

BIRMINGHAM CITY COUNCIL

**LICENSING AND
PUBLIC PROTECTION
COMMITTEE
15 MARCH 2017**

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON WEDNESDAY 15 MARCH 2017 AT 1000
HOURS IN COMMITTEE ROOMS 3 AND 4,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Alex Buchanan, Lynda Clinton,
Neil Eustace, Des Flood, Jayne Francis, Penny Holbrook,
Nagina Kauser, Mike Leddy, Gareth Moore and Habib
Rehman.

NOTICE OF RECORDING

818 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs.

The whole of the meeting would be filmed except where there were confidential or exempt items.

APOLOGIES

819 Apologies were received from Councillors Nawaz Ali, Basharat Dad and Rob Sealey for their inability to attend the meeting.

MINUTES

820 The Minutes of the meeting held on 15 February 2017, having been previously circulated, were confirmed as a correct record and signed by the Chairman.

**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT
VENUE, MISCHKAS/CYCLONE CLUB, 192-194 BROAD STREET,
BIRMINGHAM B15 1AY**

The following report of the Acting Service Director Regulation and Enforcement was submitted:-

(See document No. 1)

The following people were in attendance for the hearing.

Sarah Clover – Barrister acting for the applicant
Michelle Monaghan – Licence holder

Chris Neville, Head of Licensing, made introductory comments relating to the report.

Sarah Clover, on behalf of the applicant, made the following comments in respect of the application:-

- (a) The premises had been licenced for a number of years and was located suitably as 1 of the 8 premises with a Sexual Entertainment Venue (SEV) licence within the area bounded by the ring-road.
- (b) The licence transfer was being sought for pragmatic purposes and did not involve any operational changes.
- (c) With regard to paragraph 3.6 of the report, she wished to draw attention to a correction – the entertainment took place on the ground floor and first floor.
- (d) Full consultation had been undertaken and there were no objections from West Midlands Police, enforcement officers or members of the public.

In response to questions from Members of Committee, Sarah Clover and Michelle Monaghan made the following comments:-

- (a) Mischkas and the Cyclone Club existed within one building, but had separate entrances and traded separately. The transfer would bring the licence in line with the named company on the rates and bills for the premises. The company had existed for some time.
- (b) Mischkas was not covered by the SEV licence, which related to the Cyclone Club only. The additional rules made the rules more comprehensive and protected the performers. They covered fees, but emphasised that prostitution and drugs were not allowed. There had not been an issue, but the additional rules provided clarification. Fees had not been increased.

- (c) 4 employees worked at the premises, along with 5 or 6 dancers who were self-employed. The premises were complying with safeguarding regulations and there had been no issues regarding advertising.
- (d) There had not been any relevant changes relating to the regeneration of the area and Broad Street continued to be an entertainment hub.

Sarah Clover advised that she did not wish to give a summing up of the case.

At 1028 hours, the Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer, the Committee Manager and the web streaming operator, withdraw from the meeting.

After an adjournment, all parties together with officers and members of the public were recalled to the meeting at 1033 hours and a summary of the decision of the Sub-Committee was announced. All parties were advised that the full decision would be forwarded to them within five working days and is set out as follows:-

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RESOLVED:-

Preamble

An application was received for the simultaneous transfer and renewal of the Sexual Entertainment Venue (SEV) Licence granted to Michelle Monaghan in respect of premises known as Mischkas / Cyclone Club, 192 – 194 Broad Street, Birmingham B15 1AY.

In the absence of any observations or objections, and or any reason to refuse the renewal in accordance with Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, officers have delegated authority to renew the licence and have chosen to do so following today's determination by Committee. Officers do not have delegated authority to approve the transfer element of the application, which must be determined by the Committee in accordance with the scheme of delegations.

Substantive Decision of Committee

That the application by Mischkas Limited for the transfer of a Sexual Entertainment Venue licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 in respect of Mischkas/Cyclone Club, 192-194 Broad Street, Birmingham B15 1AY **BE GRANTED.**

The Sexual Entertainment Venue licence in respect of the above premises was held in the name of Michelle Monaghan but following the Committee's determination today will be transferred into the name of Mischkas Limited.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information

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contained in the application, the written representations received and the submissions made at the hearing by the applicant and their legal adviser.

Under the provisions contained within Schedule 3, paragraph 27 of The Local Government (Miscellaneous Provisions) Act 1982, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

LICENSING AND PUBLIC PROTECTION – BUDGET MONITORING PROVISIONAL OUTTURN (MONTH 10) 2016/17

The following joint report of the Acting Director of Regulation and Enforcement and the Strategic Director – Finance and Legal was submitted:-

(See document No. 2)

Officers made introductory comments relating to the report and responded appropriately to Members' questions.

It was unanimously-

822

RESOLVED:-

- (i) That the latest Revenue budget position at the end of January 2017 (Month 10) and Provisional Outturn as detailed in Appendix 1 to the report be noted;
- (ii) that the position with regard to the Savings Programme for 2016/17 as detailed in Appendix 2 to the report be noted;
- (iii) that the expenditure on grant funded programmes in Appendix 3 to the report be noted;
- (iv) that the position on reserves and balances as detailed in Appendix 4 to the report be noted.

LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2017/18

The following joint report of the Acting Director of Regulation and Enforcement and the Strategic Director – Finance and Legal was submitted:-

(See document No. 3)

Officers made introductory comments relating to the report and responded appropriately to Members' questions.

It was unanimously-

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RESOLVED:-

- (i) That the 2017/18 Revenue Budget Changes as detailed in Appendix 1 to the report be noted;
 - (ii) that the 2017/18 Service and Subjective Budget in Appendix 2 to the report be noted;
 - (iii) that the 2017/18 Provisional Budget 2017/18 to 2020/21 in Appendix 3 to the report be noted;
 - (iv) that the 2017/18 budgeted employee establishment as detailed in Appendix 4 to the report be noted;
 - (v) that the latest 2017/18 Balances and Reserves position as detailed in Appendix 5 to the report be noted.
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TRANSITIONAL ARRANGEMENTS FOR DESIGNATED PUBLIC PLACES AND DOG CONTROL ORDERS

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 4)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report. He responded to comments and questions from Members. In particular, he undertook to clarify the timescale for changes after the meeting, to clarify the fines relating to dog control and to investigate concerns regarding enforcement tickets being available to Police Officers.

Subject to the above clarifications, it was unanimously-

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RESOLVED:-

- (i) That all existing Designated Public Place Orders be revoked, with effect from 30th September 2017;
 - (ii) That all signage relating to the Designated Public Place Orders be removed as soon as is reasonably practicable following the cessation of the Orders;
 - (iii) That Officers commence the process of applying for Public Space Protection Orders, to replicate as closely as possible the protections and requirements currently provided by the Dog Control Orders.
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**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS
DURING JANUARY 2017**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 5)

Chris Neville, Head of Licensing, made introductory comments relating to the report.

825 **RESOLVED:-**

That the report be noted.

PROSECUTIONS AND CAUTIONS JANUARY 2017

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 6)

Alison Harwood, Acting Director Regulation and Enforcement, made introductory comments relating to the report. Members expressed their gratitude for the enforcement actions taken by officers and for action taken to move travellers occupying land at Shenley Court School.

826 **RESOLVED:-**

That the report be noted.

FIXED PENALTY NOTICES ISSUED JANUARY 2017

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 7)

Mark Croxford, Head of Environmental Health, made introductory comments relating to the report and responded to Members' questions.

827 **RESOLVED:-**

That the report be noted.

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See document No. 8)

Alison Harwood, Acting Director Regulation and Enforcement, advised Members that a report in relation to Outstanding Minute No. 648 was intended to be submitted in April 2017.

With reference to Outstanding Minute No. 651, the report was dependent on the Clean Air Policy and the Head of Licensing was trying to arrange to meet with neighbouring authorities. Therefore, the date for submission of that report was to be confirmed.

With regard to Outstanding Minute No. 720, the report was due to be submitted in April 2017. Members noted concern expressed by Councillor Gareth Moore that it was important that the report was not deferred, but was submitted to that meeting.

Alison Harwood informed Members that a report in relation to Outstanding Minute No.811 was due to be submitted to the Committee in June 2017.

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RESOLVED:-

That all Outstanding Minutes be continued.

OTHER URGENT BUSINESS

The Chair was of the opinion that the following item could be considered as a matter of urgency in order to expedite consideration thereof and instruct officers to act if necessary:-

Birmingham City Football Club Safety Advisory Group

Councillor Lynda Clinton advised Members that a problem had occurred with a Member being unable to attend meetings of the Safety Advisory Group for Birmingham City Football Club, to which they had been appointed, and that she had raised that problem with the Leader of the Conservative Group.

In view of the ongoing difficulty, Councillor Neil Eustace had offered to attend the meetings and she proposed that he be appointed as an opposition representative. The proposal was seconded by Councillor Alex Buchanan.

Councillor Gareth Moore expressed concern that consideration should have been given to the possibility of changing the meetings dates from Thursday mornings.

The Chair noted that there were no other nominations and, on putting the vote to a show of hands, it was

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RESOLVED:-

That Councillor Neil Eustace be appointed as an opposition representative in place of Councillor Randal Brew.

AUTHORITY TO CHAIRMAN AND OFFICERS

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RESOLVED:-

In an urgent situation between meetings, the Chair jointly with the relevant Chief Officer has authority to act on behalf of the Committee.

The Committee ended at 1130 hours.

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CHAIRMAN