

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE B**

**TUESDAY, 20 JUNE 2023 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 2, 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/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 14**

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 16 May 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To confirm and sign the Minutes of the meeting held on 30 May 2023 at 1000 hours.

**15 - 40**

5 **CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE THE ROCKET CLUB, 258 BROAD STREET, BIRMINGHAM, B1 2HF**

Report of the Director of Regulation and Enforcement.  
N.B. Application scheduled to be heard at 10:00am.

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair 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

**PRIVATE AGENDA**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 16 May 2023 at 1000 hours 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 Chair are matters of urgency.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 16 MAY 2023</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 16 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Julien Pritchard and Adam Higgs

### **ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/160523

### **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/160523

### **DECLARATION OF INTERESTS**

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/160523 Apologies were submitted on behalf of Councillor Saddak Miah and Councillor Julien Pritchard was the nominated substitute Member.
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**MINUTES**

- 3/160523 That the Minutes of the meeting held on 18 January 2022 were circulated, confirmed and signed by the Chair.  
The Public section of the Minutes of the meeting held on 7 March 2023 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.  
The Public section of the Minutes of the meeting held on 4 April 2023 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.
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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – SELECT & SAVE, 393 SUMMER LANE, NEWTOWN, BIRMINGHAM, B19 3PL.**

**Please note**

The meeting was delayed due to technical difficulties and subsequently commenced at 1030 hours.

**On Behalf of the Applicant**

No one on behalf of the applicant attended the meeting.

**On Behalf of Those Making Representations**

Mark Swallow – WMP (West Midlands Police)

\* \* \*

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy, Licensing Section, outlined the report.

At this stage the chair invited WMP to outline their case and Mark Swallow made the following points: -

- a) On the 29<sup>th</sup> March WMP received the application for a premises licence for Select & Save.
- b) He emailed the agent requesting documents in order to carry out checks. He sent a further email requesting the same documents.

- c) The documents requested were in order to ensure the previous people involved in the premises were no longer involved. There is a condition agreed on the licence stating that those persons previously involved in running the business were to have no involvement moving forward.
- d) The documents would show that the business has changed hands.
- e) However, only a lease has been provided, but no other documentations.
- f) The lease only shows permissions to use the premises and not ownership of the business itself.
- g) The applicant could be a partner with the previous PLH.
- h) The documentations still hasn't been provided.
- i) WMP request that the application be refused.

The Chair invited WMP to make a closing submission and Mark Swallow made the following closing statements: -

- The previous licence was reviewed and revoked due to offences of dishonesty.
- WMP requested documents to show there is no link between the current applicant and the previous persons involved in the premises as they are unfit to hold a premises licence.
- The information requested has not been provided other than a lease, which does not show anything to do with the ownership of the business.
- The applicant could easily be linked to the previous people.
- WMP request that the licence application be rejected.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

4/160523     **RESOLVED:-**

That the application by Ajay Chumber for a premises licence in respect of Select & Save, 393 Summer Lane, Newtown, Birmingham B19 3PL, be rejected. In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, in particular the prevention of crime and disorder.

The Sub-Committee's reasons for refusing this application for a

premises licence are due to the concerns which were raised by those making representations, namely West Midlands Police and Licensing Enforcement.

The application was for off-sales of alcohol from 07:00 hours until 00:00 midnight daily, with the opening hours to match these times. At the start of the meeting the Sub-Committee noted that the applicant and West Midlands Police had both submitted documents, all of which were in the Report.

In advance of the meeting, the Police had made requests to the applicant, due to the previous history of highly unsatisfactory trading at the site, which had resulted in a Review hearing before the Sub-Committee in January 2023 (when the premises had been known as 'Premier', and the licence holder had been a Mr Raj Kumar). The outcome of the hearing in January 2023 had been a revocation of the premises licence held by Mr Raj Kumar, after the Sub-Committee heard from West Midlands Police that those at Premier had been buying alcohol which had been shoplifted from nearby off-licence shops, and then placing it on display to sell to customers at Premier.

The requests made by the Police in advance of the meeting were for documentation to show that the business had changed hands, such that the previous person running the old business had no part in the running of the new business. The Police had wanted to see a proper separation between the old arrangements at 'Premier', and the operation proposed by the new applicant, who would be trading as 'Select & Save'. Provided the proper documentation could be shown, the Police would be happy with the operating schedule together with some extra conditions. The Sub-Committee noted that Licensing Enforcement had submitted a representation supporting the Police's position.

Some documents had been provided by the applicant in response to these Police requests. However, the applicant did not attend the meeting and was not represented. The Sub-Committee therefore carefully examined his application and supporting documents (all of which were in the Committee Report), but did not have an opportunity to hear from the applicant directly, and more importantly, had no opportunity to ask questions.

The Sub-Committee then heard from West Midlands Police. The Police made representations, exactly as in the Report, relating to the upholding of the prevention of crime and disorder objective.

The background of the premises was explained by the Police, as per the Committee Report. The Police explained that in the instant application it was incumbent on the Police to ensure that the new applicant was completely separate to the previous operator, in order to ensure that the promotion of the licensing objectives would not be put

at risk. This was essential as the revocation had been due to dishonest trading which had undermined the promotion of the licensing objectives.

Documents had been forwarded to the Police by the applicant before the Sub-Committee meeting. However, the Police had not been satisfied with the documents they had received, and had therefore maintained their objection. The central issue was the documentation to show the transfer of the business. The Police had found that the documentation which had been produced was not sufficient reassurance that the business arrangements were properly separated from those of the previous operator.

The Police found it unsatisfactory that only a Lease document had been supplied because this did not evidence a transfer of the business. The Police remarked that the Lease “only shows permission to use the premises, not ownership of the business. Mr Chumber could be a business partner of the previous people, or even work for them. The Lease does not clarify that”.

Numerous reminders had been sent by the Police by telephone, in addition to two emails, to no avail, and the applicant had not produced alternative documents, for example anything relating to utilities and/or business rates, which the Police might have been prepared to view as good supporting evidence.

The Police therefore urged the Sub-Committee to reject the application, advising that without any documentation to show the transfer of the business, there was nothing for the provided documentation (ie the Lease) to support. The conduct of persons previously trading from the site had necessitated the need for careful due diligence by the Police in relation to the instant application. The applicant had offered insufficient evidence; this had raised concerns, as there was no confirmation that there was no link between the applicant and the ‘Premier’ proprietor who had been found to be undermining the licensing objectives in the Review proceedings heard in January 2023. The Police also remarked that the applicant had not attended the meeting to address the Sub-Committee.

Moreover, the Police observed that in any event, before the licence could be granted, they would want to suggest additional operating conditions to ensure safe trading and the promotion of the licensing objectives. However, in the current circumstances, suitable conditions could not be imposed due to the inability of the applicant to adequately show proper ownership of the business, and proper independence from the previous licence holder.

Having heard all of the evidence, the Sub-Committee retired to determine the application. The Sub-Committee examined the operating schedule put forward by the applicant, but was not at all persuaded that matters were in order. As the Police had observed, there was

nothing to properly show a genuine separation between the previous operator and the new applicant; the Members agreed with the Police.

The Sub-Committee also agreed with the Police observation that the Lease document on its own was completely unsatisfactory in terms of safe trading. The Police had explained that the application was not a normal application; any 'normal' application involving a changeover of premises licence holder would perhaps not be subject to such a level of scrutiny. However, in the instant application, the Police observed that to grant the application where there had recently been a revocation would place the licensing objectives at risk, as there was no confirmation of a proper separation between the applicant and the previous operator.

The Sub-Committee agreed that the very poor past history of the premises required a cautious approach, and agreed with the Police that to proceed without the proper documents in place would be quite unsatisfactory given the revocation some five months ago. The Sub-Committee accepted the Police advice that it would place the prevention of crime and disorder objective at risk to grant the licence in these circumstances. The Police recommendation had been that the only correct course was that the application should be rejected, in order to ensure the promotion of the prevention of crime and disorder objective. The Sub-Committee noted that the Police's position had also been endorsed by Licensing Enforcement.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the licence might be granted; however, the Police had advised that the licence could not be appropriately conditioned either, unless and until satisfactory documents were supplied. The Sub-Committee therefore resolved to reject the application.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by West Midlands Police.

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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**EXCLUSION OF THE PUBLIC**



5/160523

**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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CHAIR.....



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE B 30 MAY 2023</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 30 MAY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah and Adam Higgs

### **ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

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1/300523

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2/300523

### **DECLARATION OF INTERESTS**

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/300523 No apologies were submitted.

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**MINUTES**

4/300523 That the Minutes of the meeting held on 9 May 2023 were circulated, confirmed and signed by the Chair.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – THE KINGS HEAD,  
HAGLEY ROAD, HARBORNE, BIRMINGHAM, B17 8BJ.**

**On Behalf of the Applicant**

Dharminder Badhan - Applicant

**On Behalf of Those Making Representations**

No one attended.

\* \* \*

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Bhapinder Nandhra, Licensing Section advised that he had attempted to liaise with the applicant to ascertain if he had advertised the application in line with the legal requirements. However, he had failed to receive any response from him.

Mr Badhan advised that he had advertised the application but when asked to provide proof, he said he didn't have his laptop with him so couldn't provide the evidence.

At this stage, the Chair requested an adjournment to seek legal advice. All members and the Legal officer, and Committee Manager withdrew into a separate MS Team meeting.

After 5 minutes all parties returned and the Chair announced that due to the failure to provide evidence that the application had been advertised in line with requirements the application is deemed invalid and the hearing would be dispensed with.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

5/300523     **RESOLVED:-**

The matter was before the Sub-Committee to consider an application by Mr Dharminder Kumar Badhan for a premises licence in respect of The Kings Head, Hagley Road, Harborne, Birmingham B17 8BJ.

At the start of the meeting the Chair asked the applicant to provide confirmation that he had met the requirements of s17 of the Licensing Act 2003, namely the requirement to advertise his application in the prescribed manner. The applicant did not do so, and the application was therefore invalid.

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CHAIR.....



**BIRMINGHAM CITY COUNCIL**

**REPORT OF THE DIRECTOR OF REGULATION & ENFORCEMENT TO A  
SUB COMMITTEE OF THE LICENSING AND PUBLIC PROTECTION  
COMMITTEE**

**LICENSING SUB COMMITTEE B**

**20<sup>TH</sup> JUNE 2023**  
**LADYWOOD**

**CONTROL OF SEX ESTABLISHMENTS - SEXUAL ENTERTAINMENT VENUE.**  
**The Rocket Club, 258 Broad Street, Birmingham, B1 2HF**

1. Summary

- 1.1 Birmingham City Council's Sexual Entertainment Venue Policy became effective from 1<sup>st</sup> November 2014.
- 1.2 An application has been received for the Transfer & Simultaneous Renewal of the Sexual Entertainment Venue (SEV) Licence granted to The Rocket Club Gentlemen's Entertainment Limited in respect of premises known as The Rocket Club, 258 Broad Street, Birmingham, B1 2HF. The proposed transfer of this Sexual Entertainment Venue is to: Broad Street Birmingham Limited, 37 Warren Street, London, W1T 6AD as a Limited Company (Companies House Number: 14737350).
- 1.3 At the time of writing this report there are 7 SEV licences granted to premises within Birmingham 6 of which are located within the area bounded by the ring road (A4540).
- 1.4 As stated in Birmingham City Council's SEV Policy the Council considers that the part of the City which falls within the ring road (A4540) is an area which is appropriate to have an upper limit guide on the number of SEV's the appropriate upper limit being eight.

2. Recommendation

- 2.1 That Committee consider and determine the application for the simultaneous transfer & renewal of the Sexual Entertainment Venue licence in respect of The Rocket Club, 258 Broad Street, Birmingham, B1 2HF having considered the objection received and having regard to the options contained in paragraph 6.1 of the report.

Contact Officer: Shaid Yasser, Senior Licensing Officer  
E-mail: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

### 3. Background

- 3.1 An application has been received from Broad Street Birmingham Limited to transfer and simultaneously renew the Sexual Entertainment Venue Licence issued in respect of the premises known as The Rocket Club, 258 Broad Street, Birmingham, B1 2HF. A copy of the application is attached at Appendix 1.
- 3.2 The proposed hours of operation remain unchanged being 10:00am – 06:00am Monday – Sunday.
- 3.3 This is an application to preserve the Sexual Entertainment Licence in the name of Broad Street Birmingham Limited, a wholly owned subsidiary of the long lease holder, Broad Street Investments Limited.
- 3.4 If approved the Sexual Entertainment Venue will not be operated until it is further transferred to a tenant. Currently the property is being marketed and heads of terms are being negotiated with an experienced national Sexual Entertainment Venue Operator.
- 3.5 Any subsequent transfer application will need to be referred to a further meeting of a Licensing Sub Committee for determination in accordance with the current scheme of delegations approved by the Licensing & Public Protection Committee.

### 4. Consultation

- 4.1 The applicant was required to advertise the application in a local newspaper, post a notice outside of the premises for a period of 21 days and serve a copy of the application to the Chief Officer of Police.
- 4.2 In addition upon receipt of an application the Licensing Section consults with the relevant Local Policing Unit, the Licensing Enforcement Team, Business Rates and also notifies the appropriate Ward Councillors.
- 4.3 No objections have been received from West Midlands Police, Business Rates or the appropriate Ward Councillors.
- 4.4 Licensing Enforcement have no objection in principle to the transfer and renewal of the licence subject to additional conditions being attached to the standard conditions of licence. See Appendix 2.
- 4.5 On 4<sup>th</sup> May 2023, the applicant agreed to the additional conditions suggested by Birmingham City Council Licensing Enforcement. Their confirmation is attached at Appendix 3.
- 4.6 A copy of the Council approved standard conditions for Sexual Entertainment Venue licences are attached at Appendix 4.
- 4.7 Location plans are attached as Appendix 5.
- 4.8 Both parties have been invited to attend the hearing.



## 5. Matters for Consideration

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

## 6. Options Available

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

## 7. Right of Appeal

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

## 8. Implications for Resources

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

## 9. Implications for Policy Priorities

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

## 10. Public Sector Equality Duty

- 10.1 No specific implications have been identified.

163633 115818  
 Reps 14.04.2023  
 SEX ENT 1.6

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

## BIRMINGHAM CITY COUNCIL

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

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

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

#### Section 1

##### Application details:

Is this licence for the: Grant ☐ Renewal ☒ Transfer ☒

Is the application made by: an individual ☐ a partnership or other unincorporated body ☐  
 a company or other corporate body ☒

#### Section 2 – N/A

##### Answer only if Applicant is an individual

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

Permanent Residential Address.....

Any former names .....

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

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

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

Telephone Number (during normal office hours) .....

Email Address:.....

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

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

Yes ☐ No ☐ If "yes" to what extent .....

Is the whole business owned by the applicant?

Yes ☐ No ☐

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 17 MAR 2023 REF NO: E-39-52 INITIALS: GKS
--

Section 3 -N/A

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

Full Name of Applicant

.....

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

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

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

.....

.....

.....

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

Section 4.*Answer only where the applicant is a company or other corporate body*What is the name of the Applicant? *Broad Street Birmingham Limited* .....Has the Applicant previously been known by any other name and if so what name? *No*  
.....If the Applicant is a company, what type of company is it (e.g., public or private, limited by share or guarantee, etc.)? *Limited Company*  
.....What is the registered number of the Applicant *14737350* .....What is the registered office address? *37 Warren Street, London W1T 6AD*  
.....In which country is the company incorporated? *United Kingdom* .....What is the date of incorporation of the company? *17 March 2023* .....

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

Name (in full): Mr/Mrs/Miss/Other	Date of Birth	Address of permanent residence throughout six months immediately preceding this application	Date became resident of United Kingdom or other E.U member State
<i>Mr John Anthony Murphy</i>			
<i>Mr Joseph Paul Bromley</i>			

SEX ENT 1.6

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

No .....

What is the Applicant's trading address? 37 Warren Street, London W1T 6AD

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

**Section 5**

***All Applicants***

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

First Name..... Surname.....

Former Name (if any) .....

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

Permanent Address: .....

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

**THIS IS AN APPLICATION TO PRESERVE THE SEV LICENCE IN THE NAME OF BROAD STREET BIRMINGHAM LIMITED, A WHOLLY OWNED SUBSIDIARY OF THE LONG LEASE HOLDER, BROAD STREET INVESTMENTS LIMITED. THE SEV WILL NOT BE OPERATED UNTIL IT IS FURTHER TRANSFERRED TO A TENANT. CURRENTLY THE PROPERTY IS BEING MARKETING AND HEADS OF TERMS ARE BEING NEGOTIATED WITH AN EXPERIENCED NATIONAL SEV VENUE OPERATOR.**

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

If "yes" give full details.....

**Section 6****Premises details:**

Is this application in respect of: Premises ☒ Vehicle ☐ Vessel ☐ Stall ☐

Is the premises, vehicle, vessel or stall in use for sexual entertainment at the date of this application? Yes ☐ No ☒

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

What is full address of the premises for which a licence is sought? **258 Broad Street, Birmingham B1 2HF** .....

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

Under what name is, or will the premises be known? **The Rocket Club** .....

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

If no, please state:

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

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

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

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

a) Head-lease ☐ Sub-lease ☐ **The leaseholder is Broad Street Investments Limited which holds the entirety of the share capital of the applicant.**

b) the name and address of the landlord and of the superior landlord where applicable **N/A**

c) the length of the unexpired term **N/A**

## SEX ENT 1.6

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

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

*To be confirmed by future operator*

.....

.....

.....

.....

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

**Section 8.**

**If the application is for the Transfer of a Premises Licence**

Name of current Premises Licence Holder:

*The Rocket Club Gentlemen's Entertainment Limited* .....



Please give the reason/s for the transfer application:

*The old Tenant is in liquidation and has vacated the premises. Please see attached Notice of Disclaimer. This application is to preserve the licence.*

### **Section 9.**

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

If so, please give details of unspent convictions below:

#### **Convictions:**

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

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

If so, please give details below:

#### **Cautions:**

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

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

Been disqualified from holding a licence for a sex establishment?	No
Been refused the grant / renewal / transfer of a licence for a sex establishment?	No
Been the holder of a sex establishment licence when that licence has been revoked?	No
Been associated in any way with any other application for a sex establishment licence?	No
If 'Yes' to any of the above please provide details:	

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

Yes ☒ No ☐

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

**Director's home addresses due to safety and privacy issues.**

.....

.....

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

***If the licence is not renewed there will be delay and uncertainty agreeing a lease with any prospective Tenant which, for obvious commercial reasons, the Applicant is extremely anxious to avoid. If there are any queries please contact Niall McCann (Niall.McCann@keystonelaw.co.uk). The Applicant reserves the right to make further submissions on, or before, any Licensing Sub-Committee.***

(If necessary, please continue on a separate sheet)

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

I have made or enclosed payment of the fee ☒

Please check the following link for details of the cost of your application:-

<http://www.birmingham.gov.uk/licensingfeesandcharges>

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

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

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

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

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

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

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

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

Signature

Name of Signatory Niall McCann

Designation of Signatory Solicitor/Partner of Keystone Law

Date 17 March 2023

**NOTE:**

1. Your application should be determined within 60 days of receipt of all the information necessary for the Council to process and determine the application. (Please note that this will be subject to any Licensing Committee hearings) In the case of an incomplete application form, the Licensing Section will contact you for additional information to enable the application to be processed. Please refer to the Council's policy for Sexual Entertainment Venues which can be viewed via the Council's website.
2. Tacit Consent will not apply as it is in the public interest that the authority must process your application before it can be granted. If you have not heard from the Council within a reasonable period of time, please contact us using the contact details below.
3. THE NOTICE OVERLEAF MUST BE PUBLISHED IN A LOCAL NEWSPAPER CIRCULATING WITHIN BIRMINGHAM, NO LATER THAN 7 DAYS AFTER THE DATE OF YOUR APPLICATION.
4. THE NOTICE OVERLEAF, OR ONE IN A SIMILAR FORM, MUST BE DISPLAYED CONTINUOUSLY, ON THE PREMISES TO BE LICENSED, FOR A PERIOD OF 21 DAYS BEGINNING WITH THE DATE OF YOUR APPLICATION ON OR NEAR THE PREMISES AND IN A PLACE WHERE THE NOTICE MAY CONVENIENTLY BE READ AT ALL TIMES BY THE PUBLIC PASSING BY.

Birmingham City Council  
General Licensing Regulation & Enforcement  
P.O. Box 17831  
BIRMINGHAM  
B2 2HJ

[licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

[www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing)

FILE COPY



**CERTIFICATE OF INCORPORATION  
OF A  
PRIVATE LIMITED COMPANY**

Company Number **14737350**

The Registrar of Companies for England and Wales, hereby certifies  
that

**BROAD STREET BIRMINGHAM LIMITED**

is this day incorporated under the Companies Act 2006 as a private  
company, that the company is limited by shares, and the situation of its  
registered office is in England and Wales

Given at Companies House, Cardiff, on **17th March 2023**



\*N14737350H\*



Companies House



THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES

The above information was communicated by electronic means and authenticated  
by the Registrar of Companies under section 1115 of the Companies Act 2006

**From:** Sarah Lavender  
**Sent:** 03 April 2023 15:36  
**To:** Licensing  
**Cc:** Shaid Yasser  
**Subject:** SEV Rocket Club - Transfer & Variation

Dear Licensing,

Please find attached an objection to the application for the Rocket Club unless suggested additional conditions are attached to the licence.

The objection is submitted as the application is incomplete and Licensing Enforcement are therefore unable to consider the application in full.

I can confirm the required notice is displayed at the premises.

Regards

Sarah Lavender  
Licensing Enforcement Officer

## Enforcement Report

Further to the most recent application to Transfer and Renew the Sexual Entertainment Venue Licence in respect of The Rocket Club, 258 Broad Street, Birmingham B1 2HF.

As the premises is currently not trading and the application is sought to preserve the licence by the lease holder Broad Street Birmingham Limited, until a tenant can be found relevant information has not been included as part of the application to enable the Licensing Authority to consider the application in full. It is stated in the application that a transfer will be submitted once a tenant has been found for the premises.

Licensing Enforcement therefore object to the application unless the following additional conditions are attached to the licence.

The premises will not open for the provision of sexual entertainment at any time until all relevant information has been submitted and considered by the Licensing Authority to include but not limited to the following –

- Details of the person who is to be responsible for the management of the premises in the absence of the licence holder
- A plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority.
- A copy of the “club rules”. Such club rules must contain the required conduct of performers which shall include for example, no sex acts, no giving or taking phone numbers (including exchange of business cards).
- A scheme showing the exterior design for consideration by the Licensing Authority

The premises will not open for the provision of sexual entertainment until a full inspection has been conducted by the Licensing Authority. The premises must contact the Licensing Authority a minimum of 14 days before the premises intends to trade to enable an inspection to be arranged to ensure compliance with the conditions of licence.

Sarah Lavender  
Licensing Enforcement Officer

**From:** Niall McCann  
**Sent:** 04 May 2023 12:47  
**To:** Licensing; Marilyn Gayle  
**Cc:** Richard Williams  
**Subject:** SEV Rocket Club - Transfer & Variation

Afternoon

I can confirm that all the conditions suggested in the attached are accepted by my client.

Best,

**Niall McCann** | Partner

*Recognised as a Leading Licensing Lawyer by Chambers & Partners and The Legal 500  
2023 and Gaming & Betting by The Legal 500*

48 Chancery Lane, London WC2A 1JF, United Kingdom



KEYSTONE LAW





**BIRMINGHAM CITY COUNCIL****STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (SEV)**

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

- (i) “The Council” shall mean the Birmingham City Council and all enquiries concerning these Regulations and its conditions shall be directed to General Licensing Regulation & Enforcement, P.O. Box 17831, Birmingham, B2 2HJ. Telephone 0121 303 9896 or email [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)
- (ii) These conditions apply to all premises licensed as a “sexual entertainment venue” as defined by the said 1982 Act that is to say terms, conditions and restrictions on or subject to which licences under Schedule 3 of the 1982 Act are in general to be granted, renewed, varied or transferred.
- (iii) “Sexual Entertainment Venue” (‘SEV’) means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser or the entertainer.
- (iv) “Premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted.
- (v) ‘Relevant Entertainment’ means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- (vi) The Council may at any time waive, modify or vary these conditions or impose additional special conditions in any particular case.
- (vii) If the Licensee wishes any of the terms of the licence to be varied an application must be made to the Council.
- (viii) In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

## **OPENING HOURS**

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

## **WINDOW, FASCIA BOARD ADVERTISEMENT AND DISPLAYS**

2. Save for the entrance lobby, the interior of the premises shall not be visible to passers-by and to that intent the licensee shall ensure the area of the premises in which relevant entertainment is offered shall not be capable of being seen from outside the premises.
3. The windows, doors, fascia board, walls and all external parts of the premises including the roof shall not contain any form of writing, sign or display save for:
  - (a) The address of the premises.
  - (b) The licensed name of the premises.
  - (c) A notice stating the opening hours of the establishment.
  - (d) In the case of a licence granted to a body corporate:
    - (i) If the premises name is not the same as the full name of the body corporate then such corporate name and;
    - (ii) If the premises are also the body's registered office for the purposes of the Companies Acts then an indication in a form acceptable to the company that such is the case.
4. The lettering used in respect of such permitted items shall be of such colour and style as may be approved by the Council.
5. The licensee shall not permit the display outside of the premises of photographs or other images, which indicate or suggest that relevant entertainment takes place in the premises.

## **LICENSED NAME**

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

## **EXHIBITION OF LICENCE**

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

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

### **RESPONSIBILITY OF THE LICENSEE**

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

### **EMPLOYEES AND MANAGEMENT STAFF**

14. The licensee shall keep and maintain at the licensed premises a written record of the names, addresses, and copies of photographic proof of age documents of all persons employed or performers permitted to operate within the licensed premises whether upon a full or part time basis and shall, upon request by an authorised officer of the Council or police officer, make such records available for inspection to them. (see Conditions regarding Door Supervisors)
15. Condition 14 does not relate to persons engaged to carry out repairs or provide services from external companies to the premises, however, such persons must be aged 18 years and over if the premises are open for the purpose of providing sexual entertainment.
16. The licensee shall ensure that all persons employed or permitted to work within the licensed premises hold the appropriate rights to work and shall keep copies of any documentation used to verify the details of these rights where necessary.
17. The licensee shall maintain a register of the names, addresses and dates of birth of such person or persons (whether employees or otherwise connected with the business) who have authority to manage the premises in the licensee's absence.
18. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified to the Licensing Authority

## **CHANGE OF LOCATION AND ALTERATIONS TO PREMISES**

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

## **CLUB RULES**

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

## **FEES**

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

## **PERFORMANCES**

24. No person under the age of 18 shall be permitted to be on the licensed premises when sexual entertainment is provided. A notice shall be clearly displayed at the entrance to the premises in a prominent position stating that "No person under 18 will be admitted when sexual entertainment is being provided" so that it can be easily read by persons entering the premises.
25. Each area where relevant entertainment is conducted shall be supervised and/or contain a panic alarm for the safety of performers.
26. A customer code of conduct shall be prominently displayed in each area to which the public are admitted.
27. Performers shall be aged not less than 18 years.
28. Full nudity is only permitted in the approved designated areas, as stipulated or shown on the approved plan attached to the licence. In all other public areas within the premises the performers and employees must at all times wear at least a G string (female) and or pouch (male) covering the genitalia
29. During all performances (including performances usually termed 'private dances') there must not be any deliberate contact, by the performer, with any patron or person within the audience except:

- a). Leading a patron by the hand to and from a chair or private room or designated dance area.
  - b). Simple handshake greeting at the beginning and/or end of the performance.
  - c). A customary ("peck on the cheek") kiss at the end of the performance.
  - d). the placing of monetary notes or dance vouchers into the hand or garter worn by the performer.
- 30. No performances shall include any sex act involving any other persons or objects (or involve any form of auto-erotic stimulation).
  - 31. A price list shall be displayed in a prominent position giving the price and the duration of any 'private dances'.
  - 32. Any person employed to supervise or attend to the exterior or entrance area of the premises must, at all times be suitably and sensibly dressed so as not to indicate or suggest the nature of the relevant entertainment taking place at the premises.
  - 33. No fastening or lock of any description shall be fitted upon any booth or cubicle or other area within the premises except as shown on the plan; within the toilets, within the performers' dressing rooms and/or staff areas.
  - 34. At all times during a performance, performers shall have unrestricted access to a dressing room.
  - 35. Patrons or members of the audience shall not take photographs or record digital images of performers within the premises via a camera or mobile phones

### **DOOR SUPERVISORS**

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

### **CCTV**

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

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

### **TOUTING FOR BUSINESS AWAY FROM THE PREMISES**

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

### **ADMISSION OF AUTHORISED OFFICERS**

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





