

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Wednesday 8th May 2024
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	York Road, (Between Schooners Bar, The Juke and Hop & Scotch), Kings Heath, Birmingham, B14 7SA
Ward affected:	Brandwood and Kings Heath
Contact Officer:	Bhupinder 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 both on and off the premises) and the provision of regulated entertainment, to operate from 10:00am until 10:00pm on 26th May 2024.

2. Recommendation:

To consider the objection notice that has been made and to determine the TEN, 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 John-Paul McCaughey and received on 24th April 2024 in respect of York Road, (Between Schooners Bar, The Juke and Hop & Scotch), Kings Heath, Birmingham, B14 7SA

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 24th April 2024 by John-Paul McCaughey, in respect of York Road, (Between Schooners Bar, The Juke and Hop & Scotch), Kings Heath, Birmingham, B14 7SA, which was served on the responsible authorities on the 25th April 2024.

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.

Site location plans are attached at Appendix 3.

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 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.

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.

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 York Road, (Between Schooners Bar, The Juke and Hop & Scotch), Kings Heath, Birmingham, B14 7SA

When giving a TEN, 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

6. List of background documents:

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

7. Options available

To issue the TEN
To issue a Counter Notice



Birmingham
Temporary Event Notice
Licensing Act 2003

For help contact
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

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

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
 dd mm yyyy

Applicant must be 18 years of age or older

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

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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

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* 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

Location Details

* Provide further details about the location of the event

The event will take place on york rd in the pedestrianised road space inbetween the two bars named as Schooners and the Juke. The boundaries on this road space are separated by four large flower planters. This is the space which wish to use for a small craft beer festival. This is the same as an event we held last year with.

Continued from previous page...

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 [\(see also guidance on completing the form, note 3\)](#)

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

Schooners is a small craft bar on york rd kings heath

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

The planned event is a small craft beer festival at the top end of york rd. This is a collaboration event between craft beer businesses Schooners/The Juke/Hop & Scotch. All three businesses are small independent craft bars within kings heath. The mini festival is designed to raise awareness of the growing craft beer scene within Kings heath. We aim to put seating in the pedestrianised road space and have 3 craft beer serving stations one for each business. We also aim to provide some live music from local entertainers throughout the day. After the success of the event last year we have made some minor adjustments to make things run better.

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

- The provision of 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

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 / /
 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.

Continued from previous page...

Event end date / /
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)
[\(see also guidance on completing the form, note 10\)](#)

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

Note that the maximum number of people cannot exceed 499.

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

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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

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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
Licence number
Date of issue / /
dd mm yyyy

Continued from previous page... Any further relevant details

Not exactly sure on the date of issue

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

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 No

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

4

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 Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

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?

Yes 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 Yes No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

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 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 No

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CONDITION [\(See also guidance on completing the form, note 18\)](#)

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.

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 requires 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 THAT IT IS AN OFFENCE:
- * (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
- * (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.

Ticking this box indicates you have read and understood the above declaration

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?"

* Full name
* Capacity
* Date / /
 dd mm yyyy

From: Alfred Ratcliffe
Sent: Tuesday, April 30, 2024 12:31 PM
To: Licensing
Cc: john-paul Mccaughey
Subject: FW: [External]: Re: TEN - York Road ***Objection***

Good afternoon Licensing

The applicant has not responded to West Midlands Police with regards to road closures and has not liaised with highways regarding hostile vehicle mitigation.

The attached risk assessment has been sent to West Midlands Police which makes multiple references confirming that the area of the LTN will be closed for the duration of the event – the closure enforced by security as quoted from the risk assessment below;

Date: Sunday 26th May 2024

8am: York Road top section closed to traffic. Heras fencing will be used to section the road off between the four planters and the pavement. A risk assessment will be done of the closed off area, to ensure it is safe for the events to take place.

8am: Bar construction team start arriving.

11:45am: All vehicles to be off York Road by 11.45am

11:45am: Security staff move into position and maintain safe area and environment for the duration of the event.

11:45am: First Aiders/staff come on-site

2pm: Stage Programme Starts

8pm: Event ends

8pm: York Road re-opens to traffic.

8pm: Security and stewards to leave

I have made the relevant points bold and underlined.

The applicant has produced no authorisation to undertake such measures, therefore West Midlands Police wishes to raise an objection to the Temporary Event Notice under the objectives;

1. Prevent Public Nuisance
2. Public Safety

If the applicant is able to produce written authorisation for a road closure for the event, and confirm hostile vehicle mitigation has been discussed with highways before the date of the hearing, then West Midlands Police will be willing to withdraw the objection

The applicant is copied into this email for info

Kind Regards



PC 21361 Ratcliffe
Central Licensing
Lloyd House
West Midlands Police

Working in partnership, making communities safer



Kings Heath Beer fest

Event Manual – Method Statement – Risk Assessment

09/03/2024

Contents:

Overview
Logistics
Statement of Intent
Security
Event Hierarchy
Emergency Management
Risk Assessments

Revision Number	Date Added	Amended/Removed
Revision 0	9 th March 2024	
Revision 1		
Revision 2		
Revision 3		
Revision 4		
Revision 5		

Overview

Title: Kings Heath Tiny Beer Fest
Date: 26th May 2024
Time: 12pm – 8pm
Venue: York Road Kings Heath B14 7SA

Audience Profile

Kings Heath Beer Fest is aiming to attract adults with an interest in the local craft beer scene. The general aspect of this is to promote the local independent craft beer scene to existing patrons and attract new ones. This will all be done in continuation of our current licensing objectives which each business already adheres to. This is our third Tiny beerfest after the successful previous events held in April and July 2023

Duration of Event

We will put in an informal road closure on York Road between 8am and 8pm, see Road Closure section for more details.

Date: Sunday 26th May 2024

8am: York Road top section closed to traffic. Heras fencing will be used to section the road off between the four planters and the pavement. A risk assessment will be done of the closed off area, to ensure it is safe for the events to take place.

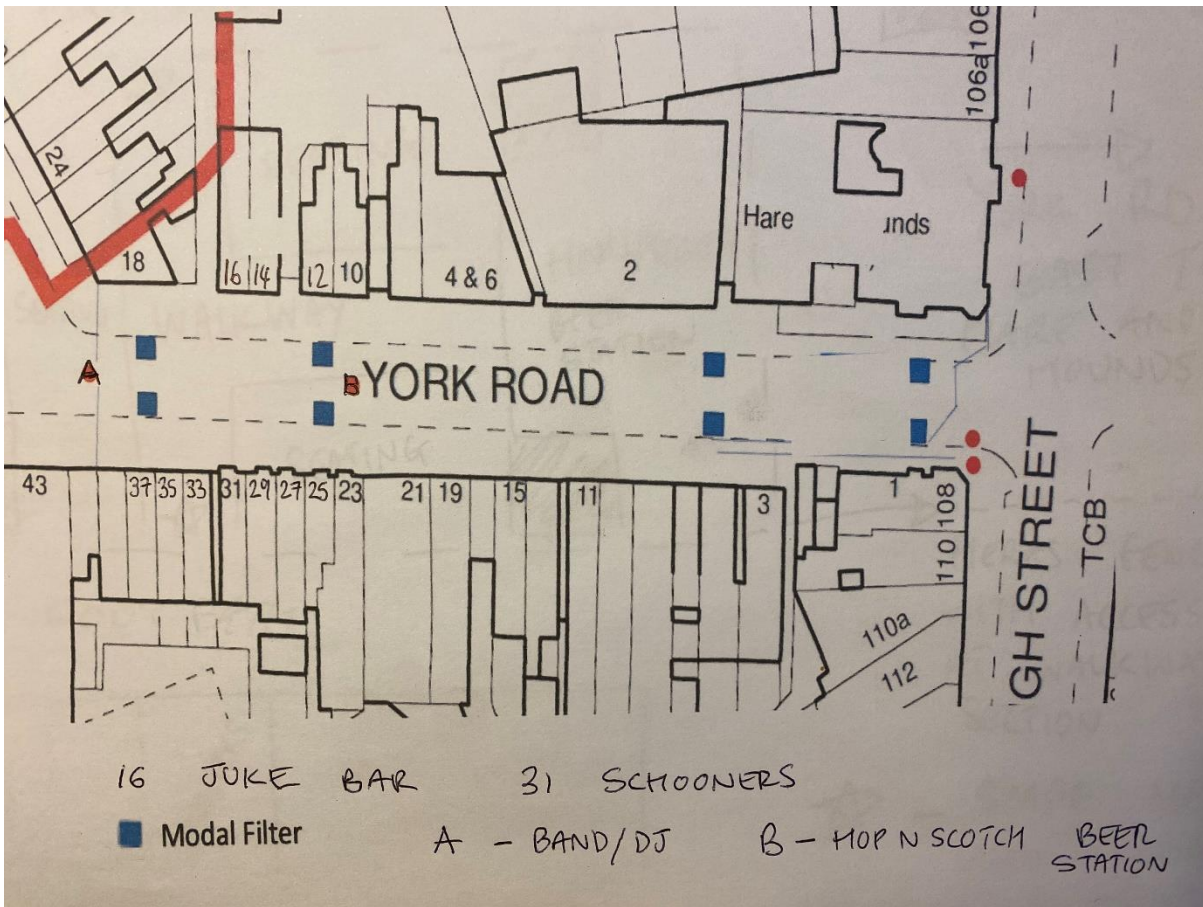
8am: Bar construction team start arriving.

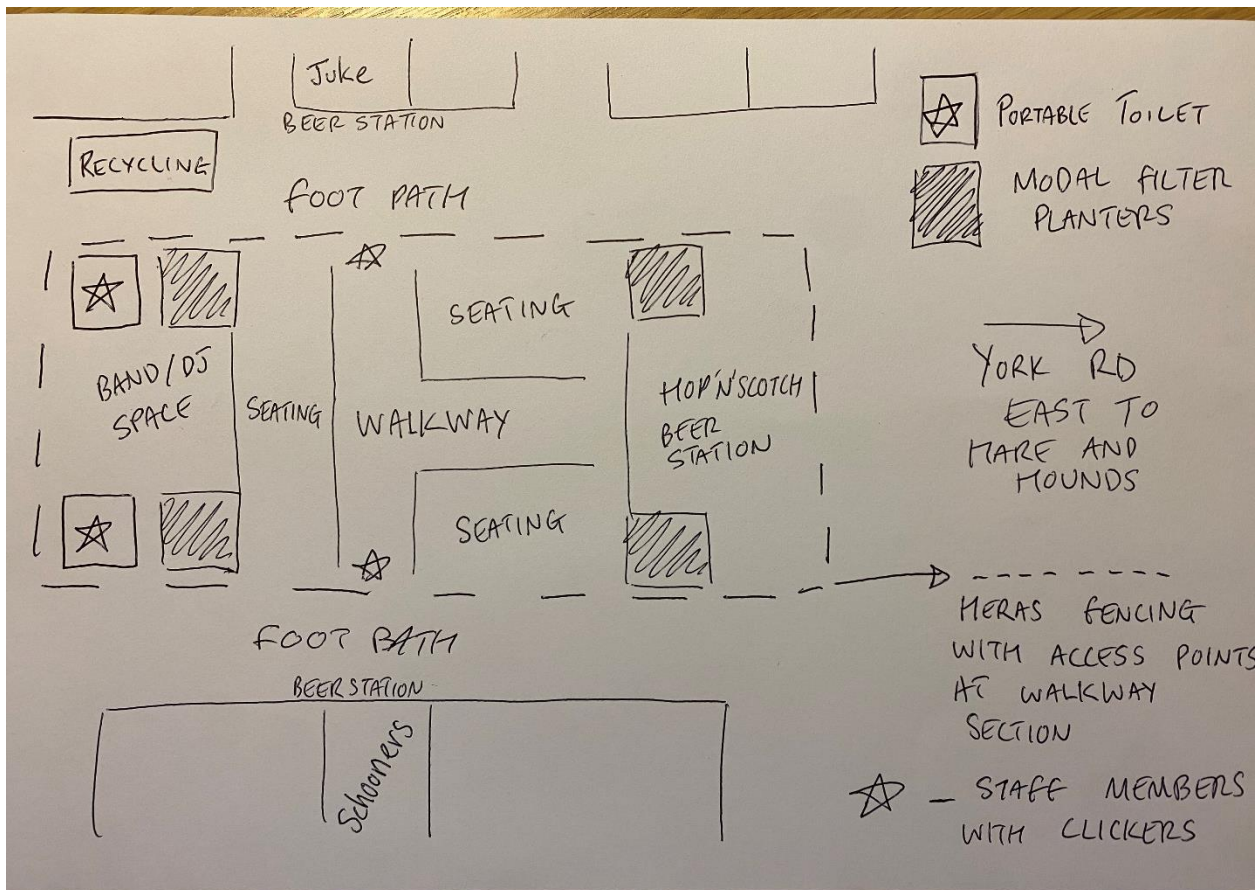
11:45am: All vehicles to be off York Road by 11.45am

11:45am: Security staff move into position and maintain safe area and environment for the duration of the event.

11:45am: First Aiders/staff come on-site
 2pm: Stage Programme Starts
 8pm: Event ends
 8pm: York Road re-opens to traffic.
 8pm: Security and stewards to leave

Site and layout plan





The event involves the following:

- An informal closure to vehicle traffic of York Road from the Waterloo Rd junction number 18 York Road (the barber shop) to the second set of planters 29 York Rd (Sylet Spice)

At the east-end of the event space, between the planters will be the Hop n Scotch Bar area.

In the middle section of the event space (road section) will be tables and chairs, with an access walkway.

At the west-end of the event space between the planters will be some stage space for a band/dj.

There will be a standard gazebo (3mx3m & 3mx4m) for each of the band/dj section and the hop n scotch bar area. These will be a entry level garden gazebo weighted down with sand bags. The event is small so no actual marquees will be required, just general shade cover for the entertainers and beer station.

Cleaning and Waste Management

An additional 3 wheeled bins will on site and rubbish will be removed by Ash waste services. We will also have a separate recycling area to make sure that disposable plastic cups are managed in the correct way.

Insurance

Our insurance is supplied by micropub insurance including Public Liability insurance of £5,000,000.

Road Closure

Due to the 4 modal filters in place by the LTN. The road is closed to regular traffic and only used by the businesses on York Road.

From 8am – 8pm we will restrict access to the businesses from numbers 12 - 37 we will have discussed and confirmed this with them all in advance. The area will be heras fenced to mitigate any vehicle hostility.

Example of the letter which we will get signed by all businesses:

9th March 2024

Dear Business

RE: Kings Heath Beer Fest 2023 York Road

Kings Heath Beer Fest is planned to take place on York Road between the four planters at the west end of York rd by the junction of Waterloo Road on Sunday 26th May from 12pm – 8pm.

Set up for the event will commence from 8am and the street will be clear again by 10pm. To enable the safe running of the event, there will be no vehicle access from 8am – 8pm.

This free event will include, music, and craft beer offerings from outdoor beer stations provided by schooners, the juke and hop'n'scotch. If you do plan to put on any additional activities in your venue or an additional food offer, please let us know.

If you have any queries, please get in touch using the contact details below.

Yours faithfully

JP McCaughey - Schooners

Tel:

Email –

I confirm that I have read and understand this notice and that there will be no vehicle access to my business from 8am and 8pm on Sunday 26th May 2024.

Signature

Print Name

Business name

Licensing

We will be using the Schooners Premises license, License number: 11388/2

Both the juke and hop n scotch will have respective premise and personal liscences should they be required.

All drinks, alcoholic and non-alcoholic, will be served into plastic glasses.

Food will be supplied by local businesses who will have increased their offer and capacity for this event

WC's:

Toilets will be available in a number of local businesses and two portable toilets will be provided to the rear of the music area

Capacity:

The maximum capacity of the event area is 300 people based on the area of event space – this has taken account of the area occupied by tables, chairs walkways, etc. Each person attending the event has been allocated an area of 0.5m².

Audience Management:

The event is not ticketed and patrons will be free to come and go at will. Capacity will be maintained by using staff on the entrance to the sectioned off area clicking visitors in-and-out.

By doing it this way it means that no more than 300 people will be in the event area.

There are two possible entrance points to the event area and a staff member with a clicker will be on each point.

The points are:

- In front of schooners bar York Road
- In front of juke bar York Road

In this way if any overcrowding/queing should occur we can redirect them into the indoor seated spaces of each bar which will be available all day.

By counting all the people at these points, it means that the capacity for the event should never exceed 300 people.

The count of the two stewards will be tallied up every 30 minutes.

Once capacity is reached/ all tables are full then no one will be allowed into the event area until a new table becomes available. If the number of people exceeds the capacity number, then all entertainment will temporarily stop.

If capacity is permanently breached, for example by a heras fencing pushed over, then a decision will be made by the event organiser as to whether or not to end the entire event.

Travel

We are expecting a local audience and will encourage people to walk or use public transport to access the event.

Statement of Intent

The contents of the following document indicate the methods and practices employed to ensure the health and safety of staff, contractors, volunteers and audience.

In brief, these include:

- Creating a monitored capacity, stewarded by professionals maintained through entrance & exit counts
- Building/fencing safe facilities for artists and performers, ensuring structural integrity of staging and electrical safety of equipment
- Maintaining a clear chain of command, with good communication facilities throughout
- Publishing clear documentation to staff and volunteers of the expectations of their roles along with lines of responsibility
- Undertaking detailed risk assessments, complying or revising as necessary
- Maintaining safe accommodation and facilities for both audience attending the event and general public passing by
- Ensuring all relevant insurances are in place
- Providing first aid and security

At any one moment during the duration of the event, the following staff will be on site:

- 2 SIA trained security staff
- 2 stewards/staff clicking people in-and-out of the event
- 8 members of staff who will be roaming the event space and working the beer stations.
- First aid will be provided by a mixture of security/stewards/staff as there will be a number of individuals within each team that will be certified in first aid. First aid kits and recovery space will be available in both Schooners and the Juke.

The SIA trained security staff will be on site throughout the day with the assistance of stewards/staff.

The stewards and security staff, will at all times act within the law. They will work as follows:-

- a. Stewards and security staff will work directly under the control of the event organiser JP McCaughey in conjunction with the BID who have day to day management of security.
- b. Stewards and security staff will be linked by radio, which will enable them to be contacted at all times. The radios will each have an ear piece, so as to reduce background noise interference.
 - c. Stewards and security staff will be properly briefed prior to the event, this will include:
 - i. The strategy and intention of the operation
 - ii. The role of the stewards and security staff
 - iii. The evacuation plan together with the code.
- d. Stewards' and security staff brief will be updated at a briefing given prior to their deployment 11.30am prior to the start of activities beginning.
- e. Stewards and security staff will be responsible for crowd management on the site. This includes crowd access and egress to and from the site. They will act at all times under the direction of the organiser.

The SIA trained security staff will have the following additional duties:

- a. Prevent unauthorised access to restricted roads for vehicles and unauthorised persons.
- b. Monitor and eject any persons who are considered as a threat to the enjoyment and safety of the members of the public, as well as refusing entry to any persons who pose a behaviour threat.
- c. Prevent and deter non-permitted items such as fireworks, weapons, illegal substances, etc, on site, to the best of their ability and power.
- d. Investigate any disturbance or incident and report to the Security Manager and/or Event Manager as appropriate.
- e. Respond to any incidents and assist the Emergency Services as required.
- f. Evacuate the public, staff, traders and performances in the event of an emergency as appropriate to the designated evacuation areas.

The role of the stewards will be to assist with the smooth running of the days event. All stewards will work in cooperation with the Security team. Their duties will include:

- a. Patrolling the event site to monitor site infrastructure and activities, focusing on their designated area.
 - b. Monitor entry points.
- c. Be on hand to assist patrons and answer any questions or queries regarding directions, points of interest and welfare facilities on site.
- d. Assist the Security team during the event of any incidents or emergency evacuations by moving patrons to a place of safety.

All stewards as with all staff will be given an information pack and briefing prior to the event regarding emergency procedures and precautions, radio protocol and channels, missing and found children points, first aid points, etc.

Emergency Management:

All emergency communications will be handled by event controller JP McCaughey based in Schooners bar, benefiting from a good overview of the entire site.

Procedure:

1. All site communication to go to event control via radio or call to event control
2. Staff to identify themselves clearly at beginning of call
3. Emergency services to identify themselves
4. Nature of emergency to be stated
5. Event control to inform emergency services and instruct evacuation if necessary.
6. **Evacuation can only be initiated by JP McCaughey after consultation with Security Manager or if called for by the Emergency Services.**
7. Exit strategy to be passed by Radio to stewards using the following terms – “The event has ended, please instruct the audience to leave.” A message will be broadcast over the PA to instruct audience members to leave through their nearest exit (if all access clear) in a calm, orderly fashion.

Primary muster point = West of York Road

Secondary muster point = East of York Road

Wet Weather Plan

If due to severe weather or it becomes unsafe to for the event to go ahead as planned, the decision will be made for the event to be cancelled.

In the event of the event being cancelled the following people will be contacted to be made aware and to change plans accordingly: The Safety Advisory Group and local area offices.

Risk Assessment

Version 1.0


Kings Heath Beer festival Risk Assessment

Hazard	Consequence	At risk		Control measures
		Public	Employee	
Trips, Slips and falls	Minor/serious injury	Y	Y	Maintain a tidy event area, continuous removal of all generated waste. Maintain walkways/foot paths at all times.
Identified Curb hazard	Minor/serious injury	Y	Y	Clear signage of the curb side at entry point of event area Briefing of staff controlling entry point of hazard
Power cables (2 of)	Minor/serious injury	Y	Y	All power cables to be taped and cable tied Cover mats and hazard signs to be provided
Intoxication	Minor/serious injury/Complaints/distress/legal	Y	N	Normal management procedures in line with licencing objectives Numerous DPS on site at all times - Continued liason with security
Unsocioable behaviour	Complaints/distress/legal	Y	N	Normal management procedures in line with licencing objectives Numerous DPS on site at all times - Continued liason with security
Noise	Complaints/distress/legal	Y	N	Normal management procedures in line with licencing objectives Numerous DPS on site at all times - Continued liason with security



Figure 1: Map of the area around the proposed site, showing the location of the proposed site in red.



 Birmingham

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