

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 24<sup>th</sup> September 2018</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>The Monastery, 173-175 High Street, Deritend, Birmingham, B12 0LD</b>
<b>Ward affected:</b>	<b>Bordesely and Highgate</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider the objections to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption both on and off the premises), the provision of regulated entertainment and the provision of late night refreshment on Sunday 30<sup>th</sup> September 2018 to operate as follows:

Ground Floor - 00:00midnight to 04:30am  
1<sup>st</sup> Floor - 05:00am to 10:30am  
2<sup>nd</sup> Floor - 00:00midnight to 04:45am

### 2. Recommendation:

To consider the objection notice's made by West Midlands Police and Environmental Health.

### 3. Brief Summary of Report:

A Temporary Event Notice was received on 13<sup>th</sup> September 2018 in respect of The Monastery, 173-175 High Street, Deritend, Birmingham, B12 0LD.

An objection notice has been received from West Midlands Police and Environmental Health.

### 4. Compliance Issues:

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

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

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Mr Hitesh Chauhan submitted on 13<sup>th</sup> September 2018 a Temporary Event Notice in respect of The Monastery, 173-175 High Street, Deritend, Birmingham, B12 0LD.</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice and supporting documents have 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>The current premises licence is attached at Appendix 4.</p> <p>Site location plans are attached, see Appendix 5.</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>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>If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.</p>
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<p><b>6. List of background documents:</b></p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice and Supporting Documents from West Midlands Police, attached at Appendix 2</p> <p>Objection Notice from Environmental Health, attached at Appendix 3.</p> <p>Premises Licence, attached at Appendix 4.</p> <p>Site location plans, Appendix 5.</p>
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<p><b>7. Options available</b></p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>
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## Appendix 1



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

### Temporary Event Notice

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

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

<b>1. The personal details of premises user (Please read note 1)</b>			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CHAUHAN		
Forenames	HITESH		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	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)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town		Postcode	
9. Alternative contact details (if applicable)			
Telephone numbers:			
Daytime			
Evening (optional)			

BCC  
REGULATION & ENFORCEMENT  
LICENSING SECTION  
DATE RECEIVED  
13 SEP 2018  
REF NO 5800761241  
INITIALS 000568

£21

*[Signature]*

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)	
173-175 HIGH STREET DERITEND BIRMINGHAM B12 0LD	
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	4584
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)	
THE MONASTERY GROUND FLOOR 1 <sup>ST</sup> FLOOR 2 <sup>ND</sup> FLOOR	
Please describe the nature of the event below. (Please read note 5)	
CLUB NIGHT INDUSTRY AFTER PARTY POLLUTION RELATED CONDITIONS WILL BE TRANSFERRED ONTO THIS TENS	

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

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
30.09.2018		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
GROUND FLOOR 00:00 – 04:30 2 <sup>nd</sup> FLOOR 00:00 – 04:45 1 <sup>st</sup> FLOOR 05:00 – 10:30		
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 10)		390
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)  N/A
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<b>4. Personal licence holders (Please read note 13)</b>		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	BIRMINGHAM	
Licence number	17092	
Date of issue	10/10/2005	
Date of expiry	N/A	
Any further relevant details		

<b>5. Previous temporary event notices you have given (Please read note 14 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?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	29	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

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

<b>8. Condition (Please read note 17)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 18)</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 not exceeding level 5 on the standard scale; 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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	13 <sup>th</sup> September 2018
Name of Person signing	HITESH CHAUHAN

For completion by the licensing authority

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

## NOTES

### General

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

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

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

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per 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 15 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 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- 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 (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); 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 (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

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.

#### 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.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

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).

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

#### Note 7

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 8

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

#### Note 9

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 10

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 11

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 12

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 13

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 14

As stated under Note 13, 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 (12 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 14 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 15 below sets out the definition of an "associate".

#### Note 15

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 16

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 17

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 18

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 a fine not exceeding level 5 on the standard scale.

#### Note 19

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.

## **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations amend the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (“the 2005 Regulations”). Their purpose is to prescribe the form of a temporary event notice to replace the notice prescribed in the 2005 Regulations. The form of temporary event notice now requires the premises user to provide information about the intended use of premises for the provision of relevant entertainment (within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen

## Appendix 2

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**From:** bw licensing <[redacted]>  
**Sent:** 14 September 2018 11:30  
**To:** [redacted], Licensing; [redacted]  
**Subject:** FW: TENS application  
**Attachments:** Ten 30.09.18.docx

Hi all,

West Midlands Police wish to make representation to the grant of this TEN as the police believe the licensing objective the prevention of crime and disorder will not be promoted.

The venue currently has a licence for the 1<sup>st</sup> floor which has both operating and committee conditions in place, if the grant of this TEN was made it would undermine these conditions as they were put in place to promote all the licensing objectives.

Also on safety ground, there is a committee condition in place the states that the use of both the ground floor and the second floor is not allowed.

Regards

Deano

PC 1978 Deano Walker  
Birmingham Police Central Licensing Team  
Birmingham Partnerships  
Lloyd House  
Federation Health & Safety Lead.



### Supporting Statement

Statement of **Deano Walker**

Age if under 18 **0'18** (if over 18 insert 'over 18').

Occupation **Police Constable**

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

Signature \_\_\_\_\_

Date: **17<sup>th</sup> September 2018**

I am PC 1978 Deano Walker of the West Midlands Police stationed at Police Headquarters, Lloyd House and I currently hold the post of a policing Licensing Officer for all the Birmingham City Council wards.

I make this statement in reference to a venue in Birmingham know as Monastery, 173-175 High Street, Birmingham, B12 0LD regarding a temporary event notice submitted 30<sup>th</sup> September 2018.

#### History -

The Monastery is a three story building built over 100 years ago and is situated at the top end of Digbeth High Street beneath one of the main railway lines into Birmingham. Due to the age of the building it has over the years come into a poor state of repair which will require some major investment to meet modern standards.



Signature \_\_\_\_\_

Name \_\_\_\_\_

**Continuation of Statement – PC Deano Walker**

A premises licence was applied for in April 2016, when the licence was granted Licensing Sub Committee C resolved on 22nd June 2016 to grant this premises licence subject to removal of the ground and second floors of the building from the scope of the licence, modification of the hours for the provision of licensable activities, opening hours and the imposition of other conditions.

The licence that was granted by the committee was only for the first floor.

Key hours granted by the committee were –

- Sunday to Thursday – All licensable activity to finish at 0200hrs.
- Friday & Saturday – All licensable activity to finish at 0500hrs.

Key conditions imposed by the committee –

- Area of the Premises Covered under the Licence: The licensed premises will be restricted to the First Floor within the Plan submitted with the premises application. The Ground floor and Second floor as set out within the submitted application WILL NOT be used for any licensable activities.
- Risk Assessments for all events MUST be disclosed to West Midlands Police at least 28 days before any event, unless in the opinion of the West Midlands Police, Licensing Section, the premises hold a regular or recurring event for which there is already a robust Risk Assessment in place. West Midlands Police, Licensing Section may exercise a power of veto for any proposed event, where they are of the opinion that any of the licensing objectives have been or are likely to be breached

The full conditions imposed by the licensing committee were to enable the licence holder to promote the licensing objectives set out in the licensing act. These can be found in Ref-DW1.

**Recent Events –**

During 2018 the venue has submitted 12 temporary event notices which have taken place either on the ground, first or second floor or on some occasion's events have taken place on a mixture of all three floors. During the summer months the venue owners have held events in the railway arches at the rear of the building.

At the time some of these event were granted West Midlands Police Licensing were unaware of the condition imposed on the premises by the Licensing Committee regarding the first and ground floor .Also the notification period that the premises are obliged to give the police.

The reason for this scheduled hearing is that the applicant has applied for temporary event notice which will see the venue use the ground floor, 1<sup>st</sup> floor and 2<sup>nd</sup> floor for an event that will run from midnight until 1030am on the 30<sup>th</sup> September 2018, Ref-DW2.

Signature \_\_\_\_\_

Signature Witnessed By \_\_\_\_\_



**Continuation of Statement – PC Deano Walker**

**The Representation -**

West Midlands Police believe that the applicant is using this temporary event notice to circumvent the operating and committee conditions set on the premises licence.

In granting the original premises licence the licensing committee deemed it appropriate that the -

1. Ground floor and second floor as set out within the submitted application WILL NOT be used for any licensable activities –
  - 
  - West Midlands Police believe that this condition was imposed due to safety concerns the committee had for the building. By granting this temporary event notice this would undermine the licensing objective of public safety and allow the premises to circumvent their premises conditions.
2. Risk Assessments for all events MUST be disclosed to West Midlands Police at least 28 days before any event, unless in the opinion of the West Midlands Police, Licensing Section, the premises hold a regular or recurring event for which there is already a robust Risk Assessment in place. West Midlands Police, Licensing Section may exercise a power of veto for any proposed event, where they are of the opinion that any of the licensing objectives have been or are likely to be breached –
  - Due to the nature of this event and the length of time licensable activity applied for West Midlands Police would always request the full 28 days' notice of the event to properly assess the risk assessment submitted with a potential to meet with the applicant. By granting this temporary event notice this would undermine the licensing objectives of public safety and crime & disorder, again allowing the premises to circumvent their premises conditions.

West Midlands Police believe that the operating conditions along with the committee's conditions were put in place to promote the licensing objectives and if this event was granted this event would undermine all of these conditions and are requesting that the temporary event is not granted.

Signature

Signature Witnessed By

REF-DWI


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**Public Register: Licence Report****Table of Contents**

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**1. Licence**

Summary of the licence certificate.

<b>Application Reference</b>	107514
<b>Licence Holder Name</b>	The Strand (2015)Limited
<b>Registered Company Number</b>	09916890
<b>Licence Number</b>	4584
<b>Time Limited Start Date</b>	N/A
<b>Time Limited End Date</b>	N/A
<b>Issue Number</b>	2
<b>Issue Date</b>	03/09/2018
<b>Grant Date</b>	28/10/2016
<b>Granted By</b>	SHAIID YASSER
<b>Status</b>	Current
<b>Representation Start Date</b>	07/08/2018
<b>Representation End Date</b>	21/08/2018

**2. Current Designated Premises Supervisor**

A DPS is required wherever there is a licenced activity for the sale of alcohol for consumption on or off the premises.

<b>Status</b>	Assigned
<b>Name</b>	Mr Hitesh Chauhan
<b>Licence Number</b>	1709
<b>Issuing Authority</b>	Birmingham
<b>Start Date</b>	29/04/2016

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### 3. Premises Details

Details of the premises, the licensed activities and hours of operation.

<b>Premises Name</b>	The Monastery
<b>Premises Type</b>	NIGHTCLUB
<b>Premises Address</b>	173-175 Digbeth High Street (First Floor ONLY), Deritend, Birmingham, B12 0LD
<b>Ward Name</b>	NECHELLS

#### 3.1 Licensable Activities

A list of activities for which this premises is licensed.

Code	Description
A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

#### 3.2 Activity Times

The times of day during which the activities listed in 3.1 are permitted. Where the start time is later than the end time, the period of activity spans mid-night. Where the start time is equal to the end time, the period licensed is 24 hours.

Days	Start Time	End Time	Licensed Activity Codes
Sunday - Thursday	10:00	02:00	A, B, C, E, F, G, M1
	23:00	02:00	L
Friday & Saturday	10:00	05:00	A, B, C, E, F, G, M1
	23:00	05:00	L
Non Standard Hours in respect of Statutory Bank Holidays & New Year's Eve	10:00	05:00	A, B, C, E, F, G, M1
	23:00	05:00	L

#### 3.3 Operating Hours

The hours of operation of the premises during the day. Where the start time is later than the end time, the period of operation spans mid-night. Where the start time is equal to the end time, the period of allowed operation is 24 hours.

Days	Start Time	End Time
Sunday - Thursday	10:00	02:00
Friday & Saturday	10:00	05:00
Non Standard Hours in respect of Statutory Bank Holidays & New Year's Eve	10:00	05:0000

### 4. Conditions

#### 4.1 Mandatory Conditions

Mandatory conditions attached to the licence.

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Objective	Condition
N/A	No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a <b>personal</b> licence or his personal licence is <b>suspended</b> .
N/A	Every retail sale or supply of alcohol made under this licence must be made or authorised by a <b>person</b> who holds a <b>personal</b> licence.
N/A	The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises: (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to: (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
N/A	The responsible person must ensure that free potable water is provided on <b>request</b> to customers where it is <b>reasonably</b> available.
N/A	The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either: (a) a <b>holographic mark</b> , or (b) an <b>ultraviolet feature</b> .
N/A	The responsible person must ensure that: (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures: (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
N/A	(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:- (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ , where:- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence: (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the

Objective	Condition
	personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
N/A	The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3) (b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.
N/A	Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

#### 4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

##### General

General conditions consistent with the operating schedule.

##### Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

##### Safety

Conditions consistent with, and to promote public safety.

##### Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

##### Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	The provision of regulated entertainment shall take place indoors only
GENERAL	Adult Entertainment is not permitted on the premises.
CRIME	The Designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence and a log of this training will be maintained. The training log can be inspected by any Responsible Authority on request.
CRIME	The Premises Licence Holder shall ensure that a CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. CCTV is to be operational whilst the premises are open and be recording continually. The recordings are to be kept for minimum of 28 days. The CCTV images to be made available to any responsible authority immediately on request.
CRIME	The Premises Licence Holder will maintain an operational policy incorporating risk assessments to cover all events held at the premises and this policy must be submitted to WMP each time there is an amendment made to the policy and the PL holder must consider all best practice advice from any Responsible Authority in amending or updating the policy. The policy will cover at a minimum:- SIA door security needs and deployment and responsibilities; CCTV; drugs policy; incident handling; public nuisance avoidance.
CRIME	

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Objective	Condition
	An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a Responsible Authority.
CRIME	The DPS will actively participate in any local Pub Watch scheme.
CRIME	The premises licence holder is to prepare a risk assessment for door security requirements to the reasonable satisfaction of West Midlands Police and the requirements identified are binding upon this premises licence.
CRIME	The DPS or nominated person shall keep, and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, Door Supervisors SIA registration number, commencement and finishing time of duty.
CRIME	The DPS shall produce the register and the verification of Door Supervisors identities, upon request, at all reasonable times to any Police Officer or to any Authorised Officer of the City Council.
CRIME	All on duty security/ door supervisors must wear high visibility jackets whilst attending the door and must wear high visibility arm bands within the premises itself.
SAFETY	No enforceable conditions identified from operating schedule.
NUISANCE	The Premises Licence holder shall ensure sound tests will be undertaken to ensure Regulated Entertainment is not causing Public Nuisance to any party.
CHILD	All alcohol sale refusals will be noted in a refusals register which can be inspected by a Responsible Authority on request.
CHILD	A challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed sufficiently within the premises so the policy is sufficiently publicised with at least one displayed behind each Bar. Staff must be trained on this policy. The staff will be regularly reminded/ trained to enforce the challenge 25 policy.
CHILD	Acceptable ID will only be a Passport, Photo Driving Licence, or a recognised proof of age card.

#### 4.3 Committee Conditions

Conditions attached to the licence after a hearing by the licensing authority and classified by objective:

##### General

General conditions consistent with the operating schedule.

##### Crime

Conditions consistent with, and to promote the prevention of crime and disorder.

##### Safety

Conditions consistent with, and to promote public safety.

##### Nuisance

Conditions consistent with, and to promote the prevention of public nuisance.

##### Child

Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	Licensing Sub Committee C resolved on 22nd June 2016 to grant this premises licence subject to removal of the ground and second floors of the building from the scope of the licence, modification of the hours for the provision of licensable activities, opening hours and the imposition of other conditions as detailed under the appropriate objective below.
GENERAL	Modification of hours - Supply of Alcohol and regulated entertainment: The hours for the supply of alcohol and provision of regulated entertainment shall apply as follows: Sunday to Thursday : 10:00 hours to 02:00 hours Friday & Saturday: 10:00 hours to 05:00 hours Non Standard Hours in respect of Statutory Bank Holidays and New Year's Eve: 10:00 hours to 05:00 hours
GENERAL	Modification of hours - Late night refreshment: The hours for the provision of late night refreshment shall apply as follows: Sunday to Thursday: 23:00 hours to 02:00 hours Friday & Saturday: 23:00 hours to 05:00 hours Non

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Objective	Condition
	Standard Hours in respect of Statutory Bank Holidays and New Year's Eve: 23:00 hours to 05:00 hours
GENERAL	Modification of Opening hours: The premises to remain open to the public as follows: Sunday to Thursday: 10:00 hours to 02:00 hours Friday & Saturday: 10:00 hours to 05:00 hours Non Standard Hours in respect of Statutory Bank Holidays and New Year's Eve: 10:00 hours to 05:00 hours
GENERAL	Area of the Premises Covered under the Licence: The licensed premises will be restricted to the First Floor within the Plan submitted with the premises application. The Ground floor and Second floor as set out within the submitted application WILL NOT be used for any licensable activities.
GENERAL	Policies and Procedures: BEFORE the premises undertake any licensable activities, the premises licence holder will undertake a thorough review of ALL the premises' policies and procedures, particularly those that relate to the deployment of security personnel, incident handling, health and safety of patrons, staff, and other users of the building where the premises are located, fire safety and risk assessments of all types of events the premises intend to hold, as well as training for all staff on the promotion of the four licensing objectives. [It is a matter for the Premises Licence as to who should be engaged to carry out this review for or on behalf of the licence holder, but this should be an appropriately qualified person or organisation that has relevant experience within this field having regard to obligations set out above.] All evidence relating to the review should be retained and made available to West Midlands Police, Licensing Section, and any other Responsible Authority upon request within 48 hours. Risk Assessments for all events MUST be disclosed to West Midlands Police at least 28 days before any event, unless in the opinion of the West Midlands Police, Licensing Section, the premises hold a regular or recurring event for which there is already a robust Risk Assessment in place. West Midlands Police, Licensing Section may exercise a power of veto for any proposed event, where they are of the opinion that any of the licensing objectives have been or are likely to be breached
CRIME	N/A
SAFETY	N/A
NUISANCE	Noise limiter: The premises licence holder must consult with Environmental Health of Birmingham City Council to establish the need for a noise limiter at the premises. If in the opinion of Environmental Health, a limiter is required, this must be calibrated at a level set by Environmental Health, Birmingham City Council.
NUISANCE	Other conditions if offered or agreed by applicant: The condition agreed with Environmental Health of Birmingham City Council prior to the hearing is amended as follows: The First floor area will not be used for Regulated Entertainment until such time as adequate mitigation measures are undertaken to a standard agreed by Birmingham City Council Environmental Health so as not to cause a public nuisance.
CHILD	N/A

#### 5. Licence History

The history of variation and transfer applications since the initial application for grant or conversion.

Reference	Applicant Name	Application Type	Application Date	Status	Representation Dates	Variation Reason
95819	Soundscape Bars and Clubs Limited	New Application	29/04/2016	Transferred		

#### 6. Designated Premises Supervisor History

A list of all Designated Premises Supervisors that have been responsible for sale of alcohol from the premises.

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No Information available

**7. Events**

Other significant events recorded for this licence.

Date	Reference	Event Name
03/09/2018	107514	Issue
03/09/2018	107514	Licence Approval
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
03/09/2018	107514	Licensable Activities Added/Changed
07/08/2018	107514	Application Received (Transfer)
31/10/2016	95819	Issue
28/10/2016	95819	Licence Approval
28/10/2016	95819	Committee Decision
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
28/10/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
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29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Licensable Activities Added/Changed
29/04/2016	95819	Application Received (New Application)

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**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. Your name</b>			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CHAUHAN		
Forenames	HITESH		
<b>2. Previous names</b> (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
<b>3. Your date of birth</b>		Day	Month
			Year
<b>4. Your place of birth</b>		BIRMINGHAM	
<b>5. National Insurance Number</b>			
<b>6. Your current address</b> (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
<b>7. Other contact details</b>			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
<b>8. Alternative address for correspondence</b> (If you complete the details below, we will use this address to correspond with you)			
Post town		Postcode	
<b>9. Alternative contact details (if applicable)</b>			
Telephone numbers:			
Daytime			
Evening (optional)			

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

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)	
173-175 HIGH STREET DERITEND BIRMINGHAM B12 0LD	
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	4584
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)	
THE MONASTERY GROUND FLOOR 1 <sup>ST</sup> FLOOR 2 <sup>ND</sup> FLOOR	
Please describe the nature of the event below. (Please read note 5)	
CLUB NIGHT INDUSTRY AFTER PARTY POLLUTION RELATED CONDITIONS WILL BE TRANSFERRED ONTO THIS TENS	

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

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
30.09.2018		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
GROUND FLOOR 00:00 – 04:30 2 <sup>nd</sup> FLOOR 00:00 – 04:45 1 <sup>st</sup> FLOOR 05:00 – 10:30		
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 10)		390
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)  N/A
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Do you currently hold a valid personal licence? (Please tick)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.			
Issuing licensing authority	BIRMINGHAM		
Licence number	17092		
Date of issue	10/10/2005		
Date of expiry	N/A		
Any further relevant details			

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------	--------------------------------

If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	29	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

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

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

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 not exceeding level 5 on the standard scale; 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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	13 <sup>th</sup> September 2018
Name of Person signing	HITESH CHAUHAN

For completion by the licensing authority

I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## NOTES

### General

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

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

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

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per 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 15 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 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- 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 (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); 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 (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

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.

#### 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.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

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).

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

#### Note 7

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 8

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

#### Note 9

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 10

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 11

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 12

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 13

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 14

As stated under Note 13, 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 (12 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 14 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 15 below sets out the definition of an “associate”.

#### Note 15

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 16

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 17

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 18

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 a fine not exceeding level 5 on the standard scale.

#### Note 19

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.

#### **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

These Regulations amend the Licensing Act 2003 (Permitted Temporary Activities) (Notices) Regulations 2005 (“the 2005 Regulations”). Their purpose is to prescribe the form of a temporary event notice to replace the notice prescribed in the 2005 Regulations. The form of temporary event notice now requires the premises user to provide information about the intended use of premises for the provision of relevant entertainment (within the meaning of paragraph 2A of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982).

An impact assessment has not been produced for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen

## Appendix 3

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**From:** Martin Key on behalf of Pollution Team  
**Sent:** 17 September 2018 23:21  
**To:** Licensing  
**Cc:**  
**Subject:** RE: TENS application

Hi

On behalf of the Pollution Team at Birmingham City Council (a responsible authority) I wish to object to the granting of this TEN application for the Monastery, 173-175 Digbeth High Street, Deritend, Birmingham, B12 0LD on 30th September 2018 between 00:00 – 04:30 for the ground floor, 00:00 – 04:45 for the second floor and 05:00 – 10:30 on the first floor on the basis of the prevention of public nuisance. The application refers to a premises licence which covers only part of the building and refers to pollution related conditions being transferred but this is very vague and in addition many of the conditions attached relate to all four licensing objectives including prevention of public nuisance. The conditions which should be attached to any TEN are as follows:-

- There is also a paradox in application of two of The provision of regulated entertainment shall take place indoors only
- The Premises Licence holder shall ensure sound tests will be undertaken to ensure Regulated Entertainment is not causing Public Nuisance to any party.
- The premises licence holder must consult with Environmental Health of Birmingham City Council to establish the need for a noise limiter at the premises. If in the opinion of Environmental Health, a limiter is required, this must be calibrated at a level set by Environmental Health, Birmingham City Council.
- The First floor area will not be used for Regulated Entertainment until such time as adequate mitigation measures are undertaken to a standard agreed by Birmingham City Council Environmental Health so as not to cause a public nuisance.

the conditions below as these clearly would not permit activity on the ground and second floor of the building:-

- Area of the Premises Covered under the Licence: The licensed premises will be restricted to the First Floor within the Plan submitted with the premises application. The Ground floor and Second floor as set out within the submitted application WILL NOT be used for any licensable activities
- Licensing Sub Committee C resolved on 22nd June 2016 to grant this premises licence subject to removal of the ground and second floors of the building from the scope of the licence, modification of the hours for the provision of licensable activities, opening hours and the imposition of other conditions as detailed under the appropriate objective below.

Best Regards

Martin Key on behalf of Pollution Team  
Environmental Protection Officer

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Environmental Health | Regulation & Enforcement Division

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

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BIRMINGHAM CITY COUNCIL

**LICENSING ACT 2003**

**PREMISES LICENCE**

**Premises Licence Number:**

**4584 / 2**

**Part 1 - Premises details:**

**Postal address of premises, or if none, ordnance survey map reference or description**

The Monastery  
173-175 Digbeth High Street (First Floor ONLY)  
Deritend

**Post town:**

Birmingham

**Post Code:**

B12 0LD

**Telephone Number:**

Not Specified

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

A	Plays
B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

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

Sunday - Thursday	10:00	-	02:00	A ,B ,C ,E ,F ,G ,M1
	23:00	-	02:00	L
Friday & Saturday	10:00	-	05:00	A ,B ,C ,E ,F ,G ,M1
	23:00	-	05:00	L
Non Standard Hours in respect of Statutory	10:00	-	05:00	A ,B ,C ,E ,F ,G ,M1
Bank Holidays & New Year's Eve	23:00	-	05:00	L

**BIRMINGHAM CITY COUNCIL**

**The opening hours of the premises**

Sunday - Thursday	10:00	-	02:00
Friday & Saturday	10:00	-	05:00
Non Standard Hours in respect of Statutory	10:00	-	05:00
Bank Holidays & New Year's Eve			

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

On Supplies Only

**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> The Strand (2015)Limited Onyx House 12 Phoenix Business Park Avenue Close	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B7 4NU
<b>Telephone Number:</b> Not Specified	
<b>Email</b> -	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 09916890
----------------------------------------------------------------------------------------------------------------

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

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 1709	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 03/09/2018

\_\_\_\_\_  
SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

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

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

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

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

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

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

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



## **BIRMINGHAM CITY COUNCIL**

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

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

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

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

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

The provision of regulated entertainment shall take place indoors only

Adult Entertainment is not permitted on the premises.

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

The Designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence and a log of this training will be maintained. The training log can be inspected by any Responsible Authority on request.

The Premises Licence Holder shall ensure that a CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. CCTV is to be operational whilst the premises are open and be recording continually. The recordings are to be kept for minimum of 28 days. The CCTV images to be made available to any responsible authority immediately on request.

The Premises Licence Holder will maintain an operational policy incorporating risk assessments to cover all events held at the premises and this policy must be submitted to WMP each time there is an amendment made to the policy and the PL holder must consider all best practice advice from any Responsible Authority in amending or updating the policy. The policy will cover at a minimum:- SIA door security needs and deployment and responsibilities; CCTV; drugs policy; incident handling; public nuisance avoidance.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a Responsible Authority.

The DPS will actively participate in any local Pub Watch scheme.

The premises licence holder is to prepare a risk assessment for door security requirements to the reasonable satisfaction of West Midlands Police and the requirements identified are binding upon this premises licence.

The DPS or nominated person shall keep, and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, Door Supervisors SIA registration number, commencement and finishing time of duty.

The DPS shall produce the register and the verification of Door Supervisors identities, upon request, at all reasonable times to any Police Officer or to any Authorised Officer of the City Council.

All on duty security/ door supervisors must wear high visibility jackets whilst attending the door and must wear high visibility arm bands within the premises itself.

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

No enforceable conditions identified from operating schedule.

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

The Premises Licence holder shall ensure sound tests will be undertaken to ensure Regulated Entertainment is not causing Public Nuisance to any party.

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

All alcohol sale refusals will be noted in a refusals register which can be inspected by a Responsible Authority on request.

A challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed sufficiently within the premises so the policy is sufficiently publicised with at least one displayed behind each Bar. Staff must be trained on this policy. The staff will be regularly reminded/ trained to enforce the challenge 25 policy.

Acceptable ID will only be a Passport, Photo Driving Licence, or a recognised proof of age card.

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

#### **3a) General committee conditions**

Licensing Sub Committee C resolved on 22nd June 2016 to grant this premises licence subject to removal of the ground and second floors of the building from the scope of the licence, modification of the hours for the provision of licensable activities, opening hours and the imposition of other conditions as detailed under the appropriate objective below.

Modification of hours – Supply of Alcohol and regulated entertainment:

The hours for the supply of alcohol and provision of regulated entertainment shall apply as follows:

Sunday to Thursday : 10:00 hours to 02:00 hours

Friday & Saturday: 10:00 hours to 05:00 hours

Non Standard Hours in respect of Statutory Bank Holidays and New Year's Eve: 10:00 hours to 05:00 hours

Modification of hours – Late night refreshment:

The hours for the provision of late night refreshment shall apply as follows:

Sunday to Thursday: 23:00 hours to 02:00 hours

Friday & Saturday: 23:00 hours to 05:00 hours

Non Standard Hours in respect of Statutory Bank Holidays and New Year's Eve: 23:00 hours to 05:00 hours

Modification of Opening hours:

The premises to remain open to the public as follows:

Sunday to Thursday: 10:00 hours to 02:00 hours

Friday & Saturday: 10:00 hours to 05:00 hours

Non Standard Hours in respect of Statutory Bank Holidays and New Year's Eve: 10:00 hours to 05:00 hours

Area of the Premises Covered under the Licence:

The licensed premises will be restricted to the First Floor within the Plan submitted with the premises application.

The Ground floor and Second floor as set out within the submitted application WILL NOT be used for any licensable activities.

Policies and Procedures:

BEFORE the premises undertake any licensable activities, the premises licence holder will undertake a thorough review of ALL the premises' policies and procedures, particularly those that relate to the deployment of security personnel, incident handling, health and safety of patrons, staff, and other users of the building where the premises are located, fire safety and risk assessments of all types of events the premises intend to hold, as well as training for all staff on the promotion of the four licensing objectives. [It is a matter for the Premises Licence as to who should be engaged to carry out this review for or on behalf of the licence holder, but this should be an appropriately qualified person or organisation that has relevant

## **BIRMINGHAM CITY COUNCIL**

experience within this field having regard to obligations set out above.]

All evidence relating to the review should be retained and made available to West Midlands Police, Licensing Section, and any other Responsible Authority upon request within 48 hours.

Risk Assessments for all events MUST be disclosed to West Midlands Police at least 28 days before any event, unless in the opinion of the West Midlands Police, Licensing Section, the premises hold a regular or recurring event for which there is already a robust Risk Assessment in place.

West Midlands Police, Licensing Section may exercise a power of veto for any proposed event, where they are of the opinion that any of the licensing objectives have been or are likely to be breached

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

N/A

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

N/A

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

Noise limiter:

The premises licence holder must consult with Environmental Health of Birmingham City Council to establish the need for a noise limiter at the premises. If in the opinion of Environmental Health, a limiter is required, this must be calibrated at a level set by Environmental Health, Birmingham City Council.

Other conditions if offered or agreed by applicant:

The condition agreed with Environmental Health of Birmingham City Council prior to the hearing is amended as follows:

The First floor area will not be used for Regulated Entertainment until such time as adequate mitigation measures are undertaken to a standard agreed by Birmingham City Council Environmental Health so as not to cause a public nuisance.

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

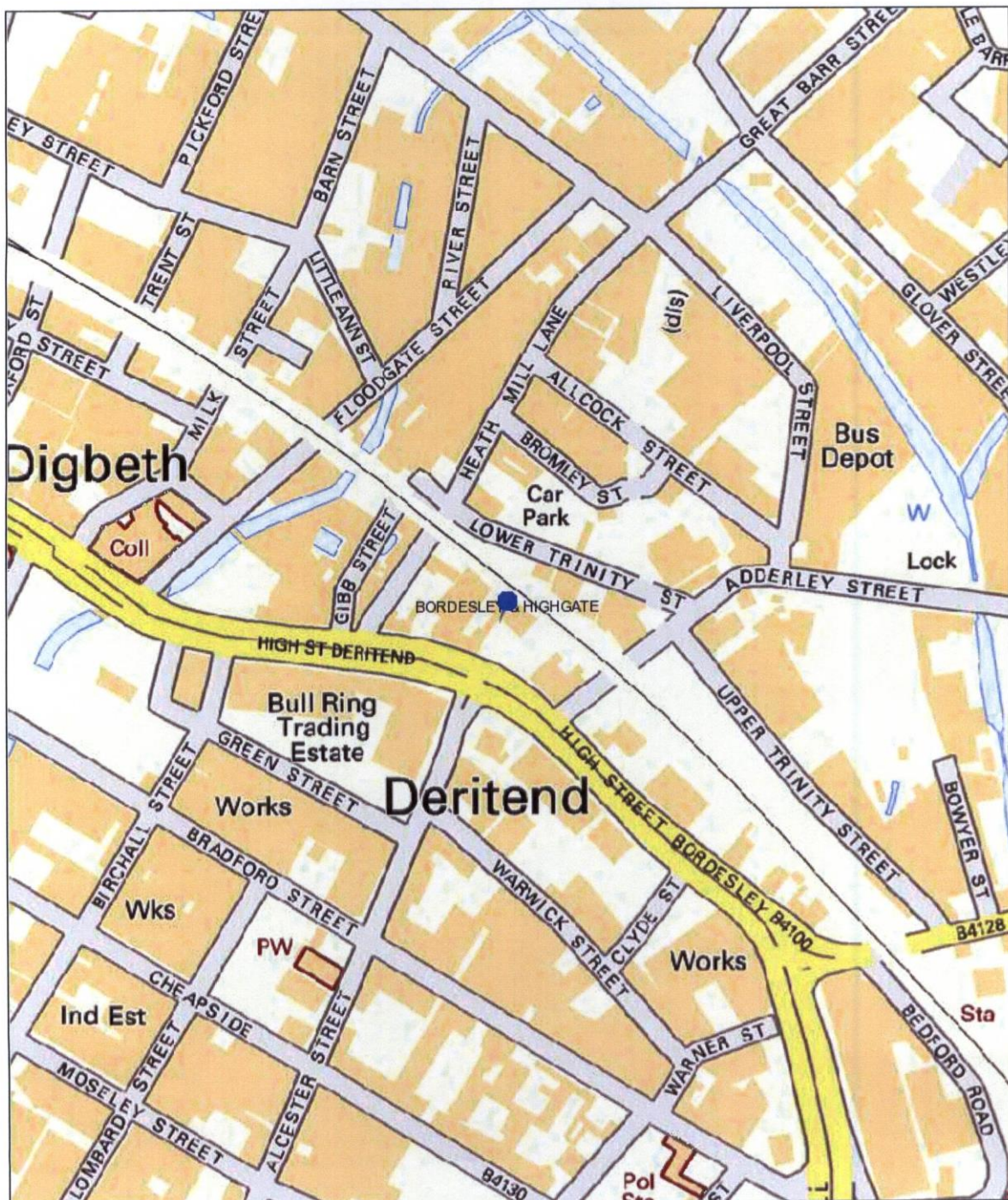
N/A

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**Annex 4 – Plans**

The plan of the premises with reference number **107514-4584/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



**Birmingham City Council**

Map Created By:

Date of Map Creation: 14/09/2018

Notes



Scale:  
1:4,000

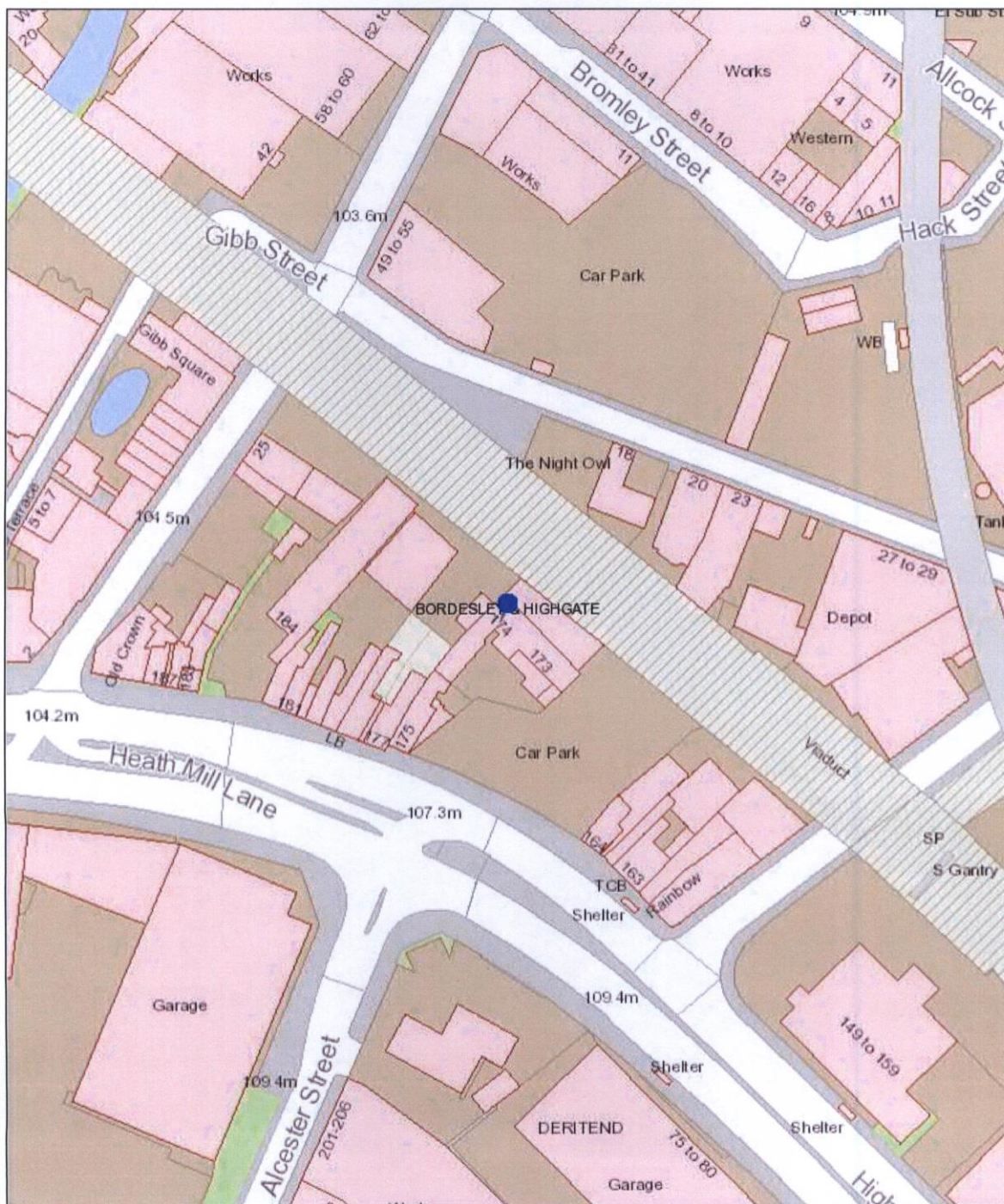
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