

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation and Enforcement
Date of Meeting:	Wednesday 16th June 2021
Subject:	Licensing Act 2003 Temporary Event Notice
Premises:	Lord Street Car Park, Proctor Street, Birmingham, B7 4ED
Ward affected:	Nechells
Contact Officer:	Shaid Yasser, Senior Licensing Officer licensing@birmingham.gov.uk

1. Purpose of report:

To consider the objection notices to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption off the premises), the provision of regulated entertainment and late night refreshment, to operate from 6:00pm until 3:00am on 19th June 2021 to 21st June 2021.

2. Recommendation:

To consider the objection notices made by West Midlands Police and Environmental Health.

3. Brief Summary of Report:

A Temporary Event Notice was submitted by Bobby Dhunay and received on 4th June 2021 in respect of Lord Street Car Park, Proctor Street, Birmingham, B7 4ED.

Objection notices have been received from West Midlands Police and Environmental Health.

4. Compliance Issues:

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

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

A Temporary Event Notice was submitted on 4th June 2021 by Bobby Dhunay, in respect of Lord Street Car Park, Proctor Street, Birmingham, B7 4ED, which was served on the responsible authorities on 4th June 2021.

The Temporary Event Notice is attached at Appendix 1.

Objection notices have been received from West Midlands Police and Environmental Health, see Appendices 2 & 3.

Site location plans are attached, see Appendix 4.

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

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

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

Conditions may only be applied if the TEN is in connection with licensable activities at licensed premises. It must be noted a Premises Licence is not currently in force for Lord Street Car Park, Proctor Street, Birmingham, B7 4ED.

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

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

6. List of background documents:

Temporary Event Notice, attached at Appendix 1.

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

Site location plans, Appendix 4.

7. Options available

To issue the TEN

To issue a Counter Notice



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

Main telephone number Include country code.

Other telephone number

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

Are you:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.

VAT number Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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

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

Continued from previous page...

Additional Contact Details

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

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.

☒ Yes

☐ No

E-mail

Telephone number

Other telephone number

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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

Address

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

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.

☐ Yes

☒ No

* 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

Location Details

* Provide further details about the location of the event

It will be held in the car park as a open outdoor 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 [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

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

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

We will have around 4 UK artists which will be performing live on the deck to the clients in the car park.

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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

Continued from previous page...

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

18:00-03:00

[\(see also guidance on completing the form, note 10\)](#)

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

250

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

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

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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

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- ☐ Yes ☒ No

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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...

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?

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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

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

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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)																	
<ul style="list-style-type: none">* 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. <p><input checked="" type="checkbox"/> Ticking this box indicates you have read and understood the above declaration</p> <p>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?"</p> <table><tr><td>* Full name</td><td><input type="text" value="Bobby Dhunay"/></td></tr><tr><td>* Capacity</td><td><input type="text" value="Director"/></td></tr><tr><td>* Date</td><td><table><tr><td><input type="text" value="04"/></td><td>/</td><td><input type="text" value="06"/></td><td>/</td><td><input type="text" value="2021"/></td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table></td></tr></table> <div>Add another signatory</div> <p>Once you're finished you need to do the following:</p> <ol style="list-style-type: none">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. <p>Don't forget to make sure you have all your supporting documentation to hand.</p>		* Full name	<input type="text" value="Bobby Dhunay"/>	* Capacity	<input type="text" value="Director"/>	* Date	<table><tr><td><input type="text" value="04"/></td><td>/</td><td><input type="text" value="06"/></td><td>/</td><td><input type="text" value="2021"/></td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table>	<input type="text" value="04"/>	/	<input type="text" value="06"/>	/	<input type="text" value="2021"/>	dd		mm		yyyy
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dd		mm		yyyy													

From: Huram Taj
Sent: 09 June 2021 09:25
To: Licensing
Cc: Martin Key
Subject: RE: [External]: TEN: Lord Street Car Park, Proctor Street, Birmingham, B7 4ED

Good Morning Licensing,

West Midlands Police have reviewed the proposed TEN application at **Lord Street Car Park Proctor Street, Birmingham, B7 4ED** and agree with environmental in **Objecting** this application.

The Objection is on the grounds of undermining the licensing objectives namely the prevention of crime and disorder, public safety and public nuisance.

The applicant has been contacted with documents requested to further understand how the event will promote the Licensing objectives.

These documents/information have not been supplied and therefore leave us with no other option but to object.

Kind Regards

Huram Taj 60679
Licensing Department
Birmingham Partnerships Team:Lloyd House Birmingham: West Midlands Police

From: Martin Key
Sent: 08 June 2021 16:50
To: Anas Safeer, Licensing Online
Cc: bobby; bw_licensing; Hiram Taj
Subject: RE: TEN for event on 19-21 June 2021

Hi

Unfortunately given the short timescales available for us to review TENs applications I am not able to delay my response. As a representative of Environmental Health acting as a Responsible Authority, I hereby object to the TEN submitted by Bobby Dhunay of Lunar Lounge Limited for an outdoor event on 19 to 21 June 2021 on Lord Street Car Park between the hours of 18.00 and 03.00. I have reviewed the application and asked for clarification of a number of points which have not yet been clarified but based on information available I have concluded that the proposed activities would undermine the licensing objectives namely the prevention of public nuisance, the prevention of crime and disorder and the protection of public safety.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Protection Unit
Regulation & Enforcement
City Operations Directorate
Birmingham City Council



