

BIRMINGHAM CITY COUNCIL

LICENSING
SUB-COMMITTEE B
20 JUNE 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 20 JUNE 2023 AT 1000 HOURS IN THE COUNCIL HOUSE, COMMITTEE ROOM 2.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Narinder Kooner and Penny Wagg.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/200623

NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/200623

DECLARATION OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an

Licensing Sub-Committee C – Tuesday 20 June 2023

interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/200623 Apologies were submitted on behalf of Councillors Diane Donaldson, Saddak Miah and Adam Higgs and the nominated substitute Members were Councillors Sam Forsyth, Narinder Kooner and Penny Wagg respectively.

MINUTES

4/200623 That the public part of the Minutes of the meeting held on 16 May 2023 at 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.

The Minutes of the meeting held on 30 May 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT VENUE – THE ROCKET CLUB, 258 BROAD STREET, BIRMINGHAM, B1 2HF.

* * *

Please note the meeting was delayed due to issues with attendance.

On Behalf of the Applicant

Richard Williams – Solicitor

On Behalf of The Premises Licence Holder (PLH)

Sarah Lavender – Licensing Enforcement Officer (LEO)

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Richard Williams, on behalf of the applicant made the following points: -

- a) That it is a relatively straight forward application, a renewal and transfer.
- b) The premises is no longer trading.
- c) This application is simply to allow the Landlord to preserve the licence that is already in force. It is easier to keep the licence going than to re-apply.

Licensing Sub-Committee C – Tuesday 20 June 2023

- d) The Landlord wants the commercial space occupied and a tenant has been found. The tenant is an experienced Sexual Entertainment Venue (SEV) operator. However, the lease is not yet complete, but the proposal is that Spearmint Rhino will take over this site and then the licence can be transferred to them.
- e) They have agreed all the conditions request from the LEO. The conditions are normal expected things in this scenario.
- f) That it is a temporary measure and is a completely reasonable measure.
- g) Approval will have to be sought from the Council prior to the premises being able to operate as an SEV with the new tenant.
- h) There are no concerns about policy of the number of SEV's in the area.
- i) The licence is valuable.

At this stage the chair invited the LEO to make her presentation and Sarah Lavender made the following points: -

- a) That she received the application but as the premises is not currently trading, she had put forward conditions to ensure that they were agreed. (She read on the conditions which are detailed in the agenda pack)
- b) The conditions requested were just for this application today.

The Chair invited all parties to make a closing submission. But neither party had anything further to add.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the full written decision was sent to all parties as follows;

5/200623

RESOLVED:-

That the application under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, by Broad Street Birmingham Limited (company number 14737350), 37 Warren Street, London W1T 6AD, for the Transfer and Simultaneous Renewal of the Sexual Entertainment Venue licence granted to The Rocket Club Gentlemen's Entertainment Limited in respect of premises known as The Rocket Club, 258 Broad Street, Birmingham B1 2HF, be granted subject to the Birmingham City Council Standard Conditions for Sexual Entertainment Venues as modified in the terms agreed (in advance of the meeting) between Broad Street Birmingham Limited and Licensing Enforcement of Birmingham City Council.

Licensing Sub-Committee C – Tuesday 20 June 2023

The agreed modification of the Standard Conditions is as follows:

The premises will not open for the provision of sexual entertainment at any time until all relevant information has been submitted and considered by the Licensing Authority, to include but not limited to the following –

-
- Details of the person who is to be responsible for the management of the premises in the absence of the licence holder
 - A plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority
 - A copy of the “club rules”, such club rules to contain the required conduct of performers which shall include, for example, no sex acts, no giving or taking of phone numbers (including exchange of business cards)
 - A scheme showing the exterior design for consideration by the Licensing Authority
 - The premises will not open for the provision of sexual entertainment until a full inspection has been conducted by the Licensing Authority. The premises must contact the Licensing Authority a minimum of 14 days before the premises intends to trade to enable an inspection to be arranged to ensure compliance with the conditions of licence
-

A Sexual Entertainment Venue licence had been held at the site since 2012; such licences required renewal annually. The applicant company (Broad Street Birmingham Limited) was the landlord of the site, and was represented by its solicitor at the meeting.

The solicitor explained that the lease of the premises had been disclaimed and the premises was no longer trading. The applicant company was therefore keen that a new commercial tenant should be found as soon as possible to take on the venue. The company was in talks with a national operator in this regard. The application was therefore to bring the licence under the control of the applicant company, such that the licence could then be transferred on to a new tenant in due course. The applicant company was not a sexual entertainment operator and had no intention of operating the licence itself.

The solicitor reminded the Sub-Committee that the mandatory and discretionary grounds for refusal were shown in the Committee Report, and observed that none of the mandatory grounds were applicable to the instant application. Licensing Enforcement sent its enforcement officer annually to inspect the premises, and before the meeting she had suggested a modification of the standard conditions. The applicant company had agreed all of these suggested conditions. There had been no other objection from any other party.

The enforcement officer also addressed the Sub-Committee to confirm that the premises was not currently trading, her suggested conditions

Licensing Sub-Committee C – Tuesday 20 June 2023

had all been agreed, and that the premises could not open as a Sexual Entertainment Venue until a full inspection had been conducted to check compliance.

Members carefully considered the submissions and found all to be in order. The Sub-Committee considers the modification of the Standard Conditions to be necessary, reasonable and proportionate to address concerns raised by Licensing Enforcement.

In reaching this decision, the Sub-Committee has given due consideration to the City Council’s Sexual Entertainment Venue Policy, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant company via its solicitor, and by Licensing Enforcement.

The time for appeal is contained in paragraph 27 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and should be made to the Magistrates’ Court within 21 days of the decision.



EXCLUSION OF THE PUBLIC

6/200623

RESOLVED:-

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.



CHAIR.....