

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation and Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 27<sup>th</sup> July 2022</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>223 Trinity Road, Aston, Birmingham, B6 6HH</b>
<b>Ward affected:</b>	<b>Aston</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer</b> <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a>

<b>1. Purpose of report:</b>
To consider the objection notices to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption both on and off the premises) and the provision of regulated entertainment, to operate on the 6 <sup>th</sup> August 2022 from 12:00midday until 11:00pm and 7 <sup>th</sup> August 2022 from 12:00midday until 10:00pm.

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

<b>3. Brief Summary of Report:</b>
A Temporary Event Notice was submitted by Mark Joseph McKenzie and received on 18 <sup>th</sup> July 2022 in respect of 223 Trinity Road, Aston, Birmingham, B6 6HH.
Objection notices have been received from West Midlands Police and Environmental Health.

<b>4. Compliance Issues:</b>
When carrying out its licensing functions, a licensing authority must have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

## **5. Relevant background/chronology of key events:**

A Temporary Event Notice was submitted on 18<sup>th</sup> July 2022 by Mark Joseph McKenzie, in respect of 223 Trinity Road, Aston, Birmingham, B6 6HH, which was served on the responsible authorities on the 18<sup>th</sup> July 2022.

The Temporary Event Notice is attached as Appendix 1.

Objection notices have been received from West Midlands Police and Environmental Health, which are attached at Appendices 2 & 3.

Site location plans are attached, see Appendix 4.

Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.

However, the police or local authority exercising environmental health functions may intervene to prevent such 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.

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.

Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for 223 Trinity Road, Aston, Birmingham, B6 6HH.

When giving a TEN, consideration should be given to the following four licensing objectives:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance; and
4. The protection of children from harm

## **6. List of background documents:**

Temporary Event Notice, attached at Appendix 1.

Objection notices from West Midlands Police and Environmental Health, attached at Appendices 2 & 3.

Site location plans, Appendix 4.

## **7. Options available**

To issue the TEN

To issue a Counter Notice

## Temporary Event Notice

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

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

<b>1. The personal details of premises user (Please read note 1)</b>				
<b>1. Your name</b>				
Title	Mr Mrs Miss Ms Other (please state)			MR
Surname	MCKENZIE			
Forenames	MARK JOSEPH			
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>				
Title	Mr Mrs Miss Ms Other (please state)			
Surname				
Forenames				
<b>3. Your date of birth</b>	Day	Month	Year	
<b>4. Your place of birth</b>				
<b>5. National Insurance Number</b>				
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>				
223 TRINITY ROAD ASTON BIRMINGHAM				
Post town	BIRMINGHAM		Postcode	B6 6HH
<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 (If you complete the details below, we will use this address to correspond with you)</b>				
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)	

<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)	
223 TRINITY ROAD ASTON BIRMINGHAM B6 6HH IT IS A BLOCK WITH FOUR FLATS I WILL BE USING THE FRONT AND BACK GARDEN AND ALSO THE CAR PARK AREA ALL AREAS ARE GATED FROM THE MAIN ROAD THE WHOLE BLOCK HAS METAL GATING AND FENCES AND THE FRONT AND BACK GARDEN ARE ALSO GATED AND FENCED.	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	N/A
Club premises certificate number	N/A
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
I WILL BE USING THE FRONT AND BACK GARDEN AREA AND ALSO THE CAR PARK	
Please describe the nature of the premises below. (Please read note 4)	
IT IS A BLOCK WITH 4 FLATS IT HAS A INTERCOM SERVICE TO ALLOW PEOPLE INTO THE BLOCK THERE IS A GROUND FLOOR AND A 1ST FLOOR THERE IS A GATED FRONT GARDEN TO THE ENTRANCE OF THE BLOCK WHICH IS ON A MAIN ROAD BUT SEPARATED BY A TARMAC PAVEMENT AT THE REAR OF THE BLOCK THERE IS A GATED CAR PARK AND A COMMUNIAL REAR GARDEN WHICH IS WOODEN GATED THE CAR PARK HAS A METAL GATE THE BLOCK IS WELL SECURE THERE ISN'T CCTV ON THE PREMISES.	
Please describe the nature of the event below. (Please read note 5)	
IT WILL BE A CELEBRATION OF JAMAICAN INDEPENDANCE DAY WHICH IS WHERE MY PARENTS WERE BORN SO THERE WILL BE FOOD DRINKS AND ENTERTAINMENT.	

<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	/	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		
The provision of regulated entertainment (Please read note 7)	/	
The provision of late night refreshment		
Are you giving a late temporary event notice? (Please read note 8)		
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	06/08/2022+07/08/2022	
6TH AUGUST 2022 AND 7TH AUGUST 2022		
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 UNTIL 23:00PM ON THE 6TH AUGUST 2022 12:00PM UNTIL 22:00PM ON THE 7TH AUGUST 2022		
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)	150	
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	
	Off the premises only	
	Both	/

<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>THERE WILL BE LIVE MUSIC AND RECORDED MUSIC FUN GAMES AND FOOD WHICH WILL TAKE PLACE BETWEEN 12:00PM-23:00PM ON THE 6TH AND BETWEEN 12:00PM -22:00PM ON THE 7TH AUGUST 2022</p>
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<b>4. Personal licence holders (Please read note 14)</b>		
Do you currently hold a valid personal licence? (Please tick)	Yes /	No
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	BIRMINGHAM CITY COUNCIL	

Licence number	9041/1
Date of issue	30/07/2015
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?	Yes	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?	Yes	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?	Yes	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?	Yes	No /
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes	No /
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	No /



<b>7. Checklist (Please read note 17)</b>	
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	/
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	/
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	/
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	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	
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	
Made or enclosed payment of the fee for the application	/
Signed the declaration in Section 9 below	/

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

<b>9. Declarations (Please read note 19)</b>	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	18/07/2022
Name of Person signing	MR MARK JOSEPH MCKENZIE

**From:** bw licensing  
**Sent:** 21 July 2022 10:21  
**To:** Licensing  
**Cc:**  
**Subject:** WMP Objection to TEN - 223 Trinity Road Aston - 6th & 7th Aug 2022

Good Morning Licensing,

West Midlands Police have reviewed the TEN application submitted by Mark Mckenzie for 223 Trinity Road, Aston B6 6HH on 6<sup>th</sup> & 7<sup>th</sup> August 2022 and wish to object to the granting of this application.

After reviewing the application West Midlands Police had concerns around the suitability of the 'venue' to carry out the requested licensable activity.

A request for more details and information about the event was made to the applicant, to allay our concerns and ensure that the licensing objectives will be met and promoted. The applicant was also advised that West Midlands Police would not support 'off sales' of alcohol with this application. (See below email chain.)

Due to the legal timescales responsible authorities have to respond to TEN applications West Midlands Police requested this information by 09.00hrs today (21<sup>st</sup> July 22.)

This information has not been forthcoming, in fact there has been no communication from the applicant. West Midlands Police can therefore only presume the applicant does not have any of the information requested or event management policies in place.

West Midlands are left with no option other than to object to this application under the prevention of children from harm, public safety, prevention of crime disorder and prevention public nuisance licensing objectives.

I have copied the applicant into this email.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

**From:** Christopher Jones  
**Sent:** 19 July 2022 11:52  
**To:**  
**Subject:** Required Documentation For Your Temporary Event Application.  
**Importance:** High

Good Morning Mark,

West Midlands Police have received your temporary event notice (TEN) application for 6<sup>th</sup> & 7<sup>th</sup> August 2022.

It is incumbent on West Midlands Police to ensure that the licensing objectives will be met and promoted and to this end we will require more information and detail around the event to make an informed decision regarding the application.

This documentation is required, as without the below information and event management plan from yourself the site currently appears unsuitable for the proposed event as detailed in your application.

Please note that West Midlands Police will only support this application with on sales of alcohol only and only if the below information is received to our satisfaction to ensure promotion of the licensing objectives.



- Risk assessment for the event, to include the below. (Please supply written documentation and any written confirmation from third party contractors or suppliers.)
  - How you intended to control numbers
  - What type of fencing is to be used – the current fence would be totally unsuitable for controlling entry to your event.
  - Security arrangements, numbers and deployment
  - Entry policy
  - Ejection policy
  - How the sale of alcohol is going to be controlled
  - Vulnerability policy
  - Fire risk assessment to ensure safety of numbers in an enclosed. To include the additional power supplies for food vendors, entertainment etc.
  - Noise risk assessment and noise management plan
  - Toilet arrangements
  - Power (electricity / generators etc.) arrangements for musicians, DJs, bands food vendors etc.
  - Inclement weather plan
  - How the event is being advertised
  - Car parking and control of
  - Details of any acts, musicians, singers, bands or DJs. (Both real names & dates of birth and stage names.)
  - Details of any public liability insurance for the event.
- Other questions:
  - ❖ Has the landlord / freeholder of the premises given their permission to use the premises for this event? – please supply written confirmation

**Due to the tight legal timescales responsible authorities have to respond to TEN applications, West Midlands Police will require the above information no later than 9am on Thursday 21<sup>st</sup> July 2022 to afford time to review the documentation.**

Many thanks

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police

**From:** Jane Dunsford  
**Sent:** 21 July 2022 10:48  
**To:** Licensing  
**Cc:**  
**Subject:** Objection to TEN - 223 Trinity Road Aston - 6th & 7th Aug 2022

Dear Licensing,

Environmental Health have reviewed the TEN application submitted by Mark Mckenzie for 223 Trinity Road, Aston B6 6HH on 6<sup>th</sup> & 7<sup>th</sup> August 2022, and had concerns around the suitability of the 'venue' to carry out the requested licensable activity (residential flats and its grounds).

A request for more details and information about the event was made to the applicant (see below):  
I have concerns about your TEN on the grounds of public nuisance. You require live and recorded music outside surrounding lots of residents, including in the flats you are in for 2 days into the later evening. How will you control people noise and music, do you have a noise management plan? Also do you have permission from the owners of the flats?

I have had no response from the applicant so Environmental Health object to this application on the grounds of prevention of public nuisance. The applicant has been copied in.

Regards

Jane Dunsford  
Environmental Protection Officer  
Environmental Protection Unit  
Regulation & Enforcement  
City operations Directorate  
Birmingham City Council

**From:** Jane Dunsford  
**Sent:** 18 July 2022 15:54  
**To:**  
**Cc:** bw licensing; Licensing  
**Subject:** TEN for Jamaican Independence

Dear Mr Mckenzie,

I am emailing you on behalf of Environmental Health, I have concerns about your TEN on the grounds of public nuisance. You require live and recorded music outside surrounding lots of residents, including in the flats you are in for 2 days into the later evening. How will you control people noise and music, do you have a noise management plan? Also do you have permission from the owners of the flats?

Please email by tomorrow, we only have 3 days to comment and I will have to make a representation shortly if I do not hear from you.

Regards

Jane Dunsford  
Environmental Protection Officer  
Environmental Protection Unit  
Regulation & Enforcement  
City operations Directorate  
Birmingham City Council



