

BIRMINGHAM CITY COUNCIL

LICENSING AND PUBLIC PROTECTION COMMITTEE 23 JULY 2018

**MINUTES OF A MEETING OF THE LICENSING
AND PUBLIC PROTECTION COMMITTEE HELD
ON MONDAY 23 JULY 2018 AT 1400 HOURS IN
COMMITTEE ROOMS 3 AND 4
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair;

Councillors Bob Beauchamp, Nicky Brennan, Adam Higgs,
Nagina Kauser, Mike Leddy, Martin Straker-Welds and Simon
Morrall.

NOTICE OF RECORDING/WEBCAST

- 1039 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site (www.civico.net/birmingham) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

DECLARATIONS OF INTEREST

- 1040 There were no declarations of interest.

APOLOGIES

- 1041 Apologies were received from Councillors Olly Armstrong, Neil Eustace, Narinder Kaur Kooner, Bruce Lines, Mary Locke, Saddak Miah and Hendrina Quinnen, for non-attendance.

The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.

MINUTES

- 1042 The Minutes of the meeting held on 20 June 2018, having been previously circulated were confirmed as a correct record and signed by the Chairman.
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**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT
VENUE, ADULT WORLD, 1 HINCKLEY STREET, BIRMINGHAM, B4 5EB
JULY 2018**

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

(See document No. 1)

The following people were in attendance for the hearing.

Shawn Woodcock	-	Licensing Enforcement Team
Michelle Patrick	-	Applicant (Director/Owner)
Paul Highland	-	Shop Manager

At this juncture, the Chair welcomed everyone to the meeting and made the necessary introductions. She outlined the running order of the business and the times each party would have to make their representation and summary.

The Chair after seeking confirmation that the applicant did not wish to make any preliminary points invited the Licensing Enforcement Officer to present the report.

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

Michelle Patrick made the following comments in support of the application for Adult World:-

- She confirmed that the lease and the business were in two different names and that she had been the sole director for the past 5 years.
- She had held licences for the shop and cinema for the past 5 years and she was now applying for a licence to allow one self-employed girl to perform private lap dancing and stage strip shows every 2 hours whilst the shop and cinema were open. It was confirmed that the relevant entertainment would involve full nudity.
- She stated that the proposed hours of operation being 09:30 am to 10:00 pm Monday to Saturday and 11:00 am to 4:00 pm Sunday with the first show commencing at 12:00 noon and the last show concluding at 8:00 pm. She added that the hours of operation would

coincide with the opening hours of the shop and cinema and that with the additional licence they were looking to increase their revenue.

- She explained that customers when visiting the shop could purchase a cinema ticket where they could watch the girl perform a strip tease after this had taken place, they would then be asked if they would like to purchase a lap dance in a small private room. If this was the case, they would then purchase a token from the till. If there was more than one person awaiting a private lap dance, they would then have to wait either in the shop or the cinema until it was their turn.
- She stated that when she performed the strip tease this would take place on the stage with the screen behind her and that it was full nudity. She confirmed that the facilities for changing were upstairs in the staff room which contained a shower and toilet with a lock on the door.
- When the dance took place which involved one track being played (approximately 3 minutes) the activity was monitored throughout by a member of staff at the till through CCTV. If there was any cause for concern, there was a panic button in the room right next to where the dancer would dance and as the room was quite small, she would be able to reach the button wherever she was in the room. It was noted that there would be 2 members of staff on site at all times and if the panic button was alerted it came through to the till.
- It was highlighted that although the music could be heard inside the premises it was not exceptionally loud whereby it could be heard outside the premises. It was noted that the room contained a panic button and one chair for the patron that was difficult to move due to the limited space in the room.
- It was confirmed that the premises were not licensed and they did not allow patrons on the premises that were under the influence of drugs or alcohol.
- It was reported that the person performing could not be seen from outside as everywhere was blacked out at the front of the building and that it was the rear entrance of the theatre that was located next door to the premises.
- It was confirmed that the large outdoor sign depicting a scantily clad woman had been removed from the front of the building.
- It was confirmed that they employed no door staff. All employees were over the age of 18 and their passport details were all held on file.
- It was confirmed that there was a code of conduct in place for patrons to observe when entering the premises.

- It was noted that due to the nature of the business, they did not advertise and relied on passing trade.

At this juncture, Michelle Patrick provided a very brief summary.

At 1445 hours the Committee adjourned and the Chair requested that all present, with the exception of the Members, the Committee Lawyer and Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1540 hours and the decision of the Committee to grant the application with Michelle Patrick being advised of the full decision and reasons as set out below in due course:-

1043

RESOLVED:-

That the application by Sunset Novelties Limited for a Sexual Entertainment Venue (SEV) licence under the Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 in respect of Adult World, 1 Hinckley Street, Birmingham B5 4EB **BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.**

Those matters detailed in the application and the Council approved standard conditions will form part of the licence issued subject to the conditions below:

[1] The hours of the SEV are amended to 12:00 noon to 8:30pm Monday to Saturday; and 12:00 to 4:00pm on Sunday.

[2] During the hours of the SEV there must be a minimum of three members of staff on the premises at all times.

[3] There shall be no touching between the performers and patrons at any time (for the avoidance of this varies standard condition 29).

[4] There shall be no more than one patron and one performer at any time in the lap dancing room.

[5] At all times of performances (either the stage strip-tease or the private lap dancing) the patrons must be seated at all time.

Reasons

Members carefully considered the representation on behalf of the applicant.

The Committee's reasons for **[imposing]** these additional conditions are due to concerns by Committee arising from the size of the premises and the stage and small private lap dancing area and the need for staff to be able to manage the sex shop, sex cinema and respond to any concerns that arise from the operation of this small and focused SEV.

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

In reaching this decision, the Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information contained in the application, the written representations received and the submission(s) made at the hearing by the applicant.

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

SCHEDULE OF OUTSTANDING MINUTES

The following schedule of Outstanding Minutes was submitted:-

(See document No. 2)

Chris Neville, Acting Director of Regulation and Enforcement, updated the dates for which reports would be forthcoming in relation to various Outstanding Minutes.

It was -

1044

RESOLVED:-

That Outstanding Minutes be continued.

At this Juncture, Councillor Dring (Chair) due to a personal commitment had to leave the meeting and therefore Councillor Leddy, (Deputy Chair) chaired up until the conclusion of the meeting.

OTHER URGENT BUSINESS

Food Law Enforcement Plan 2018/2019

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

(See document No. 3)

Nick Lowe, Operations Manager Food provided a comprehensive breakdown of the report. He highlighted that the Food Law Enforcement Plan for 2018/2019 attached to the report included a review of the food safety activity carried out in 2017/2018.

It was –

1045

RESOLVED:-

That the Food Law Enforcement Plan be agreed.

HEALTH AND SAFETY LAW ENFORCEMENT PLAN 2018/2019

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

(See document No. 4)

Mark Croxford, Head of Environmental Health made introductory comments to the report, highlighting that it sets out the city's Health and Safety work programme for 2018 – 2019

It was –

1046 **RESOLVED:-**

That the report is noted and the Health and Safety Law Enforcement Plan for 2018/2019 be approved.

AUTHORITY TO CHAIR AND OFFICERS

1047 **RESOLVED:-**

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

The meeting ended at 1600 hours.

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CHAIRMAN