

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Tuesday 28th June 2022
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	No 21 Digbeth, 21-27 Milk Street, Birmingham, B5 5TR
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notice to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and the provision of late night refreshment, to operate from 03:00am until 05:00am on 3rd July 2022.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was submitted by Christopher Brown and received on 15th June 2022 in respect of No 21 Digbeth, 21-27 Milk Street, Birmingham, B5 5TR.

An objection notice has been received from West Midlands Police.

4. Compliance Issues:

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

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

A Temporary Event Notice was submitted on 15th June 2022 by Christopher Brown, in respect of No 21 Digbeth, 21-27 Milk Street, Birmingham, B5 5TR, which was served on the responsible authorities on 15th June 2022.

The Temporary Event Notice is attached at Appendix 1.

An objection notice has been received from West Midlands Police, which is attached at Appendix 2.

The current premises licence is attached at Appendix 3.

Site location plans are attached, see Appendix 4.

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 relating to each TEN.

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 Notice, attached at Appendix 1.
Objection notice from West Midlands Police, Appendix 2.
Current premises licence, Appendix 3.
Site location plans, Appendix 4.

7. Options available

Allow the proposed temporary licensable activities as stated in the TEN
Impose conditions on a TEN to promote the licensing objectives
Refuse the proposed temporary licensable activities as stated in the TEN



Birmingham
Temporary Event Notice
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?
☐ Yes ☒ No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:
☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business:	<input type="text" value="director"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="21 - 27"/>	
Street	<input type="text" value="milk street"/>	
District	<input type="text" value="digbeth"/>	
City or town	<input type="text" value="birmingham"/>	
County or administrative area	<input type="text" value="west midlands"/>	
Postcode	<input type="text" value="b5 5tr"/>	
Country	<input type="text" value="United Kingdom"/>	

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

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="21 - 27"/>
Street	<input type="text" value="milk street"/>
District	<input type="text" value="digbeth"/>
City or town	<input type="text" value="birmingham"/>
County or administrative area	<input type="text" value="west midlands"/>
Postcode	<input type="text" value="b5 5tr"/>
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

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THE PREMISES

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

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☒ 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

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Event held on the premises

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

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

The premises is a Bar / Restaurant, Outside area selling street food and a rum theme bar.

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

Cream After Party celebration. The food will be street food. 3- 4 DJ's will be playing old club classics

All subsequent licensable activities will take throughout the venue Inside and out.

The existing licence conditions will be carried over into the extended TEN hours

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
[\(see also guidance on completing the form, note 6\)](#)

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ 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.

Continued from previous page...

Event end date

03 / 07 / 2022
dd mm yyyy

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

03.00 - 05.00

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

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

499

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

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

There will be DJ's playing 90's house club classics

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

birmingham city council

Licence number

161 / 1

Date of issue

/ /
dd mm yyyy

Continued from previous page... Any further relevant details

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

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes ☒ No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?
- ☐ Yes ☒ No

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

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or
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

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?

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

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

- * THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:
- * (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
- * (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

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

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

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

[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.

From: Mark Swallow
Sent: 17 June 2022 11:34
To: Licensing
Cc: '
Subject: Sector 57 Milk St, Digbeth

Good Morning Licensing,

I am in receipt of an application for the above premises for a temporary events notice for 3.7.22 extending hours between 0300 and 0500 hours.

In order to ensure that the event was safe and that the licensing objectives were being promoted I requested the applicant supply me with the risk assessment for the event and the noise management plan. I have also asked if the outside activities were taking place in the confines of the premises or in the public domain.

To date I have not received the information requested despite following up my request with a telephone call stressing the importance of the request. Today I have been unable to raise the applicant by telephone. I therefore on behalf of West Midlands Police wish to object to this application because it cannot be ascertained if it promotes the licensing objectives in particular:

The prevention of crime and disorder,
The promotion of public safety,

I have copied the applicant into this email. Should the information requested be forthcoming and negates the concerns raised the objection would be withdrawn.

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

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:**

4693 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description No 21 Digbeth 21/27 Milk Street Digbeth	
Post town: Birmingham	Post Code: B5 5TR
Telephone Number: Not specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence	
A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
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-Thursday	07:00	-	02:00	A ,B ,C ,E ,F ,G ,H ,M3
	23:00	-	02:00	L
Friday-Sunday	07:00	-	03:00	A ,B ,C ,E ,F ,G ,H ,M3
	23:00	-	03:00	L
On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.				A ,B ,C ,E ,G ,H ,L ,M3

Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Sector 57 Ltd 21 Milk Street	
Post town: Birmingham	Post Code: B5 5TR
Telephone Number: Not specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 12374602

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Christopher Brown	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 161	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 03/12/2021

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

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 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.

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.

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Management will ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licencing regulations/Conditions including Fire regulations.

A record of the training will be kept by the management.

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

Security Staff will be SIA Registered.

CCTV system to be installed fit for the purpose and satisfaction of West Midlands Police.
Images to be retained for at least 31 Days and shall be made available upon request to officers of the responsible authorities.

Staff will be given ongoing training including identification of anti social or unusual behaviour.

The premises will operate a zero tolerance drugs policy at all times.

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

SIA registered Security staff will oversee customers arriving or departing the premises and not allow anti social behaviour by individuals or groups.

The Noise from the premises will be monitored so as not to become a public nuisance.

An incident register will be kept on the premises and made available at all times.

The disposal of empties and bottles will not be done after 23:00 Hours or before 07:00 Hours.

Notices will be posted asking patrons to leave quietly.

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

The premises will adopt the 'challenge 25' or similar policy as proof of age scheme to be in operation during licensed hours

There will be a provision of sufficient staff to protect children from harm with training on appropriate behaviour

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

N/A

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

N/A





