

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 27th November 2018
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Arch 7, Lower Trinity Street, Birmingham, B9 4AG
Ward affected:	Bordesely and Highgate
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection to a Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption both on and off the premises), the provision of regulated entertainment and the provision of late night refreshment on Saturday 1st December 2018, to operate from 00.00midnight until 10.30am.

2. Recommendation:

To consider the objection notice made by West Midlands Police.

3. Brief Summary of Report:

A Temporary Event Notice was received on 15th November 2018 in respect of Arch 7, Lower Trinity Street, Birmingham, B9 4AG.

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:

Mr Hitesh Chauhan submitted on 15th November 2018 a Temporary Event Notice in respect of Arch 7, Lower Trinity Street, Birmingham, B9 4AG.

The Temporary Event Notice is attached, see Appendix 1.

An objection notice has been received from West Midlands Police, see Appendix 2.

Site location plans are attached, see Appendix 3.

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

However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.

Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.

Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for Arch 7, Lower Trinity Street, Birmingham, B9 4AG.

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

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

6. List of background documents:

Temporary Event Notice, attached at Appendix 1
Objection Notice from West Midlands Police, attached at Appendix 2
Site location plans, Appendix 3

7. Options available

To issue the TEN
To issue a Counter Notice



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

Temporary Event Notice

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

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

1. The personal details of premises user (Please read note 1)		
1. Your name		
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname	CHAUHAN	
Forenames	HITESH	
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)		
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)	
Surname		
Forenames		
3. Your date of birth	Day _____ Month _____ .Y _____ Year _____	
4. Your place of birth		
5. National Insurance Number		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)		
Post town E	Postcode J	
7. Other contact details		
Telephone numbers		
Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (if available)		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)		
	<table border="1"> <tr> <td style="text-align: center;"> BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 15 NOV 2018 </td> </tr> </table>	BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 15 NOV 2018
BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 15 NOV 2018		
Post town	Postcode	
9. Alternative contact details (if applicable)		
Telephone numbers:	REF NO. 009487/000747	
Daytime	INITIALS LW - E2100	
Evening (optional)		

16.11.18

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

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Arch 7 Lower Trinity Street B9 4AG	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Arch	
Please describe the nature of the event below. (Please read note 5)	
Tekno Disco – After Party	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
01.12.18	

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
00:00 – 10:30		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		300
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>

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

4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	BIRMINGHAM	
Licence number	17092	
Date of issue	10/10/2015	
Date of expiry	N/A	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	32	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

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

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

9. Declarations (Please read note 18)

<p>The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	15.10.2018
Name of Person signing	HITESH CHAUHAN

For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	16.11.18
Name of Officer signing	

NOTES

General

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

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

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

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);

From: bw licensing
Sent: 16 November 2018 09:37
To: Licensing; Pollution Team
Cc:
Subject: FW: TENS
Attachments: Ten 01.12.18.docx

Licensing,

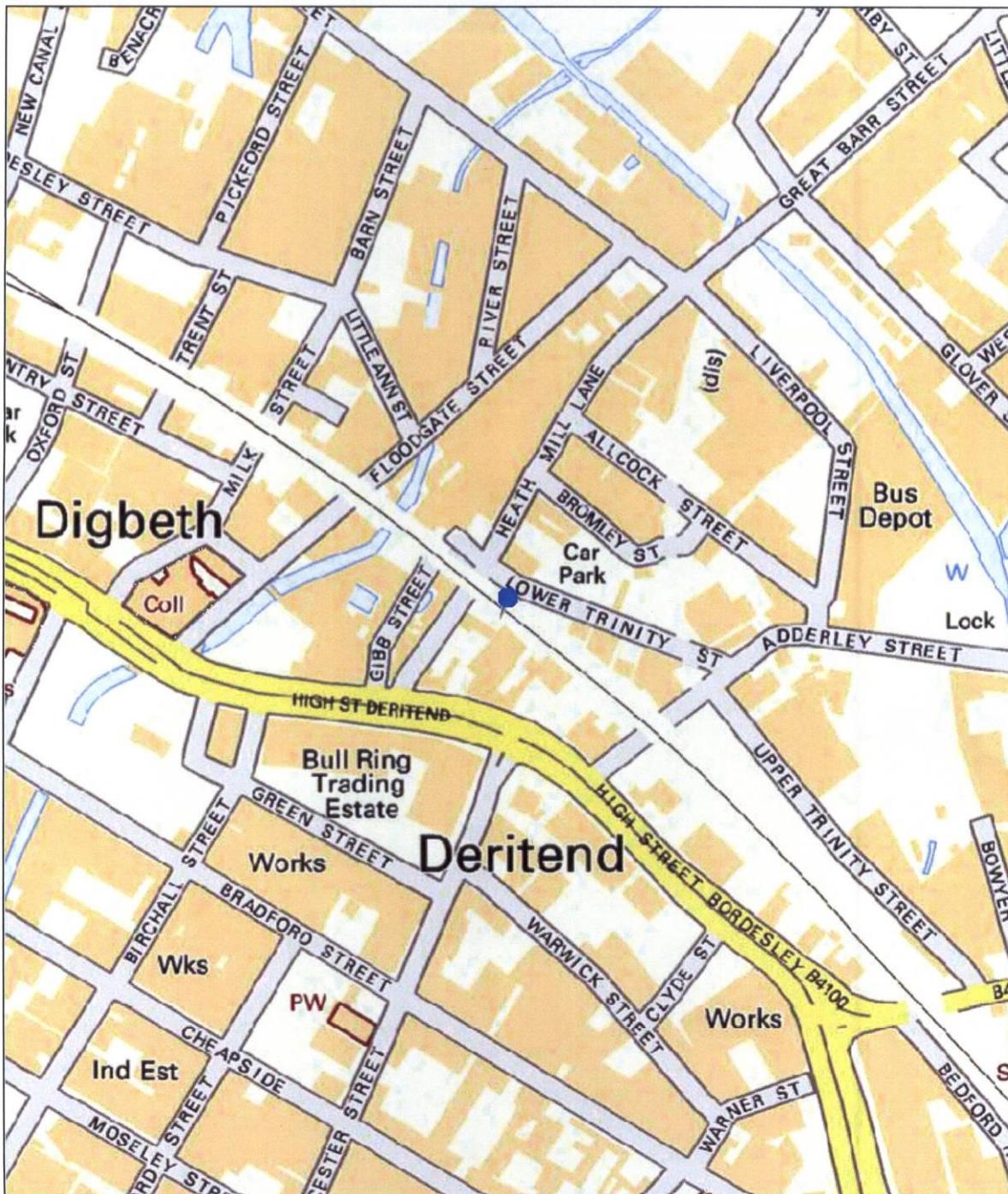
West Midlands Police wish to make representation to the grant of this temporary event notice as we do not believe that the licensing objectives prevention of crime and disorder and public nuisance.

- West Midlands Police are not satisfied that the building is a suitable location for this type of event and questions that the public safety would be put at risk.
- The police are also not satisfied that there has not been a full risk assessment carried out for alcohol to be served for such a length of time and in particular until 10:30am.
- Again, from previous Tens applied for at this location the police are not satisfied that the whole of this building known as Monastery will also being used and believe that the applicant is circumventing the conditions already in place for the Monastery.

For these reasons the police are requesting this Ten is not granted.

Regards

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



Birmingham City Council

Map Created By:

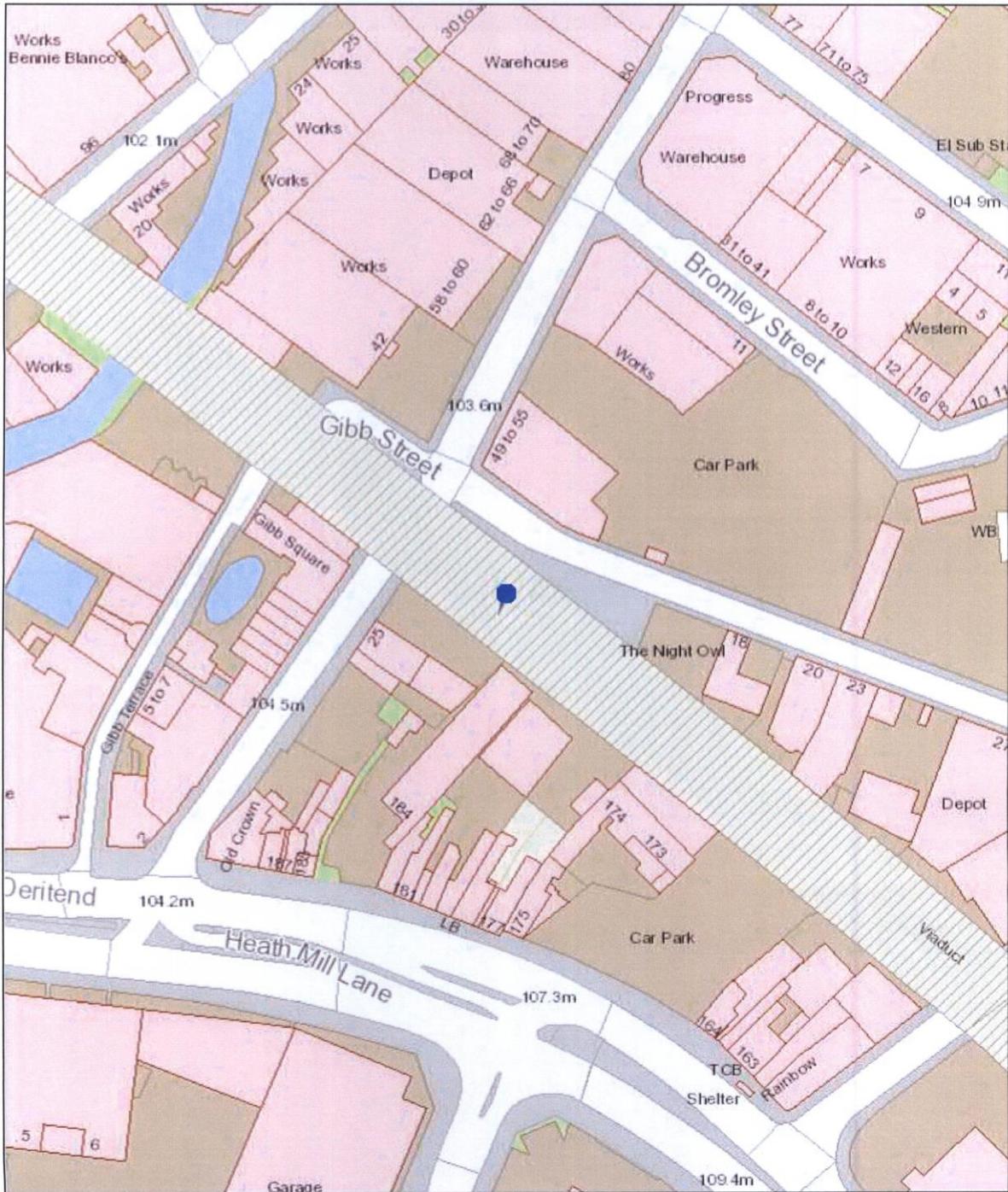
Notes

Date of Map Creation: 19/11/2018



Scale:
1:4,000

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Birmingham City Council Map Created By:

Notes

Date of Map Creation: 19/11/2018



Scale:
1:1,250

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