

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE A**

**MONDAY, 24 JUNE 2019 AT 11:00 HOURS**  
**IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

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

## **A G E N D A**

### **1 NOTICE OF RECORDING**

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

### **2 DECLARATIONS OF INTERESTS**

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

### **3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 32**

### **4 MINUTES**

To note the public part of the Minutes of the meeting held on 8 April 2019.

To confirm and sign the Minutes of the meeting held on 15 April 2019.

**33 - 62**

### **5 BIRMINGHAM CITY COUNCIL ACT 1990 ESTABLISHMENTS FOR MASSAGE AND/OR SPECIAL TREATMENTS ROHDEA HEALTH & WELLNESS CLUB, 65A LOWER ESSEX STREET, BIRMINGHAM, B5 6SN**

Report of the Assistant Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 11:00am.

6 **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.

7 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

## **P R I V A T E   A G E N D A**

1 **MINUTES**

To note the private section of the Minutes of the meeting held on 8 April 2019 and to confirm and sign the Minutes as a whole.

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

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

# BIRMINGHAM CITY COUNCIL

<p><b>LICENSING SUB – COMMITTEE A 8 APRIL 2019</b></p>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD  
ON MONDAY 8 APRIL 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds.

**ALSO PRESENT**

David Kennedy – Licensing Section  
Parminder Bhomra – Legal Services  
Katy Townshend – Committee Services

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**NOTICE OF RECORDING**

1/080419 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

2/080419 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/080419 No apologies were submitted.

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**LICENSING ACT 2005 PREMISES LICENCE (SUMMARY REVIEW) JILABI,  
2065 COVENTRY ROAD, SHELDON, BIRMINGHAM, B26 3DY**

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

**On behalf of the Applicant**

PC Deano Walker – West Midlands Police - WMP

**On behalf of the Licence Holder**

Patrick Deward – Premises Licence Holder

Jean Deward – Designated Premises Supervisor - DPS

**Those making Representations**

Matthew Phipps – Representing Punch Taverns Ltd

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During introductions the Chair invited all parties to make any preliminary points, at which stage PC Walker requested that the CCTV be heard in private due to:-

- ❖ On going investigations
- ❖ The need for the CCTV to be kept out of the press

The Chairman asked if all parties were happy for the CCTV to be heard in private, excluding the public.

All parties confirmed they had no objections.

The Chair continued to outline the procedure to be followed during the hearing.

David Kennedy, Licensing Section, made introductory comments relating to the documents submitted.

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

- a) That at 0220 hours there was a large disorder at the premises on the Bristol Road in Northfield.
- b) That according to the police incident log, it was recorded that there were 25 people fighting.
- c) That a second call was made to the police, which reported someone had been stabbed at the venue.
- d) The third caller was extremely distressed.
- e) That one caller said knives had been used, another person said someone had been stabbed.
- f) That the officers attended the scene and within a few minute found a male on top of the stairs with stab wounds.

- g) That the venue was a basement style club.
- h) The male was found at the entrance of the venue.
- i) That when officers found the male he was receiving first aid by members of the public, he was covered in blood and there was an open wound to his stomach.
- j) The customers informed officers that they were using a coat to stem the bleed.
- k) Officers took over first aid as they were unsure if the patrons were intoxicated.
- l) That according to the initial investigation he had been stabbed 5 times.
- m) That the crime report stated he was stabbed 6 times, but that was incorrect, it was actually 5 times.
- n) That the brother of the stabbed male was also stabbed 3 times and the knife cut through his liver.
- o) The first victim had a punctured lung.
- p) That both victims were taken to hospital, but fortunately their injuries were not life threatening.
- q) That another patron was bottled at the premises the same night. He left of his own accord and later made his way to the Queen Elizabeth Hospital.
- r) That all offences would be shown in the CCTV.
- s) That the incident happened on Saturday but WMP Licensing Team weren't made aware until the Monday, they requested CCTV and upon viewing the CCTV it was clear that serious crime and serious disorder had taken place and therefore they applied for the Expedited Review.
- t) That on the 12<sup>th</sup> March 2019 a meeting was held at the Council House and the Sub Committee suspended the licence pending a full review. The premises had not appealed the decision.
- u) That from when the licence was suspended until the review, the licence had been breached, they had not provided incident logs, door staff profiles, and no risk assessments had been served to WMP when they had been trading past 0100 hours. WMP had power of veto over events going past 0100 hours.
- v) That WMP had included screen shots from *Facebook* that indicated the premises has been trading past 0100 hours.

- w) That the evidence bundle also included a previous incident from October 2018 – it was a similar incident.
- x) That another incident was brought to WMP's attention on the 3<sup>rd</sup> March 2018 and the police spoke to security and the offenders were ejected.
- y) That it would be appropriate to show the CCTV footage at this stage.

At this juncture, the Chairman advised that the public would now be excluded from the meeting.

**EXCLUSION OF THE PUBLIC**

4/080419

**RESOLVED:**

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

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At this stage in the meeting having viewed the CCTV footage in private the public were readmitted to the meeting.

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

- a) That he had contacted the licence holder in order to make him aware of the suspension and had left his contact number. However, he had not been able to establish any communication with him. That there had been no dialog from the licence holder since the suspension and the summary review. Therefore, they had been unable to work out if they would propose conditions to prevent the incident from happening again.
- b) That he had not been able to have discussions with the licence holder, so they were sitting here with no evidence that the licensing objectives would be promoted in the future.
- c) That unless the licence holder could convince the Committee, then WMP were asking for revocation. They needed to be assured that a serious incident would never happen again.

In response to Members questions PC Walker made the following points:-

- a) That they had no dialog from the PLH (Premises Licence Holder) and did not believe it was WMP's fault. They had left contact details and were always forthcoming.
- b) That it was a big incident and they were surprised they had not received any contact.

- c) That the licence holder was a nice man and there were no problems between him and the police, so he did not know why they had not been approached.
- d) That on top of the incident there were also breaches of the licence conditions.
- e) That the premises had been closed but was supposed to keep an incident book, however, there was no notification of the incident and no notification of door staff.
- f) That event notification was important as WMP risk assessed the event and had power of veto. They would research to see whether the event was linked to gangs or troublesome events.
- g) That from the incident logs, perhaps there was a build up to the event of the large scale disorder.
- h) That he was not aware of a name change being submitted for the premises.
- i) That victims very rarely gave information and they were concerned the incident could happen again.
- j) That to stop people bringing stuff into the premises they would need to risk assess events, use wands, and have good door staff. However, these were ineffective previously.
- k) That they were not aware of any search policy.
- l) That if patrons didn't want to be searched, they wouldn't be allowed into the premises.

Mr Matthew Phipps, on behalf of Punch Taverns, asked if it was possible to have a few moments to speak to his clients as it was his first time viewing the CCTV footage.

At 1131 the Chairman advised there would be a short adjournment and all parties, with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1139 all parties were invited to re-join the meeting.

Mr Phipps continued:-

- a) That Punch Taverns were not attending as a pub company, they were attending as the landlords of the property, and they owned the unit and sublet it to Mr Deward.

- b) That from their perspective they didn't want the licence to be revoked, as the unit was unlikely to have an alternative avenue other than a licensed premises.
- c) That going forwards it seemed that the licence needed modification, updating and modernising in terms of conditions, searches, policies and procedures, CCTV, and search wands.
- d) That from his view, polycarbonate glassware should be a condition, the absence of bottles being passed across the bar, no glassware outside or brought inside the venue. That was a matter to be considered.
- e) That from the Public Health representation in the paperwork, they were not seeking revocation.
- f) That Punch Taverns position was that they did not want the licence to be revoked either.
- g) That if the Committee were satisfied by what the PLH had to say then they invited the Committee to give careful consideration to that.
- h) That the premises had been operating well without concerns and did not come across as a venue that had a history of issues that had "come to the boil".
- i) That they were not challenging WMP's fundamental points and invited the Committee to conclude that adding additional conditions to the licence was appropriate.
- j) That if the Committee could not be satisfied then they would say no more, it was a very serious incident.

At this juncture Mr Deward advised that he would be relying upon the CCTV footage and therefore, would request that the CCTV be shown in private.

At this juncture, the Chairman advised that the public would now be excluded from the meeting.

**EXCLUSION OF THE PUBLIC**

5/080419

**RESOLVED:**

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

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At this stage in the meeting having viewed the CCTV footage in private the public were readmitted to the meeting.

Mr Deward continued:-



- a) That he would add additional CCTV cameras, CCTV signage, door supervisors, and a staff training renewal. Door staff would have hand held metal detector wands.
- b) That the door staff working on the night of the incident were SIA registered.
- c) That in terms of the door staff, they were told not to be heroes if people had weapons, the police should be called immediately, of which Mr Deward did.
- d) That he would interview new door staff.
- e) That he would still be employing new door staff himself.
- f) That additional CCTV and CCTV signage would be implemented.
- g) That the new CCTV would cover the blind spots.
- h) That all door staff would have wands.
- i) That there would be 4 members of staff.
- j) That he had been operating the venue since 2012, originally with TENs and then he was granted a licence in 2014. At that time he was dealing with WMP South Birmingham officer, but unfortunately that all changed and someone else took over, but he never heard from anyone else.
- k) He had received no notification from police, and had no contact with them.
- l) He had spoken with police regarding the incident and provided them with the CCTV footage.

PC Walker explained that Mr Deward did supply WMP with the CCTV footage. However, after the suspension PC Walker gave Mr Deward his details and never heard anything from him.

Mr Deward responded saying he honestly thought he had to wait until the full review to make any representation. He did not get the letter informing him about the suspension and had learnt a lot.

He also explained that the other incidents were when people became abusive in the venue and he phoned the police and the issues were resolved.

In the future he would 100% liaise with police and he took responsibility for what happened.

Jean Deward made the following points:-

- a) That in terms of the prevention of crime and disorder they would install additional CCTV footage to cover the blind spots.
- b) Mr Deward wanted to work closely with the police and had been in discussions with PC Walker today.
- c) That Mr Deward was more than willing to sit down and work with police in order to prevent reoccurrence.
- d) That there was no intention to employ the existing door staff; they would be hiring new ones.
- e) That they would be using wands at the door, but would also be open to any further recommendations.
- f) That there had been very little police logs in relation to the venue; only 3 incidents in the whole time of operation. Mr Deward rang the police on all three occasions.
- g) That lessons had been learnt and the CCTV had been reviewed numerous times.
- h) There would only be one entrance in and out of the club and they would be using barriers outside.
- i) That there were no complaints of public nuisance and all private functions were guest listed so there was no concerns with protecting children from harm.

Mr Deward added that there was signage up about no smoking inside the premises; however, he may have been on the phone at the time the p[patron was smoking inside the venue.

In response to Members questions Mr Deward made the following points:-

- a) That he was on the phone a lot of the time and he was trying to resolve the situation when he was not on the phone.
- b) That the injured male was still very aggressive, but patrons assisted in first aid.
- c) That it would be addressed in staff training regarding injured persons and first aid.
- d) That bottles weren't normally an issues, but on that night it clearly was.
- e) That women didn't want plastic cups for wine, however, he would be willing to do Polycarbonate glassware on nights with younger patrons.
- f) That he was happy to work with WMP.

- g) That they did not use external promoters, and he was happy to have that conditioned.
- h) That he wanted to work with WMP and was more than willing to engage with WMP and Licensing.

The Committee Lawyer advised the Committee regarding the amendment to conditions if the premises was going to open.

The Chairman asked Mr Deward if he felt that the conditions would restore confidence that he was a responsible person to run the venue.

Mr Deward confirmed that he had an overall good history and although there had been a few problems previously they were all minor. The incident happened so quickly and there was a lot going on; it was *madness*.

In summing up Mr Matthew Phipps, on behalf of Punch Tavern made the following points:-

- That there was little more to say, but he would reiterate one point, that going forward the Committee would have confidence that the conditions would address the anxieties that the CCTV disclosed. Furthermore, it was perfectly okay to proceed in that way.

In summing up PC Walker made the following points:-

- That the DPS was separate from Mr Deward.
- That the first time he had heard the conditions was today, as he had not been in contact with Mr Deward.
- That he expected a lot more in order to stop the incident from reoccurring.
- That the licence holder could not just take on SIA door staff *willy nilly*, he had to be registered to do so.
- That they should not open until conditions were put in place and he expected to hear more in terms of drug policies, search policies, and crime scene training.
- That he had expected a voluntary reduction in hours.
- The licence hours had an impact.
- That he was not convinced, and everything had been offered too late.
- That control of a licence started from the top and he was not confident that the premises had any control and did not think the offered conditions were the way forward.

In summing up, Mr Deward made the following points:-

- That the reason he had not added conditions was because the licence had been suspended.
- That if drugs were found he would hand them over.
- That the night had finished when these individuals pushed their way into the premises, they had never opened until 0400 hours.

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

At 1236 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1329 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

6/080419 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Mr Patrick De Ward in respect of The Dukes (T/A Medleys), Bristol Road South, Northfield, Birmingham, B31 2JR, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that the interim step of suspension remains in force and the licence be revoked, in order to promote the prevention of crime and disorder and public safety from harm objectives in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns by West Midlands Police in relation to the licensee failing to control the premises 9<sup>th</sup> March and, failing to comply with the conditions of the licence during that night.

West Midlands Police also raised concerns that the licence holder did not provide incident logs, door staff profiles and risk assessments which were all conditions of the licence. Members noted, the police officer had advised the licence holder of his contact details in order to establish dialogue after the suspension of the licence but heard nothing.

Members considered the licensee appeared to be laid back about the serious disorder that took place and failed to convince the Sub Committee that he could promote the licensing objectives, even with new additional conditions offered during the hearing.

The new additional conditions lacked detail to enable any meaningful commentary from the responsible authority which would mitigate the members, and WMP licensing officer's concerns. The lack of quantity and quality of those conditions failed to instil any confidence that the premises would be managed in a far better way than seen on the CCTV footage in private.

Further, members sensed a lack of responsibility from the licensee in that there was no engagement with the responsible authority prior to the hearing. Members considered the licensee had missed an opportunity to re-establish a dialogue with WMP licensing unit based at Lloyds House.

Although the Sub-Committee gave careful consideration to the submissions and volunteered conditions made by the premises licence holder, members were not persuaded that the issues identified could be addressed satisfactorily.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted, part of which was heard with the public excluded from the hearing following a request from West Midlands Police, in accordance with regulation 14 of the Licensing Act 2003 (Hearings Regulations 2005) that the licensing objectives would be properly promoted following any such determination.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the written representations and the submissions made at the hearing by the police, and the premises licence holder and his representative, and other person.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. The determination of the Sub-Committee save for the interim step of suspension being maintained does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

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7/080419

**OTHER URGENT BUSINESS**

There were no matters of urgent business.

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Meeting ended at 1340.

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CHAIRMAN



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB – COMMITTEE A 15 APRIL 2019</b>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD  
ON MONDAY 15 APRIL 2019, AT 0930 HOURS, IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, VICTORIA SQUARE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp and Martin Straker-Welds.

**ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Sanjeev Bhopal – Legal Services  
Katy Townshend – Committee Services

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**NOTICE OF RECORDING**

- 1/150419 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**DECLARATIONS OF INTERESTS**

- 2/150419 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/150419 No apologies were submitted.

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**LICENSING ACT 2005 PREMISES LICENCE (REVIEW) – STORIES, 30  
LADYWELL WALK, BIRMINGHAM, B5 4ST**

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

**On behalf of the Applicant**

PC Rohomon – West Midlands Police – WMP  
PC Reader – West Midlands Police - WMP

**On behalf of the Licence Holder**

Jerome Good – Premises Licence Holder/ Director  
Ryan Gough – Designated Premises Supervisor - DPS  
Sarah Clover – Barrister – Kings Chambers  
Carl Moore – Agent

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During introductions the Chair invited all parties to make any preliminary points, at which stage Sarah Clover, on behalf of the premises enquired as to whether the Committee had seen the minor variation. At which stage, Bhapinder Nandhra explained that he had a copy of all the conditions for Members and the Chairman confirmed that the Committee had been informed regarding the matter.

The Licensing Officer, Bhapinder Nandhra gave the copies to Members.

The Chairman continued to outline the procedure to be followed at the hearing.

The Committee Lawyer, Sanjeev Bhopal interjected advising all parties that it may be necessary to announce a summary decision given that there was a second application scheduled for 1100 hours.

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

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

- a) That the conditions were the same as the previous SEV, Legs 11.
- b) That they were operating as a nightclub yet the conditions were in relation to a SEV.
- c) That when WMP visited on Boxing Day there were balloons being inhaled. However, the club had not denied it, they said it was the first time it had happened.
- d) The female who was selling the balloons said they were being sold for £5.00 each.
- e) That it was the first time he had witnessed balloons being sold in the premises.



- f) That they carried out another visit, and no balloons were found at all. However, there were issues around door staff portfolios.
- g) That having spoken to Carl Moore, they had discussed conditions; the ones presented today by the PLH were phase 2 as the previous ones were not as thorough. Carl had invited them to comment on the conditions.
- h) That the issue of selling Nitrous Oxide in a premises needed bringing to the attention of the Committee.
- i) That the mark up on Nitrous Oxide was huge, the sale would be illegal as it wouldn't be going through the books.
- j) That they couldn't be sure that the conditions offered would stop the problems occurring again. It was difficult to condition something that should not be happening anyway.

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

- a) That they weren't aware of any issues of other drugs at the premises.
- b) That the licensing objectives they were concerned about were crime and disorder and public safety.
- c) That the found incomplete door staff profiles.

The Committee Lawyer asked questions in relation to the premises and in response Sarah Clover, representing the premises advised that she would address it in her presentation.

Sarah Clover, on behalf of the premises, made the following points:-

- a) That the premises licence was held by the company, which had two directors.
- b) That the premises was formerly Legs 11.
- c) That in relation to the premises licence there was no such thing as operating under SEV conditions. The premises needed a premises licence for SEV as they also sold alcohol.
- d) That they had a premises licence like any other premises, in order to sell alcohol.
- e) That the minor variation was seen as a good idea in order to tidy up the licence and make it relevant to Stories.
- f) That there were no issues previously; it was a one off incident.

- g) That there was no context to the sale of the nitrous oxide balloon, no records, and no build up. Just an isolated incident.
- h) That WMP had made an example of it as it was endemic in the Birmingham night life.
- i) That Nitrous Oxide was basically laughing gas which was used in hospitals, and up until recently was legal.
- j) That perhaps with it recently being outlawed, there was a training issue with licensed premises which needed addressing.
- k) That the woman who sold the balloon was not employed by Stories directly.
- l) That the police had access to all CCTV and had carried out further checks; which was confirmation that it was a one off incident.
- m) That the quote in the paperwork made the premises come across as though they knew what they were doing, and they knew it was wrong. But that was not the case.
- n) That training was an issue.
- o) That the key members of staff had been on an awareness course.
- p) That the woman who sold the balloon had only been in the club 20 minutes.
- q) That it was transgression without consequences on this occasion.
- r) That the incident happened in December 2018, yet the police didn't bring the licence up for review until February 2019, so did not regard it as an urgent matter.
- s) That there was no indication from police that they wanted the premises to stop trading.
- t) That the other issues were SIA door staff profiles, which were completely unrelated and didn't occur on the same date. It was a different police visit.
- u) That the door staff profiles weren't comprehensive enough. There was no suggestion that certain members of staff shouldn't have been there or that they had done anything wrong, it was a strict compliance issue.
- v) That the management was having issues with the door security firm who were reluctant to hand over management files as they felt it breached their data protection act; that was the issue. The minor variation has a conditions regarding the records.
- w) That they had improved systems, drugs policies and protocols.

- x) That the variation would provide a new licence with conditions to match.
- y) That there was some tweaking and tidying up to do with the conditions, but they were the best policies that Carl Moore had assisted with.
- z) That the premises were keen to upgrade the licence and make it fit for the operation.
- aa) That the police had nothing further to bring before the Committee, and both of the issues raised dated back to February.
- bb) That WMP needed to bring the matter before the Committee due to the severity of it, and said they weren't sure conditions would stop it however, it had already stopped at Stories and that was evidential.
- cc) That the Section 182 Guidance was clear; the Committee should look to the police for advice, yet the police were saying they didn't know, they were not really asking the Committee to do anything.
- dd) That WMP had provided no feedback on the application and any absent conditions could have been highlighted by them.
- ee) That the review process was a last alternative in order for the committee to impose measures.
- ff) That the Public Health representation (they did not attend the hearing, but made a written representation which was included in the agenda pack) was basically a repeat of the police's representation and it was misguided – it included alcohol statistics and the illegality of drugs.
- gg) That their contention to the Committee was that everything had already been put in place and that was encapsulated in the variation. That if the Committee thought anything else needed to be added, they could take that step.
- hh) Sarah Clover queried whether the police had any conditions to add.

PC Reader advised that the conditions were the ones Carl Moore would normally submit, however, they could not understand why they didn't submit the variation at the time of them taking the premises over in order to operate properly.

PC Rohomon added, that there were two aspects to this, conditions had been offered as an end result; zero tolerance drug policy. However, they had not really explained why they had been selling balloons that night, they just said someone came in and was selling it – it was nothing to do with the management.

The Chairman addressed WMP representatives and explained that they should not be bringing more evidence forward, they had made their presentation and they should have addressed the matters in their presentation.

PC Rohomon explained he was just addressing Sarah Clover's concerns. He reiterated that the fact they didn't object to the conditions was evidence that they accepted them.

Sarah Clover advised that it would have been helpful for WMP to email them to explain that.

Sarah Clover highlighted the following conditions for Members attention:-

- That when using a new promoter the police will be informed.
- They will have a zero tolerance drugs policy. (A double page on nitrous Oxide)
- High risk events will give WMP power of veto.

In answer to Members question Sarah Clover, made the following points:-

- a) That Nitrous Oxide was called "laughing gas" – it made people silly and giggly. However, it had health risks. The premises weren't aware that they were contravening any law and as soon as they knew they stopped.
- b) That they stopped on the night the police visited, as soon as the police pointed it out.
- c) That the issue with SIA door staff was just missing date of birth's and addresses. The company had concerns about handing out that information as they were data controllers and were concerned it would put them in breach of their GDPR requirements. That had now been sorted.
- d) That there were no issues with the door staff not doing what they should have been.

Mr Jerome Good explained that they had switched to a new door company and were having difficulty getting all the information. The issue of the balloons being sold in the venue was only for about 20 minutes, once it was brought to their attention they stopped immediately. They wanted to make the venue the best it could be. There were issues, but they wanted to do everything to the highest standard.

Mr Ryan Gough confirmed that all the door staff were signed in and had their badges; it was just an issue with the holding of personal data.

Sarah Clover further confirmed that the members of staff were signed in and management knew their details it was just not written down, but the conditions required it to be written down however, they couldn't do that because the door company wouldn't let them.

Additionally, Sarah Clover advised that the Nitrous Oxide balloons were a fashionable drug at the moment and the premises appreciated it was wrong as they didn't realise it was illegal. The reason they didn't put these conditions forward when they took over the licence was because Carl and the PLH were

discussing them, and they could run the premises anyway they wanted and were complying with the licence as it was; there was no reason to make a variation. That the premises should have been aware that Nitrous Oxide was illegal, however, they now had training in place to address it.

Mr Jerome Good confirmed that now it had been brought to their attention they were aware. He apologised to the Committee.

Mr Jerome Good outlined his previous work history/experience for Members which included:-

- Running an alcohol distribution company

Mr Jerome Good confirmed that the balloon incident only happened for 20 minutes and had never happened before.

In summing up PC Reader made the following points:-

- That if the conditions were complied with they would promote the licensing objectives. But were the Committee happy that it was the correct resolution.

In summing up Sarah Clover, on behalf of the premises, made the following points:-

- That it was difficult to know what the Committee were supposed to do in order to be fair.
- That she understood the police wanted to raise the profile but was it the right way to do it?
- That she couldn't understand what the police were asking the Committee to do?
- That the conditions they had put forward were good and would promote the licensing objectives.
- That the committee had not been asked to revoke the licence.
- Would the Committee really revoke the licence if they had not been asked to do so?
- That the PLH had taken on board all of WMP's advice.
- That she respectfully asked the Committee to note the variation application.

At 1106 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1153 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/150419 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by New Era Birmingham LTD in respect of **Stories, 30 Ladywell Walk, Birmingham, B5 4ST** upon the application of the Chief Constable of West Midlands Police, this Sub-Committee hereby determines that the premises licence holder be issued with an informal warning with regard to the conduct and operation of the premises licence.

The licence holder is advised that the licensing authority would expect to see continued improvements in the way the premises are managed and run, and were pleased to note that the revised Conditions attached to the Premises Licence, by way of a minor variation application in the week prior to today's meeting, would go some way to addressing its concerns.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor, suspend the licence for a specified period of not more than 3 months, or revoke the premises licence but was not satisfied given the evidence submitted and the representations made by both West Midlands Police and Public Health Birmingham that it would be appropriate to do so at this time.

Members of the Sub Committee wished to emphasize to the Premises Licence Holder and indeed the current designated premises supervisor, that ignorance was no defence in law in allowing the sale of nitrous oxide balloons at the premises and that as a responsible premises licence holder, there was a responsibility to ensure that the licensing objectives were properly promoted particularly the prevention of crime and disorder and promotion of public safety.

Although it was the designated premises licence holder who had condoned or permitted the sale of these now unlawful substances at the time, the ultimate responsibility for promoting the licensing objectives of course rests with the holder of the licence. The Sub Committee felt compelled to criticise the holder of the licence in not undertaking a review of the premises licence and the conditions set out in the operating schedule prior to the Review application being submitted by the Police given that the premises had been trading since August 2018.

For these reasons the Sub Committee were very close to removing the designated premises supervisor and suspending the premises licence. However, when considering the history of the premises and the representations made on behalf of the holder of licence, and in particular that neither responsible authority had made any representations on the options available to the Committee at the meeting, the Sub Committee concluded that it was appropriate to issue this warning instead.

The Sub Committee also requested that a copy of this Decision Notice should be passed to officers in the Council's Licensing Enforcement section given the

Police's concerns about the sale of unlawful substances and compliance with the conditions of the premises licence at the time.

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

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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

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**LICENSING ACT 2005 PREMISES LICENCE (GRANT) – WAREHOUSE CAFÉ  
BAR, 55-57 ALLISON STREET, DIGBETH, BIRMINGHAM, B5 5TH**

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

(See document No. 1)

At 1012 hours the following persons attended the meeting.

**On behalf of the Applicant**

Emmanuel Blondel – Director

**Those making representations**

Brian Mullen – Allison House Hostel

\* \* \*

During introductions the Chair asked if anyone wished to withdraw their representations.

Those making representations confirmed they did not wish to withdraw.

The Chairman continued to outline the procedure to be followed at the hearing.

Bhupinder Nandhra, Licensing Section, made introductory comments relating to the documents submitted.

Mr Emmanuel Blondel made the following points:-

- a) That he would be the Designated Premises Supervisor (DPS)
- b) That the application was about changing the use of the Warehouse Café, from a vegetarian restaurant, it would still be a vegetarian space, but more about the events they would put on. They want a social space for; community club, workshops, dances.
- c) That the use of the alcohol licence was not to become a big nightclub.
- d) That he was new to the area and was not aware of the hostel two doors down; as soon as he was made aware he pulled the hours back.
- e) That in terms of public nuisance, the building had a full interior. The café was on the inside of the building and the windows were well insulated, windows would be closed.
- f) That he had met Brian a few times and had now agreed on most things. They had agreed to use the other exit, which was further away from the hostel. They would have signs up asking people to be quiet and respect the neighbours. They would also lock the door to Allison's Street at 2100 hours. It was really important to them not to cause nuisance for the hostel.
- g) That he hoped they would reduce the problems in the area. He didn't want people in the garden causing havoc.
- h) That they wanted to promote relationships with neighbours and wanted the café to be a place for people to go and feel safe, chat and have a few drinks.
- i) That he was the director; it was a workers club with 10 members.
- j) That they would do daily litter patrols. No deliveries before 0800 hours, however, they would have bread deliveries before then, but he had spoken to Brian about that.
- k) That after talking with Brian who initially didn't want the licence to go past 2300 hours, he was now happy with 0000 midnight on Friday and Saturday nights. They also wouldn't have deliveries after 1800 hours.
- l) That he hoped that he had a good relationship with Brian and they had got on well so far.
- m) That one of his parents was an alcoholic, so he took alcohol very seriously. They would be having monthly "dry days" to encourage people who have alcohol problems to use the café.
- n) He really wanted to hold events for the community.

In answer to Members questions Emmanuel Blondel, made the following points:-



- a) That events would be booked in advance, however the café would be open even without events. It could seat 60 people maximum, however, they usually only had 45.
- b) That the alcohol licence was only for the one floor.

Bhapinder Nandhra, Licensing Officer confirmed that he had a licensable area highlighted upstairs also.

Mr Emmanuel Blondel explained that he was sure he had taken it out.

Licensing Officer confirmed that it was still in the application.

Mr Emmanuel Blondel confirmed that alcohol would not be sold upstairs.

Mr Emmanuel Blondel continued:-

- a) That the garden was not their land.
- b) That the windows would not be open, or the doors. However, during the summer they may have them open, but they had agreed a condition to have them closed from 2100 hours.
- c) That all the electronic locks on doors unlocked in case of a fire alarm.
- d) That they had done tests with Brian in relation to music and worked out where best to have the music system.
- e) That they wouldn't be having a professional noise test done.

Mr Brian Mullen made the following points:-

- a) That there were 26 residents in the hostel and also terraced houses close by.

Mr Emmanuel Blondel continued:-

- a) That the smoking area was in the street.
- b) That they would put a doorman on if they had to.
- c) That they didn't have specific parking, but there was some parking next to the building and 4 other large car parks within walking distance.
- d) That the communal gardens were locked 99% of the time. They grow fruit and vegetables; it had been there for 20 years.
- e) That he felt uncomfortable with the upstairs area selling alcohol, he thought it may be better to remove it. However, he would be the DPS for upstairs also and it would be his responsibility.

- f) That the TENs went really well. They finished at 2300 hours and the only issue was people smoking and drinking out the front, but they had now put signs up.
- g) That he would prefer not to have a noise limiter but if it had to happen he would do it.
- h) That during the noise tests, Brian couldn't hear it.
- i) That he didn't want to disturb people and welcomed any conditions.
- j) That he was aware of the licensing objectives and wanted to make the café a child friendly area.
- k) That in terms of safeguarding children he took it seriously.

At 1323 the Committee Lawyer requested an adjournment which the Chair granted. All parties with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1333 after a short adjournment to seek legal advice, all parties were invited to re-join the meeting.

The Committee lawyer advised that the applicant needed to make it explicitly clear which conditions he didn't agree with.

Mr Emmanuel Blondel confirmed that the hours would be 12-12midnight Friday and Saturday. That no deliveries before 0800 hours he could agree to apart from bread. Then all doors and windows to be closed, should read after 2100 hours. He wanted to be able to sell cans for people to take home and also did not want a noise limiter.

Mr Brian Mullen made the following points:-

- a) That he was a support worker at the hostel which been there 40 years. The hostel was mainly occupied by males over 50yo and majority of them were homeless people in crisis.
- b) The hostel had a no drinking policy.
- c) The residents had a wide range of problems and were particularly vulnerable. The residents could become expensive if they went into crisis as they present to A&E, social services, police.
- d) That the hostel was running well but they needed support to remain that way.
- e) That the main concern was the licensing application until 0200 hours, the whole back of the property is affected by noise from the Warehouse Café.

- f) They had a good relationship with the premises.
- g) That the area they were situated usually went quite around 2100 hours.
- h) That they were concerned if their residents were affected by noise, they then struggled to sleep and could then go into crisis.
- i) That the major issue was noise.
- j) That there was an issue with noise outside the property with people drinking and smoking however; they had moved the smoking area.
- k) That Hennessey's had a noise limiter.
- l) That he thought the premises should have the same as other local venues, and was not asking for anything further.
- m) That certainly the Warehouse Café had changed and he could not be sure what it would turn into in the future. However, he did know that with doors and windows open they would be affected by noise.
- n) That if 60 people were in the venue that would generate a lot of noise and they were only 10 meters away.
- o) They had ex-offenders residing with them and could not be sure how they would react to noise nuisance.
- p) That depending on what events they put on it could add to Cumulative Impact Zone, unless they operated effectively. It would have a weekly impact.
- q) That he wanted the first floor activity taken out.
- r) That there was concern over food and beverages been given outside.
- s) That they would expect the doors and windows to be closed if they were having regulated entertainment.
- t) That with regard to the noise limiter, he was happy to wait until there was a problem and then he would be on the phone.
- u) That he had a working relationship with Emmanuel.
- v) That he was happy with the bread delivery being before 0800 hours.
- w) That live music was an issue as they had not tested that yet.
- x) That the café's alcohol would be too expensive for their residents.
- y) That windows needed to be double glazed.

Emmanuel confirmed that the windows were double glazed, but could not be fully sound proof – they were “about as good as you get”.

Mr Brian Mullen explained that if they opened the windows effectively the whole front of the café would be open, and they would complain if they heard noise.

In summing up Mr Brian Mullen made the following points:-

- That they just wanted to work in collaboration with the premises and he hoped noise issues would be addressed and they could move forward.
- That his primary concern was late night events and drinking outside, which would threaten the residents of the hostel.

In summing up Mr Emmanuel Blondel made the following points:-

- That he was glad Brian came to the hearing so they could have further discussions.
- That the kind of events they were holding could be conditioned, 99% of the events they hold will not be an issue.
- That he welcomed conditions to stop spill out into the street.
- That he had TENs and had tested the noise.
- That he welcomed conditions regarding windows and doors being shut beyond 2100 hours.
- That he worried people thought the premises was going to be a bar, and hold parties but they actually just wanted a safe space to gather, read books and spend little money.
- That he felt bad when he found out about the hostel being two doors down.
- That he was happy to have the first floor removed from the application.

At 1405 hours the Sub-Committee adjourned and the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1457 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/150419

**RESOLVED:-**

The revised application as presented at the meeting of Sub Committee, removing the first floor area of the premises from within the scope of the licensable

activities BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS to promote the prevention of public nuisance objective in the Act.

**Agreed or Modified Conditions**

Those matters agreed by the Applicant and those making representations will form part of the Premises Licence save for the following which have been modified by the Sub Committee:-

- All doors and windows save for access and egress will be closed after 2100 hours.
- The revised operating hours as sought by the applicant will be granted, namely Sunday to Thursday 1200 to 2300 hours; and Friday to Saturday 1200 to 0000 (midnight) hours.
- The consumption of alcohol is not a licensable activity and the Sub Committee are not permitted to condition this as part of the application determination. However, the Premises Licence holder is encouraged to ensure that any noise or public nuisance caused as a result of the consumption of alcohol purchased at the premises, taking place off the premises, is minimised as a result of the regularly monitoring noise outside the venue.
- Deliveries will be permitted to the premises before 0800 hours but only in so far as they relate to non-alcohol items, such as bread, food etc,. The restriction in respect of deliveries at the premises after 1800 hours will however apply.

In addition to the above, the following agreed/modified will also be included within the operating schedule on the licence:

- The premises licence holder will display clear legible notices at all exits/entrances to the premises requesting patrons to consider the needs of local residents and to leave the premises and area quietly.
- The premises licence holder will display notices requesting that patrons respect nearby residents and keep noise levels to a minimum.
- That the licence holder/designated premises supervisor ensures that daily litter patrols to clear litter emanating from the premises from all external areas are undertaken and that external litter bins are provided.
- That bottle bins are not to be emptied at the premises after 2100 hours and before 0800 hours.
- Access/egress to the premises should be limited to Shaws Passage after 2100 hours, save for any emergency access/egress.

- Patrons leaving or arriving at the premises by taxi should use the entrance/ exit located at Shaws Passage and clear signage will be displayed at the premises to this effect.

**Advisory Note**

The applicant is encouraged to contact Environmental Health, Birmingham City Council in order to determine whether the measures now agreed with those making representations are sufficient in order to address the potential for noise or public nuisance, but if not, what measures would be needed to address these concerns, in particular the need for noise limiting device.

At present, and in the absence of a representation from Environmental Health, the Sub Committee was not persuaded on the balance of probabilities that any such device was needed at the time of granting the licence. However, given the proximity of a nearby residential hostel, housing vulnerable adults with varying medical issues, it was felt by the Sub-Committee that the applicant as a responsible premises licence holder would heed this advice.

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The Sub-Committee noted that a Cumulative Impact Policy is in force for the Digbeth area, the effect of which is to create a rebuttable presumption that applications will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

The premises are located within the area covered by the policy. Having considered the application and the evidence submitted, the Sub-Committee was not convinced that there was an evidential and causal link between the representations made by the interested parties and the effect on the licensing objectives.

The Sub-Committee noted particularly that no representations had been made by the Responsible Authorities. The Sub-Committee as a consequence is satisfied that the premises will not add to the cumulative impact on the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy including the Cumulative Impact Policy in force for the Digbeth area, the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the information in the application, the written representations received and the submissions made at the hearing by the applicant and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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6/150419     **OTHER URGENT BUSINESS**

There were no matters of urgent business.

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Meeting ended at 1505.

.....  
CHAIRMAN





**BIRMINGHAM CITY COUNCIL**

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

**24 JUNE 2019**  
**BORDESLEY & HIGHGATE**

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

**ROHDEA HEALTH & WELLNESS CLUB, 65A LOWER ESSEX STREET,**  
**BIRMINGHAM B5 6SN**

**GRANT OF LICENCE**

1. Summary
  - 1.1 Anyone conducting an establishment for treatment by way of massage, solaria, jacuzzi, sauna, steam treatment, aromatherapy and other similar types of treatment is required to be licensed.
  - 1.2 Each premises is subject to an inspection by a Licensing Enforcement Officer and there is consultation with the West Midlands Police concerning the suitability of applicants.
  - 1.3 An application has been received for the grant of a licence for the provision of massage at Rohdea Health & Wellness Club, 65a Lower Essex Street, Birmingham, B5 6SN.
  - 1.4 Paragraph 5 of this report outlines the criteria for consideration of a Massage and Special Treatment Licence.
2. Recommendations
  - 2.1 The Licensing Sub-Committee is requested to consider and determine the application for the grant of a Massage & Special Treatment licence in accordance with the provisions of Birmingham City Council Act 1990 and having regard to the options contained in paragraph 6.1 of this report.

Contact officer: David Kennedy, Principal Licensing Officer  
Telephone: 0121 303 9896  
Email: [david.kennedy@birmingham.gov.uk](mailto:david.kennedy@birmingham.gov.uk)

### 3. Background

- 3.1 HJ 688 Limited t/a Rohdea Health & Wellness Club, 65a Lower Essex Street, Birmingham, B5 6SN applied for the grant of a Massage and Special Treatment Licence to permit the provision of massage at the premises between the hours of 8:00am and 11:30pm Monday to Sunday. A copy of the application, including supporting documents, is attached at Appendix 1.
- 3.2 Objections have been received from members of the public, which are attached at Appendices 2 and 3.
- 3.3 Representatives of West Midlands Police Licensing Team and Birmingham City Council's Licensing Enforcement Team have confirmed that they have no objections to the grant of a licence. Copies of the responses are attached at Appendices 4 and 5 respectively.
- 3.4 A copy of Birmingham City Council's standard conditions relating to Massage & Special Treatment Licences is attached at Appendix 6.
- 3.5 Site location plans are attached at Appendix 7.
- 3.6 The applicant has been invited to attend the meeting in support of her application and to respond to any questions members may have.
- 3.7 The objectors have also been invited to attend the meeting in support of their objection and to respond to any questions members may have.

### 4. Consultation

- 4.1 The applicant was required to advertise the application by displaying a notice on or near the premises for a period of 21 days and serve notice of their application to the Chief Constable of West Midlands Police.
- 4.2 In addition, upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team and also notifies the appropriate Ward Councillors.

5. Matters for Consideration

5.1 The Licensing Sub-Committee is advised that the Birmingham City Council Act specifies the following grounds for refusal of an application for the grant of a licence in the case of:

- a) any person under the age of 21;
- b) any person who has been convicted of an offence under the Sexual Offences Acts 1956 to 1976 or the Street Offences Act 1959 or who may be otherwise unsuitable to hold such a licence;
- c) any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable;
- d) any establishment which has been or is being improperly conducted;
- e) any establishment in which adequate professional, technical or other staff is not available for the administration of such massage or special treatment as may there be provided; or
- f) any establishment which is being carried on in contravention of the provisions of this Act or any byelaw made there under.

5.2 Having considered the application, the objection notices received and having heard from all parties present at the hearing the Licensing Sub-Committee is required to determine the application for the grant of a Massage and Special Treatment Licence.

6. Options Available

6.1 The Licensing Sub-Committee may:

- 6.1.1 Grant the licence subject to compliance with the standard conditions of licence.
- 6.1.2 Grant the licence subject to compliance with the standard conditions of licence and / or the imposition of other terms, conditions or restrictions as the Committee may consider appropriate.
- 6.1.3 Refuse the licence. The Licensing Sub-Committee may not refuse the application without first giving the applicant an opportunity of appearing before and being heard by a Sub-Committee of the Council, and if so required by him, the Council shall within 7 days after their decision give him notice thereof containing a statement of the grounds on which it was based.

## 7. Right of Appeal

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

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

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

## 8. Implications for Resources

8.1 A fee of £161 is payable for the grant of a Massage and Special Treatment Licence to permit the provision of massage.

8.2 In the event of an appeal hearing, the Magistrates power to award costs derives from Section 64 of the Magistrates Courts Act 1980 which entitles them to make such order as they think just and reasonable.

## 9. Implications for Policy Priorities

9.1 No specific implications have been identified.

## 10. Public Sector Equality Duty

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

## **ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background papers: nil

MST 1/25

## BIRMINGHAM CITY COUNCIL ACT 1990

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

1. Trading Name of Massage/Special Treatment Business:  
 HJ 688 T/A Rohden Health & Wellness Club  
 Address of Business: 65 A Lower Essex Street, Birmingham  
 B5 6SN  
 Tel No. ....

2. Is the application being made by an individual:  
 or on behalf of a partnership  
 or a company?  
☒ (go to Q 3)  
☐ (go to Q 4)  
☒ (go to Q 4)

## INDIVIDUAL APPLICANT'S DETAILS

3. Full name of the Applicant .....  
 (Any former names must also be given).  
 Home Address of the applicant .....  
 Date of birth .....  
 National Insurance no. or the EU Member State equivalent .....  
 Contact tel. no (during normal office hours) .....  
 Address you wish any correspondence to be sent to .....

REGULATION 2 APPROVED  
 REGISTRATION  
 DATE 12/10/2013  
 REF NO NO FEE  
 INITIALS 0009461/000513  
 £161

## COMPANY/PARTNERSHIP APPLICATION DETAILS

4. Name of Company and company registration number (where applicable) .....  
 Address: 65A Lower Essex Street, Birmingham (First floor)  
 B5 6SN  
 Company No: 11860606  
 HJ 688 Limited T/A

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

Name	Address	Designation
Xue Yue Jiang		Director

GENERAL DETAILS OF THE APPLICATION

MST 1/25

The following questions are to be answered by all applicants

5. Is this application for a  
Grant ☒ or a Renewal ☐ or a Transfer ☐ or to add further treatments ☐  
If renewal give the date existing licence is due to expire: .....
6. For what activities is the licence required?  
Massage ☒ Sauna ☐ Solaria/Sunbed ☐ Spa/baths etc ☐ Steam treatment ☐  
If any other treatment, please give details .....
7. Will the massage or special treatment be available specifically for:  
Males: ☐ Females: ☐ Both: ☒
8. Give details of the time during which it is proposed that the premises shall be open.  
i) Days of the week: Monday to Sunday  
ii) Hours of the day: from 8 am to 11:30 pm  
NB. Treatments shall be permitted only between 6am and 12 midnight on any day
9. Are the whole premises described above to be used for massage/special treatment?  
Yes ☒ No ☐
10. If the answer to question 9, above, is 'No', please state:  
i) Which part of the premises is to be used for the purposes of the licence?  
The First floor will to be used for the purposes.  
ii) What are the rest of the premises used for?  
The Ground Floor remain as a Ware house
11. Are the premises leasehold? Yes ☒ No ☐  
Are the premises freehold? Yes ☐ No ☐  
Please give the name and address of the landlord or of the freeholder:  
Hong Pringle - Loo (Landholder)

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

HJ 688 Limited T/A Rohdea Health & Wellness  
 65A Lower Essex Street, Birmingham Club  
 B5 6SN

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

First Name	Surname	Former Name (if any)	Permanent Address	Date of Birth
Xue Yue	Jiang			

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

Full Name	Address
Xue Yue Jiang	
Xue Hua Jiang	
Zhong Huang	

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

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

a) owner or director of owning company: .....

or

b) employee: .....

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

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

**Convictions:**

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

**Cautions:**

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

(If necessary, please continue on a separate sheet)



**DECLARATION****To be completed by Applicant:**

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

Signed: ..... Date of Application: 16 / 03 / 2019

Name (PLEASE PRINT) Xue Yue Jiang

Job Title Director

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

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

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

Name (block capitals) HONG PRINGLE - LUD

Organisation .....

Relationship to Applicant (eg Solicitor, Employer) The Leaseholder of 65 Lower Essex Street

Signature Hong Pringle - Lud Date 16 / 03 / 2019

**Completed Applications should be returned to:**

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

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

- |   |                                     |
|---|-------------------------------------|
| Enclose cheque/payment                                | <input type="checkbox"/>            |
| Sign application form                                 | <input checked="" type="checkbox"/> |
| Send Notice of Application to WM Police               | <input checked="" type="checkbox"/> |
| Enclose completed Personal details form               | <input checked="" type="checkbox"/> |
| for each Person listed in section 14                  | <input checked="" type="checkbox"/> |
| Display Notice of Application (grant only)            | <input checked="" type="checkbox"/> |
| Electrical Certificate (required for grant & renewal) | <input checked="" type="checkbox"/> |



## **Appendix 1 continued – Applicants supporting documents**

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**From:** Xue Rohdea <  
**Sent:** 20 May 2019 10:53  
**To:** Licensing  
**Cc:** Gary Callaghan  
**Subject:** 65 Lower Essex Street, Birmingham B5 6SN

Dear Licensing Committee Members

In consideration of the proposed Massage & Special Treatment license for the **Rohdea Health & Wellness Club, 65 Lower Essex Street, Birmingham, B5 6SN** we would like to make the licensing committee aware of the following facts:

### **Proposed Therapy**

It is the intention of the applicant to provide Traditional Chinese massage therapy known as Tui Na which is one of the four branches of traditional Chinese medicine, the other three branches being acupuncture, herbal medicine, and medical qi gong.

The applicant is aware that Tui Na is comparatively unknown within the United Kingdom but it is, in fact, an ancient form of therapy and is provided throughout the public health system within the People's Republic of China. Tui Na is considered to be one of the oldest forms of massage and bodywork that exist today and employs the same methods and principles of diagnosis as acupuncture.

While acupoints by way of needles are used in acupuncture the Tui Na practitioner uses the pressure of their fingers/thumbs/elbows to help ease and heal issues within selected groups of points and zones with particular ranges of influence on the body's functions and are activated by specific manipulations in accordance with the condition being treated.

Tui Na used primarily for the treatment of conditions of an internal nature including but not limited to:

- digestive disorders,
- menstrual irregularities,
- headaches,
- insomnia,
- chronic fatigue,

- backache,
- stiff neck, sciatica,
- tendonitis,
- frozen shoulder,

Tui Na can be used alongside acupuncture and traditional Chinese medicine or on its own. Paediatric Tui Na is a specialist branch of Tui Na and a highly effective treatment modality for babies and young children, however, at this stage, we do not intend to offer pediatric treatment.

As with acupuncture, Tui Na treatment can use specialist therapies such as moxibustion – the warming of acupoints or other areas on the body with a smoldering herb known as moxa; cupping – the application of glass suction cups to the surface of the skin; and gua sha – the gentle abrasion of the skin with a smooth scraper.

The Tui Na massage itself is performed through clothing, but part of the clothing may need to be removed if the practitioner uses any of these related therapies or applies a therapeutic massage medium.

The south side has a large Chinese population and while we would like to provide therapy for our large Chinese student community and the Chinese population as a whole, who are already aware of the benefits of Chinese massage therapy, we would also like to introduce it to the wider population which we believe will benefit from the excellent addition to existing therapy options.

#### **Issues with particular self-interested parties.**

The leaseholder obtained the lease several years ago and the property was used as a factory, however, in recent months, the freeholder has not disguised their desire to buy back the lease. This they have discussed on several occasions that this will be through any means.

As the leaseholder, who purchased the long lease, we do not wish to be intimidated to sell back our lease and feel the current environment is close to coercion, both from the existing freeholder and the leaseholder of an adjacent property who would, we believe, be in a more financially advantageous position if we were forced to sell our lease. It should be noted that we originally purchased the lease from the very same leaseholder of the adjacent property.

#### **Historical situation**

We understand that a situation arose under the previous sub-tenants in terms of employment practices. However, it should be clear and understood that these individuals were a 3<sup>rd</sup> party and have now been

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removed. The indiscretions of this 3<sup>rd</sup> party should not in any way hold any bearing on this decision as they have no connection to the proposed new business or the current lease, and no longer have any connection with 65 Lower Essex Street. We believe that any discussion of these individuals in relation to this application is more based on racial profiling and the desire to force the sale of the lease rather than any rational argument.

#### **None related matters discussed**

It is also noted that there has been a discussion of issues in relation to massage parlors historically which have zero relation to our proposed therapy center, or location, and especially ownership and obviously have nothing to do with the proposed therapy center. This is not only insulting but highly inflammatory and frankly, we believe potentially again the use of racist ideology.

#### **Summary**

As you will see from the above description of the services we wish to provide, this is a professional therapy service, a service which will inevitably relieve numerous conditions for our potential customers and significantly benefit the community. In fact, we would love for the licensing committee to come to the center after opening to experience for themselves the health benefits of traditional Chinese therapy so that they can share our enthusiasm for this branch of traditional Chinese therapy.

Planning, we would also like it noted that planning permission has been granted for the change of use, and the associated documents are attached.

Lastly, even on the basis of refusal, we will progress the business with head, neck, and feet only therapy, however, this will not provide the full benefits that the applicant wishes to provide, which as mentioned above tend to be carried out over clothing and more often than not above the shoulder. We implore you to provide the full license so that the applicant, as a therapy provider can provide unencumbered health benefits which have been delivered in China and Asia for millennia to the local community as well as providing jobs and the associated economic benefits.

#### **Key Person**

Mr. Charles. Gillett: acting on behalf of "Gooch Estate" who has approached the leaseholder myself offering to purchase the lease of 65 Lower Essex Street but has rejected on several occasions.

Mr. Peter Wall: Chairman of W G Eaton Ltd who sold his own lease of 63-64 Lower Essex Street to "Gooch Estate" again has suggested on many occasions that we should accept the offer from Mr. Charles Gillett re the sale of 65 Lower Essex Street.

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Kind regards

Hong Pringle-Luo

the Leaseholder of 65 Lower Essex Street, Birmingham B5 6SN

**DECISION DOCUMENT****APPLICATION NUMBER: 2019/01499/PA****TOWN AND COUNTRY PLANNING ACT 1990**

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Change off use from offices (Use Class B1) to massage treatment rooms (Sui Generis); New doors to front elevation

at

65 Lower Essex Street, Birmingham, B5 6SN

**Conditions that affect this development or use**

- 1 Requires the scheme to be in accordance with the listed approved plans  
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on the following drawing numbers ('approved plans'):
  - o Location Plan 1:1250;
  - o Site Plan 1:500;
  - o Proposed change of use plans, offices to Chinese massage rooms; and;
  - o Proposed change of use elevations, offices to Chinese massage rooms.Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework 2019.
- 2 Footway Crossing to be Reinstated  
Prior to the first use, the redundant vehicular crossing shall be reinstated to full height kerb at the applicant's expense.  
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework 2019.
- 3 Implement within 3 years (Full)  
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.  
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Friday 17th May 2019



Waheed Nazir, Director of Inclusive Growth

P.O. BOX 28, Birmingham B1 1TU

**Please note  
This is not a building regulation approval**

INFORMATIVE NOTE(S) (if any)

In arriving at this decision, Birmingham City Council has endeavoured to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework, paragraph 38.

APPROVED



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**From:** >  
**Sent:** 23 April 2019 12:05  
**To:** Licensing  
**Subject:** 65 Lower Essex Street - application for a Massage & Special Treatment Licence (MST) on 2nd April 2019 [PENNY-DMS.FID124427]

We act on behalf of the 'Gooch Estate', freehold owners of the above property as well as the rest of the property in this island block bordered by Lower Essex Street, Kent Street, Gooch Street North and Wrentham Street (apart from a small piece of land on the corner with Sherlock Street) and the owners of all the properties in the block opposite, between Lower Essex Street and Hurst Street (apart from the 'Medusa' premises).

The long leaseholders over whom we have little control, having regard to the nature of the ground lease that governs the occupation of the premises, have shown themselves to have been involved in unsatisfactory business practises in the past and bearing in mind the nature of the type of business that requires a licence under the Birmingham City Council Act 1990 our client has every reason to be concerned over the future use of these premises. However, the business may be entirely legitimate. As long as the law is upheld and it is closed down if the practises are not in accordance with the Act then that is fine but we are concerned about illegal conduct and the impact it will have on other occupiers in the vicinity. The Gooch Estate have experience of licenced premises being used for erotic massages in direct contravention of the Act and nothing being done to close down the establishment or to prosecute the business owners. We are therefore concerned a similar situation will arise here with a lack of Local Authority resource to properly administer and ensure the licence is not breached and to prosecute if it is. As a consequence we do not consider this application appropriate for these premises.



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**From:**  
**Sent:** 04 April 2019 14:24  
**To:** Licensing  
**Cc:**  
**Subject:** Massage License Application-- Birmingham City Council Act 1990--65A Lower Essex Street B5 6SN --HJ 688 Ltd

Dear Sirs—I am Chairman of W.G.Eaton Ltd , a long established family owned manufacturing Business based at 61/63 Lower Essex Street , B5 6SN which is next door to the premises mentioned above which are subject to the License Application in the name of HJ 688 Ltd --a copy of the handwritten Application dated 31st March 2019 was posted on their premises on 2nd April .

Our objections , on behalf of both our shareholders and Employees , are based on the following points :

1. HJ 688 Ltd is a newly formed company with no shareholders or officers yet registered at Companies House . It is not an established and reputational Massage Business with any sort of trading record .
2. As you will see from your records that we contacted you on 9th February this year when a similar Notice appeared on these premises purporting to be a similar Application from a different company—HQHY Ltd .
3. We are aware that Planning Permission ( Ref 2019/01499/PA ) has been lodged with B'ham City Council for a Change of Use at 65 Lower Essex Street and the details filed indicated a Right of Way over our Driveway  
at No 61/63 which is completely untrue .
4. Our Employees were very unsettled by 2 Raids on No 65 last year by the Home Office Immigration Enforcement team and we were informed by the Officer in charge ( Paul Mackinnon ) that ....  
“ we found 6 Adults living on the top floor ( 65A ) in poor conditions in what are understood to be commercial /industrial premises ... a number of arrests were made ... ”
5. We understand from the Freeholders that the lease of No 65 Lower Essex St is still owned by the same people who were responsible for the activities there last year .
6. We do not consider that Massage Parlours and associated activities are appropriate in area designated for top quality retail and residential purposes and so close to the City Centre .

Please confirm Receipt of this Email—Copied to interested parties .

Yours Faithfully—

W G Eaton Ltd , 61/63 Lower Essex Street —

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**From:** bw licensing  
**Sent:** 24 April 2019 08:03  
**To:** Parminder Dhillon  
**Subject:** RE: HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN

Morning Parm,

No objection to this app

Regards

*Chris Jones* 55410  
Birmingham Central Licensing Team

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

(Sat nav postcode B4 6AT)

Contact us on 999 in an emergency or for all other matters please visit [WMPolice Online](http://WMPoliceOnline)



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**From:** Parminder Dhillon  
**Sent:** 23 April 2019 10:07  
**To:** bw licensing  
**Subject:** FW: HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN

Dear Sirs,

Please see email below.

Kindest Regards

Parminder

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**From:** Parminder Dhillon  
**Sent:** Thursday, April 04, 2019 11:16 AM  
**To:** bw licensing  
**Subject:** HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN

Dear Sirs,

Birmingham City Council Act 1990  
Application for a Massage and/or Special Treatment Licence

We have received an application from the above premises for the GRANT of a Massage and/or Special Treatments Licence.

I enclose a copy of an application by **Xue Jiang** in respect of **HJ 688 T/A ROHDEA HEALTH & WELLNESS CLUB, 65 LOWER ESSEX STREET, BIRMINGHAM, B5 6SN.**

I should be pleased to receive any comments you wish to make concerning this application by completing the section below and returning it to Licensing by the **19 April 2019.**

Type of Licence:      **Massage and Special Treatments**

Please tick one box

- ☐      No Objection
- ☐      No Objection subject to recommendations (give details on a separate sheet)
- ☐      Objection to licence application (give full details on a separate sheet)

Name of Officer: ..... Station: .....

Contact telephone No: ..... Date: .....



Worksheet/Job Number: WK/ 9326912 .

To: Licensing Enforcement Team

Date: 9/5/19 .

From: Licensing Section

Property Details: ROTHEA HEALTH & WELLNESS CLUB  
65 LOWER ESSEX ST, BS 6 6SN .  
Licence Type: **Massage and Special Treatments Licence**

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

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

**Parminder Dhillon**  
Licensing Section (General)

Property Details: ROTHEA HEALTH - WELLNESS CLUB  
65 LOWER ESSEX ST, BS 6 6SN

Please tick one box

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

Inspected by: ..... Date: 9/5/19 .

Full Name: GUEST NA McWUAGH ..... Time taken: 1 hour 40 mins .

Position: Enforcement Officer ..... Contact number: .....



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

General Licensing  
Telephone: 0121 303 9896  
Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)  
Web: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)

**THE PLACE DIRECTORATE**

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

**THE LICENSEE**

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



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

#### **THE PREMISES**

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

#### **CUSTOMER CARE**

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

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

#### **RECORDS**

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

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

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

#### **CONDUCT OF BUSINESS**

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



**PERMITTED HOURS**

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

**SAFETY OF EQUIPMENT - ELECTRICAL CERTIFICATE**

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

**SPECIFIC CONDITIONS RELATING TO MASSAGE**

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

**SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA**

1. See Appendix A attached.

**APPENDIX A - SPECIFIC CONDITIONS FOR SUNBEDS AND SOLARIA**

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

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

**Notice**

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

**Safety Equipment**

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

**Cleaning**

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

**Safety of Users**

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

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

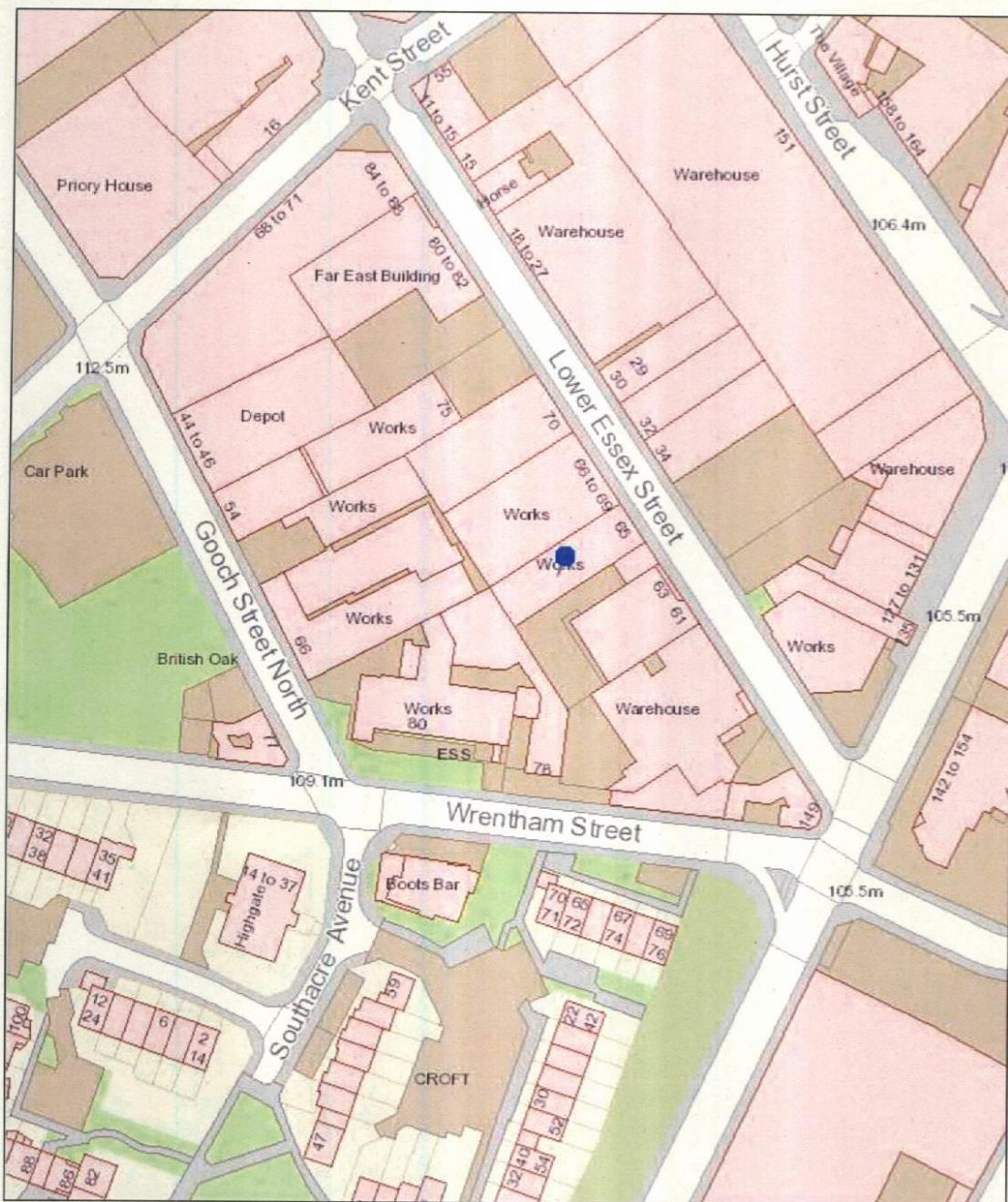
For Skin Type 2 (which is a typical Caucasian UK skin type) an individual MED is equivalent to around 250 joules per square metre, thus, based on an annual exposure limit of 15,000 joules, this equates to around 60 sessions per person per year (15,000 divided by 250).

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

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







**Birmingham City Council**

Map Created By:

**Notes**

Date of Map Creation: 31/05/2019



Scale:  
1:1,250

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