

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ASSISTANT DIRECTOR OF REGULATION & ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

10 JULY 2019
LADYWOOD

**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE,
LA BELLE'S, 61 NEWHALL STREET, BIRMINGHAM B3 3RB**

1. **Summary**

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1st November 2014.
- 1.2 An application has been received for the grant of a Sexual Entertainment Venue (SEV) Licence from Michelle Monaghan in respect of premises to be known as La Belle's, 61 Newhall Street, Birmingham B3 3RB.
- 1.3 At the time of writing this report there are 7 SEV licences granted to premises within Birmingham 6 of which are granted to other venues located within the area bounded by the ring road (A4540).
- 1.4 If having considered the application and objections received the Committee resolve to grant an SEV licence in respect of La Belle's, 61 Newhall Street, Birmingham B3 3RB then there would be 7 SEV licences in force within the area bounded by the ring road (A4540).
- 1.5 As stated in Birmingham City Council's SEV Policy the Council considers that the part of the City which falls within the ring road (A4540) is an area which is appropriate to have an upper limit guide on the number of SEV's the appropriate upper limit being eight.

2. **Recommendation**

- 2.1 That Committee consider and determine the application for the grant of a Sexual Entertainment Venue licence in respect of La Belle's, 61 Newhall Street, Birmingham B3 3RB having considered the objections received and having regard to the options contained in paragraph 6.1 of the report.

Contact Officer: Emma Rohomon, Acting Head of Licensing

Telephone: 0121 303 9780

E-mail: emma.rohomon@birmingham.gov.uk

3. Background

- 3.1 An application has been received from Michelle Monaghan for the grant of a Sexual Entertainment Venue Licence in respect of the premises to be known as La Belle's, 61 Newhall Street, Birmingham B3 3RB. A copy of the application is attached at Appendix 1.
- 3.2 The applicant has submitted photographs showing the proposed external scheme of the premises. Copies of which are attached at Appendix 2.
- 3.3 The proposed hours of operation being 8pm until 6am Monday to Sunday.
- 3.4 The nature of the entertainment as described on the application form is lap dancing, pole dancing, private dancing in booths, adult cabaret and similar entertainment. The applicant has confirmed the relevant entertainment will involve semi and full nudity.
- 3.5 The applicant has submitted a copy of La Belle's proposed Rules & Regulations for self-employed dancers and House Rules. Copies of which are attached at Appendix 3.
- 3.6 A plan of the premises detailing where the Sexual Entertainment will take place is also part of the application procedure. A copy of which is attached at Appendix 4.
- 3.7 On the 15th April 2019 the applicant's legal representative submitted additional supporting documents which they wished to rely upon at the hearing initially scheduled for the 18th April 2019.
- 3.8 On the 17th April 2019 Colmore BiD's legal representative submitted additional supporting documents which may contain explicit images and links to websites which may also contain explicit content which they also wished to rely upon at the hearing initially scheduled for the 18th April 2019.
- 3.9 As a result of the service of Colmore BiD's supporting documents the applicants legal representative requested that the hearing scheduled for the 18th April 2019 be adjourned.
- 3.10 Copies of the supporting documents have been disclosed to members in advance of the re-scheduled hearing and published on the Committee Management Information System (CMIS) webpage for this meeting with an appropriate advisory note alerting the public that the documents may contain explicit content.

4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the West Midlands Police, the Licensing Enforcement Team and the appropriate Ward Councillors.
- 4.3 A representative of West Midlands Police has confirmed that they are not formally objecting to the application. A copy of the response is attached at Appendix 5.
- 4.4 A representative of the Licensing Enforcement Team has confirmed that they have no objection to the grant of a licence. A copy of the response and associated site inspection report is attached at Appendix 6.
- 4.5 A total of 41 objections have been received including objection notices from the appropriate Ward Councillors, Colmore Business Improvement District, Jewellery Quarter Development Trust and other businesses and residents. Copies of the objections received are attached, in date order of receipt, at Appendix 7.
- 4.6 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are contained within the current Sexual Entertainment Venue policy a copy of which is attached at Appendix 8.
- 4.7 Location plans, including a plan showing the proximity of the other existing licensed Sexual Entertainment Venues to the premises, are attached as Appendix 9.
- 4.8 The applicant, a representative of the Licensing Enforcement Team and all parties who have lodged an objection have been invited to attend the hearing.

5. Matters for Consideration

- 5.1 When considering an application for the grant of a licence, the Committee should have regard to any observations submitted to it by the Chief Officer of Police and any objections that the Licensing Authority has received from anyone else within 28 days of the date of the application.
- 5.2 Subject to any new information produced at the hearing it does not appear that any of the mandatory grounds of refusal apply to the application currently due for consideration. For example, a licence shall not be granted to a person who is under the age of 18 or who has had a previous application for the same premises refused within the last 12 months.

5.3 The only discretionary grounds upon which the Council may refuse an application are those grounds specified in Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982 as amended:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason;
- b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Options Available

6.1 The Committee may:

- 6.1.1 Grant the application as it stands in which case the licence will be granted subject to the Council approved Standard Conditions.
- 6.1.2 Grant the application as it stands subject to the Council approved Standard Conditions unless they have been expressly excluded or varied and/or other Specific Conditions or restrictions that the Committee deem reasonable, necessary proportionate and justifiable.
- 6.1.3 Refuse the application on one or more of the grounds as outlined in paragraph 5.3 above.

7. Right of Appeal

7.1 An applicant has a right of appeal to the Magistrates Court against decisions to refuse to grant, renew, vary or transfer a licence, the imposition of conditions or the revocation of an existing licence.

- 7.2 It should be noted that although no right of appeal lies against a decision made on the discretionary grounds set out in paragraphs 5.3(c & d) above, the applicant could challenge a refusal on the aforementioned grounds by way of a judicial review.

8. Implications for Resources

- 8.1 At the time of the application being submitted a fee of £6,864 was payable for the grant of a Sexual Entertainment Venue licence, if the application is subsequently refused then 50% of the fee will be refundable.
- 8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

- 9.1 The application that is the subject of this report should be considered in accordance with the published Birmingham City Council Sexual Entertainment Venue Policy.

10. Public Sector Equality Duty

- 10.1 No specific implications have been identified.

ASSISTANT DIRECTOR OF REGULATION & ENFORCEMENT

Background Papers: Nil

SEX ENT 1.5

Fair Processing Statement – Any personal data held by Birmingham City Council in relation to your application for a Licence to use a premises, vehicle, vessel or stall as a Sexual Entertainment Venue, will be held in full compliance with the legal obligations as set out in the Data Protection Act 1998. This is in accordance with the Council's Privacy Policy; a copy is available on the Council's website: www.birmingham.gov.uk/privacy. To protect the public fund we may also use the information you have provided on this form to prevent and detect fraud. We may share this information for the same purposes with other Council Departments and organisations for example, other councils and the police.

BIRMINGHAM CITY COUNCIL

SCHEDULE 3 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

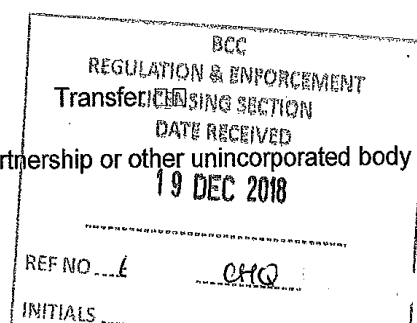
Application for a Licence to use any Premises, Vehicle, Vessel or Stall as a Sexual Entertainment Venue

All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and will be returned to the applicant.

Section 1**Application details:**

Is this licence for the: Grant ☒ Renewal ☐

Is the application made by: an individual ☒ a partnership or other unincorporated body ☐
a company or other corporate body ☐

**Section 2****Answer only if Applicant is an individual**

What is the full name of the individual? MICHELLE MONAGHAN

Permanent Residential Address..

Any former names

Date of Birth ... Place of Birth...

Date Became Resident in the UK... N/A ... or E.U Member State ... N/A

National Insurance Number or E.U Member State Equivalent.

Telephone Number (during normal office hours) ..

Email Address:...

Name and address to which correspondence to be sent (if different from above)

AS ABOVE

Has the applicant a financial interest in the business which is the subject of this application?

Yes ☒ No ☐ If "yes" to what extent Applicant has made an offer to purchase freehold.

Is the whole business owned by the applicant? if successfully Yes ☒ No ☐

Section 3 NIA

Answer only if the Applicant is an unincorporated body or a partnership

Full Name of Applicant

.....

What are the names of the applicant's partners? Please complete the table below:

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence Throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member state

Are there persons responsible for the management of the Applicant other than the partners? If so state their names.

.....

.....

.....

Please confirm if the whole of the business is owned by the applicant? Yes ☐ No ☐

Section 4.

N/A.

Answer only where the applicant is a company or other corporate body

What is the name of the Applicant?.....

Has the Applicant previously been known by any other name and if so what name?

.....

If the Applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.)?

.....

What is the registered number of the Applicant?.....

What is the registered office address?

.....

In which country is the company incorporated?

What is the date of incorporation of the company?

Please complete the table in respect of each of the Directors, the Company Secretary or other persons responsible for the management of the body.

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member State

SEX ENT 1.5

Does the Applicant use any other trading names? If so, please state the trading name(s).

..... /

What is the Applicant's trading address?

..... /

Please confirm if the whole of the business is owned by the applicant? Yes ☐ No ☐

Section 5

*WE HAVE NOT YET APPOINTED A
MANAGER - TO BE DECIDED AT A
All Applicants Later date.*

Please give details of the person (if any) who is to be responsible for the management of the premises in the absence of the licence holder:

First Name..... Surname.....

Former Name (if any)

National Insurance Number or E.U Member State Equivalent.....

Permanent Address:

.....

Date of Birth: Place of Birth.....

Has any person named at any place in this application been associated in any way with any other application for a licence for a sex establishment? Yes ☒ No ☐

If "yes" give full details. *Applicant holds SEX License at
Scarlets (34 Harsefair, B1 1DA) and
The Clivane Club 1912 Broad St, B15
1AY)*

Section 6**Premises details:**

Is this application in respect of: Premises ☒ Vehicle ☐ Vessel ☐ Stall ☐

Is the premises, vehicle, vessel or stall in use for sexual entertainment at the date of this application? Yes ☐ No ☒

If the answer is yes, state the name and address of the person or body currently operating the business.....

What is full address of the premises for which a licence is sought?

61 NEWHALL STREET, B3 3RB

If the application is in respect of a vehicle, vessel or stall, please state where it is to be used as a sexual entertainment venue.....

Under what name is, or will the premises be known? ...La Belle's.....

Is the whole of the premises to be used under the licence? Yes ☒ No ☐

If no, please state:

a) which part of the premises is to be used for the purposes of the licence

b) the use to which the remainder of the premises are to be put

c) the names of those responsible for the management of the remainder of the premises

If the Applicant's interest in the premises is a leasehold one, please state:

a) Head-lease ☐ Sub-lease ☐

b) the name and address of the landlord and of the superior landlord where applicable

c) the length of the unexpired term

Section 7.**Proposed operation times and activities**

Give the times it is proposed to operate the Premises for the purpose of this Licence;

Day	Start	Finish	State any proposed variations or non standard times where you intend to use the Premises, which are different to those listed in the column on the left
Monday	8pm	6am	None.
Tuesday	8pm	6am	
Wednesday	8pm	6am	
Thursday	8pm	6am	
Friday	8pm	6am	
Saturday	8pm	6am	
Sunday	8pm	6am	

Please give full details of the nature of the relevant entertainment e.g. lap-dancing, pole-dancing, stage strip show etc

Lap dancing, Pole dancing,
Private dancing in booths,
adult cabaret and similar
entertainment.

Please confirm if the relevant entertainment involves full nudity ☒ Yes ☐ No

Section 8.

If the application is for the Transfer of a Premises Licence

Name of current Premises Licence Holder

Please give the reason/s for the transfer application

Section 9.

Has the Applicant or any persons named in this form been convicted of a criminal offence whether in the UK or elsewhere? Yes ☐ No ☒

If so, please give details of unspent convictions below:

Convictions:

Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

Has the Applicant or any persons named in this form been cautioned whether in the UK or elsewhere? Yes ☐ No ☒

If so, please give details below:

Cautions:

Forenames	Surname	Former Name (if any)	Offence	Date of Caution	Where caution administered

SEX ENT 1.5

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	NO.
Been refused the grant / renewal / transfer of a licence for a sex establishment?	Yes.
Been the holder of a sex establishment licence when that licence has been revoked?	NO.
Been associated in any way with any other application for a sex establishment licence?	Yes.
If 'Yes' to any of the above please provide details:	
Renewal of 'Scarlets' SEV was refused at committee in December 2016 but granted on appeal by magistrates. Renewed by committee in 2017. SEV also held at 'The Cyclone Club' renewed by committee each year since 2017.	

Is there any information in this application which you would **not** wish to be seen by members of the public?

Yes ☒ No ☐

If yes, state which information and the reasons why you would **not** wish it to be seen

Home address of applicant.

Is there any further information which the Applicant would wish the Council to take into account when considering this application?

Please see covering letter.

(If necessary, please continue on a separate sheet)

SEX ENT 1.5

Please read the checklist below and tick to confirm you have enclosed all of the required information/documents;

I have made or enclosed payment of the fee ☒

Please check the following link for details of the cost of your application:-

<http://www.birmingham.gov.uk/licensingfeesandcharges>

I have enclosed a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority ☒

I have enclosed a copy of the "club rules". Such club rules must contain the required conduct of performers which shall include for example, no sex acts, no giving or taking phone numbers (including exchange of business cards). ☒

I have enclosed a scheme showing the exterior design for consideration by the Licensing Authority ☒

I understand and agree that I must send a copy of my completed application to the Chief Officer of Police no later than seven days after the date of the application. I also understand that I must produce evidence of due service of the Notice of Application upon the Chief Officer of Police as required by paragraph 10(14) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

I understand that I must now advertise my application on or near the Premises for 21 days starting with the date of the application. ☒

I understand that I must advertise the application in a local newspaper within seven days after the date of the application and that a copy of the notice of application which has been published must be given to the Licensing Authority in accordance with paragraph 10 (8) of the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982. ☒

DECLARATION: I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused. I further declare that I have read and agree to abide by the conditions of Licence for a Sexual Entertainment Venue made by Birmingham City Council in accordance with Section 2 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 should my application be granted.

APPLICANTS ARE INFORMED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE, ON SUMMARY CONVICTION, TO A FINE NOT EXCEEDING £20,000.

Signature

Name of Signatory MICHELLE MONAGHAN

Designation of Signatory APPLICANT

Date 17/12/18





Rules and Regulations for Self Employed Dancers at La Belle's

- Before Beginning work as a Self Employed Dancer, you will be required to provide two forms of ID; one displaying your photograph and date of birth and another with your current address. A driving License will suffice.
- All dancers are required to arrive early for their shift to ensure they are on the floor before opening time. Any dancers arriving late will be fined £10 for every 30 minutes they are late.
- If you are unable to attend a shift, please give the house manager at least 4 hours' notice to avoid being fined.
- Dancers house fee is payable on arrival of your shift.
- Drugs are not permitted on these premises at any time. Any dancer found in possession of drugs will be asked to leave with no refund of house fee or commission earned that shift.
- Dancers are permitted to eat during their shift, but not on the floor, only in the changing area.
- Smoking is only permitted in designated areas.
- Every dancer is required to dance on the pole during her shift. Failure to do so will result in fines of £10 for every missed stage call.
- Any dancer found stealing will be asked to leave with no refund of house fee or commission earned that shift.
- Dances are £20 each and must last at least 3 minutes.
- Under no circumstances is prostitution allowed.
- Under no circumstances let the customer touch you.
- No heels on the upholstered furniture. Repetitive warnings will lead to a fine.
- No mobile phones on the floor, only to be used in the changing room.
- Dancers must not insult or argue with customers. Any disputes with other girls, must be dealt with discreetly, not on the floor and not in front of customers.
- Dancers are responsible for their belongings and the club accepts no responsibility for lost or stolen items of personal property.
- All dancers are required to maintain a level of decorum; personal hygiene, hair, nails, skin and make up must be maintained throughout the shift.
- No drinking from bottles; this is a gentleman's club and we expect you to act as Ladies.
- No chewing gum on the floor; again, we expect you to act as ladies.
- All dancers are responsible for their own tax and national insurance, and any medical insurance you require. It is advised you seek an accountant.
- I have been advised and accept there is CCTV throughout the premises.

I have read, and agree to all of the conditions of self-employment listed above. I agree I am self-employed and responsible for my own tax and accounts. I will supply my own insurance and will not hold 'La Belle's' responsible for any loss or accident sustained by me.

I understand this is a legal contract between myself and the club.

Signed

Stage Name Date

Managers Signature Date

HOUSE RULES TO BE ADOPTED AT LA BELLE'S

The following Rules are to adhered to at all times:

- There is to be no touching of the dancers at all.
- There is to be propositioning to the dancers at all.
 - Please remain seated during your dance.
 - Please remain fully clothed at all times.
- Please do not attempt to dance with the girls.
- Improper or offensive behaviour **WILL NOT** be tolerated by staff, girls, or other customers.
- No illegal Substances tolerated on these Premises.



PROPOSED
THIRD FLOOR PLAN



KEY AND NOTES

The following notes are applicable to Building Regulations and Licensing only for the parts of the building affected. Attention is drawn to SEPARATE legislation under the RRO and the need for risk assessment for the whole premises by the building owner etc.

Indicates Maintained Emergency Exit Luminaires
Linked to essential lighting e.g. fire lighting. All to BS 5499 Pt 1.
All exit signs to be to Health and Safety Signs and Signals Regs 1996

Indicates approximate position of emergency light fittings. Exact position to be decided on site by specialist to ensure all emergency exit routes are covered. System, including installation to be to BS 5266 Pt 1, 1999.

Indicates "Rate of Heat Rise" detector in food prep areas, linked to alarm system as above.

Indicates "Break Glass" alarm point
to rear of bar and in food
prep/kitchen areas only, to avoid
false alarms. Linked to alarm
system as above and to BS 5839 pt
4.

Indicates $\frac{1}{2}$ HR (✓) or 1 HR (✗) self closing fire door (FD 30s / FD 60s) with intumescent strips and smoke seals.
VP indicates vision panel. All fire doors to have "Fire Door Keep Closed" notices on both sides.

SYMBOL INDICATES WIRED
CARBON MONOXIDE ALARM

DISABLE CALL POINT

FIRE ALARM PANEL.

CCTV CAMERA

PANIC ALARM
All doors on exit routes to open out

Fitted with panic bar / latch, push plates and signage. Any final exit doors not opening outwards to be

Fire fighting equipment to be provided to BS 5306 Pt 3 1995 with red background and signs to Health and Safety

Health and Safety
Regs 1996 as delineated by
building owners Designated
Premises Supervisor and details
supplied to L.A. and Fire Service.

All furniture, fittings and carpets to

be fire proofed and certificates to be provided for confirmation. Escape routes to SSF Class 0 and Class 1 elevators.

Commissioning certificates to be provided to Building Control and

(FIS relates to re-testing if no modifications have been carried out to existing previously approved systems)

Colour contrast to be included in decorations to leading edges of doors and between floors, walls and door furniture throughout the premises where internal decoration is required.

PERMISSION AREAS	
	SALE OF ALCOHOL AREA
	PRIVATE ENTERTAINMENT
	EXTERNAL SMOKING
	TRADING AREA STAIRS
	ENTERTAINMENT AREA

No. plates	Aluminum	No. lbs
Project 61 NEWHALL STREET Arlington, MA 02460		
Client PAUL MACMAHON		
 DORLAND MEDICAL-USA MANUFACT Imports, Inc., Importers, Inc., New York, NY 10005 10005 10005 10005 10005 10005 10005 10005 10005		
Drawing PROPOSED LICENSING PLANS		
Scale	1/50 @ A0	Drawing Number PM01001

PROPOSED
SECOND FLOOR PLAN
EDA INC. BAR 81m2 871.8 Sqft
PRIVATE ENTERTAINMENT 14.5m2 156.1 Sqft
EXTERNAL SMOKING 16.9m2 181.9 Sqft



PROPOSED
FIRST FLOOR PLAN
EDA INC. BAR 60.5m2 651.2 Sqft
PRIVATE ENTERTAINMENT 17.2m2 185.1 Sqft



PROPOSED
GROUND FLOOR PLAN
EDA INC. BAR 111m2 1194.7 Sqft

PROPOSED
LOWER GROUND FLOOR PLAN

PRIVATE ENTERTAINMENT 22m2 236.8 Sqft

From: bw licensing <bw_licensing@west-midlands.pnn.police.uk>
Sent: 21 December 2018 10:13
To: Licensing
Subject: FW: SEV Renewal - La Belle's, 61 New Hall Street, Birmingham, B3 3RB
Attachments: La Belle's-SEV Grant.pdf

Good Morning Licensing,

West Midlands Police have reviewed this SEV application and are not formally objecting to the grant although note the below point.

The current premises licence (number 647) is for a bar type premises and not a SEV establishment. West Midlands Police believe that the current operating conditions on the premises licence are not compatible or robust enough to meet and promote the licensing objectives for an SEV premises.

Regards

Chris Jones 55410
 Birmingham Central Licensing Team

Switchboard Tel: 101 ext. 801 1628
 Direct Dial Tel: 0121 626 6099

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

(Sat nav postcode B4 6AT)

Contact us on 999 in an emergency or for all other matters please visit WMPolice Online





To: Enforcement Section

Date: 20th December 2018

From: Licensing Section

Ref: WK/009209458

Property Details: La Belle's, 61 Newhall Street, Birmingham, B3 3RB**Licence Type: Sexual Entertainment Venue**

Attached is a copy of an application for a licence in respect of the above.

Please complete the slip below by 16th January 2019.

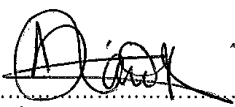
Lisa Woodward
Licensing Officer

Ref: WK/009209458

Property Details: La Belle's, 61 Newhall Street, Birmingham, B3 3RB**Licence Type: Sexual Entertainment Venue**

Please tick one box

- ☒ No objection subject to standard conditions.
- ☐ No objection subject to additional conditions being attached. (Give details on separate memo as additional conditions will need to be referred to Licensing Committee).
- ☐ I object to the issue of a licence. (Give grounds for objection on separate memo as application will need to be referred to Licensing Committee).

Inspected by: 

Date: 15/1/2019

Full Name: Shaun Air

Time taken: 5.5 hours

Position: LEO

Contact number: 01214642863



Regulation and Enforcement
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

General Licensing
Telephone: 0121 303 9896
Email: licensing@birmingham.gov.uk
Web: www.birmingham.gov.uk/licensing

THE PLACE DIRECTORATE

DATE AND TIME OF INSPECTION	09/01/2019 @ 23:30 hrs
OFFICERS INSPECTING	Shaid Ali
TRADING NAME OF PREMISES	Le Belle's
ADDRESS AND POSTCODE OF PREMISES	61 Newhall street Birmingham B3 3RB

REASON FOR INSPECTION	GRANT RENEWAL VARIATION
OTHER (PLEASE SPECIFY)	-
JOB NUMBER	WK009209598

TYPES OF PREMISES NEARBY	PROVIDE DETAILS
RESIDENTIAL PREMISES	There are residential flats near to the premises, Canterbury House approx. 70 metres and Beaufort House approx. 90 meters further along Newhall Street. Hotel Du Vin is approx. 200 away on Church Street. Travelodge Birmingham and Staycity Aparthotels approx. 300 metres away on Charlotte Street.
COMMERCIAL SHOPS USED BY FAMILIES & CHILDREN	
FACILITIES USED BY FAMILIES EDUCATIONAL, LEISURE	Children's Liver Disease Foundation approx. 30 metres away on Gt. Charles St. University College Birmingham approx. 50 metres away on Newhall St and approx. 220 metres away on Summer Row Autumn Term: 10/09 – 14/12/ 2018 Spring Term: 07/01 – 12/04/2019 Summer Term: 29/04 – 28/06/2019 Mon – Fri. 10:00 – 19:30 hrs Birmingham Museum & Art Gallery approx. 150 metres away on Margaret St Monday - Thursday 10am - 5pm Friday 10.30am - 5pm

FACILITIES USED BY FAMILIES EDUCATIONAL, LEISURE CONT....	Saturday and Sunday 10am - 5pm School of Art – Birmingham City University Autumn Term: 10/09 – 12/12/2018 Spring Term: 07/01 – 12/04/2019 Summer Term: 23/04 – 29/06/2019 Mon-Wed: 09:00 – 21:30 hrs Thurs: 09:00 – 19:30 hrs Fri: 09:00 – 18:30 hrs Royal College of Surgeons of Edinburgh approx. 200 metres away on Newhall St. Council House approx. 100 metres away on Margaret St.
COMMUNITY BUILDINGS USED BY BY FAMILIES & CHILDREN	Museum & Art Gallery approx. 150 metres away and Birmingham Cathedral approx. 300 metres away
PLACES OR BUILDINGS OF HISTORICAL/CULTURAL INTEREST OR TOURIST ATTRACTIONS	Museum & Art Gallery 150 metres away on Margaret St. Birmingham Cathedral approx. 300 metres away.
PREMISES USED FOR RELIGIOUS GATHERING	Birmingham Cathedral approx. 300 metres away on Colmore Row
OTHER (PLEASE SPECIFY)	

DOES THE PREMISES YOU ARE INSPECTING HOLD AN EXISTING LA2003 PREMISES LICENCE	Yes – Aura Bar (Lic no. 647)
WAS NOTICE DISPLAYED DATE CHECKED	YES/NO (delete as applicable) 10/01/2019 @ 00:55 hours
OTHER (PLEASE SPECIFY)	Proposed opening times: Mon –Sunday 20:00 – 06:00 hrs

ANY RELEVANT INFORMATION WHICH MAY ASSIST THE LICENSING COMMITTEE

La Belle's is located on Newhall Street which is one of the old historic streets in Birmingham City Centre where a lot of the buildings on the street and within the general area are listed; It is close to the main shopping areas of Corporation Street and New Street and in close proximity to Snow Hill Train Station and New Street Train station. The area around the venue comprises of mainly office buildings, pubs/ bars, restaurants, coffee

**ANY RELEVANT INFORMATION WHICH MAY ASSIST THE LICENSING COMMITTEE
CONT.....**

shops and cafes.

On 09/01/2019 I visited the Cyclone Club on Broad Street to discuss the licence conditions with the applicant Michelle Monaghan. The sale of the property will go ahead on the condition that the premises is granted a SEV licence, if this is not granted then the sale of the building would fall through and not go ahead. Michelle advised that she would not start any major refurbishment of the premises until such time as she knows that a licence will be granted. If a licence is granted then the applicant will give up the SEV licence held by her for Scarlets, 34 Horsefair, Birmingham B1 1DA once La Belle's is open and trading so that there are no more than 8 SEV's operating in the city centre as per the councils policy. A Licensing Enforcement Officer will conduct a further site inspection of the premises upon grant of the licence to ensure compliance with the standard conditions prior to the premises operating. A letter from the applicant dated 17/12/2018 is attached confirming this.

On 09/01/2019 an inspection was conducted in regards to the renewal of the licence for The Cyclone Club, 192 Broad Street, Birmingham B15 1AY by myself and Licensing Enforcement Officer Gary Callaghan. The applicant was present during the inspection and was found to be fully compliant with the SEV conditions. There were no concerns which required any further attention.

1

Millennium Apartments
95 Newhall Street
Birmingham
B3 1BA

27 December 2018

Dear Sir or Madam

**La Belle's, 61 Newhall Street
Sex Entertainment Venue Licence Application**

I write to object to this application.

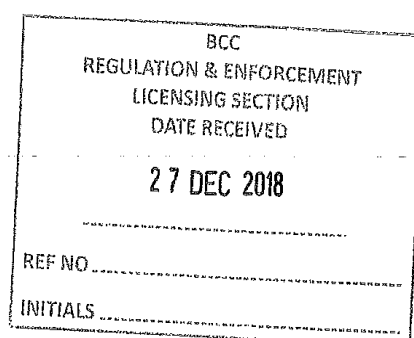
My objection is simply that the location is not suitable for an establishment of this type. The Jewellery Quarter and the area between it and the City Centre is increasingly residential with what were formerly industrial and office premises being converted into apartments. Indeed, buildings directly opposite the location are now residential and it would not be a surprise if more were converted in the not too distant future. I do not believe that residents would wish the streets outside their homes to be frequented by the clientele of a "sex establishment".

I live only a short distance from the location and would have to walk past it in order to get home, perhaps accompanied by my children and grandchildren when they visit me, which I would find disquieting.

There is also a large school in Newhall Street and many of the pupils go past 61 Newhall Street when going to and from their school. Whilst I know that the establishment would not be open in school hours, I do not believe that the parents of the children would wish them to have to walk past it.

Please understand that I do not object to this type of establishment in principle but believe it should not be in what is now increasingly a residential area.

Yours faithfully



From:
Sent: 05 January 2019 14:36
To: Licensing
Subject: Objection to application for a license

Good Afternoon,

I would like to notify you of my objection to a Notice of Application for a license for a Sexual Entertainment Venue in respect of the premises known as La Belle's at 61 Newhall Street, B1 1DA.

I believe that a venue of this nature in close proximity to my restaurant will be detrimental to my business and will also negatively affect the area as a whole. I would ask that this is taken into account when assessing this application.

Regards,

3

From:
Sent: 06 January 2019 17:51
To: Licensing
Subject: Objection to application

To whom it may concern,

We are sending this email to log our objection to the application for a Sexual Entertainment Licence/Venue at 61 Newhall Street, Birmingham, B1 1DA. We own a small independent business, Knight's Coffee House, 58 Newhall Street B3 3RJ. We are opposite this venue and start our working day just after 6am in the mornings. We do not want the drunken, high testosterone males coming out of this venue and disturbing our regular customers who like to come to our coffee shop before they start their working day. We will be willing to stand in front of the Committee and state our objection. Also there are many residential properties in this area now, including a large block of apartments behind the requested venue, a large block opposite on the cross roads, and numerous apartments above our coffee shop as well, most of whom are probably unaware of this application as it has not been advertised clearly..!!

Yours Faithfully


Knight's Coffee House
58 Newhall Street
B3 3RJ
Birmingham
B3 3RJ

4

From:
Sent: 07 January 2019 13:45
To: Licensing
Cc:
Subject: Application for a License for a Sexual Entertainment Venue

OBJECTION TO APPLICATION

Local Government (Miscellaneous provisions) Act 1982 Section 2, Schedule 3: Control of sex establishments.
Notice of Application for a license for a Sexual Entertainment Venue at La Belle's, 61 Newhall Street, Birmingham B1 1DA.

Reasons for Objection

As a successful business operating from Newhall Street, strongly objects to this application.

The Colmore Business District is renowned as the prime business area in the city. As such it has attracted an enormous range of professional services organisations with large workforces and daily visitors, in the immediate vicinity of the proposed establishment.

An establishment offering sexual entertainment would greatly harm the international reputation of this business area and would attract clientele greatly at odds with the primary purpose of the CBD and its environs.

There are far more suitable locations in established 'entertainment' areas of the city and we therefore believe that this application should be refused with a recommendation that alternative premises be sought in a more appropriate setting.

Yours faithfully

Director

From:
Sent: 07 January 2019 23:33
To: Licensing
Subject: Objection

This is an objection, in writing, to the proposed sexual entertainment venue, La Belle, on Newhall Street, on the grounds of personal safety in the area.

I live nearby and feel that the bar could attract trouble and compromise public safety, and I would not feel comfortable walking past it late in the evening.

Nor do I feel that the bar will fit in with the area and will drag it down.

6

From:
Sent: 08 January 2019 12:41
To: Licensing
Subject: 61 Newhall Street .

To who it may concern

I would like to object to La Belles gaining a licence to open a sexual entertainment venu next door to the building I own at 55 Newhall st . (Avery house)

We have just managed to lease the ground floor for the restaurant which is at present spending a large amount of money to open a family oriented restaurant in the heart of the business district and feel having adult activities going on next door could result in a severe impact on my business as well as my clientele in the serviced offices above the restaurant

I feel that this type of establishment has no place in this area & would like you to take my objection seriously

I look forward to hearing back from you in due course with your decisions .

Many thanks
Kind regards

--

Kind regards,

7

From:
Sent: 08 January 2019 15:57
To: Licensing
Subject: Objection - Sexual Entertainment Venue - 61 Newhall Street

To whom it may concern,

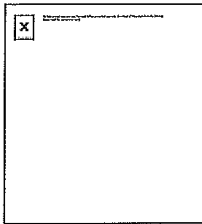
The application for a Sexual Entertainment Venue licence at 61 Newhall Street is inappropriate because the characteristics of the relevant locality (and the Council Policy) indicate that it would be inappropriate for a sexual entertainment venue to be located with the character of this locality in mind.

Our office, York House, 38 Great Charles Street Queensway, is in very close proximity to this address. Our business promotes work and travel opportunities to young adults at children's summer camps in America, typically aged 18-25. We often have University students from the Birmingham area call to our office, and I do not feel like a sexual entertainment establishment in our vicinity would be fitting.

We ventured to open our office here near Colemore Row due to it's established reputation of being a professional, and sought after area of Birmingham. I personally feel that this goes directly against what this area of Birmingham has been trying to establish for quite some time.

Ultimately, due to the locality and the nature of our business, I object to this license being granted.

Thank you for your time,



Yvonne Jones, FCA
Director
York House
38 Great Charles Street Queensway
Birmingham B1 1AB
0121 233 1111
www.yorkhouse.co.uk

8th January 2019

To whom it may concern,

APPLICATION FOR A LICENSE FOR A SEXUAL ENTERTAINMENT VENUE – OBJECTION

The Jewellery Quarter Development Trust CIC (JQDT) has become aware of a notice for an application for a Sexual Entertainment Venue at 61 Newhall Street, Birmingham, B1 1DA and is objecting to this application.

The JQDT is a company that represents the whole community of our local area (the Jewellery Quarter) including residents, businesses, students, visitors and acts as a voice for that community. We are objecting to this application on the following grounds:

- (i) The character of the locality is one of listed buildings, a conservation area and a place of historic importance. Thus, this type of entertainment would be out of place in the context for those visiting/passing to enjoy the heritage and history.
- (ii) Just across the road the BCU site sits with many young impressionable students passing in their 100s daily. This would not be conducive to their potential safety and well-being if a venue of this type is in their vicinity.
- (iii) Further down Newhall Street sits Central Academy, a school for 11–16 year olds, even more vulnerable than university students. Again, the vicinity of a venue of this nature would be a concern for passing students.
- (iv) There are many residential establishments close by and more are being developed along the Queensway. Noise and anti-social behaviour will be a concern for those dwelling in properties in the immediate vicinity of this venue.

Yours faithfully,

Executive Director
JQDT CIC

For the latest news, events & info visit: www.jewelleryquarter.net
Telephone: 0121 233 2814 Email: info@jqdt.org

The JQDT is a Community Interest Company registered in England (registration no. 7875188)

Studio 508F, The Big Peg, 120 Vyse Street,
Jewellery Quarter, Birmingham, B18 6NF

[@JQDTBirmingham](https://twitter.com/JQDTBirmingham) [/JewelleryQtr](https://www.facebook.com/JewelleryQtr)

9

From:
Sent: 09 January 2019 09:38
To: Licensing
Subject: Licensing application for 61 Newhall Street.

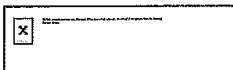
Dear Sirs

I have become aware of the license application for a sexual entertainment venue at the above address, and whilst I am not against new businesses in the area, I don't believe that a business offering this entertainment is a suitable business for the area which is a banking and legal and business quarter with many professional business people operating offices.

Within Birmingham there are other areas that would be better suited to this style of business and as such I do object to this application, and a business more suited to the style of business area should be sought.

Thanks

Strictly Confidential



On 09/01/2019, at 09:38, I received an email from [redacted] regarding a license application for a sexual entertainment venue at 61 Newhall Street, Birmingham. I am not against new businesses in the area, but I do not believe that a business offering this entertainment is a suitable business for the area, which is a banking and legal and business quarter with many professional business people operating offices. Within Birmingham there are other areas that would be better suited to this style of business and as such I do object to this application, and a business more suited to the style of business area should be sought.

From:
Sent: 09 January 2019 11:19
To: Licensing
Subject: La Belle's - 61 Newhall Street

To whom it may Concern,

With regards to proposed proposed renewal of sex establishment licence for 61 Newhall Street, B1 1DA.

Please consider this email my formal **objection** to the proposals.

Large number of existing (and under construction) residential premises are currently in the area, the proposals are therefore deemed inappropriate and not in keeping with the current character of the area.

If you require any additional information regarding this objection please feel free to contact me directly.

Kind Regards,

Millennium Apartments
95 Newhall Street, B3 1BA

11

From:
Sent: 09 January 2019 12:50
To: Licensing
Subject: License Application-"Sexual entertainment Venue" at 61,Newhall Street.

Dear Sir/Madam,

We object to the above application on the basis that it is totally inappropriate to locate such an enterprise in an area which now has a large residential population housed in surrounding apartments.

Yours faithfully

Millennium Apartments, 95. Newhall St. Birmingham, B3 1BA

Sent from Mail for Windows 10

From:
Sent: 09 January 2019 13:53
To: Licensing
Subject: Objection to licence application for La Belle's, 61 Newhall Street, Birmingham.

Dear Sir/Madam,

I am writing to you with regards to the application for a planned renewal of a sex entertainment venue licence at 61 Newhall Street, Birmingham.

I am the owner of two properties in Devonshire House, directly adjacent to 61 Newhall Street, one of which I live in and the other which I rent out.

I would like to make my objection to this application on the grounds that I believe that the opening of a sexual entertainment venue in this area would be totally out of character with the surrounding properties, which are mainly business and residential. The area is quiet in the evenings and many of the residents in Devonshire House are student tenants which I feel is a further reason why having this type of venue nearby would be wholly inappropriate. It also may encourage other behaviours in the nearby area, none of which is in fitting with the area and it's business image.

In addition to the business and residential properties, there are also some restaurants and bars in the area. The previous licence for Coggs Bar at 61 Newhall Street allowed entertainment on a Friday and Saturday night which sometimes was associated with rowdiness and anti-social behaviour late on, however not throughout the whole night and late into the following morning.

The Lightwell residential development also in the same block was only recently approved and the redevelopment is now completed. It feels like there isn't a clear, consistent policy or long term understanding of the area and it's future if this approval were to go ahead for such a different establishment nearby?

Within Birmingham City Centre there are currently areas where this niche entertainment establishment would be more appropriate and easily policed and not too far from this location. However to start moving this form of entertainment into the well established and respected business district seems at odds with all the good work that's been carried out over recent times and counterproductive to the aim of developing the cities national and international reputation.

For these reasons I must object to such a divergence in policy.

I appreciate your time and consideration on this matter.

Yours sincerely,

From:
Sent: 09 January 2019 13:55
To: Licensing
Subject: Objection to Application by La Belle's, 61 Newhall Street, Birmingham, B1 1DA

Dear Sirs

Please accept this email as my objection to the licensing application of the above for a sexual entertainment venue. 61 Newhall street is situated in the Colmore Business Improvement district which is an unsuitable place for such a venue. A number of the premises around Great Charles Street and Newhall Street are being converted or have been converted to residential dwellings and customers arriving and leaving the premises throughout the night time would be disruptive to those residents.

Newhall Street is the main road leading from Birmingham City Centre down to University College Birmingham and the Jewellery Quarter, the students of UCB who work in the restaurant and spa in the evening will be passing the address whilst it is open and I think this is inappropriate.

I regularly walk this route from the City Centre to my home at 95 Newhall Street after 8pm and am worried that this venue could compromise my safety.

Yours faithfully

Millennium Apartments
95 Newhall Street
Birmingham
B3 1BA

14

From: Kath Hartley
Sent: 09 January 2019 17:08
To:
Subject: SEV App. 61 Newhall Street, B3 3RB
Attachments: Letter of Objection - Colmore BID 2.pdf

BCC Licensing

Re: Application for a Sexual Entertainment Venues License- La Belle's, 61 Newhall St. B3 3RB

I am sending this message on behalf of Cllr. Albert Bore and myself to object to the above application.

I have discussed the application with constituents and with the Colmore Business Improvement District Board management and Chair. I attach Guy Cardin's letter to you of 8 January 2019 in which he sets out appropriate reasons for objection, which Cllr. Bore and I endorse.

Please ensure that our objections are recorded and made know when the application is considered.

Regards
Cllr. Kath Hartley
Ladywood Ward

Cllr. Kath Hartley
Ladywood Ward- Labour
Chair WMCA-Transport Delivery Committee
The Council House
Victoria Square
Birmingham
B1 1BB

0121 303 2039 – messages in office hours

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES



8th January 2019

Dear Sir/Madam,

NOTICE OF APPLICATION FOR A LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

We write to object to the renewal of a licence for a Sexual Entertainment Venue (SEV) for 61 Newhall Street, Birmingham B1 1DA. Our objections are on the following grounds, described in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982:

1. We would hope the Authority would agree that the number of SEVs in the locality are equal to the appropriate number, i.e. nil. (paragraph 12 sub-para 3(a) and 4). The area around the venue is the premium business quarter of Birmingham, attracting significant inward investment and maintaining high commercial property values.

We note that BCC's policy for SEVs deems that the 'locality' - as described in the legislation - is the area encompassed by the Inner Ring Road (A4540) and that the appropriate number of SEVs for that 'locality' is eight. We would take issue with the area within the Inner Ring Road being an appropriately granular measure for the control of SEV licences. The fact that there are four different Business Improvement Districts - with boundaries agreed by BCC and controlled by statute - within the Inner Ring Road testifies to the huge differences in character between the localities it contains.

2. We believe that the renewal of the licence is inappropriate having regard to the character of the locality (paragraph 12 sub-para 3(d)(i)). The character of the locality is an historic quarter of Birmingham that has seen Georgian upmarket residential use, Victorian commercial and healthcare activities, 20th Century Modernist offices and now is the first choice for businesses large and small relocating to Birmingham. The locality also contains a significant amount of residential properties. Devonshire House, which backs onto the premises consists of 48 residential units. 58 Newhall Street, which is opposite the premises is also residential, as is Galbraith House, which is located on the other side of Great Charles Street. The premises locality is also part of a key gateway that leads to the Jewellery Quarter, which has a considerable mixed residential population, including families and a school. In addition, the multi-million pound Lightwell development on Cornwall Street will primarily be a residential development, again at the rear of the applicant premises. Finally, the premises is immediately adjacent by two organisations aimed at young people. BCU have the College of Art, one of the top art schools in the country on Margaret Street. UCB also have a major site with an entrance based on Newhall Street just over the road. The Subway sandwich shop opposite the premises is often frequented by young people from the college over the road. Finally, it is noted that the premises is located near to both the Council House, the Council House extension and Birmingham Cathedral; all of these buildings are less than five minutes walk from the premises. The proximity to these buildings makes the locality inappropriate for an SEV, especially its proximity to Birmingham Cathedral which is both a civic building, a building of religious significance and a tourist attraction.

Colmore Business District Ltd. 1st Floor, Waterloo House, 20 Waterloo Street, Birmingham, B2 5TB
T 0121 212 4110 E info@colmorebid.co.uk W www.colmorebusinessdistrict.com
Registered in England No. 06731032

We hope that the Authority will agree with our objections and refuse the renewal of the SEV licence.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gary Cardin', with a long horizontal flourish extending to the right.

Gary Cardin

Chairman

Colmore Business District

From:
Sent: 09 January 2019 22:16
To: Licensing
Subject: La Belle's application for sexual entertainment venue licence

Dear Sirs

I write to object to the application that I understand has been made for a sexual entertainment licence for "La Belles" at 61 Newhall Street.

My name is [redacted] and I am a resident of Millennium Apartments, at 95 Newhall Street. According to Google Maps, the building I live in is only 410 feet from the venue to which the application relates.

I object on the grounds of the character of the locality and the use of premises in the vicinity. The numbers in square brackets below relate to paragraph numbers in the Sexual Entertainment Venue Policy as found on your website.

Newhall Street is a mixture of commercial and residential properties. There are a significant number of people living in Millennium Apartments like myself, and in apartments in buildings around us. The number of residents must surely be sufficient that the area should be considered as "residential" for this purpose [11.2(a)].

The other (non-residential) premises in the vicinity of the proposed venue are a mixture of offices (a firm of solicitors is directly opposite on the other side of Great Charles Street Queensway); and family friendly restaurants (sandwich and coffee shops directly opposite on the other side of Newhall Street) [11.2(b)]. University College Birmingham is situated on the other side of the crossroads [11.2(d)] . Newhall Street joins on to Colmore Row, one of the city's main business and commercial areas, with a number of law firms and similar office premises. If one walks a very short distance East along Colmore Row from the junction with Newhall Street, one reaches the Cathedral [11.2(c) & (e)]; a very short distance West and one reaches Victoria Square, with the museum and town hall [11.2 (d), (e) & (f)]

I trust the above will be given due consideration.

Yours faithfully

From:
Sent: 11 January 2019 11:48
To: Licensing
Cc:
Subject: La Belle's Application for a License
Importance: High

Hi

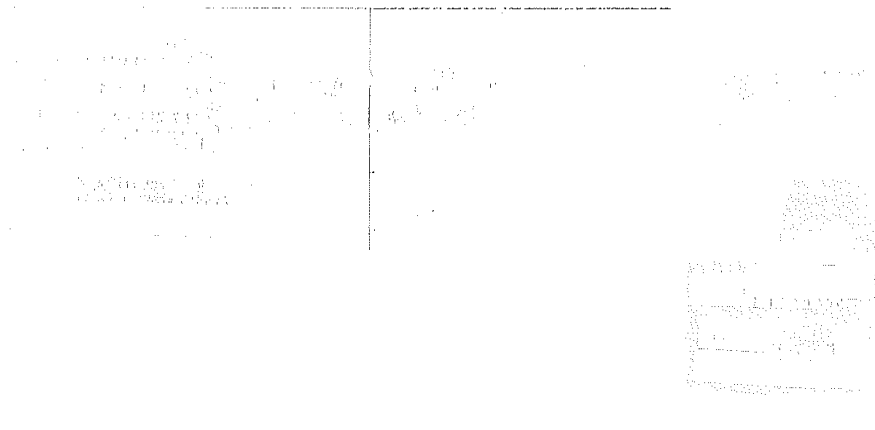
We are a training provider for Apprenticeships and Traineeships including 16-18 year olds.

We wish to object to the License for La Belles, 61 Newhall Street, Birmingham B1 1DA as we are in close proximity to the proposed venue and as we have young people coming to and from our premises and even when the venue would be closed it would not be an appropriate building for our young learners to walk past.

We also have a number of Muslim/Asian girls who are closely monitored by their family and it may stop them coming to our company for training which would be a detriment to our business and to the young girls.

I also am the first member of staff to arrive at our building in the morning and have found evidence of sexual activity in our car park entrance which is recessed from the street. With a venue who's purpose it to get men sexually aroused I can see the incidents in and near our entrance would only increase due to the close proximity of our premises to the venue. Another member of our staff has also disturbed a couple who were obviously in the middle of sexual activity when he went back to the car park for his car after an evening meeting.

Regards



From:
Sent: 11 January 2019 13:04
To: Licensing
Subject: Objection to the premises license granting of 61. cornwall street

Dear officer

We at , write to object to the renewal of a licence for a Sexual Entertainment Venue (SEV) for 61 Newhall Street, Birmingham B1 1DA. Our objections are on the following grounds, described in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982:

We would hope the Authority would agree that the number of SEVs in the locality are equal to the appropriate number, i.e. nil. (paragraph 12 sub-para 3(a) and 4). The area around the venue is the premium business quarter of Birmingham, attracting significant inward investment and maintaining high commercial property values.

We note that BCC's policy for SEVs deems that the 'locality' - as described in the legislation - is the area encompassed by the Inner Ring Road (A4540) and that the appropriate number of SEVs for that 'locality' is eight. We would take issue with the area within the Inner Ring Road being an appropriately granular measure for the control of SEV licences. The fact that there are four different Business Improvement Districts - with boundaries agreed by BCC and controlled by statute - within the Inner Ring Road testifies to the huge differences in character between the localities it contains.

We believe that the renewal of the licence is inappropriate having regard to the character of the locality (paragraph 12 sub-para 3(d)(i)). The character of the locality is an historic quarter of Birmingham that has seen Georgian upmarket residential use, Victorian commercial and healthcare activities, 20th Century Modernist offices and now is the first choice for businesses large and small relocating to Birmingham. The locality also contains a significant amount of residential properties. Devonshire House, which backs onto the premises consists of 48 residential units. 58 Newhall Street, which is opposite the premises is also residential, as is Galbraith House, which is located on the other side of Great Charles Street. The premises locality is also part of a key gateway that leads to the Jewellery Quarter, which has a considerable mixed residential population, including families and a school. In addition, the multi-million pound Lightwell development on Cornwall Street will primarily be a residential development, again at the rear of the applicant premises. Finally, the premises is immediately adjacent by two organisations aimed at young people. BCU have the College of Art, one of the top art schools in the country on Margaret Street. UCB also have a major site with an entrance based on Newhall Street just over the road. The Subway sandwich shop opposite the premises is often frequented by young people from the college over the road. Finally, it is noted that the premises is located near to both the Council House, the Council House extension and Birmingham Cathedral; all of these buildings are less than five minutes walk from the

premises. The proximity to these buildings makes the locality inappropriate for an SEV, especially its proximity to Birmingham Cathedral which is both a civic building, a building of religious significance and a tourist attraction.

We hope that the Authority will agree with our objections and refuse the renewal of the SEV licence

Kind regards

NOTICE: This message is sent in confidence for the addressee only. It may contain legally privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorised recipients are requested to preserve this confidentiality and to advise the sender of any errors in transmission. Thank you.

From:
Sent: 11 January 2019 13:57
To: Licensing
Subject: Objection to the premises license granting of 61 Cornwall street-revised

Dear officer

We at [redacted] write to object to the grant of a licence for a Sexual Entertainment Venue (SEV) for 61 Newhall Street, Birmingham B1 1DA. Our objections are on the following grounds, described in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982:

We would hope the Authority would agree that the number of SEVs in the locality are equal to the appropriate number, i.e. nil. (paragraph 12 sub-para 3(a) and 4). The area around the venue is the premium business quarter of Birmingham, attracting significant inward investment and maintaining high commercial property values.

We note that BCC's policy for SEVs deems that the 'locality' - as described in the legislation - is the area encompassed by the Inner Ring Road (A4540) and that the appropriate number of SEVs for that 'locality' is eight. We would take issue with the area within the Inner Ring Road being an appropriately granular measure for the control of SEV licences. The fact that there are four different Business Improvement Districts - with boundaries agreed by BCC and controlled by statute - within the Inner Ring Road testifies to the huge differences in character between the localities it contains.

We believe that the grant of the licence is inappropriate having regard to the character of the locality (paragraph 12 sub-para 3(d)(i)). The character of the locality is an historic quarter of Birmingham that has seen Georgian upmarket residential use, Victorian commercial and healthcare activities, 20th Century Modernist offices and now is the first choice for businesses large and small relocating to Birmingham. The locality also contains a significant amount of residential properties. Devonshire House, which backs onto the premises consists of 48 residential units. 58 Newhall Street, which is opposite the premises is also residential, as is Galbraith House, which is located on the other side of Great Charles Street. The premises locality is also part of a key gateway that leads to the Jewellery Quarter, which has a considerable mixed residential population, including families and a school. In addition, the multi-million pound Lightwell

development on Cornwall Street will primarily be a residential development, again at the rear of the applicant premises. Finally, the premises is immediately adjacent to two organisations aimed at young people. BCU have the College of Art, one of the top art schools in the country on Margaret Street. UCB also have a major site with an entrance based on Newhall Street just over the road. The Subway sandwich shop opposite the premises is often frequented by young people from the college over the road. Finally, it is noted that the premises is located near to both the Council House, the Council House extension and Birmingham Cathedral; all of these buildings are less than five minutes walk from the premises. The proximity to these buildings makes the locality inappropriate for an SEV, especially its proximity to Birmingham Cathedral which is both a civic building, a building of religious significance and a tourist attraction.

We hope that the Authority will agree with our objections and refuse the grant of the SEV licence



19

OPUS

54 Cornwall Street | Birmingham | B3 2DE
0121 200 2323

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham B6 9ES
licensing@birmingham.gov.uk

Dear Sirs,

Ref: Application for a Sexual Entertainment Venue, La Belle's 61 Newhall Street, Birmingham B1 1DA

The directors of Opus Restaurant Ltd are writing to object to the application for a licence for a Sexual Entertainment Venue for 61 Newhall Street B1 1DA.

Our objections are based on BCC Sexual Entertainment Policy effective from 1st November 2014 and on Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Objection 1:

the use of the premises as an SEV is inappropriate due to the use of premises in the vicinity

- This area is residential and becoming even more so:
Devonshire House
Galbraith House
58 Newhall St
Lightwell, 71 Cornwall Street
Sue Ryder House being converted into hotel/serviced apartments
- St Philips Cathedral, one of Birmingham's jewels in her crown, is a 5 minute walk away
- Area is frequented by families and children on their way to Birmingham Museums and Art Gallery (BMAG), University College Birmingham on Newhall Street where students as young as 16 are receiving their education, and BCU School of Art

Objection 2:

the use is inappropriate due to the character of the locality

- 61 Newhall St is located in the heart of Birmingham's original Georgian and Victorian historical heart, which is of great cultural interest and includes some of our most important tourist attractions, such as BMAG, Victoria Square with its many outdoor festivals appealing to families.
- 61 Newhall St is sited near two of our most important civic buildings: BCC, BMAG

Objection 3:

BCC considers the upper limit for SEVs within the A4540 is 8;
The number of SEVs within the A4540 is currently 8 or more

Objection 4:

There is no demonstration in the application that a management structure will deliver compliance with required operating conditions
No management structure has been submitted nor a statement as to how operating conditions will be complied with.

Objection 5:

There is no demonstration in the application of how the operator can be relied upon to act in the best interests of performers
There is no stated policy included in the application for the welfare of performers, and no stated credible management structure. There are 'fines' frequently mentioned under 'Performers Rules and Regulations', but the application does not indicate what staff welfare will be in place eg: facilities they will enjoy, how they are protected and how and by whom their physical/psychological welfare is monitored. As staff welfare is required under the application process, it should be included in the application but is not.

We trust that our strong objections will be taken into consideration by BCC Licensing committee.

Yours faithfully,

Ann Tonks

Irene Allan

Ben Ternent

Directors, Opus Restaurant Ltd

Opus Restaurant Ltd, 7-8 Borough Court, Grammar School Lane, Halesowen, B63 3SW
Registered in UK: 5244581. VAT registered: 860 6918 03

From:
Sent: 11 January 2019 15:37
To: Licensing
Subject: 61 Newhall Street, Birmingham, B1 1DA

TO WHOM IT MAY CONCERN

We read with total horror that you are considering an application for "A Sexual Entertainment Venue" at La Belle's, 61 Newhall Street, Birmingham, B1 1DA. We cannot understand how this can even be contemplated as it is the heart of Birmingham City Centre/the business centre of the City and therefore a place where people work during the day and sleep during the night. It is totally inappropriate to situate a venue of this type here with the opening hours of 20.00 to 06.00.

We feel that this type of venue should be situated in an area with similar venues with similar opening and closing times, and not in a quiet, peaceful location. With this in mind, we are writing to object to this application vehemently.

We would be grateful if you could reply to this message to confirm that you have received our objection.

Kind regards

Millennium Apartments



Birmingham City Council Licensing Section

11 January 2018

BY E-MAIL :- licensing@birmingham.gov.uk

Dear Sir/Madam,

Re : Application For A License For A Sexual Entertainment Venue

With reference to the application for a license for a Sexual Entertainment Venue on the corner of Great Charles Street and Newhall Street, we confirm we strongly object to the license being granted and this establishment being able to operate.

Such a venue detracts from the Colmore Business District Community Ethos of professionalism and high profile businesses within the heart of the city of Birmingham.

We have heavily invested in the Colmore Business District and the City Centre. We cannot accept that such an entertainment venue is either needed or within the ethos of the legal, financial and business heart of the city.

Can you raise our objection that we do not want the licence granted and acknowledge this e-mail by return.

Yours faithfully

head office 20 Brickfield Road, Yardley, Birmingham
B25 8HE, England, United Kingdom

Euro Property Investments Ltd is registered in England and Wales: Company Registration No: 2861562 VAT Registration No: GB 738 706604

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES



11th January 2019

Dear Sir/Madam,

NOTICE OF APPLICATION FOR A LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

We write to object to the grant of a licence for a Sexual Entertainment Venue (SEV) for 61 Newhall Street, Birmingham B1 1DA. Our objections are on the following grounds, described in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and described in paragraph 6.3 of the BCC SEV Policy:

1. We would hope the Authority would agree that the number of SEVs in the locality are equal to the appropriate number, i.e. nil. (paragraph 12 sub-para 3(a) and 4). The area around the venue is the premium business quarter of Birmingham, attracting significant inward investment and maintaining high commercial property values.

We note that BCC's policy for SEVs deems that the 'locality' - as described in the legislation - is the area encompassed by the Inner Ring Road (A4540) and that the appropriate number of SEVs for that 'locality' is eight. We would take issue with the area within the Inner Ring Road being an appropriately granular measure for the control of SEV licences. The fact that there are four different Business Improvement Districts - with boundaries agreed by BCC and controlled by statute - within the Inner Ring Road testifies to the huge differences in character between the localities it contains.

2. We believe that the grant of the licence is inappropriate having regard to the character of the locality (paragraph 12 sub-para 3(d)(i)). The character of the locality is an historic quarter of Birmingham that has seen Georgian upmarket residential use, Victorian commercial and healthcare activities, 20th Century Modernist offices and now is the first choice for businesses large and small relocating to Birmingham. The locality also contains a significant amount of residential properties. Devonshire House, which backs onto the premises consists of 48 residential units. 58 Newhall Street, which is opposite the premises is also residential, as is Galbraith House, which is located on the other side of Great Charles Street. The premises locality is also part of a key gateway that leads to the Jewellery Quarter, which has a considerable mixed residential population, including families and a school. In addition, the multi-million pound Lightwell development on Cornwall Street will primarily be a residential development, again at the rear of the applicant premises. Finally, the premises is immediately adjacent to two organisations aimed at young people. BCU have the College of Art, one of the top art schools in the country on Margaret Street. UCB also have a major site with an entrance based on Newhall Street just over the road. The Subway sandwich shop opposite the premises is often frequented by young people from the college over the road. Finally, it is noted that the premises is located near to both the Council House, the Council House extension and Birmingham Cathedral; all of these buildings are less than five minutes walk from the premises. The proximity to these buildings makes the locality inappropriate for an SEV, especially its proximity to Birmingham Cathedral which is both a civic building, a building of religious significance and a tourist attraction.

We hope that the Authority will agree with our objections and refuse the grant of the SEV licence.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Gary Cardin', with a long horizontal flourish extending to the right.

Gary Cardin

Chairman

Colmore Business District

From:
Sent: 12 January 2019 00:23
To: Licensing
Subject: proposed licence for 61 Newhall Street B6 9ES

Dear Council, I have a flat at Millenium apartments and with reference to the above application I would like to state an objection. My grounds for the objection are that it is an inappropriate use for the building in that area and in particular when walking back to our flat our typical walk would take us right past the premises. I strongly fear that the walk home for myself, my wife or others that live in the area would be made much more threatening late at night with such an establishment on a key axis in the centre of the city so close to our flat. The area is clearly not completely residential but in my view the proposed use of the venue is completely inappropriate for the area.

Kind regards

Millenium apartments

From:
Sent: 12 January 2019 05:30
To: Licensing
Subject: Objection to Application

To whom it may concern,

I am the owner of Millennium Apartments, B3 1BA on 95 Newhall Street. I would like to strongly object to the proposed La Belle's on 61 Newhall Street on the basis that is completely inappropriate for you to even consider such a venue in a residential location where there are a number of families/children residing. I urge you to use your common sense and question if you would be happy to have this on your doorstep. I would presume not, therefore do not expose us to this kind of inappropriate behaviour.

Regards

From:
Sent: 13 January 2019 10:41
To: Licensing
Subject: Objection to application for sexual entertainment venue licence- 61 Newhall Street

> Dear Sir/Madam,

>

> I am writing to object to the application for a sexual entertainment venue licence for "La Belle's" made in respect of 61 Newhall Street. My name is [redacted] and I am the owner of Apartment [redacted] Millennium Apartments, 95 Newhall Street - a large residential building located just down the road from the proposed location of the sexual entertainment venue.

>

> The grant of such a licence would be inappropriate, having regard to the character of the locality and the use of premises in the vicinity.

>

> Millennium Apartments is just one of many residential developments in the area, therefore the area can be described as residential. Non-residential premises in the vicinity contain offices, law firms, barristers' Chambers, cafes and restaurants - not businesses which one would put in the same category as sexual entertainment venues.

>

> It would be inappropriate for a sexual entertainment venue to be located near places of worship, historical buildings, tourist attractions or schools. The proposed location is between St Philips Cathedral and St Pauls Church, and further down the road from Central Academy, a secondary school. Birmingham Museum and Art Gallery is located nearby, in one of the most historically significant squares in the city centre.

>

> I would like these arguments to be taken into account.

>

> Yours faithfully,

>

>

From:
Sent: 13 January 2019 13:53
To: Licensing
Subject: Application for a licence for "A Sexual Entertainment Venue" at 61 Newhall Street
B1 1DA called La Belle's

Application for a licence for "A Sexual Entertainment Venue" at 61 Newhall Street B1 1DA called La Belle's

To whom this may concern,

As the owner of Millennium Apartments, 95 Newhall Street Birmingham, B3 1BA I would like to register my objection to you provision of a licence for a Sexual Entertainment Venue which I believe will be called La Belle's and reside at 61 Newhall Street, Birmingham, B1 1DA.

I believe there will be a detrimental impact on the residential developments in the area with the clubs external façade lowering the tone of an area that is currently a respectable business area. The whole character of the area will be altered with a sex club opening its doors and I expect a huge increase in noise from people leaving the venue during the night hours they have applied for as well as, potentially, from the venue itself.

Kind regards

From:
Sent: 13 January 2019 13:54
To: Licensing
Subject: Licence objection

Dear Birmingham City Council

I am the owner of Millennium Apartments, 95 Newhall Street Birmingham, B3 1BA. Please accept this email as my objection to the following:

Application for a licence for "A Sexual Entertainment Venue" at 61 Newhall Street B1 1DA called La Belle's

The reasons for my objections are:

1. This will ruin the visual appearance of that part of Newhall Street as this is in no way 'in-keeping' with the current properties which are offices, a dentist, hairdressers and nice bars/restaurants.
2. This will impact hugely on the character of the area, the addition of a sign saying La Belle's Sex club or similar will stand out like a sore thumb on this road and bring down the character of the area which is currently family friendly and filled with professionals. It is not a party road like Broad street. With the venue being on the corner of such a busy road and intersection, any trashy signage will be far reaching and damaging.
3. I am very concerned with the possible noise levels given the hours. Both of the last 2 previous nightclub ventures have been very loud, however, the hours stated for this new venture go further into the earlier hours than we have experienced before. The clientele will also likely be more stag party/all male groups leaving the venue in the early hours of the night through to when I need to get up for work.
4. With a school now in the old Severn Trent building on Newhall Street I am concerned with the large number of children walking passed this venue to the bus stops and train stations, even if the venue is closed at these times the signage will likely be explicitly sexual and inappropriate for children.

Please do not allow this premises a licence. There is so much building and improvement going on in this part of Birmingham and a club like this will, in my opinion, not help the area but hinder it with a far reaching impact on property prices and business investment that could take years to recover from.

Kind regards

28

From:
Sent: 13 January 2019 17:30
To: Licensing
Subject: Objection to "A Sexual Entertainment Venue" on B1 1DA

Dear Sirs,

As a neighbour of 95 Newhall Street, I object the license for "A sexual entertainment venue" at 61 Newhall Street.

I do not think that such venue provides any good thing to the neighbourhood, overall when there is a College on the opposite corner and the high likelihood of attracting drug dealers and similar outlaws and criminal actions.

We enjoy pleasant nights with low traffic and usual levels of noise from the street and such a venue would bring, for sure, more traffic and noise at nighttime to the neighbourhood.

Hopefully, you will take into consideration the wellbeing of the current neighbours of this street.

Sincerely,

From:
Sent: 14 January 2019 09:56
To: Licensing
Subject: Consultation Response - Objection to Licensing Application 61 Newhall Street, Birmingham, B1 1DA

Dear Sirs

We write to object to the renewal of a license for a Sexual Entertainment Venue for 61 Newhall Street Birmingham B1 1DA. Our business is located at 85 - 87 Cornwall Street, Birmingham, B3 3BY which is situated next door to Umberto Giannini Hairdressers.

Our objections are on the following grounds:

- The area around the venue is the premium business quarter of Birmingham, attracting significant inward investment from across the globe and maintaining high commercial property values. Having had sight of the Colemore Buisness District's response to this consultation we strongly agree with their reasons to object. Namely that the we also note that Birmingham City Council's policy for Sexual Entertainment Venues deems that the "locality" is the area encompassed by the Inner Ring Road (A4540) and that the appropriate number of SEV's for that locality is eight. It is difficult to identify what number of SEV's there are in this region but we do not agree that the locality described is appropriate to measure the control of SEV's and would argue, given where the majority of possible SEV properties are and the nature and purpose of the entertainment businesses in that area, that the area located more towards Digbeth, the Gay Village and Deritend is a more appropriate measure. The fact that there are four different Business Improvement Districts - with boundaries agreed by Birmingham City Council testifies to the huge differences in character between the localities it contains.

- The approval of this licence would be wholly inappropriate. The locality of this venue is currently going through major regeneration with upmarket residential properties being developed and modern class A office space being built. In addition to the major development of Cornwall Street, next door to Zen Metro, and the eventual semi-pedestrianisation of the road, there is the development of a 4 star hotel that is currently being built just a stone's throw away on the corner of Newhall Street and Cornwall Street. The locality also contains a significant amount of residential properties, many of which back on to the venue. Central Academy, a secondary school, is located no more than half a mile away and the University College Birmingham's campus is directly opposite the venue. Students and young people walk past the venue on a daily basis to come into the City Centre. Often at night when the University College Birmingham hold events, lessons or dinner services in the evening. In addition to the impact this will have on the young people in the area, approving this license will undoubtedly result in investment in the area dropping as it will no longer be seen as attractive a place for business in Birmingham. Particularly so when approving this license would go against the Colemore Business District's and our own business development plans in the run up to the Commonwealth Games in 2022 and post Brexit seeking to attract continued investment in the area.

We hope that the Authority will agree with our objections and refuse the renewal of the SEV license.

Kind regards

30

GCC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
14 JAN 2019
REF NO
INITIALS

Newhall St
B'ham
B3

I am writing to voice
my strong objection to
an application for licence
for premises near to my
home.

The proposed La Belle's
sexual entertainment venue
at 61 Newhall Street is
wholly inappropriate. This
residential area, which
includes a Secondary School

is totally unsuited to
such a business.

I object in the
strongest terms to this
venture, which is in
close proximity to my
home and an educational
establishment.

I look forward to
hearing that this plan is
rejected. The development
of this area would be
blighted by such an
establishment.

31

Flat
Flat
60 Newhall Street
Birmingham
B3 3RJ

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

Ref: Renewal of a sex establishment license for La Belle's 61 Newhall Street, B1 1DA.

We strongly object to the granting of the said license on the basis of our experience of the problems of such a license previously granted to the said premises.

We have lived in our apartments directly opposite these premises for some years, in particular during the duration of the last license. At this time the residents of our apartment building suffered a loss of peace and security which exists as a norm in the Colmore Business District. We and the other residents suffered very noisy and aggressive groups of young men, drinking and swearing outside the premises very late at night, often resulting in fighting – on more than one occasion with young women. There were many occasions when these people urinated in our entrance for the want of nowhere else to do it.

We have read the requirements of the applicable licensing act and would admit that the club may well conform to its requirements. However, our concern is not the interior but what will take place on the street, and we see no reason to believe that the behaviour will be any different than that during the previous license.

Most of the residents of 58-60 Newhall Street who are to be affected by the granting of this license are new and have no experience of what is to occur should you favour this license application.

We ask that you refuse this application.

Yours faithfully,

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 14 JAN 2019 REF NO _____ INITIALS _____
--

(8th January 2019)

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham, B6 9ES

Your Ref FHK.FJT.BRU44.9
Our Ref

14 January 2019

BY E-MAIL ONLY – Licensing@birmingham.gov.uk

Dear Sirs

Objection to SEV licence for La Belle's, 61 Newhall Street, Birmingham

We act on behalf of the Bruntwood Group, the owners and managers of Cornwall Buildings, 45 Newhall Street, Birmingham.

Bruntwood own and manage office space across the North of England and Birmingham, managing over 100 properties worth over £1billion and employing in excess of 700 people.

Our clients are aware of the application by Ms Monaghan for a Sexual Entertainment Venue licence for 61 Newhall Street and, having read in detail the City Council's Sexual Entertainment Venue Policy, wish to object in the strongest possible terms to it, on the grounds set out below;

The premises subject to the application is located on the same street as our clients building. Cornwall Buildings is home to a number of businesses and the occupants have 24 hour access to their offices. The tenant mix is diverse and includes Hugh Cok Associates who run counselling sessions from the building which families attend. The Guildhall Practice is an osteopath and general therapy business which offers post natal therapies to women who often bring their children with them. Phoenix Psychology also have an office and offer counselling and clinical neuropsychology to families, children and people with learning disabilities.

At 156 Newhall Street is Central Academy School. The citing of a lap dancing bar so near to an educational establishment is wholly inappropriate, as the Council's Policy makes clear at 10.1(d) and 11.2(d).

We note that point 9.2 of the same Policy states that;

"The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent."

Our enquiries suggest that the premises does not have the appropriate planning permission to operate as a sexual entertainment venue nor has any application been made.

Our clients agree with the Policy that it is premature to consider an application for a licence before the appropriate planning.

The site itself is a Grade II listed building such that use as an SEV may be inappropriate in heritage terms, especially if any alterations are proposed to the building such as internal refurbishment or external signage.

The Birmingham Development Plan indicates that the Council will look to increase the provision of residential accommodation in the City Centre "including for families" and land in the immediate vicinity along Great Charles Street is specifically earmarked for development. The objective for the Jewellery Quarter in particular is "Creating an urban village supporting the area's unique heritage with the introduction of an appropriate mix of uses and radically improved connections to the City Centre Core." This reinforces the emphasis on providing family accommodation.

The building immediately next door – Devonshire House – is also currently in residential use. Paras. 10 and 11 of the Policy expressly states that it will have regard to the use of premises in the vicinity and the character of the locality and it is our client's view that a lap dancing bar in such close proximity to residential accommodation is not appropriate.

There is a direct line of site to the Catholic Cathedral which is of particularly high importance in both historic and cultural terms: it is one of only four Basilicas in England and the only one in the Midlands. It was also the first Catholic cathedral to be erected in England since the Reformation and still retains much of the historic Pugin fittings and furnishings. As such, it is unique in heritage terms and the proposed SEV would materially affect its setting and context. The proposed SEV is particularly prominent as it is also located at a higher elevation.

In addition, Newhall Street is to be further developed as a key pedestrian corridor (a "Signed Primary Walking Route") linking the city centre core with the Jewellery Quarter as set out in the adopted Snow Hill Masterplan. This builds on the site's current location on the axis of two major public transport thoroughfares. The immediately adjacent junction of Newhall Street and Great Charles Street is specifically allocated as a key pedestrian crossing zone where a higher volume and greater extent of pedestrian 'dwell' may be expected, thus increasing exposure to the proposed SEV by all passers-by, including children and families.

In addition, the Masterplan expects new commercial uses to provide "active frontages" in order to create a strong and distinctive sense of place: an SEV by definition cannot achieve or

c:\users\envaddky\appdata\local\microsoft\windows\temporary internet files\content.outlook\4upkvo9t\tr of objection - sev la belle's.doc

contribute to this place-making objective. The alternative measures envisaged in the Masterplan – such as green walls or art walls – are inappropriate because of the heritage designation of the building.

Our clients acknowledge that this premises is located within the city's Ring Road, an area where Birmingham's SEV licences are almost exclusively located. However, the area within that boundary is large and diverse in its use. Our clients believe that the location of this particular premises is inappropriate.

Our clients are also aware that the City Council consider that the appropriate number of SEV licences within this locality should not exceed 8. It is understood that if this application were to be granted that would take the total of such licences to 8. The Council's Policy however makes it clear that this is an 'upper limit guide' and not a target.

In light of the reasons outlined above, we therefore request that the application is refused.

We would be grateful if you could notify us of the date of the hearing in due course so that we may attend.

Yours faithfully

Kuit Steinart Levy LLP

From:
Sent: 15 January 2019 09:33
To: Licensing
Subject: Sexual Entertainment Venue

Dear Birmingham City Council,

It has come to my attention that an application for a licence has been submitted for 'A Sexual Entertainment Venue' very close to my flat in Millennium Apartments and I want to strongly object to approving the application.

Newhall Street is a heavily populated area for residents living in apartments and is an extremely busy road for both work commuters and families heading into central Birmingham which I am sure you can understand is not an appropriate site for either groups of people to see on a daily basis.

There are far more appropriate sites away from a busy high street and personally it will attract the wrong crowd to the area.

From:
Sent: 15 January 2019 09:37
To: Licensing;
Subject: Objection to opening La Belle's at 61 Newhall Street, Birmingham, B1 1DA
Importance: High

Dear Sir / Madam

I am writing to inform you of our objection to the above application as owners of apartment and close proximity of the venue to Millennium Apartments and what is deemed to be inappropriate use of venue near a professional business district and residential area.

If you have any further questions we would be happy to assist.

Yours faithfully

Millennium Apartments
95 Newhall Street
Birmingham
B3 1BA

From:
Sent: 15 January 2019 22:49
To: Licensing
Cc: Councillor Albert Bore; Councillor Kath Hartley; Councillor Chaman Lal; Councillor Sybil Spence
Subject: OBJECTION to a Sexual Entertainment Licence Application at 61 Newhall Street Birmingham B3 3RB
Importance: High

Dear Sir/Madam,

Further to my conversation with the Licensing Team, I have been informed that Objections to the Sexual Entertainment Application made for 61 Newhall Street, Birmingham, B3 3RB need to be received by the close of business on Wednesday 16th January 2019.

I am the New Owner of 3 Floors at:
 Nervaana
 Avebury House
 55 Newhall Street
 Birmingham
 B3 3RB

We will be occupying the Basement Floor, Ground Floor and the First Floor. The Floors were previously occupied by the former Nepalese Restaurant "Jjolapa". We will be launching a New Family Restaurant on the Ground Floor and the First Floor will be utilised for Private Venue Hire in the coming weeks. We are currently undergoing renovations prior to the Grand Launch. The Business will be called "Nervaana".

We are situated DIRECTLY NEXT to the current building known as "COGS" at 61 Newhall Street, Birmingham, B3 3RB.

We would like to raise an **OBJECTION** to the Application for a Sexual Entertainment Licence at the above aforementioned Premises for the following reasons:

- Our Restaurant will be open for Lunchtime trade, through the Evening and into the Night. It will be a Family establishment where Young Children and Kids will come to dine with their Families. A highly charged sexual environment RIGHT NEXT DOOR is not the sort of environment any Parent would want their Children to be exposed to. This will impact Our Business greatly.
- It is a responsibility for us ALL to ensure we Safeguard ALL Children and their Minds.
- 61 Newhall Street wishes to operate from 2000 Hours until 0600 Hours 7 days a week. Private and Professional Clientele tend to dine out for Dinner from 1900 Hours onwards and again being right next door to a Sexual Establishment will greatly impact their evening and Our Business.
- Our First Floor for Private Venue Hire will be Open All Day – Every Day into the late Night for Private, Personal and Corporate Event Hire. Again, a Sexual Entertainment Establishment DIRECTLY NEXT DOOR impacts Our Business and impact the Clientele who will look to hire the First Floor for their various Corporate Events in the day time, Corporate Soirees in the Evenings and Private Parties into the Late Nights. Our Private Entrance to the First Floor is also DIRECTLY NEXT DOOR to the Entrance to 61 Newhall Street.

- A Sexual Entertainment Establishment on Newhall Street is not in keeping with any of the Businesses which operate there or any of the other Tenants that occupy the 2nd and 3rd Floors at Avebury House, 55 Newhall Street, Birmingham, B3 3RB.
- Newhall Street is central to Birmingham City Centre as a whole and is one of the of the most sought after locations for Professional Businesses. It hosts an array of affluent Corporate Businesses, Working Professionals and Corporate Clientele. A Sexual Entertainment Establishment located within such a central location only serves to bring down the overall persona and image that we as the Second Largest City should be consistently striving to promote. After all, we will be Hosting the Commonwealth Games and be Home to the HS2..
- HSBC are locating their Headquarters to Birmingham and again such Sexual Entertainment Establishments are not in keeping with the image and impression Birmingham is constantly striving to create.
- A Sexual Entertainment Establishment on Newhall Street is not aligned with the vision and growth of Birmingham -- already listed as One of the Top Ten Cities in the world. I sincerely believe no Council would want to permit and promote a business that is not aligned with a unified vision for Our great City.
- A Sexual Entertainment Establishment on Newhall Street will attract an undesirable demographic.
- Birmingham City Centre is already saturated with Sexual Entertainment Establishments on Broad Street, Hagley Road and surrounding areas. It is not in the City's best interests to house even more businesses of this type.
- Sexual Entertainment Venues are evidently aligned with crime. Please See:
<https://www.independent.co.uk/news/uk/crime/birmingham-strip-club-legs-11-lap-dance-west-midlands-police-report-drugged-sex-rip-off-a7862411.html>
- Sexual Entertainment Venues will attract an undesirable demographic, are historically and evidently associated with crime and cause Health and Safety issues to the General Public.
- It is my understanding that all businesses under the umbrella of Colmore BID are also objecting to the possible consent to this Sexual Entertainment Establishment. It is a joy to be part of a community that is united for the betterment of Our City.

I have taken it upon myself to speak with my Local Councillor who very kindly guided me to liaise with Councillors; Sir Albert Bore and Councillor Kath Hartley. To that end, I have Cc'd both Councillors into this email for their support in this matter.

Birmingham has been my Home my entire life and I am proud to be a Citizen of this Beautiful City. I kindly urge for Birmingham City Council to put the safety and well being of our Citizens, our Children and our City as a whole, before yet another Application for yet another Sexual Entertainment Establishment.

We have genuine concerns for such an establishment being given the go ahead for the reasons outlined above and trust Our objections will be considered in the best interests of our City.

Kindest Regards,

This email is only for the use of the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient you must not read, copy, disseminate or distribute this communication or any attachments to anyone other than the addressee or use the information it contains. If you receive this communication in error, please delete it from your system immediately. The views

From:
Sent: 15 January 2019 23:50
To: Licensing
Subject: Objection to the SEV licence for La Belle's, 61 Newhall Street

Name:
Standing: Resident of Newhall Street, Birmingham B3
Premises: La Belle's, 61 Newhall Street, Birmingham B1 1DA
Proximity of Premises to Resident: 0.1 miles or less. Currently residing on same street as the proposed Sexual Entertainment Venue (SEV).

I wish to object to the application for a licence in respect of a Sexual Entertainment Venue (SEV) at the Premises.

This objection is made on the following basis:

1. The use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity.
2. The use of the premises as an SEV would be inappropriate due to the character of the relevant locality.

I am a resident of Newhall Street. This is a residential apartment block with floors encompassing over residential apartments. This building is located only 0.1 miles away (or less) from the Premises - less than a 2 minute walk away.

It is evident that the area is residential. In addition to there are further residential tower blocks in immediate area such as: Brindley House, 101 Newhall Street which comprises of 82 luxury apartments rising to 17 floors, Devonshire House, 40 Great Charles Street with 48 apartments as well as Islington Gates, 110 Newhall Street and Point 3, George Street. This list demonstrates that the area in which the Premises are located is residential. It is clear that there is a substantial number of people living in close proximity to the Premises, many of which will be families. The Premises is also less than 0.3 miles away from St Pauls Square, which has further residential dwellings - Newhall Street is likely to be used as a road to access this square and the Jewellery Quarter. In addition, there are numerous hotels nearby - Staycity Apartments, Travelodge, Ibis etc which will be occupied by a variety of individuals, including those which may be young, old or vulnerable.

The Premises are also situated near shops / facilities used by families or children. There are several shops, restaurants and facilities in the area, including Subway, Milans, Ithhias. Purnell's, Ginger's, Asha's, the Co-Op supermarket, Umberto hairdressers, various coffee shops etc. Families may visit any one of the above on a regular basis. Many of these are open until 11pm/12am/1am and would result in these individuals having to walk past the Premises.

The Premises are also sited near properties which are sensitive for religious purposes. Newhall Street is one of the main roads connecting St Phillip's Cathedral to St Paul's Church. There is also St Chad's Cathedral in the proximity as well as there being a Sikh Temple just off Newhall Street.

St Phillip's Cathedral and St Paul's Church are also tourist attractions and historic/cultural interest sites, which attract members of the public of all ages. It is highly likely that these individuals would pass over Newhall Street to visit these areas. The premises is also 0.1 miles away from the BT Tower. As noted above, the Jewellery Quarter as a general if often accessed via Newhall Street from the main city centre.

The Premises are also located near civic buildings. The Birmingham and Midland Institute - an institution concerned with the promotion of education and learning in Birmingham - is now based on Margaret Street, just 0.2 miles away from the premises.

There are already several strip clubs within the city centre, a Google search reveals The Rocket Club, Legs 11, Spearmint Rhino, The Private Club, Medusa Lounge, The Playmates Club, The Cyclone Club and Scarlet's. Accordingly, this audience is already catered for within Birmingham. Of note, the majority of these are located on, or within a short distance from, Broad Street - a non-residential area consisting of various bars and nightclubs. This is the area within which such SEVs are appropriate and expected.

In addition to the above, the SEV would inevitably cause a nuisance to the area. There would be additional noise and people in the area - particularly between the unsociable hours of 8pm and 6am which have been applied for. This would also raise serious safety concerns of residents and frontagers. The potential increase in noise, litter, traffic and antisocial behaviour would have a serious negative impact on the quality of life of residents living on and around Newhall Street.

Birmingham City Council's adopted development plan has a core objective to "develop Birmingham as a City of sustainable neighbourhoods that are safe". The proposal for the Premises will not facilitate this for local residents or those visiting the area.

It is respectfully requested that the Council considers the reasoning set out above and reject the application for the licence accordingly.

If this objection is to be published, I request that I am notified of this and any name, address or other identifying information must be removed, including that identifying the building of which I am resident.

Please note that various information re opening times / other SEVs / blocks etc has been taken from Google searches.

From:
Sent: 16 January 2019 10:17
To: Licensing
Subject: Application for a licence for "A Sexual Entertainment Venue" at La Belle's at 61 Newhall Street, Birmingham, B1 1DA

Hello,

I would like to object to the above application for a change of license at La Belle's in Newhall Street. This area is predominantly residential and it doesn't feel in keeping with the area. I often walk from Snow Hill Station past this establishment and as a female on her own I wouldn't feel particularly safe if the application was approved.

I really don't think this is the right area for this sort of establishment and think it would definitely lower the tone of the area.

Regards,

Millennium Apartments
95 Newhall Street
Birmingham
B3 1BA

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Millennium Apartments
95 Newhall Street
Birmingham
B3 1BA

Birmingham City Council
Licensing Section
PO Box 17103
Birmingham
B6 9ES

13th January 2019

Dear Sirs

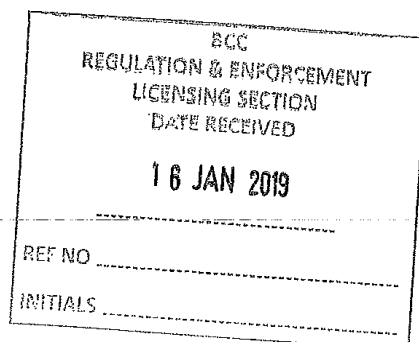
La Belle's, 61 Newhall Street, Birmingham B1 1DA
License application for a "sexual entertainment venue"

I object strongly to the above proposal. As a tenant in a neighbouring block I have the following concerns:

1. inappropriateness of this type of business in a heavily residential area
2. inappropriateness of this type of business given the current attractive ambience of the Jewellery Quarter as a location for small and creative businesses
3. increased traffic noise throughout the night
4. likely increase in drunkenness and crime in the vicinity

I sincerely hope that this license will not be granted.

Yours faithfully



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Millennium Apartments
95 Newhall Street
Birmingham
B3 1BA

Birmingham City Council
Licensing Section
PO Box 17103
Birmingham
B6 9ES

13th January 2019

Dear Sirs

La Belle's, 61 Newhall Street, Birmingham B1 1DA
Licence application for a "sexual entertainment venue"

I recognize the perceived demand for 'sexual entertainment,' although I worry that the women who provide the entertainment are exploited, and such exploitation is not to be encouraged by Birmingham City Council.

At a personal level, I object on the following grounds:

1. A venue like this is not appropriate in this part of Newhall Street which has become a residential area with many flat-dwellers, including myself.
2. The Jewellery Quarter is seen as a location for small and creative businesses, not for 'sexual entertainment.'
3. Venues such as 'La Belle's' operate under cover of darkness and for disinhibited male clients, which will mean more noise, traffic, and drunkenness.

I object to the granting of this licence on the above grounds.

Yours faithfully

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 16 JAN 2019 REF NO INITIALS

From:
Sent: 16 January 2019 15:40
To: Licensing
Subject: RE: Objection to La Belle's for 61 Newhall Street, Birmingham, B1 1DA.
Importance: High

Dear Sirs,

I object to the application for a Sexual Entertainment Licence made by La Belle's for 61 Newhall Street, Birmingham, B1 1DA.

My grounds for objections are as follows:

- 1] There is a Subway across the road to 61 Newhall street that is a family venue where children often visit with the family. As adults we have a care of duty to safeguard our children to adult behaviour that is in poor taste.
- 2] I am aware that Colmore Bid is representing multiple objections by local businesses in the vicinity.
- 3] Granting a Sexual Entertainment Licence will have a negative impact on existing businesses in the area and will affect their bottom line.
- 4] Granting a Sexual Entertainment Licence lead to increased criminality. As was the case with Legs 1.1 on broad street.
- 5] I have lived in Birmingham my whole life. I am proud of our city. We have HS2 soon to come and connect the city better than ever before. We have multiple new start-up businesses opening in Birmingham and we have been recognised as one of the top ten destinations in the world. We have the paradise circus development and many other construction sites in Birmingham. HSBC has moved their banking HQ to broad street too. With all this going on I strongly object to a Sexual Entertainment Licence been given in such a central area of the city and especially where children frequent.

--
Kind Regards,

Follow me on Twitter: <http://twitter.com/> Like me on Facebook: <http://www.facebook.com/>
Connect with me on linkedin: <http://www.linkedin.com/in/>
Connect with me on Google Plus: <https://plus.google.com/>

This email is only for the use of the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient you must not read, copy, disseminate or distribute this communication or any attachments to anyone other than the addressee or use the information it contains. If you receive this communication in error, please delete it from your system immediately. The views expressed within this email are those of the author and not necessarily the company. The recipient is solely responsible for ensuring that any emails or attachments received are virus free.

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From:
Sent: 16 January 2019 18:06
To: Licensing
Subject: Objection to Application at La Belle's, 61 Newhall Street, Birmingham, B1 1DA

Dear Sirs,

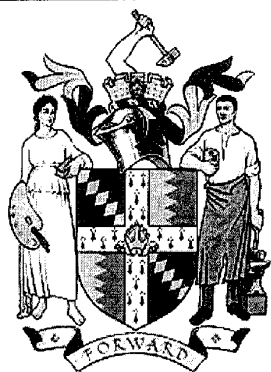
Please take this emails as an objection to the Application for Licence for Sexual Entertainment Venue at La Belle's at 61 Newhall Street, Birmingham, B1 1DA.

The proposed use does not fit with the profile of the surrounding area being predominantly the Financial Business District , University, Students, high profile restaurants and residential areas.

It seems that this would negatively impact the area for good reason and am concerned that similar establishments would want to setup business in the same local area.

95 Newhall Street
Birmingham
B3 1BA

Sent from Mail for Windows 10



BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

Licensing Service at Crystal Court,
Aston Cross Business Village
50 Rocky Lane,
Aston,
Birmingham, B6 5RQ

OR alternatively by email to: licensing@birmingham.gov.uk

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1. Introduction

- 1.1 Birmingham City Council ("the Council") is able to regulate sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), in particular sex shops and sex cinemas.
- 1.2 On 6 April 2010 the Policing and Crime Act 2009 ("the 2009 Act") came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues ("SEVs") were added as a category of sex establishments to enable local authorities to regulate those premises which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 1.3 The Council resolved on 12 October 2010 to adopt the new amendments to gain regulatory control of SEVs with effect from 3 January 2011. Consequently, this SEV policy applies to the whole of Birmingham.
- 1.4 The adoption of Schedule 3 allows the Council to prescribe standard conditions and fees for the grant, variation, renewal and transfer of SEV licences and the appropriate number of premises to be licensed in a relevant locality, which may be nil.
- 1.5 The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application and members of the Licensing and Public Protection Committee when making a determination on an application. This policy will be reviewed regularly and revised where necessary.
- 1.6 Each application will be dealt with on its own merits
- 1.7 Consideration will be given to the provisions of the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Home Office guidance issued in March 2010 entitled "Sexual Entertainment Venues – Guidance for England and Wales" when considering applications for SEVs.
- 1.8 The Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the Council's role as a Licensing Authority to regulate such premises in accordance with the law.

2. Sexual Entertainment Venues

- 2.1 An SEV is defined in the 2009 Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".
- 2.2 The meaning of 'relevant entertainment' is "any live performance or 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 an audience (whether by verbal or other means)". An audience can consist of just one person.

2.3 This definitions would apply to the following forms of entertainment [as they are commonly known]: lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment rather than the name given to it.

2.4 The 2009 Act provides exemptions from the definition of SEVs as follows:

- Sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act).
- Premises which provide relevant entertainment on an infrequent basis. These are detailed as premises where:
 - (a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - (b) no such occasion has begun within a period of one month beginning with the end of the previous occasion; and
 - (c) no such occasion has lasted longer than 24 hours.
- Other premises or types of performances or displays exempted by an order of the Secretary of State.
- Private dwellings to which the public are not admitted

2.5 Premises which provide regulated entertainment on an infrequent basis will continue to be regulated under the 2003 Act insofar as they are providing regulated entertainment under that Act either by virtue of a premises licence or club premises certificate or a temporary events notice issued under that Act.

2.6 In practice this means that the vast majority of lap dancing clubs and similar venues will require both a SEV licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provisions of other types of regulated entertainment not covered by the definition of relevant entertainment.

2.7 Live music or the playing of recorded music which is integral to the provision of relevant entertainment such as lap dancing for which a SEV licence is required is specifically excluded from the definition of regulated entertainment in the 2003 Act. Therefore, a SEV will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance to.

3. **Waivers**

3.1 Schedule 3 of the 1982 Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it

considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such a period as the Council thinks fit. Applications for waivers will be considered in exceptional circumstances.

- 3.2 The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

4. **Making an Application**

- 4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.
- 4.2 An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.
- 4.3 There are three separate notice requirements:
1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.
 2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
 3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.
- 4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.
- 4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

- 4.6 In addition applicants must, at the time of submission of a new grant or variation application, provide a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- 4.7 Applicants for SEVs must also submit a copy of their “club rules” and customer code of conduct. Such club rules must contain the required conduct of performers.
- 4.8 Such club rules will form part of the conditions of licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.
- 4.9 Applicants must provide evidence to the satisfaction of the Licensing Service of the registration for, and payment of business rates for the premises in question at the time of application.
- 4.9 Officers of the Licensing Service may, as part of the application process, visit the relevant locality of the premises to establish and report on whether there are any characteristics of the locality which may require consideration by the Licensing and Public Protection Committee.
- 4.10 Officers of the Licensing Service may also consult with colleagues from other Departments such as Planning
- 4.11 With regards to online application tacit authorisation does not apply to applications for SEV licences. This means the applicant must wait for the Licensing Authority to determine the application before they can operate a SEV.

5. **Fees**

- 5.1 The 1982 Act permits the authority to set a reasonable fee. Fees for Sex Establishments are reviewed annually by the Licensing and Public Protection Committee and set at a level appropriate to recover the costs of carrying out the licensing function under that Act namely: administration (including any hearings or appeals), inspection and compliance.
- 5.2 The above process is also applicable to the function of licensing SEVs and the appropriate fees for applications can be found on the Council’s website at: www.birmingham.gov.uk/licensingfeesandcharges.
- 5.3 Application fees must be paid in full at the time of submission of the application.

6. **Making Objections to Applications**

- 6.1 The 1982 Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a SEV licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors (providing they do not sit on the Licensing and Public Protection Committee),

regulatory agencies such as Planning and Environmental Health, or MPs. The Police are a statutory consultee for all applications.

- 6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:

- the name and address of the person or organisation making the objection;
- the premises to which the objection relates;
- the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.

- 6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:

- That the applicant is unsuitable to hold an SEV Licence;
- That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
- That the layout, character or condition of the premises are inappropriate for the proposed SEV;
- That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
- That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
- That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the 1982 Act will be rejected by the Licensing Service.

- 6.4 The courts have consistently stated that moral objections are inadmissible in such applications and will therefore be rejected.
- 6.5 Objections will be considered by the Licensing and Public Protection Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.) A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

7. Determination of an Application

- 7.1 **All applications for the grant of a SEV licence will be determined by the Licensing and Public Protection Committee.** Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application.

Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing and Public Protection Committee's procedure for hearings, which is available from the Licensing Service.

- 7.2 The 1982 Act provides five mandatory grounds and four discretionary grounds for refusal of a SEV licence. Each application for a SEV will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

7.3 Mandatory grounds for refusal

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1) (a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

7.4 Discretionary grounds for refusal

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for the locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

8. Suitability of an Applicant

8.1 In respect of 7.4(a) and (b) above with regard to the suitability of an applicant to hold a licence, the criteria for Members to consider include, but are not limited to:

- that the operator is honest
- that the operator is qualified by experience to run the type of sex establishment in question
- that the operator understands the general conditions
- that the operator is proposing a management structure which delivers compliance with the operating conditions e.g. through managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- that the operator can be relied upon to act in the best interests of performers e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- that the operator can be relied upon to protect the public e.g. transparent charging, freedom from solicitation
- that the operator can show a track record of management of compliant premises, or that he/she will employ individuals who have such a track record.
- Compliance with other regulatory and taxation schemes

9. Suitability of Premises

9.1 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that the applicant will be able to demonstrate that the layout, character and/or condition of the premises is appropriate to the relevant entertainment proposed at the premises.

9.2 The Council would expect that when an application for an SEV licence at permanent commercial property is made, that property should have the appropriate planning consent.

10. Use of Premises in the Vicinity

10.1 In considering the grant, renewal or variation of the licence would be inappropriate to the use which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities

- such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11. Character of the Relevant Locality

11.1 With reference to paragraph 8.4(d) 'relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated, and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a Sexual Entertainment Venue.

11.2 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of which any premises in the vicinity are put, the Licensing Authority shall consider, among other considerations, whether the grant of the application would be inappropriate, having regard to:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or no frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest, tourist attractions.
- (f) the premises are sited near civic buildings

11.3 The Council will consider relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or an entire town.

12. Appropriate Number of Sexual Entertainment Venues

12.1 As set out within paragraph 7.4(c) above, paragraph 12 of Schedule 3 provides that a Local Authority may refuse an application if it is satisfied that the number of sex establishments or sex establishments of a particular kind in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. The Council is able to determine that the appropriate number for a locality is nil.

12.2 The Council may choose to set an upper limit guide on the number of SEVs which it considers appropriate in any area within the Council's administrative control. Each application MUST in any event be considered on its merits at the time the application is determined by the local authority.

12.3 The Council considers that the City Centre, being that part of the City which falls within the ring road (A4540) is an area in which it is appropriate to have an upper limit guide on the number of SEVs within it. The Council considers the appropriate upper limit for this area is eight.

13. **Conditions**

13.1 When issuing an SEV licence the Licensing Authority is permitted to issue it on such terms and conditions and subject to restrictions as specified at the time the licence is issued either in the form of conditions specific to the individual or standard conditions applicable to all SEVs.

13.2 The Council has decided to produce regulations prescribing standard conditions and these shall apply to every licence granted, varied, renewed or transferred by the authority unless they have been expressly excluded or varied. These regulations are attached to this policy at Annex A.

13.3 It is an offence to operate an SEV without a licence or contravene a condition of the licence. The maximum penalty upon conviction is £20,000

14. **Renewal Applications**

14.1 Provided an application for renewal has been accepted by the Licensing Service prior to the date of expiry, the licence shall be deemed to remain in force until such time as the renewal is determined by the Council, or the application is withdrawn.

14.2 The statutory requirements for advertising and giving notice, are the same as those applying to initial grants, which are dealt with at paragraphs 5-13. Renewal applications will be dealt with by way of delegated authority to officers, unless there are any objections or other matters of concern, in which case, the application will be heard by the Committee.

15. **Revocation of a Sexual Entertainment Venue Licence**

15.1 A licence can be revoked by the Council at any time on any one of the grounds set out in 7.3(a - e) or any one of the grounds set out in 7.4(a and b) of the policy.

15.2 The Council will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing and Public Protection Committee and be heard.

15.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of reasons for its decision within seven days of the request being

made. Where a licence is revoked its holder will be disqualified from holding or obtaining a licence in the area of the Local Authority for a period of 12 months from the date of revocation.

- 15.4 When the authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

16. Cancellation of a Sexual Entertainment Venue Licence

- 16.1 The Council may at the written request of the licence holder cancel the licence.
- 16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.
- 16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

- 17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:
- (a) make the variation as requested;
 - (b) make such variations as it thinks fit;
 - (c) refuse the application.
- 17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.
- 17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. **Right to Appeal a Decision**

- 18.1 The decisions against which a right of appeal lies are refusals for the grants, renewals, variations or transfers, the imposition of conditions and also revocation.
- 18.2 Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.
- 18.3 It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds set out at paragraphs 7.4(c and d), namely:
- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
 - the use of premises in the vicinity or the layout, character or condition of the premises.
- 18.4 The only discretionary grounds against which an appeal lies are those in paragraph 7.4(a and b) relating to the suitability of the applicant, the manager and/or the beneficiary of the operation.

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

These regulations are made under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") as amended by the Policing and Crime Act 2009 (the "2009 Act") to prescribe conditions. In these Regulations, except when the context otherwise requires, the following expressions shall have the following meanings:

- (i) "The Council" shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to Licensing Section, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham, B6 5RQ. 0121 303 9896. licensing@birmingham.gov.uk
- (ii) These conditions apply to all premises licensed as a "sexual entertainment venue" as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) "Sexual Entertainment Venue" ("SEV") means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) "Premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) 'Relevant Entertainment' means 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).

- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

OPENING HOURS

- 1. The licensed premises shall not be open or used for the purposes for which the licence is granted except between the hours prescribed within the licence or those hours of operation determined by the Licensing and Public Protection Committee.

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

- 2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
- 3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
 - (a) The address of the premises.
 - (b) The licensed name of the premises.
 - (c) A notice stating the opening hours of the establishment.
 - (d) In the case of a licence granted to a body corporate:

- (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
 - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
- 4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
- 5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

LICENSED NAME

- 6. At the time of granting the licence in respect of the premises the Council will authorise a name referred to as "The Licensed Name" by which it is intended that the premises shall be known and the licensee shall ensure that the premises are known solely by that name and by no other, save as provided for by the paragraph below.
- 7. To change the licensed name, an application shall be made to the Council not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to allow or refuse such change.

EXHIBITION OF LICENCE

- 8.
 - a) A copy of the licence (two pages) shall be suitably framed and exhibited in a position that can easily be read by all persons entering the premises.
 - b) The conditions of licence and all such documents listed as Appendices to said licence shall be retained in a clean and legible condition and immediately available for inspection by anyone who so requests.

9. The licensee shall retain a copy of a form signed by each employee and performer confirming that they have read and understood the licence and conditions. The copy shall be retained for a period of six months after they cease work at the premises. A copy of the licence and conditions shall be given to each performer.

RESPONSIBILITY OF THE LICENSEE

10. The licensee or a responsible person over 18 years of age nominated by them in writing for the purpose of managing the SEV in their absence shall be in charge of and upon the premises during the whole time they are open to the public.
11. The written nomination referred to in condition 10 above shall be maintained in a daily register, kept on the premises and made continuously available for inspection by an officer authorised by the Council or police officer.
12. The person in charge shall not be engaged in any duties that will prevent them from exercising general supervision and they shall be assisted as necessary by suitable adult persons to ensure adequate supervision.
13. The licensee must ensure that there is a current insurance policy in force to cover the performers whilst the premises are open and that a copy is displayed in areas where all staff have access.

EMPLOYEES AND MANAGEMENT STAFF

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such

records available for inspection to them. (see Conditions regarding Door Supervisors)

15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
18. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

19. Where the licensed premises is a vessel or stall, the licensee shall not move the licensed vessel or stall from the location specified in the licence unless a variation application is submitted for the Council's determination giving not less than 28 days notice. n.b. this requirement shall not apply to a vessel or stall which habitually operates from a fixed location but which is regularly moved (whether under its own propulsion or otherwise) from another place such location as is specified in the licence.
20. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on

the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.

CLUB RULES

21. Any club rules imposed on the performers shall be displayed in a prominent position within the premises for all employees to have easy access whilst at work.
22. A copy of the club rules shall be provided to performers engaged by the premises by means of a written contract signed by the recipient. Copies of the same must be retained on the premises and produced to an authorised officer of the Council or police officer on request.

FEES

23. Receipts or records of payments received should be provided to performers where "house fees" are charged or when any fines are issued.

PERFORMANCES

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided" so that it can be easily read by persons entering the premises.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.
26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.
27. Performers shall be aged not less than 18 years.

28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
29. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:
 - a). Leading a patron by the hand to and from a chair or private room or designated dance area.
 - b). Simple handshake greeting at the beginning and/or end of the performance.
 - c). A customary ("peck on the cheek") kiss at the end of the performance.
 - d). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).
31. A price list shall be displayed in a prominent position giving the price and the duration of any 'private dances'.
32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.
33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers' dressing rooms and/or staff areas.

- 34. At all times during a performance, performers shall have unrestricted access to a dressing room.
- 35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

DOOR SUPERVISORS

- 36. The licensee shall ensure all door supervisors employed or contracted to work on the premises are suitably licensed by The Security Industry Authority or appropriate agency.
- 37. Where door staff are used, the licensee shall maintain profiles for all door staff that are, or have been, working at the premises in the last six months. The profile is to contain proof of identity (copy of passport /photo driving licence) and proof of address dated within the last six months (bank statement /utility bill). Separate proof of address is not necessary when the proof of identity is a photo driving licence. All profiles are to be made immediately available to Authorised Officers upon request.
- 38. An adequate number of licensed door supervisors, based on a risk assessment undertaken by the licensee, shall be on duty on the premises whilst relevant entertainment takes place.
- 39. At least one door supervisor shall be on duty at the premises at all times when the relevant entertainment takes place.

CCTV

- 40. CCTV shall be installed in each room within the premises where the public has access save for the toilet and staff only areas. All cameras shall continuously record whilst the premises are open to the public and recordings shall be kept available for a minimum of twenty-eight days.

- 41. A member of staff who is fully trained in the use of the CCTV system shall be on duty at all times when the premises are open until the premises are clear of customers.
- 42. The premises will provide copies of any recordings upon request by a police officer or an authorised officer of the Council within 24 hours of the request.

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

- 43. The licensee shall not allow the use of vehicles including limousines for the promotion of the relevant entertainment.
- 44. The collection of patrons and or potential clients is not permitted unless the vehicle is licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.
- 45. The licensee shall not permit any person whilst on a public thoroughfare to encourage any other person to visit the SEV premises by any means.
- 46. The licensee shall endeavour to ensure any marketing communications associated with the SEV or relevant entertainment shall comply with the code of practice as issued by the Advertising Standards Authority.

ADMISSION OF AUTHORISED OFFICERS

- 47. Officers of the Council, Police, and other authorised agencies who are furnished with authorities (which will be produced on request) shall be admitted immediately to all parts of the premises at all reasonable times and at any time the premises are open for business.

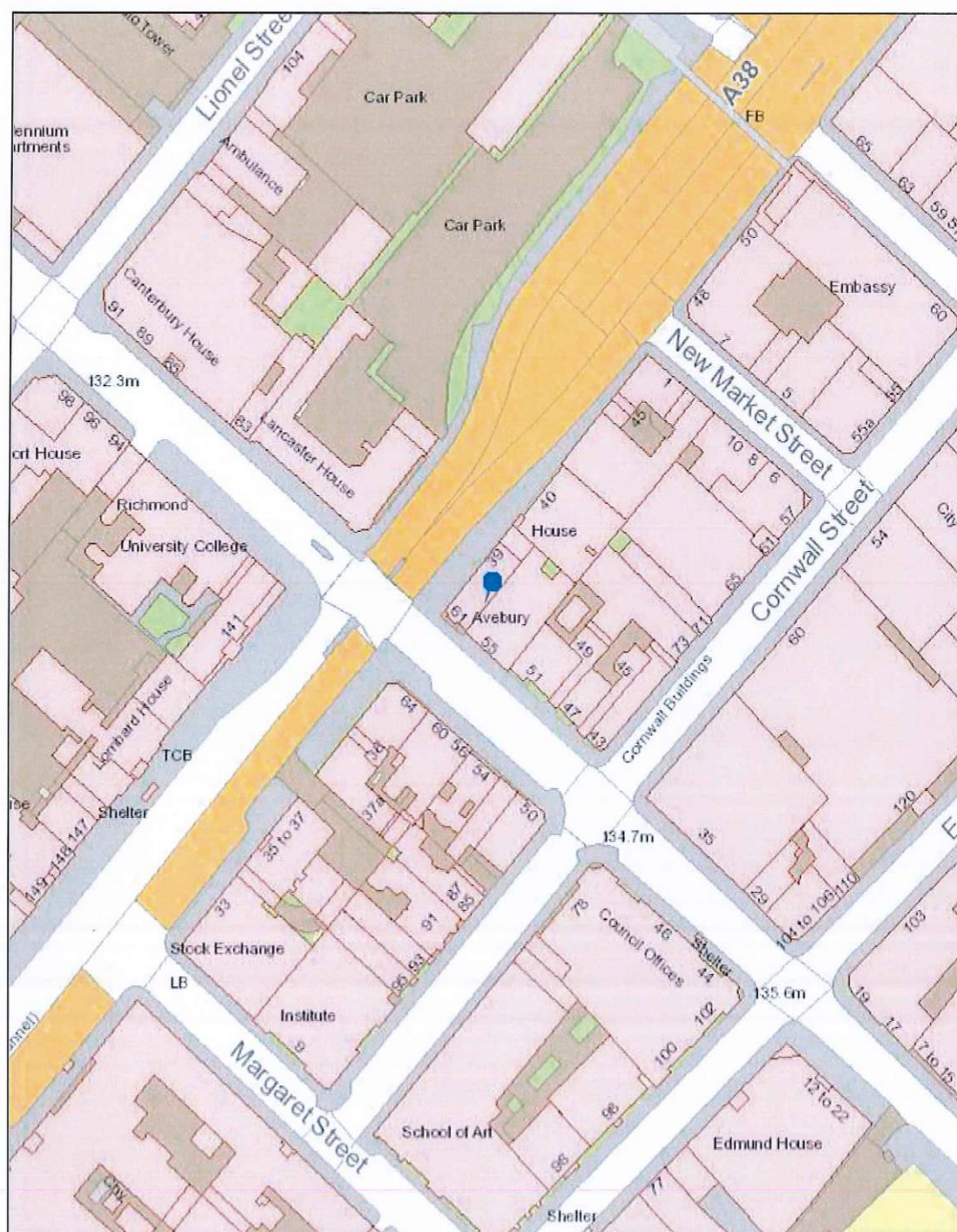
ANNEX B

SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

The Licensing and Public Protection Committee is responsible for making licensing decisions with Sub-Committees and officers having delegated powers to make some decisions. The table below describes how licensing decisions will be made. This scheme of delegations will be subject to regular review

Nothing within this scheme of delegations shall prevent matters being referred to a higher level where appropriate. E.g. officers may refer matters to a sub committee, or a sub-committee may refer a matter to full committee.

Matter to be dealt with:	Decision to be made by:		
	Full Committee	Sub-Committee	Officers (Senior Licensing Officer or above)
Application for grant or transfer	All cases		
Application for renewal or variation	If relevant objection made		If no relevant objection made
Minor variation application	If relevant objection made		If no relevant objection made
Revocation of Licence	All cases		
Cancellation of Licence			All cases
Make/amend regulations prescribing standard conditions, terms and restrictions	All cases		
Setting of fees	All cases		
Waiver	All cases		
To make and amend policy relating to the licensing of sex establishments	All cases		
To enforce the provisions of Part II and Schedule 3 of the Local Government Miscellaneous Provisions Ac 1982			All cases



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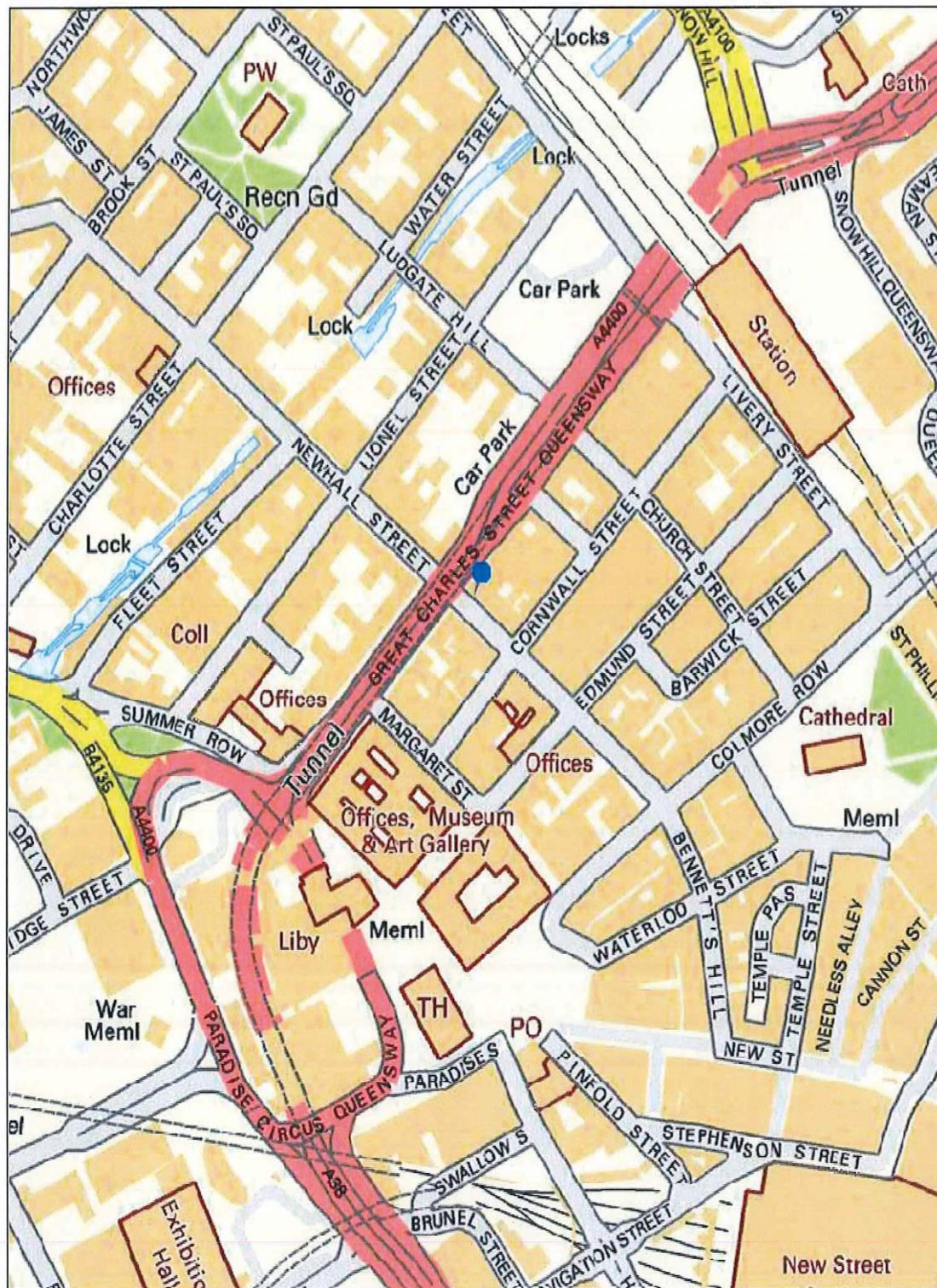


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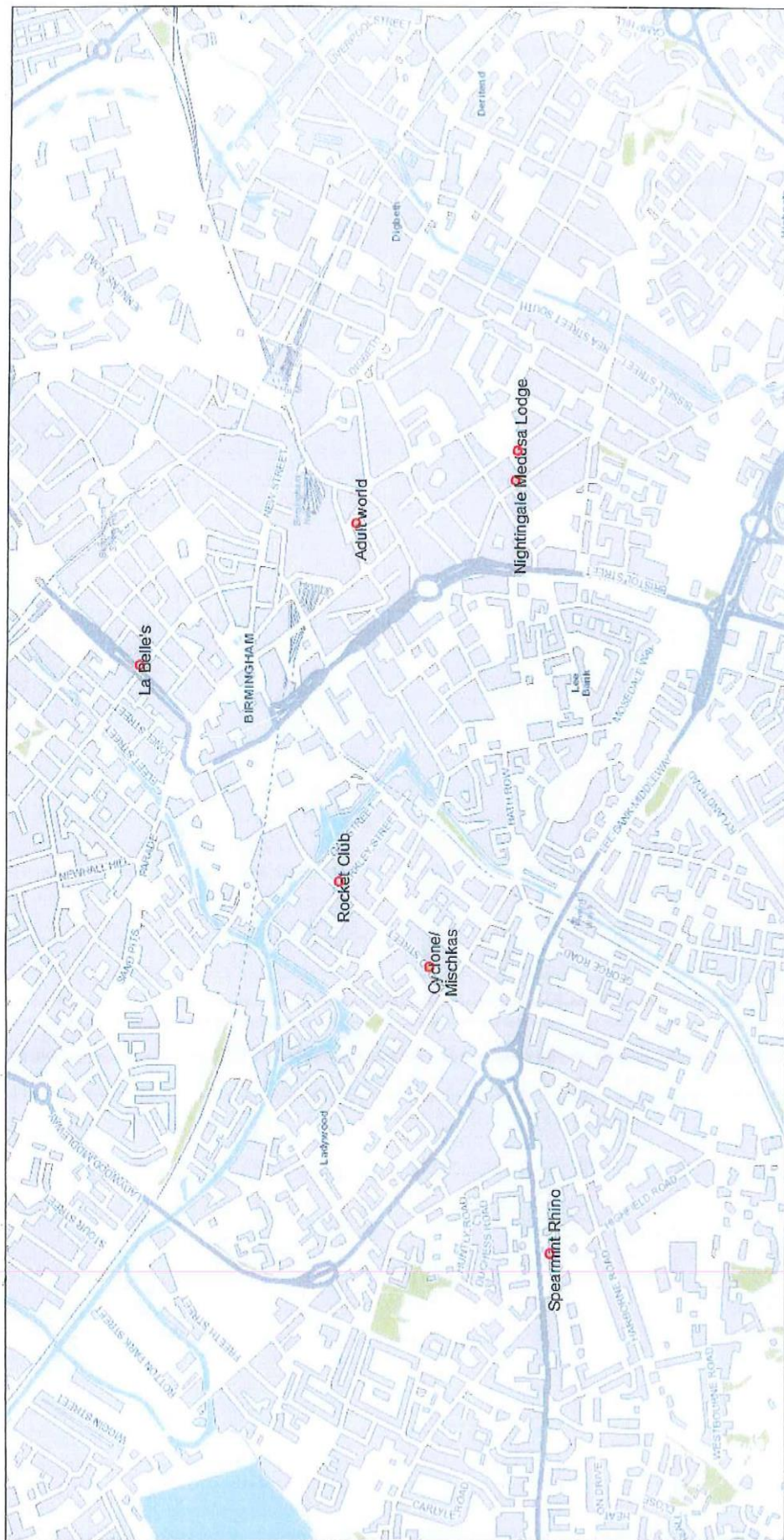
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