

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

WEDNESDAY, 16 DECEMBER 2015 AT 10:00 HOURS
IN COMMITTEE ROOM 6, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chairman to advise the meeting to note that this meeting will be webcast for live and subsequent broadcast via the Council's Internet site (www.birminghamnewsroom.com) and that members of the press/public may record and take photographs. The whole of the meeting will be filmed except where there are confidential or exempt items.

2 APOLOGIES

To receive any apologies.

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3 CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE, MEDUSA LODGE GENTLEMENS CLUB, 139-147 HURST STREET, SOUTHSIDE, BIRMINGHAM, B5 6SD

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COMMITTEE DURING NOVEMBER 2015**

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9 **SCHEDULE OF OUTSTANDING MINUTES**

To consider outstanding minutes.

10 **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.

11 **AUTHORITY TO CHAIRMAN AND OFFICERS**

Chairman to move:-

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

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2015
NECHELLS

**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE,
MEDUSA LODGE GENTLEMENS CLUB, 139 – 147 HURST STREET,
SOUTHSIDE, BIRMINGHAM B5 6SD**

1. Summary

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1st November 2014.
- 1.2 An application has been received for the grant of a Sexual Entertainment Venue (SEV) Licence in respect of premises known as Medusa Lodge Gentlemen's Club, 139 – 147 Hurst Street, Southside, Birmingham B5 6SD.
- 1.3 At the time of writing this report there are 8 SEV licences granted to premises within Birmingham, 7 of which are located within the area bounded by the A4540.

2. Recommendation

- 2.1 That Committee consider and determine the application for the grant of a Sexual Entertainment Venue licence in respect of Medusa Lodge Gentlemen's Club, 139 – 147 Hurst Street, Southside, Birmingham B5 6SD having regard to the options contained in paragraph 6.1 of the report.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6920
E-mail: chris.neville@birmingham.gov.uk

Originating Officer: David Kennedy, Principal Licensing Officer

3. Background

- 3.1 An application has been received from Starwhite Limited for a Sexual Entertainment Venue Licence at premises to be known as Medusa Lodge Gentlemen's Club, 139 – 147 Hurst Street, Southside, Birmingham B5 6SD. A copy of the application is attached at Appendix 1.
- 3.2 Additional documentation in support of the application, being the proposed external scheme of the premises is attached at Appendix 2.
- 3.3 The proposed hours of operation are 10.00 to 06.00 Monday to Sunday.
- 3.4 The nature of the entertainment as described on the application form is lap dancing, pole dancing, table dancing, exotic dancing together with Burlesque / cabaret and similar adult entertainment. The applicant has confirmed the relevant entertainment involves full nudity.
- 3.5 As part of the application process the applicant is also required to submit club rules. A copy of which is attached at Appendix 3.
- 3.6 A plan of the premises detailing where the Sexual Entertainment will take place is also part of the application procedure. A copy of the A4 plan submitted with the application is included in the report at Appendix 4.

4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.
- 4.3 West Midlands Police have advised that they have no objections to the grant of an SEV licence. A copy of their response is attached at Appendix 5.
- 4.4 A Licensing Enforcement Officer conducted a site visit on the 22nd October 2015. A copy of the Licensing Enforcement Officer's report is attached at Appendix 6.
- 4.5 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are contained within the current Sexual Entertainment Venue policy a copy of which is attached at Appendix 7.
- 4.6 Location plans, including a plan showing the proximity of the existing licensed Sexual Entertainment Venues to the proposed premises, are attached as Appendix 8. Owing to the size of the plans, scaled down versions are included in the report, however, A3 copies of the plans will be available at the meeting.
- 4.7 All parties have been invited to attend the hearing.

5. Matters for Consideration

- 5.1 When considering an application for the grant of a licence, the Committee should have regard to any observations submitted to it by the Chief Officer of Police and any objections that the Licensing Authority has received from anyone else within 28 days of the date of the application.
- 5.2 Subject to any new information produced at the hearing it does not appear that any of the mandatory grounds of refusal apply to the application currently due for consideration. For example, a licence shall not be granted to a person who is under the age of 18 or who has had a previous application for the same premises refused within the last 12 months.
- 5.3 The only discretionary grounds upon which the Council may refuse an application are those grounds specified in Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982 as amended:
- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason;
 - b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by, or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

6. Options Available

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

7. Right of Appeal

- 7.1 An applicant has a right of appeal to the Magistrates Court against decisions to refuse to grant, renew, vary or transfer a licence, the imposition of conditions or the revocation of an existing licence.
- 7.2 It should be noted that although no right of appeal lies against a decision made on the discretionary grounds set out in paragraphs 5.3(c & d) above, the applicant could challenge a refusal on the aforementioned grounds by way of a judicial review.

8. Implications for Resources

- 8.1 A fee of £6,291 is payable for a Sexual Entertainment Venue application, if the application is subsequently refused then 50% of the fee will be refundable.
- 8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

9. Implications for Policy Priorities

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

10. Public Sector Equality Duty

- 10.1 No specific implications have been identified.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

SEX ENT 1.4

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

BIRMINGHAM CITY COUNCIL

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

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

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

Section 1

Application details:

Is this licence for the: **New Grant**

Is the application made by: **A company or other corporate body**

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

What is the full name of the individual?.....

Permanent Residential Address.....

Any former names

Date of Birth Place of Birth.....

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

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

Telephone Number (during normal office hours)

Email Address:.....

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

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

Yes ☐ No ☐ If "yes" to what extent

Is the whole business owned by the applicant?

Yes ☐ No ☐

Section 3

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

Full Name of Applicant

.....

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

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

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

.....

.....

.....

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

Section 4.

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

What is the name of the Applicant?..... **STARWHITE LIMITED**

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

NO

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

Private Company Limited By Shares

What is the registered number of the Applicant..... **07014319**

What is the registered office address? **C/O: Paul Howley & Co, 42 Pitt Street, Barnsley**

South Yorkshire, S70 1BB

In which country is the company incorporated? **England**

What is the date of incorporation of the company? ... **9th September 2009**

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

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member state
Ms Caroline Carrington			Born in The U.K.
Mr Luke Warwood			Born in The U.K.
Mr Alistair lockwood Thompson			Born in the U.K.
Mr Robert Yue Opher			Born in the U.K.

SEX ENT 1.4

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

MEDUSA LODGE GENTLEMEN'S CLUB

What is the Applicant's trading address?.....

MEDUSA LODGE GENTLEMEN'S CLUB, 139-147 Hurst Street, Southside, Birmingham, B5 6SD

Please confirm if the whole of the business is owned by the applicant? Yes ☒

Section 5

All Applicants

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

First Name..... **Stephen Michael** Surname..... **DONEGAL**

Former Name (if any)

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

Permanent Address:

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

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

If "yes" give full details

The Directors of Starwhite Limited, Mr Warwood, Ms Carrington, Mr Thompson & Mr Opher are associated with two Sexual Entertainment Venues. A recently licensed venue called 'THE LODGE', Abattoirs Road, Reading, RG1 7BL for 18mths and a venue which has ceased trading called 'THE LODGE' (Oxford), Oxpens Road, Oxford, OX1 1RX for 4yrs.

Mr Warwood & Ms Carrington are also associated with two other Sexual entertainment venues, both currently trading under renewed SEV licenses, CAZ BAR, Unit 7-9 Union Street, Stratford upon Avon for 10yrs and 'MEDUSA GENTLEMENS CLUB' Suffolk Queensway, Birmingham B1 1LN for 12yrs.

Mr Donegal who is named as the person responsible for the management in this application is associated and currently responsible for the management of the premises at 'MEDUSA GENTLEMENS CLUB'.

Section 6

Premises details:

Is this application in respect of: Premises ☒ Vehicle ☐ Vessel ☐ Stall ☐Is the premises, vehicle, vessel or stall in use for sexual entertainment at the date of this application? Yes ☐ No ☒

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

.....

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

MEDUSA LODGE GENTEMEN'S CLUB, 139-147 Hurst Street, Southside, Birmingham, B5 6SD

.....

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

.....

Under what name is, or will the premises be known?

MEDUSA LODGE GENTLEMEN'S CLUB

.....

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

If no, please state:

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

Ground floor of premises, as per the SEV Plan

.....

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

**First Floor will not be used. It contains an existing Office, store rooms, toilets & kitchen.
Second floor has been retained by the landlord**

.....

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

STARWHITE LIMITED

.....

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

a) Head-lease ☒ Sub-lease ☐

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

Landlord:

Head Lease: Starwhite Limited, C/O Paul Howley & Co, 42 Pitt St, Barnsley, South Yorkshire, S70 1BB

.....

c) the length of the unexpired term **15yrs**

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

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

<u>Day</u>	<u>Start</u>	<u>Finish</u>	<u>State any seasonal variations or non standard timings where you intend to use the Premises, which are different to those listed in the column on the left.</u>
Monday	10:00hrs	06:00hrs	New Years Eve from the end of permitted hours to commencement of permitted hours on New Years Day.
Tuesday	10:00hrs	06:00hrs	
Wednesday	10:00hrs	06:00hrs	
Thursday	10:00hrs	06:00hrs	
Friday	10:00hrs	06:00hrs	
Saturday	10:00hrs	06:00hrs	
Sunday	10:00hrs	06:00hrs	

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

Medusa Lodge will be providing entertainment in the form of Lap Dancing, Pole Dancing, Table Dancing, Exotic Dancing, together with Burlesque/Cabaret & Similar adult Entertainment.

MEDUSA LODGE will be providing a 1920s theme venue, where apart from providing private lap dances in sumptuous surroundings customers will be entertained by Cabaret nights. A lively mix of cabaret, jazz and burlesque stage shows.

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

Section 8.

If the application is for the Transfer of a Premises Licence

Name of current Premises Licence Holder

.....

Please give the reason/s for the transfer application

.....

.....

.....

Section 9.

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

If so, please give details of unspent convictions below:

Convictions:

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

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

If so, please give details below:

Cautions:

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

SEX ENT 1.4

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

Been disqualified from holding a licence for a sex establishment?	No
Been refused the renewal of a licence for a sex establishment?	Yes
Been the holder of a sex establishment licence when that licence has been revoked?	No
Been associated in any way with any other application for a sex establishment licence?	Yes
If 'Yes' to any of the above please provide details:	
<p>The Directors of Starwhite Limited, Mr Warwood, Ms Carrington, Mr Thompson & Mr Opher are associated with two Sexual Entertainment Venues. A recently licensed venue called 'THE LODGE' (Reading), Abattoirs Road, Reading, RG1 7BL and a venue which has ceased trading called 'THE LODGE' (Oxford), Oxpens Road, Oxford, OX1 1RX. The premises in Oxford were refused a renewal of an S.E.V. Licence due to a nearby development.</p> <p>Mr Warwood & Ms Carrington are also associated with two other Sexual entertainment venues, both currently trading under renewed SEV licenses, CAZ BAR, Unit 7-9 Union Street, Stratford upon Avon and MEDUSA GENTLEMENS CLUB' Suffolk Queensway, Birmingham B1 1LN.</p> <p>Mr Donegal who is named as the person responsible for the management in this application is associated and currently responsible for the management of the premises at 'MEDUSA GENTLEMENS CLUB'.</p>	

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

Yes ☒ No ☐

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

The Home addressess of the owners of premises, Directors & Persons responsible for the Management of the Premises.

.....

.....

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

The applicant & its Management team are very experienced at operating SEV Licensed premises in locations in the Midlands & Home counties.

.....

.....

.....

(If necessary, please continue on a separate sheet)

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

I have made or enclosed payment of the fee ☒

Grant - £6291
Renewal - £3637
Transfer - £1918

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

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

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

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

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

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

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

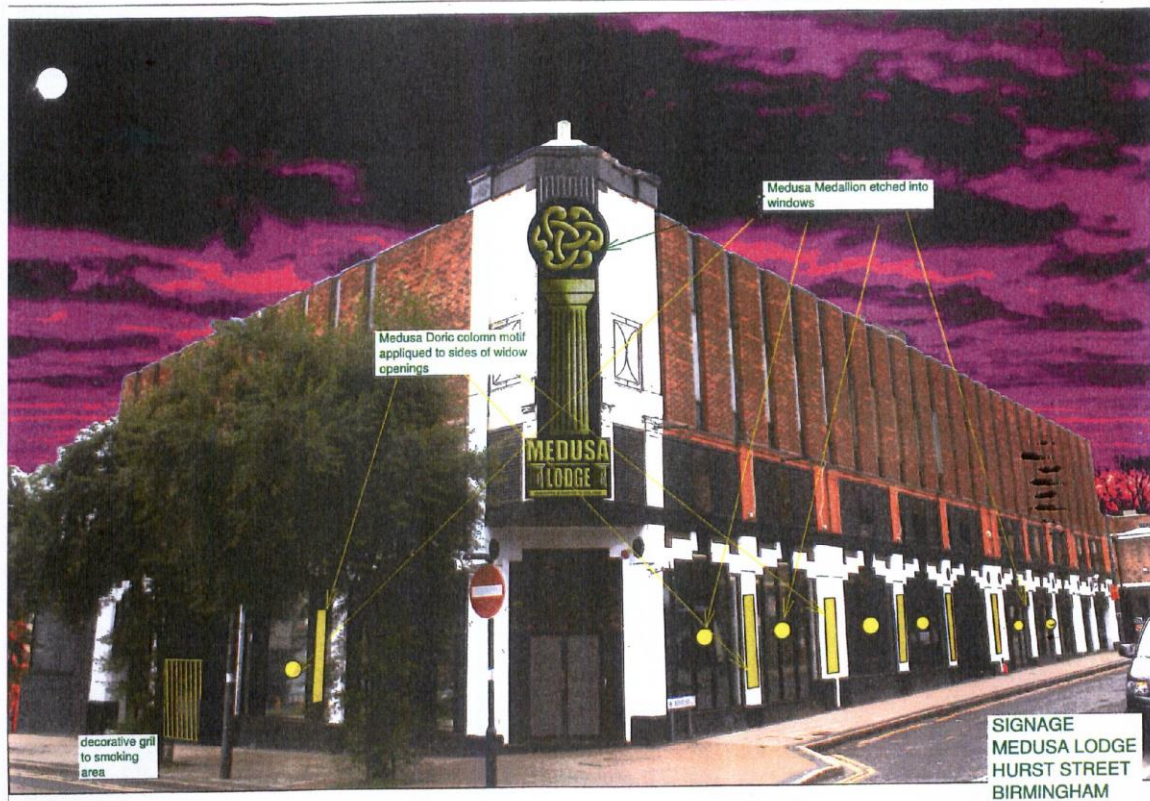
APPLICANTS ARE INFORMED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE, MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE, ON SUMMARY CONVICTION,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

Signature

Name of Signatory **Carl Moore**

Designation of Signatory **Authorised Agent - C.N.A. Risk Management Limited**

Date **15th September 2015**



MEDUSA LODGE OPERATIONAL DOCUMENTS

SECTION	DOCUMENT	PAGES
1	Medusa Lodge Management Manual	1-6
2	Dancers Code Of Conduct	1-2
3	Dancers License Agreement	1-2
4	Medusa Lodge Drugs Policy	1
5	Medusa Lodge Customer Dispersal Policy	1-2

MEDUSA LODGE GENTLEMENS CLUB
139-147 HURST STREET
SOUTHSIDE
BIRMINGHAM
B5 6SD

MANAGEMENT MANUAL

RECEPTION & SECURITY

General

The company employs the services of C.N.A. Risk Management to inspect all door procedures/security, in addition to assessing all related staff to maintain an efficient and well-run business.

All door persons are required by law to be SIA registered.

During all opening hours there must be a minimum of one security staff on the door at all times, and a minimum of two security person inside the club.

Duties of Security Staff

Security Staff must:

Sign in and out of the club, noting their badge number. Records of this are kept for a 3-month period.

Wear their licensed badge at all times whilst on duty.

Ensure all customers who appear to be 25 or under to produce appropriate photo identification e.g., passport, driving licence or proof of age card carrying a "PASS" logo.

Ensure queuing, drugs and dispersal policies are enforced.

When working on the door wear "high visibility" jackets.

Not allow customers to leave the premises with bottles, glasses or any alcoholic drinks.

When working outside the premises or engaged in dispersal of patrons at the close of business will wear "high visibility" Fluorescent clothing.

Remove all fire escape chains and bolts of the club. This is done 1 hour before club opening.

Sweep the front of the club when needed before opening.

Help to prepare the club for opening; this includes assisting with lighting, music, clearing of refuse etc and general tidying.

Maintain clear, prompt and accurate records in the Incident and Accident Book on all such incidents and ensure that each and every entry is checked and signed by the Manager on duty on the date of entry.

Warmly greet customers and other staff of Medusa Lodge upon their entry to the club. Never to meet rudeness with rudeness but report any difficulty immediately to the Manager on duty at the time;

After 2.00am, security staff must be particularly vigilant in their duties;

Make certain that all staff and dancers are safely escorted to their cars and taxis when the club closes.

Remain in the area outside of the venue until customers have left the immediate vicinity and to assist in actively encouraging customers not to congregate outside the venue

Help direct customers to the nearest taxi ranks or other transportation away from the area.

Close the club securely at the end of the night, including regular checks of fire escapes, toilets, windows, dance booths, doors and front doors etc.

CUSTOMERS

General

Customers must be over the age of 18 years old to enter the club. In cases of doubt i.e. they look 25 or less, Security staff must request appropriate photo identification e.g., passport, driving licence or proof of age card carrying a "PASS" logo.

Customers must abide by the strict dress code: smart or smart/casual - strictly no sportswear, ripped jeans, sleeveless tops, caps or any other items of clothing which may cause offence to staff, dancers or other customers. Management reserve the right to ask any customer to adjust their appearance etc. or refuse entry if necessary.

Customers are not admitted if the Door Staff consider that they are under the influence of alcohol or drugs or otherwise not in a fit state to use the Club's facilities.

Medusa Lodge imposes a zero tolerance to any drug use. (Please refer to our drugs policy) If any customer offends this rule, they will be escorted from the premises; full report will be made to the police.

The Manager on duty has the absolute discretion to ask any customer to leave if he considers that there is, has or is about to be a breach of the Clubs Rules or any conduct that would bring the Club into disrepute.

Customers' interaction with dancers

A dancer will eventually approach a customer after he has entered the club. She politely informs the customer of the cost of a dance, and if necessary, explains what it entails.

Customers who choose to have a dance will be taken to a private dance booth by the dancer, who will begin dancing, and will continue for the duration of one song (approx. 3 minutes).

Under no circumstances are customers allowed to invite dancers to meet them outside of the club or exchange any contact details. This rule is enforced to inhibit the act of prostitution. If a customer attempts to exchange contact details or solicits services of prostitution or any other illegal activity, the dancer is requested to report this to management immediately and the customer will be asked to leave immediately. Thereafter, management can and will enforce a ban on that customer.

Customers are not permitted to touch or be touched by dancers during the duration of a private dance.

All dance booths are equipped with CCTV cameras for safety.

Signs displaying Club rules are clearly visible upon entry at the club reception, and within the Club. The Door Staff will draw customers' attention to these when necessary.

DANCERS

General

Before a dancer is permitted to perform at the Club, the following procedures take place:

Identification for the dancer is inspected on her arrival at the Club reception to ensure she is over the age of 18 years.

(Appropriate photo identification e.g., passport, driving licence or proof of age card carrying a "PASS" logo.)

The dancer will be asked to display: Photo identification and two other forms of identification such as a utility bill and a chequebook.

The dancer must then be shown around the club, showed the fire exits and be informed of the Club Rules.

The dancer is required to perform an audition on stage consisting of a single performance of topless dancing. The dancer must wear a long dress and suitable shoes for this audition.

If the manager on duty decides that the dancer is suitable she is taken to the office to read and sign the Medusa Lodge Code of Conduct, and photocopies of her identification are made and kept with her dancer file. These files contain relevant personal information and are securely stored in the management office.

Medusa Lodge imposes a zero tolerance to any drug use. If any dancer offends this rule, they will be escorted from the premises; full report may be made to the police.

The Manager on duty has the absolute discretion to ask any dancer to leave if he/she considers that there is, has or is about to be a breach of the Clubs Rules or any conduct that would bring the Club into disrepute.

Performance of a Dance

Dancers are required to perform on stage throughout the evening on several occasions. These consist of pole dances for the duration of two songs, where the dancer must be topless for the second song.

When a dancer approaches a customer she asks him whether he would like to have a dance, and she politely informs the customer of the cost of a dance, and if necessary, explains what it entails.

Customers, who choose to have a fully nude dance for the cost of £20, will be taken to a private dance booth by the dancer, who will begin dancing, and will continue for the duration of one song (approx. 3 mins).

Under no circumstances are dancers allowed to invite customers to meet them outside of the club or exchange any contact details. This rule is enforced to inhibit the act of prostitution. If management are informed that a dancer has solicited prostitution or any other illegal activity, she will be asked to leave the premises immediately and banned from the Club.

All dance booths are equipped with CCTV cameras for safety. Dancers are aware of these safety measures.

Dancers are not permitted to touch customers, or be touched, during the duration of a dance.

BAR/WAITRESSING STAFF

General

Before a person is permitted to work at the Club, the following procedures take place:

Identification for the person is inspected on their arrival at the Club reception to ensure they are over the age of 18 years. Customers must be over the age of 18 years old to enter the club. In cases of doubt i.e. they look 25 or less, Security staff must request appropriate photo identification e.g., passport, driving licence or proof of age card carrying a "PASS" logo.

The person will be asked to display: Photo identification and two other forms of identification such as a utility bill and a chequebook.

The person must then be shown around the club, showed the fire exits and be informed of the Club Rules.

Before a member of staff begins work at the Club, a file must be compiled consisting of copies of their identification, a signed copy of the Staff Procedure form, a signed Risk Assessment form and relevant personal information for that person.

Full-time staff that are not already qualified are requested to undertake a Licence Course to obtain their Personal Licence Certificate.

Staff must not consume alcohol before or during their shift commences.

The Club's zero tolerance to drugs policy applies to all staff.

Staff must be courteous to all stakeholders of the Club, namely: dancers, other staff and customers.

MEDUSA LODGE

Code of Conduct

(To be issued to all dancers prior to employment)

We write further to your recent audition and interview and are pleased to advise you that your application to operate as a self employed hostess/professional dancer within Medusa Lodge Gentleman's Club, Hurst Street, Southside, Birmingham has been successful. As explained at your interview Medusa Lodge has been established to form an upmarket Gentlemen's club of a high standard and quality. You will be required to conduct yourself in a courteous and professional manner at all times. Not just to the customers, but also your colleagues and all other members of staff.

This code of conduct forms the basis of your engagement, to include any conditions that are attached to the Premises License relating to strip tease, pole, tableside and booth dancing insofar as the provisions contained therein apply to you, to which you must adhere at all times.

No Drugs. (Random bag searches are compulsory when asked)

No Prostitution.

No meeting customers outside work.

No mobile phones on the main floors.

No chewing gum.

No exchange of telephone numbers with any customers. Your shift will be terminated and you will not be allowed to work in the club again.

Support and Security

SIA registered security are on the front door and inside in all areas of the building to ensure the safety of dancers.

CCTV is situated in all dance areas including the private booths. Lodge staff constantly monitors this CCTV.

Any problems or incidents with customers and dancers must alert security or Management immediately.

Our first priority is to the safety and well being of all dancers.

Shifts and time keeping

Arrangements will normally be reached one week in advance of shifts
You should arrive before 10pm at the very latest (£20 late fine)
48 hours notice is required to cancel a shift. Late cancellation or no show -
£30 fine.

Dress Code etc

Long dresses before midnight.
No bare bums - (wraps and skirts ok)
Hair and make-up to be done.
No boyfriends, husbands, partners allowed in the club.
Do not park in front of the club.
Do not intrude on another dancers customer.
Do not indulge in too much alcohol.
No glitter on body or face.
No oil based products.
Facial piercing to be removed.

Dancer facilities

Dancers have access to the changing room with a shower and toilets. This
area is not accessible to the customers.
Dancers must keep this area clean and tidy at all times

Signed Date.....

Name (printed)

Dancers - The Club's House Rules

(To be displayed prominently in the changing rooms)

- No Drugs. (Random bag searches are compulsory when asked)
- No Prostitution.
- No meeting customers outside work.
- No mobile on the main floors.
- No chewing gum.
- No exchange of telephone numbers with any customers. Your shift will be terminated and you will not be allowed to work in the club again.

Shifts and time keeping

- Arrangements will normally be reached one week in advance of shifts
- You should arrive before 9pm at the very latest (£20 late fine)
- 48 hours notice is required to cancel a shift.

Dress Code etc

- Long dresses before midnight.
- No bare bums – (wraps and skirts OK)
- Hair and make-up to be done.
- No boyfriends, husbands, partners allowed in the club.
- Do not park in front of the club.
- Do not intrude on another dancer's customer.
- Do not indulge in too much alcohol.
- No glitter on body or face.
- No oil based products.
- Facial piercings to be removed.

The Medusa Lodge Dancer's Licence Agreement

This AGREEMENT is made on (date)

.....

BETWEEN: The Medusa Lodge Gentlemen's Club, Hurst St, Birmingham

And

Name and Address of Dancer

.....

.....

TERMS AGREED

In consideration of the payment by the DANCER of the LICENSE FEE set out in clause 2 of this agreement, the CLUB agrees to permit the DANCER to enter and remain on the premises on the terms and conditions set out in the clauses below.

- 1.0** At all times whilst on the premises, the dancer shall comply with -
 - 1.1** The terms of the clubs license as set out in attachment A to this agreement:
 - 1.2** The CLUBS House Rules as set out in attachment B
- 2.0** Subject to clause 1 above, the Dancers may -
 - 2.1** Dance for whichever customer as often and in such ways as the Dancer and Customer may agree.
 - 2.2** Charge such a fee as the Dancer and Customer may agree:
 - 2.3** Provide such services (e.g. dances, collection of drinks, conversation etc)
- 3.0** The fees payable to the Club by the Dancer for this License shall be as follows -
 - 3.1** £20 (twenty pounds Stirling) per evening:
 - 3.2** £7 (seven pounds Stirling) per dance:
 - 3.3** Any fine levied under the House Rules of the Club as out in the attachment B.
- 4.0** Any fees then due and payable to the club by the Dancer shall be paid to the Manager on duty prior to the Dancer leaving the premises on any evening.

- 5.0 The Dancers warrants and confirms that:
- 5.1 She is over eighteen years of age:
 - 5.2 She has never been arrested for and or charged with or convicted of prostitution or any related offences:
 - 5.3 She has never been arrested for and or charged with or convicted of the possession or sale of illegal drugs and
 - 5.4 She will be responsible for payment of al tax and national insurance payments on income that she earns whilst performing on the premises.
- 6.0 The Club and the Dancer may at any time terminate this license without any liability to the other for such fees under Clause 3 as many then be due by the Dancer to the Club.
- 7.0 For the avoidance of doubt, the dancer and the Club acknowledge and agree that:
- 7.1 The Dancer has no authority to enter into any contract on behalf of the Club;
 - 7.2 in contracting with the customer at the Club, the Dancer is acting on her behalf and not on behalf of the Club

Signed on behalf of the Club

.....Date

Print name.

Signed on behalf of the Dancer

.....Date

Print name.

Drugs Policy

Medusa Lodge maintains a zero tolerance policy with regard to drugs. The sale, purchase and/or consumption of drugs on Medusa Lodge premises by patrons or employees are strictly forbidden.

Employees are asked to be aware of drug activity, and report any suspicious behaviour to management or a direct supervisor. Employees are never to approach anyone suspected of drug activity.

Illegal drugs are classified, in part, as follows:

- Class A, or 'hard' drugs, including HEROIN (smack, junk, horse, gear), LSD (blotter, micro dots), Ecstasy (E, pills) and Cocaine (Charlie, schniff, coke, crack, line, bump)
- Class B, 'soft' drugs, including Marijuana (pot, weed, grass) and Amphetamines (speed, uppers)

Employees are asked to look for the warning signs of drug dealings and use, including the following:

- Bits of plastic wrap, paper, particularly in the toilets;
 - Rolled bank notes
 - Works, including needles, spoons, rubber bands
 - The smell of marijuana, metallic or chemical smoke
 - More than one person in a toilet stall at one time
 - Stumbling, vomiting, nervousness, jumpiness, incoherent speech, involuntary movement of limbs, jaw or tongue, inability to communicate, glazed eyes, profuse sweating etc.
-
- Any search will include a search/incident reference when customers or staff are suspected of being under the influence/in possession of drugs.
 - Regular checks of the toilet areas for signs of drug use, checks to be logged in premises book.
 - Poster to be placed in prevalent areas explaining ramifications for drug use on premises. Police will be called and a life ban from the premises.

Medusa Lodge Customer Dispersal Policy

Medusa Lodge accepts that our responsibilities cannot simply end at our front door and that, by contributing to a 'better managed' end of night, we can deliver a safer town centre. We are, therefore, eager to develop, in partnership with the police and council, a dispersal policy which will seek to reduce the pressure on the police at the end of trading, ease customers' passage home and minimise the likelihood of local residents being disturbed.

Transport

Probably the biggest single factor triggering disorder and disturbance is a lack of public and private transport at the end of the evening, preventing the swift dispersal of customers away from the venue. There are a number of steps operators can take to reduce transport related problems:

- We will provide a safe place for customers to wait for taxis (particularly lone females) Our staff will be more than happy to call cabs for customers.
- We will advertise reliable services by providing free phone numbers for licensed mini-cabs and details of nearby taxi ranks, bus timetables or other local transport networks.
- We will agree an operating policy with local private and public hire vehicles (001 taxis), banning the sounding of horns after 11pm and arranging the most suitable pick up drop off point to cause residents the least disturbance.

Car Parking

We will advise customers of the best car park to use through our website so that customers leave in a direction with minimum disturbance to local residents.

Staffing

During the last half hour of trading, the service points in each bar may be reduced and some staff reallocated to collect glasses or work in the cloakroom. This will assist customer departure and reduces the potential for people to carry glassware out of the premises. We will have door supervisors outside of the venue at the end of the night to supervise dispersal.

Cloakroom

The cloakroom will be set up in order to assist the swift return of coats with staffing and control systems increased in the period prior to closure.

Music & Lighting (internal)

During the last 20 minutes of trading, the DJ may typically play slower music and reduce the volume of the music played. In addition, lighting levels can be manipulated to encourage the gradual dispersal of patrons during the last part of trading and the drinking up period.

Lighting (external)

We use of bright lights at the exit of the venue to encourage customers to leave more quietly. We are happy to liaise with the local council to establish guidelines on the positioning of these lights, which will also prompt customers to leave the area quickly and enhance CCTV coverage.

Minimising Noise on Exit

We will position a manager in the area close to the main exit to oversee the end of night departure period. The DJ will make announcements to remind customers to be considerate on leaving the premises. Highly visible notices will be placed in the foyer requesting exiting customers to leave quietly and to respect neighbours and their properties.

Bottles or glasses

No customers will be allowed to leave the premises with bottles or glasses.

Door staff

Our door team will play a key role in the implementation of several aspects of our dispersal policy:

- Encouraging customers to drink-up and progress to the exit within a venue throughout the latter part of drinking-up time;
- Drawing the attention of exiting customers to the notices in the foyer and ask them to be considerate;
- Ensuring the removal of all bottles and glasses from departing customers;
- Actively encouraging customers not to congregate outside the venue; and
- Directing customers to the nearest taxi ranks or other transportation away from the area.

We will work with the local authority and Police to review this policy if / or when issues should arise. This policy is a work in progress.

From: Ben Reader
Sent: 21 October 2015 13:47
To: Annette Luck; Elliott Richards
Subject: Medusa Gentlemen Club

Hi Annette,

In relation to the SEV application for Medusa, I have no objections to this application.

The current operation on Suffolk Street does not cause concern from a crime and disorder point of view. If the venue operates to the same standard, I would not expect an increase in incidents at the new location.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West & Central Local Policing Unit

b.reader@west-midlands.pnn.police.uk

'Protecting our communities, protecting them from harm'

APPENDIX 6

DATE AND TIME OF INSPECTION	
OFFICERS INSPECTING	D.Wright
TRADING NAME OF PREMISES	Medusa Lodge Gentlemen's Club
ADDRESS AND POSTCODE OF PREMISES	139-147 Hurst Street Birmingham B5 6SD

REASON FOR INSPECTION	GRANT	RENEWAL	VARIATION
OTHER (PLEASE SPECIFY)			
JOB NUMBER	WK008094801		

TYPES OF PREMISES NEARBY	PROVIDE DETAILS
RESIDENTIAL PREMISES	If the last few years city centre living in the South Side area of the City has resulted in a number of residential apartments built above commercial premises such as Latitude in Bromsgrove Street and Southside located between Hurst Street and Essex Street. I would confirm these are the nearest residential premises to proposed club.
COMMERCIAL SHOPS USED BY FAMILIES & CHILDREN	None in the immediate area
FACILITIES USED BY FAMILIES EDUCATIONAL, LEISURE	Hippodrome Theatre Inge Street National Trust Back to Backs
COMMUNITY BUILDINGS USED BY BY FAMILIES & CHILDREN	Indoor Markets open during the day
PLACES OR BUILDINGS OF HISTORICAL/CULTURAL INTEREST OR TOURIST ATTRACTIONS	Inge Street National Trust Back to Backs
PREMISES USED FOR RELIGIOUS GATHERING	None in the immediate vicinity
OTHER (PLEASE SPECIFY)	

DOES THE PREMISES YOU ARE INSPECTING HOLD AN EXISTING LA2003 PREMISES LICENCE	Yes new licence granted to Medusa Lodge 20/10/2015 Licence - 4423
WAS NOTICE DISPLAYED DATE CHECKED	YES
OTHER (PLEASE SPECIFY)	

ANY RELEVANT INFORMATION WHICH MAY ASSIST THE LICENSING COMMITTEE

Medusa Lodge Gentlemen's Club would be located in Gay Village end of Hurst Street; It is close to the night entertainment areas of the Arcadian and Chinese Quarter. There are a number of bars and restaurants located locally It would be situated on the same street as The Nightingale.

Hurst Street falls within an area of the City Centre being redeveloped as part of the Big City Plan. Attached to this report are copies of sections of the Big City Plan relating to the City Centre Master Plan and The Quarters – Southside and Highgate which relates to the Hurst Street/Kent Street area of the City Centre. Full details of the Big City Plan can be viewed via the Birmingham City Council website using the following link: <http://www.birmingham.gov.uk/bigcityplan>. I understand the Big City Plan will explore the possibility of making Hurst Street and Kent Street into a more pedestrian-friendly by extending the footway and lighting improvements already implemented. It is proposed to create a new Village Square at the Gay Village end of Hurst Street this is to be located directly opposite the proposed premises.

I was advised that they would not start any major refurbishment of the premises until such time as they know they are going to be granted a licence. If a licence is granted then a Licensing Enforcement Officer will conduct a further site inspection of the premises to ensure compliance with the standard conditions prior to the premises operating.

On checking the company details the current premise Mudusa Gentleman's Club of 142 Suffolk Street, Queensway is run by Alliance Club Management Limited with a registered address of C/O Morgan Reach Accountancy Limited, CIBA Buildings, Birmingham, B16 9NX. Medusa Lodge's applicants are Starwhite Limited with a registered address of Paul Howley & Co, 42 Pitt Street, Barnsley, South Yorkshire, S70 1BB. There is one common director associated with both premises and that is Luke Peter Warwood. However, both Luke Warwood and Carolyn Carrington are 25% shareholders in both companies. The relevant parts of both Creditsafe checks are attached.

I can report that Mudusa Gentleman's Club of 142 Suffolk Street, Queensway has undergone three SEV inspections at the first for a grant in December 2012, verbal advice was given on the repositioning of some notices, that request had been complied at next inspection. At both the SEV renewal inspections in 2013 and 2014, enforcement officers reported no issues.

City Centre Masterplan

We want to transform the city centre by growing its central core by 25%, improving its connectivity, strengthening its authentic character and diversifying its economic base.

What the masterplan does

The masterplan sets out our vision for how we will improve the city centre over the next 20 years. It:

- Identifies our priorities as those areas that will grow the City Core by 25%, delivering space for over 1.5 million square metres of new floorspace, over 50,000 new jobs and contributing £2.1 billion to the economy each year.
- Identifies key projects to deliver over 65,000 square metres of new and improved public spaces and 28 kilometres of enhanced walking and cycling routes.
- Sets out a movement framework transforming connectivity.
- Identifies how we will grow the city centre population by providing new housing, including over 5,000 new homes in the areas of transformation to attract more families to live in the city centre.
- Explores the evolution of land uses and activities, locations for tall buildings and the role of heritage.
- Sets out visionary proposals for each of the city centre quarters.
- Fully integrates both sustainable development and addressing the impact of climate change as part of the future transformation of the city centre.

This ambitious agenda will be guided by a set of objectives and a spatial strategy which underpin the masterplan and set the context for our proposals.

Objectives

We have set six broad objectives which will guide the transformation of the city centre.

Liveable city - provides a high quality of living, creating places for people that offer a diverse mix of activities and spaces within an accessible, safe, resilient and attractive environment.

Connected city - is safe and convenient for pedestrians and cyclists to move around and has an effective and attractive public transport system with an efficient highway network.

Authentic city - offers a unique and diverse experience through its architecture, its streets and spaces, its arts and culture, its businesses and its neighbourhoods.

Knowledge city - utilises and supports its universities, colleges, businesses and people to create a strong and sustainable economy.

Creative city - values and supports creativity and industry in all its forms.

Smart city - responds to the challenge of climate change through sustainable growth, pioneering the low carbon future.

Spatial Strategy

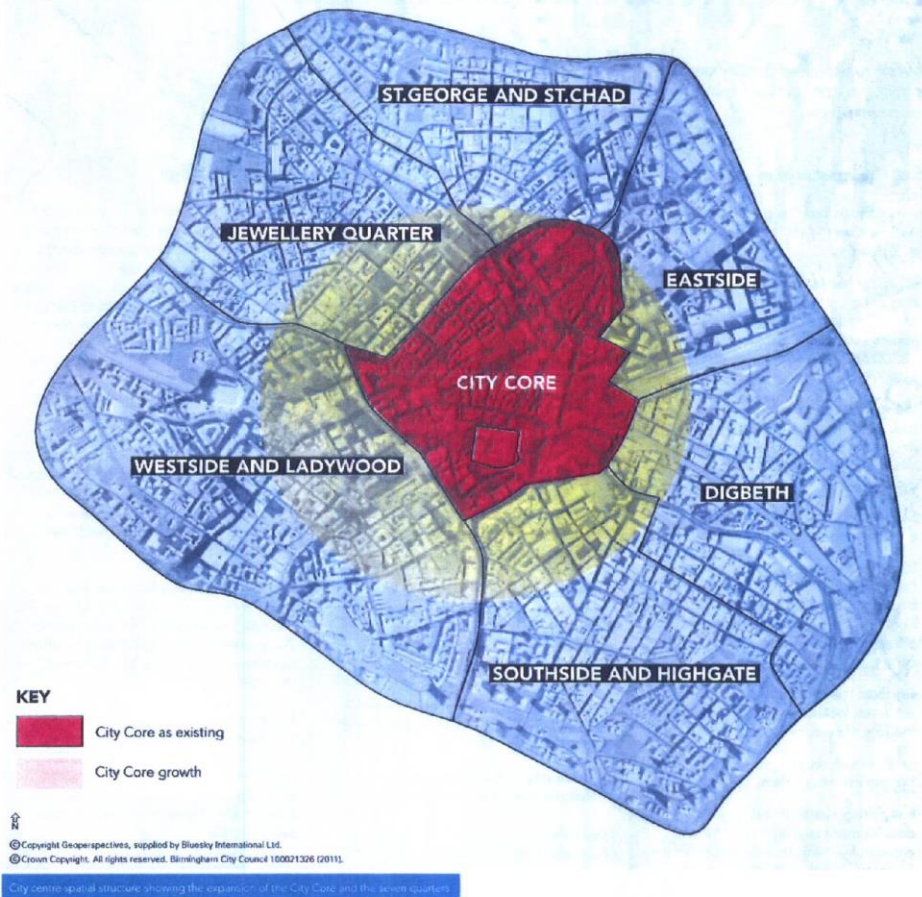
To achieve our ambition for the city centre we will need to allow the City Core to grow to accommodate greater levels of economic and cultural activity.

The City Core will be allowed to expand beyond its current boundaries as shown in 'yellow' on the diagram on page 11. In delivering this growth we will support and strengthen the distinctive character of the areas surrounding the City Core improving connections and raising their overall quality and offer.

Covering a combined area of 800 hectares, the 7 quarters collectively represent the strength of the city centre but are also a significantly underutilised asset that presents immense potential.

Each of the quarters has unique qualities which contribute towards the authenticity, diversity and vibrancy of the city centre. These areas are largely based on historic clusters of related uses and existing physical boundaries.

By allowing the City Core to grow, and in supporting the distinctive activities and environments of the quarters we will facilitate the city centre to change and adapt to meet future needs and to support Birmingham's ability to succeed economically.



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Southside and Highgate

Southside, including the Highgate residential area, has a rich mix of existing activities giving the area a unique spirit and vibrancy. Coupled with this character are significant redevelopment opportunities that will complement the area to create one of the most diverse city centre quarters that will be a major cultural and visitor destination.

About the quarter

- The Wholesale Markets site presents 8ha of development potential on the doorstep of the City Core.
- The historic manor house and moat lie underneath the Wholesale Markets site and represent part of the medieval heart of Birmingham.
- Historic retail markets are part of Birmingham's rich heritage and history; and are home to the largest inland fish market in the UK.
- The Hippodrome Theatre with the Birmingham Royal Ballet, is the UK's most visited theatre with over half-a-million patrons every year.
- Home to the city's Chinese Quarter bringing in thousands of international visitors every year and hosts the Chinese New Year celebrations.
- 75,000 visitors to the UK's biggest free annual Pride Festival around the Gay Village's thriving, independently owned café bars, pubs and clubs.

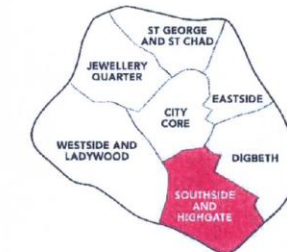
Southside grew from the original heart of Birmingham around St Martin's parish church, the manor house and moat, with Edgbaston Street and the approximate line of Smallbrook Queensway once marking the southern edge of the medieval town. From the 1790s and throughout the Victorian period, a dense pattern of streets, factories, courtyard

"back-to-back" housing, shops and pubs spread rapidly southwards towards and over the River Rea.

The development of the Wholesale Markets in the 1970s dramatically altered the original street pattern and the fortress-like building turns its back on the surrounding area, leaving Southside with fractured links and dead frontages, thereby isolating the areas and buildings beyond.

The removal of subways at Smallbrook Queensway in the early 1990s improved the pedestrian connections to the area along the primary walking route of Hurst Street. Investment followed with the Arcadian Centre, the extended and refurbished Hippodrome Theatre and the restored historic "back-to-back" houses. These provide significant cultural assets for Southside alongside successful bars and restaurants. During the last decade, high-density residential apartment development has provided new urban living which has greatly increased pedestrian activity and has begun to help support a greater mix of commercial uses around Hurst Street.

In the streets south of Bromsgrove Street, some of the former industrial buildings have been taken over by vibrant café bars, pubs, clubs alongside established engineering companies and warehouses. Large areas of vacant land and derelict buildings remain towards Bristol Street.



59

A significant portion of Southside, between Sherlock and Barford Streets, down to the River Rea and beyond to Highgate, is covered by low intensity industrial premises. Many units provide space for small engineering companies and a variety of other commercial operations. However some parts of the area are underutilised and remain empty. The unattractive environment isolates and severs the Highgate area from otherwise walkable routes to the City Core and Digbeth.

The Highgate area rises up from the River Rea towards a ridge at Highgate Middleway. Most of Highgate was comprehensively redeveloped during the 1960s, introducing a mixture of council housing, including tower blocks, maisonettes and modern two-storey terraces. A pocket of industrial land occupying four street blocks divides the residential area.

There are a number of key landmarks within the Highgate area including the Central Mosque, St Alban's Church and Lench's Trust Almshouses, the Paragon Hotel and Highgate Park.

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The masterplan vision

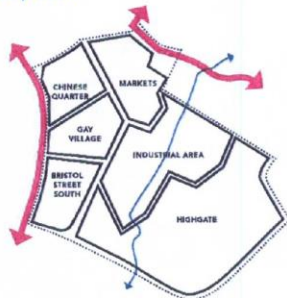
Our vision for the area is to bring about significant change of the Wholesale Markets site, capitalising on this opportunity as a catalyst for bringing investment and activity to the wider area. Improving the transport links and strengthening the areas character will create a vibrant, liveable and well-connected part of the city centre, creating a major cultural destination. In the longer term there is the potential to transform Highgate and surrounding areas to provide a much improved family neighbourhood.

Big ideas

Southside and Highgate has the potential to become one of the most exciting and liveable areas of the city centre. While the quarter has many good qualities a number of key issues will need to be addressed in order for the wider area to fulfil its potential. These include:

- Opportunities presented by the relocation of the Wholesale Markets.
- The creation of good, active streets, open spaces and better connections with the City Core and neighbouring areas.

URBAN STRUCTURE at present



the quarters / southside and highgate

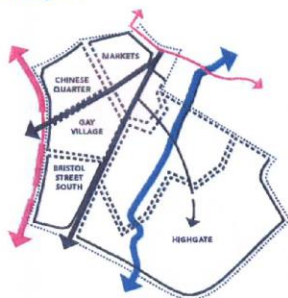
- Supporting development of the distinctive cultural and entertainment assets.
- Supporting and creating strong, vibrant communities by dealing with vacant and underused land and buildings.
- Keeping the best of Southside's character and heritage and considering the future of industrial land and activity.

Connected city

Improved quality and number of streets and open spaces for pedestrians will be essential to the future attractiveness of the area. Currently, poor connections and often rundown or uninspiring streets fail to provide the all-year-round buzz and activity that befits a cosmopolitan part of the city centre.

As part of the Birmingham Gateway Project, the creation of a new southern entrance to New Street Station and the redevelopment of the Wholesale Markets will vastly improve pedestrian connections from the City Core to the quarter.

URBAN STRUCTURE in 20 years



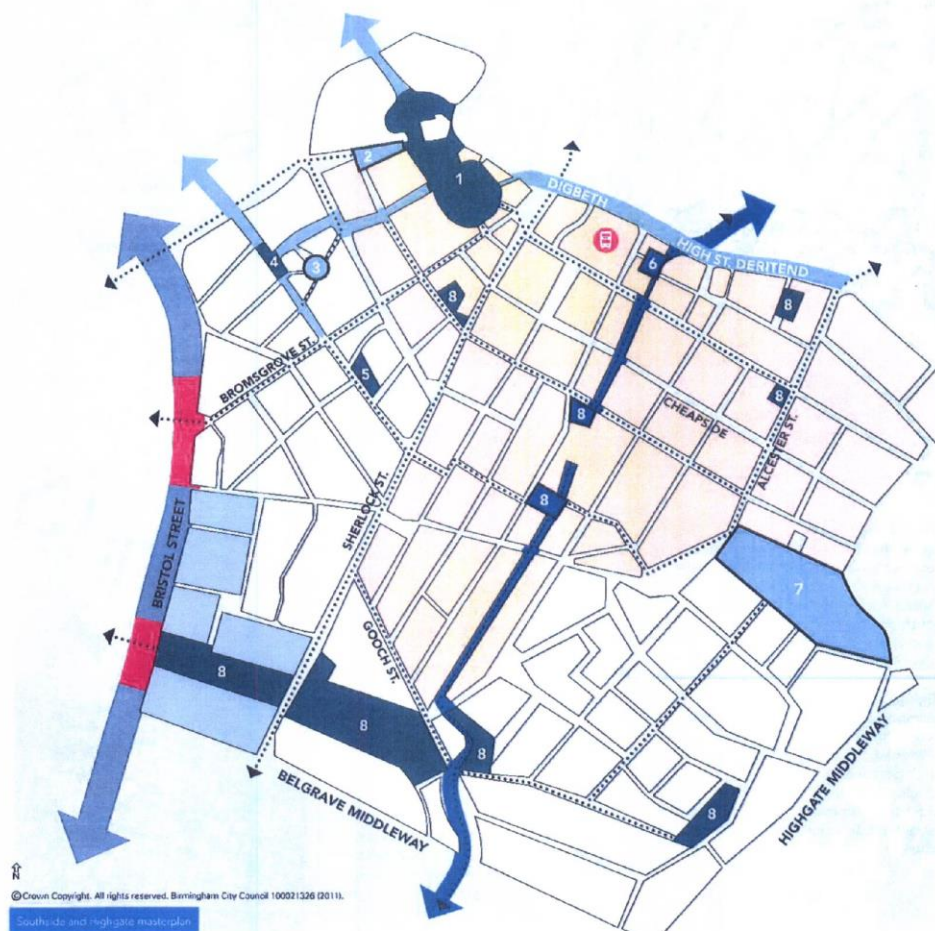
KEY

- Birmingham Coach Station
- Existing block structure
- Blocks within Southern Gateway major transformation area
- Blocks forming part of other major developments
- Existing open spaces
- New open spaces
- River Rea space interventions
- Primary walking routes
- Local walking routes
- River Rea
- A38 Corridor
- Major road interventions and improved pedestrian crossing

Open spaces

- 1 NEW - St Martin's and Most Square
- 2 Edgbaston Street public realm
- 3 Arcadian public realm
- 4 NEW - Theatre Square
- 5 NEW - Village Square
- 6 NEW - Connaught Square
- 7 Highgate Park
- 8 NEW - other key opportunities for new/improved open spaces

- Quarter boundaries
- Key characteristic areas with significant boundaries
- Increased permeability and access
- Pedestrian connections
- Major highways barriers
- River Rea
- Central nodes
- Residential areas



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Hurst Street - festival street, a primary walking route, links many of Southside's assets and will become the focus for lively street theatre, markets and events.

Further opportunities to make this route more pedestrian-friendly will be explored, including extending the footway and lighting improvements already implemented.

Bromsgrove, Sherlock and Kent Street will be important pedestrian routes, forming part of the local walking route network. Ground floor uses and activities, higher quality public realm and street trees will help to transform these routes.

A new network of open spaces linked by the local walking routes, will create an improved range of places that enrich Southside's character. This will include **Moat Square** within the Wholesale Markets site and **Theatre Place** - the potential for a higher quality and memorable setting for the Hippodrome Theatre and "back-to-back" houses.

A new **Village Square** at the **Gay Village** end of **Hurst Street** is proposed where active uses will surround a much needed green oasis for the area's residents and visitors. As part of the **Bristol Street South** development site, existing public open space off Sherlock Street will be reconfigured as a new park for Southside.

Highgate Park will be maintained as an important public open space and its overall quality and function will be promoted. In the longer term the park has great potential as a focus for higher quality development around its edges. Across the wider area, improved open spaces will be sought as part of individual redevelopment schemes.

Bristol Street will remain a key vehicular route into the city centre from the south and forms part of the **A38**. Opportunities will be sought to transform the currently harsh pedestrian environment and to improve the number and quality of crossing points in order to better connect **Attwood Green** with Southside.

Creative city

Southside's status as a major **creative** and **cultural district** will be promoted and capitalised upon in order to grow the area's potential visitor base.

The cluster of theatre, entertainment and leisure activities within and around Southside, including the **O2 Academy**, **Hippodrome**, **Old Rep** and **Alexandra Theatres**, **Electric Cinema** and lively cabaret bars, provides the opportunity to create a lively cultural focus for the city centre. The development of this cultural centre will be supported where proposals provide the city with facilities of national and international importance, and also the small-scale and diverse. Together they will develop further the rich creative and cultural performing arts offer of the city.

Liveable city

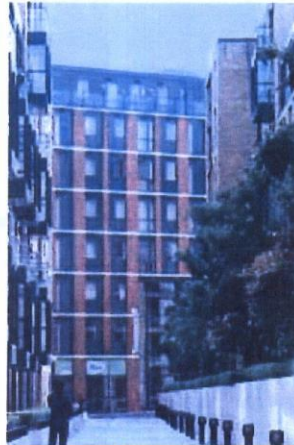
The richness and variety of activity on offer in Southside is highly diverse in comparison to other quarters. The wide mix of uses and communities still has room to develop further.

The identity of the **Chinese Quarter** will be strengthened, particularly around **Ladywell Walk** and the **Arcadian Centre**. This will be achieved through working with the Southside BID and Chinese community groups and local businesses to provide decorative features, public artwork and a Chinese arch that will provide a tourist attraction and cement the area's character.

Birmingham's **Gay Village** has become well-established within Southside over the last 20 years. Vibrant café bars, pubs, clubs, shops and community services cater for the lesbian and gay community from Birmingham and the wider West Midlands region. The focus of the village is around the lower part of **Hurst Street**, **Kent Street** and **Lower Essex Street**.

Recent investment in the public realm has given this part of Southside a stronger character and presence. There are opportunities for specialist retail, hotels and other business uses to locate within the heart of the village, bringing greater levels of visitor activity throughout the day and night.

The retail markets will continue to play a vital role in the city centre's retail offer which will be promoted and improved as part of the Wholesale Markets' redevelopment.



Southside city living

the quarters / southside and highgate

Southside has growing residential communities with a dynamic urban village character emerging in the **Chinese Quarter** and along the Bradford Street corridor. Residential uses as part of the mixed-use redevelopment of derelict sites within the Chinese Quarter and Gay Village will continue to form an important part of Southside's regeneration. Such uses should be encouraged where they do not compromise the entertainment and leisure uses that provide the unique essence of Southside's character. The diversity of the area relies on the coming together of entertainment venues, businesses and residents to support a dynamic community.

Highgate is a significant area of residential provision in the city centre. Sitting on the fringe of the city centre, it has good links to areas beyond the Ring Road. The area suffers from elements of poor design and layout, under-utilised open spaces and insecure pedestrian routes. Selective redevelopment will address these issues with our longer term ambition to see Highgate and the surrounding area become home to improved family living. This will be supported with well-balanced infrastructure including private and communal open spaces, improved network of local walking routes and community facilities. Future planning and regeneration activity will be undertaken in partnership with existing communities.

The residential **St. Luke's Estate** includes under-utilised open space that has the potential, working alongside the local community, to be remodelled to accommodate both further family housing and more functional and better quality spaces.

The existing parade of shops at **Horton Square** provides for some day-to-day needs for the local community, however the range and choice is limited. Opportunities will be sought to expand the retail area to meet this gap and to support new residential growth.

The long-term future of the pocket of industry and the fringes of the adjacent industrial area will be considered as part of the masterplan's aims to expand the quantity and quality of family housing in Highgate. This would also result in improved connections and a higher quality environment.

The **Bristol Street South** site has a prominent frontage to Bristol Street and Belgrave Middleway and presents an opportunity for a significant mixed-use landmark development based around a significantly improved area of public open space. The development will provide strong links to Sherlock Street and Kent Street as local walking routes connecting into the City Core. The site will support a mix of uses that help to provide a magnet to draw economic and pedestrian activity into this part of the city centre.

Authentic city

Southside's authenticity and character are most intact and well-reflected along **Bradford Street** and the eastern side of Bristol Street where there are significant attractive 19th century historic building frontages. These features will be retained as part of the regeneration of empty or underused buildings and sites behind. In addition, investment will be encouraged throughout the area in the refurbishment of existing character and listed buildings such as the landmark SBQ Building on Smallbrook Queensway. Such an approach will help to protect the future of the some of the city's most interesting 20th century architectural features.

The industrial area beyond the Wholesale Markets site will continue to provide space for small scale engineering and



Visual Source proposal

bigcityplan.org.uk

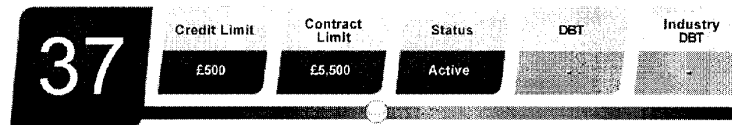
MEDUSA LODGE

Company Name: STARWHITE LIMITED

Company No: 07014319

Safe No: UK06656374

Company Status: Active - Accounts Filed



Registered Address: PAUL HOWLEY & CO 42 PITT STREET
BARNLEY
SOUTH YORKSHIRE
S70 1BB

Your Name: Carol Wallace

Your User ID: 100028990

Date / Time: 11:37 Tuesday, 17 November 2015

Total Current Directors	4
Total Current Secretaries	0
Total Previous Directors / Company Secretaries	3

Current Directors

Name	Robert Yue Opher	Date of Birth	
Officers Title	Mr	Nationality	British
Present Appointments	4	Function	Director
Appointment Date	09/12/2010		
Address	Paul Howley & Co 42 Pitt Street, Barnsley, South Yorkshire, S70 1BB		

Name	Alistair Lockwood Thompson	Date of Birth	
Officers Title	Mr	Nationality	British
Present Appointments	5	Function	Director
Appointment Date	30/09/2009		
Address	3 Beavor Grove, London, W6 9AU		

Name	Luke Peter Warwood	Date of Birth	
Officers Title	Mr	Nationality	British
Present Appointments	6	Function	Director
Appointment Date	13/03/2012		
Address	Paul Howley & Co 42 Pitt Street, Barnsley, South Yorkshire, S70 1BB		

Name	Carolyn Carrington	Date of Birth	
Officers Title	Mrs	Nationality	British
Present Appointments	2	Function	Director
Appointment Date	13/03/2012		
Address	Paul Howley & Co 42 Pitt Street, Barnsley, South Yorkshire, S70 1BB		

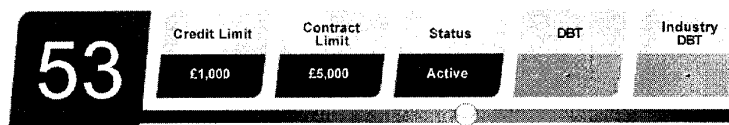
Current Company Secretary

Top 20 Shareholders

Name	Currency	Share Count	Share Type	Nominal Value	% of Total Share Count
LUKE WARWOOD	GBP	25	ORDINARY	1	25
ROBERT Opher	GBP	25	ORDINARY	1	25
CAROLYN CARRINGTON	GBP	25	ORDINARY	1	25
ALISTAIR THOMPSON	GBP	25	ORDINARY	1	25

MEDUSA

Company Name: ALLIANCE CLUB MANAGEMENT LTD
 Company No: 06958347
 Safe No: UK06600505
 Company Status: Active - Accounts Filed



Registered Address: C/O MORGAN REACH ACCOUNTANCY LIM
 CIBA BUILDING
 BIRMINGHAM
 B16 9NX

Your Name: Carol Wallace
 Your User ID: 100028990
 Date / Time: 11:35 Tuesday, 17 November 2015

Total Current Directors	2
Total Current Secretaries	0
Total Previous Directors / Company Secretaries	2

Current Directors

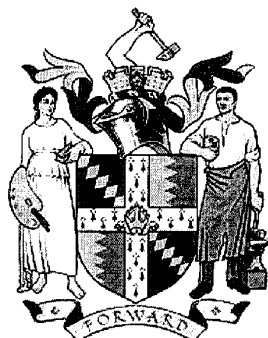
Name	Luke Peter Warwood	Date of Birth	
Officers Title	Mr	Nationality	British
Present Appointments	6	Function	Director
Appointment Date	13/05/2011		
Address	C/o Morgan Reach Accountancy Limited Ciba Building, 146 Hagley Road, Birmingham, West Midlands, B16 9NX		

Name	Neil Frank Dawe	Date of Birth	
Officers Title	Mr	Nationality	British
Present Appointments	6	Function	Director
Appointment Date	17/12/2012		
Address	C/o Morgan Reach Accountancy Limited Ciba Building, 146 Hagley Road, Birmingham, West Midlands, B16 9NX		

Current Company Secretary

Top 20 Shareholders

Name	Currency	Share Count	Share Type	Nominal Value	% of Total Share Count
JULIE DAWE	GBP	250	ORDINARY	1	25
CAROLYN CARRINGTON	GBP	250	ORDINARY	1	25
LUKE PETER WARWOOD	GBP	250	ORDINARY	1	25
NEIL FRANK DAWE	GBP	250	ORDINARY	1	25



BIRMINGHAM CITY COUNCIL SEXUAL ENTERTAINMENT VENUE POLICY

EFFECTIVE FROM 1st November 2014

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

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

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1. Introduction

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

2. Sexual Entertainment Venues

- 2.1 An SEV is defined in the 2009 Act as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer".
- 2.2 The meaning of 'relevant entertainment' is "any live performance or live display of nudity which is of such a nature that, ignoring financial gain it must

reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person.

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

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

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

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

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

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

3. **Waivers**

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

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

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

4. Making an Application

- 4.1 The 1982 Act provides a maximum licence period of one year. The authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

- 4.2 An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.

- 4.3 There are three separate notice requirements:

1. The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.
2. Where the application is in respect of premises the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.
3. The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the Local Authority itself to send the copy within seven days of receipt of the application.

- 4.4 The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.

- 4.5 Applicants must, at the time of submission of a new grant or variation application, provide a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises complies with the Standard Conditions of Licence.

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

5. **Fees**

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

6. **Making Objections to Applications**

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

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

- 6.2 Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:
- the name and address of the person or organisation making the objection;
 - the premises to which the objection relates;
 - the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.
- 6.3 Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the 1982 Act. The relevant grounds for objection are:
- That the applicant is unsuitable to hold an SEV Licence;
 - That the SEV, if granted would be carried on for the benefit of person/s who would be refused an SEV licence if they had applied themselves;
 - That the layout, character or condition of the premises are inappropriate for the proposed SEV;
 - That the use of the premises as an SEV would be inappropriate due to the use of premises in the vicinity;
 - That the use of the premises as an SEV would be inappropriate due to the character of the relevant locality; and/or
 - That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

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

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

7. **Determination of an Application**

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

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

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

7.3 Mandatory grounds for refusal

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

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

7.4 Discretionary grounds for refusal

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

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

8. Suitability of an Applicant

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

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

9. Suitability of Premises

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

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

10. Use of Premises in the Vicinity

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

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

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

11. Character of the Relevant Locality

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

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

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

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

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

12. Appropriate Number of Sexual Entertainment Venues

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

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

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

13. **Conditions**

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

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

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

14. **Renewal Applications**

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

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

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

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

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

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

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

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

16. Cancellation of a Sexual Entertainment Venue Licence

- 16.1 The Council may at the written request of the licence holder cancel the licence.

- 16.2 If a licence holder dies then the licence will be deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

- 16.3 The Council can, however, on the application of the licence holder's personal representatives extend the three month period if the Council is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Council will only do so where there are no circumstances that make such an extension undesirable.

17. Variation of a Sexual Entertainment Venue Licence

- 17.1 A licence holder may at any time apply to vary a term, condition or restriction of a licence or apply to change the location of a licensed vessel. The statutory requirements for advertising, giving notice, consideration by the Council, hearings and the giving of the reasons are the same as those applying to initial grants, which are dealt with at paragraphs 5-12. On receiving such an application, the Council can either:

- (a) make the variation as requested;
- (b) make such variations as it thinks fit;
- (c) refuse the application.

- 17.2 The applicant will be given an opportunity to attend a Licensing and Public Protection Committee before a decision is made to make a variation other than that being applied for or to refuse the application.

- 17.3 Where the Council imposes some other term, condition or restriction other than one sought in the variation application, the decision does not take effect until the time for bringing an appeal has expired and if an appeal is brought until the determination or abandonment of that appeal.

18. Right to Appeal a Decision

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

ANNEX A

BIRMINGHAM CITY COUNCIL

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)

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

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

sexually stimulating any member of the audience (whether by verbal or other means).

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

OPENING HOURS

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

WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS

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

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

LICENSED NAME

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

EXHIBITION OF LICENCE

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

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

RESPONSIBILITY OF THE LICENSEE

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

EMPLOYEES AND MANAGEMENT STAFF

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

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

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

CHANGE OF LOCATION AND ALTERATIONS TO PREMISES

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

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

CLUB RULES

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

FEES

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

PERFORMANCES

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

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

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

DOOR SUPERVISORS

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

CCTV

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

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

TOUTING FOR BUSINESS AWAY FROM THE PREMISES.

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

ADMISSION OF AUTHORISED OFFICERS

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

ANNEX B

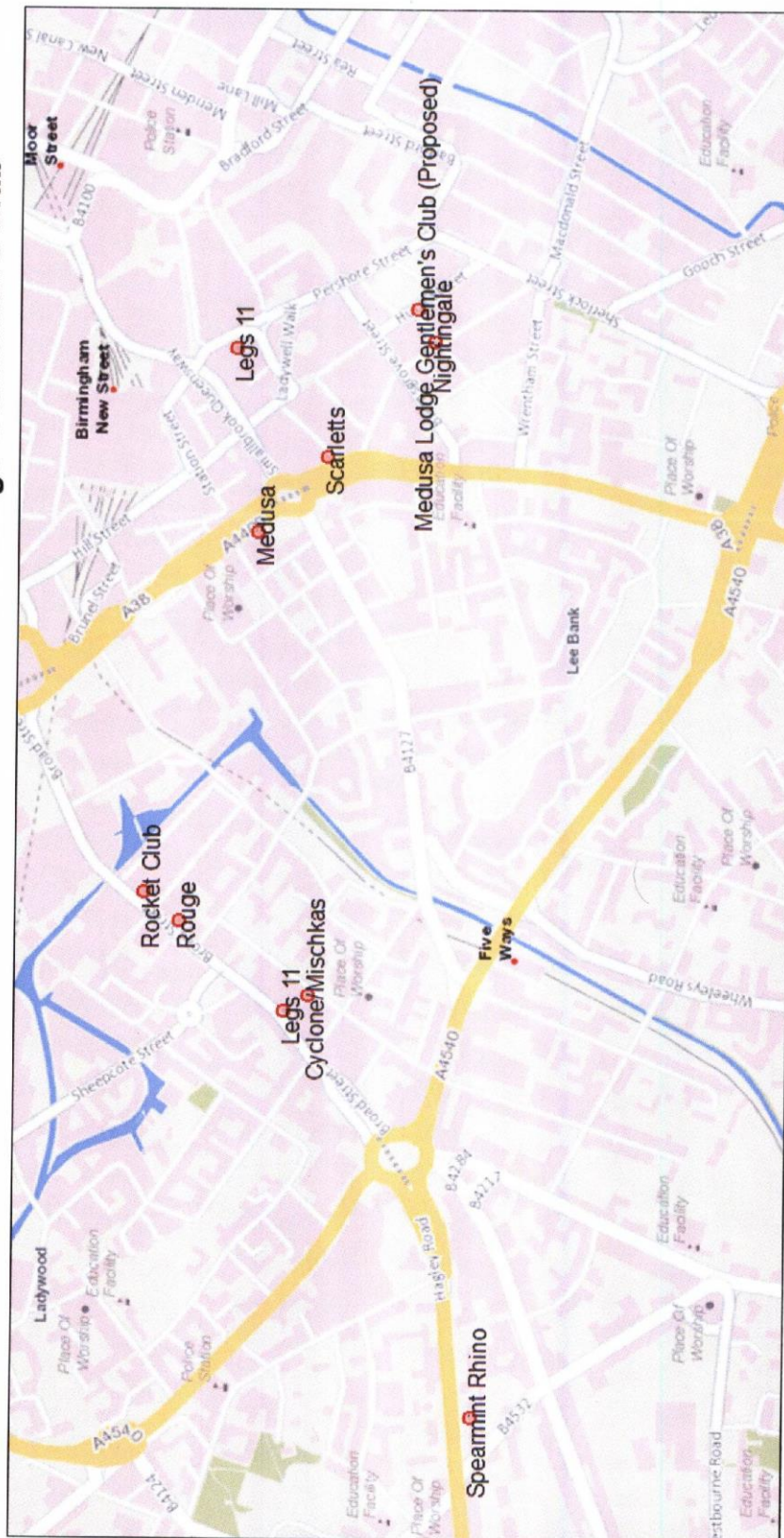
SCHEME OF DELEGATION OF DECISION-MAKING AND FUNCTIONS

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

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

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

Location of SEV Licensed Premises in Relation to Medusa Lodge Gentlemen's Club

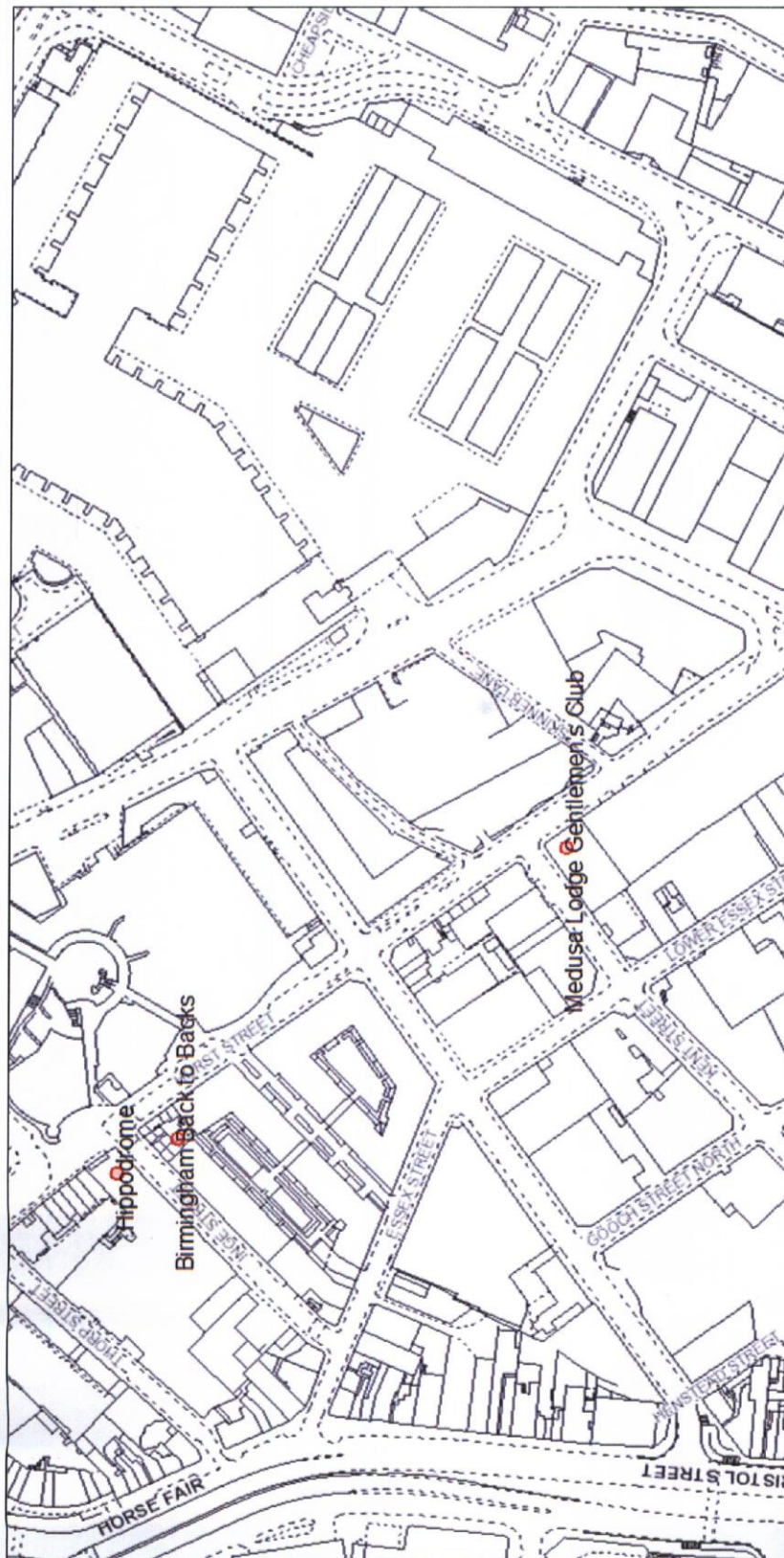


Map Notes

Map Created By:
Date of Map Creation: 06/11/2015



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Map Notes

Map Created By:
Date of Map Creation: 16/11/2015

Birmingham City Council

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BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2015
ALL WARDS

PRIVATE HIRE VEHICLE SAFETY – TOYOTA HIACE

1. Summary

- 1.1 As part of the normal stop check exercises the Licensing Enforcement Team identified a potential safety issue with some of the Toyota Hiace vehicles currently licensed as private hire vehicles.
- 1.2 These have now been addressed and any issues resolved or the vehicles suspended.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Shawn Woodcock, Acting Licensing Operations Manager
Telephone: 0121 303 9922
E-mail: shawn.woodcock@birmingham.gov.uk

3. Background

- 3.1 As a Licensing Authority, Birmingham City Council must ensure that all licensed hackney carriages and private hire vehicles meet strict construction and safety standards in order to ensure the safety of fare paying passengers and other road users.
- 3.2 All licensed hackney carriage and private hire vehicles must, therefore, be designed and constructed to have no more than eight seats in addition to the driver's seat must comply with the strict Category M1 (Motor vehicles with at least four wheels designed and constructed for the carriage of passengers) vehicle standards as defined by European Directive 2007/46/EC.
- 3.3 The Toyota Hiace when manufactured is classified as Category N1 vehicles designed and constructed as vans for the carriage of goods.
- 3.4 At its meeting on 20 June 2012 the Licensing and Public Protection Committee resolved, to take effect from 1 July 2012, to effectively exclude N1 class vehicles from licensing by an amendment to Paragraph 3.9.1 "Standards for Private Hire Vehicles" of the Licensing Authority Policies, Procedures and Delegations. This now requires that only purpose-built passenger vehicles of M1 class would be considered suitable for licensing as private hire vehicles, bringing them into line with the same requirement for hackney carriage vehicles.
- 3.5 In the current private hire vehicle fleet there are 31 Toyota Hiace vehicles and all of these had licences first granted prior to implementation of the current policy regarding licensing of Category N1 vehicles.
- 3.6 When manufactured the Toyota Hiace is not fitted with passenger seats in the rear. Under the above EU legislation (2007/46/EC) any additional seats fitted to a vehicle before or after first registration must comply with strict load stipulations to ensure they will not collapse or break loose in a collision. Furthermore all seat belt anchor points and fixings must be capable of withstanding a load of 3.0 tonnes applied over 0.2 seconds without failure or frame deformation.
- 3.7 Following a number of stop check enquiries from members of the Enforcement Team it became apparent that some vehicles had been converted to carry passengers but no evidence had been provided to show that these vehicles were compliant with the M1 standards.

4. Enforcement Considerations

- 4.1 The Licensing Enforcement Team initially identified an independent local expert in the field of vehicle classification and we approached Jubilee Automotive Group, Woden Road South, Wednesbury, WS10 0NQ.

- 4.2 Jubilee Automotive Group has been manufacturing and supplying wheelchair accessible vehicles for over 20 years and are recognised as one of the UK's leading vehicle conversion companies. They are Motability Accredited Converter Partners and members of WAVCA, The Wheelchair Accessible Vehicle Converters Association and one of the first conversion companies in the UK to carry out physical crash testing on wheelchair accessible vehicles, and also one of the first to be awarded full European M1 Type Approvals over a wide range of adapted motor vehicles.
- 4.3 Jubilee also routinely carry out extensive safety testing regimes at most of the UK's leading testing authorities including TRL (Transport Research Laboratory), MIRA (Motor Industry Research Association), STATUS (Specialist Transport Advisory & Testing Utility Society at Manchester University), NAMAS and Millbrook Proving Ground with all of their compliance certifications being witnessed and fully accredited by the VCA (The UK Vehicle Certification Agency)
- 4.4 Their managing director kindly agreed to assist the Department to carry out inspections on licensed Toyota Hiaces. Jubilee Automotive Group set a charge of £100 for the vehicle inspection and made no additional charge for any re-inspections. This cost was payable by the vehicle proprietors.
- 4.5 Letters were sent to all Toyota Hiace proprietor's advising they were required to produce evidence that their vehicles were compliant with M1 vehicle standards. This process was phased over a number of weeks to ensure Jubilee Automotive Group was not inundated and could schedule the vehicle inspection within their day to day business.
- 4.6 If a vehicle failed an inspection vehicle examiners provided comprehensive instructions regarding what work needed to be carried out to achieve the M1 standard.
- 4.7 Jubilee Automotive Group maintained their impartiality throughout the inspections and declined to carry out any of the required remedial works when requested.

5 Inspection findings

- 5.1 Less than five vehicles presented to Jubilee Automotive Group passed the inspection on the first visit and no further intervention work was required.
- 5.2 The majority of vehicles produced for inspection required some work to be carried out mainly in respect of the methods used to secure the passenger seats to the vehicle.
- 5.3 Vehicle examiners found securing bolts used where not of a sufficient size or appropriate strength to adequately secure each seat leg, and a number of vehicles required additional metal plates to be fixed under the floor to provide additional strength at the anchor points for each passenger seat leg.

5.4 A small number of vehicles produced for inspection had either N1 or N2 passenger seats fitted in the vehicle which do not meet M1 vehicle standards. The proprietors of these vehicles were, therefore, required to replace all the passenger seats and replace them with M1 type approved passenger seats.

5.5 Of the 31 Toyota Hiaces currently licensed as private hire vehicles:

- 28 have been produced for inspection and are now M1 compliant. Copies of the certificates issued have been scanned into the Licensing computerised system.
- 2 are currently suspended due to accident damage, the vehicle proprietors have been made aware that the suspension will not be rescinded until they produce a certificate from Jubilee Automotive Group.
- 1 is suspended as the vehicle proprietor is considering his options due to the significant cost involved in replacing the passenger seats (vehicle has N1 seats).

6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

7. Implications for Policy Priorities

7.1 The contents of this report contribute to the protection, safety and welfare of residents and visitors to the City by ensuring that licensed private hire vehicles are safe and compliant with required vehicle standards.

7.2 It also assists in promoting improvements in the standards of services provided by licence holders across the City and the Council's strategic outcome of staying safe in a clean, green city.

8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2015
ALL WARDS

PROSECUTIONS AND CAUTIONS – OCTOBER 2015

1. Summary
 - 1.1 This report summarises the outcome of legal proceedings taken by Regulation and Enforcement during the month of October 2015.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Alison Harwood, Acting Director of Regulation and Enforcement
Telephone: 0121 303 0201
E-Mail: alison.harwood@birmingham.gov.uk

3. Results

3.1 During the month of October 2015:

- Two Licensing cases resulted in fines of £630. Prosecution costs of £986 were awarded together with 12 penalty points. 13 simple cautions were administered as set out in Appendix 1.
- 84 Environmental Health cases resulted in fines of £20,680. Prosecution costs of £18,120 were awarded. One simple caution was administered as set out in Appendix 2.
- Two Trading Standards cases resulted in an 8 month suspended prison sentence suspended and 250 hours of unpaid work and a 5 ½ year custodial sentence. No prosecution costs were awarded due to POCA timetables being fixed. No simple cautions were administered as set out in Appendix 3.
- Appendix 4 lists cases finalised by district in October 2015 and cases finalised by district April-October 2015.
- Appendix 5 lists the enforcement activity undertaken by the Waste Enforcement Team April - September 2015.

4. Consultation

- 4.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and business in terms of the regulation duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

5. Implications for Resources

- 5.1 Costs incurred in investigating and preparing prosecutions, including officers' time, the professional fees of expert witnesses etc. are recorded as prosecution costs. Arrangements have been made with the Magistrates Court for any costs awarded to be reimbursed to the City Council. Monies paid in respect of fines are paid to the Treasury.
- 5.2 For the year April 2015 to October 2015 the following costs have been requested and awarded:

Licensing

£38,120 has been requested with £22,457 being awarded (59%).

Environmental Health

£100,039 requested with £88,825 being awarded (88%).

Trading Standards

£58,216 requested with £40,557 being awarded (70%).

- 5.3 For the month of October 2015 the following costs have been requested and awarded:

Licensing

£986 has been requested with £986 being awarded (100%).

Environmental Health

£19,494 has been requested with £18,120 being awarded (92%).

Trading Standards

No costs have been requested or awarded.

6. Implications for Policy Priorities

- 6.1 The contents of this report contribute to the priority action of ensuring business compliance with legislation to protect the economic interests of consumers and businesses as contained in the Council Business Plan 2015+.

7. Public Sector Equality Duty

- 7.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Licensing and Public Protection Committee which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil

LICENSING CASES

APPENDIX 1

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Aamer Ayyaz 62 Ronald Road Nechells Birmingham B9 4UL	1/10/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £335 £85 – Plying £250 – No Insurance + 6 penalty points	£493 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Ludgate Hill on 27 th February 2015 and one offence of consequently having invalid insurance.
2	Faraj Naderbeigi 59 Southern Road Ward End Birmingham B8 2EJ	15/10/15	Birmingham Magistrates Court	Town Police Clauses Act 1847 & Road Traffic Act 1988	Total £295 £75 – Plying £220 – No Insurance + 6 penalty points	£493 (£493 requested)	Pleaded guilty to two offences; one offence of plying for hire on Bennetts Hill on 13 th March 2015 and one offence of consequently having invalid insurance.

LICENSING SIMPLE CAUTIONS

During the period of October 2015, 13 simple cautions have been administered.

Local Government (Miscellaneous Provisions) Act 1976

Section 48(6) Six cautions were issued for failing to display a private hire vehicle licence plate

Section 54(2) Three cautions were issued for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible.

Section 48(6) & 54(2) One caution was issued for failing to display a private hire vehicle licence plate and for failing to wear a private hire driver's badge in a manner as to be plainly and distinctly visible

Section 57 One caution was issued for knowingly omitting information on licence application forms.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875

One caution was issued for failing to wear or display a Hackney Carriage Drivers Badge in a manner as to be plainly and distinctly visible.

Byelaw 26 of the Birmingham City Council Hackney Carriage Byelaws 2008 made under section 68 of the Town Police Clauses Act 1847 and section 171 of the Public Health Act 1875

One caution was issued for failing to display a fare table in a manner as to be plainly and distinctly visible.

FOOD HYGIENE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Alias Miah 59 Cottesbrook Road Birmingham B27 6LE	15/10/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £860 (£215 x 4)	£1,240 (£1,240 requested)	Pleaded guilty to four offences relating to conditions at Shippee Village, 261 Tile Cross Road, Birmingham. Live cockroaches were found at the premises including in a fridge storing food, on a wall near the kitchen and in the storeroom. The premises were dirty with an accumulation of dirt, debris and cockroach droppings. There were no procedures in place based on HACCP and food handlers were not trained in food hygiene matters.
2	Abdul Qayum 82 Phillmore Road Washwood Heath Birmingham B8 1PT	15/10/15	Birmingham Magistrates Court	Food Safety and Hygiene (England) Regulations 2013	Total £160 (£40 x 4) Mr Qayum was also prohibited from participating in the management of any food business until further notice.	£900 (£1,824 requested)	Pleaded guilty to four offences relating to the poor conditions found at Esh Kebab House, 93 Arden Road, Birmingham on two separate dates. On both occasions there were no procedures in place to control pests and mouse droppings were found throughout the premises. The premises were not kept clean and food preparation surfaces and equipment were dirty.

FLY-POSTING OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Matthew Corser 26 Norwich Croft Marston Green Solihull B37 5PR	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£250	£250 (£250 requested)	Found guilty in his absence of one offence of displaying an advertisement for "S.O.U.P Every Friday/Saturday at Amusement 13" on street furniture on Ladywell Walk, Digbeth without the consent of the City Council.

HEALTH ACT OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Escape Restaurant & Desserts Ltd 149 Barford Street Birmingham B5 6AH	28/10/15	Birmingham Magistrates Court	Health Act 2006	Total £3,600 (£1,350 – offence 1 £2,250 – offence 2)	£1,800 (£1,800 requested)	Pleaded guilty to two offences of being in control of smoke-free premises at Escape, 147-153 Barford Street and failing to stop people from smoking there on two separate occasions.

ANIMAL WELFARE OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine/Penalty	Costs	Offence details
1	Lucy Olivia Regan Flat 1 Parker House Britford Close Birmingham B14 5LJ	15/10/15	Birmingham Magistrates Court	The Dogs on Leads Order 2014	£220	£305 (£305 requested)	Found guilty in her absence of one offence of failing to ensure a dog was kept on a lead on Britford Close.
2	David James Walsh 27 Ascot Court Abdon Avenue Weoley Castle B29 4PY	29/10/15	Birmingham Magistrates Court	The Dogs on Leads Order 2014	£60	£250 (£250 requested)	Pleaded guilty to one offence of failing to ensure a dog was kept on a lead on Shenley Fields Road, Weoley Castle.

LITTERING OFFENCES

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Chelsea Doran 56 Romney Way Great Barr Birmingham B43 7TP	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette wrapper on the pavement in New Street.
2	Jenny Alken 20 Quinton Road West Halesowen Birmingham B32 2QD	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.
3	Nicola Weaver 225 Barnes Hill Birmingham B29 5UJ	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.

4	Kathleen Turner 762 High Road Leytonstone London E11 3AW	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Navigation Street.
5	Matt Trigg 99 Darford View Brierley Hill West Midlands DY5 3SX	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Broad Street.
6	Aneesa Shabbir Room 5 2-2A Short Heath Road, Erdington Birmingham B23 6JP	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Union Street.
7	Rachel Seaman 95 Yarnfield Road Birmingham B11 3PJ	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of depositing a black bag of waste on the pavement in Spring Road, Yardley.
8	Laura Sargent 211 Leamington Road Coventry CV3 6JZ	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.
9	Kathryn Reed 53 Westbury Road Coventry CV5 8HZ	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
10	Grant Atkinson 472 Chester Road Sutton Coldfield Birmingham B73 5BP	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street.

11	Stuart Bryan Lawther 26 Abbey Mount Bangor North Down BT20 4DB	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£50 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street.
12	Joshua Major Moon Cottage Penhow NP26 3AD	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.
13	Kelly Hepworth 101 Moorland Road Cardiff CF24 2LG	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street.
14	Joanne Dunn 371B Archway Road North London N6 4EJ	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.
15	Angela Curtiss 56 St Margaret's Court Swansea SA1 1JZ	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£145	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row.
16	Jason Brown 70 Westbourne Road Halesowen Birmingham B62 9NF	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Rotunda Square, Birmingham.
17	Tony Bonfield 373 Tangmere Drive Castle Vale Birmingham B35 7PT	1/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
18	Adam Goldsmith 83 Fowlmere Road Birmingham B42 2DZ	9/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Colmore Row, Birmingham.

19	Shyrah Farid 272 Station Road Birmingham B33 8QR	9/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£100 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
20	Carl Matthew Woods 82 Fairholme Road Birmingham B36 8HP	9/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£200	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.
21	Drogomir Onhaus 67 Bournville Lane Birmingham B30 2LP	9/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.
22	Emily Green 23 Watney Grove Kingstanding Birmingham B44 0AX	9/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
23	Emily Carter 30 Goodere Drive Poleworth Tamworth B78 1BZ	9/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
24	Magdalena Majewska 35 Cambridge Street West Bromwich B70 8HG	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
25	Stephen Ngai 18 Columbia Close Birmingham B5 7LF	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Smallbrook Queensway.
26	Graham Holmes 13B Parklands Court Park Road Southampton SO15 3AS	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Broad Street.

27	Imran Khan 3 Medicott Road Sparkbrook Birmingham B11 1NX	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.
28	Laurie Beglin- Charley Flat 6 7-9 Woodstock Road Birmingham B13 9BB	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
29	Callie Ifill Flat 154 Ashcroft Square King Street London W6 0YN	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£75	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.
30	Michael Bartlett 62 Ardencote Road Billesley Birmingham B13 0RW	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
31	John Bettam 11 Fashoda Road Selly Park Birmingham B29 7QB	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.
32	Sham Sayani 67 Warwick Road Sparkhill Birmingham B11 4RB	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£80	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Broad Street, Birmingham.
33	Chloe Grace Smith 186 Wulfstan Street London W12 0AD	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Navigation Street, Birmingham.

34	Umut Yildirim 110A High Street Penge Anerley SE20 7EZ	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street.
35	Shane McDonnell 8 Pine Grove Kings Heath Birmingham B14 4DE	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a tissue on the pavement in High Street, Birmingham.
36	Andrew Ursell 12 Landau Close Undy Monmouthshire Wales NP26 3NT	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping two cigarettes on the pavement in Stephenson Street, Birmingham.
37	Philip Withey 5 Oakleigh Birmingham B31 3DA	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
38	Karlene Jayne Simms 86 Perry Barr Locks Walsall Road Perry Barr Birmingham B42 1LU	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Priory Queensway, Birmingham.
39	Katarlyna Tankowza 14 Salstar Close Birmingham B6 4PP	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a tissue on the pavement in Corporation Street, Birmingham.
40	Kyle Bissell 16 Leydon Croft Kings Norton Birmingham B38 0AH	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.

41	Besmir Dashja 16 Kitchener Road Edgbaston Birmingham B29 7QD	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Broad Street, Birmingham.
42	Clayton Gillett 3 Windmill Court Windmill Road Coventry CV6 7AU	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
43	Rebecca Harris 14 Budbrooke Grove Birmingham B34 7ND	15/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Newhall Street.
44	Sheila Watkins 11 Regan Crescent Erdington Birmingham B23 5NR	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Bull Street, Birmingham.
45	Abdul Subhan 25 Dearman Road Sparkbrook Birmingham B11 1HH	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£330 x offence 1 No separate penalty for offence 2.	£350 (£350 requested)	Found guilty in his absence of two offences of dropping cigarette butts on the pavement in Lower Temple Street and St Phillips Place on two separate occasions.
46	Martin Moloney 15 Old Church Green Yardley Birmingham B33 8QP	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£165	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in Hill Street, Birmingham.
47	Ben Brittain Flat 7 Bywater House Paddock Walsall, WS1 2HL	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.

48	Graham Bishop 16 Gews Corner Chesnut Waltham Cross EN8 9BX	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
49	Martin Fitzgerald 29 Partons Road Kings Heath Birmingham B14 6TG	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street, Birmingham.
50	Luke Clay 3 Windmill Court Windmill Road Coventry, CV6 7AU	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
51	Elyssir Tahzma 33 Berridge Road Nottingham NG7 6LX	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
52	Delaney Robinson 53 Baldwin Street Smethwick B66 3RP	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Hinckley Street, Birmingham.
53	Sadia Rashid 98 Lord Street Walsall WS1 4DR	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street.
54	David Knott 11 Spencer Square Essex CM7 5JZ	23/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Street.
55	Dominic Hughes 40 Carpathian Court Spencer Street Birmingham B18 6JP	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Centenary Way, Birmingham.

56	Alison Hancox 229 Coles Lane Sutton Coldfield Birmingham B72 1NS	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Snow Hill Queensway, Birmingham.
57	Chelsea Desiree Keane 63 Romsley Road Birmingham B32 3PR	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Barnabas Road, Erdington.
58	Hassan Hussain 116 Hillaries Road Erdington Birmingham B23 7QT	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
59	Tuan Trong Mguyen 231C Glascote Road Glascote B77 2AZ	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
60	Nazer Mohammed 414 High Street Smethwick B66 3PJ	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.
61	Vasilij Scekrhov 4 Sandown Road Rugby CV21 3LG	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Lower Temple Street, Birmingham.
62	Kamil Lukasz Rajek 21 Lodge Road Redditch B98 7BS	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.

63	Robert Wright Flat 7 Avon House Great Colmore Street, Birmingham B15 2AS	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Waterloo Street, Birmingham.
64	Jacqueline Smith Room 4 37 Waterworks Road Birmingham B16 9AL	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
65	Afzana Afzal 23 Ventnor Avenue Ward End Birmingham B36 8ED	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in High Street, Birmingham.
66	Ross Taylor 52 Parkeston Crescent Kingstanding Birmingham B44 0PD	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£60	None awarded (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Navigation Street.
67	Massimiliano Vernaglione 144 Broadmoor Rd Smethwick, B67 6JX	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.
68	Lauren Rachel Sandiland 28 Smarts Avenue Lichfield WS14 0PB	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£40	£175 (£175 requested)	Pleaded guilty to one offence of dropping a cigarette butt on the pavement in New Street.
69	Rhiannon Busby 76 Holland Road Sutton Coldfield Birmingham B72 1RE	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement on The Parade, Sutton Coldfield, Birmingham.

70	Balal Ahmed Flat 4 28 Russell Road Moseley Birmingham B13 8RE	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Snow Hill, Birmingham.
71	Carrie Broadbent 16A Highfield Road Rowley Regis B65 0BU	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Corporation Street.
72	Kieran Clark The Railway Inn 30 Station Road Coleshill Birmingham B46 2EH	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.
73	Michelle Dennis 41 Holloway Street Wolverhampton WV1 2SY	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in her absence of one offence of dropping a cigarette butt on the pavement in Colmore Row.
74	Jean Didier 215 Lyndhurst Court Birmingham New Road Wolverhampton WV4 6LP	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street.
75	Earl Kimberley 18 Harebell Wall Rugby CV23 0TT	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Corporation Street.
76	Stephen Steptoe Flat 31 Birbeck House Guernsey Drive Birmingham B36 0PG	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£330	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Temple Row, Birmingham.

77	Stephen Darnley The Fulhams Tenbury Wells Worcestershire WR15 8RN	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in Stephenson Street, Birmingham.
78	Ella Carmen 45 Beechwood Road Kings Heath Birmingham B14 4AB	29/10/15	Birmingham Magistrates Court	Environmental Protection Act 1990	£220	£175 (£175 requested)	Found guilty in his absence of one offence of dropping a cigarette butt on the pavement in New Street, Birmingham.

ENVIRONMENTAL HEALTH SIMPLE CAUTIONS

During October 2015 one simple caution was administered.

Food Safety and Hygiene (England) Regulations 2013

One caution was issued for failing to comply with food hygiene regulations

TRADING STANDARDS CASES

APPENDIX 3

	Name & Address	Date Case Heard	Court	Legislation	Fine /Penalty	Costs	Offence details
1	Rashid Mahmood 107 Heather Road Small Heath Birmingham B10 9TD	9/10/15	Birmingham Crown Court	Criminal Law Act 1977	Custodial sentence of 5½ years	POCA timetable set	<p>Pleaded <u>not guilty</u> to one offence of conspiring with Abid Hussain, Nadeem Abid, Waseem Hussain and Shahid Mahmood to commit fraud by false representation by selling, or seeking to sell, motor vehicles with odometer readings which were lower than their true mileage. Complaints were received from members of the public from around the UK who had unwittingly purchased these clocked cars. Over 255 cars are thought to have been clocked between 2007 and 2011 with over 50 forming the main crux of the case. Many of the vehicles were purchased at auction with high mileages and subsequently clocked, with some losing over 100,000 miles.</p> <p>Found guilty after trial.</p> <p>Abid Hussain, Nadeem Abid, Waseem Hussain and Shahid Mahmood pleaded guilty and were sentenced in July 2015.</p>

2	Pritpal Singh Khurana 62-64 Herrick Road Washwood Heath Birmingham B8 1PG	16/10/15	Birmingham Crown Court	Trade Marks Act 1994, Consumer Protection from Unfair Trading Regulations 2008 and Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002	Total of 8 months custody suspended for 2 years + 250 hours unpaid work.	POCA timetable set	Pleaded guilty to ten offences relating to goods offered for sale at M&S News, 62-64 Herrick Road. Five offences relating to the possession of goods, namely 1276 packets of cigarettes and hand rolling tobacco, which bore registered trademarks without the consent of the trade mark proprietors, namely Benson & Hedges, Mayfair, Palace and Golden Virginia, one offence of having in possession for sale two bottles of Bacardi Rum with counterfeit duty paid labels and four offences of possessing for sale 6328 packets of cigarettes and 692 pouches of hand rolling tobacco which did not show the picture health warning on the packaging or visible warnings on the surface of the product. Forfeiture order granted.
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TRADING STANDARDS SIMPLE CAUTIONS

During October 2015, no simple cautions were administered.

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – OCTOBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	0	2	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	0	1	1	0	75	0	0	0	1	0	0	78
Environmental Health (non FPNs)	0	0	0	2	2	1	0	1	0	0	0	6
Trading Standards	0	0	0	2	0	0	0	0	0	0	0	2

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – OCTOBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	0	0	0	1	1	0	0	0	0	0	0	2
Environmental Health (FPNs) Not paid and prosecuted	4	6	5	3	3	2	2	7	3	3	40	78
Environmental Health (non FPNs)	0	0	0	1	1	1	0	1	0	1	1	6
Trading Standards	0	0	0	2	0	0	0	0	0	0	0	2

CASES FINALISED BY DISTRICT (PLACE OF OFFENCE) – APRIL-OCTOBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	3	2	2	0	26	0	0	1	1	0	1	36
Environmental Health (FPNs) Not paid and prosecuted	1	1	2	0	273	1	0	0	1	0	0	279
Environmental Health (non FPNs)	1	7	10	4	19	1	4	5	2	4	0	57
Trading Standards	0	1	1	7	6	0	0	1	0	1	2	19

CASES FINALISED BY DISTRICT (DEFENDANT'S HOME ADDRESS/REGISTERED OFFICE) – APRIL-OCTOBER 2015

	Edgbaston	Erdington	Hall Green	Hodge Hill	Ladywood	Northfield	Perry Barr	Selly Oak	Sutton Coldfield	Yardley	Out of Area	Total
Licensing	1	2	6	9	5	1	1	1	0	1	9	36
Environmental Health (FPNs) Not paid and prosecuted	14	18	15	17	21	9	12	13	7	13	140	279
Environmental Health (non FPNs)	2	4	8	5	10	1	4	6	1	4	12	57
Trading Standards	0	1	1	7	6	1	0	0	1	2	0	19

WASTE ENFORCEMENT UNIT – ENFORCEMENT ACTIVITY
APRIL- SEPTEMBER 2015

	Apr-15	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Total 2015/2016	
Waste Investigation Outcomes									
Investigations into commercial waste disposal suspected offences and offences	57	32	44	123	13	27		296	
<u>Section 34 Environmental Protection Act</u> demand notices issued: (trade waste statutory information demands)	40	25	30	95	23	18		231	
<u>Section 34 Environmental Protection Act</u> fixed penalty notices issued to businesses (£300)	2	2	4	6	6	5		25	Payment rate = 34%
<u>Section 87 Environmental Protection Act.</u> Fixed Penalty notices issued for commercial and residential litter offences (£80)	26	15	15	11	15	16		98	Payment rate = 69%
Prosecutions									
Prosecutions submitted to legal services	59								

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2015
ALL WARDS

FIXED PENALTY NOTICES ISSUED OCTOBER 2015

1. Summary
 - 1.1 The report sets out a breakdown, on a Constituency/Ward basis, of fixed penalty notices issued in the City during the period October 2015.
2. Recommendation
 - 2.1 That the report be noted.

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E-mail: mark.croxford@birmingham.gov.uk

3. Background

3.1 The issuing of fixed penalty notices [FPN] by officers from Regulation and Enforcement is one of the means by which the problems of environmental degradation such as littering and dog fouling are being tackled within the City.

3.2 The yearly total numbers of fixed penalty notices issued are indicated below.

<u>Month</u>	<u>Fixed Penalty Notices Issued</u>
April 2004 – Mar 2005	382
April 2005 – Mar 2006	209
April 2006 – Mar 2007	650
April 2007 – Mar 2008	682
April 2008 – Mar 2009	1,147
April 2009 – Mar 2010	1,043
April 2010 – Mar 2011	827
April 2011 – Mar 2012	2,053
April 2012 – Mar 2013	1,763
April 2013 – Mar 2014	1,984
April 2014 – Mar 2015	4,985

4. Enforcement Considerations and Rationale

4.1 Set out in Appendix 1 to this report is a table showing on a ward and constituency basis where FPNs were issued during the period October 2015. Of the people who receive a FPN, Appendix 2 indicates in which Birmingham ward the person lives. As approximately one third of those receiving FPNs do not live in the city [visitors or those who work in the city], Appendix 3 identifies where those people live.

4.2 By identifying both the area where the FPN is issued and the ward/area that the litterer lives this demonstrates that the anti-litter message is being spread right across the city. By and large litter patrols are targeted to the primary and secondary retail areas of the city because there is a high level of footfall and they engage with a full cross section of the population. Targeted areas include locations where there are excessive levels of littering, smoking areas with high levels of cigarette waste that cause blight in the city and areas where there are known problems associated with groups gathering to eat outdoors.

4.3 The number of incidences of Fixed Penalty Notices being issued reflects the fact that there is still a problem with littering on our streets. Since the Health Act came into force there has been a decline in street cleanliness associated with cigarette waste. This is reflected not only in these statistics but also in the environmental quality surveys undertaken by Fleet and Waste Management that record cigarette waste being the most prevalent waste upon our streets and identify it in 98% of all samples of street cleanliness.

4.4 One of the difficulties in resolving the problem of cigarette waste being deposited on the street is that the perception of many smokers is that cigarette waste is not litter. A change in the culture and perceptions of these smokers is critical to resolving this problem.

4.5 Anyone who receives a FPN is encouraged to talk to their co-workers, friends and families to promote the anti-litter message.

5. Consultation

5.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action[s] taken as a result of the contents of this report are subject to that Enforcement Policy.

6. Implications for Resources

6.1 The work identified in this report was undertaken within the resources available to your Committee.

7. Implications for Policy Priorities

7.1 The issue of fixed penalty notices has a direct impact on environmental degradation within the City and the Council's strategic outcome of staying safe in a clean, green city.

8. Public Sector Equality Duty

8.1 The actions identified in this report were taken in accordance with approved enforcement policies which ensure that equalities issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: FPN records

APPENDIX 1

WARD WHERE FIXED PENALTY NOTICES ISSUED BY CONSTITUENCY / WARD

CONSTITUENCY	WARD	FPN APR	FPN MAY	FPN JUNE	FPN JUL	FPN AUG	FPN SEPT	FPN OCT	FPN NOV	FPN DEC	FPN JAN	FPN FEB	FPN MAR	TOTAL FPNs
Edgbaston	Bartley Green				1		1							2
	Edgbaston					1	1							2
	Harborne	7	1											8
	Quinton	1		1			1							3
Erdington	Erdington	7	2	7	3	7	19	7						52
	Kingstanding		1	1			1							3
	Stockland Green		1	2	1		1							5
	Tyburn	2	12		10			1						25
Hall Green	Sparkbrook		3	4	1	5	6							19
	Springfield	2	2	1		2	2	3						12
	Moseley and Kings Heath	1	5	2		1	4	1						14
	Hall Green		2											2
Hodge Hill	Bordesley Green	3	2	2	4	3		1						15
	Hodge Hill	3		2		1								6
	Shard End	3	1	1										5
	Washwood Heath	1	4	2	2	1	3	2						15
Ladywood	Aston	5	3		1									9
	Ladywood	491	458	495	532	402	435	418						3231
	Nechells	65	51	36	32	24	27	7						242
	Soho	1	3				1	4						9
Northfield	Longbridge	1				1								2
	Northfield					1								1
	Weoley	1		1		3								5
	Kings Norton	1	1			1								3

Perry Barr	Handsworth Wood	1					1							2
	Lozells & East Handsworth							2						2
	Oscott	1			1		1							3
	Perry Barr	1			1		1	1						4
Selly Oak	Bournville	2												2
	Brandwood													0
	Billesley	2				2								4
	Selly Oak	3	1	9				1						14
Sutton Coldfield	Four Oaks		1			1								2
	New Hall	1												1
	Trinity													0
	Vesey						3							3
Yardley	Sheldon	1	2											3
	Stechford & Yardley North	2						1						3
	South Yardley	1	5			1	1	2						10
	Acocks Green	3	1			1								5
TOTALS		613	562	566	589	458	509	451						3748

APPENDIX 2**WARD OF PERSON RECEIVING FIXED PENALTY NOTICES BY CONSTITUENCY/WARD**

CONSTITUENCY	WARD	FPN APR	FPN MAY	FPN JUNE	FPN JULY	FPN AUG	FPN SEPT	FPN OCT	FPN NOV	FPN DEC	FPN JAN	FPN FEB	FPN MAR	TOTAL
Edgbaston	Bartley Green	6	6	4	3		8	5						32
	Edgbaston	8	4	8	7	7	8	7						49
	Harborne	6	3	7	5	4		1						26
	Quinton	14	8	11	5	5	7	6						56
Erdington	Erdington	7	5	8	6	5	7	8						46
	Kingstanding	3	7	6	9	9	6	3						43
	Stockland Green	7	4	9	7	3	6	7						43
	Tyburn	7	4	7	4	7	11	5						45
Hall Green	Sparkbrook	5	4	14	6	11	15	3						58
	Springfield	7	7	4	6	7	4	4						39
	Moseley and Kings Heath	4	10	4	8	4	6	5						41
	Hall Green	5	4	2	2	3	6	4						26
Hodge Hill	Bordesley Green	7	10	3	8	7	5	11						51
	Hodge Hill	13	3	5	6	6	9	5						47
	Shard End	10	7	10	3	3	4	7						44
	Washwood Heath	4	9	6	5	6	6	2						38
Ladywood	Aston	9	10	7	8	5	9	4						52
	Ladywood	24	27	17	28	17	21	16						150
	Nechells	9	18	13	14	9	16	10						89
	Soho	8	5	7	9	7	7	8						51
Northfield	Longbridge	6	0	5	7	8	1	1						28
	Northfield	6	3	5	13	3	3	7						40
	Weoley	6	8	3	4	5	3	6						35
	Kings Norton	5	3	10	4	5	1	1						29

Perry Barr	Handsworth Wood	6	2	5	1	5	4	2						25
	Lozells & East Handsworth	7	8	6	4	6	6	6						43
	Oscott	6	8	3	6	7	7	7						44
	Perry Barr	3	3	5	7	1	1	4						24
Selly Oak	Bournville	3	6	3	7	6	5	4						34
	Brandwood	6	5	5	5	4	2	2						29
	Billesley	4	4	6	3	7	3	1						28
	Selly Oak	7	1	11	4	3	5	3						34
Sutton Coldfield	Four Oaks	4	4	2	4	3	6							23
	New Hall	5	4	3	2		4	3						21
	Trinity	5	1	2	2	1	1	4						16
	Vesey	1	4	3	3	2	3	4						20
Yardley	Sheldon	3	4	5	4	3	2	2						23
	Stechford & Yardley North	5	4	11	3	4	10	6						43
	South Yardley	7	14	3	5	3	3	4						39
	Acocks Green	8	4	6	5	4	3	5						35
Outside of Birmingham	Outside of Birmingham	347	318	313	347	253	260	246						2084
TOTALS		613	563	567	589	458	494	439						3723

APPENDIX 3

FIXED PENALTY NOTICES ISSUED TO PERSONS RESIDING OUTSIDE THE BIRMINGHAM AREA

RESIDENCE OF FPN RECIPIENT	April	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
Aberdeen		1	1									
Adur				1								
Allerdale							1					
Amber Valley	1					1						
Arun						1						
Aylesbury Valley	1		2	1		1						
Barrow in Furness				1								
Basildon		1					1					
Basingstoke	1		1									
Belfast	1											
Bath and NE Somerset					1	1	1					
Bedford		2	1		1							
Blackburn and Darwen						1						
Blackpool		1	1				1					
Bolton				2	1	1						
Borough of Poole	1					1						
Boston			2									
Bournemouth		3			1							
Brackell Forest			1				2					
Bradford	1		1			1	2					
Brentwood							1					
Brighton and Hove			1				5					
Bristol	4	1	2	2	1	2	1					
Bromsgrove	5	7	5	5	4	2	2					
Broxtowe			1									
Burnley		1	1									
Bury		1				1						
Cambridge	1	1	1	2			3					
Cannock Chase	5	3	2		3	1	5					

Cardiff	3		1	1	2	1	1					
Carlisle	1			1		1						
Central Bedfordshire				1	2	1						
Ceredigion	1											
Charnwood	2						1					
Chelmsford		2		2								
Cheltenham	1			1	1	2						
Cherwell	3											
Cheshire East		1		1		2	2					
Cheshire West and East	2				1	2						
Cheshire West and Cheshire				2								
Chesterfield			1	1								
Chorley	1					1						
City of York		1	1									
Colchester	1											
Conwy (W)					1							
Corby					1							
Cornwall	1		1	1	1	2						
Country Durham							1					
Coventry	15	17	18	34	13	15	11					
Dacorum					1							
Dartford				1			2					
Daventry			1	2			2					
Denbighshire				1			1					
Derby	1	2	2	5	2	1	3					
Derbyshire Dales			1	2		1						
Doncaster				2								
Dover							1					
Dudley	19	29	17	24	14	19	10					
East Devon						1						
East Hampshire	1		2									
East Northamptonshire			2									
East Riding of Yorkshire		1	2			1						

East Staffordshire				1	3		1					
Eastbourne						1						
Eastleigh						1						
Edinburgh			1									
Elmbridge		1		1			2					
Epsom and elwell					1							
Exeter			2									
Falkirk	1											
Fareham	2			1								
Fife						1						
Flintshire		1										
Gateshead	2						1					
Gedling	2											
Glasgow			1	1			1					
Gloucester	2	2		1		1	5					
Great Yarmouth				1	1							
Guildford				1								
Halton	2			1								
Hambleton			1									
Hampshire												
Harborough						1						
Harlow					1		1					
Harrogate				1								
Hart			1									
Hartlepool	1											
Hastings						1						
Havant					1							
Herefordshire	3	5	3									
Hertfordshire				6	2	3	4					
Hertsmere						1						
Highlands				1								
Hinckley and Bosworth	1	2			1	2						
Horsham		1										

Huntingdonshire					1							
Ipswich							2					
Isle of Wight	1	1				1						
Kettering				2			1					
Kings Lynn and West Norfolk							2					
Kingston Upon Hull	1	1										
Kingston Upon Thames												
Kirklees				1	2							
Lancaster	2			2		3						
London Borough of Barking and Dagenham							1					
London Borough of Barnet	2	1		1	1	1						
London Borough of Bexley	2		2			4						
London Borough of Brent	1	1				2	1					
London Borough of Bromley	3	3	1	1	1		2					
London Borough of Camden		1		1								
London Borough of Croydon			1				2					
London Borough of Dagenham						1						
London Borough of Ealing	3	1		1	1		1					
London Borough of Enfield			2	1		1						
London Borough of Greenwich					1							
London Borough of Hackney		1	1			2	1					
London Borough of Hammersmith and Fulham		1		1			1					
London Borough of Haringey	1	1	2	2	3							
London Borough of Harrow	1		1	1	2		1					
London Borough of Hillingdon		1										
London Borough of Hounslow	2	1										
London Borough of Islington	2			1			1					
London Borough of Lambeth	1			3	1	4						
London Borough of Lewisham	3											
London Borough of Merton				1	1							
London Borough of Newham		1	1	1		2	1					
London Borough of Redbridge		2				1	1					
London Borough of Richmond Upon Thames							1					

London Borough of Southwark			3	2	2	1						
London Borough of Sutton			1									
London Borough of Tower Hamlets	1	1			1	1	1					
London Borough of Waltham Forest		1	1		1							
London Borough of Wandsworth				1	3		4					
Leeds	3	1	1	2	1	1						
Leicester	4	4	4	6	4	4	4					
Lewes							1					
Lichfield	6	1	5	2	3	2	3					
Lincoln	2	2	1		1							
Liverpool	1	3	3			5						
Luton		1					1					
Maidstone	1		1				1					
Malvern Hills		1			1		2					
Manchester	6	1	8	4	2	2	1					
Mansfield	1					1						
Medway	1			1								
Melton	1											
Mendip	1											
Middlesbrough	1											
Mid Suffolk				1								
Milton Keynes	2	3	3		1	2	2					
Mole Valley	1											
Monmouthshire	1											
Neath Port Talbot				1								
Newark	1											
Newark and Sherwood							1					
Newcastle Under Lyme	1	2				1						
Newcastle Upon Tyne												
Newport	1		1			1	1					
Northampton		2	3	8			1					
Northamptonshire	9	2			3							
North Devon			2									

North Dorset							1					
North Lanarkshire							1					
North Lincolnshire				1								
North Norfolk			2	4			3					
North Somerset					1							
North Tyneside					1							
North Warwickshire					1	1	1					
Norwich							1					
Nottinghamshire	2	2	2	3	3	1	3					
Nuneaton and Bedworth	1	1	2		1	2	2					
Oadby and Wigston						1						
Oldham					1		1					
Outside UK		3	2	1	1	2						
Oxford	5	3	3	3	4	3	1					
Pembrokeshire	2											
Peterborough	2	1		1			1					
Plymouth			1									
Portsmouth			1									
Preston					1							
Royal Borough of Kensington and Chelsea			1		1							
Royal Borough of Windsor and Maidenhead	1	1		1		1						
Reading					2	1						
Redcar and Cleveland		1										
Redditch	4	7	5	4	5	3	4					
Reigate and Banstead			2									
Richmondshire	1	1		1								
Rochdale		1	1	1	1							
Rochford						1	1					
Rossendale							1					
Rotherham	1				1	2	1					
Rugby	3	3	3	2	7	1	1					
Runnymede	1	1										
Rushcliffe	1											

Rushmoor		1										
Rutland					1							
Salford						1	1					
Sandwell	27	19	40	31	27	29	24					
Scarborough							1					
Sedgemoor						1						
Sefton			1		1							
Sevenoaks					1	1						
Sheffield			1	1	3	2	2					
Shepway				1								
Shropshire	6	4	4	1	3	6	2					
Slough		1				2						
Solihull	27	18	18	22	16	21	8					
South Buckinghamshire				1								
South Derbyshire				1								
South Hampshire							1					
South Somerset	2											
South Staffordshire	3	5	6	2	3	1						
South Tyneside			1									
Southampton	1	2			2							
Southend on Sea			1									
St Edmundsbury						1						
St Helens		2										
Stafford	8	7	7	7		6	8					
Staffordshire					2							
Staffordshire Moorlands		2	2			1						
Stockport		2	2		1	1						
Stockton on Tees		1										
Stoke on Trent	3	2		2	4	6	2					
Stratford on Avon	3	2	2				2					
Stroud				1								
Suffolk Coastal				1	2							
Sutherland							1					

Sunderland	1	1	2									
Surrey Heath	1		4	3	2		1					
Swale		1	1									
Swansea			1									
Swindon	1					1						
Tameside	1		1	1	2		1					
Tamworth	1	2		4		3	1					
Taunton Dean	1				1							
Teignbridge	1		1		1							
Telford and Wrekin	5	4	5	7	4	1	1					
Torbay	1											
Torridge		1		1								
Trafford				1	1	2						
Vale of Glamorgan	1											
Wakefield						1						
Walsall	15	21	16	32	13	8	14					
Warrington	1	1					1					
Warwick	6	2	7	6			3					
Warwickshire					7	4						
Watford		1			1							
Wealden			2	1			2					
Wellingborough		1				3						
West Berkshire				1								
West Devon			1									
West Lothian						1						
West Oxfordshire			1									
Westminster	1			1		1	1					
Wigan		2		1								
Wiltshire	2	1		3		1						
Winchester							1					
Wirral				2								
Woking				2			1					
Wolverhampton	38	44	21	16	14	11	10					

Worcestershire	5	9	9	10	11	4	13					
Wrexham	1		1			1	2					
Wychavon				1								
Wycombe	1						2					
Wyre		5	1	1	1	1						
TOTAL	347	318	313	347	253	260	246					
CUMMULATIVE TOTAL	347	665	978	1325	1578	1838	2084					

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2016
ALL WARDS

**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:
SEPTEMBER AND OCTOBER 2015**

1. Summary

- 1.1 This report advises the Committee of the outcomes of appeals against the Sub Committee's decisions which are made to the Magistrates' Court, and any subsequent appeals made to the Crown Court, and finalised in the period mentioned above.

2. Recommendation

- 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6920
E-mail: chris.neville@birmingham.gov.uk

3. Summary of Appeal Hearings for September and October 2015

	Magistrates'	Crown
Total	3	
Allowed		
Dismissed	2	
Appeal lodged at Crown		
Upheld in part		
Withdrawn pre-Court	1	

4. Implications for Resources

- 4.1 The details of costs requested and ordered in each case are set out in the appendix below.
- 4.2 In September and October 2015 costs have been requested to the sum of £12,524.83 with reimbursement of £12,274.83 (98%) ordered by the Courts.
- 4.3 For the fiscal year thus far, April 2015 to October 2015, costs associated to appeal hearings have been requested to the sum of £27,532.48 with reimbursement of £26,122.48 (94.8%) ordered by the Courts.

5. Implications for Policy Priorities

- 5.1 The contents of this report contribute to the priority action of providing an efficient and effective Licensing service to ensure the comfort and safety of those using licensed premises and vehicles.

6. Public Sector Equality Duty

- 6.1 The actions identified in this report were taken in accordance with the Enforcement Policy of the Regulation and Enforcement Division, which ensures that equality issues have been addressed.

7. Consultation

- 7.1 The Enforcement Policy that underpins the work identified in this report is approved by your Committee. The policy reflects the views of the public and the business community in terms of the regulatory duties of the Council. Any enforcement action taken as a result of the contents of this report is subject to that Enforcement Policy.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Prosecution files and computer records in Legal Proceedings team.

MAGISTRATES' COURT – PRIVATE HIRE DRIVER'S LICENCE

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Raja Asif Adnan	09.10.2015	Withdrawn pre-Court	£180	£180	On 8 June 2015, as the result of convictions including two disqualifications from driving, one of which had been received since revocation of his previous licence in September 2011, Committee considered and resolved to refuse the application as he was not considered a fit and proper person. The appeal was withdrawn pre-Court with costs agreed by both parties.
2	Nasser Khan	12.10.2015	Dismissed	£250	0	On 8 June 2015, in line with policy relating to a private hire driver who has been convicted of plying for hire and using a vehicle while uninsured, Committee considered and resolved to revoke the licence. Although costs were requested, none were awarded as the Magistrates took account of the defendants means.

MAGISTRATES' COURT – LICENSING ACT 2003

	Name	Date Case Heard	Result	Costs Requested	Costs Ordered	Comments
1	Vauxhall Social Club, Revesby Walk, Nechells	28.09.2015	Dismissed	£12,094,83	£12,094.83	On 7 April 2015, as the result of an application by Environmental Health for a review of the licence on grounds of breaches of the premises licence, Committee considered and resolved to revoke the premises licence in order to promote the prevention of public nuisance objective in the Act. No action had been taken to implement solutions to control loud music from the premises and several instances occurred when regulated entertainment continued beyond the hours permitted by the licence.

BIRMINGHAM CITY COUNCIL

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

16 DECEMBER 2015
ALL WARDS

**ACTIONS TAKEN BY THE CHIEF OFFICER IN CONSULTATION WITH THE
CHAIR OF THE LICENSING AND PUBLIC PROTECTION COMMITTEE DURING
NOVEMBER 2015**

1. Summary
 - 1.1 This report advises the Committee of actions taken by the Chief Officer in consultation with the Chair under authority from the Licensing and Public Protection Committee, together with an explanation as to why this authority was used.
2. Recommendation
 - 2.1 That the report be noted.

Contact Officer: Chris Neville, Head of Licensing
Telephone: 0121 303 6920
E-mail: chris.neville@birmingham.gov.uk

3. Background Information

- 3.1 On 16 March 2007 Section 52 of the Road Safety Act 2006 came into force. This has had the effect of enabling a licensing authority to suspend or revoke a hackney carriage or private hire driver's licence with immediate effect – meaning that the suspension or revocation takes effect immediately once notice of the authority's decision has been given to the driver – where this decision is considered necessary in the interests of public safety.

4. Summary of Actions Taken for November 2015

- 4.1 On 3 November 2015 authority was sought to revoke with immediate effect the private hire driver's licence held by driver reference 50439. On 23 November 2015 information was received that driver 50439 had been charged with two offences of conspiring to supply Class A drugs and was awaiting trial.
- 4.2 In the interests of public safety being considered paramount, an authorisation of the Acting Director of Regulation and Enforcement, acting in consultation with the Chair, was obtained and on 3 November 2015 notice was delivered to driver 50439's home address advising that his private hire driver's licence was revoked with immediate effect, in accordance with Section 52 of the Road Safety Act 2006 and Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976, and his badge was retrieved.
- 4.3 On 14 July 2015 information had been received from the Police that driver 53068 had been named as the offender in a motoring incident whereby a pedestrian had been injured. Authority was sought and received from the Chair of your Committee to suspend the licence of driver reference 53068 with immediate effect. On 2 November 2015 driver 53068 was found not guilty of the offence, no evidence having been offered by the CPS. Authority was sought and received from the Chair of your Committee to reinstate the licence of driver 53068.

5. Implications for Resources

- 5.1 No specific implications have been identified; however, drivers retain the right to appeal through a Magistrates' Court, which may result in the imposition of costs either to or against the City Council.

6. Implications for Policy Priorities

- 6.1 The contents of the report contribute to the City Council's published policy priority of improving the standards of licensed vehicles, people and premises in the City.

7. Implications for Equality and Diversity

- 7.1 The actions identified in this report were taken in accordance with the Regulatory Services enforcement policy, which ensures that equality issues have been addressed.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Notes: nil

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE

16 DECEMBER 2015

SCHEDULE OF OUTSTANDING MINUTES

MINUTE NO./DATE	SUBJECT MATTER	COMMENTS
365(ii) 25/06/2014	<u>Committee Policy</u> – Service Director of Regulation and Enforcement to review the policy in respect of the engine size and age of private hire vehicles and report to Committee.	Report to be submitted January 2016.
387(ii) 16/07/2014	<u>Cost awarded in Legal Proceedings</u> – Service Director of Regulation and Enforcement be requested to report on the percentage of the costs received against those awarded in legal proceedings	Information to be submitted January 2016

