

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 12<sup>th</sup> December 2018</b>
<b>Subject:</b>	<b>Licensing Act 2003 Multiple Temporary Event Notices</b>
<b>Premises:</b>	<b>The Old Court, 70 High Street, Kings Heath, Birmingham, B14 7JZ</b>
<b>Ward affected:</b>	<b>Brandwood &amp; Kings Heath</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **1. Purpose of report:**

To consider an objection notice to Temporary Event Notices (TENs), which seeks to permit the provision of licensable activities on the dates and times as detailed in each TEN attached to this report as an Appendix.

### **2. Recommendation:**

To consider the objection notice made by West Midlands Police.

### **3. Brief Summary of Report:**

Temporary Event Notices were submitted by Linda Ann Fennell and received on 30<sup>th</sup> November 2018 and 4<sup>th</sup> December 2018, in respect of The Old Court, 70 High Street, Kings Heath, Birmingham, B14 7JZ.

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:**

Linda Ann Fennell submitted on 30<sup>th</sup> November 2018 and 4<sup>th</sup> December 2018, Temporary Event Notices in respect of The Old Court, 70 High Street, Kings Heath, Birmingham, B14 7JZ.

The Temporary Event Notices are attached as Appendices 1 to 3.

An objection notice has been received from West Midlands Police, see Appendix 4.

The current premises licence is attached at Appendix 5.

Site location plans are attached, see Appendix 6.

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 events 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 each TEN.

Where TENs are submitted, and objection notice(s) are maintained, 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.

When giving TENs, 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

If the TENs are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TENs if it considers that this is appropriate for the promotion of the licensing objectives.

## **6. List of background documents:**

Temporary Event Notices, attached at Appendices 1 to 3.

Objection Notice from West Midlands Police, attached at Appendix 4.

Premises Licence, attached at Appendix 5.

Site location plans, Appendix 6.

## **7. Options available**

At the hearing the Licensing Authority must consider each TEN separately and determine whether to:

Allow the proposed temporary licensable activities as stated in each TEN

Impose conditions on each TEN to promote the licensing objectives

Refuse the proposed temporary licensable activities as stated in each TEN



**Birmingham**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto: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

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

ATO - TEN - Old Court

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

Linda Ann

\* Family name

Fennell

\* 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.

BCC  
 REGULATION & ENFORCEMENT  
 LICENSING SECTION  
 DATE RECEIVED

30 NOV 2018

REF NO .....

INITIALS .....

*Continued from previous page...*

**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="Poppleston Allen Solicitors - Alex Tomlinson"/>	
* Family name	<input type="text" value="Poppleston Allen Solicitors - Alex Tomlinson"/>	
* 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?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is your business registered outside the UK?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

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

Business name	<input type="text" value="Poppleston Allen Solicitors"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="GB"/> <input type="text" value="610752862"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Partnership"/>	
Your position in the business	<input type="text" value="Paralegal"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

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#### 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

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?

☐ 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

The Old Court

\* Street

70, High Street

District

Kings Heath

\* City or town

Birmingham

County or administrative area

\* Postcode

B14 7JZ

\* Country

United Kingdom

\* 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

74/4

#### Location Details

\* Provide further details about the location of the event

At the above premises, The Old Court.

*Continued from previous page...*

**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	Poppleston Allen Solicitors
Street	37 Stoney Street
District	The Lace Market
City or town	Nottingham
County or administrative area	
Postcode	NG1 1LS
Country	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

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
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	Poppleston Allen Solicitors
Street	37 Stoney Street
District	The Lace Market
City or town	Nottingham
County or administrative area	
Postcode	NG1 1LS
Country	United Kingdom

**Continued from previous page...**

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)

00:00 until 02:00 in early hours of Saturday 15th December 2018. 00:00 until 02:00 early hours of Sunday 16th December 2018.

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)

358

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

#### 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

N/A

#### 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

Provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council

Licence number

3128/2

Date of issue

/  /   
dd mm yyyy

Any further relevant details

**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)

Whole of premises.

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

Licensed Premises.

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

Extension of hours due to build up to Christmas.

**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

15 / 12 / 2018  
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

16 / 12 / 2018  
dd mm yyyy



Continued from previous page...

**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

☐ Yes

☒ No

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

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

☐ Yes

☒ No

**Continued from previous page...**

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?

#### 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)

\* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:

- 1 (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  
1 (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

Poppleston Allen Solicitors

\* Capacity

Solicitors on behalf of applicant

\* Date

30 / 11 / 2018  
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

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.

Don't forget to make sure you have all your supporting documentation to hand.



**Birmingham**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto: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.

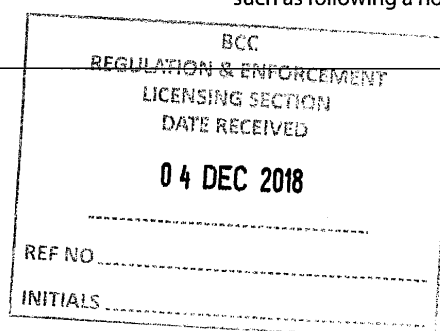
Other telephone number

☐ Indicate here if 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="Poppleston Allen"/>
* Family name	<input type="text" value="Poppleston Allen"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

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

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

Business name	<input type="text" value="Poppleston Allen"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="610752862"/>
Legal status	<input type="text" value="Partnership"/>
Your position in the business	<input type="text" value="Para legal"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

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="37"/>
Street	<input type="text" value="Stoney Street"/>
District	<input type="text" value="The Lace Market"/>
City or town	<input type="text" value="Nottingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="NG1 1LS"/>
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

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	<input type="text" value="Poppleston Allen"/>
Street	<input type="text" value="37 Stoney Street"/>
District	<input type="text" value="The Lace Market"/>
City or town	<input type="text" value="Nottingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="NG1 1LS"/>
Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

#### 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

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?

☐ 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

The Old Court

\* Street

70 High Street

District

Kings Heath

\* City or town

Birmingham

County or administrative area

\* Postcode

B14 7JZ

\* Country

United Kingdom

\* 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

74 / 4

#### Location Details

\* Provide further details about the location of the event

Premises as above

**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)

Whole premises

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

As existing

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

Christmas celebrations

**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       /  /   
   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       /  /   
   dd           mm           yyyy

**Continued from previous page...**

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)

23:30 hrs 21.12.18 to 02:00 early hrs 22.12.18  
23:30 hrs 22.12.18 to 02:00 early hrs 23.12.18  
23:30 hrs 23.12.18 to 02:00 early hrs 24.12.18  
23:30 hrs 24.12.18 to 02:00 early hrs 25.12.18

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)

358

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

#### 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

N/A

#### 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

Provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council

Licence number

3128/2

Date of issue

/  /   
dd mm yyyy



**Continued from previous page...** Any further relevant details

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**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

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

1
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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 ☐ 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: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

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

#### 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)

\* 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.

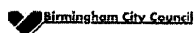
☒ Ticking this box indicates you have read and understood the above declaration

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



**Birmingham**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto: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

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

MLP-The Old Court (29-31 Dec)

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

Linda

\* Family name

Fennell

\* 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.

<p>BCC          REGULATION &amp; ENFORCEMENT          LICENSING SECTION          DATE RECEIVED  <b>04 DEC 2018</b></p> <p>REF NO. _____</p> <p>INITIALS _____</p>
---

*Continued from previous page...*

**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"/>

**Agent Details**

* First name	<input type="text" value="Poppleston Allen"/>
* Family name	<input type="text" value="Poppleston Allen"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

☐ 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

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

Continued from previous page...

**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

Street

District

City or town

County or administrative area

Postcode

Country

**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

/  /   
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?

☐ 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

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?

☐ 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

The Old Court

\* Street

70 High Street

District

Kings Heath

\* City or town

Birmingham

County or administrative area

\* Postcode

B14 7JZ

\* Country

United Kingdom

\* 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

74 / 4

#### Location Details

\* Provide further details about the location of the event

Premises as above

**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)

Whole premises

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

As existing

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

Christmas celebrations

**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       /  /   
   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       /  /   
   dd           mm           yyyy

**Continued from previous page...**

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)

23:30 hrs 29.12.18 to 02:00 early hrs 30.12.18  
23:30 hrs 30.12.18 to 02:00 early hrs 31.12.18

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)

358

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

#### 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

N/A

#### 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

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

--

### 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

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

2
---

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 ☐ 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: ☐ Yes ☒ No

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

#### **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)**

\* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:

1 (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

1 (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:** bw licensing  
**Sent:** 06 December 2018 14:24  
**To:**  
**Subject:** THE OLD COURT, Kings Heath

Licensing,

This mail is in relation to the TENS submitted by The Old Court, 70 High Street, Kings Heath B14 7JZ covering –

15<sup>th</sup> – 16<sup>th</sup> (724859) 21<sup>st</sup> – 25<sup>th</sup> (726179) and 29<sup>th</sup> – 31<sup>st</sup> (726186) of December.

The TENS submitted all detail extension of hours for Christmas celebrations so are being treated as an application to extend trading hours and not for specific events. West Midlands Police object to these applications on the following grounds, ( the objections stand for all the applications).

Kings Heath High Street currently requires minimal police intervention and the majority of venues have an earlier closing time during the week. This venue would seek to extend that. Later licensing hours increase the risk of crime, disorder and public nuisance as people have additional time to consume alcohol.

Therefore West Midlands Police formally object to these 3 applications and request a hearing

Thank you

Ben

**Police Constable 2413 Ben Reader**  
**Licensing Department**  
**Birmingham West Local Policing Unit**  
Police Headquarters,  
Lloyd House,  
Birmingham,  
B4 6NQ

## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

74 / 6

**Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**

The Old Court  
70 High Street  
Kings Heath

**Post town:**

Birmingham

**Post Code:**

B14 7JZ

**Telephone Number:****Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

B	Films
E	Live music
F	Recorded music
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

**The times the licence authorises the carrying out of licensable activities**

Monday - Sunday	00:00 - 23:59	F
	09:00 - 00:00	B ,M3
	09:00 - 23:30	E
	23:00 - 00:30	L
New Year's Eve - from the end of permitted hours on New Year's eve to the start of permitted hours on New Year's Day		B , E ,L ,M3
Until 00:30 hrs on St David's Day, St Patrick's Day, St Andrews Day, Burns Night, Valentines Night, Halloween, Friday, Saturday, Sunday and Monday of all the Bank Holiday weekends including Easter, Christmas Eve, Boxing Day 27,28,29 & 30 December.		E

**BIRMINGHAM CITY COUNCIL**

Until 01:00 hrs on St David's Day, St Patrick's Day, St Andrew's, Burns Night, Valentines Night, Halloween, Friday, Saturday, Sunday and Monday of ALL the Bank Holiday weekends(including Easter), Christmas Eve & Boxing Day 27,28,29 & 30 December	B ,L ,M3
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**The opening hours of the premises**

Not Specified

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Stonegate Pub Company Limited Porter Tun House 500 Capability Green	
<b>Post town:</b> Luton	<b>Post Code:</b> LU1 3LS
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> FC029833
--

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Linda Fennell	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 3128	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 26/11/2018



SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

## **BIRMINGHAM CITY COUNCIL**

the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

1 The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.



## **BIRMINGHAM CITY COUNCIL**

### **Annex 2 – Conditions consistent with operating schedule**

#### **2a) General conditions consistent with the operating schedule**

No enforceable conditions identified from operating schedule.

#### **2b) Conditions consistent with, and to promote the prevention of crime and disorder**

The premises Licence Holder shall ensure a digital CCTV system will be installed and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 28 days and shall be made available to an officer of the Licensing Authority or Police on request.

The Premises Licence Holder shall ensure that where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.

The Premises Licence Holder shall ensure that the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.

The Premises Licence Holder shall ensure the premises will use toughened glass where available and that non alcoholic drinks shall be available for retail at all times sale by retail of alcohol is carried out at the premises.

The Premises Licence Holder shall ensure an incident log book shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:

1. Any Incidents of Disorder
2. Any seizures of drugs or offensive weapons
3. Any ejections of patrons

The Premises Licence Holder shall ensure that the company operates a policy of zero tolerance with regards to drugs.

#### **2c) Conditions consistent with, and to promote, public safety**

No enforceable conditions identified from operating schedule.

#### **2d) Conditions consistent with, and to promote the prevention of public nuisance**

The Premises Licence Holder shall ensure that Notices will be displayed at all the exits requesting customers to leave quietly.

#### **2e) Conditions consistent with, and to promote the protection of children from harm**

The Premises Licence Holder shall ensure that a proof of age scheme such as Challenge 21 will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence, passport or forces warrant card.

The Premises Licence Holder shall ensure a log will be kept detailing all refused sales of alcohol. The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be made available on request by an officer of the Licensing Authority or Police.

**BIRMINGHAM CITY COUNCIL**

**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

**3b) Committee conditions to promote the prevention of crime and disorder**

N/A

**3c) Committee conditions to promote public safety**

N/A

**3d) Committee conditions to promote the prevention of public nuisance**

All Live Music will cease at 23:30 hours from Monday to Sunday.

All Live Music will be restricted to the area on the left of the main entrance of the licensed premises and away from the residential properties in the locality.

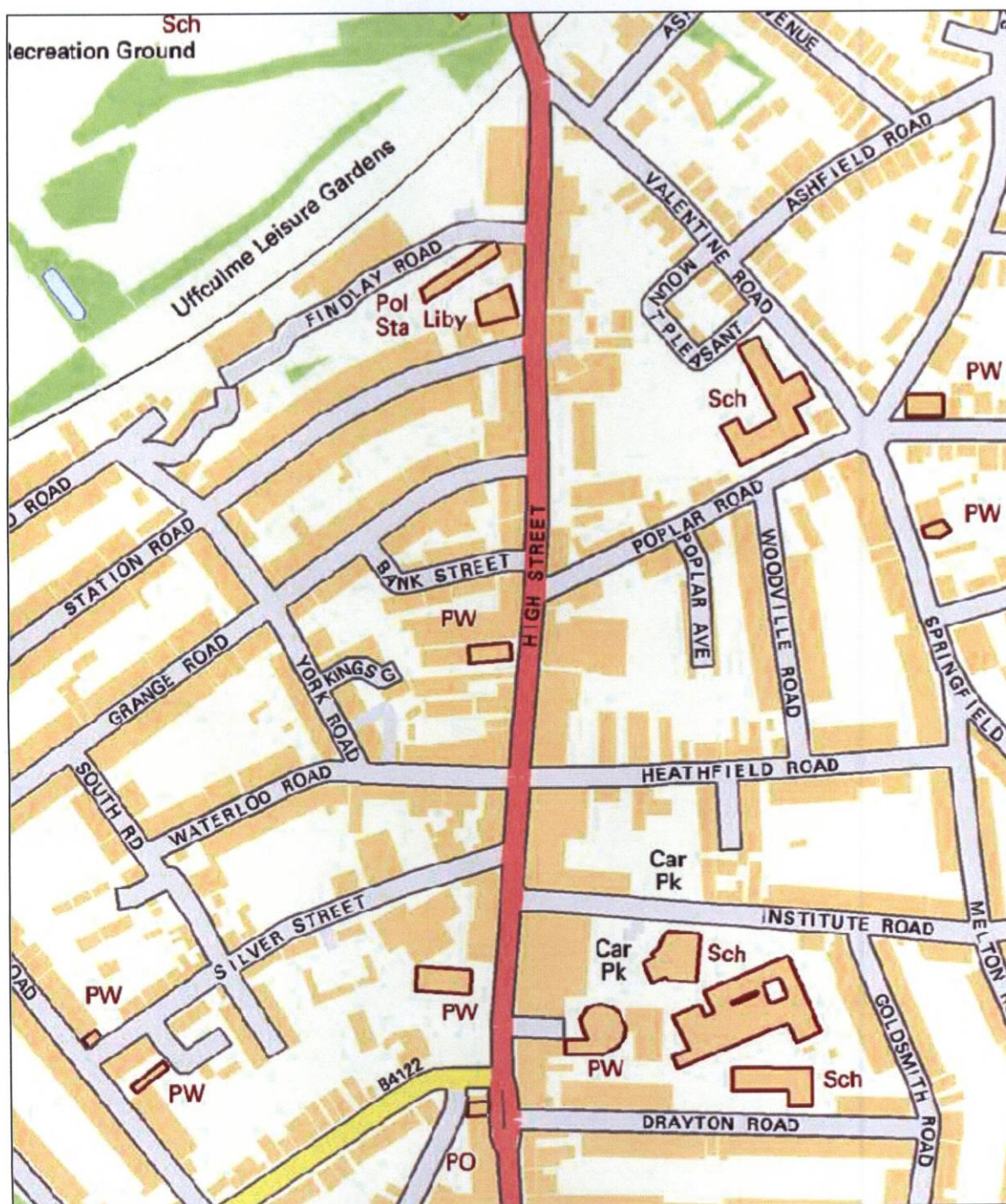
The Designated Premises Supervisor will regularly monitor the noise levels outside the premises whilst regulated entertainment is taking place to ensure noise nuisance is kept to a minimum.

**3e) Committee conditions to promote the protection of children from harm**

N/A







**Birmingham City Council**

Map Created By:

Date of Map Creation: 07/12/2018

**Notes**



Scale:  
1:4,000

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**Birmingham City Council** Map Created By:

Date of Map Creation: 07/12/2018

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Scale:  
1:1,250