

Agenda

Licensing Sub Committee 2

Thursday, 27 July 2023 at 10.00 am
At Committee Room 1 - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence 5 - 6

To receive any apologies for absence.

2 Declarations of Interest 7 - 8

Members to declare any interests in matters to be discussed at the meeting.

3 Objection to a Temporary Event Notices for Blue Mountain Grill, 53 Great Bridge Street, Tipton, DY4 7HF 9 - 40

To consider an objection application to a Temporary Event Notices for Blue Mountain Grill, 53 Great Bridge Street, Tipton, DY4 7HF.



Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution
Councillor Fenton (Chair)
Councillors Davies, A Hussain, J Singh and Weston

Contact: democratic_services@sandwell.gov.uk

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Licensing Sub Committee 3

Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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Licensing Sub Committee 2

Declarations of Interests

Members to declare any interests in matters to be discussed at the meeting.



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Report to Licensing Committee

Thursday 27 July 2023

Subject:	Objection to a Temporary Event Notices for Blue Mountain Grill, 53 Great Bridge Street, Tipton, DY4 7HF
Director:	Director – Borough Economy – Alice Davey
Contact Officer:	Geeta Bangerh Licensing Officer licensing_team@sandwell.gov.uk

1. Recommendations

1. Consider the objection made by West Midlands Police for a Temporary Event Notice given by Mr Harold Reid in respect of Blue Mountain Grill, 53 Great Bridge Street, Tipton, DY4 7HF.
2. Each application must be considered on it's merits taking into account the evidence presented at the hearing, and the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's Licensing Policy. The options that can be considered once evidence has been heard are detailed at paragraph 7.


2. Reasons for Recommendations

- 2.1 To consider an objection made by West Midlands Police under Section 104 of the Licensing Act 2003 in relation to a Temporary Event Notice given by Mr Harold Reid in respect of Blue Mountain Grill, 53 Great Bridge Street, Tipton, DY4 7HF.
- 2.2 The Temporary Event Notice was given on the Authority on 14th July 2023.



- 2.3 The Licensing Committee is required to consider this, as an objection has been made on the grounds of one or more of the licensing objectives and determine whether the event should proceed.
- 2.4 The Licensing Committee is asked to make a decision on the Temporary Event Notice based on any evidence presented at the hearing taking into account the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy and to give reasons for their decision.

3. How does this deliver objectives of the Corporate Plan?

	<p>A strong and inclusive economy Investing in people and jobs. Licensed premises provide employment in the Borough and help to support the Borough's economy.</p> <p>It is the Authority's aim to offer a wide choice of high quality and well managed entertainment and cultural venues within a safe, orderly and attractive environment; valued by those who live here, work here and come to visit. We want to ensure that businesses operate responsibly and safely so that our residents live in decent neighbourhoods and have a good quality of life.</p>
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4. Context and Key Issues

- 4.1 Under the Licensing Act 2003, a responsible authority or any other person may make representations in respect of the application which must be relevant to one or more of the four licensing objectives, namely:
 - The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - The Protection of Children from Harm
- 4.2 West Midlands Police have objected to the notice and a copy of their objection is attached at Appendix 2.
- 4.3 The objection notice was served on the authority by the Police on 19th July 2023.



4.4 The grounds for this objection from the Police are that the applicant has not undertaken their own risk assessment of the event and additional information has not been provided as requested. This undermines licensing objectives of Prevention of Crime which states ‘Events – Local policing team and licensing officer will be informed of any events or guest DJ’s and be given 14 days notice. Details should include, the nature of the event, name, address of booking party and the number of persons attending. A full risk assessment for each event must be carried out and this will include the consideration to use SIA approved door staff’

5. CURRENT POSITION

5.1 The premises has a current premises licence, the premises licence holder and the designated premises supervisor is Mr Harold Reid, a copy of the licence is at Appendix 3.

5.2 The current premises licence

Recorded Music Indoors	12:00 – 23:00 Sunday to Wednesday 12:00 – midnight Thursday 12:00 – 01:00 Friday and Saturday To be extended 1 hour on days preceding an English bank Holiday
Late night refreshment Indoors	23:00 – midnight Thursday 23:00 – 01:00 Friday and Saturday To be extended 1 hour on days preceding an English bank holiday
Sale of alcohol for consumption on and off the premises	10:00 – 23:00 Sunday to Wednesday 10:00 – midnight Thursday 10:00 – 01:00 Friday and Saturday To be extended 1 hour on days preceding an English bank holiday



Hours premises are open to the public	08:00 – 23:30 Monday to Wednesday 08:00 – 00:30 Thursday 08:00 – 01:30 Friday to Sunday To be extended 1 hour on days preceding an English bank holiday
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5.2 A copy of the Temporary Event Notice has been attached at Appendix 1 to this report. For the assistance of members the notice is for the following:

- Notified Licensable activities
 - The provision of regulated entertainment
 - The sale by retail of alcohol
 - Late Night Refreshment

- Notified hours of licensable activities
 - 1st August 2023. At the premises between 23.00(pm) – 03.00(am).

5.3 The Temporary Event Notice is for 80 people to attend a Community Social Event at the premises.

5.4 The location and proximity to neighbouring premises can be seen on the location map provided which is attached at Appendix 4 to this report.

6. Consultation (customers and other stakeholders)

6.1 There is no public consultation for Temporary Event Notices. The notice is only sent to Environment Health and West Midlands Police and only they can object to this Temporary Event Notice.

7. Alternative Options

7.1 The options available to the Licensing Committee having considered all the relevant information are as follows:

7.2 Give the premises user a counter notice if it considers it necessary for the promotion of the licensing objectives to do so.



- 7.3 If it decides to give a counter notice, this must be accompanied by a notice stating the reasons for its decision with copies of both notices being given to the Police and Environment Health.
- 7.4 If a counter-notice is not given, the premise user and the Police/ Environment Health must be given a notice of the decision
- 7.5 Where the authority decides not to give a counter notice it may impose one or more conditions on the standard temporary event notice if
- It considers appropriate for the promotion of the licensing objectives
 - the conditions are also imposed on the premises licence that has effect in respect of the same premises and
 - the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

8. Implications

Resources:	<p>There are no direct strategic resource implications associated with this application.</p> <p>In respect of Temporary Event Notice, we do not for see any issues in respect of sustainability of proposals.</p> <p>The notice relates to privately owned property.</p>
Legal and Governance:	<p>Members of the Licensing Committee when making their decision on the notice must take into account the four licensing objectives, the Guidance issued under Section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy. The premises user and objectors have the right to appeal the decision made by the Licensing Committee to the Magistrates Court by no later than 5 working days before the date on which the event begins.</p> <p>The Committee are asked to give reasons for their decision wherever possible.</p>



	Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the applicant and/or the licence holder and shall only determine the application having had an opportunity to consider all relevant facts.
Risk:	<p>The Police are a statutory consultee for all Licensing Act 2003 Temporary Event Notice.</p> <p>The Police have made an objection to this notice based on the four licensing objectives.</p> <p>Whilst full details of the notice and any objections have been shared with the committee members, only information that is in the public domain has been made available for the reports that have been made public on line, in line with data protection protocols.</p>
Equality:	The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The premises user is responsible for complying with all relevant legislation.
Health and Wellbeing:	This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.
Social Value	This is not applicable to Temporary Event Notices submitted under the Licensing Act 2003.

9. Appendices

- Appendix 1 – Temporary Event Notice (TEN)
- Appendix 2 – Police Objection
- Appendix 3 – Existing premises licence
- Appendix 4 – Location Map

10. Background Papers

- Sandwell Metropolitan Borough Council Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005



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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	Reid		
Forenames	Harold Maxwell		
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
		●	●●
4. Your place of birth		Jamaica	
5. National Insurance Number		●●●●●●●●	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
●●●●●● ●●● ●●●●			
Post town		Postcode	
●●●●		●●●●●●	
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)			

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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"/> X	
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 (Please read note 7)	<input checked="" type="checkbox"/> X	
The provision of late night refreshment	<input checked="" type="checkbox"/> X	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/> no	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	1/8/23- 2/8/23	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)		
We seek an extension from 23:00 to 3am		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	80	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/> X
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

The will be the playing of music and provision of refreshments and alcohol from the hours of 22:00pm 1/8/23 to the hours of 3:00am
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4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Sandwell Metropolitan Borough Council	
Licence number	16/000541/LAPER	
Date of issue	2	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" 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	3	
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 type="checkbox"/> X

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <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:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/> X
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"/> X
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"/> X
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 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 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 type="checkbox"/>
Made or enclosed payment of the fee for the application SZZFS01385493 - paid 14/07/2023	<input checked="" type="checkbox"/> X
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/> X

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

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	HMReid
Date	14/7/23
Name of Person signing	Harold Maxwell Reid

For completion by the licensing authority

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

Notes for Guidance

General

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

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

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

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times or, for event periods occurring wholly or partly in 2022 or 2023, 20 times a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 26 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

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

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

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

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

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

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

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

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

Note 1

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

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

Note 2

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

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

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

Note 3

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

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

Note 4

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

Note 5

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

Note 6

The licensable activities are:

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

Note 7

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

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

In terms of specific regulated entertainments please note that:

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

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

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

Note 8

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

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

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

Note 9

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

Note 10

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

Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise

you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 12

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

Note 13

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

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

Note 14

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

Note 15

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

If an event straddles two calendar years, it will count against the limits on temporary event notices for each year. However, only one notice needs to be given. The limits are:

- i. for event periods occurring wholly or partly in 2022 or 2023, up to 20 times in the calendar year for each premises;
- ii. for other event periods, 15 times in a calendar year for each premises;
- iii. for event periods (or any part of a period) occurring in 2022 or 2023, 26 days in the calendar year for each premises;
- iv. for other event periods, 21 days in a calendar year for each premises;
- v. 50 per personal licence holder each calendar year; and
- vi. 5 for non-holders each calendar year.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year),

temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

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

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

Note 16

An “associate” of the proposed premises user is:

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

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

Note 17

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

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

Note 18

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

Note 19

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

Note 20

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

From: [REDACTED]
Sent: 19 July 2023 13:45
To: Licensing Team for Alcohol & Gambling <Licensing_Team@sandwell.gov.uk>
Cc: [REDACTED]
Subject: RE: [External]: Temporary Event Notice - Blue Mountain Grill, 53 Great Bridge Street, Tipton, DY4 7HF

CAUTION: This email originated from outside of the Council / Children's Trust. Do not click links or open attachments

I refer to the attached Temporary Event Notice.

At present, West Midlands Police object to the TEN. The current Premises Licence requires notice to be given of events within 14 days. Full details of the event are needed included a risk assessment in accordance with the condition below.

Events – Local policing team and licensing officer will be informed of any events or guest DJ's and be given 14 days' notice. Details should include, the nature of the event, name, address of booking party and the number of persons attending. A full risk assessment for each event must be carried out and this will include the consideration to use SIA approved door staff.

To date the only info received is very basic and limited and states it is a Round Robin event. The application states it is for a community social event but is aware that Round Robin events are actually promoted DJ events. West Midlands Police has requested additional information and a risk assessment but nothing has been received yet.

To date with basic info and no risk assessment, West Midlands Police are unable to fully consider or assesses the event without compliance with the above condition and so WMP cannot be satisfied that the licensing objectives will be upheld.



Licensing
Sandwell LPA | West Midlands Police
Working in partnership, making communities safer
[If it's not 999, search WMP Online](#)



View all our social network links

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Part 2

LICENSABLE ACTIVITIES	
Licensable activities authorised by the licence	The times the licence authorises the carrying out of licensable activities
Recorded Music Indoors	12:00 – 23:00 Sunday to Wednesday 12:00 – midnight Thursday 12:00 – 01:00 Friday and Saturday To be extended 1 hour on days preceding an English bank holiday
Late night refreshment Indoors	23: 00 – midnight Thursday 23:00 – 01:00 Friday and Saturday To be extended 1 hour on days preceding an English bank holiday
Sale of alcohol for consumption on and off the premises	10:00 – 23:00 Sunday to Wednesday 10:00 – midnight Thursday 10:00 – 01:00 Friday and Saturday To be extended 1 hour on days preceding an English bank holiday
Hours premises are open to the public	08:00 – 23:30 Monday to Wednesday 08:00 – 00:30 Thursday 08:00 – 01:30 Friday to Sunday To be extended 1 hour on days preceding an English bank holiday

**Trading Standards and Licensing
Sandwell Council House
PO Box 2372
Oldbury B69 3BS**

Mandatory Conditions

Section 19 Licensing Act 2003

Where this licence authorises the supply of alcohol,

(1) No supply of alcohol may be made under the licence:

(a) at a time when there is no designated premises supervisor (DPS) in respect of the licence, or

(b) at a time when the DPS does not hold a personal licence or that licence is suspended

(2) Every supply of alcohol under the licence must be made or authorised by a person who holds a personal licence

Section 21 Licensing Act 2003

Where this licence includes a condition that at specified times one or more individuals must be on the premises to carry out a security activity, each such individual must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity by virtue of section 4 of that Act.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

These conditions apply to all relevant premises licences and all relevant club premises certificates authorising consumption of alcohol on the premises.

1. (1) 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.

(2) 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).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) 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.

(2) 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.

(3) 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.

4. 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.”

These conditions apply to all relevant premises licences and all relevant club premises certificates only authorising consumption of alcohol off the premises

1) 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.

(2) 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.

(3) 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 Licensing Act 2003 (Mandatory Licensing Conditions)
Order 2014

This applies to all premises where alcohol is sold or supplied for consumption on or off the premises.

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. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) “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 rate 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;
 - (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(b).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
(2) 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.

Steps premises licence holder proposes to take to promote the licensing objectives :

General

CCTV – It will be digital recorded for up to 31 days and will be made available on request to all licensing authorities. There will all be a member of staff on duty who is trained and able to show and download images from the system during opening hours. It will be in recording operation during opening hours and it will cover all licensable activity areas of the premises.

Incident Book – The premises will have an incident book and record all incidents that occur inside or immediately outside the premises, regardless of whether any of the emergency services have been called. The record of incident will include details of the member of staff involved in the incident and actions taken. Regular liaison with police will be encouraged to ensure cross-reference of venue related incidents. This incident book can be inspected at any reasonable time by all responsible authorities.

Door Supervisors – When used all SIA door staff will be recruited from a company approved on the SIA website. All details of staff will be recorded when booking on and off duty including their full name, date of birth, full 16 digit SIA number and expiry date. This record will be available on request to responsible authorities.

The prevention of crime and disorder

Events – Local policing team and licensing officer will be informed of any events or guest DJ's and be given 14 days notice. Details should include, the nature of the event, name, address of booking party and the number of persons attending. A full risk assessment for each event must be carried out and this will include the consideration to use SIA approved door staff.

Staff Training – All staff will be trained on signs of drug abuse both on persons and how to recognise signs of use on the premises. Training will also be given on signs of persons drinking to excess. All this training must be recorded on premises and be made available to responsible authority immediately on request.

Public Safety

Drinking – No drinking vessels at any time are to be taken beyond the outside perimeter of the premises as shown on the licensing plan and the premises licence holder must ensure notices are displayed in any designated outside smoking or drinking area to inform patrons of the restriction.

Capacity – Location must have full risk assessment carried out by responsible authority or company. The capacity must be assessed by West Midlands Fire Service and then displayed at the from the of the premises.

The prevention of Public Nuisance

Noise – The DPS shall ensure that noise levels arising from the premises including the smoking areas are at a level so as not to disturb local residents.

Wind Down Time – Music levels will be reduced considerably 30 minutes before last drinks are served. This will encourage customers to begin to leave the location as this will indicate the night is ending. It will also reduce noise leaving the location through the opening and closing of the main door when customers leave.

Signage – Signage displaying to customers to “Respect local residents, please leave quietly” to be on display around location and especially at the exits and smoking areas.

The protection of children from harm

Challenge 25 Policy – Location will promote Challenge 25 policy by and training staff on different ID methods. This training will be recorded on premises.

Children – All persons under the age of 18 will be monitored by a parent/guardian of a minimum age of 21 at all times with at least one adult for every two persons.

Conditions consistent with the Operating Schedule

NONE

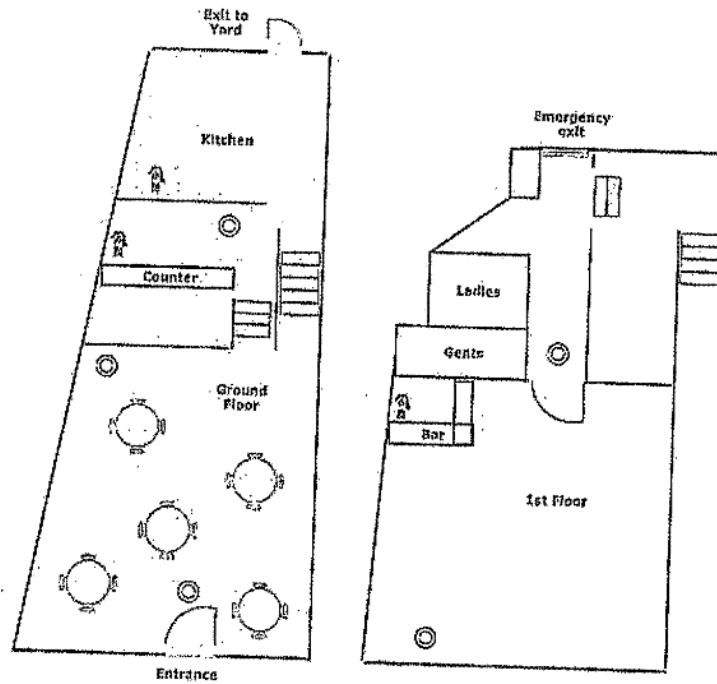
Annex 3

Conditions attached after a hearing by the licensing authority

NONE

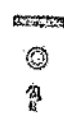
Plans

The plan attached to this licence has been prepared by PMB licensing and is held by Sandwell MBC.

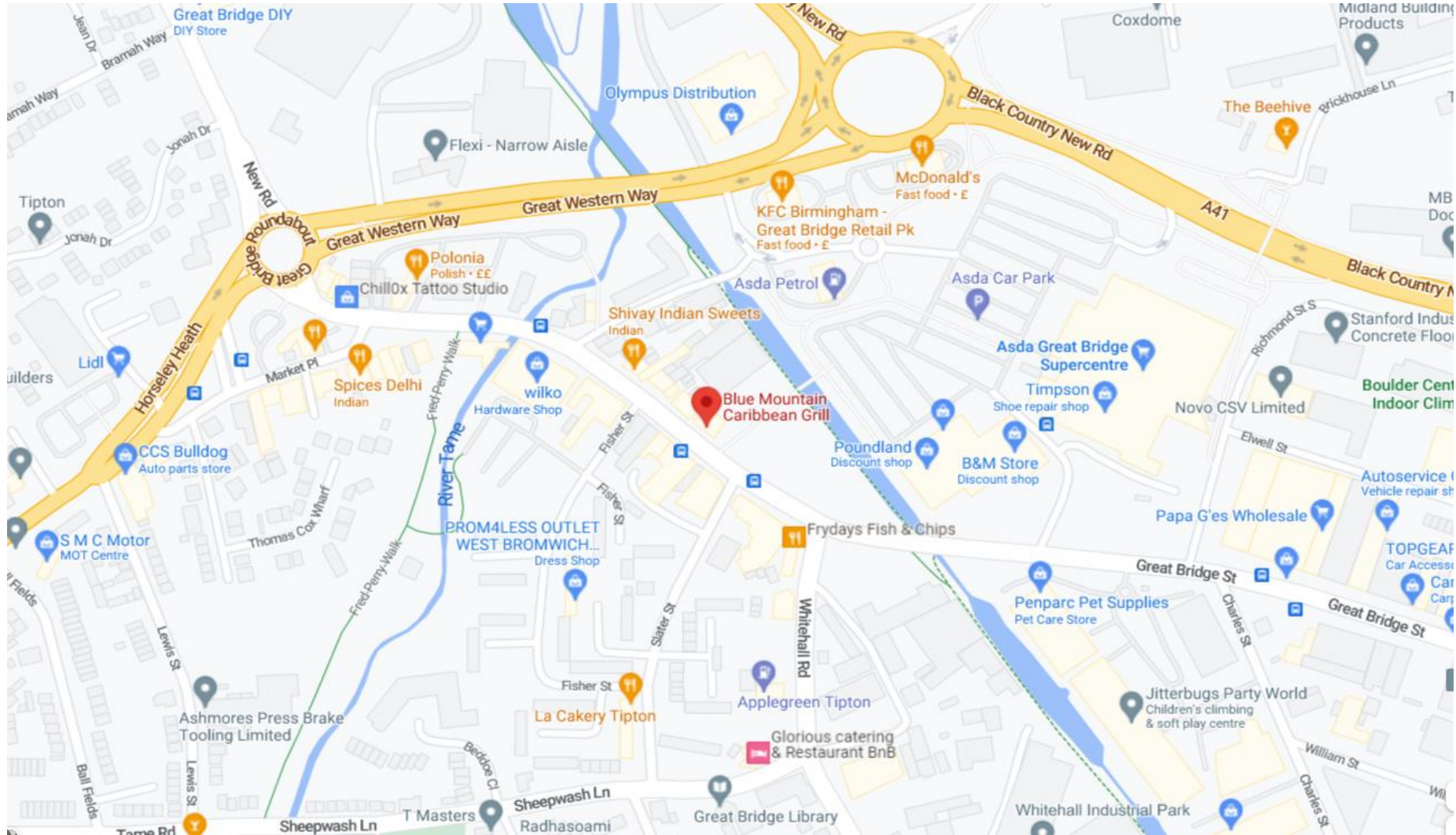


Licensing Plan
Blue Mountain
53 Great Bridge
Tipton
DY4 7HF
Prepared by
PMB LICENSING
Scale 1:100

Licensable
Activity
CCTV
FIRE
EXTINGUISHER



Appendix 4 - Location Map



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