

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 15<sup>th</sup> March 2016</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>Premises at Arch 2, 15 Lower Trinity Street, Birmingham, B9 4AG</b>
<b>Ward affected:</b>	<b>Nechells</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**1. Purpose of report:**

To consider the objection to a Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises only) and the provision of regulated entertainment to operate on Saturday 26<sup>th</sup> March 2016 to operate from 2.00pm until 10.00pm.

**2. Recommendation:**

To consider the objection notice made by West Midlands Police.

**3. Brief Summary of Report:**

A Temporary Event Notice was received on 1<sup>st</sup> March 2016, in respect of the Premises at Arch 2, 15 Lower Trinity Street, Birmingham, B9 4AG.

An objection notice has been received from West Midlands Police.

**4. Compliance Issues:**

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Mr Hitesh Chauhan submitted on 1<sup>st</sup> March 2016 a Temporary Event Notice in respect of the Premises at Arch 2, 15 Lower Trinity Street, Birmingham, B9 4AG.</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>Site Location Plans are attached, see Appendix 3.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for the Premises at Arch 2, 15 Lower Trinity Street, Birmingham, B9 4AG</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> <li>1. The prevention of crime and disorder</li> <li>2. public safety</li> <li>3. The prevention of public nuisance; and</li> <li>4. The protection of children from harm</li> </ol>
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<p><b>6. List of background documents:</b></p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Site Location plans, Appendix 3.</p>
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<p><b>7. Options available</b></p> <p>To issue the TEN</p> <p>To issue a Counter Notice</p>
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# Appendix 1



Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham. B6 9ES

## Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CHAUDHARY		
Forenames	HITESH		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth		Year	
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town		Postcode	
9. Alternative contact details (if applicable)			
Telephone numbers:		REF NO	
Daytime		009501/000068	
Evening (optional)		INITIALS	
		AC	

BCC  
REGULATION & ENFORCEMENT  
LICENSING SECTION  
DATE RECEIVED

Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
ARCH 2 15 LOWER TRINITY STREET BIRMINGHAM B9 4AG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	N/A
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
UNDER RAILWAY ARCH	
Please describe the nature of the event below. (Please read note 5)	
HOLI FOOD STALL DJ'S DANCING	

<b>3. The licensable activities</b>	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input checked="" type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	

SATURDAY 26TH MARCH 2016	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
14:00 - 22:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
499	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only
	<input checked="" type="checkbox"/>
	Off the premises only
	<input type="checkbox"/>
Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)  N/A.
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4. Personal licence holders (Please read note 13)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	BIRMINGHAM
Licence number	1709/2
Date of issue	10/10/05
Date of expiry	
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)	
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	5	
Have you 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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice?		

<b>6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)</b>		
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
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:	Yes	No
a) ends 24 hours or less before; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice?		

<b>7. Checklist (Please read note 16)</b>	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

<p><b>8. Condition (Please read note 17)</b></p> <p>It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.</p>
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<p><b>9. Declarations (Please read note 18)</b></p> <p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and</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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	01/02/16
Name of Person signing	

For completion by the licensing authority

<p><b>10. Acknowledgement (Please read note 19)</b></p> <p>I acknowledge receipt of this temporary event notice.</p>	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## NOTES

### General

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

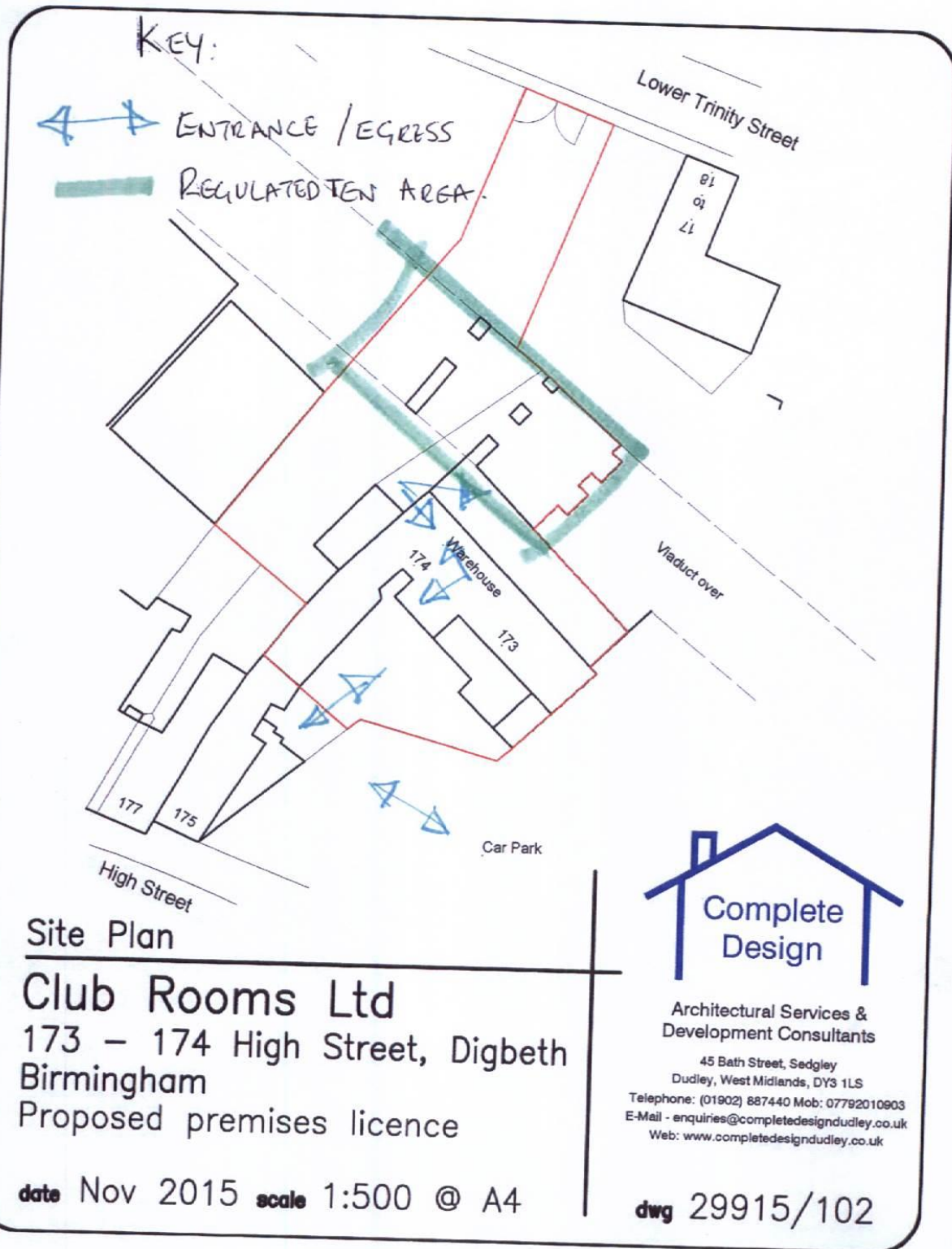
The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of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

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

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

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

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





## Appendix 2

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**From:** Ben Reader  
**Sent:** 04 March 2016 19:12  
**To:** 'BILLY Q CLUB'; bw licensing; Pollution Team; Licensing; Steven Hall  
**Subject:** Objection

All,

In relation to the TEN submitted below by Billy, West Midlands Police wish to object to this TEN proceeding.

There is a multi site event planned directly adjacent to this event. The plans for the large scale event have been amended significantly this week and are still subject to SAG approval.

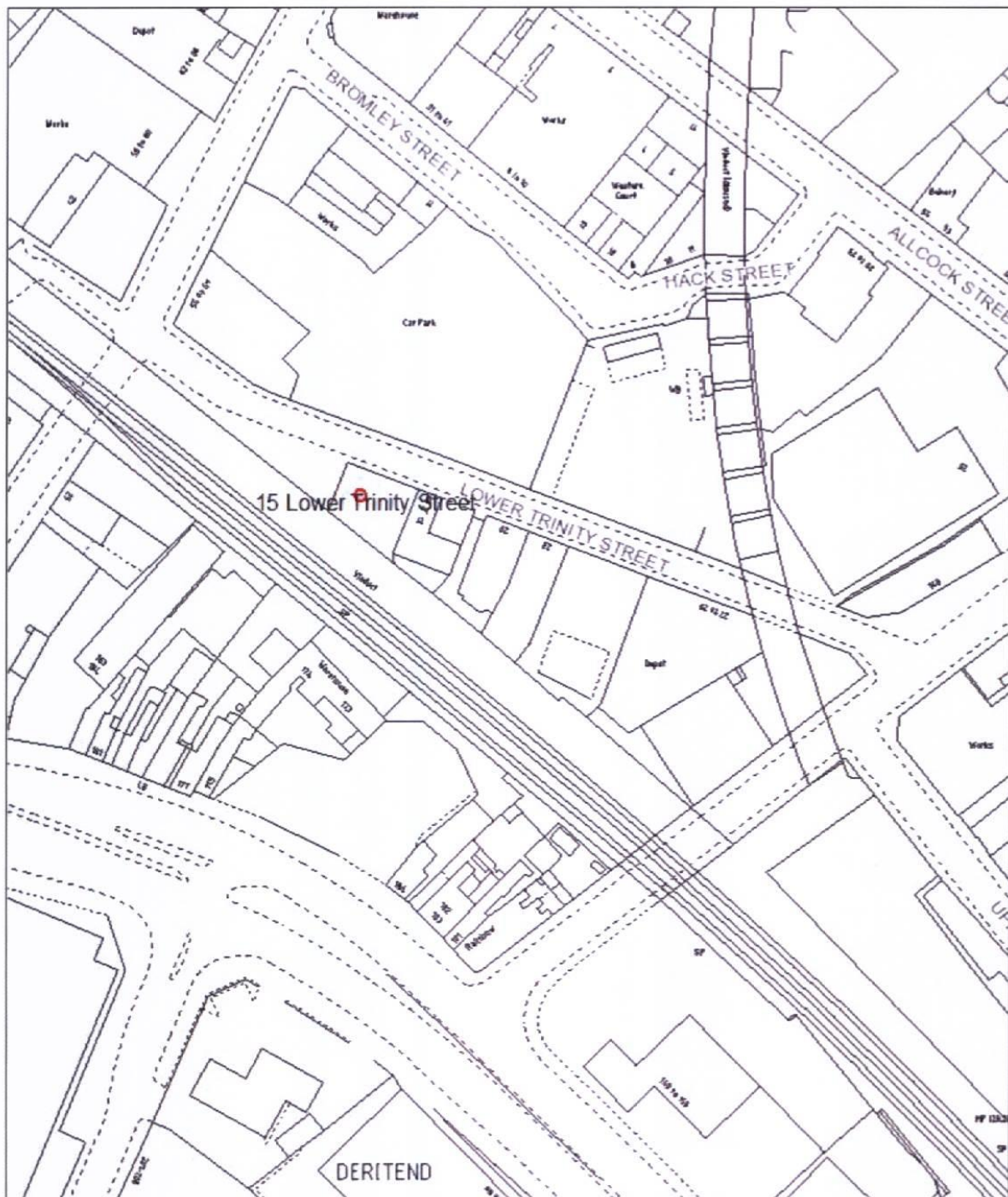
As this large event is still not finalised, we can not assess the extent of the impact of crime and disorder and public safety at these locations.

Thank you

Ben

**Police Constable 2413 Ben Reader**  
**Licensing Department**  
**Birmingham West & Central Local Policing Unit**  
Birmingham Central Station,  
Steelhouse Lane,  
Birmingham,  
B4 6NW

**Preventing crime, protecting the public and helping those in need**



**Birmingham City Council**

Map Created By:

Notes

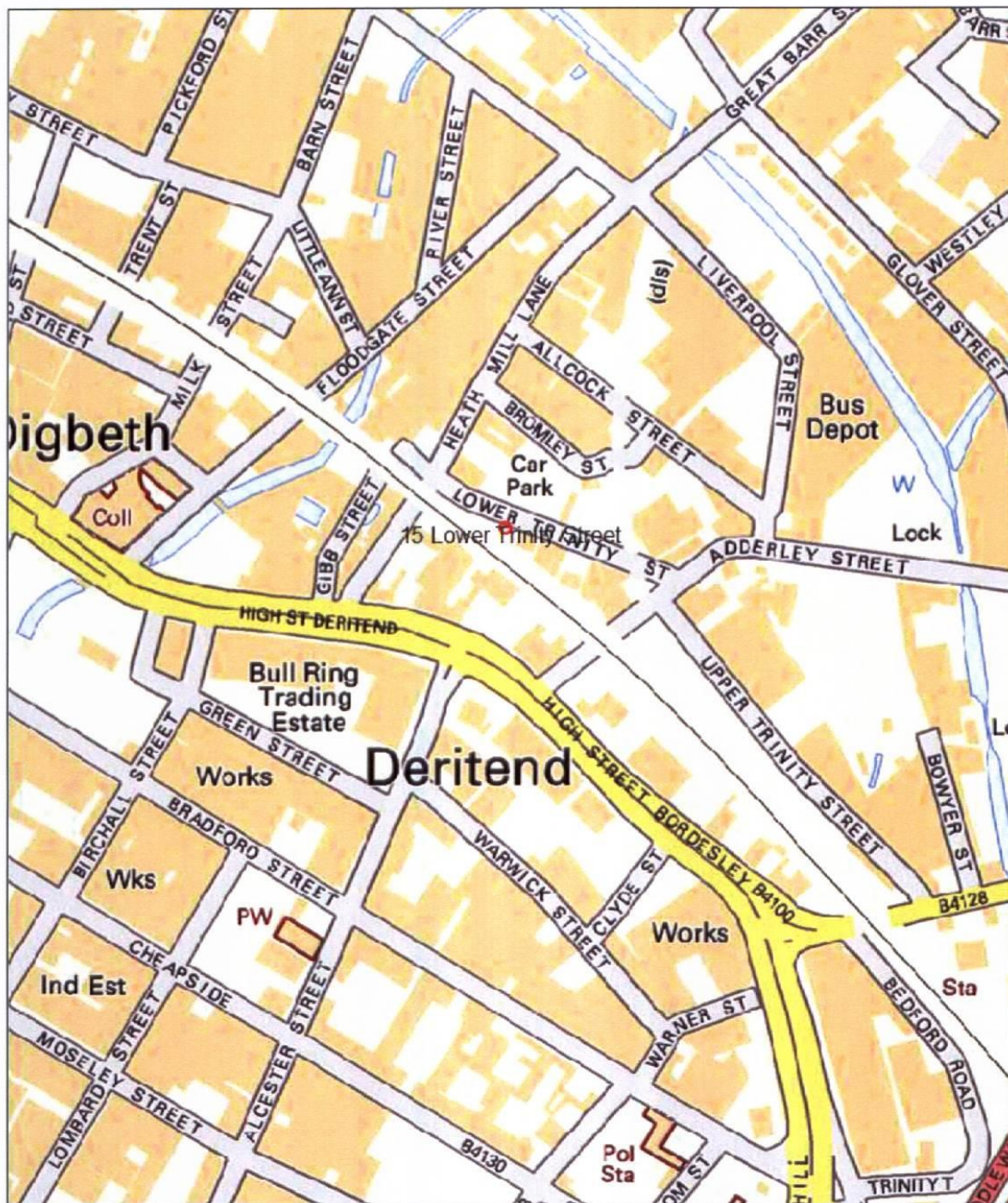
Date of Map Creation: 07/03/2016



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