

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation and Enforcement
Date of Meeting:	Monday 26th June 2023
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	CJ More, 145 Hockley Hill, Newtown, Birmingham, B18 5AN
Ward affected:	Newtown
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notices to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and the provision of late night refreshment, to operate from 07:00pm until 02:00am on 30th June 2023 - 1 July 2023

2. Recommendation:

To consider the objection notices that have 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 Kerry Seale and received on 14th June 2023 in respect of CJ More, 145 Hockley Hill, Newtown, Birmingham, B18 5AN.

Objection notices have 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>A Temporary Event Notice was submitted on 14th June 2023 by Kerry Seale, in respect of CJ More, 145 Hockley Hill, Newtown, Birmingham, B18 5AN, which was served on the responsible authorities on the 14th June 2023.</p> <p>The Temporary Event Notice is attached at Appendix 1.</p> <p>Objection notices have been received from West Midlands Police, including supporting documents, and Environmental Health, which are attached at Appendices 2 and 3 respectively.</p> <p>Site location plans are attached at 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 CJ More, 145 Hockley Hill, Newtown, Birmingham, B18 5AN.</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 notices from West Midlands Police and Environmental Health, attached at Appendices 2 and 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>

* 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 the applicant would prefer not to be contacted by telephone

Is the applicant:

☐ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

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Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Patrick"/>	
* Family name	<input type="text" value="Burke"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name	<input type="text" value="PMB Licensing"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/>	Put 'none' if you are not registered for VAT.
Legal status	<input type="text" value="Sole Trader"/>	
Your position in the business	<input type="text" value="Proprietor"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

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Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	<input type="text" value="The Clock House"/>
Street	<input type="text" value="361 High St"/>
District	<input type="text"/>
City or town	<input type="text" value="West Bromwich"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B70 3PQ"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 9**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

Year must be later than 1900.

Applicant must be 18 years of age or older

dd / mm / yyyy

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

Additional Contact Details

Are the contact details the same as (or similar to) those 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.

E-mail

Telephone number

Other telephone number

Section 3 of 9	
THE PREMISES	
<p>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.</p> <p>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)</p> <p>* Does the premises have an address?</p> <p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>	
<p>Address</p> <p>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.</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>* Building number or name <input type="text" value="CJ MORE"/></p> <p>* Street <input type="text" value="145 HOCKLEY HILL"/></p> <p>District <input type="text"/></p> <p>* City or town <input type="text" value="Birmingham"/></p> <p>County or administrative area <input type="text"/></p> <p>* Postcode <input type="text" value="B18 5AN"/></p> <p>* Country <input type="text" value="United Kingdom"/></p> <p>* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?</p> <p><input checked="" type="radio"/> Neither <input type="radio"/> Premises licence <input type="radio"/> Club premises certificate</p>	
<p>Location Details</p> <p>* Provide further details about the location of the event</p> <p>Function Venue <input type="text"/></p> <p>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)</p> <p><input type="text"/></p> <p>Describe the nature of the premises below (see also guidance on completing the form, note 4)</p>	

<p><i>Continued from previous page...</i></p> <p><input type="text"/></p> <p>Describe the nature of the event below (see also guidance on completing the form, note 5)</p> <p>Birthday Celebrations</p> <p><input type="text"/></p>

Section 4 of 9**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
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

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

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

30 / 06 / 2023
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.

Event end date

01 / 07 / 2023
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

30th June 19:00 - 00:00 1st July 00:00 - 02:00

[\(see also guidance on completing the form, note 10\)](#)

Continued from previous page...

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

150

Note that the maximum number of people cannot exceed 499.

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

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

Section 5 of 9**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

< Previous 1 2 3 4 5 6 7 8 9 Next >

Section 6 of 9**PERSONAL LICENCE HOLDERS** [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? ☐ Yes ☒ No

Section 7 of 9**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

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?

Section 8 of 9**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
- b) Begins 24 hours or less after the event period proposed in this notice?

☐ Yes

☒ No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ 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

Section 9 of 9	
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)	
<p>* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:</p> <p>* (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</p> <p>* (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.</p> <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>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?"</p> <p>* Full name <input type="text" value="Patrick Burke"/></p> <p>* Capacity <input type="text" value="Agent for the Applicant"/></p> <p>* Date <input type="text" value="30"/> / <input type="text" value="06"/> / <input type="text" value="2023"/> dd mm yyyy</p> <p><input type="button" value="Add another signatory"/></p> <p>Once you're finished you need to do the following:</p> <ol style="list-style-type: none"> 1. Save this form to your computer by clicking file/save as... 2. Go back to https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1 to upload this file and continue with your application. <p>Don't forget to make sure you have all your supporting documentation to hand.</p>	

From: bw licensing
Sent: 19 June 2023 12:49
To: Licensing Online
Cc: 'Patrick Burke' ; 'Kerryn Kerryn'
Subject: RE: [External]: TEN - CJ MORE - 1383219

Good Afternoon Licensing,

I am in receipt of an application for an application for a temporary events notice as above..

In order to ensure that the licensing objectives were promoted I have made request of the applicants agent and the applicant for information in order to quantify this. To date the information requested has not been supplied and the person whose party it is has been uncontactable.

West Midlands Police would therefore wish to object to the granting of this temporary events notice as it cannot be ascertained that the application promotes the licensing objectives in particular the prevention of crime and disorder and the promotion of public safety. Should appropriate information be forthcoming West Midlands Police would withdraw this objection and agree to the issue of the TEN. I have copied the applicant and their agent into this email.

Mark Swallow.
West Midlands Police.
Birmingham Central Licensing Team.

OFFICIAL – (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No.

URN

Statement of Mark Swallow.

Age if under 18 Over 18. (If over 18 insert 'over 18')

Occupation Police Licensing Officer 60264.

This statement (consisting of Two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: M.SWALLOW. (witness)

Date 20.6.23.

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Licensing Officer Mark Swallow of the West Midlands Police currently stationed at Lloyd House Police Station.

I am part of a team that deals with all applications for licensing matters in the Birmingham area.

I am in receipt of an application for a temporary events notice for CJ More, 145, Hockley Hill in Birmingham to hold an event on 30.6.23 going into 1.7.23.

I have examined the application and as a result sent an email to the applicants agent requesting clarification of certain issues as below exhibit number reference number MS1:

Full details, name, DOB and address for the person hiring the venue,

The fire risk assessment capacity for the venue,

The risk assessment for the event,

The security plan for the event,

Medical provision,

The plans to ensure numbers do not exceed 150 including staff and how these people will be managed,

Is this a ticketed event invitees only or open to the public,

Is this a promoted event if so the details of the promoter,

Details of any DJ or act attending,

Plans of the area being used.

I have also emailed the applicant direct requesting the same information Exhibit number reference number MS2. I have tried to make contact with the person whose birthday party it is to try to speak with

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Mark Swallow.

them to confirm the details provided, however, there has been no response to the calls.

By the third day after receipt of the application I had not received a response in relation to my queries. I have therefore objected to the application on the grounds of the prevention of crime and disorder, the promotion of public safety.

To date the information requested has not been provided. I now produce exhibit numbers reference numbers MS1 & 2 as evidence.M.SWALLOW.

From: Mark Swallow

Sent: 15 June 2023 09:16

To: 'Patrick Burke'

Subject: Application for Temporary Events Notice 30/6/23 0700-midnight 1/7/23 midnight till 0200

Patrick,

I am in receipt of the above application for a birthday event for Angela Williams no further details supplied.

The event lasts effectively from 0700 in the morning till 0200 the next morning with regulated entertainment, the sale of alcohol for consumption on the premises and late night refreshment at what appears to be a religious centre which does not have a premises license. This is also quite a late booking for a birthday event which is a known event.

Could I ask for clarification or the following documents please to ensure the licensing objectives are being promoted:

Full details, name, DOB and address for the person hiring the venue,
The fire risk assessment capacity for the venue,
The risk assessment for the event,
The security plan for the event,
Medical provision,
The plans to ensure numbers do not exceed 150 including staff and how these people will be managed,
Is this a ticketed event invitees only or open to the public,
Is this a promoted event if so the details of the promoter,
Details of any DJ or act attending,
Plans of the area being used.

Thank-You,
Mark.

From: Mark Swallow
Sent: 19 June 2023 08:58
To: 'Kerryn Kerryn'
Subject: RE: [External]:

Kerryn,

Thank-you for your email below. I sent the following to your agent requesting information.

Patrick,

I am in receipt of the above application for a birthday event for Angela Williams no further details supplied.

The event lasts effectively from 0700 in the morning till 0200 the next morning with regulated entertainment, the sale of alcohol for consumption on the premises and late night refreshment at what appears to be a religious centre which does not have a premises license. This is also quite a late booking for a birthday event which is a known event.

Could I ask for clarification or the following documents please to ensure the licensing objectives are being promoted:

Full details, name, DOB and address for the person hiring the venue,
The fire risk assessment capacity for the venue,
The risk assessment for the event,
The security plan for the event,
Medical provision,
The plans to ensure numbers do not exceed 150 including staff and how these people will be managed,
Is this a ticketed event invitees only or open to the public,
Is this a promoted event if so the details of the promoter,
Details of any DJ or act attending,
Plans of the area being used.

Thank-You,
Mark.

I appreciate that the times are now 1900-0200, however, none of the above has been supplied and I have not been able to contact Angela by phoning her despite leaving a message. This is a time-limited process by law and today is the last day for representations. If the above is not supplied by 1200 today then I will have no choice but to make an objection to the Local Authority in relation to the application.

Mark Swallow.

From: Kerryn Kerryn
Sent: 16 June 2023 14:05
To: Mark Swallow
Subject: [External]:

Good afternoon Mr Swallow.
We are currently waiting for Angela, to send more information regarding herself.
Also the D J information.

The Birthday Party, is on 30 June 2023.
From 7pm till 2am. (This information is amended)

I have contacted Hockey Hill properties requesting a copy of the fire risk assessment.
Kind regards
C J MoRe Ltd
Mr K Seale.

From: Martin Key
Sent: 16 June 2023 17:45
To: Licensing Online; pmblicensing
Cc: bw licensing
Subject: RE: TEN - CJ MORE - 1383219
Importance: High

Hi

I am responding to this application for a TEN on behalf of Environmental Health as a responsible authority and I formally object to this application on the basis that this will not support the promotion of the licensing objective relating to the prevention of public nuisance.

The application from Kerynn Seale is seeking a TEN for the provision of Regulated entertainment, Late Night refreshment and Sale of alcohol on the premises at C J More, 145 Hockley Hill Birmingham between the hours of 07.00 on 30 June 2023 until 02.00 on 1 July 2023 at a premises described as a function venue for a birthday party for 150 people.

The site is located in a mixed-use area however there is nearby residential use within 150 metres. The premises appear to be a single storey building associated with church use and lacks effective noise mitigation design. The application lacks any significant information about the form of entertainment and the reason for the extended hours and provides no mitigation or management measures to reduce noise impact.

Based on the information provided I am concerned that there will be a significant noise impact from building breakout, potential for patrons using external areas and noise from patrons exiting and entering the premises and therefore object to this TEN.

Best Regards

Martin Key
Environmental Protection Officer



