

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 10 JUNE 2019 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

4 **APPOINTMENT OF SUB-COMMITTEE**

To note the appointment by the City Council of the Committee and Chairman for the Municipal Year 2019/20.

Members of the Sub-Committee may nominate another member of their respective Party Group on the Licensing and Public Protection Committee to attend in their place.

Any Member nominated must have had formal training as set out in Paragraph 6.1 of the Licensing Committee Code of Practice for Councillors and Officers.

5 **MINUTES**

To confirm and sign the Minutes of the meeting held on 4 February 2019.

To note the public part of the Minutes of the meeting held on 18 February 2019.

To note the public part of the Minutes of the meeting held on 4 March 2019.

To note the public part of the Minutes of the meeting held on 1 April 2019.

To confirm and sign the Minutes of the meeting held on 4 April 2019.

6 **DELEGATIONS TO SUB-COMMITTEE**

To note the delegations to the Sub-Committee as follows:-

To determine matters relating to the Licensing Act 2003, the Gambling Act 2005, hackney carriage licences private hire licences and such business as may be referred by the Assistant Director of Regulation and Enforcement.

35 - 66

7 **BIRMINGHAM CITY COUNCIL ACT 1990 ESTABLISHMENTS FOR
MESSAGE AND/OR SPECIAL TREATMENTS ASPIRE TAN & BEAUTY,
602 BRISTOL ROAD, SELLY OAK, BIRMINGHAM,**

Report of the Assistant Director of Regulation and Enforcement.

N.B. Application scheduled to be heard at 11:30am on Monday 10 June 2019 following the last item on the Private Agenda.

8 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

9 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 18 February 2019 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 4 March 2019 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 1 April 2019 and to confirm and sign the Minutes as a whole.

2 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,
TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY
CARRIAGE DRIVERS LICENSES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

3 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

4 **RE-ADMITTANCE OF THE PUBLIC**

That the public be re-admitted to the meeting for Public Agenda Item 7 - Birmingham City Council Act 1990 - Establishments for Massage and/or Special Treatments - Aspire Tan & Beauty, 602 Bristol Road, Selly Oak, Birmingham, B29 6BQ - Grant of Licence

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE A 4 FEBRUARY 2019
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 4 FEBRUARY 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Parminder Bhomra – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

1/040219 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/040219 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/040219 No apologies were submitted.

LICENSING ACT 2003 PREMISES LICENCE (REVIEW) – BARTLEY GREEN CONVENIENCE STORE, 2 GENNERS LANE, BIRMINGHAM, B32 3JL

Report of the Acting Director of Regulation and Enforcement.

(See document No. 1)

The following persons attended the meeting.

On behalf of West Midlands Police

PC Ben Reader – West Midlands Police

On behalf of the Premises Licence Holder

Imran Sadiq – Premises Licence Holder
Royston Seempalai – Business Owner
Patrick Burke – Agent

Those Making Representations

Garry Callaghan – Licensing Enforcement Officer
Nicola Swadkins – Home Office Immigration

* * *

The Chair made introductions and outlined the procedure to be followed.

Bhapinder Nhandra, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of Licensing Enforcement, Mr Garry Callaghan made the following points:-

- a) That they had concerns regarding the running of the premises and the business owner.
- b) They received intelligence from the Home Office Immigration Officer that they had the wrong sign on the shop when they carried out an investigation.
- c) That there was a male Indian National working behind the counter – whom did not have the correct immigration checks. They asked the Indian National who his employee was and he responded “Royston”, whom was later contacted and appeared in the shop later on.
- d) That it was all done under caution.
- e) That the gentleman also advised he was only being paid 6 pound an hour, which gave the officer cause for concern.
- f) When Royston later arrived in the shop he was unable to produce a summary of licence (premises licence), and subsequently they issued a Traders Notice.
- g) That the Premises Licence Holder (PLH) also owned the shop next door, but he was on holiday.
- h) That Royston said he had took over the business at the end of August, but no transfer of Premises Licence had taken place.

- i) That the primary function was to enforce the objectives yet that man detained did not have the correct immigration status.
- j) That they had concerns in regard to the running of the premises.
- k) That the Traders Notice was issued to Mr Sadiq however, they were not sure if he had even been made aware.
- l) That they carried out a further visit on 21st November and none of the previous issued has been rectified, including breaches of the licence conditions. They requested CCTV which they were told was not available as they didn't have the pin code and they still did not have the summary licence available.
- m) That the police officer accounted further evidence.
- n) That under the Section 182 Guidance employing illegal workers was serious... the same category as possession of firearms, pornography. (quoted Paragraph 11.27)
- o) That Patrick Burke (agent for the PLH) forwarded the passport of the worker and this gave them huge concern over its validity. They were extremely concerned that it was counterfeit as it had a different date of birth and a different name to the man who had been detained.
- p) That since the visit Royston had supposedly took over yet there was no transfer of licence application submitted to Birmingham City Council (BCC) Licensing Team. They asked Royston to confirm where he applied to, to which he replied Dudley.
- q) Then in January there was a transfer application submitted, which was incomplete, and therefore, rejected.
- r) That there were also outstanding fees on the licence from last year – some £70.00.
- s) That the gentleman that was detained informed the officers he had been there just a week.
- t) That in result of all of the offences, revocation was the reasonable action.

On behalf of West Midlands Police PC Reader made the following points:

- a) That he was really surprised, BCC were leading on the immigration review.
- b) That £6p/h was undercutting the minimum wage and was a conscious decision by the manager as they knew the person did not have the right to work in the UK.

- c) That the payslips provided proved nothing, they were not payslips for the guy in question, which further proved he was working illegally.
- d) That Royston didn't hold a position of accountability for the premises.
- e) That Imran was the PLH/DPS and Royston was the business owner.
- f) That WMP carried out an inspection and Royston was present, therefore, they explained the reason for the visit. Royston explained he was the business owner and was managing the business on a commission basis for Imran. However, there was no contract and it was an informal agreement. Mr Imran Sadiq owned the Pizza place next door.
- g) That Royston clearly had a financial motivation, and no accountability.
- h) That because the licence wasn't his, there was no reason for him to abide by the licensing objectives. That whilst Royston had advised he was a personal licence holder, with vast experience when WMP asked to see his personal licence he failed to provide it. This disappointed the officer.
- i) That Royston, when asked, could not recite the Licensing Objectives.
- j) That the PLH was not comply with conditions of licence, and in January he was still not complying with them. The refusals book was empty, signage wasn't in position, little poly bags used for drug deals were found, disposable cups were also found.
- k) They also found loose balloons which were strange.
- l) That they had zero confidence in Royston, but all the accountability lay with Mr Sadiq.
- m) That the payslips provided were for Royston's other business.
- n) That even with the Traders Notice issued, they had still done nothing to rectify the issues.
- o) That they were asking for revocation.

In answer to Members questions, PC Reader made the following points:-

- a) That they found no drugs, but the fact the balloons were there and the way the premises was being managed raised questions.
- b) That 2 Trader's Notices were served on the PLH.
- c) That they just ignored what Gary told them.
- d) That there was no signage, which was a condition on the licence.

- e) That the licence should be revoked on the grounds of crime and disorder.

Mrs Nicola Swadkins, on behalf of Home Officer Immigration, made the following points:-

- a) That they had acted on information they received.
- b) That the sign on the outside of premises read “Lifestyle Express”.
- c) That upon visiting the premises she found one single male working and after questioning, he admitted to entering the UK illegally. He had been working there about a week and was employed by Royston. He had not displayed any documents to Royston to show he was legal to work in the UK.
- d) He confirmed he was being paid £6p/h and was working for hours without breaks.
- e) That she had spoken with Royston who said the male was a member of staff and had been working there 2-3 weeks. He also added that the male had displayed a French passport which was currently with the accountant so had no evidence.
- f) That the document was “indeed counterfeit” and was not the same details of the man detained.
- g) The male detained had since been released on bail after submitting further representations to stay in the UK. However, he has been bailed to an address linked to Mr Sadiq.
- h) That she would have major concerns about the premises continuing with a licence under Royston’s name and she supported Garry’s revocation.

PC Ben Reader advised that he would also not be happy with Royston holding the Premises Licence. That the revocation would be for Mr Sadiq’s licence, but Royston was running the premises, and managing it.

At this stage, 1033 hours, the meeting was adjourned to allow all parties and the Members to view some documents submitted which had not been served prior to the hearing. All parties left the meeting with the exception of the Members, Committee lawyer, and Committee Manager.

At 1037 hours the meeting was reconvened and all parties were invited to rejoin the meeting.

On behalf of the PLH, Mr Patrick Burke, made the following points:-

- a) That Royston took over the premises in October and had previously spent many years working at a Tesco’s, and had also ran successful Petrol stations with 24 hour Licenses. He had never had any issues previously.

- b) That he was running the premises prior to taking over the lease which was common practice in those circumstances.
- c) That he had not yet paid for the lease and therefore, that was why the licence had not been transferred.
- d) That the application, once submitted, was rejected, purely due to the review hearing being scheduled.

Mr Bhapinder Nandhra, Licensing Officer, advised Mr Burke that the application was rejected as there were incomplete sections and in addition, there was also an outstanding annual fee for the licence.

Mr Burke continued:-

- a) That what he was saying was that Mr Sadiq would not transfer the licence as the lease was yet to be taken over.
- b) That at the time of the visit from the Home Officer Immigration officer, Royston advised he had a copy of the passport, however, Nicola declined, saying she did not need to see it.
- c) That the man in the shop and the passport were the same person.
- d) That the notice that was missing was one asking customers to leave the premises quietly. He had the signage regarding challenge 25 policy and Royston was unaware of the policy and conditions already on the licence.
- e) That the male presented himself as a previous employee who had worked for Mr Sadiq and Royston also received his national insurance number and passport. The man had only worked there for a week prior to being detained and therefore, there were no payslips.
- f) That the reason they submitted payslips, was to show how he usually ran his businesses.
- g) That Royston did everything he could to avoid committing that offence.
- h) That he thought the passport was legal.
- i) That the man came to Royston and presented himself as the person in the passport.
- j) That £6p/h was false as he hadn't even been paid yet.
- k) He was on minimum wage.
- l) That the bags and balloons sounded suspicious but they were not they were simply sold to students for parties.
- m) That the plastic cups were used for tea and coffee.

- n) That the suggestion that the male had been released and bailed to an address linked to licence holder was something that the licensee knew nothing about. He had never even seen the guy before.

Mr Royston Seempalai advised that he would not have known the real name of the man, as he knew him by his passport name. That he received no notification that the Home Officer was requesting any documentation. That he had also not received the penalty issue.

Mrs Nicola Swadkins responded, by stating that the photograph she submitted was the man she saw.

Mr Royston Seempalai indicated that he looked at the man's facial features, nose, mouth and eyes and determined it was the same as the passport. That was the correct way of identifying someone. He employed 13 or more staff and did not want to employ illegal immigrants. He wanted to take over the company in order to try running a different premises – a convenience store.

Mr Burke added that Mr Sadiq knew nothing about the statement regarding the man being released to an address linked to Mr Sadiq.

Mr Sadiq explained that he had been running the business for 3-4 years but his family owner a pizza shop for over 10 years next door. He got into huge debt with the shop, so Royston took over. At the time of the issues with immigration, he was on holiday and he spoke with Garry. He had no idea that the application for transfer of the licence was going ahead and cooperated fully with Garry when he returned in order to sort it out. That Royston would not know the difference between a genuine and a counterfeit passport. That the shop could not operate without an alcohol licence.

Mr Royston Seempalai concluded that he had cooperated with Garry and had done all the things Garry had mentioned to him. Additionally he was ambitious and wanted to do the right thing.

Mr Burke added that the man presented himself to Royston as a previous employee.

In answer to Cllr Straker-Welds Mr Seempalai advised that when he worked for Tesco he often employed people with European passports.

In summing up, Mr Burke, on behalf of the PLH, made the following points:-

- a) That Royston was duped by an individual who was determined to work in the UK illegally.
- b) That he believed it was a genuine passport.
- c) That he has no issues at his other premises.

In summing up Mrs Nicola Swadkins, on behalf of Home Officer Immigration, made the following points:-

- a) That when she spoke with Royston she told him they were there due to information regarding illegal workers. All questions were noted in her pocket book which Royston signed to confirm his answers to the questions. They served notice of liability with Royston when they left.
- b) That the address linked to Mr Sadiq where the man had been bailed to was the flat above the Pizza shop.

PC Ben Reader, on behalf of WMP, made the following points:-

- a) That it was great that they had replaced the notices, but it had taken 3 visits.
- b) That it was a concern that Royston was not aware of the conditions on the licence, yet he was running the premises.
- c) That the employee was employed previously at the shop and therefore, that was the first offence.
- d) That there was no documentation for the employee, or for the lease.
- e) That Mr Sadiq was having financial trouble and needed to give the premises up, yet no contract in place to sublet the premises. It could not be that critical. Why would anyone let someone run a premises on their behalf and not have a contract in place.
- f) That everyone was blaming someone else.

Mr Garry Callaghan, on behalf of Licensing Enforcement, made the following points:-

- a) That in communication about the licence transfer he asked Royston about how long he had been at the premises, he said since August, yet today they were saying October.
- b) That the transfer form was incomplete and incorrect.
- c) That he first sent it to Dudley Council.
- d) That he did not have a clue, and did not even know the licensing objectives.
- e) That he had serious concerns over the breaches of conditions, and just had no overall confidence in the management of the premises.

Mrs Nicola Swadkins interjected explaining that they were not given anything on the day of the visit, it was the first she had heard about a National Insurance number.

Mr Garry Callaghan confirmed that they were informed by the man that he was working for £6p/h.

Mr Burke concluded that the documents, including National Insurance Number, was offered at the time of the visit but they said they did not need them.

At 1117 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1159 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/040219 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Imran Ali Sadiq in respect of **Bartley Green Convenience Store, 2 Genners Lane, Birmingham, B32 3JL** upon the application of the Licensing Enforcement Authority, this Sub-Committee hereby determines that the licence be revoked, in order to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns by the Licensing Enforcement Authority, Home Office Immigration, and West Midlands Police regarding criminal activity connected to the licensed premises which members noted, should be treated particularly seriously as per section 182 Home Guidance at paragraphs 11.27 and 11.28.

The Sub Committee heard from all parties and concluded that the premises licence holder who holds ultimate responsibility was not managing the premises in accordance with the above mentioned licensing objective. Members were concerned to find there was no documentation in place to support the claims of an agreement in respect of running the licensee's business by another party for a number of months. This was further exacerbated by the fact both individuals were premises licence holders that appeared to have no knowledge of the conditions of the premises licence and appeared to abdicate their responsibility in carrying out due diligence checks of past and present employees at the licensed premises in question.

There was too many discrepancies in the verbal accounts given by two premises licence holders, and excuses for the way the premises was being managed which the members could not attach any meaningful weight to.

Members found the Responsible Authorities submissions in respect of the individuals persuasive instead. The Responsible Authorities had no confidence in both individuals concerned to uphold and promote the licensing objectives despite the various visits undertaken at the premises and traders notice issued since the discovery of an illegal worker.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months, but was not satisfied

given the evidence submitted, that the licensing objective would be properly promoted following any such determination.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by the applicant, premises licence holder and their representative, and other responsible authorities.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, 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. The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

**LICENSING ACT 2003 PREMISES LICENCE (TIME LIMITED – GRANT) –
JAMAICA EXPAT ASSOCIATION CIC, SUMMERFIELD PARK, SELWYN
ROAD, WINSON GREEN, BIRMINGHAM, B16 0HN**

Report of the Acting Director of Regulation and Enforcement.

(See document No. 1)

The following persons attended the meeting.

On behalf of the Premises Licence Holder

No one attended.

Those Making Representations

PC Deano Walker – West Midlands Police
Jennifer Downing – WMP Solicitor
Charlie Merrett – Barrister for WMP
Martin Keys - Environmental Health
Sheetal Panchmatia – Officer – West Midlands Police Fire Service (WMPFS)
David Elliot – WMFS Solicitor

* * *

The Chair made introductions and outlined the procedure to be followed.

Prior to the hearing convening, the Senior Licensing Officer, Bhapinder Nandhra advised he had a preliminary point, which was in relation to the legal requirement for the applicant to have a notice issued in the newspaper. Mr Nandhra had contacted the applicant on several occasions with no success, in order to ascertain whether the applicant had proof of the newspaper notice. Whilst the applicant had complied with the blue notice requirements, and on the signed declaration on his application form that he has placed a public notice in a newspaper, he was however, not in attendance this morning to clarify the position.

The Committee Lawyer advised that if no proof was available, the Licensing Authority could not be satisfied the applicant has complied with the Regulations in respect of the Form etc of Applications and any Notices. Consequently, the Licensing Authority could not proceed with the hearing on the basis of there being a non-compliance with the Regulations that invalidated the application.

At this stage the Chairman advised that as it stood, the application was not validated and therefore, they would not be hearing the matter.

The meeting ended, and all parties left the meeting room.

5/040219

OTHER URGENT BUSINESS

There were no matters of urgent business.

The meeting ended at 1225 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE A - 18 FEBRUARY 2019

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE A HELD
ON MONDAY 18 FEBRUARY 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds

ALSO PRESENT:

Chris Arundel– Licensing Section
Sanjeev Bhopal – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

- 1/180219 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
-

DECLARATIONS OF INTERESTS

- 2/180219 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/180219 No apologies were submitted.
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4/180219 **MINUTES**

That the Minutes of meeting held on 17 December 2018 were circulated, and confirmed and signed by the Chairman.

That the Minutes of meeting held on 24 January 2018 were circulated, and confirmed and signed by the Chairman.

5/180219 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

6/180219 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB – COMMITTEE A 4 MARCH 2019

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 4 MARCH 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds.

ALSO PRESENT

Shaid Yasser – Licensing Section
Parminder Bhomra – Legal Services
Katy Townshend – Committee Services

NOTICE OF RECORDING

- 1/040319 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
-

DECLARATIONS OF INTERESTS

- 2/040319 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/040319 No apologies were submitted.
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MINUTES

- 4/040319 That the Minutes of meeting held on 7 January 2019 were circulated, confirmed and signed by the Chairman.

That the Minutes of meeting held on 18 January 2019 were circulated, confirmed and signed by the Chairman.

That the Minutes of meeting held on 21 January 2019 were circulated, confirmed

and signed by the Chairman.

That the public section of the Minutes of meeting held on 11 February 2019 were noted.

**LICENSING ACT 2003 PREMISES LICENCE (GRANT) – BAR SHQIPONJA2,
145 DUDLEY ROAD, BIRMINGHAM, B18 7QY**

Report of the Acting Director of Regulation and Enforcement.

(See document No. 1)

The following persons attended the meeting.

On behalf of the Applicant

Mirela Vuka – Applicant
Ben Rexhaj – Appliant partner
Rob Edge – Agent

On behalf of West Midlands Police

PC Deano Walker – West Midlands Police

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The Chair made introductions and outlined the procedure to be followed.

Shaid Yasser, Licensing Section, made introductory comments relating to the documents submitted.

On behalf of West Midlands Police, PC Deano Walker made the following points:-

- a) That they were considering withdrawing their representations as since the police inspection things had been put into place which had mitigated concerns; including “tweaking” of conditions. They had a concern about the entrance and exit not being monitored; however, the applicant had made changes in order to alleviate their concerns.
- b) That they were worried regarding the operating times but were not aware they had put the times back, so therefore that was no longer a concern.

On behalf of the applicant, Mr Rob Edge went through the new conditions in order to aid Members.

PC Walker advised that the issue was under 18s having to walk past the bar due to where the entrance/exit was located; however the wording of the condition had been changed in order that it would not be an issue.

Mr Rob Edge, on behalf of the applicant, confirmed PC Walkers statement and advised that all the relevant assessments such as, fire assessments, electrical assessments had all been carried out successfully with no issues. The fire service had a few concerns but 10 days following the assessments those issues were rectified and they withdrew their representation.

That they had included conditions regarding CCTV and challenge 25 policy and all to the satisfaction of West Midlands Police.

In answer to Members questions Mr Rob Edge made the following points:-

- a) That the capacity of the premises was small – 25.
- b) That the staff behind the bar had full vision of the entire space.
- c) That the fire service had withdrawn their representations after the premises had met all the requirements.
- d) That the stairwell was a good size, and would be able to comfortably accommodate 2-3 abreast.

The Committee Lawyer asked if anyone had any final submissions, or anything to add, and all parties concluded that they had nothing further.

At 1020 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1043 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/040319 **RESOLVED:-**

That the application by Mirela Vuka for a premises licence in respect of **Bar Shqiponja2, 145 Dudley Road, Birmingham, B18 7QY** be granted subject to additional conditions as agreed with West Midlands Police immediately prior to the hearing as follows:

1. No under 18's at any time unless accompanied, and children not allowed to approach or stand at the bar except for access and egress from the premises.
2. An additional CCTV camera to be situated on the inside of the entrance upstairs so that it can be monitored by staff downstairs who is entering and leaving the premises.

And those conditions listed 1 to 9 by Environmental Health in their representation

at Appendix 4 in the report including the following:

Modification of hours – Alcohol (and regulated entertainment)	The hours for the supply of alcohol for consumption on the premises, and provision of Regulated Entertainment consisting of live music and recorded music to operate indoors only shall apply as follows: <ul style="list-style-type: none">• 12:00midday until 11:30pm (Monday to Sunday)
Opening hours	The premises to remain open to the public as follows: <ul style="list-style-type: none">• 09:00am until 12:00midnight (Monday to Sunday).

in order to promote the public safety, and the protection of children from harm objectives in the Act.

The Sub-Committee sought reassurances from the applicant's agent in order to clarify how the above mentioned objectives would be promoted for reasons given below.

Members had concerns in relation to the initial fire risk assessment submitted by West Midlands Fire Service and queried whether those issues relating to public safety had been resolved. In response, the applicant's agent advised that a new fire risk assessment had been submitted and approved by the Responsible Authority this morning, who had now withdrawn their initial representation as the outstanding concerns, had been resolved.

In relation to the initial written representation of West Midlands Police, PC Walker advised two new conditions had been agreed with the applicant and her agent as of this morning which mitigated their originals concerns that arose from a previous inspection of the premises.

The Sub-Committee as such considered the agreed conditions to be appropriate, reasonable and proportionate that addressed the concerns raised by Members, and the Responsible Authorities. Those matters detailed in the operating schedule with the exception of the condition outlined at Part M (e) - '*No children allowed at the bar serverly area*', the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence to be issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant's agent and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, 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.

5/040319 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

6/040319 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A 1 APRIL 2019

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE A
HELD ON MONDAY 1 APRIL 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Bob Beauchamp and Martin Straker-Welds

ALSO PRESENT

Chris Arundel – Licensing Officer
Parminder Bhomra, Committee Lawyer
Marie Reynolds, Committee Manager

NOTICE OF RECORDING

- 1/10419 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
-

DECLARATIONS OF INTERESTS

- 2/10419 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
-

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/10419 There were no Nominee members.
-

MINUTES

- 4/10419 The Minutes of the meetings held on 28 January 2019 and 25 February 2019 and the public section of the Minutes of 8 March 2019 were confirmed and signed as correct records.

OTHER URGENT BUSINESS

5/10419 There was no items of urgent business raised.

EXCLUSION OF THE PUBLIC

6/10419 **RESOLVED:**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated, the public be now excluded from the meeting:-

Exempt Paragraph 3

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE A 4 APRIL 2019

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE A
HELD ON THURSDAY 4 APRIL 2019
AT 0930 HOURS IN ELLEN PINSENT
ROOM, COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Bob Beauchamp and Mike Leddy.

ALSO PRESENT

David Kennedy, Licensing Section
Parminder Bhomra, Committee Lawyer
Sarah Stride, Committee Manager

NOTICE OF RECORDING

1/040419 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/040419 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item.

Any declarations will be recorded in the Minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/040419 No apologies were submitted.

**LICENSING ACT 2003 PREMISES LICENCE (SUMMARY REVIEW) PRIVA, 23
ESSEX STREET, BIRMINGHAM, B5 4TR**

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

(See document No. 1)

The following persons attended the meeting:

On behalf of the Applicant for the Summary Review

Police Constable Ben Reader – West Midlands Police

Those making representations

Daniel Rowe - Licence Holder

Frank Fender - Agent for the Licence Holder

Following introductions by the Chair, David Kennedy, Licensing Section, introduced the report.

Police Constable Ben Reader explained due to the on-going criminal investigations, has requested that the CCTV be shown in private session with the licence holder and his agent present but not the press.

The Chair and members agreed to the request under Regulation 14(1)(2) The Licensing Act 2003 (Hearings) Regulations 2005.

EXCLUSION OF THE PUBLIC

That in view of the on-going criminal investigation (Regulation 14(1) (2), The Licensing Act 2003 (Hearings) Regulations 2005) the public be now excluded from the meeting.

The representative from the press left the meeting.

On behalf of West Midlands Police PC Reader showed the CCTV footage to Members.

READMITTANCE OF THE PUBLIC

At 1015 hours the press officer was recalled to the meeting.

On behalf of West Midlands Police PC Reader advised that Mr Fender wished to discuss a number of issues that were not included in the original hearing because he and the licence holder were unable to attend.

He confirmed that all SIA numbers of the security personnel involved on the night in question had now been provided by the licence holder and an incident report had also been forwarded to the Police. All checks were now complete and it was ascertained that the man in the black shirt was not an employee of Priva but was an SIA doorman from a different venue who had turned up to talk to a friend on the door at Priva and had become involved in the altercation.

PC Reader confirmed that all conditions have applied since the last hearing and no fights or anti-social behaviour had occurred on the premises since 3 March 2019 and the licence holder wanted the venue to commence trading as soon as

possible. PC Reader confirmed that 9 conditions have been put forward by the licence holder and his agent to mitigate any altercations in the future and they have been agreed by West Midlands Police. The premises had been closed since the last hearing.

In response to a question raised by the Chair, PC Reader confirmed that he was satisfied that all persons involved in the altercation were SIA security and that their badges had been checked.

In a follow up question from the Chair he confirmed that all SIA personnel involved will be investigated and the licences of those involved in the altercation will be suspended. The Security Industry Authority (SIA) had viewed the CCTV footage and had taken the offence very seriously.

Mr Fender addressed the Sub-Committee and stated that at the last hearing the decision had indicated that there had been a breach of licence and he asked PC Reader to expand on this issue.

PC Reader confirmed that he now had all the relevant information that was required and that he was satisfied that no breach of licence had taken place.

Mr Fender continued and stated that the events that happened on the evening of 3 March 2019 was unforgiveable behaviour. The level of violence that took place was, in his opinion, appalling. The licence holder was also appalled and wanted those responsible to be prosecuted. He pointed out that Mr Rowe did not have any involvement whatsoever in the events that took place on the evening in question and neither did he encourage such behaviour.

Priva is a late night bar and after party venue. Many customers are staff from other venues that attend after their work shift had ended. Mr Rowe had become the premises licence in 2014. In June 2014 he extended his licensing hours to 4am and then again in January 2015 to 8am which the current licence allowed. This was completed and agreed in conjunction with West Midlands Police. Mr Rowe had been the premises licence holder at Priva for 5 years.

He confirmed that he and Mr Rowe had viewed the CCTV footage and Mr Rowe had been informed of the expedited review of the Priva premises. He explained that he himself and Mr Rowe were unable to attend the original hearing because it was short notification and neither was available to attend on that day. However, both were extremely concerned and will be taking the matter further. Both understood that since the last expedited review hearing the licence for Priva had been suspended and that this was their first opportunity to explain their version of events.

Mr Fender confirmed that no explanations could justify the attack on the individual that happened further down the road from Priva. The Somalian gentleman concerned was not a customer of Priva. He was seen on CCTV starting outside Priva and preying on individuals to steal from them. He stole a neck chain from another young man which started the fracas. He questioned whether it was right for the door staff from Priva to intervene and claimed that they were 'damned if they do and damned if they don't' due to insurance limitations. Some SIA door staff had claimed that their insurance will not pay out

if they leave the venue premises which is the reason why a lot of SIA door staff do not intervene.

Mr Fender pointed out that the Police report had stated that Mr Rowe was at the location and had witnessed the incident but in fact Mr Rowe was in fact inside the premises closing down the venue when the door staff left the premises and ran down the street to intervene in the fracas. Mr Rowe was alerted to the fight and went outside and shouted at the door staff to return but he was ignored. He then walked down the street and instructed them to return to Priva which they then did so. He examined the male that had been attacked before walking back to Priva and instructed the SIA door staff to remove their jackets and not return to Priva. Mr Rowe had dismissed the SIA door staff.

Mr Fender stated that the young male that had his neck chain stolen by the Somalian had tried to enter Priva but was refused because he was wearing trainer shoes that are not the dress code for Priva. The young man then walked down to Rileys and was accosted by the Somalian who was assaulted and tried to seek refuge in Priva which the door men allowed. The door staff from Rileys did not intervene or assist at any point. The person that was seen running from Priva was not a Priva employee but was a visitor and a friend of an SIA doorman at Priva.

Mr Fender confirmed that Mr Rowe had employed his own in house door staff at Priva which he now realised was a mistake that he had made. Mr Rowe himself was registered as an SIA front line door man himself and knew the rules and regulations that that position held. He immediately dismissed the in house door man on his return to Priva and asked them not to return.

Mr Fender concluded that no other representations had been made by any other statutory bodies or interested parties and that he and Mr Rowe were happy to impose any further conditions that the Committee felt should be necessary.

Mr Fender listed the following proposed conditions/modifications to the premises licence for Priva that had previously been agreed in conjunction with West Midlands Police:

1. No 'in-house' security staff shall be employed at the premises.
2. Security staff at the premises shall be provided by a recognised security company which must be approved by the Security Industry Authority (SIA) under the SIA's 'Approved Contractor Scheme'.
3. Security staff at the premises shall not cover their faces at any time, in such a manner whereby only part of their faces can be seen by customers.
4. All security staff employed at the premises shall wear body cameras for the duration of their duty. The body cameras must be capable of recording images and audio at all times.
5. (existing CCTV condition to be amended, adding the following: 'These requirements also apply in respect of the body cameras worn by security staff').
6. The premises shall adopt a policy in respect of managing the area immediately outside the premises. The policy shall include a restriction on the number of smokers outside the premises at any one time, a restriction on customers taking drinks outside the premises and requesting drivers of

- vehicles not to park immediately outside the premises. Security staff employed at the premises shall be trained in respect of this policy and be expected to implement such a policy to the best of their ability.
7. The premises shall operate a last entry time of 04.30hrs on any given day, whereby no new customers shall be admitted to the premises after this time.
 8. Licensable activity at the premises shall cease at 06.00hrs on any given day.
 9. The premises shall be closed by 06.30hrs on any given day.

In response to questions raised by Members Mr Fender advised the Sub-Committee that SIA door men cannot stop cars parking outside the premises but they can do so within the best of their ability. They could ask people to voluntarily move along. Taxi's parked outside the premises for customer use can cause problems and minor disruptions if a non-taxi vehicle parked on the double yellow lines outside the premises.

He agreed that the events that occurred on 3 March 2019 were unforgiveable but it was the first incident that had occurred outside Priva within three and a half years. A revocation to Mr Rowe's licence will cause a loss of livelihood and was disproportionate.

In employing new door staff Mr Rowe will liaise with a recognised security company in conjunction with West Midlands Police.

Mr Rowe confirmed that the CCTV footage was taken using a City Council camera and that on returning to Priva after checking that the individual was alright he instructed his partner to call the Police straight away and she called the Police from the Priva venue.

Summary

PC Reader stated that he was surprised that the licence holder did not attend the first hearing but that had now been explained. New evidence had since been provided and West Midlands Police were satisfied with the explanation.

Mr Fender noted the comments made by PC Reader. If the agreed conditions were in place by 3 March 2019 then he felt that the incident would not have happened. Mr Rowe did not want the incident to repeat itself in the future. The decision from the hearing should be an appropriate and proportionate sanction. A revocation would be disproportionate. Mr Rowe did not want his licence to be revoked as his livelihood would be put at risk. Mr Rowe was more than prepared to adopt the new conditions.

At 1133 the meeting was adjourned to discuss the decision. All parties with the exception of Members, the Committee Lawyer and the Committee Manager left the meeting.

At 1221 the meeting was reconvened and all parties were invited back and the decision of the Sub-Committee was announced as follows:-

4/040419

RESOLVED

That having reviewed the premises licence held under the Licensing Act 2003 by MR DANIEL ROWE in respect of PRIVA, 23 ESSEX STREET, BIRMINGHAM, B5 4TR, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the licence:

REMAIN SUSPENDED

until West Midlands Police force are satisfied that the licensee can comply with the 9 proposed conditions submitted during the hearing.

The Sub Committee listened carefully to the submissions made by both West Midlands Police and the agent for the premises licence holder regarding the serious disorder that had occurred and in respect of the on-going meaningful dialogues since suspension of the premises licence.

The Sub Committee were pleased to see that good progress had been made since the previous hearing between both parties and that a root and branch review had been undertaken by the licensee's agent which resulted in targeted conditions being offered as an addition to the current robust conditions on the licence.

Members acknowledged Priva was managed well in light of the previous expedited review in 2015 with a good security company contracted for its services, but noted with some concern the licensee's business led decision to employ in-house door supervisors had the opposite untended effect of jeopardising the business through want of better cost savings and friendly customer services. The appalling behaviour of in-house security personnel had undermined the licensee's short lived plans and more importantly the licensing objectives.

Members were agreeable to the proposed conditions (including the amended version of condition 8 to read "All licensable activities") having heard the agent's rationale for presenting them but were mindful of the WMP comments in respect of conditions 6 to 9 and considered it would be appropriate for the suspension to remain in force until the licensing unit of West Midland Police are satisfied the licensee can comply with those new proposed conditions.

The Sub Committee deliberated specifically condition 6 regarding the adoption of a policy in respect of managing the area immediately outside the premises as to whether it could be modified further to include liaison with the local authority over the use of barriers on the pavement, and banning customers from taking drinks outside the premises in order to promote public safety, prevention of public nuisance and crime and disorder. However, members appreciated these two specific issues were not pertinent to the cause of disorder but nevertheless preferred further consideration is given to the points raised in the creation of an external 'sterile area' as indicated by the licensee's agent.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act by the Secretary of State, the application and certificate

Licensing Sub-Committee A – 4 April 2019

issued by West Midlands Police under Section 53A of the Act, the written representations and the submissions made at the hearing by the police constable, the premises licence holder and his agent.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, 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.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

5/040419

ANY OTHER URGENT BUSINESS

There were no matters of any other urgent business.

The meeting ended at 1224 hours.

.....
CHAIRMAN

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ASSISTANT DIRECTOR OF REGULATION AND
ENFORCEMENT TO THE LICENSING SUB-COMMITTEE A**

10 JUNE 2019
BOURNBROOK & SELLY PARK

BIRMINGHAM CITY COUNCIL ACT 1990
ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS

ASPIRE TAN & BEAUTY, 602 BRISTOL ROAD, SELLY OAK, BIRMINGHAM,
B29 6BQ

GRANT OF LICENCE

1. Summary

- 1.1 Anyone conducting an establishment for treatment by way of massage, solaria, jacuzzi, sauna, steam treatment, aromatherapy and other similar types of treatment is required to be licensed.
- 1.2 Each premises is subject to an inspection by a Licensing Enforcement Officer and there is consultation with the West Midlands Police concerning the suitability of applicants.
- 1.3 An application has been received for the grant of a licence for the provision of massage, and solaria/sunbed treatments at Aspire Tan & Beauty, 602 Bristol Road, Selly Oak, Birmingham B29 6BQ.
- 1.4 Paragraph 5 of this report outlines the criteria for consideration of a Massage and Special Treatment Licence.

2. Recommendations

- 2.1 The Licensing Sub-Committee is requested to consider and determine the application for the grant of a Massage & Special Treatment licence in accordance with the provisions of Birmingham City Council Act 1990 and having regard to the options contained in paragraph 6.1 of this report.

Contact officer: David Kennedy, Principal Licensing Officer
Telephone: 0121 303 9896
Email: licensing@birmingham.gov.uk

3. Background

- 3.1 As a result of a complaint being received a Licensing Enforcement Officer conducted a visit to Aspire Tan & Beauty, 602 Bristol Road, Selly Oak, Birmingham B29 6BQ on the 25th April 2019 during which it was established that two levels of treatments were being made available at the premises. The owner was duly advised about the requirement to apply for a licence to lawfully provide these treatments.
- 3.2 On the 8th May 2019 Claire Smith t/a Aspire Tan & Beauty, 602 Bristol Road, Selly Oak, Birmingham, B29 6BQ, applied for the grant of a Massage and Special Treatment Licence to permit the provision of massage and solaria / sunbeds at the premises between the hours of 10am and 8pm Monday to Saturday. A copy of the application is attached at Appendix 1.
- 3.3 The Licensing Enforcement Team considers the measures implemented by applicant since the initial site visit to have addressed the safety concerns identified by officers in relation to the provision of sunbed treatments. However it is considered that in order to effectively promote the protection, safety and welfare of residents and visitors to the City and ensure on-going customer safety at the premises that additional conditions be attached to the licence.
- 3.4 A copy of the Licensing Enforcement Officers report which contains the additional conditions being sought is attached as Appendix 2.
- 3.5 The applicant has confirmed that they are willing to accept the additional conditions being sought by the Licensing Enforcement being attached to the licence. A copy of this confirmation is attached at Appendix 3.
- 3.6 A copy of Birmingham City Council's standard conditions relating to Massage & Special Treatment Licences is attached at Appendix 4.
- 3.7 Site location plans are attached at Appendix 5.
- 3.8 The applicant has been invited to attend the meeting in support of her application and to respond to any questions members may have.
- 3.9 The Licensing Enforcement Officer has also been invited to attend the meeting to respond to any questions members may have.

4. Consultation

- 4.1 The applicant was required to advertise the application by displaying a notice on or near the premises for a period of 21 days and serve notice of their application to the Chief Constable of West Midlands Police.
- 4.2 In addition, upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 No objections have been received from West Midlands Police, the Licensing Enforcement Team or the Ward Councillors to the grant of the licence.

5. Matters for Consideration

- 5.1 The Licensing Sub-Committee is advised that the Birmingham City Council Act specifies the following grounds for refusal of an application for the grant of a licence in the case of:
 - a) any person under the age of 21;
 - b) any person who has been convicted of an offence under the Sexual Offences Acts 1956 to 1976 or the Street Offences Act 1959 or who may be otherwise unsuitable to hold such a licence;
 - c) any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable;
 - d) any establishment which has been or is being improperly conducted;
 - e) any establishment in which adequate professional, technical or other staff is not available for the administration of such massage or special treatment as may there be provided; or
 - f) any establishment which is being carried on in contravention of the provisions of this Act or any byelaw made there under.
- 5.2 Having considered the application, the proposed conditions and having heard from all parties present at the hearing the Licensing Sub-Committee is required to determine the application for the grant of a Massage and Special Treatment Licence.

6. Options Available

6.1 The Licensing Sub-Committee may:

6.1.1 Grant the licence subject to compliance with the standard conditions of licence.

6.1.2 Grant the licence subject to compliance with the standard conditions of licence and / or the imposition of other terms, conditions or restrictions as the Committee may consider appropriate.

6.1.3 Refuse the licence. The Committee may not refuse the application without first giving the applicant an opportunity of appearing before and being heard by a Committee of the Council, and if so required by him, the Council shall within 7 days after their decision give him notice thereof containing a statement of the grounds on which it was based.

7. Right of Appeal

7.1 The Act provides that any applicant for the grant, renewal or transfer of a licence has a right of appeal against decisions to refuse to grant, renew or transfer a licence to the Magistrates Court.

7.2 The Act also provides that any applicant who is aggrieved by the terms, conditions or restrictions on or subject to which the licence is granted or renewed has a right of appeal to the Magistrates' Court.

7.3 Any such appeals to be lodged within 21 days beginning with the date on which they are notified of the decision in writing.

8. Implications for Resources

8.1 A fee of £189 is payable for the grant of a Massage and Special Treatment Licence to permit the provision of two treatments.

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 No specific implications have been identified.

10. Public Sector Equality Duty

- 10.1 No specific implications have been identified. Officers have considered the Public Sector Equality Duty in accordance with the provisions of the Equality Act 2010 and determined that there are no Equality and Diversity implications in respect of their report because of the nature of the decisions recommended.

ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT

Background papers: nil

MST 1/25

BIRMINGHAM CITY COUNCIL ACT 1990

Application for a Licence to use any Premises as an Establishment for Massage and/or Special Treatments

- 1 Trading Name of Massage/Special Treatment Business:
ASPIRE TAN AND BEAUTY LTD
 Address of Business: 602 BRISTOL RD
SKELLY OAK Tel No. _____
- 2 Is the application being made by an individual: ☐ (go to Q 3)
 or on behalf of a partnership ☐ (go to Q 4)
 or a company? ☒ (go to Q 4)

INDIVIDUAL APPLICANT'S DETAILS

- 3 Full name of the Applicant CLAIRE SMITH
 (Any former names must also be given) _____
 Home Address of the applicant _____

 Date of birth _____
 National Insurance no. or the EU Member State equivalent _____
 Contact tel. no (during normal office hours) _____
 Address you wish any correspondence to be sent to _____

COMPANY/PARTNERSHIP APPLICATION DETAILS

- 4 Name of Company and company registration number (where applicable) _____
 Address _____

- If the applicant is a company, complete the details below in respect of each of the directors, the company secretary or other persons responsible for the management of the company. In the case of a partnership, details of all the partners must be given.

Name	Address	Designation
<u>CLAIRE SMITH</u>	<u>1</u>	<u>Director</u>

GENERAL DETAILS OF THE APPLICATION

MST 1/25

The following questions are to be answered by all applicants

5. Is this application for a

Grant ☒ or a Renewal ☐ or a Transfer ☐ or to add further treatments ☐

If renewal give the date existing licence is due to expire:

6. For what activities is the licence required?

Massage ☒ Sauna ☐ Solaria/Sunbed ☒ Spa/baths etc ☐ Steam treatment ☐

If any other treatment, please give details

7. Will the massage or special treatment be available specifically for:

Males: ☐ Females: ☐ Both: ☒

8. Give details of the time during which it is proposed that the premises shall be open.

i) Days of the week: Mon - Sat

ii) Hours of the day: 10 - 8pm

NB. Treatments shall be permitted only between 6am and 12 midnight on any day

9. Are the whole premises described above to be used for massage/special treatment?

Yes ☐ No ☒

10. If the answer to question 9, above, is 'No', please state:

i) Which part of the premises is to be used for the purposes of the licence?

breakfast room only

ii) What are the rest of the premises used for?

bar, breakfast + lounge

11. Are the premises leasehold? Yes ☒ No ☐

Are the premises freehold? Yes ☐ No ☒

Please give the name and address of the landlord or of the freeholder:

.....
.....

12. State the full name(s) and address(es) of the owner(s) of the massage/special treatment business, if different to the applicant.

.....

.....

.....

13. If there is to be a manager responsible for the premises in the absence of the licence holder, please supply the following details:

First Name	Surname	Former Name (if any)	Permanent Address	Date of Birth
Orlene Ray	Ray			

4. Please give details of ALL persons who will be administering treatment (whether qualified or not)

Full Name	Address
Orlene Ray	
Beth Horridge	
Jaime Smith	
Tyler Caley	

NB - For each person detailed above you must complete a personal details form document ref MST 6/2) and submit all completed forms with this application

15. Please give details of involvement with any other massage or special treatment establishment and also the nature and extent of such interest, either as:

a) owner or director of owning company:

.....

or

b) employee:

.....

16. Has the applicant or any persons named of this form any convictions/cautions? Yes ☐ No ☒

If so, please give details below (road traffic convictions/endorsements need not be stated):

Convictions:

First Name	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence
N/A						

Cautions:

First Name	Surname	Former Name (if any)	Offence	Date	Where Caution Administered
N/A					

(If necessary, please continue on a separate sheet)

DECLARATION**To be completed by Applicant:**

I, declare that the information given above is true and correct to the best of my knowledge and I understand that if I provide any false information or intentionally withhold any relevant information, I am liable to prosecution.

Signed: Date of Application: 24/04/2019

Name (PLEASE PRINT) CHARE SMITH

Job Title DIRECTOR

NB: If the application is on behalf of a company, the Company Secretary, or Director of the company should sign the above declaration. If any person signs the declaration on behalf of an applicant, please state in what capacity you are acting.

If completed on behalf of an Applicant please complete the following:

I can confirm that the details given on this form are as stated by the applicant and are correct to the best of my knowledge.

Name (block capitals) CHARE SMITH NEW SHORE

Organisation

Relationship to Applicant (eg Solicitor, Employer) PARTNER

Signature Date 24/04/2019

Completed Applications should be returned to:

Birmingham City Council
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES
Email: licensing@birmingham.gov.uk

Checklist for Applicants**Have you remembered to:-**

Enclose cheque/payment ☐

Sign application form ☒

Send Notice of Application to WM Police ☐

Enclose completed Personal details form
for each Person listed in section 14 ☐

Display Notice of Application (grant only) ☐

Electrical Certificate (required for grant & renewal) ☐



Worksheet/Job Number: WK/009362509

To: Licensing Enforcement Team

Date: 7th May 2019

From: Licensing Section

Property Details: **Aspire Tan And Beauty, 602 Bristol Road, Selly Oak, Birmingham, B29 6BQ,**Licence Type: **Massage and Special Treatments Licence**

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

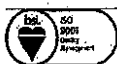
I should be pleased to receive any comments you wish to make concerning this application within 21 days of the date of this memo by completing the detachable return slip below. If we do not receive your comments by the end of the consultation period then we shall assume that you have no objections to the licence being issued.

Parminder Dhillon
Licensing Section (General)

Property Details: **Aspire Tan And Beauty, Aspire Tan And Beauty, 602 Bristol Road, Selly Oak, Birmingham, B29 6BQ,**

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: Terese DhillonDate: 23-5-19Full Name: Terese DhillonTime taken: 15 minsPosition: Licensing Officer

Contact number: ..

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

LICENSING ENFORCEMENT REPORT

BIRMINGHAM CITY COUNCIL ACT 1990

GRANT APPLICATION FOR A MESSAGE & SPECIAL TREATMENT LICENCE

PREMISES - Aspire Tan & Beauty, 602 Bristol Road, Selly Oak, Birmingham, B29 6BQ

In the City of Birmingham a licence is required for premises which provide any of the following treatments:-

- Massage (body)
- Sauna
- Solaria/Sunbed
- Spa/baths etc
- Stream Treatments

This premises was brought to the attention of the Licensing Enforcement Team in April 2019 when complaints were received regarding two female customers (friends) who used sunbed facilities at the salon. The reporters (mother of the two females) stated their daughters had used the sunbeds at the salon and were allowed to exceed safe levels of expose. It was further reported that one of these female customers suffered significant adverse effects following the tanning treatment.

The matter was reported to Environmental Health (Health & Safety), Trading Standards and Licensing Enforcement Teams.

On 25th April 2019 a Licensing Enforcement Officer attended the premises and established that two levels of treatments were being made available at the premises:-

- Sunbeds
- Massage (body)

The owner Claire Smith was duly advised about the requirement to obtain a Massage & Special Treatment Licence to lawfully provide these treatments. Ms Smith told officer she was unaware that a licence was required to provide these treatments.

It was evident that members of staff employed at the premises had a lack of awareness or understanding of their role in relation to allowing customers to use the sunbed facilities:-

- screening customers wishing to use sunbed facilities;
- determining customers skin type;
- not allowing customers to exceed the maximum recommended exposure times for each skin type;
- the importance of ensuring customers complete client record cards and are given all relevant information regarding medical conditions and medication which may result in them being unsuitable for tanning treatments.

Following the visit Ms Smith made application for a Massage & Special Treatments Licence and has now provided evidence that she has implemented new policies and mandatory documented training package for all members of staff working in relation to sunbed facilities. (copy of signed training records, client record card are attached to the report)

Trading Standards have also tested and reported back that the tubes in the sunbeds are compliant within the 0.3 Watts per square metre UV levels as prescribed by the BS standard.

Licensing Enforcement Recommendations

The Licensing Enforcement Team considers the measures implemented by Ms Smith since the initial inspections which have addressed the safety concerns identified by officers in relation to the provision of sunbed treatments.

However it is considered that in order to effectively promote the protection, safety and welfare of residents and visitors to the City and ensure on-going customer safety at the premises additional condition should be attached to the grant of any licence requiring mandatory staff training and refresher training regarding the provision sunbed treatments.

Ms Smith has already implemented these steps and indicated that she would accept the conditions being attached to the grant of the licence.

Suggested additional conditions regarding sunbed facilities

All member of staff employed at the premises will undertake comprehensive training regarding how to screen customers and the information which must be provide to customers to ensure the safe use of the sunbed facilities.

Staff training must cover the following but this is not an exhaustive list:-

- Age verification checks to ensure no one under the age of 18 is permitted to use the sunbed facilities;
- The importance of providing customers will all relevant information regarding safe use of sunbed facilities;
- How to determine a customer's skin type;
- The schedule of maximum exposure times for each skin type;
- The importance of completing and maintaining the customer record/declaration cards;
- The importance of issuing and ensuring customer use eye protection when using sunbeds;
- The requirement there must be 48 hours between tanning sessions;
- The salon refusal policy to ensure customers who are not suitable for tanning sessions are refused treatments.

The training must be documented and each member of staff must sign and date their training records.

Recorded refresher training must be conducted every 12 months and include any new guidance issued.

The staff training records must be maintained at the premises and made available for inspection by any Authorised Officer of Birmingham City Council on request.

Aspire Tan And Beauty Limited
602 Bristol Road
Selly Oak
Birmingham
B29 6BQ
0121 4724144

This Certifies that Tyler Caley Has understood and read through the terms and conditions of the usage of Sunbeds at the salon.

The Guidelines and regulations involving UV Tanning are very important and we follow the regulations as follows:

Based on the sunbed authorisation we will not allow any consumers to use our Sunbeds due to the following:

- If you are under the age of 18 (ID MUST BE SHOWN)
- You have fair skin, sensitive skin that burns easily or tans slowly and poorly
- You have a large number of freckles, and/or red hair
- You have a history of sunburn, particularly childhood
- You have a large number of moles
- You are taking medicines or using cream that are sensitive to light and or skin
- You have a medical condition this is worsened by Sunlight
- You or anyone in your family has had skin cancer in the past
- You already have extensive sun damage due to sunlight

You must check the sunbeds regularly after each client has used the sunbed and clean the beds with the provided equipment cleaner. Each and every client must wear some form of eye protection whilst using the tanning equipment. These are all provided free of charge i.e winkeze disposables or plastic goggles.

Every customer must complete the provided orange record card and you must talk the customer through the skin type analysis and advise correctly as follows:

SKIN TYPE CHART

Skin Type I:

Usually bright white or pale skin, blue or green eyes, red hair and many freckles. This skin type always burns outdoors, never tans. NOTE: A person who is a true Skin Type I should avoid tanning indoors and outdoors.

Skin Type II:

Light Beige skin, blue or green eyes; blonde or light brown hair and maybe freckles. This skin type has a strong tendency to sunburn outdoors, but sometimes tans.

Skin Type III:

Light brown skin, brown eyes and hair. This skin type sometimes burns outdoors but always tans.

Skin Type IV:

Light brown or olive skin, dark brown eyes and hair. This skin type sometimes burns outdoors and tans readily.

Skin Type V:

Brown skin, dark brown hair and eyes. This skin type rarely burns outdoors and tans easily.

Skin Type VI:

Black skin, black-brown eyes and hair. This skin type rarely sunburns outdoors.

Please Note: Although the chart above discusses skin type burning potential, you should always tan in moderation and avoid sun burning indoors and out! Your salon may use a specific skin type formula to determine your tanning sensitivity indoors.

INDOOR TANNING CHART BY SKIN TYPE:

Skin Type	Day 1	Day 2	Day 3	Day 4	Day 5	Day 6
I	THIS	SKIN	TYPE	SHOULD	NOT	TAN
II	3 min.	na.	3 min.	na.	6 min.	na.
III	3-6 min.	6 min.	9min.	12min.	12 min.	12 min.
IV	6 min.	6 min.	9-12 min.	12 min.	12 min.	12 min.
V	6 min.	6 min.	9-12 min.	12 min.	12 min.	12 min.
VI	6 min.	6min.	9-12 min.	12min.	12 min.	12 min.

Please note: All skin types should skip a day in between tanning and leave 48hrs between 1st and 2nd sessions. If there are reddish skin tones or tenderness customers are advised to wait until that goes away before tanning again. When you go to your tanning salon of choice they can give you more detailed advice depending on what type of tanning bed you begin to use.

NB: Skin Types 4, 5 and 6: These skin types need to exercise precaution on initial exposure. Initial exposure should also be moderate. This particularly applies if living in the UK as natural skin protection factor is depleted through lack of regular exposure to sunshine.

- SKIN TYPE I: light beige skin, blue green eyes, red hair and many freckles. This skin type will burn

-
-
- : Usually bright pale skin with blue/green eyes, light blonde/brown hair with freckles. This skin type has a tendency to burn

Customer Refusal :

We have a customer refusal policy by where if a customer wishes to not agree with your recommendation then you are to refuse the customer and document this also.

If the correct advice and guidance is not followed correctly may result in dismissal.

Employee signature:

Date: 01.04.2019

Salon Owner Signature:

Date:

Aspire Tan And Beauty Limited

602 Bristol Road

Selly Oak

Birmingham

B29 6BQ

0121 4724144

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Skin Type III:

Light brown skin, brown eyes and hair. This skin type sometimes burns outdoors but always tans.

Skin Type IV:

Light brown or olive skin, dark brown eyes and hair. This skin type sometimes burns outdoors and tans readily.

Skin Type V:

Brown skin, dark brown hair and eyes. This skin type rarely burns outdoors and tans easily.

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If the correct advice and guidance is not followed correctly may result in dismissal.

Employee signature:

Date:

2/5/19

Salon Owner Signature:

Date:

SKIN TYPES



People with very fair/sensitive skin and often with red/strawberry blond hair and freckles, pale blue, pale grey or pale green eyes. People who hardly or never tan and burn easily.

Recommendation:

You should NOT tan on a sunbed or outdoors. We would recommend that you review our Sunless offering.



People with fairish skin who usually burn and sometimes tan. Tend to have light hair, blue or brown eyes.

Recommendation:

The EU Scientific Committee on Consumer Products states that people with skin types 1 and 2 should NOT proceed with UV tanning.



People with brownish white skins who tan fairly easily but can burn if overexposed.

Recommendation:

Even though they tan easily, they should respect the fact that they can still burn, especially without a base tan.



People with dark skin who tan easily and hardly ever burn, but even so need to be careful that they don't go through prolonged over exposure.

Recommendation:

You tan easily but should never have more than the full recommended session time.



There are skin types 5 and 6, 5 being naturally brown skin and 6 being naturally brown/black skin. Generally customers wishing to use sunbeds will fall into skin types 3 and 4.



CLIENT RECORD CARD

Name	Ms/Miss/Mrs/Mr	First name	Reference	Client Record No.
Surname			Skin Type	Please circle 1 2 3 4 5 6
Address			(See 'skin types' section for details)	
Telephone	Home	Postcode	DOB	Day Month Year
	Mobile		Age	
			Email	

Notes:



Please open, read and complete the form inside

IMPORTANT Please read the following carefully

Indoor solarium tanning should be treated with the same caution as tanning in normal sunlight.

We recommend you do not exceed the exposure schedule provided by the equipment manufacturer and/or salon professional. You should leave a minimum of 48 hours between sessions.

We recommend that all traces of make-up, lipstick, perfumed body lotions and sprays are removed before using a sunbed. No suntan preparations or lotions should be applied unless they are specifically formulated for use on sunbeds.

REMEMBER

- It is illegal to use a sunbed unless aged 18 years and over.
- Never repeat tanning if any signs of redness remain from previous sunbathing or tanning.
- Do not touch or tamper with the light tubes whilst using the equipment.
- Always remove contact lenses.
- Do not follow or proceed sunbeds with any other form of heat treatment (including hot baths, saunas, waxing, use of depilatories OR normal sunbathing).
- Never use UV tanning equipment without wearing eye protection. Wear CE approved goggles/eye wear.
- Always advise salon staff if there are any changes to your medical condition or prescribed drugs.

If the answer to any of the following questions is positive, please seek medical advice to ensure optimum safety when using the sunbed or sunbathing normally.

DO YOU SUFFER FROM: ill effects of normal sunbathing, epilepsy, diabetes, heart condition, blood pressure, hormone irregularities, headaches/migraine, hypertension, fainting/giddiness, prickly heat, cold sores, allergies, skin ulcers or moles that have changed in appearance?

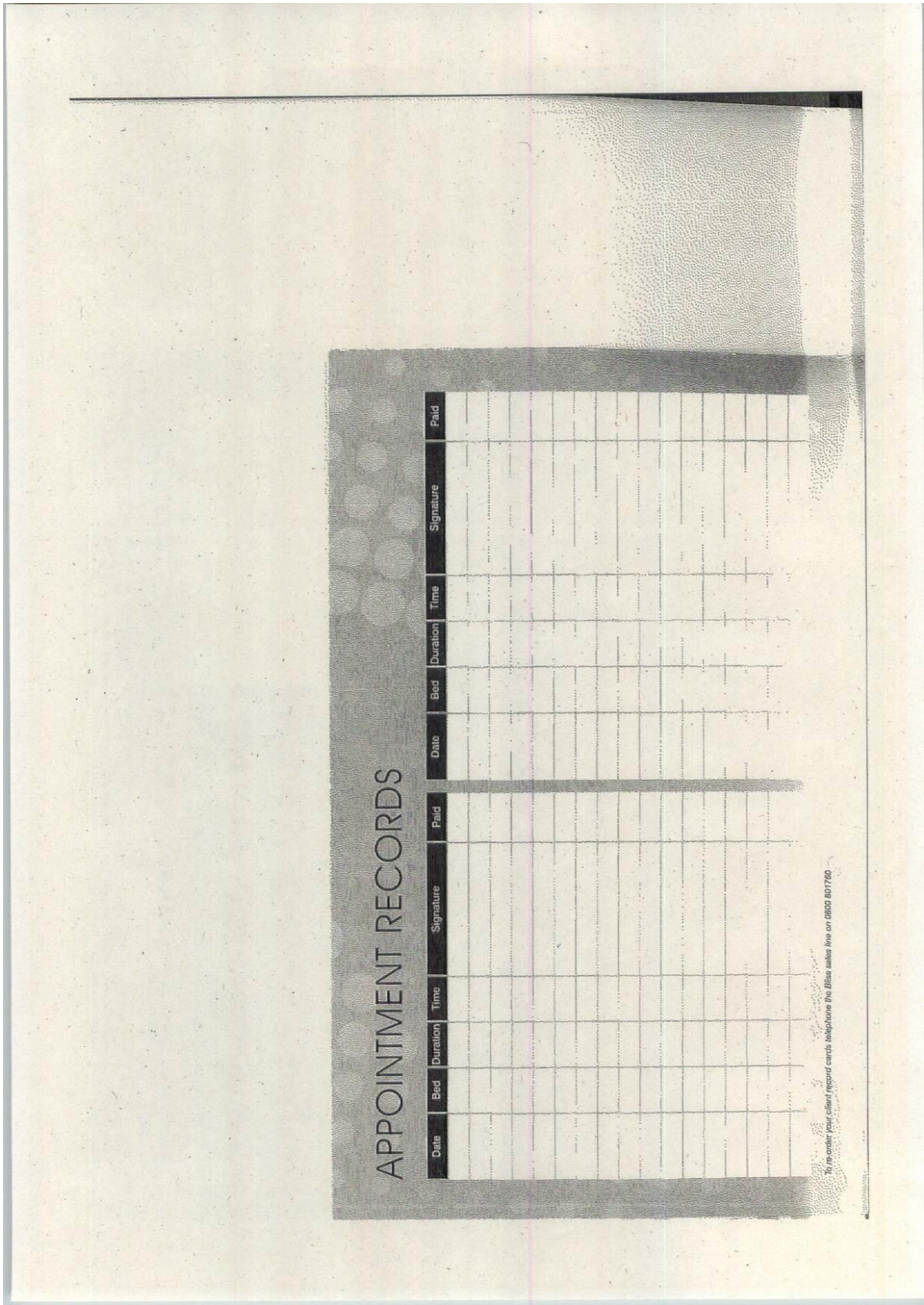
ARE YOU: currently under medical supervision, prescribed or taking any form of drug, oilment/lotion, antibiotic or tranquilliser, pregnant or hypersensitive to light?

I have read & understood the information provided on this form, am 18 years of age or over, and am satisfied that I am suitable for tanning treatments.

Print Name			
Skin Type			
Signature			
Date	Day	Month	Year

Nothing in the information given above shall exclude our liability for personal injury or death due to our negligence or fraudulent misrepresentation. We shall not be liable for any loss or damage to valuables and other personal possessions left on the premises.

The information provided on this form may be used for marketing purposes. Please tick here if you do not want your details to be used for marketing.



Appendix 3

From: Teresa Wilding
Sent: 23 May 2019 16:14
To: Licensing
Subject: FW: MST Licence Application - Additional conditions to be attached to the licence

Please see email from applicant below

Teresa Wilding
Licensing Enforcement Officer

Birmingham City Council Licensing
Ashted Lock,
Building 1-3, Ground Floor,
Birmingham Science Park Aston,
Dartmouth Middleway,
Aston,
Birmingham,
B7 4AZ

For information regarding the various licences issues please go to www.birmingham.gov.uk/licensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to <http://publicregister.birmingham.gov.uk>

Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.
Follow us on Twitter @BCCLicensing

From: claire smith
Sent: Thursday, May 23, 2019 2:45 PM
To: Teresa Wilding
Subject: Re: MST Licence Application - Additional conditions to be attached to the licence

Hi Teresa

I am happy to accept these conditions, I look forward to hearing from you soon.

Kind regards
Claire

Sent from my iPhone

On 23 May 2019, at 13:50, Teresa Wilding <

Hi Claire,

BIRMINGHAM CITY COUNCIL ACT 1990
CONDITIONS OF LICENCE
MESSAGE AND SPECIAL TREATMENT ESTABLISHMENTS

THE LICENSEE

1. Treatments that are covered by the Birmingham City Council Act 1990 which are not specified on the licence shall not be offered.
2. The establishment shall trade at the address specified in the licence, and in the name specified in the licence.
3. The Licensee shall notify the Council in writing, within 7 days, of any change in the name or private address of the Licensee.
4. The Licensee, if a company, shall notify the Council in writing, within 7 days, of any change in the names of directors of the company.
5. Unless the Licensee has written consent of the Council they shall not:
 - a) employ anyone at the premises whose licence has previously been revoked or who has been refused a licence where they were unsuitable to hold a licence;
 - b) employ anyone at the premises where the Council has previously considered that individual to be unsuitable because of misconduct; or
 - c) permit any such person mentioned in a) or b) above to directly or indirectly have an interest in the business carried on at the premises;
 - d) employ any person in the conduct of the establishment under the age of 17.
6. Treatment shall only be given by persons approved by the Council or under the supervision of a person approved by the Council.
7. The Licensee shall ensure that all persons approved by the Council to offer treatments shall display at the premises all certificates of recognised qualifications in respect of the services permitted by the Licence.
8. The Licensee must display, in a prominent position within the premises, the Licence issued by the Council



9. The Licensee shall at all times exhibit, in a conspicuous position, a complete scale of fees for treatments given at the premises.
10. The Licensee shall notify the Council, within 7 days, any change to the list of persons engaged in the provision of massage or special treatment at the establishment. If the change relates to the addition of a new person then notification must be by completion and submission within 7 days of Document MST6.1.
11. The Licensee shall notify the Council in writing within 7 days of any conviction received by him/her in respect of any offence of dishonesty or immorality.
12. The Licensee shall not permit the establishment to be used for any illegal or immoral purpose.

THE PREMISES

13. The premises and any treatment room or waiting room must be kept clean and maintained in good repair and condition.
14. There shall be adequate lighting and ventilation to any treatment or waiting room, either by natural or artificial means.
15. Readily accessible wash hand basins must be provided for any treatment rooms.
16. There shall be provided for each wash hand basin, hot and cold water, soap, a nail brush and clean hand drying facilities.
17. There shall be provided in every treatment and waiting room suitable and sufficient means for heating and a reasonable room temperature shall be maintained.
18. Suitable and sufficient toilet accommodation must be available for employees and clients.
19. The Licensee shall ensure compliance at all times with the relevant provisions of the Health and Safety at Work Act 1974 and shall at all times take reasonable precautions to ensure the safety of clients whilst in the premises.

CUSTOMER CARE

20. Where it is intended that more than one person shall be treated in the same room, suitable screening shall be provided to maintain privacy.

21. All instruments, towels, materials and equipment used in connection with the establishment shall be thoroughly cleansed prior to use by, or application to any client and there shall be provided proper means for securing the cleansing of all such instruments, towels, materials and equipment.
22. The Licensee shall ensure that all persons present in any part of the establishment are decently and properly dressed at all times, except for those persons receiving treatment in accordance with the conditions of this Licence.
23. Adequate changing accommodation shall be provided.

RECORDS

24. The Licensee shall keep and maintain:
 - a) A record of all persons employed for administering treatment, whether qualified or not, with details of their full name, date of birth, private address, national insurance number, signature and qualifications where applicable.
 - b) A daily register of all staff administering treatment shall be maintained; the register shall record the start and finish time of each therapist.

The above records shall be kept on the premises named on the licence at all times, and shall be immediately available for inspection, by an authorised officer, during opening hours.

No person shall make a false entry into any records required to be kept as a condition of the licence.

CONDUCT OF BUSINESS

25. The Licensee or a responsible person nominated by the Licensee, in writing to the Licensing Section, must be on the premises and in charge of the establishment and immediately contactable by an authorised officer at any time during the permitted hours of opening.
26. The Licensee must ensure that the nominated person is fully aware of the Conditions of Licence, particularly those relating to the maintaining of records.
27. The Manager or other person directly or indirectly responsible for the management of the premises shall be under the same obligation as the Licensee to comply with these conditions.

PERMITTED HOURS

28. The services provided by this establishment shall be permitted only between the hours of 6.00 am and 12.00 midnight on any day. (Please note that the hours permitted by this licence do not override any restrictions imposed by any planning consents for the premises.)

SAFETY OF EQUIPMENT - ELECTRICAL CERTIFICATE

29. The Licensee shall on application for renewal of this Licence submit to the Council a certificate signed by a competent electrician certifying the safety of all electrical installations, equipment and electrical apparatus used within the establishment for the purposes of the Licence.

SPECIFIC CONDITIONS RELATING TO MASSAGE

1. All massage rooms/areas shall contain a suitable massage couch/bench/table. (Four Poster beds, or beds designed for the purpose of sleeping shall not be permitted.)
2. There shall be no advertisement in words or pictures suggesting that there is an erotic element in the treatment provided.

SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

1. See Appendix A attached.

APPENDIX A - SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA

Each premises licensed to provide facilities of ultra violet tanning equipment, sun beds and tanning booths shall ensure compliance with the following conditions:

1. The Licensee shall draw up a schedule of maximum exposure times based on the information supplied by the manufacturer and the operator shall advise clients of suitable exposure levels to avoid over-exposure particularly during initial sessions.

Notice

2. Warning notices and guidance notes issued by the Health and Safety Executive shall be clearly displayed near the machine informing users of the equipment of the danger of over-exposure.

Safety Equipment

3. Suitable goggles for the protection of the eyes of users of the equipment must be provided and each user must be advised of the dangers of failing to properly protect the eyes from ultra violet light. No user of the equipment should be allowed to undertake treatment without such protection.
4. A suitable readily identified emergency device shall be fitted within easy reach of a person using the equipment. The device, when operated, should switch off ultra violet lamps and summon assistance.
5. Equipment must be situated in a suitable room or cubicle and so positioned that adequate ventilation and cooling is provided. The operation of the equipment must not result in the temperature in the treatment room becoming unreasonable.

Cleaning

6. The licensee must have procedures in place to ensure that the surface of the bed is cleansed, between each client use, with a suitable cleanser as recommended by the manufacturer of the appliance.

Safety of Users

7. The Licensee must have procedures in place to ensure that prospective users of sun beds are made aware, on each visit, that certain medical conditions or medicines that are combined with exposure to UV light can have an adverse effect on the health and safety of the user.
8. The European Standard BS EN 60335-2-27: 2013 is based upon an exposure limit of 15 kilojoules per square metre per person per annum.

As guidance, customers appropriate to tan (following a screening including skin-typing) should receive a timed exposure to bring them up to their MED (Minimum Erythral Dose, i.e. the point at which the skin goes slightly red some 8 - 24 hours following exposure to UV).

For Skin Type 2 (which is a typical Caucasian UK skin type) an individual MED is equivalent to around 250 joules per square metre, thus, based on an annual exposure limit of 15,000 joules, this equates to around 60 sessions per person per year (15,000 divided by 250).

The Licensee must have procedures in place to ensure that prospective users of sun beds are:

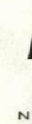
- a. Aware of their own skin type;
- b. Made aware of the session limit applicable to their skin type and the equipment being used;
- c. Made aware of the maximum exposure limits allowed in the European Standard;
- d. All sunbeds must be compliant with a maximum UV output as specified in BS EN 60335-2-27 of 0.3W/m².



Map Created By:

Notes

Date of Map Creation: 24/05/2019



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 24/05/2019



Scale:
1:1,250

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