

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 08 AUGUST 2018 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 10

4 MINUTES

To confirm and sign the Minutes of the meeting held on 18 July 2018.

5 OTHER URGENT BUSINESS

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

11 - 34

5A LICENSING ACT 2003 (TEMPORARY EVENT NOTICE) - LAB 11, 26 **OXFORD STREET, BIRMINGHAM, B5 5NR**

Report of the Acting Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 1.00pm.

5B **LICENSING ACT 2003 (TEMPORARY EVENT NOTICE) - LAB 11, 26
OXFORD STREET, BIRMINGHAM, B5 5NR**

Report of the Acting Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 1.00pm.

6 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

P R I V A T E A G E N D A

1 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,
TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY
CARRIAGE DRIVER LICENSES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

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

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 18 JULY 2018

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 18 JULY 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Barbara Dring and Neil Eustace

ALSO PRESENT

Shaid Yasser, Licensing Section
Ben Williams, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

- 1/180718 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
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DECLARATIONS OF INTERESTS

- 2/180718 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/180718 There were no Nominee members.
-

**LICENSING ACT 2003 PREMISES LICENCE – GRANT (TIME LIMITED) -
BRUMFEST & JAMFEST, SUMMERFIELD PARK, SELWYN ROAD, WINSON
GREEN, BIRMINGHAM, B16 0HN**

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

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Clifton Cameron – Applicant

Those making representations

No one making representations attended the hearing.

West Midlands Police did attend the meeting as OBSERVERS only.

PC Abdool Rohomon – West Midlands Police
Sgt Alan Lawless – West Midlands Police
Sgt Clement Samuels – West Midlands Police

* * *

Following introductions by the Chairman, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mr Clifton Cameron, made the following points:-

- a) That he had put in an application for Summerfield Park due to being part of a community organization. He goes out into the community, where he speaks to young mothers, who stress the importance of family activities.
- b) That the local area had a lack of activities and he wanted to help.
- c) The event will provide local jobs for people.
- d) Issues were raised regarding Summerfield Park and therefore, that application was withdrawn. The concerns were regarding parking on the first application.
- e) That they have taken on board the comments and will ensure that litter is collected and disposed of.
- f) There were also noise concerns in the first application, so they have

moved to resolve that concern.

- g) They employ “Squeaky Clean” to collect rubbish.
- h) They have employed someone to deal with the parking and the traffic management.
- i) That the Safety Advisory Group (SAG) was on board and were helping Mr Cameron in the organisation. They have given him multiple points, which he had taken on board and was working to resolve those issues.
- j) That they were going to have 45 SIA registered door staff; 35 inside the premises and 10 outside.
- k) There were 20 volunteers so far but they were still hunting for more.
- l) They were employing TMS themselves to help with traffic management.
- m) That the road would be closed.
- n) That they estimate the attendance to be circa 5000 in the park at any one time.
- o) That the dispersal policy was being altered as per the police’s recommendation.
- p) That he would be bringing fire extinguishers with him and they would be strategically placed. They have advised all food establishments that they are required to bring their own fire extinguishers. In addition, there will also be a fire Marshall who will be responsible for assessing fire risks and dealing with any problems.
- q) That no alcohol would be allowed into the park and anyone who is suspected of intoxication would be refused access to the park.
- r) There shall be bins by the gates for people to discard alcohol and for security to discard any alcohol they find on patrons.
- s) That they had adopted a search policy for drugs, natural highs and alcohol.
- t) That he was experienced in holding events and had never had any incidents; even when holding the event in Handsworth which had been expected to give rise to issues.
- u) That security staff will be using metal detectors, in the form of wands.
- v) That the arena is 300-400 meters from the road.
- w) That the car park would hold approx. 600-700 vehicles. The Police and SAG had raised concerns that the area would not cope with the volume as

they would only be able to accommodate 500 vehicles.

- x) That they had notified local residents that they should walk to the park if they wish to attend.
- y) That they are sending messages out via social media asking people to take public transport.
- z) That they were going to contact local community centres to see if they could use their parking facilities.
- aa) That the smoking area would be supervised and have a fire extinguisher.
- bb) That they would provide “something” to collect cigarette ends as per Cllr Drings concerns.
- cc) That there would be a designated area for children.
- dd) That the event was free. There would be the option of going online to register to get your ticket, so they have the information for future events, but anyone who had not registered online would still get access to the park on the day.
- ee) That it was his “gift to Birmingham”.
- ff) That they had policies in place to avoid alcohol issues, including confiscation of alcohol.
- gg) That he took security very seriously.
- hh) That trouble makers would be dealt with accordingly.
- ii) The police would be called if people are committing crimes.
- jj) That the volunteers and security staff would deal with people showing up with no information on the system. They were setting up a competition in order to get people to register.
- kk) That there would be a perimeter fence, which would be manned by the security staff.
- ll) That the thinking behind the event was to create a good event for the community and the city. He only had good intentions.

In summing up Mr Cameron made the following points:

- a) That he was part of a community organization, who work for the people.
- b) That he wanted a licence to hold the event, in order for the community to enjoy themselves and get together.

- c) That it was not about him, it was about the people.
- d) The Birmingham needed outside events.
- e) That it would create a stage for young, upcoming artists, boost employment, revenue, and the survey and economic benefit was great.
- f) That they wanted to give back to the community.
- g) That he had nothing further to add.

At 1031 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1107 the meeting was reconvened and all parties were invited to rejoin the meeting. The licensing Sub Committee read out the decision as follows.

4/180718 **RESOLVED:-**

That the application by Birmingham Youth Empowerment Project CIC a premises licence in respect of **BRUMFEST & JAMFEST, SUMMERFIELD PARK, SELWYN ROAD, WINSON GREEN, BIRMINGHAM, B16 0HN**

BE GRANTED (subject to the previously agreed conditions and the following further conditions explained below):

Reasons

The committee met to consider an application for a time limited licence for the provision of regulated entertainment in respect of an event known as Brumfest & Jamfest at Summerfield Park, Selwyn Road, Winston Green, Birmingham, to be held on the weekend of the 4th and 5th August 2018. The application was made on 30th May 2018 by Birmingham Youth Empowerment Project CIC with whom Mr Cameron retains the position of Managing Director.

Having made that application, the Council received a number of representations from local residents including the provision of a petition comprising a number of signatures. Prior to the hearing, conditions were agreed with the Police (see appendix 6 of the Agenda) and Environmental Health (see Appendix 7).

The application had originally sought the provision for sale of alcohol, however this was subsequently withdrawn.

Mr Cameron attended the hearing to speak on behalf of the applicant. Neither the party who submitted the petition nor any of the

residents attended. Three police officers attended as observers only. Mr Cameron spoke briefly about the nature of the application and then faced a number of questions from the committee.

Essentially the Committee were encouraged by the great deal of work that had obviously been done during the multi-agency Safety Advisory Group (SAG) meetings. There were some areas of concern in terms of traffic management (i.e. the parking provision which was evidently 200 short of the 700 spaces envisaged to be required) albeit the committee noted that Traffic Management Services (TMS) had been retained as a reputable operator. Further, there were some apparent inconsistencies with regards to the provision of security staff. The committee noted that there were now to be 35 security staff retained within the park, 10 outside and a further 10 on standby. There were also 20 volunteers which Mr Cameron explained he hoped would increase to 40. There were two outstanding matters noted by the committee, namely the risk that alcohol may still be smuggled into the venue disguised as non-alcoholic drink, and the risk of fire hazards from discarded cigarettes. The committee were of the view that patrons should be told that no drink would be allowed into the venue, and that sand buckets should be introduced to the venue where cigarette ends may be disposed of.

Having carefully considered the matter on its merits and were mindful of its overriding duty to promote the Licensing objectives. Having noted that the dialogue with the SAG remains ongoing, the committee was minded to **grant** this application now that alcohol was no longer sought to be licensed and subject to the two outstanding matters mentioned above being resolved to the satisfaction of the SAG.

The committee felt that given the importance of the ongoing work with the SAG and the proximity of the event, two further SAG meetings were to be arranged. Consequently, the applicant must arrange and have a SAG meeting no later than 27th July 2018 and a further SAG no later than the 1st August 2018. There will still be a SAG debrief meeting two weeks after the event as required by the police in their representations.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State.

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

OTHER URGENT BUSINESS

5/180718 There was no urgent business.

Meeting ended 1115

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 8th August 2018
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Lab 11, 26 Oxford Street, Birmingham, B5 5NR
Ward affected:	Bordesely and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises only) and the provision of regulated entertainment on Sunday 12th August 2018 to operate from 03:30am to 09:00am.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was received on 27th July 2018 in respect of Lab 11, 26 Oxford Street, Birmingham, B5 5NR.

An objection notice has been received from West Midlands Police.

4. Compliance Issues:

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

4.1 Consistency with relevant Council Policies, Plans or Strategies:

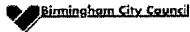
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

<p>5. Relevant background/chronology of key events:</p> <p>Mr William Power submitted on 27th July 2018 a Temporary Event Notice in respect of Lab 11, 26 Oxford Street, Birmingham, B5 5NR.</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <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>6. List of background documents:</p> <p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Premises Licence, attached at Appendix 3.</p> <p>Site location plans, Appendix 4.</p>

<p>7. Options available</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>

Appendix 1



Birmingham
Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 9

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

William

Family name

Power

E-mail address

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

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



Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Agent Details

First name	<input type="text" value="Duncan"/>
Family name	<input type="text" value="Craig"/>
E-mail address	<input type="text"/>
Main telephone number	<input type="text"/> Include country code.
Other telephone number	<input type="text"/>

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

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

Building number or name	<input type="text" value="Citadel Chambers"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 9

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

Continued from previous page...

Have you had any previous or maiden names?

☐ Yes

☒ No

Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Correspondence Address

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

☐ Yes

☒ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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

Does the premises have an address?

☒ Yes

☐ No

Continued from previous page...

Address

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

☐ Yes

☒ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

☐ Neither

☒ Premises licence

☐ Club premises certificate

Premises licence number

Location Details

Provide further details about the location of the event

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

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

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

Continued from previous page...

Section 4 of 9

LICENSABLE ACTIVITIES

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

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date / /
dd mm yyyy

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

Event end date / /
dd mm yyyy

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

(see also guidance on completing the form, note 10)

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

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
(see also guidance on completing the form, note 12):

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue

<table border="1"><tr><td> </td></tr></table>	 	/	<table border="1"><tr><td> </td></tr></table>	 	/	<table border="1"><tr><td> </td></tr></table>	
dd		mm		yyyy			

Any further relevant details

Section 7 of 9

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

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ☒ Yes ☐ No

Continued from previous page...

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

9

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

Section 8 of 9

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

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

☐ Yes ☒ No

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

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

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

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

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:

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

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

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

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Appendix 2

From: bw licensing
Sent: 02 August 2018 14:40
To: Licensing
Cc: bw licensing
Subject: Lab 11 Tens 5th , 12th & 19th August 18
Attachments: Lab 11 TEN 659964-05.08.2018.pdf; Lab 11 TEN 659963-12.08.2018.pdf; Lab 11 TEN 659964-19.08.2018.pdf

Good Afternoon Licensing,

West Midlands Police wish to make an objection to the TEN applications for Lab 11, 26 Oxford Street B5 5NR on 5th , 12th and 19th August 2018. The objection is made under the crime & disorder and public safety licensing objectives.

The premises have been asked to supply proof that they have informed West Midlands Police 28 days prior to them wishing to operate past 04.00hrs, as per their premises licence conditions. This has not been forthcoming and West Midlands Police can only presume that the TEN applications were to circumvent this condition on their premises licence.

The premises were also asked for a risk assessment for each event (providing they had in fact informed WMP) as the TEN application lacked detail. These has also not been received by West Midlands Police.

Regards

Birmingham Central Licensing Team

West Midlands Police HQ
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4159 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
LAB 11 26 Oxford Street Digbeth	
Post town:	Post Code:
Birmingham	B5 5NR
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
D	Boxing or wrestling entertainment
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Saturday	19:00	-	07:00 A , B , C , D , E , F , G , H , M1
	23:00	-	05:00 L
Sunday	12:00	-	02:00 A , B , C , D , E , F , G , H , M1
	23:00	-	02:00 L
Bank Holidays same hours as Sundays	12:00	-	02:00 B , C , D , E , F , G , H , M1
	23:00	-	02:00 L

The opening hours of the premises			
Monday - Saturday	19:00	-	07:00
Sunday	12:00	-	02:00
Bank Holidays same hours as Sundays	12:00	-	02:00

BIRMINGHAM CITY COUNCIL

<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</p> <p>On Supplies Only</p>

BIRMINGHAM CITY COUNCIL

Part 2

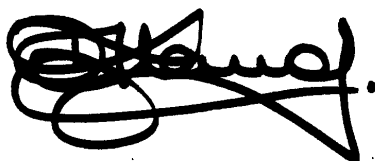
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Post town:	Post Code:
Telephone Number: Not Specified	
Email Not Specified	

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

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

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

Dated 01/11/2016



David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

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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

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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 Licence Holder shall ensure there will be no encouragement of excessive drinking or irresponsible sale of cheap promotional drinks.

The number of Personal Licence holders on the premises when operational shall be at least two or such other number as is agreed from time to time with West Midlands Police.

The operator will call a Safety Advisory Group (SAG) Meeting and there is a power of veto of any event where the SAG is not able to set conditions or operation which satisfy the licensing objectives. Any conditions set during the SAG meeting shall become licensing conditions for that event and they must be kept in writing on the premises during the event and available for inspection by all statutory bodies.

The Licence Holder shall ensure that both the DPS and/or a senior manager and the promoter, if any, will be in attendance at the SAG meeting.

The Licence Holder shall ensure that if any adult entertainment is introduced to the premises, then it will only be done after giving at least 14 days notice to the Police Authority.

The security levels at any event will be dependent on the risk assessment and such number as is agreed shall become a condition of the Premises Licence for that particular event through the SAG process.

A programme of monthly events to be made available to adjacent tenants on a regular basis prior to the events taking place.

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

The Licence Holder shall ensure that a fixed camera will be placed on the outside of the premises at the entrance with the ability to monitor any queue and the Door staff to augment the fixed camera and monitor any queue.

The Licence Holder will make adequate provisions for monitoring and controlling the number of persons entering the licensed premises and any temporary structures within it. The Licence Holder will make all necessary arrangements by way of fencing, gate systems, security and other provisions to prevent unauthorised access to the licensed premises.

The Licence Holder shall ensure that continuous discussions between West Midlands Police Force, the appointed security/stewarding company and the event organisers will take place prior to and during the period that the Event is taking place to ensure that all means possible are employed to prevent crime and disorder. Operational plans will be drawn up between the Event organisers and the West Midlands Police Force taking into account the experience of previous events in this location.

The Licence Holder will ensure that individuals who are drunk, disorderly or both will not be permitted access to the premises.

The premises must operate an incident book and record all incidents that occur inside and immediately outside premises. The Incident book can be inspected at any time by any regulatory body.

All training records for all staff, in regard to drunkenness, and for the protection from harm for children to be maintained and to be available upon request from any regulatory body.

Premise to operate a drugs policy, and lost / found property policy. Copies of both to be supplied to Licensing Department Steelhouse Lane Police Station.

Venue to ensure the entrance area together with queuing area are sufficiently lit.

The premises is to maintain door staff profiles for all door staff working at the premises, and for any door staff

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that have worked on the premises in the last three months. The door staff profile will consist of identification for the member of staff: a copy of his/her SIA badge, Passport or Driving Licence. If the proof of identification is anything other than the photo driving Licence, then the member of staff will need proof of address, which must be a copy of a utility bill and be dated within the last six months.

Door supervisors stationed outside the front of the premises will wear hi-visibility jackets/coats, and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear hi-visibility waist coats, again with their SIA badge held in a clear arm sleeve.

A C.C.T.V. system is to be installed at the premises, including for any external areas providing regulated entertainment, to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. C.C.T.V. is to be operational whilst the premises are open and be recording continually. If a hard drive system is used the recordings are to be kept for minimum of 31 days. CCTV images to be made available to any responsible authority immediately on request. Entrance and queuing area to be covered by CCTV.

Premise must supply a full month's list of events in writing to Licensing Department at Steelhouse Lane Police Station, a month in advance.

If the premises use any new promoter for any event, then for the first event the Designated Premises Supervisor for the premises will arrange to meet Steelhouse Lane Police Station Licensing Department at least 28 days before the first event, with risk assessments for the event. The premises will not hold any new events without the agreement of Steelhouse Lane Licensing Department. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event on the premises licence.

Premises to supply a risk assessment for all events held at premises. 28 days notice is required, unless otherwise agreed with West Midlands Police, Licensing Department at Steelhouse Lane Police Station. Included in risk assessment is a search policy which will reflect the event risk and Security deployment plan.

If the premises wish to operate past 0400hrs, the premises must inform the Licensing Department at Steelhouse Lane Police Station, in writing, a minimum of 28 days in advance. West Midlands Police have a power of veto, if it's believed that any of the four Licensing Objectives may be breached.

The premises will adopt the Challenge 25 scheme, with appropriate signage. The premise must also record the number of refusals in a refusals book.

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

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly. Adoption of best practices, e.g. National Alcohol Harm Reduction Strategy.

The Licence Holder shall ensure that the maximum number of persons on the premises at any one time, including external areas provided regulated entertainment, shall not exceed the number agreed with West Midlands Fire Service and West Midlands Police and fixed at any individual SAG meeting for each event and such capacity will not be exceeded.

At any time that regulated entertainment is taking place at the venue there shall be at least three SIA badged doorstaff covering each of the three fire exits from the rear of the premises and they shall all be fully covered by CCTV cameras.

A suitable and sufficient written fire risk assessment to satisfy the Regulatory Reform (Fire Safety) Order 2005 shall be carried out annually and produced to the requirements of West Midlands Fire Service.

A health and safety risk assessment is to be carried out immediately and thereafter annually.

The premises shall not open until West Midlands Fire Service have inspected and are satisfied.

Any external areas not included in the licensable area will be properly fenced off and delineated whenever licensable activities are being provided to the satisfaction of Environmental Health.

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All external areas will be properly lit to the satisfaction of Environmental Health.

The Premises will undertake a risk assessment prior to each occasion when the external area will be used for regulated entertainment.

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

The Licence Holder shall ensure the conduct of patrons leaving premises will be supervised and monitored to minimise potential nuisance. Similarly, conduct of the general public in the vicinity will be monitored and the Police advised of inappropriate behaviour/unlawful activity.

The Licence Holder will comply with any reasonable requirements as to noise made during the event by the appropriate Responsible Authority.

The Licence Holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood and in any case, will ensure that the noise levels from the event during the times authorised by this licence shall not exceed levels set at neighbouring occupied residential properties that will be agreed with Responsible Authorities.

The Licence holder shall ensure that whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in the nearest noise sensitive or residential premises.

Noise propagation tests will be undertaken, during which the sound systems will be configured and operated in a similar manner as intended for the relevant Event. The sound sources used for the test shall be similar in character to the music likely to be produced during the relevant Event. Appropriate control limits at each sound mixer position and adjustments to sound amplification equipment will be agreed as a result of the testing to the satisfaction of the appropriate Responsible Authority.

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

Premises to operate a drugs policy and lost / found property policy. Copies of both to be supplied to the Licensing Department. Steelhouse Lane Police Station.

The premises shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry to the premises who appears to be under 25 will be asked for photographic ID to prove their age.

No persons under the age of 18 years of age shall be permitted in any circumstances into these licensed premises while they are being used for licensable activities.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee A having considered a review application in respect of fly-posting resolved on the 14th November 2016 to modify the conditions of the premises licence as per the conditions agreed between all parties in advance of the hearing and as detailed in the public nuisance objective below. The conditions do not take effect until the end of the 21 days for appealing the decision.

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

1. The premises licence holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The premises licence holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The Premises License Holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.
3. the premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.
4. The premises licence holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council, its agent(s) or West Midlands Police of an illegal advertisement being displayed. Such removal shall take place within 48 hrs of receiving the said notice. If this is unachievable the licence holder should contact The Head of Environmental Health to discuss actions being taken and to agree a revised reasonable time frame.

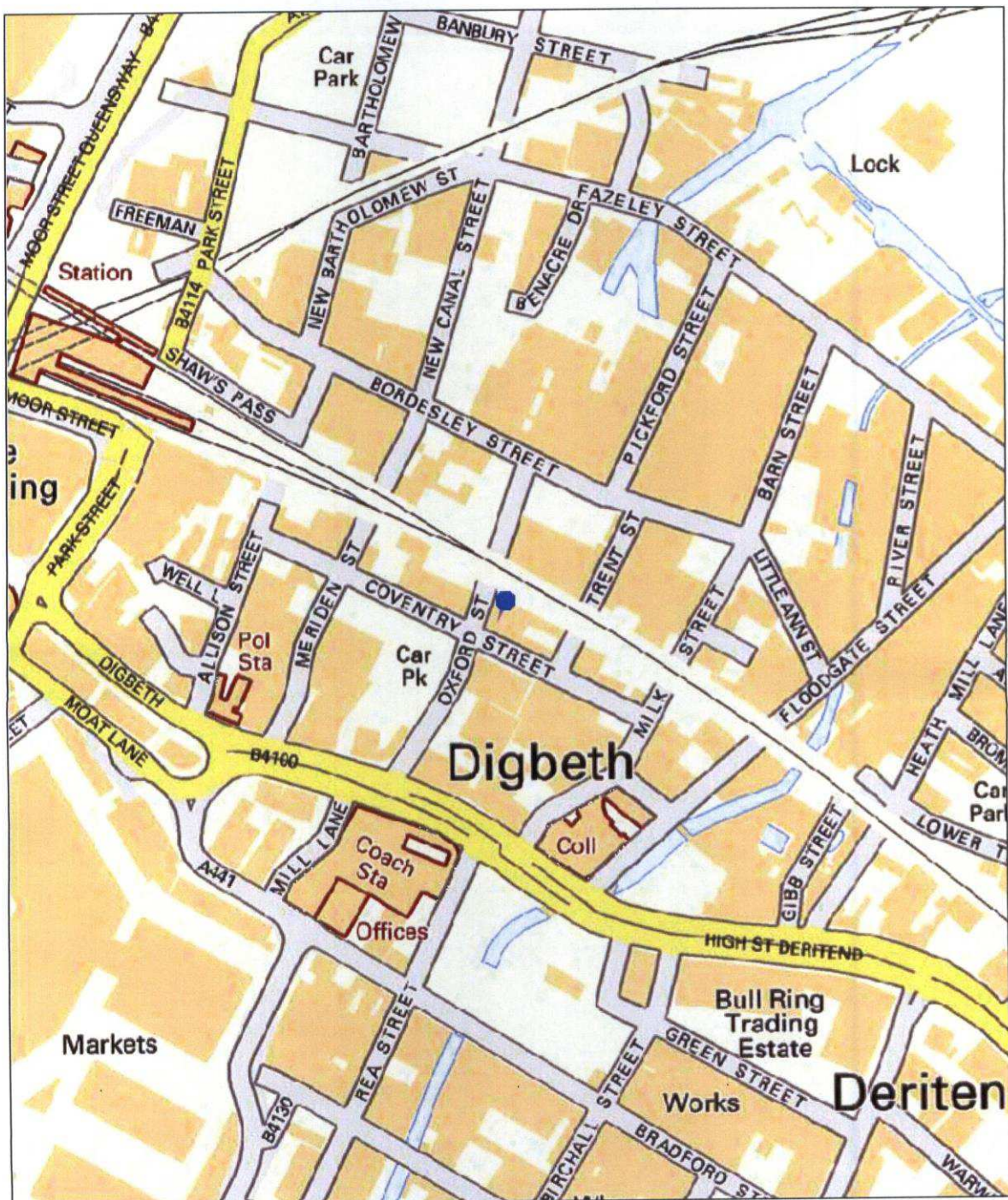
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **98947-4159/3** 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

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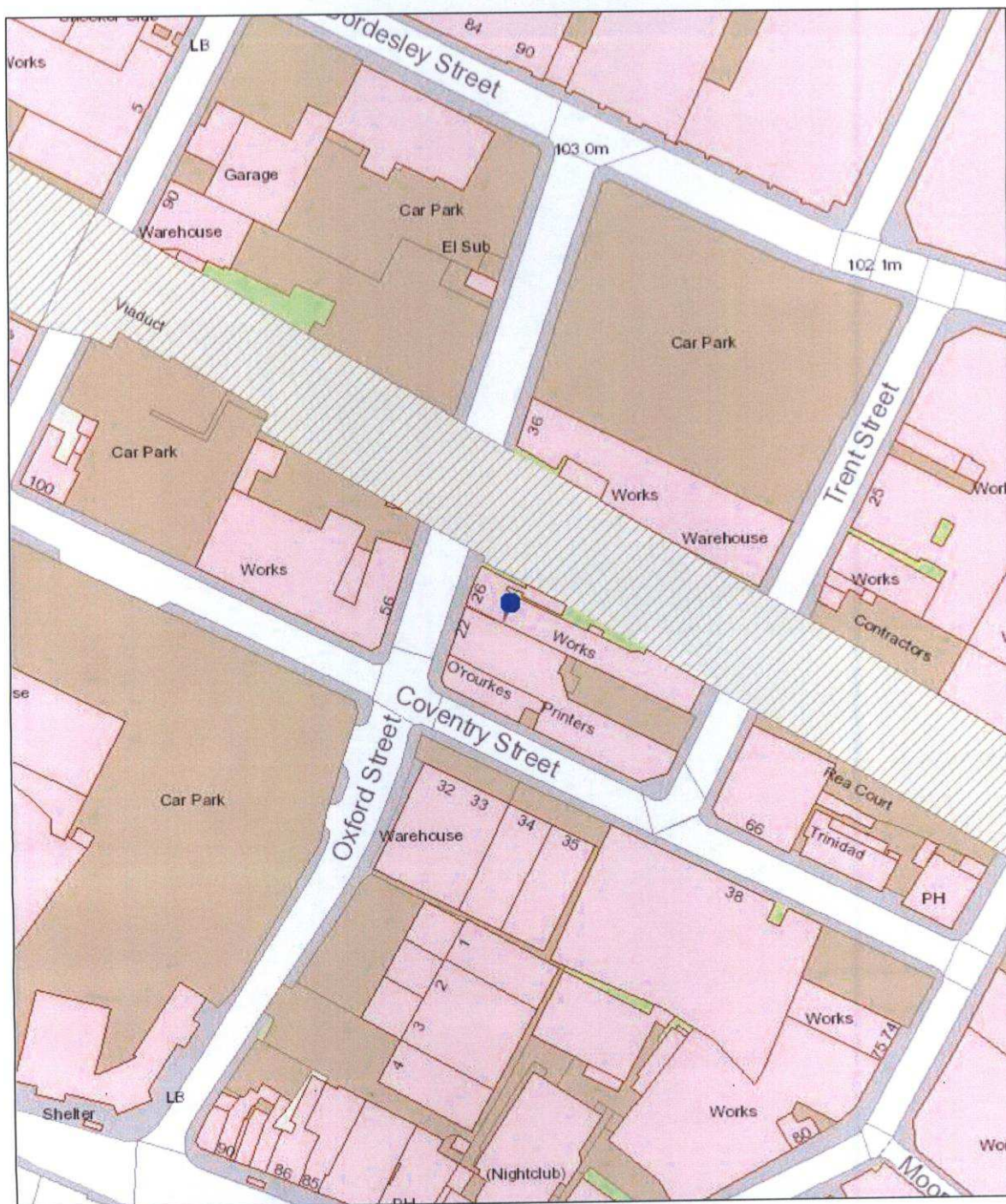
Notes

Date of Map Creation: 03/08/2018



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Date of Map Creation: 03/08/2018

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 1:1,250

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 8th August 2018
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Lab 11, 26 Oxford Street, Birmingham, B5 5NR
Ward affected:	Bordesely and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:
To consider the objection to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises only) and the provision of regulated entertainment on Sunday 19 th August 2018 to operate from 03:30am to 09:00am.

2. Recommendation:
To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:
A Temporary Event Notice was received on 27 th July 2018 in respect of Lab 11, 26 Oxford Street, Birmingham, B5 5NR.
An objection notice has been received from West Midlands Police.

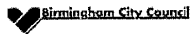
4. Compliance Issues:
When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City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

5. Relevant background/chronology of key events:
<p>Mr William Power submitted on 27th July 2018 a Temporary Event Notice in respect of Lab 11, 26 Oxford Street, Birmingham, B5 5NR.</p> <p>The Temporary Event Notice is attached, see Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site location plans are attached, see Appendix 4.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> 1. The prevention of crime and disorder 2. public safety 3. The prevention of public nuisance; and 4. The protection of children from harm <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>

6. List of background documents:
<p>Temporary Event Notice, attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Premises Licence, attached at Appendix 3.</p> <p>Site location plans, Appendix 4.</p>

7. Options available
<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>

Appendix 1



Birmingham
Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 9

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

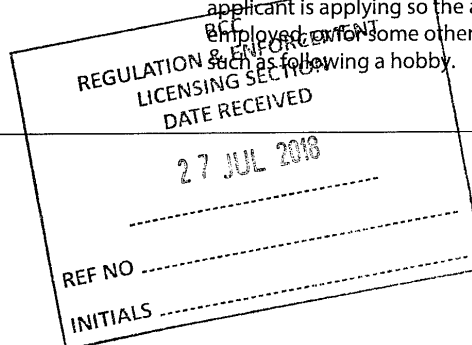
Other telephone number

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

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
- ☒ Applying as an individual

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



Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Agent Details

First name	<input type="text" value="Duncan"/>
Family name	<input type="text" value="Craig"/>
E-mail address	<input type="text" value="duncan.craig@bt.com"/>
Main telephone number	<input type="text"/> Include country code.
Other telephone number	<input type="text"/>

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

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

Building number or name	<input type="text" value="Citadel Chambers"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 9

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

Continued from previous page...

Have you had any previous or maiden names?

☐ Yes

☒ No

Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Correspondence Address

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

☐ Yes

☒ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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

Does the premises have an address?

☒ Yes

☐ No

Continued from previous page...

Address

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

☐ Yes

☒ No

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

Building number or name

Lab 11

Street

26 Oxford Street

District

City or town

Birmingham

County or administrative area

Postcode

B5 5NR

Country

United Kingdom

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

☐ Neither

☒ Premises licence

☐ Club premises certificate

Premises licence number

4159

Location Details

Provide further details about the location of the event

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, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

N/A

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

Nightclub

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

After Party

Continued from previous page...

Section 4 of 9

LICENSABLE ACTIVITIES

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

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

19 / 08 / 2018
dd mm yyyy

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

Event end date

19 / 08 / 2018
dd mm yyyy

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

03:30 - 09:00

(see also guidance on completing the form, note 10)

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

499

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
(see also guidance on completing the form, note 12):

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

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

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue

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dd		mm		yyyy			

Any further relevant details

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

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? ☒ Yes ☐ No

Continued from previous page...

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

10

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

Section 8 of 9

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

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

☐ Yes ☒ No

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

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

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

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

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:

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

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

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

Full name

Duncan Craig

Capacity

Barrister and Duly Authorised Agent

Date

27 / 07 / 2018
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Appendix 2

From: bw licensing
Sent: 02 August 2018 14:40
To: Licensing
Cc: bw licensing
Subject: Lab 11 Tens 5th , 12th & 19th August 18
Attachments: Lab 11 TEN 659964-05.08.2018.pdf; Lab 11 TEN 659963-12.08.2018.pdf; Lab 11 TEN 659964-19.08.2018.pdf

Good Afternoon Licensing,

West Midlands Police wish to make an objection to the TEN applications for Lab 11, 26 Oxford Street B5 5NR on 5th , 12th and 19th August 2018. The objection is made under the crime & disorder and public safety licensing objectives.

The premises have been asked to supply proof that they have informed West Midlands Police 28 days prior to them wishing to operate past 04.00hrs, as per their premises licence conditions. This has not been forthcoming and West Midlands Police can only presume that the TEN applications were to circumvent this condition on their premises licence.

The premises were also asked for a risk assessment for each event (providing they had in fact informed WMP) as the TEN application lacked detail. These has also not been received by West Midlands Police.

Regards

Birmingham Central Licensing Team

West Midlands Police HQ
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4159 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
LAB 11 26 Oxford Street Digbeth	
Post town:	Post Code:
Birmingham	B5 5NR
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
D	Boxing or wrestling entertainment
E	Live music
F	Recorded music
G	Performances of dance
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Saturday	19:00	-	07:00 A , B , C , D , E , F , G , H , M1
	23:00	-	05:00 L
Sunday	12:00	-	02:00 A , B , C , D , E , F , G , H , M1
	23:00	-	02:00 L
Bank Holidays same hours as Sundays	12:00	-	02:00 B , C , D , E , F , G , H , M1
	23:00	-	02:00 L

The opening hours of the premises			
Monday - Saturday	19:00	-	07:00
Sunday	12:00	-	02:00
Bank Holidays same hours as Sundays	12:00	-	02:00

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<p>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</p> <p>On Supplies Only</p>

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Part 2

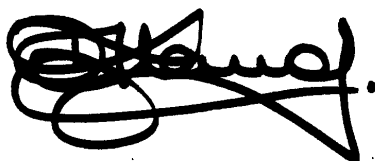
Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
Post town:	Post Code:
Telephone Number: Not Specified	
Email Not Specified	

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

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

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

Dated 01/11/2016



David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

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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

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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 Licence Holder shall ensure there will be no encouragement of excessive drinking or irresponsible sale of cheap promotional drinks.

The number of Personal Licence holders on the premises when operational shall be at least two or such other number as is agreed from time to time with West Midlands Police.

The operator will call a Safety Advisory Group (SAG) Meeting and there is a power of veto of any event where the SAG is not able to set conditions or operation which satisfy the licensing objectives. Any conditions set during the SAG meeting shall become licensing conditions for that event and they must be kept in writing on the premises during the event and available for inspection by all statutory bodies.

The Licence Holder shall ensure that both the DPS and/or a senior manager and the promoter, if any, will be in attendance at the SAG meeting.

The Licence Holder shall ensure that if any adult entertainment is introduced to the premises, then it will only be done after giving at least 14 days notice to the Police Authority.

The security levels at any event will be dependent on the risk assessment and such number as is agreed shall become a condition of the Premises Licence for that particular event through the SAG process.

A programme of monthly events to be made available to adjacent tenants on a regular basis prior to the events taking place.

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

The Licence Holder shall ensure that a fixed camera will be placed on the outside of the premises at the entrance with the ability to monitor any queue and the Door staff to augment the fixed camera and monitor any queue.

The Licence Holder will make adequate provisions for monitoring and controlling the number of persons entering the licensed premises and any temporary structures within it. The Licence Holder will make all necessary arrangements by way of fencing, gate systems, security and other provisions to prevent unauthorised access to the licensed premises.

The Licence Holder shall ensure that continuous discussions between West Midlands Police Force, the appointed security/stewarding company and the event organisers will take place prior to and during the period that the Event is taking place to ensure that all means possible are employed to prevent crime and disorder. Operational plans will be drawn up between the Event organisers and the West Midlands Police Force taking into account the experience of previous events in this location.

The Licence Holder will ensure that individuals who are drunk, disorderly or both will not be permitted access to the premises.

The premises must operate an incident book and record all incidents that occur inside and immediately outside premises. The Incident book can be inspected at any time by any regulatory body.

All training records for all staff, in regard to drunkenness, and for the protection from harm for children to be maintained and to be available upon request from any regulatory body.

Premise to operate a drugs policy, and lost / found property policy. Copies of both to be supplied to Licensing Department Steelhouse Lane Police Station.

Venue to ensure the entrance area together with queuing area are sufficiently lit.

The premises is to maintain door staff profiles for all door staff working at the premises, and for any door staff

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that have worked on the premises in the last three months. The door staff profile will consist of identification for the member of staff: a copy of his/her SIA badge, Passport or Driving Licence. If the proof of identification is anything other than the photo driving Licence, then the member of staff will need proof of address, which must be a copy of a utility bill and be dated within the last six months.

Door supervisors stationed outside the front of the premises will wear hi-visibility jackets/coats, and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear hi-visibility waist coats, again with their SIA badge held in a clear arm sleeve.

A C.C.T.V. system is to be installed at the premises, including for any external areas providing regulated entertainment, to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. C.C.T.V. is to be operational whilst the premises are open and be recording continually. If a hard drive system is used the recordings are to be kept for minimum of 31 days. CCTV images to be made available to any responsible authority immediately on request. Entrance and queuing area to be covered by CCTV.

Premise must supply a full month's list of events in writing to Licensing Department at Steelhouse Lane Police Station, a month in advance.

If the premises use any new promoter for any event, then for the first event the Designated Premises Supervisor for the premises will arrange to meet Steelhouse Lane Police Station Licensing Department at least 28 days before the first event, with risk assessments for the event. The premises will not hold any new events without the agreement of Steelhouse Lane Licensing Department. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event on the premises licence.

Premises to supply a risk assessment for all events held at premises. 28 days notice is required, unless otherwise agreed with West Midlands Police, Licensing Department at Steelhouse Lane Police Station. Included in risk assessment is a search policy which will reflect the event risk and Security deployment plan.

If the premises wish to operate past 0400hrs, the premises must inform the Licensing Department at Steelhouse Lane Police Station, in writing, a minimum of 28 days in advance. West Midlands Police have a power of veto, if it's believed that any of the four Licensing Objectives may be breached.

The premises will adopt the Challenge 25 scheme, with appropriate signage. The premise must also record the number of refusals in a refusals book.

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

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly. Adoption of best practices, e.g. National Alcohol Harm Reduction Strategy.

The Licence Holder shall ensure that the maximum number of persons on the premises at any one time, including external areas provided regulated entertainment, shall not exceed the number agreed with West Midlands Fire Service and West Midlands Police and fixed at any individual SAG meeting for each event and such capacity will not be exceeded.

At any time that regulated entertainment is taking place at the venue there shall be at least three SIA badged doorstaff covering each of the three fire exits from the rear of the premises and they shall all be fully covered by CCTV cameras.

A suitable and sufficient written fire risk assessment to satisfy the Regulatory Reform (Fire Safety) Order 2005 shall be carried out annually and produced to the requirements of West Midlands Fire Service.

A health and safety risk assessment is to be carried out immediately and thereafter annually.

The premises shall not open until West Midlands Fire Service have inspected and are satisfied.

Any external areas not included in the licensable area will be properly fenced off and delineated whenever licensable activities are being provided to the satisfaction of Environmental Health.

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All external areas will be properly lit to the satisfaction of Environmental Health.

The Premises will undertake a risk assessment prior to each occasion when the external area will be used for regulated entertainment.

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

The Licence Holder shall ensure the conduct of patrons leaving premises will be supervised and monitored to minimise potential nuisance. Similarly, conduct of the general public in the vicinity will be monitored and the Police advised of inappropriate behaviour/unlawful activity.

The Licence Holder will comply with any reasonable requirements as to noise made during the event by the appropriate Responsible Authority.

The Licence Holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood and in any case, will ensure that the noise levels from the event during the times authorised by this licence shall not exceed levels set at neighbouring occupied residential properties that will be agreed with Responsible Authorities.

The Licence holder shall ensure that whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in the nearest noise sensitive or residential premises.

Noise propagation tests will be undertaken, during which the sound systems will be configured and operated in a similar manner as intended for the relevant Event. The sound sources used for the test shall be similar in character to the music likely to be produced during the relevant Event. Appropriate control limits at each sound mixer position and adjustments to sound amplification equipment will be agreed as a result of the testing to the satisfaction of the appropriate Responsible Authority.

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

Premises to operate a drugs policy and lost / found property policy. Copies of both to be supplied to the Licensing Department. Steelhouse Lane Police Station.

The premises shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry to the premises who appears to be under 25 will be asked for photographic ID to prove their age.

No persons under the age of 18 years of age shall be permitted in any circumstances into these licensed premises while they are being used for licensable activities.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee A having considered a review application in respect of fly-posting resolved on the 14th November 2016 to modify the conditions of the premises licence as per the conditions agreed between all parties in advance of the hearing and as detailed in the public nuisance objective below. The conditions do not take effect until the end of the 21 days for appealing the decision.

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

1. The premises licence holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The premises licence holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The Premises License Holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.
3. the premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.
4. The premises licence holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council, its agent(s) or West Midlands Police of an illegal advertisement being displayed. Such removal shall take place within 48 hrs of receiving the said notice. If this is unachievable the licence holder should contact The Head of Environmental Health to discuss actions being taken and to agree a revised reasonable time frame.

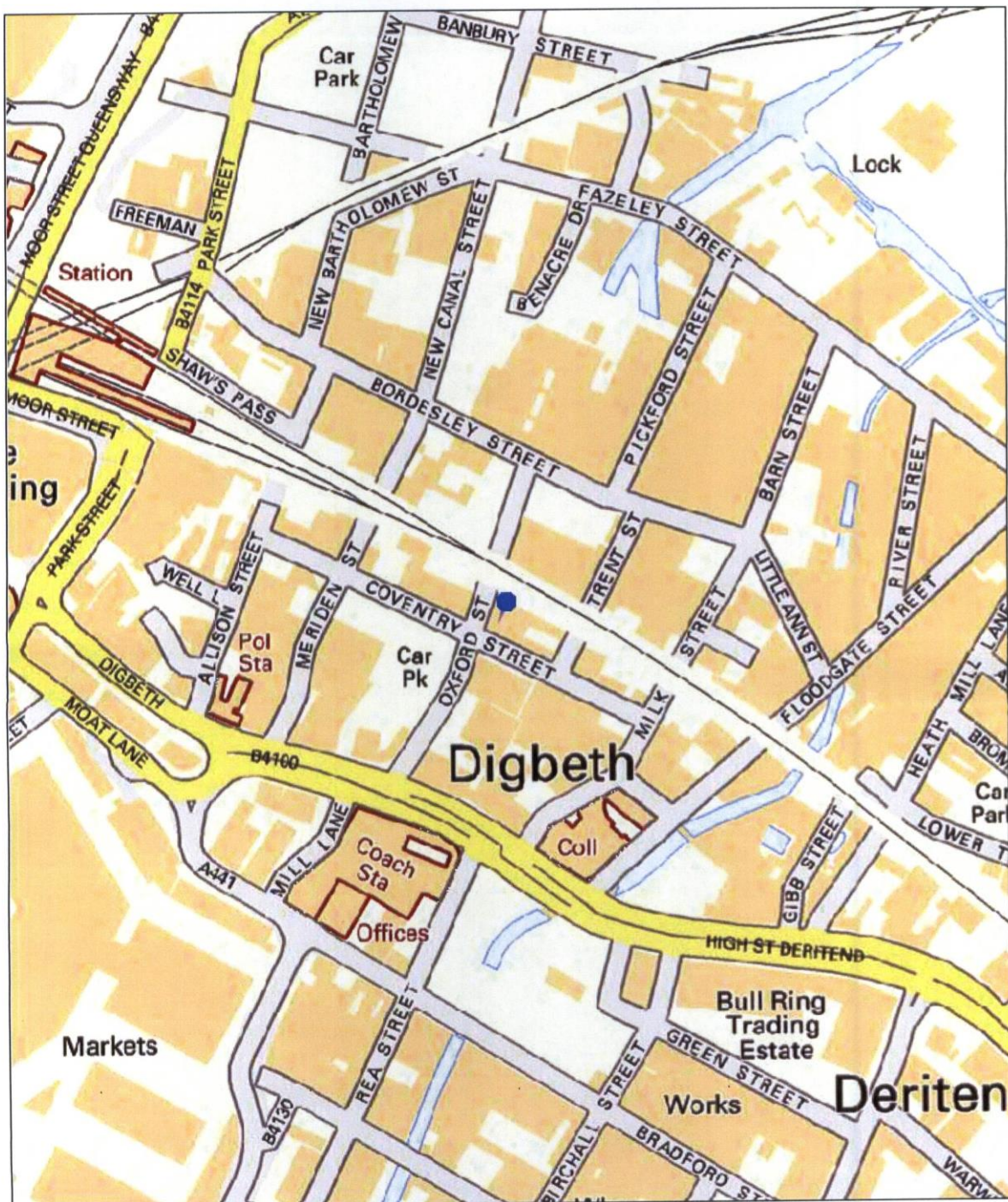
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **98947-4159/3** 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

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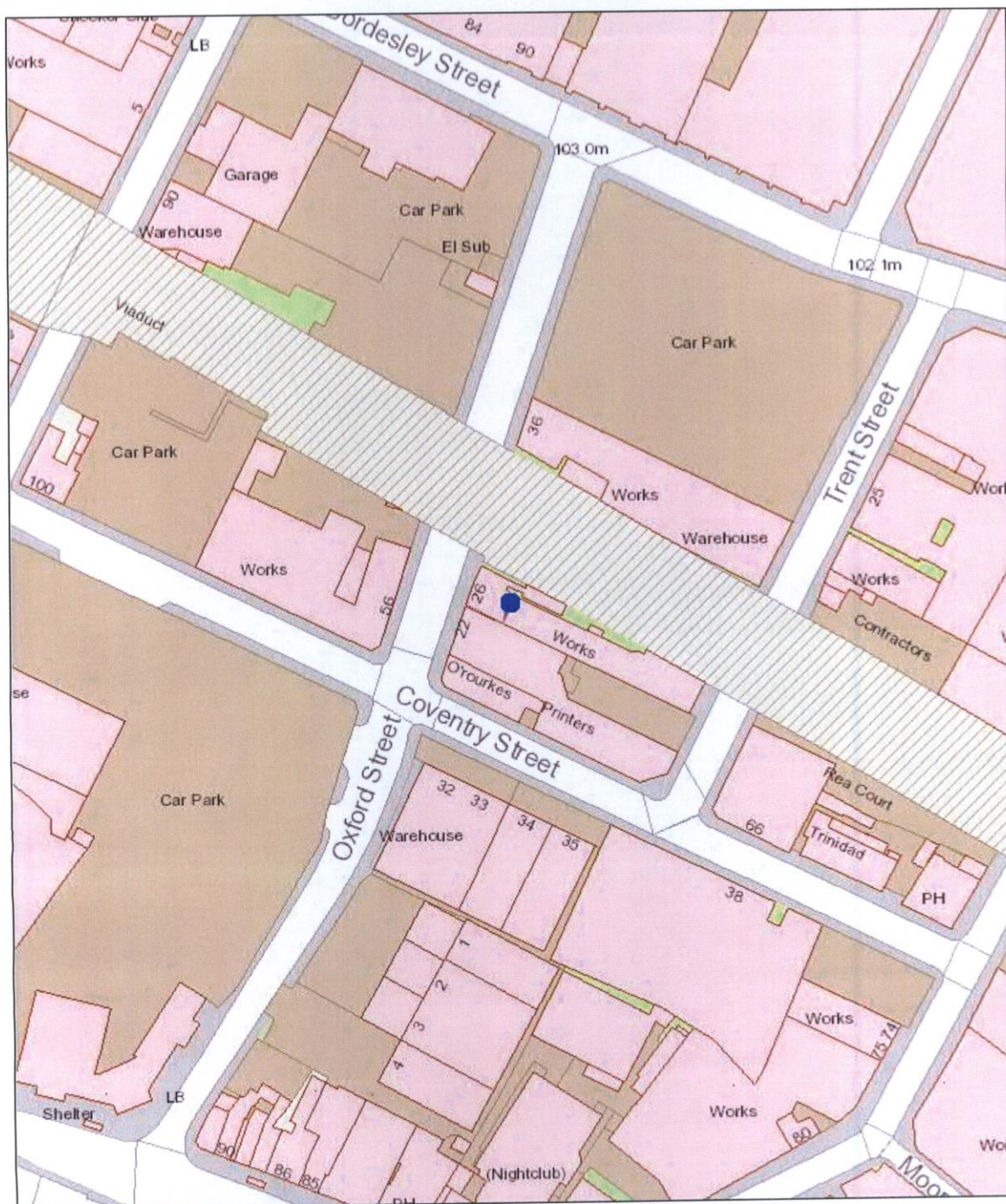
Date of Map Creation: 03/08/2018

Notes



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Date of Map Creation: 03/08/2018

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