitted to address the following issues:-

1. *In section 2 the premises licence section is incorrect – the premises does not have a premises licence under the Licensing Act 2003 and this should be blank – you have quoted your food hygiene registration number*
2. *In section 3 you have put the date as 17/08/19 – you have also asked for hours of 12.00 (noon) to 01.30 and therefore this is over 17 and 18 August*
3. *You have provided further information in the section on relevant entertainment – this is specified in the Act and covers sexual entertainment such as lap dancing and pole dancing and based on our conversation is not being proposed and should therefore be blank*
4. *However the information you have provided in that section is also confusing as it states - Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am ; what are the hours you are seeking?*

Irrespective of the above there is no information on proposed control and management of the event and I have significant concerns about nuisance impacts and public safety given the proposed location and hours and would request that you provide a detailed risk assessment and management plan to address the public nuisance and public safety licensing objectives to include:-

- *layout and specification of amplification equipment*
- *electrical safety and power supply*
- *toilet and hygiene facilities*
- *drinking water*
- *management of safe access and egress*
- *cooking facilities*
- *type of entertainment*
- *management of any childrens' rides or entertainment (such as the bouncy castle)*
- *management of behaviour at the event*
- *emergency escape provision from the rear of the premises*
- *how you proposed to manage the event in general (responsibilities)*
- *a noise management plan.*

I am concerned that there is a risk of public nuisance and also public safety as no effective operational controls have been submitted, this is an outdoor event with amplified live music in a residential location (Indeed backs on to gardens of residential properties) and therefore it is essential that the information outlined above is provided to support the TEN application.

Whilst the TEN has been amended there are still inconsistencies and whilst the applicant has addressed some of the issues raised they have not provided sufficient information for me to make a full assessment. On the basis of the location (with the proposed event space backing onto residential gardens as well as other proximate residential use), the proposed type of event, the hours proposed and the absence of any effective operating controls, on behalf of the Environmental Health team as a responsible authority I would object to the grant of the TEN on the basis of the of impact on the licensing objectives of the prevention of public nuisance and public safety.

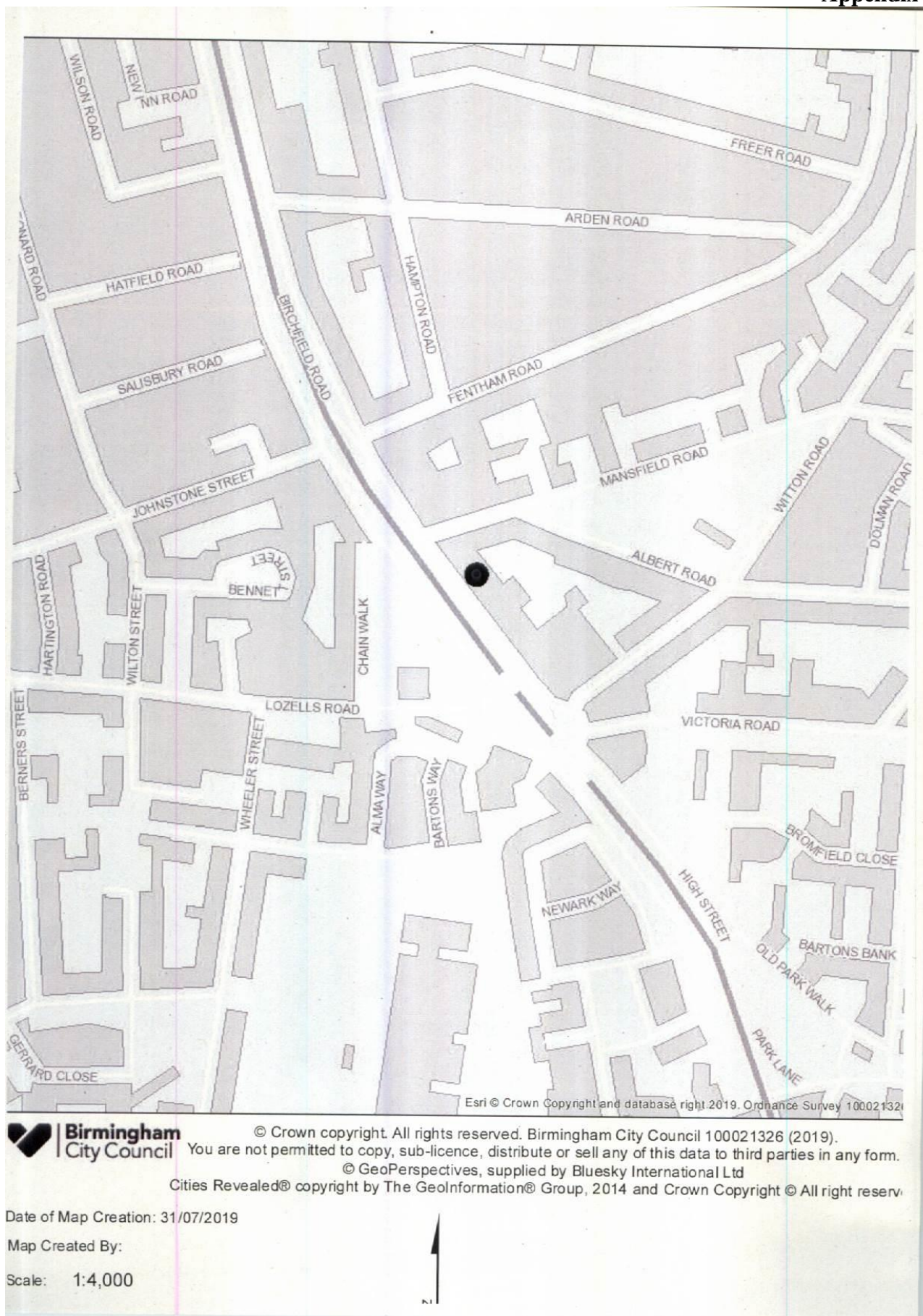
Best Regards

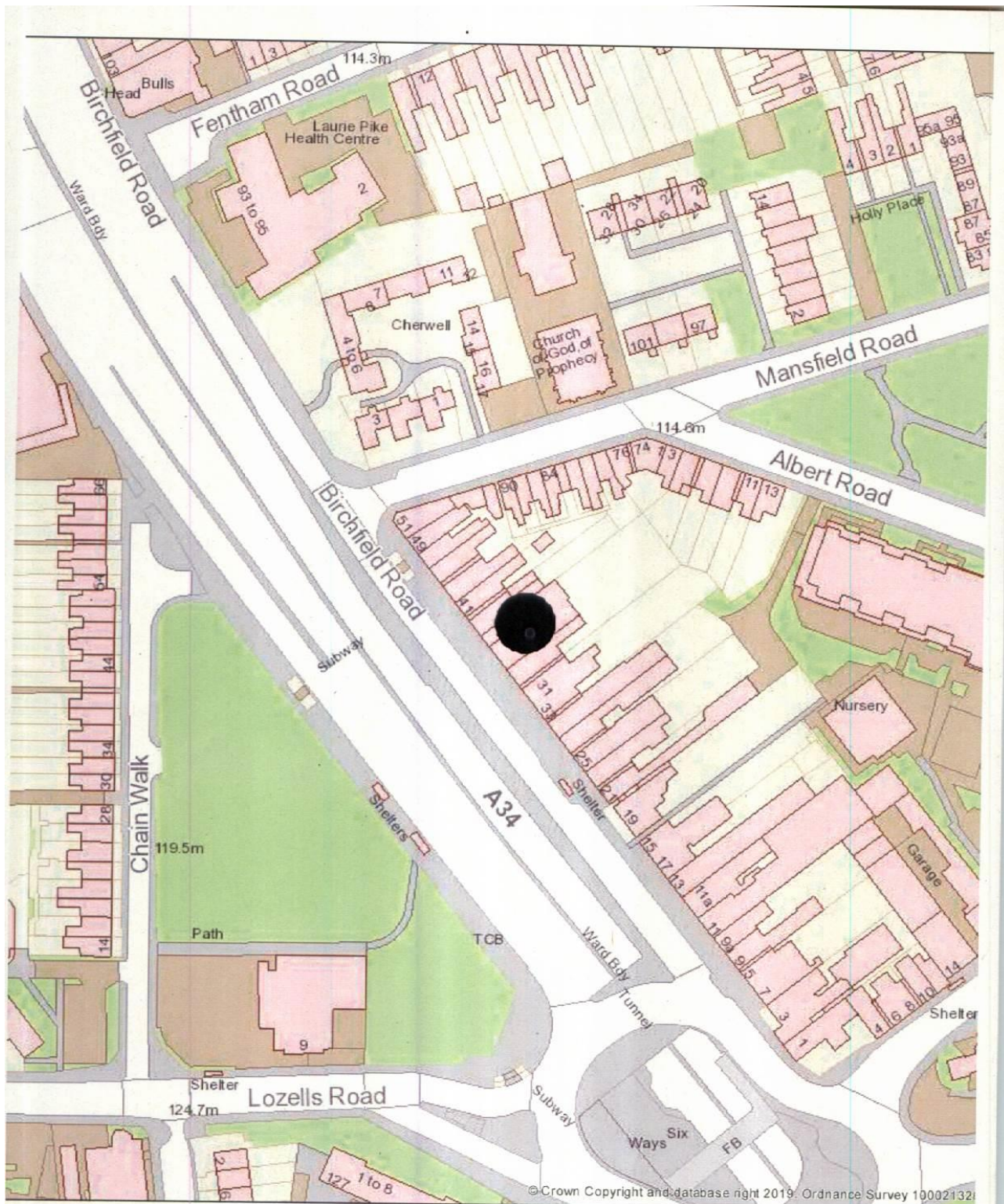
Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE
(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)
🌐: www.birmingham.gov.uk/eh | Facebook: ehbbham | Twitter: @ehbbham

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Map Created By:

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