

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 07 AUGUST 2019 AT 09:30 HOURS**  
**IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

*Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.*

## **A G E N D A**

### **1 NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

### **3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 18**

### **4 MINUTES**

To note the public part of the Minutes of the meeting held on 29 May 2019.

**19 - 72**

### **5 LICENSING ACT 2003 TEMPORARY EVENT NOTICE PREMISES AT 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU**

Report of the Assistant Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 09:30am.

### **6 OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

**P R I V A T E   A G E N D A**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 29 May 2019 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB - COMMITTEE C - 29 MAY 2019</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB-COMMITTEE C HELD  
ON WEDNESDAY 29 MAY 2019  
AT 0930 HOURS IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Martin Straker-Welds and Bob Beauchamp.

**ALSO PRESENT:**

Bhupinder Nhandra – Licensing Section  
Sanjeev Bhopal – Legal Services  
Katy Townshend – Committee Services.

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**NOTICE OF RECORDING**

- 1/290519 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

- 2/290519 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/290519 No apologies were submitted.

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**APPOINTMENT OF THE SUB-COMMITTEE**

- 4/290519 Members noted the appointment by the City Council of the Committee and Chairman for the Municipal Year 2019/20.

Members were reminded that they may nominate another Member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in Paragraph 6.1 of the Licensing Committee Code of Practice for Councilors and Officers.

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5/290519 **MINUTES**

The public section of the Minutes of Meeting held on 29 March 2019 were noted.

The Minutes of Meeting held on 17 April 2019 were confirmed and signed by the Chairman.

The public section of the Minutes of Meeting held on 1 May 2019 were noted.

The public section of the Minutes of Meeting held on 15 May 2019 were noted.

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6/290519 **DELEGATIONS OF THE SUB-COMMITTEE**

The delegations to the Sub-Committee were noted as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, Hackney Carriage Licences, Private Hire Licences and such business as may be referred by the Assistant Director of Regulation and Enforcement.

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**LICENSING ACT 2003 PREMISES LICENCE – REVIEW – BLUB 101, 70  
HURST STREET, ARCANDIAN CENTRE, BIRMINGHAM, B5 4TD**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the Premises**

John Sambo – Director

Andrew Purvis – Proposed Designated Premises Supervisor (DPS)

Duncan Craig – Representative

**On Behalf of the applicant for Review of the Licence**

PC Ben Reader – West Midlands Police (WMP)

**Those Making Representations**



Piers Warne – TLT Solicitor representing L & C Commercial (sat on public gallery)

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The meeting way delayed by some 15 minutes due to technical issues with the projector equipment.

Following introductions by the Chairman, all parties were invited to make any preliminary points. At which stage Duncan Craig, on behalf of the premises advised that he had a preliminary matter.

Mr Craig advised that there had been discussions outside the room prior to the meeting commencing and due to the bank holiday weekend there were documents he intended to serve this morning. However, he had provided copies for the Committee and although they were for Members to read, he would just be making reference to them in the meeting.

He had a bundle of documents 70 pages, 1-14 included the incident reports since the review application was made and was there to show that the premises had taken their responsibilities seriously and were engaging with the authorities. Additionally he had provided the door register, and some emails showing the premises cooperating with the investigation. The premises had been in discussions with the authorities regarding conditions, and although they had managed to make progress, they were yet to reach an agreed position.

Mr Craig invited the Committee to read the documents.

PC Reader confirmed he had no objection to the request by Mr Craig.

At 0956 the meeting was adjourned to allow Members to read the documents. All parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1007 the meeting was reconvened and all parties were invited to re-join the meeting.

The Chairman outlined the procedure to be followed at the meeting. Bhapinder Nhandra, Senior Licensing Officer outlined the report.

PC Reader on behalf of WMP, made the following statements:-

- a) That he would go through his witness statement and then show the CCTV footage.
- b) That PC Reader had a good relationship with the previous owners of the premises (same company different owners).
- c) The venue was advertised *heavily* as glamorous, staff dancing in cages, sparks on bottles, star tender bar tenders. There was a lot of time and energy into the advertising of the venue which was his concern. Perhaps the venue should have been spending a similar amount of time ensuring

they were complying with the conditions of licence and running the premises well.

- d) That there were incidents as far back as 2017. A large scale incident in November 2017 whereby people ended up with stab wounds, the incident was linked back to Club 101.
- e) That one of the males arrested was let in the venue with a knife on him.
- f) That door staff didn't get involved; that was not promoting the licensing objectives.
- g) That groups continued to fight outside and security just returned back into the venue.
- h) That it was a *large scale disorder*.
- i) That on 21<sup>st</sup> January 2018 there were employees involved in the disorder (page 8 of the evidence bundle), officers witnessed someone shouting *get Sasha back inside*.
- j) Females and males all walked off and then another disorder broke out, it carried on through Arcadian and a vast amount of police were needed to calm the situation down.
- k) People were leaving the venue with bottles of spirits.
- l) That there was another referral from PC Barnes; his email concerned the manner of events and the security staff. His email stated that 101 didn't operate how it should and he was monitoring them.
- m) There was a lack of control in the venue; no control of queuing outside, no control of searches. It was shocking.
- n) That anyone the door staff knew didn't get searched.
- o) That between midnight and 0300 hours the capacity of the venue was exceeded by 30.
- p) That there were people on the balcony, one person dropped a massive bottle of vodka over the edge and nearly hit someone.
- q) That the correspondence from DC Kettering explained that there was a firearm at the venue. The investigation was hindered by door staff at the venue who would not give statements. They would have seen the firearm.
- r) Then there was a final email which stated they were still having issues with obtaining statements from door staff and were struggling to get the names of the other door staff that were on duty that night.
- s) That the person was sentenced to 8 years but there was no evidence in the form of witness statements from anyone at the venue.

- t) That the incidents spanned from November 2017- March/April 2019.
- u) That he didn't want to go too far back, he was just trying to show that it was not just a recent thing.
- v) That due to the number of incidents in the night time economy, reports of Nitrous Oxide in the South Side area and concerns from other responsible authorities they already had another review for another venue. So he was aware of the issues.
- w) That he visited a number of venues to see if he could witness any drug taking or balloons. He went to 101 and there was a male in front of them with two balloons, they were shocked. They approached him and spoke with him, he eventually told them that a male had approached him and given him the balloons. WMP found the explanation strange, so when they got back they asked John for an incident report. John replied the following day saying he had spoken with security asking them to carry out more thorough searches at the door and sent the incident report – which indicated it was a smooth night.
- x) They still didn't have a thorough understanding of the balloon incident and therefore requested CCTV to see if the male had been approached. The response was that he would prepare the footage on USB and they would get it the following night. However that didn't happen. Then in the interim period he got a referral from Sgt Piper who said a male had been located with injuries and refused to make a statement, he said he was assaulted by security at 101 Club. Therefore WMP were requesting CCTV from the balloon incident and this night.
- y) When the CCTV was requested John said that they were having issues with CCTV therefore, could not get any CCTV footage and sent an engineer report.
- z) That there were now two investigations that could not proceed due to lack of CCTV evidence, and statements. That if the CCTV was available it may have shown Nitrous Oxide being supplied and security staff assaulting someone.
- aa) That it was concerning that CCTV was not available.
- bb) That the incident report was available on page 16 of the bundle and simply said that 2 males were involved, door staff tried to sort it out but the males wouldn't listen and were told to go in a polite way. They were rather intoxicated and it took longer than usual to get them to leave. The other group went towards the exit and both were escorted to the balcony exit. They began to take coats off and get boisterous. The door staff were called for assistance on the matter. The males attacked the door staff with belts and they had no choice but to use force – so there was acknowledgement from the venue that the door staff used force. However from a criminal point of view they can't even look at CCTV to see if it was a proportionate response.

cc) That they had concerns over the CCTV so they went to the premises and spoke to Denzel.

dd) That they had bodycam footage.

At 1029 the CCTV footage was played; firstly the bodycam footage.

PC Reader made comments relating to the CCTV footage in order to aid Members:-

- That the blue notice was removed from the front door as the external promoter thought it created a bad vibe so they moved it to a private area.
- Denzel did not have the password to the CCTV but he did put a call in to get the code.
- There were old hard drives on the shelf so PC Reader went through them and the memory was no longer in there.
- He asked Denzel questions.
- He asked him what the 4 licensing objectives were and tried to prompt him, but he didn't seem to know what they were.
- He tried to get the signing in sheet and profiles.
- Before he exited he asked a member of staff some questions.
- He asked the doormen some questions including how many door staff were from his company, what the hierarchy was but he didn't know.
- That the engagement he had with door staff didn't fill him with confidence.
- That he was going to show more CCTV footage of an incident which would highlight the fragmented security approach.
- That it was difficult to know who was in charge.
- That the footage from 7<sup>th</sup> April on Saturday night and the early hours of Sunday morning it was hard to see who security was.
- That someone threw a bottle.
- That the officer found it hard to work out who was security.
- That the other view was the Arcadian camera.
- That the guy punching was a heavy set lad with a beard.
- People flying in and out, clearly something happening.

At 1059 hours the meeting was adjourned to allow everyone to have a short comfort break. All parties with the exception of the Members, Committee Manager, and Committee Lawyer left the meeting.

At 1105 the meeting was reconvened and all parties were invited to re-join the meeting.

PC Reader continued with his representation:-

- a) That having gone through the CCTV it came back to the point around management being more about advertising and making money and not around the licensing objectives.
- b) That they were not proactive.
- c) There were some photos at the back of the evidence pack to show the advertising and also the trip advisor reviews about disrespectful and aggressive door staff.
- d) That the regime of multiple door companies caused him concern; there was no consistency.
- e) That there was an overall lack of professionalism from door staff and venue management.

PC Reader answered questions from Members:-

- a) That the premises had cameras outside and at the entry points of the venue.
- b) That it was not an issue of cameras but more an issue of retention of footage.
- c) That if venues had lots of staff then they sometimes delegate the CCTV, but Dannel did put a call in and get the code to access it.
- d) That if door staff were more identifiable then perhaps it would act as a deterrent.
- e) That the Arcadian had their own security staff who were SIA trained, but they do not act as additional door staff for venues.
- f) That they were still confused as to how many door staff were working.
- g) That the venue probably had more door staff than most venues because he thought they accepted that some of the events they held were high risk.
- h) That notification of events would be around new promoters, he had liaised with Duncan Craig already regarding it.
- i) That it wasn't a situation where there was a changing demographic; it was more the lack of professionalism and the poor operation/security.

- j) That he had been discussing a number of conditions with the licence holder which would ensure more accountability.
- k) That it would be useful to hear from the Licence Holder and New DPS first.

Mr Duncan Craig on behalf of the premises, made the following points:-

- a) That they accepted there had been a lack of prevailing command structure around the door, that needed manifesting and tightening up.
- b) That they had improved and there was an increase in the level of professionalism and that would continue to improve.
- c) That John was a man from a humble background. He was an excellent promoter and had come to realise that it was not the most important part of running the venue and that's why the proposals were being made.
- d) That they proposed that the Committee exercised 2 powers; remove the DPS and put Mr Purvis as DPS before any licensable activity can take place and then add the targeted conditions to the licence.
- e) When formulating conditions he had been mindful of WMP's concerns regarding security and CCTV retention. Therefore there were conditions specifically to cover those aspects.

Mr John Sambo made the following points:-

- a) That the CCTV situation was one that only happened every few years and was simply down to technology. He went to download the CCTV as normal in order to put it onto the USB and it kept crashing, he gave it to professionals who came out and they told him that sometimes the devices don't have that function.
- b) He wasn't sure how good the system was as it came with the venue.
- c) That it had never really happened before.
- d) They thought it might be the DVR box, so they got a new one and it still didn't work, so they tried again with a new hard drive.
- e) He had been able to download CCTV for other incidents, but just wasn't able to on this occasion.
- f) That they were now compliant with the conditions.

Mr Duncan Craig added:

- a) That there was recognition that there had been lack of organisation and structure and that needed addressing going forwards.

- b) They would be carrying out their own SIA website checks and taking screen captures and recording it.
- c) There would be weekly incident report, and up to date door staff records.
- d) All door staff would be required to wear bodycams for the duration of the evening.
- e) The venue had a capacity for 500 patrons and venues usually had door staff 1 to every 100 patrons, but they exceeded that.
- f) That all door staff must wear hi vis and have their individual identification number of display and then wear a bodycam. This would make it easier to verify complaints, provide a higher level of accountability and ultimately record incidents and therefore, promote the prevention of crime and disorder and the protection of the public.
- g) That he hoped PC Reader felt the conditions met his concerns.
- h) That if incidents occurred they would be better managed and also recorded in a manner which ensured WMP could investigate it properly.
- i) That there was no suggestion that the blue notice had been removed by John.
- j) That every time he has been to the venue the blue notice had been visible. However, it had been taken down on that night, which was unfortunate.
- k) That the premises had engaged with the review process and PC Reader after the review was submitted. It was not a case where the premises had stuck head in the sand.
- l) That the cameras were to WMP's satisfaction.
- m) That there had been training in the last month and subsequently Mr Purvis had delivered more training on Saturday.
- n) That it was right to say that what was seen of Denzel in the footage was not acceptable and that he should be aware of the licensing objectives.
- o) That he agreed with PC Reader that the ultimate responsibility lay with the licence holder, but also DPS needed to be a responsible person as they were selling alcohol.
- p) That he had given the DPS some recommendations and shadowed him for an evening. Some of the recommendations had already been put into place.
- q) That they needed to find an alternative DPS which is what they had done.
- r) That he didn't think Denzel was beyond redemption of learning.

- s) That the proposal was to replace Denzel.
- t) That in terms of the incident on the 7<sup>th</sup> April the door staff were wearing hi-vis and it was 0315 in the morning – the premises was closed.
- u) That the condition was ambiguous, they should wear hi-vis, so he had made it clear to the premises. It needed to continue all night and when the premises were empty.
- v) That if the door staff were wearing hi-vis he thought the incident would have been less likely to happen as it would have been easier to see who was who and to assert them. It would further give the public confidence that the door staff were dealing with the incident, if they were easily identifiable.
- w) That they couldn't attach weight to trip advisor reviews as there was no way of testing or filtering them.
- x) That Mr Purvis would be taking over as DPS – that was their proposal.

Mr Andrew Purvis made the following points:-

- a) That he had spent the last 20 years in Birmingham working in bars and hospitality and it was a career for him.
- b) That he had known PC Reader for a number of years and would like to think they have a good working relationship with no major problems.
- c) That the current premises he was managing was a large warehouse with capacity for 1000 people. He was the DPS for that venue; they held lots of different events with different music styles and ran different configurations depending on the promoters. He liked to think that they had catered for every sort of music genre and cultural background possible.
- d) That previous he took over music 13 on South Side as it was poorly ran previously and was also poorly attended. He reviewed it from the ground upwards and changed policies and handpicked the door team, and used good quality promoters.
- e) That in the year he was there he made positive strides and the premises now seemed successful.
- f) He had also previously co-owner Alfie Birds, with a late night licence until 6am. There were no major issues there and they had a good strong door team. It was always a focus in late night venues.
- g) He had also held a licence for large scale events at Que club, Mitchells and Butlers, All Bar Ones, Gastro Chains, his background covered all bases and he had to necessary skills to take over the venue successfully.
- h) That if he was appointed as DPS he would be able to take some responsibility from the PLH. He liked to think he helped control all aspects



of the club, but mainly alcohol. However, he would be looking at all aspects and indeed the security.

- i) The WMP reports showed that the previous security was shambolic and loose. He would put in the basics; strong leadership, structure and better CCTV system. That it was basic school boy stuff.
- j) That he would put more professionalism and leadership into the venue.

Mr Duncan Craig made the following comments:-

- a) That the incident reports and door registers, everything was nearly there, and everything was always evolving.
- b) That towards the back event of 19<sup>th</sup> April PC Rohomon was contacted and was concerned about the incident; the premises responded through Mr Craig and revised the risk assessment.
- c) That the premises weren't promoting licensing objectives prior to review, but the premises had provided evidence of an improving picture.
- d) That hopefully with the experience new DPS in place and new conditions they could persuade the committee that they would be sufficient steps in order to tackle the concerns.

In answer to Members questions Mr Purvis and Mr Craig made the following points:-

- a) Mr Purvis stated that the queuing situation was difficult due to the location the premises was situated, it was on a corner and it would therefore be down to the training of door staff in getting people in safely. Currently the approach was disjointed and lacked leadership.
- b) Mr Craig advised that people needed to know who they were reporting to.
- c) Mr Purvis communicated that in relation to searches, it was a general retrain procedure to ensure everyone was aware of the expectations and so they knew the levels of searching. Posters would be up to ensure customers knew that "no search no entry" was in operation.
- d) That security would use metal wands.
- e) Mr Craig informed the Members that it was normal to receive calls from WMP with intelligence about events and that they would always take them seriously and respond in the normal way.
- f) Mr Purvis would do a general tidy up of the office and do refresher training with all staff. They would be operating a challenge 25 police and would be fully compliant with all legislation.
- g) That they were continually moving forwards and refining things to try and rectify all the issues.

- h) Mr Craig responded to Cllr Straker-Welds that they had been in discussions with WMP and submitted a minor variation, it would be wrong to categorise them the premises as ignorant of their responsibilities.
- i) That the premises had acknowledged they had fallen short and were not ignoring responsibilities.
- j) Mr Craig stated that any licence holder had to balance the commercial side of the business and the licensing objectives. That clearly the focus had been off on this occasion but they had recognised and that's why Purvis had been brought in to assist.
- k) That it was really important to get it right on the door and deal with the outside first.
- l) That concerns had been raised about the balcony and they were happy to listen to WMP's suggestions.
- m) That there was nothing from WMP to say that they were concerned about the main security company provided; it was more a concern of structure. Therefore they hadn't addressed that as WMP hadn't raised it.

In summing up PC Reader made the following points:-

- a) That the balcony had been raised and having had a quick look at the risk assessments, he thought one way to mitigate those concerns would be for the venue to produce risk assessment with specific details about the balcony, whether it's closed or how it will be managed. The risk assessment should identify it as a high risk area.
- b) That Mr Craig had gone through everything with them and they were in a position whereby the venue wanted to move forward and Andrew was a significant change.
- c) That if Denzel was still going to be DPS then the conditions would have no weight as they would have no confidence in Denzel to enforce them or promote them.
- d) That they had confidence in Mr Purvis however, what would happen if Mr Purvis walked out?
- e) That they wanted a management structure review to be documented and sent to WMP and Licensing so when they do visits they know who they need to speak to and who's in charge.
- f) That they absolutely needed to be checking and recording door staff details.
- g) That checking the website for active status was also a good additional compliance.
- h) That the biggest condition would be weekly reports sent to licensing.

- i) That bodycams was a good measure.
- j) That door staff having numbers was an important one.
- k) That the CCTV had been a problem in terms of the investigation so they wanted to be clear that it couldn't happen again, therefore back up was important so it didn't reoccur.
- l) That the conditions were positive, but the most positive thing was Andrew.

In summing up Mr Craig made the following points:-

- a) That it was right to say that PC Reader had pointed out that the submissions revolved around Andrew.
- b) That they were dealing with the issues and the premises had served to concentrate the issues to their minds.
- c) That it wasn't always about punishment, review gave them the chance to review the way they ran the business.
- d) That with further steps they felt the situation was improving and would continue.
- e) That they were asking the Committee to add the conditions to the licence and remove the DPS and they would apply for a DPS transfer.

At 1221 the meeting was adjourned and all parties withdrew from the meeting with the exception of the Members, Committee Lawyer and Committee Manager.

At 1305 the meeting was reconvened and all parties were invited to re-join the meeting in order for the Sub Committee to announce the decision as follows:-

07/290519

**RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by JHAG Entertainment Limited in respect of **Club 101, 70 Hurst Street, Arcadian Centre, Birmingham, B5 4TD** upon the application of the West Midlands Police, this Sub-Committee hereby determines to **Modify the Conditions of Licence and to remove the Designated Premises Supervisor ("DPS")**.

That the conditions of the premises licence be modified in accordance with the proposed additional conditions put forward by the legal representative of the Premises Licence Holder, as agreed with West Midlands Police at the meeting in order to promote the prevention of crime and disorder and public safety objectives in the Act.

**Volunteered and agreed (with West Midlands Police) Conditions**

The Premises Licence Holder will conduct an ongoing review of the existing management structure, with regular refresher training provided to all staff on the promotion of the four licensing objectives and the conditions of the premises licence. This review will also include all relevant policies which the Premises currently implements.

The Designated Premises Supervisor, or his nominated deputy, shall check and record details of the SIA Licence held by any member of door staff engaged by the Premises Licence Holder. This check shall be carried out each day a member of door staff reports for duty at the premises. Door Staff will not be allowed to enter their own details into the record book.

The Designated Premises Supervisor or his nominated deputy shall check the SIA website and confirm the 'active' status of any SIA Licence produced by door staff, each day the door staff member is engaged at the premises. If the SIA website is not operating on any given day, then this fact shall be recorded at the premises.

The Designated Premises Supervisor or his nominated deputy shall make a 'screen capture' of the relevant page from the SIA website, to demonstrate that the door supervisor engaged at the premises is authorised to carry out licensable activities by the SIA. The screen captures will be printed and maintained in a file at the premises, and this file shall be produced for inspection upon the request of any authorised officer of a Responsible Authority.

The Premises Licence Holder shall ensure that weekly incident reports are sent to Birmingham Central Licensing Team (West Midlands Police). The reports shall include details of any incidents which have occurred at the premises, and also the details of the Door Staff who were on duty at the premises that week.

All security staff employed at the premises shall wear body cameras for the duration of their duty. The body cameras must be capable of recording images and audio at all times.

Each member of door staff (whether working outside the premises, in the main reception or in the licensable area) shall clearly display a unique number for the purposes of distinguishing them from other members of the door security team working that evening. Each member of the door security team will have the number allocated to them when they sign on duty and this shall be recorded and retained by the premises.

The premises shall have two hard drives for the purposes of retaining CCTV images and providing an automatic backup facility should the primary hard drive fail

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised but did also consider the imposition of a suspension of the premises licence as well but were persuaded on balance on this occasion not to impose this sanction at this time.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

The Sub-Committee's reasons for imposing these conditions and removing the designated premises supervisor are due to concerns by West Midlands Police in relation to various incidents which had been linked to the premises since 2017, but had culminated in those set out within the Review Application necessitating today's hearing.

The Sub-Committee noted that West Midlands Police expressed concern about the DPS and his ability to properly promote the licensing objectives. These concerns seemed to be evidenced in CCTV footage which was shown at the meeting, in particular those parts where the Police questioned the DPS about what the licensing objectives were and how these should be promoted. The inability of the DPS to answer these basic questions was of concern to the Police and it was their view that the DPS did not have the strengths required to manage a high profile night time economy venue in Birmingham.

In any event, the licence holder's legal representative had volunteered to the removal of the DPS as part of the measures which were submitted to the Sub-Committee to address the Police's concerns including the conditions which were subsequently agreed with the Police. The new proposed DPS was known to Licensing officers at West Midlands Police, and had by all accounts established a good working relationship with him given his previous management experience at similar venues.

The raft of additional conditions volunteered and agreed with the Police, would address the other substantive concerns raised by the Police, particularly the use, management and deployment of SIA door staff at the venue, and capture and retention of CCTV in accordance with the Conditions of licence, and the training of all staff on the promotion of the licensing objectives and the review of all current policies. The use of the first floor balcony area within the premises in the future would be captured in risk assessments the premises were obligated to send the Police and no further submissions were made beyond this to Sub-Committee.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the West Midlands Police, the premises licence holder, their legal adviser, and other persons.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

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08/290519 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

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**EXCLUSION OF THE PUBLIC**

09/290519

**RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-  
(Paragraphs 3 & 4)

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<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 7<sup>th</sup> August 2019</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>Premises at 35 Birchfield Road, Aston, Birmingham, B19 1SU</b>
<b>Ward affected:</b>	<b>Aston</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
To consider the objections 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 on 17 <sup>th</sup> August 2019, to operate from 12:00midday until 01:30am (the following day).

<b>2. Recommendation:</b>
To consider the objection notices made by West Midlands Police and Environmental Health.

<b>3. Brief Summary of Report:</b>
A Temporary Event Notice was received on 25 <sup>th</sup> July 2019 in respect of 35 Birchfield Road, Aston, Birmingham, B19 1SU.
An objection notice has been received from West Midlands Police and Environmental Health.

<b>4. Compliance Issues:</b>
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.
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
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>Kadian Mowatt submitted on 25<sup>th</sup> July 2019 a Temporary Event Notice in respect of 35 Birchfield Road, Aston, Birmingham, B19 1SU.</p> <p>The Temporary Event Notice, including a risk assessment, is attached at Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>An objection notice has been received from Environmental Health, see Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for 35 Birchfield Road, Aston, Birmingham, B19 1SU.</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>
<p><b>6. List of background documents:</b></p> <p>Temporary Event Notice and risk assessment is attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Objection Notice from Environmental Health, attached at Appendix 3.</p> <p>Site location plans, Appendix 4.</p>
<p><b>7. Options available</b></p> <p>To issue the TEN</p> <p>To issue a Counter Notice</p>



## 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)		BCC REGULATION & ENFORCEMENT	
1. Your name		LICENSING SECTION	
Title	Mr Mrs Miss Ms Other (please state)	DATE RECEIVED	
Surname	Mowatt	20 JUL 2013	
Forenames	Kadian		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)		INITIALS	
Title	Mr Mrs Miss Ms Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month Year
4. Your place of birth			
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)			
35 Birchfield road, Aston, Birmingham			
Post town		Postcode B19 1SU	
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:		
Daytime		
Evening (optional)		
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)		
35 Birchfield road, Aston, Birmingham, B19 1SU		
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		
Club premises certificate number		
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)		
Please describe the nature of the premises below. (Please read note 4)		
Caribbean takeaway		
Please describe the nature of the event below. (Please read note 5)		
We will be having official shop opening, customer appreciation BBQ, and funday.		

<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	Yes	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No	
The provision of regulated entertainment (Please read note 7)	Yes	
The provision of late night refreshment	Yes	
Are you giving a late temporary event notice? (Please read note 8)	No	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	17/08/19	
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 10)		
12:00pm - 1:30		
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 11)	450	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<b>Error! Bookmark not defined.</b> Yes
	Off the premises only	No
	Both	No

<p>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 (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>We will have bounce castle, face painting and live music playing inside a big marquee all activities will taken place at the back garden of the premises, no actiities will be at the front of shop all food and refreshment will be serve from the main counter inside the shop. Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am</p>
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<b>4. Personal licence holders (Please read note 14)</b>		
Do you currently hold a valid personal licence? (Please tick)	<input type="checkbox"/>	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Any further relevant details		

<b>5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)</b>		
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?	<input type="checkbox"/>	No
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		
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?	<input type="checkbox"/>	No

<b>6. Associates and business colleagues (Please read note 16 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?	<input type="checkbox"/>	No
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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	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?	<input type="checkbox"/>	No
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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		No
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<b>7. Checklist (Please read note 17)</b>	
<b>I have: (Please tick the appropriate boxes, where applicable)</b>	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	Yes
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	Yes
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	Yes
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	N/A
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	N/A
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	N/A
Made or enclosed payment of the fee for the application	Yes
Signed the declaration in Section 9 below	Yes

<b>8. Condition (Please read note 18)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 19)</b>	
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 or 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 months, or to both.	
Signature	
Date	25/07/2019
Name of Person signing	Kadian Mowatt

**1 Full event plan with map of where licensable activity will take place:**

I Kadian Mowatt is planning to keep a small barbecue gathering for my customers to show my appreciation of their support over the past couple of months. this will be between 12:00 until 23:00 which will then be taken on the inside for further socialising until 01:00.

**2. Risk assessment, to include –**

· **How you will control numbers attending the event.**

I will be giving arm band to monitor the amount of people coming in and will stop people coming in as soon as I reach my legal amount.

· **Door staff being used and their deployment plan.**

security will be present whom will carry out checks on everyone before entrance and will also provide customers with armbands. there plan is to supervise the doors and walk around to keep checks on both the premises and customers.

· **Entry policy.**

my policy for the night will be search before entry and refusal of searching will be turn away.

· **Toilet facilities.**

indoor toilet with wash sink, hand dryer and hot and cold running water from top.

· **First aid provisions.**

A certified first aider and fire marshal will be present on site from the beginning to the end of the event.

· **Vulnerability policy**

security will keep regular checked on customers in order to keep the environment safe and secure they will also keep in regular contact with first aider to make sure all vulnerable support is intact.

· **Method statement and health and policy for contractors:**

there is a cancelation of bouncy castle: therefore the event will not be having one.

· **Fire risk assessment to include evacuation plan and numbers permitted within the area being used for the event.**

a certified fire marshal will be on the premises encase the event of a fire should occur

· **Noise management plan.**

All noise will turn down and will be taken on the inside in order to control environmental noise and nuisance to neighbours.

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**From:** bw licensing  
**Sent:** 31 July 2019 07:10  
**To:** Licensing Online; Pollution Team  
**Subject:** RE: ON LINE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU

Licensing,

Unfortunately West Midlands Police do not feel that the applicant has addressed our concerns and satisfied us that the licensing objectives will be promoted.

Because of this, West Midlands Police formally make representation to the grant of this certificate on the grounds that the prevention of crime and disorder, public nuisance and public safety will not be promoted.

Regards

PC 1978 Walker  
Birmingham Police Central Licensing Team  
Birmingham Partnerships  
Lloyd House

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**From:** Martin Key  
**Sent:** 31 July 2019 11:09  
**To:** Licensing  
**Cc:** Kadian Mowatt; Pollution Team; bw\_licensing@...  
**Subject:** RE: ON LINE LATE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU  
**Importance:** High

Hi

I have received the application for a TEN for 17/18 August 2019 at 35 Birchfield Road between the hours of 12 noon and 01.30 for alcohol sale, late night refreshment and regulated entertainment. I have previously raised issues by sending the applicant an email last week as follows:-

*Further to my earlier telephone conversation you will need to amend the TEN application you have submitted to address the following issues:-*

1. *In section 2 the premises licence section is incorrect – the premises does not have a premises licence under the Licensing Act 2003 and this should be blank – you have quoted your food hygiene registration number*
2. *In section 3 you have put the date as 17/08/19 – you have also asked for hours of 12.00 (noon) to 01.30 and therefore this is over 17 and 18 August*
3. *You have provided further information in the section on relevant entertainment – this is specified in the Act and covers sexual entertainment such as lap dancing and pole dancing and based on our conversation is not being proposed and should therefore be blank*
4. *However the information you have provided in that section is also confusing as it states - Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am ; what are the hours you are seeking?*

*Irrespective of the above there is no information on proposed control and management of the event and I have significant concerns about nuisance impacts and public safety given the proposed location and hours and would request that you provide a detailed risk assessment and management plan to address the public nuisance and public safety licensing objectives to include:-*

- *layout and specification of amplification equipment*
- *electrical safety and power supply*
- *toilet and hygiene facilities*
- *drinking water*
- *management of safe access and egress*
- *cooking facilities*
- *type of entertainment*
- *management of any childrens' rides or entertainment (such as the bouncy castle)*
- *management of behaviour at the event*
- *emergency escape provision from the rear of the premises*
- *how you proposed to manage the event in general (responsibilities)*
- *a noise management plan.*

*I am concerned that there is a risk of public nuisance and also public safety as no effective operational controls have been submitted, this is an outdoor event with amplified live music in a residential location (Indeed backs on to gardens of residential properties) and therefore it is essential that the information outlined above is provided to support the TEN application.*



Whilst the TEN has been amended there are still inconsistencies and whilst the applicant has addressed some of the issues raised they have not provided sufficient information for me to make a full assessment. On the basis of the location (with the proposed event space backing onto residential gardens as well as other proximate residential use), the proposed type of event, the hours proposed and the absence of any effective operating controls, on behalf of the Environmental Health team as a responsible authority I would object to the grant of the TEN on the basis of the of impact on the licensing objectives of the prevention of public nuisance and public safety.

Best Regards

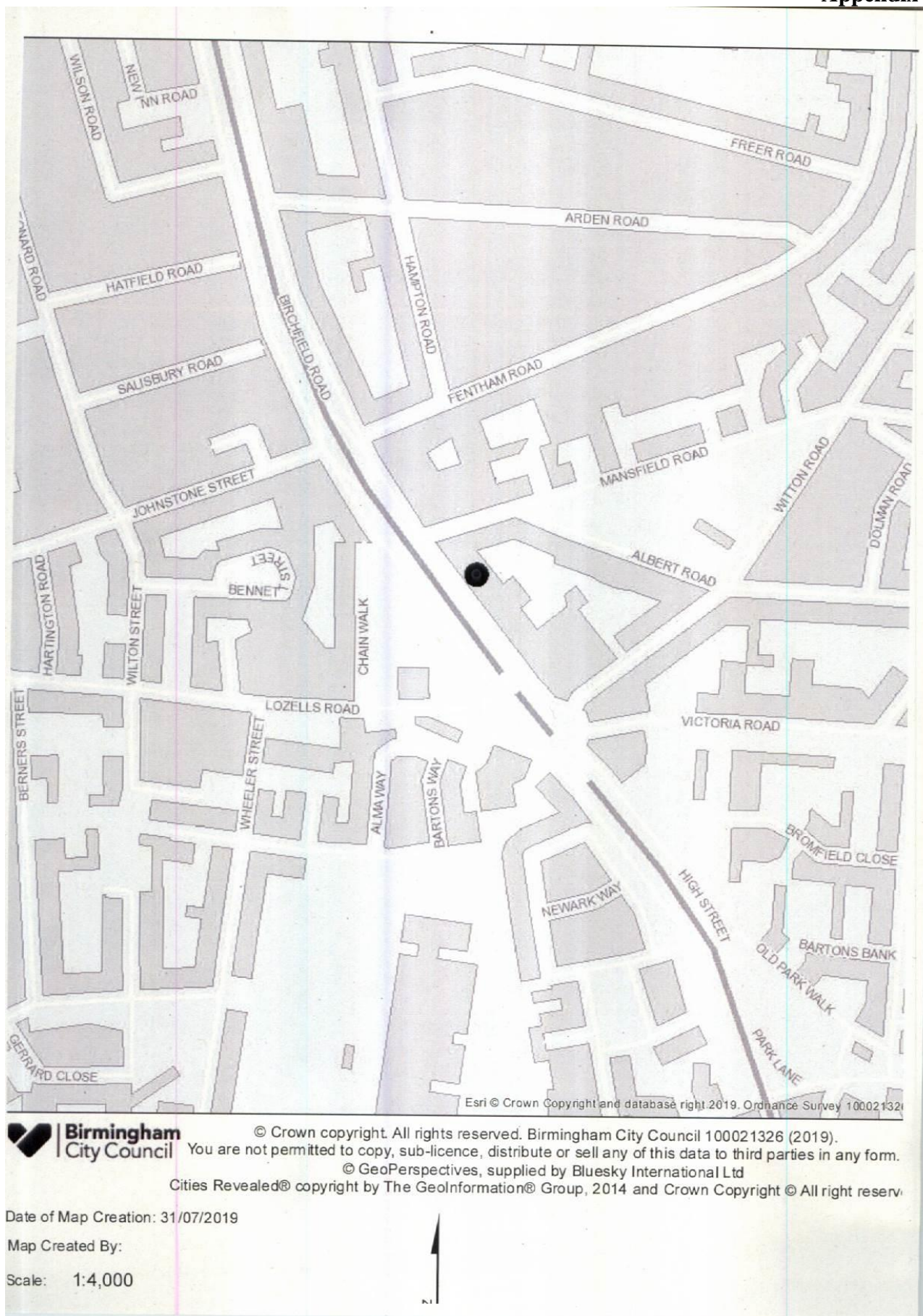
Martin Key  
Environmental Protection Officer

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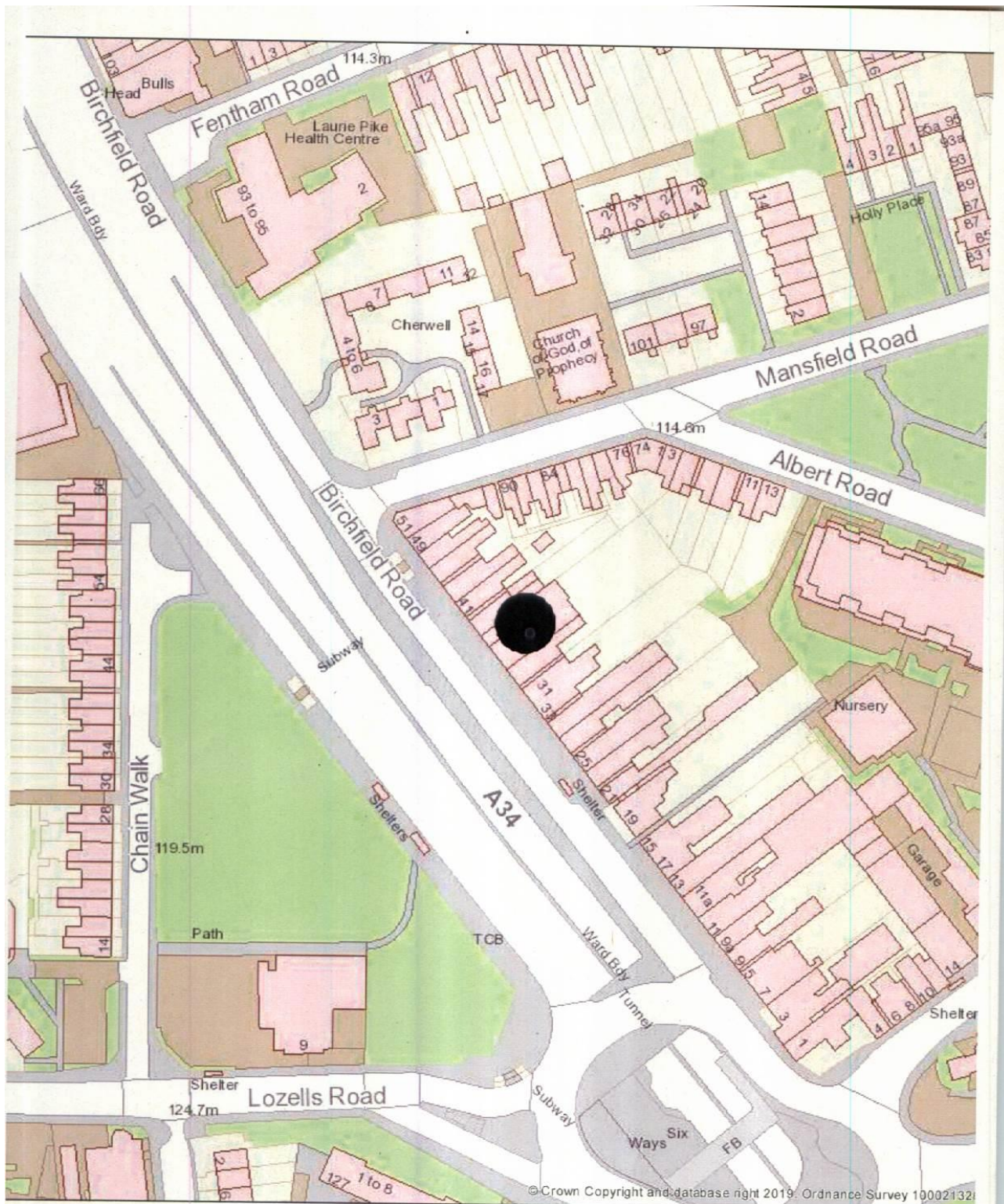
Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE  
(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)  
🌐: [www.birmingham.gov.uk/eh](http://www.birmingham.gov.uk/eh) | Facebook: ehbbham | Twitter: @ehbbham

*locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors*







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Date of Map Creation: 31/07/2019

Map Created By:

Scale: 1:1,250







**West Midlands Police**

**Supporting Evidence**

**Application for Ten**

**35 BIRCHFIELD ROAD  
ASTON  
BIRMINGHAM  
B19 1SU**

### 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.

<b>1. The personal details of premises user (Please read note 1)</b>				
<b>1. Your name</b>				
Title	Mr Mrs <del>Miss</del> Ms Other (please state)			
Surname	Mowatt			
Forenames	Kadian			
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>				
Title	Mr Mrs Miss Ms Other (please state)			
Surname				
Forenames				
<b>3. Your date of birth</b>		Day <del>    </del>	Month <del>    </del>	Year <del>    </del>
<b>4. Your place of birth</b>		Jamaica		
<b>5. National Insurance Number</b>		<del>                    </del>		
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>				
35 Birchfield road, Aston, Birmingham				
Post town		Postcode B19 1SU		
<b>7. Other contact details</b>				
Telephone numbers	<del>                    </del>			
Daytime				
Evening (optional)				
Mobile (optional)				
Fax number (optional)				
E-Mail address (if available)	<del>                    </del>			
<b>8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)</b>				



[REDACTED]	
Post town	West midlands
Postcode	[REDACTED]
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
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)	
35 Birchfield road, Aston, Birmingham, B19 1SU	
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	EC 852/2004
Club premises certificate number	
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)	
Please describe the nature of the premises below. (Please read note 4)	
Caribbean takeaway	
Please describe the nature of the event below. (Please read note 5)	
We will be having official shop opening, customer appreciation BBQ, and funday.	



3. The licensable activities		
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	Yes	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No	
The provision of regulated entertainment (Please read note 7)	Yes	
The provision of late night refreshment	Yes	
Are you giving a late temporary event notice? (Please read note 8)	No	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	17/08/19	
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 10)		
12:00pm - 1:30		
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 11)	450	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	Error! Bookmark not defined. Yes
	Off the premises only	No
	Both	No

<p>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 (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>We will have bounce castle, face painting and live music playing inside a big marquee all activities will taken place at the back garden of the premises, no actiities will be at the front of shop all food and refreshment will be serve from the main counter inside the shop. Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am</p>
---



4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	<input type="checkbox"/>	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 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?	<input type="checkbox"/>	No
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		
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?	<input type="checkbox"/>	No


6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
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?	<input type="checkbox"/>	No
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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	<input type="checkbox"/>	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?	<input type="checkbox"/>	No
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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		No
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	Yes
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	Yes
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	Yes
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	N/A
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	N/A
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	N/A
Made or enclosed payment of the fee for the application	Yes
Signed the declaration in Section 9 below	Yes

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read 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 or 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 months, or to both.	
Signature	
Date	25/07/2019
Name of Person signing	Kadian Mowatt

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



## Notes for Guidance

### 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 8 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 year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an "associate".

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.



Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.



9

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;



- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser



- gets consent for the performance from a person who is responsible for the premises.
- any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.



Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982("the 1982 Act") as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that



business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an "associate".

#### Note 16

An "associate" of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

#### Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

#### Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.



**Deano Walker**

---

**From:** bw licensing  
**Sent:** 30 July 2019 08:49  
**To:** [REDACTED]  
**Subject:** FW: ON LINE LATE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU  
**Attachments:** 35 Birchfield Road-837488-TEN.pdf

Good morning,

With regards this event you have applied for, West Midlands Police require a risk assessment to ensure all the licensing objectives are promoted. It must include –

1. Full event plan with map of where licensable activity will take place.
2. Risk assessment, to include –
  - How you will control numbers attending the event.
  - Door staff being used and their deployment plan.
  - Entry policy.
  - Toilet facilities.
  - First aid provisions.
  - Vulnerability policy
  - Method statement and health and safety policy for contractors –(bouncy castle and live music)
  - Fire risk assessment to include evacuation plan and numbers permitted within the area being used for the event.
  - Noise management plan.

Due to time restraints in law, can I please have the above details by 12pm 31<sup>st</sup> July 2019.

Regards

PC 1978 Walker  
 Birmingham Police Central Licensing Team  
 Birmingham Partnerships  
 Lloyd House



Direct Dial - [REDACTED]



Mobile - [REDACTED]



Internal Ext - 801-1626



[bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.police.uk)

---

**From:** Geeta Bangerh [mailto:[Geeta.Bangerh@birmingham.gov.uk](mailto:Geeta.Bangerh@birmingham.gov.uk)] **On Behalf Of** Licensing Online  
**Sent:** 26 July 2019 11:40  
**To:** bw licensing; Pollution Team  
**Subject:** ON LINE LATE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU

Dear All

Please find attached a Ten I have received for your consideration

Kind Regards

15

Geeta Bangerh | Licensing Officer | General Licensing | Regulation and Enforcement  
Telephone: 0121 303 9896 | Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk) | Web: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)  
Address: Licensing Section, PO Box 17013, Birmingham, B6 9ES

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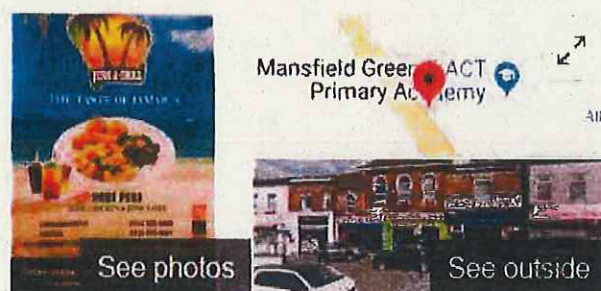
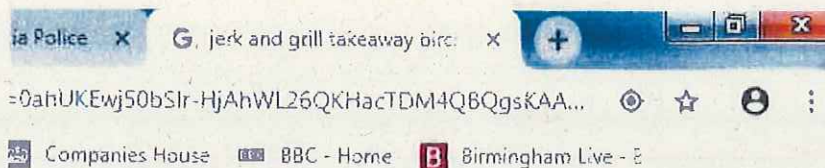
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## Jerk & Grill

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Jamaican restaurant

**Address:** 35 Birchfield Rd, Birmingham B19 1SU

**Hours:** Thursday 6am–12am

Friday 6am–12am

Saturday 6am–12am

Sunday 6am–12am

Monday 6am–12am

Tuesday 6am–12am

Wednesday 6am–12am

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**Phone:** 0121 679 4981

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"Great tasty Caribbean food."







**JERK & GRILL**

**THE TASTE OF JAMAICA**

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**JERK CHICKEN & JERK LAMB**

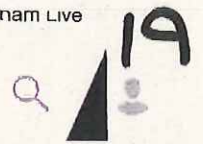
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<b>ASTON</b>	:	<b>0121 679 4981</b>
<b>EDMINGTON</b>	:	<b>0121 293 3094</b>

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## JAMAICAN STREET PARTY IN ERDINGTON TOWN CENTRE

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The video above shows what happened when a takeaway decided to host a huge late-night street party.

Hundreds of people flooded **Erdington** High Street to mark Jerk & Grill's third annivers.

Incredible scenes in the footage shows the street clogged with revellers with cars unable to get past.

There was a BBQ and a DJ outside the shop at the event described as a "customer appreciation day" on Saturday, June 29.

The loud celebrations continued into the early hours of the morning.

As a result of several noise complaints, **Jerk & Grill** has been closed down by police.

The food venue had secured a temporary license for the event - but police said it "significantly deviated from the terms".







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**Jerk & Grill street party in Erdington** (Image: Facebook / Tyosn J Leon)

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► Helicopter launched after 'van rammed into police cars' - live updates

On July 6, Sgt Dan Turnbull said: "There was an outdoor event that occurred on the evening of Saturday 29 June at the Jerk & Grill on Erdington High Street.

"West Midlands Police received a number of complaints about the noise and the blocking of the road into the early hours of the morning, and it is apparent the event significantly deviated from the terms of the temporary event licence in place.

"After careful consideration of the information available to us, we have issued a Closure Notice under the Anti-Social Behaviour, Crime and Policing Act 2014, in relation to the premises.

"Further information indicated that another event was to take place.



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## NEWS

## Jerk & Grill takeaway shut down by police after huge late-night Jamaican street party in Erdington

Officers said its temporary licence to stage a party "significantly deviated from the terms"

By **Ashley Preece**

11:59, 6 JUL 2019

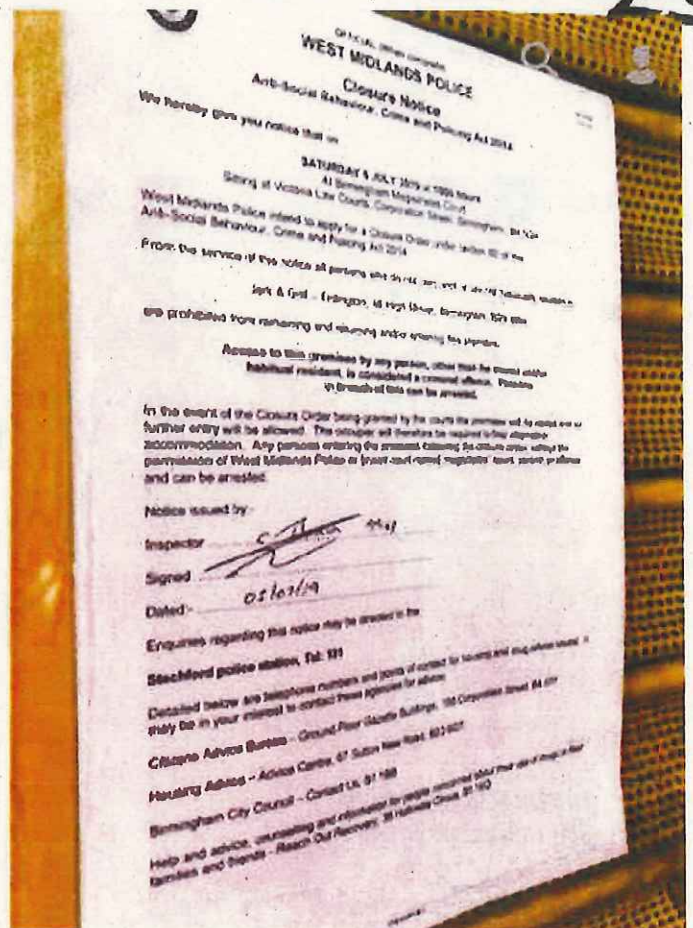
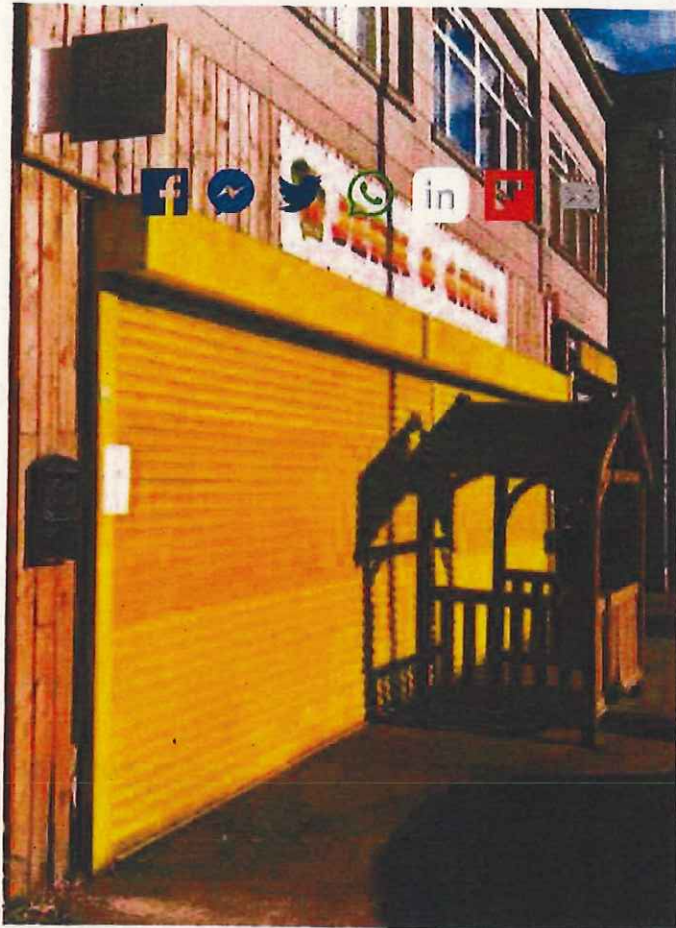
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A takeaway has been closed down by police after staging a massive late-night street party described as a "customer appreciation day".

The owners of Jerk & Grill in **Erdington** were handed a closure notice following several complaints about the June 29 event.

Loud celebrations were held into the early hours outside the shop, on the corner of **High Street** last Saturday.

The event marked Jerk & Grill's third anniversary and saw staff stage a celebratory BBQ.

In viral footage uploaded onto social media, **below**, a DJ played out to hundreds on the High Street.

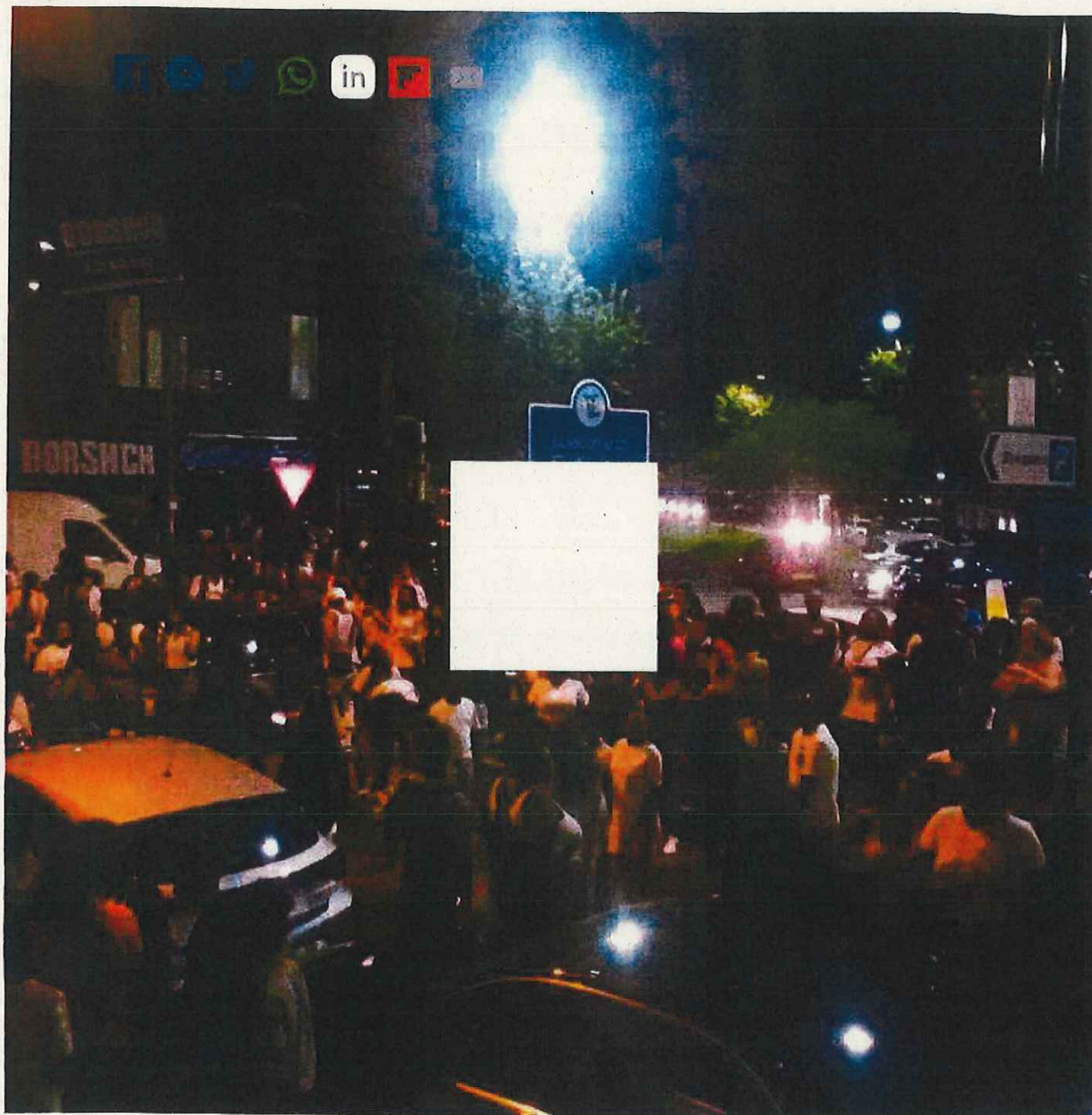




jerkandgrill\_erdington

356 followers

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Music blared out through speakers as revellers drank and danced in the street.

In another clip, a West Midlands Police patrol car turned up amid several noise complaints.

**READ: Child and pensioner injured in three vehicle collision**

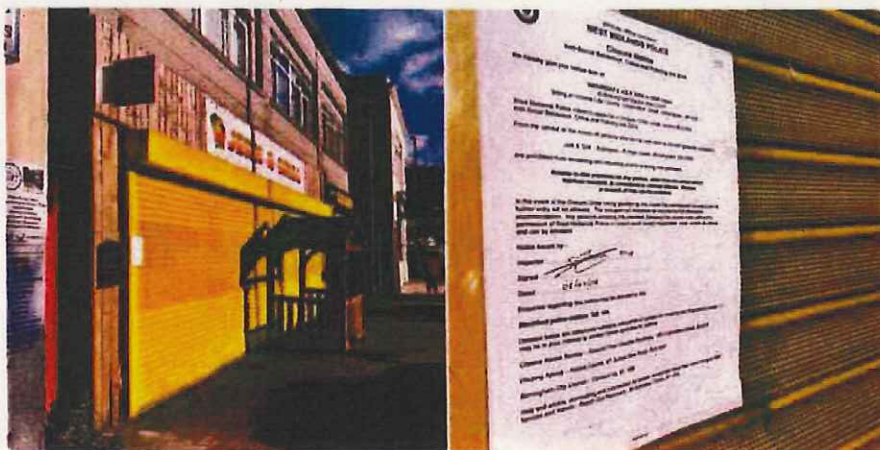
The food venue secured a temporary license for last week's event - but police said it "significantly deviated from the terms".

As well as loud music, revellers blocked off part of Sutton New Road and High Street as traffic struggled to get past.



**Erdington Police**  
@ErdingtonWMP

After many complaints about a 29 June event at the Jerk & Grill on the High Street, and information about another planned, we have issued a notice under the ASB, Crime and Policing Act 2014. Pending a court hearing the location will be closed



34 10:15 PM - Jul 5, 2019

24 people are talking about this

On Saturday, July 6, exactly a week on from the street party, police said Jerk & Grill would remain closed pending a court hearing.

Sgt Dan Turnbull said: "You may or may not be aware that there was an outdoor event that occurred on the evening of Saturday 29 June at the Jerk & Grill on Erdington High Street.





## SMOKING BAGELS' HOTTEST JERK CHALLENGE

"West Midlands Police received a number of complaints about the noise and the blocking of the road into the early hours of the morning, and it is apparent the event significantly deviated from the terms of the temporary event licence in place.

**READ: [Restaurant owner horror at blood on street outside business](#)**

"After careful consideration of the information available to us, we have issued a Closure Notice under the Anti-Social Behaviour, Crime and Policing Act 2014, in relation to the premises.

"Further information indicated that another event was to take place.





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**SATURDAY 29TH JUNE 2019**

Thank you all for your continuous support  
for the last 3 years

APPROVED



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Deano Walker

---

**From:** Martin Key <[REDACTED]@birmingham.gov.uk> on behalf of Pollution Team  
<Pollution.Team@birmingham.gov.uk>  
**Sent:** 26 July 2019 12:50  
**To:** [REDACTED] Pollution Team  
**Cc:** Licensing  
**Subject:** RE: K's Caribbean takeaway Temporary event notice  
**Importance:** High

Hi

Further to my earlier telephone conversation you will need to amend the TEN application you have submitted to address the following issues:-

1. In section 2 the premises licence section is incorrect – the premises does not have a premises licence under the Licensing Act 2003 and this should be blank – you have quoted your food hygiene registration number
2. In section 3 you have put the date as 17/08/19 – you have also asked for hours of 12.00 (noon) to 01.30 and therefore this is over 17 and 18 August
3. You have provided further information in the section on relevant entertainment – this is specified in the Act and covers sexual entertainment such as lap dancing and pole dancing and based on our conversation is not being proposed and should therefore be blank
4. However the information you have provided in that section is also confusing as it states - *Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am* ; what are the hours you are seeking?

Irrespective of the above there is no information on proposed control and management of the event and I have significant concerns about nuisance impacts and public safety given the proposed location and hours and would request that you provide a detailed risk assessment and management plan to address the public nuisance and public safety licensing objectives to include:-

- layout and specification of amplification equipment
- electrical safety and power supply
- toilet and hygiene facilities
- drinking water
- management of safe access and egress
- cooking facilities
- type of entertainment
- management of any childrens' rides or entertainment (such as the bouncy castle)
- management of behaviour at the event
- emergency escape provision from the rear of the premises
- how you proposed to manage the event in general (responsibilities)
- a noise management plan.

I am concerned that there is a risk of public nuisance and also public safety as no effective operational controls have been submitted, this is an outdoor event with amplified live music in a residential location (indeed backs on to gardens of residential properties) and therefore it is essential that the information outlined above is provided to support the TEN application.

Best Regards

Martin Key  
Environmental Protection Officer



Environmental Health | Regulation & Enforcement Division

☎: +44 (0) 121 303 2034 | ✉: [martin.key@birmingham.gov.uk](mailto:martin.key@birmingham.gov.uk)

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE

(Office Site: Environmental Protection, 1<sup>st</sup> Floor, 40 Moat Lane, Birmingham, B5 5BD)

🌐: [www.birmingham.gov.uk/eh](http://www.birmingham.gov.uk/eh) | Facebook: ehbham | Twitter: @ehbham

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**From:** Kadian Mowatt [r [REDACTED]]

**Sent:** Thursday, July 25, 2019 6:09 PM

**To:** Pollution Team

**Subject:** K's Caribbean takeaway Temporary event notice

See attachment for temporary event notice pdf

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**Deano Walker**

**From:** Kadian Mowatt <[REDACTED]>  
**Sent:** 31 July 2019 01:33  
**To:** bw licensing  
**Subject:** Re: ON LINE LATE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU  
**Attachments:** 35 Birchfield Road-837488-TEN.pdf; 35 birchfield finish.docx

Settings Tools

About 11,400 results (0.43 seconds)

Search Results

## Map results



## Map results



35 birchfield road birmingham b19 1su - Google Search

**1 Full event plan with map of where licensable activity will take place:**

**I Kadian Mowatt is planning to keep a small barbecue gathering for my customers to show my apriciation of their support over the past couple of months. this will be between 12:00 until 23:00 which will then be taken on the inside for furthure socialising antill 01:00.**

**2. Risk assessment, to include**

- **How you will control numbers attending the event.**



I will be giving arm band to monitor the amount of people coming in and will stop people coming in as soon as I reach my legal amount.

- **Door staff being used and their deployment plan.**

security will be present whom will carry out checks on everyone before entrance and will also provide customers with armbands. there plan is to supervise the doors and walk around to keep checks on both the premisis and customers.

- **Entry policy. my policy for the night will be search before entry and refusal of searching will be turn away.**

- **Toilet facilities. indoor toilet with wash sink, hand dryer and**

hot and cold  
running  
water from  
top.

- First aid  
provisions.  
A certified  
first aider  
and fire  
marshal will  
be present  
on site from  
the  
beginning to  
the end of  
the event.

- Vulnera  
bility policy  
security will  
keep regular  
checked on  
customers i  
n order to  
keep the  
environment  
safe and  
secure they  
will also  
keep in  
regular  
contact with  
first aider to  
make sure  
all  
vulnerable  
support is  
intack.

- Method  
statement  
and health  
and policy  
for  
contractors:  
there is a  
cancelation  
of bouncy  
castle:  
therefore  
the event  
will not be  
having one.

- Fire risk  
assessment  
to include  
evacuation  
plan and  
numbers  
permitted  
within the



area being  
used for the  
event.

a certified  
fire marshal  
will be on  
the  
premises  
encase the  
event of a  
fire should  
accuse

- Noise  
managemen  
t plan.

All noise will  
turn down  
and will be  
taken on the  
inside in  
order to  
control  
environment  
al noise and  
neusant to  
neighbours.

On Tuesday, 30 July 2019, 08:48:37 BST, bw licensing <bw\_licensing@west-midlands.pnn.police.uk> wrote:

Good morning,

With regards this event you have applied for, West Midlands Police require a risk assessment to ensure all the licensing objectives are promoted. It must include –

1. Full event plan with map of where licensable activity will take place.

2. Risk assessment, to include –

- How you will control numbers attending the event.
- Door staff being used and their deployment plan.
- Entry policy.
- Toilet facilities.
- First aid provisions.
- Vulnerability policy
- Method statement and health and policy for contractors –(bouncy castle and live music)

- Fire risk assessment to include evacuation plan and numbers permitted within the area being used for the event.
- Noise management plan.

Due to time restraints in law, can I please have the above details by 12pm 31<sup>st</sup> July 2029.

Regards

PC 1978 Walker

Birmingham Police Central Licensing Team

Birmingham Partnerships

Lloyd House



Direct Dial [REDACTED]



Mobile – [REDACTED]



Internal Ext - 801-1626



[bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.police.uk)

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From: Geeta Bangerl [REDACTED]

On Behalf Of Licensing Online

Sent: 26 July 2019 11:40

To: bw licensing; Pollution Team

Subject: ON LINE LATE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU

Dear All

Please find attached a Ten I have received for your consideration

Kind Regards

Geeta Bangerh | Licensing Officer | General Licensing | Regulation and Enforcement

Telephone: 0121 303 9896 | Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk) | Web: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)



Address: Licensing Section, PO Box 17013, Birmingham, B6 9ES

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**Deano Walker**

**From:** Martin Key <[REDACTED]@birmingham.gov.uk> on behalf of Pollution Team  
 <Pollution.Team@birmingham.gov.uk>  
**Sent:** 01 August 2019 10:58  
**To:** Licensing; bw licensing; Pollution Team  
**Cc:** [REDACTED]  
**Subject:** RE: RE: ON LINE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU  
**Importance:** High

Hi

The applicant has offered amended hours but I reaffirm my original objection that the applicant has not provided sufficient information for me to make a full assessment and based on the information and the absence of any effective operating controls and I therefore do not wish to withdraw my objection.

Best Regards

Martin Key  
 Environmental Protection Officer

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Environmental Health | Regulation & Enforcement Division

☎: +44 (0) 121 303 2034 | ✉: [martin.key@birmingham.gov.uk](mailto:martin.key@birmingham.gov.uk)

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE

(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)

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**From:** Bhapinder Nandhra **On Behalf Of** Licensing  
**Sent:** Thursday, August 01, 2019 8:23 AM  
**To:** bw licensing (bw\_licensing@west-midlands.pnn.police.uk); Pollution Team  
**Cc:** [REDACTED]  
**Subject:** FW: RE: ON LINE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU  
**Importance:** High

Dear All

Please see the below email from the applicant for the TEN.

They have agreed to modify the times for licensable activities.

In view of these amendments can you please confirm whether you wish to withdraw your objection.

Kind Regards

**Bhapinder Nandhra**  
**Senior Licensing Officer**

Licensing Section

PO Box 17013 | Birmingham | B6 9ES

T: (0121) 222 2222  
E: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

'Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading City for residents, business and visitors'

**From:** Kadian Mowatt |  
**Sent:** Thursday, August 01, 2019 7:55 AM  
**To:** Licensing  
**Subject:** Re: RE: ON LINE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU

Hello good morning I know that it's the time is the problem my shop is very important so please I am asking you again I will change the time TO 12:00 noon to 23:00 offer that time I will trun the music OFF

On Wed, 31 Jul 2019 at 9:03, Licensing  
<[licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)> wrote:

Dear Kadian

Please see the below objection notice received from West Midlands Police in respect of your TEN.

In view of this objection can you please confirm whether or not you wish to proceed with your notice.

If you wish to proceed then the matter will be determined at a Licensing Sub-Committee Hearing.

I look forward in hearing from you.

Kind Regards

**Bhapinder Nandhra**  
**Senior Licensing Officer**



Licensing Section

PO Box 17013 I Birmingham I B6 9ES

@birmingham.gov.uk

'Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading City for residents, business and visitors'

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**From:** bw licensing [mailto:bw\_licensing@west-midlands.pnn.police.uk]  
**Sent:** Wednesday, July 31, 2019 7:10 AM  
**To:** Licensing Online; Pollution Team  
**Subject:** RE: ON LINE TEN - 35 BIRCHFIELD ROAD, ASTON, BIRMINGHAM, B19 1SU

**Licensing,**

**Unfortunately West Midlands Police do not feel that the applicant has addressed our concerns and satisfied us that the licensing objectives will be promoted.**

**Because of this, West Midlands Police formally make representation to the grant of this certificate on the grounds that the prevention of crime and disorder, public nuisance and public safety will not be promoted.**

**Regards**

**PC 1978 Walker**

**Birmingham Police Central Licensing Team**

**Birmingham Partnerships**



Lloyd House



Direct Dial - 0121 222 6000



Mobile - 07823 843143



Internal Ext - 801-1626



[bw\\_licensing@west-midlands.pnn.police.uk](mailto:bw_licensing@west-midlands.pnn.police.uk)

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