



West Midlands Police

Supporting Evidence

Application for Ten

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

Temporary Event Notice

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

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

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

| | |
|------------------------------------------------|---------------|
| [REDACTED] | |
| Post town | West midlands |
| Postcode | [REDACTED] |
| 9. Alternative contact details (if applicable) | |
| Telephone numbers: | |
| Daytime | |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail address (if available) | |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 2. The premises | |
| Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2) | |
| 35 Birchfield road, Aston, Birmingham, B19 1SU | |
| Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below. | |
| Premises licence number | EC 852/2004 |
| Club premises certificate number | |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3) | |
| | |
| Please describe the nature of the premises below. (Please read note 4) | |
| Caribbean takeaway | |
| Please describe the nature of the event below. (Please read note 5) | |
| We will be having official shop opening, customer appreciation BBQ, and funday. | |

| 3. The licensable activities | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------|
| Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6) | | |
| The sale by retail of alcohol | Yes | |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | No | |
| The provision of regulated entertainment (Please read note 7) | Yes | |
| The provision of late night refreshment | Yes | |
| Are you giving a late temporary event notice? (Please read note 8) | No | |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9) | 17/08/19 | |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10) | | |
| 12:00pm - 1:30 | | |
| Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11) | 450 | |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12) | On the premises only | Error! Bookmark not defined. Yes |
| | Off the premises only | No |
| | Both | No |

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>We will have bounce castle, face painting and live music playing inside a big marquee all activities will taken place at the back garden of the premises, no actiities will be at the front of shop all food and refreshment will be serve from the main counter inside the shop. Activities will begin at 12pm all activities will ceased at 1pm for everyone to leave by 1:30am</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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


| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you) | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----|
| Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? | <input type="checkbox"/> | No |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year | | |
| Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | <input type="checkbox"/> | No |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you) | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | <input type="checkbox"/> | No |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year. | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | <input type="checkbox"/> | No |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | <input type="checkbox"/> | No |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year. | | |

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----|
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? | | No |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----|

| 7. Checklist (Please read note 17) | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| I have: (Please tick the appropriate boxes, where applicable) | |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated | Yes |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated | Yes |
| Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | Yes |
| If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority | N/A |
| If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police | N/A |
| If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions | N/A |
| Made or enclosed payment of the fee for the application | Yes |
| Signed the declaration in Section 9 below | Yes |

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

| 9. Declarations (Please read note 19) | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| The information contained in this form is correct to the best of my knowledge and belief. | |
| I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both. | |
| Signature |  |
| Date | 25/07/2019 |
| Name of Person signing | Kadian Mowatt |

For completion by the licensing authority

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

Notes for Guidance

General

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

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

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

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

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

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

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

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

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

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

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

Note 1

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

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

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Note 2

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

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

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

Note 3

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

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

Note 4

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

Note 5

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

Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Note 7

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

- (a) a performance of a play;

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

In terms of specific regulated entertainments please note that:

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

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

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

Note 8

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

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

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

Note 9

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

Note 10

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

Note 11

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

Note 12

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

Note 13

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

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

Note 14

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

Note 15

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

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

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

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

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

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

Note 16

An "associate" of the proposed premises user is:

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

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

Note 17

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

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

Note 18

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

Note 19

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

Note 20

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

Deano Walker

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

Good morning,

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

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

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

Regards

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



Direct Dial - [REDACTED]



Mobile - [REDACTED]



Internal Ext - 801-1626



bw_licensing@west-midlands.pnn.police.uk

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

Dear All

Please find attached a Ten I have received for your consideration

Kind Regards

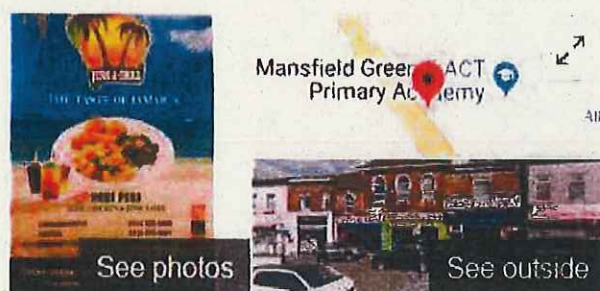
15

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

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Jerk & Grill

Directions

Save

4.0 ★★★★★ 4 Google reviews

Jamaican restaurant

Address: 35 Birchfield Rd. Birmingham B19 1SU

Hours: Thursday 6am-12am

Friday 6am-12am

Saturday 6am-12am

Sunday 6am-12am

Monday 6am-12am

Tuesday 6am-12am

Wednesday 6am-12am

[Suggest an edit](#)

Phone: 0121 679 4981

[Suggest an edit](#)

Add missing information

Add website

Questions & answers

See all questions (1)

Ask a question.

Reviews

Write a review

Add a photo



"Great tasty Caribbean food."



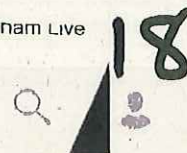
THE TASTE OF JAMAICA



NEW PERI PERI
JERK CHICKEN & JERK LAMB

| | | |
|-------------------|---|----------------------|
| HANDSWORTH | : | 0121 523 4500 |
| ASTON | : | 0121 679 4981 |
| EDMINGTON | : | 0121 293 3094 |



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NEWS

Watch huge late-night Jamaican street party that shut down Jerk & Grill takeaway in Erdington

Jerk & Grill has been closed down by police following several noise complaints

By [Zoe Chamberlain](#) & [Ashley Preece](#)

18:24, 9 JUL 2019

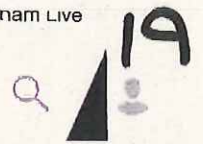
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JAMAICAN STREET PARTY IN ERDINGTON TOWN CENTRE

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

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

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

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

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

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

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

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

[READ MORE](#)

► Live - Police officer injured as man restrained outside M&S in city centre

Revellers danced and drank into the night as music blared out through speakers and party people blocked off part of the High Street and Sutton New Road making it difficult for traffic to pass.

A spokesman for **West Midlands Police** said: "The owner attended a court hearing at Birmingham Magistrates Court and said he wanted to reopen the shop.

"The premises remains closed until the next hearing on July 11."

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

[READ MORE](#)

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

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

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

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

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



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BUSINESS-LIVE.CO.UK

BusinessLive

NEWS

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

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

By **Ashley Preece**

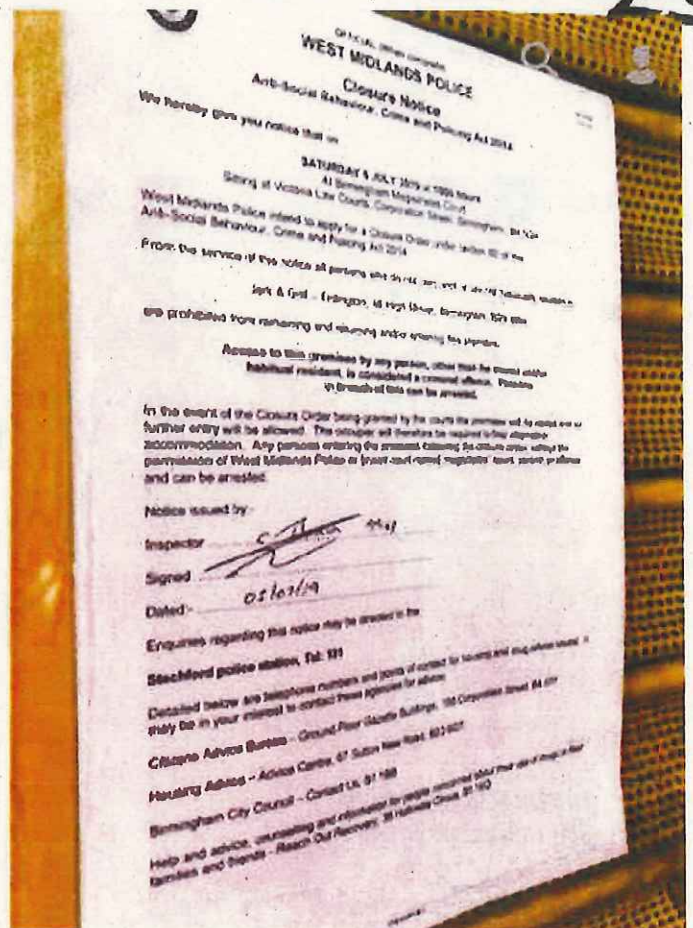
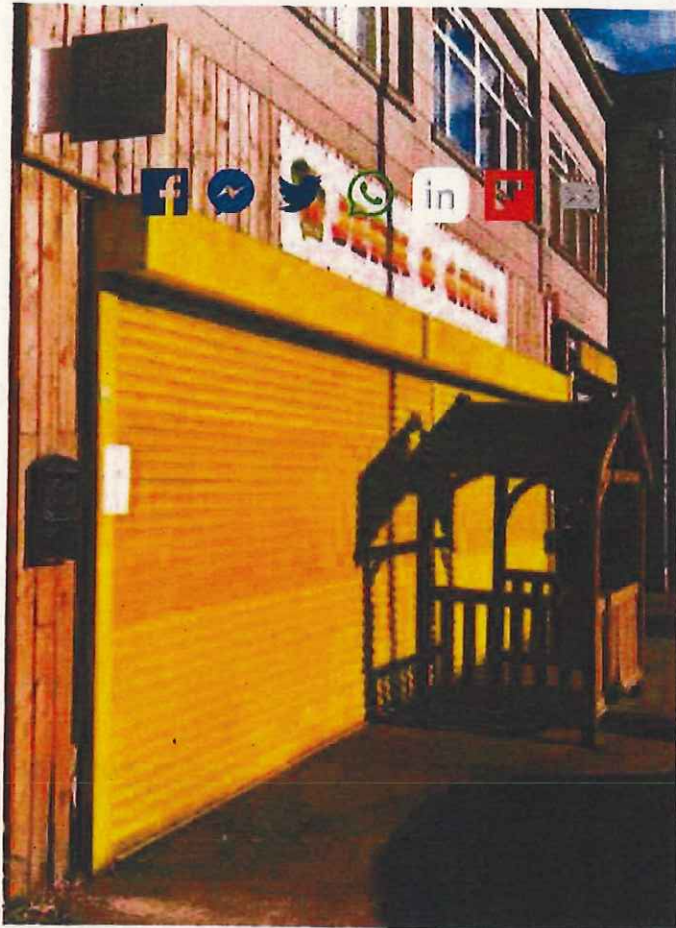
11:59, 6 JUL 2019

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

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

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

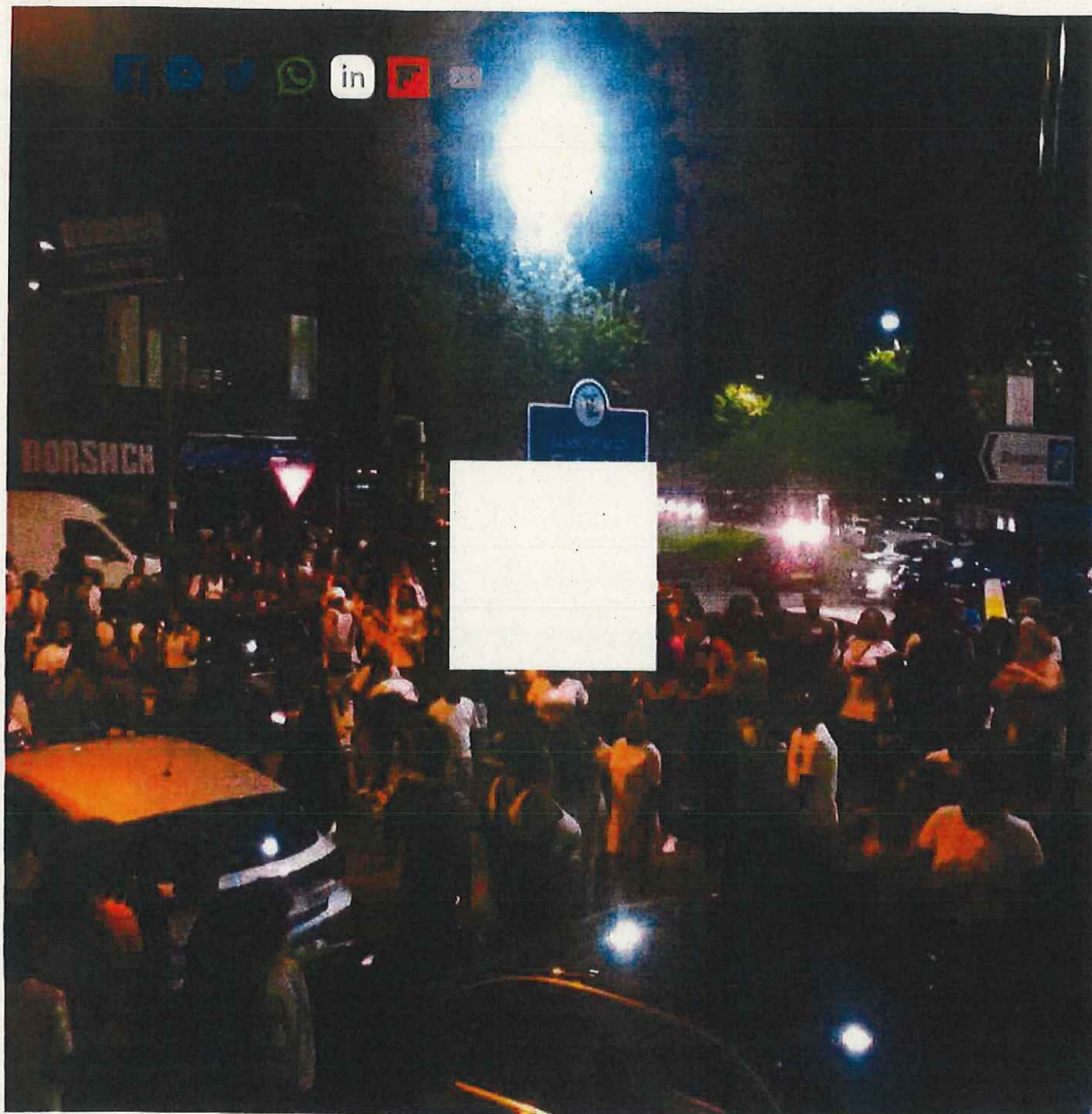
The event marked Jerk & Grill's third anniversary and saw staff stage a celebratory BBQ.

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



jerkandgrill_erdington
356 followers

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[View More on Instagram](#)

103 likes

jerkandgrill_erdington



view all 35 comments

Add a comment...



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



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

READ: Child and pensioner injured in three vehicle collision

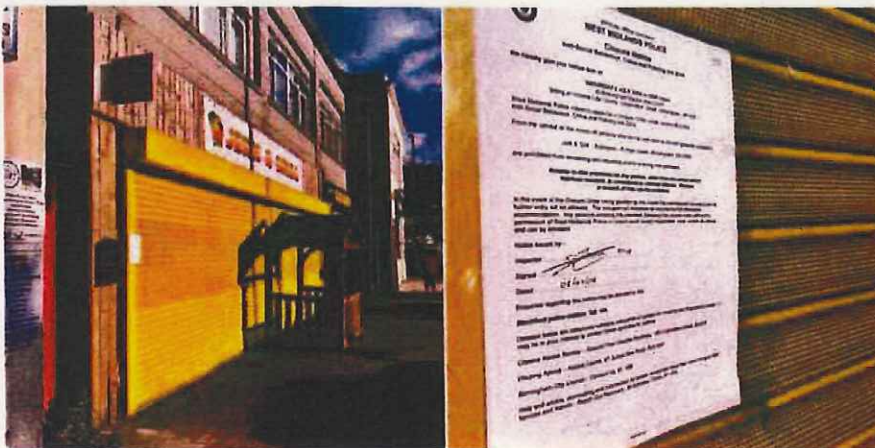
The food venue secured a temporary license for last week's event - but police said it "significantly deviated from the terms".

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



Erdington Police
@ErdingtonWMP

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



34 10:15 PM - Jul 5, 2019

24 people are talking about this

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

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



SMOKING BAGELS' HOTTEST JERK CHALLENGE

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

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

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

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



jerkandgrill_erdington
356 followers

View Profile



SATURDAY 29TH JUNE 2019

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

APPROVED



[View More on Instagram](#)

22 likes

[Add a comment...](#)

Deano Walker

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

Hi

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

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

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

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

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

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

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

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

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

🌐: www.birmingham.gov.uk/eh | Facebook: ehbbham | Twitter: @ehbbham

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🖨 Please consider the environment before printing this email

From: Kadian Mowatt [r [REDACTED]]

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

To: Pollution Team

Subject: K's Caribbean takeaway Temporary event notice

See attachment for temporary event notice pdf

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Deano Walker

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

Settings Tools

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Search Results

Map results



Map results



35 birchfield road birmingham b19 1su - Google Search

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

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

2. Risk assessment, to include

-

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

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

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

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

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

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

hot and cold
running
water from
top.

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

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

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

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

area being
used for the
event.

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

- Noise
managemen
t plan.

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

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

Good morning,

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

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

2. Risk assessment, to include –

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

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

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

Regards

PC 1978 Walker

Birmingham Police Central Licensing Team

Birmingham Partnerships

Lloyd House



Direct Dial [REDACTED]



Mobile – [REDACTED]



Internal Ext - 801-1626



bw_licensing@west-midlands.pnn.police.uk

From: Geeta Bangerl [REDACTED]

On Behalf Of Licensing Online

Sent: 26 July 2019 11:40

To: bw licensing; Pollution Team

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

Dear All

Please find attached a Ten I have received for your consideration

Kind Regards

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

Telephone: 0121 303 9896 | Email: licensing@birmingham.gov.uk | Web: www.birmingham.gov.uk/licensing

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

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Deano Walker

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

Hi

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

Best Regards

Martin Key
 Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

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

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

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

🌐: www.birmingham.gov.uk/eh | Facebook: ehham | Twitter: @ehham

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

Dear All

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

They have agreed to modify the times for licensable activities.

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

Kind Regards

Bhapinder Nandhra
Senior Licensing Officer

Licensing Section

PO Box 17013 | Birmingham | B6 9ES

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

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

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

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

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

Dear Kadian

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

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

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

I look forward in hearing from you.

Kind Regards

Bhapinder Nandhra
Senior Licensing Officer

Licensing Section

PO Box 17013 I Birmingham I B6 9ES

@birmingham.gov.uk

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

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

Licensing,

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

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

Regards

PC 1978 Walker

Birmingham Police Central Licensing Team

Birmingham Partnerships

Lloyd House



Direct Dial - 0121 222 6000



Mobile - 07823 843143



Internal Ext - 801-1626



bw_licensing@west-midlands.pnn.police.uk

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