

## BIRMINGHAM CITY COUNCIL

**LICENSING AND  
PUBLIC PROTECTION  
COMMITTEE  
23 OCTOBER 2019**

**MINUTES OF A MEETING OF THE LICENSING  
AND PUBLIC PROTECTION COMMITTEE HELD  
ON WEDNESDAY, 23 OCTOBER 2019 AT 1030  
HOURS IN COMMITTEE ROOMS 3 AND 4,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Olly Armstrong, Bob Beauchamp, Nicky Brennan, Neil Eustace, Adam Higgs, Nagina Kauser, Mike Leddy, Bruce Lines, Mary Locke, Chauhdry Rashid and Martin Straker-Welds.

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**NOTICE OF RECORDING/WEBCAST**

- 1226 The Chair advised that the meeting would be webcast for live and subsequent broadcast via the Council's internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members' of the press/public may record and take photographs except where there were confidential or exempt items.

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**DECLARATIONS OF INTEREST**

- 1227 Members were reminded that they must declare all relevant pecuniary and non pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest was declared a Member must not speak or take part in that agenda item. Any declarations would be recorded in the minutes of the meeting.

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**APOLOGIES**

- 1228 Apologies were received from Councillors Majid Mahmood, Simon Morrall and Mike Sharpe for non-attendance.

**MINUTES**

- 1229 The Minutes of the meeting held on 11 September 2019, having been previously circulated were confirmed and signed by the Chair.
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**The business of the meeting and all discussions in relation to individual reports are available for public inspection via the web-stream.**

**LICENSING AND AUTHORITY POLICIES, PROCEDURES AND DELEGATIONS**

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

(See Document No. 1)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. She referred to Appendix 1 and the following amendments: (page 12 Policy PHVSpec2 to be re-numbered) and typographical error on (page 13 Policy PHVSign 5 – to include “it must be displayed in the front windscreen.”

Paul Lankester, Interim Assistant Director of Regulation and Enforcement updated on the Safety Advisory Group’s (SAG’s).

He confirmed that as the policy had now been approved by the Leader therefore nominations were now being sought in order that they could be dealt with at the next City Council meeting. He subsequently explained the consistency of the new membership, the reasons why the changes had been made and the importance of having the correct governance system in place.

He reported that SAG’s had no formal decision-making responsibilities in terms of enforcement, and that they could only make recommendations to what should take place, and it would then be up to the Lead Officer to undertake the appropriate action.

At the request of the Chair, Paul agreed to circulate the Cabinet decision document to all members of the Committee in due course. He confirmed that the policy document and procedure would be reviewed once it had been in operation for 12 months, adding that some training in this area could be incorporated for members and especially for those that sat on SAG’s which was a requirement.

He confirmed that there would be a presentation on the draft principles of the new Street Trading policy at the next committee meeting, explaining the need for adequate control in this area of work.

The Chair referred to the Commonwealth Games and associated issues relating to Trading Standards and other aspects of Environmental Health which would be a point of discussion for the Committee in the near future.

Upon further consideration, it was :

1230

**RESOLVED: -**

- (i) That the Committee approved the scheme of delegations detailed within the report and;
  - (ii) the 2 amendments detailed in the preamble.
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**UPDATE REPORT ON UNAUTHORISED ENCAMPMENTS**

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

(See Document No. 2)

Mark Croxford, Head of Environmental Health, provided a comprehensive breakdown of the report.

In response to Members' comments and concerns, Mark referred to the capital funding that was being negotiated with colleagues in Housing in order to bring the two transit sites into operational use, while confirming that at this given time, was unable to provide a date as to when all the work would be brought forward.

Mark reported on the up to date position regarding Tameside Drive and the associated issues relating to the tenancy with the need to regularise the tenancy, so that once people were on the site, there was not a problem with having a proportion being a settled site, whereupon they would pay rent for their pitch, and any remaining pitches would be used as a transit site.

Mark briefly explained the issue regarding the supply and demand for pitches, and how they were looking to address this through government in being able to utilise pitches in other parts of the West Midlands, as well as, looking into the possibility for the provision of an overspill site.

He reported that pest control would be responsible for the cleanliness of the site and if there was a need for contractors to intervene, then the service would be financially supported by the money received. He highlighted that both the Department and Housing were committed to making this work.

Mark agreed to provide to Members the relevant information requested regarding travellers and encampments in due course.

The Chair referred to the usefulness of being provided with the appropriate standard advice and process in dealing with travellers' encampments; the importance of being supportive of officers that were dealing with these issues in a very professional manner, and the changes that would be hopefully introduced in dealing with unauthorised encampments in a more effective and timely fashion.

Upon further consideration, it was:

1231

**RESOLVED:-**

- (i) That the report be noted and Outstanding Minute Number 1169 be discharged;
- (ii) that the Committee requested a further report be brought in 3 months to update on the various work items contained within this report;
- (iii) that the letter at Appendix 2 be approved subject to the comments of the portfolio Holder for Homes and Neighbourhoods.

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**PROSECUTIONS AND CAUTIONS REPORT – AUGUST 2019**

The following report of the Interim Assistant Director, Regulation and Enforcement was submitted: -

(See Document No. 3)

Paul Lankester, Interim Assistant Director, Regulation and Enforcement made introductory comments relating to the report.

Upon further consideration, it was:

1232

**RESOLVED:-**

That the report be noted.

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**OUTCOME OF APPEALS AGAINST SUB COMMITTEE DECISIONS:  
AUGUST 2019**

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

(See Document No. 4)

Emma Rohomon, Acting Head of Licensing, made introductory comments relating to the report. She highlighted that in future, any costs awarded or not by the Court would be detailed within the report.

Upon further consideration, it was:

1233

**RESOLVED:-**

That the report be noted.

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**SCHEDULE OF OUTSTANDING MINUTES**

The following schedule of Outstanding Minutes was submitted:-

(See Document No. 5)

Discharged under item 6.

1234 **RESOLVED:-**

That Outstanding Minute No. 1169 be discharged under item 6 and all other Outstanding Minutes be continued.

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**OTHER URGENT BUSINESS**

- 1235 The Chair was of the opinion that the following items could be considered as matters of other urgent business in order to expedite consideration thereof and instruct officers to act if necessary: -

**Retro-fitting of Hackney Carriage Vehicles – LPG**

The Chair agreed to make notice of the above-mentioned item raised by Councillor Lines.

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**AUTHORITY TO CHAIR AND OFFICERS**

1236 **RESOLVED:-**

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

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At 11:20 there was an adjournment to 12:15.

**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT  
VENUE, ADULT WORLD, 1 HINCKLEY STREET, BIRMINGHAM B5 4EB**

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

(See document No. 6)

The following people were in attendance for the hearing: -

Ryan McNulty	-	Director of Coventry Road Lingerie Limited
Doug Wright	-	Licensing Enforcement Officer
David Kennedy	-	Licensing Officer
Gary Stevens	-	Old Rep Theatre
Derek Pitt	-	Birmingham Ormiston Academy

At this junction, the Chair welcomed everyone to the meeting and made the necessary introductions. He outlined the running order of the business and 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 Officer to present the report.

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

Ryan McNulty, Director of Coventry Road Lingerie Limited made the following comments in support of an application renewal for Adult World, 1 Hinckley Street, Birmingham, B5 4EB:

- He apologised to the representatives of the Old Rep Theatre and Birmingham Ormiston Academy at the beginning of the Hearing for any issues arising in a troubled area of Birmingham.
- He referred to the 4 CCTV's that had been recently installed at the front door of the SEV premises covering the surrounding area, which could be accessed by the Old Rep Theatre at any time, if there were any outdoor issues on Hinckley Street, adding that the cameras recorded over 30 days.
- He highlighted that the SEV premises had remained unchanged since he had taken over the business 3 months ago and that no changes had been sought on the SEV licence as part of the renewal application. He added that the staff employed by the business had worked there for the past 4 to 5 years.

In response to Members' questions, Ryan McNulty made the following points:

- The business had been trading for 18 years on Hinckley Street without any objection and as a SEV premises for 12 months.
- He had been a licensee for 6 years for two sex establishments in Small Heath, again without any objection.

Doug Wright, Licensing Enforcement Officer, reported that there were no residential premises nearby Adult World and the entrance to the premises was some distance away from the shops located at Grand Central Station to be considered an issue.

He reported that families using the facilities at the Old Rep Theatre and the Comfort Inn both located in Station Street and the Holiday Inn nearby Hill Street, and subsequently referred to the map detailing the following places of interest; Grand Central, John Lewis and the indoor market and their location in relation to Adult World.

He reported that Adult World had 3 licences on the premises; the shop, the cinema and the SEV shop. The cinema had been operating since 2010 without any representations or complaints and the SEV enforced since 2018.

He referred to the Big City Plan highlighting that there was no specific mention of Hinckley Street or Dudley Street albeit the redevelopment of New Street Station had now been completed.

At this juncture, Gary Stevens, Old Rep Theatre, made the following comments in objecting to the renewal of the SEV licence in respect of Adult World, 1 Hinckley Street, Birmingham B5 4EB:

- Hinckley Street was poorly lit and troubled with homelessness and drug issues, attracting people to sit in their cars.
- The Old Rep had developed a robust and educational complex whereby students from Birmingham Ormiston Academy used the facilities during the day through to the evening shows and children from 5 years upwards attended the youth theatre at the venue.
- There were safeguarding concerns, as its customer base profile was mainly young families and students aged 16 plus who visited the premises through the back-stage door on Hinckley Street.
- The back-stage door was several metres away from Adult World and served also as an access point for disabled customers.
- The Old Rep had issued guidance to students on travelling arrangements to its venue following an incident that occurred 14 months ago when a female student had been approached by a male in a car near to Adult World, although, could not confirm whether the male involved was in the vicinity, as a result of Adult World.
- The Old Rep and Birmingham Ormiston Academy had made several complaints to West Midland Police up until August 2019, however, confirmed that the evidence they held, could not be considered as a direct result of Adult World.

At this juncture, Derek Pitt, Birmingham Ormiston Academy, made the following comments in objecting to the renewal of the SEV licence in respect of Adult World, 1 Hinckley Street, Birmingham B5 4EB:

- Reference was made to Hinckley Street and how it was perceived by families, students and children having to walk past Adult World in order to get to the back-stage door of the Old Rep in poor street lighting.
- As some customers visiting the Old Rep had felt uncomfortable and vulnerable, it was highlighted that safeguarding was taken seriously due to the perception of a SEV premises located close by.
- Students attending the Old Rep during the year for schooling and for productions, would use the back-stage door to access the venue in order that they could be registered and counted which was all part of their safeguarding and wellbeing programme.

- It was noted that the front entrance of the Old Rep was not used due to the internal layout of the premises having different levels making access unsuitable for its visitors.

In response to a Members' questions the following points were made:

- Both representatives expressed concerns about undesirables on Hinckley Street baiting female students based on 2 complaints received some 12 to 18 months ago, albeit, could not confirm that they were attributable to Adult World.
- It was noted that there were parking restrictions on Hinckley Street which meant that only loading could take place for 30 minutes.
- It was noted that if the door of the premises was open, it could be seen that lap dancing was advertised.

The Licensing Officer confirmed that the licensee was compliant with the conditions, and the signage was in line with what would be expected from that type of establishment.

At this juncture, Gary Stevens, Old Rep Theatre and Derek Pitt, Birmingham Ormiston Academy provided very brief submissions in their objections to the renewal of the SEV licence.

Ryan McNulty, Director of Coventry Road Lingerie Limited, provided a very brief submission in support of the application renewal.

At 1328 hours the Committee adjourned, and the Chair requested that all present except for the Members, the Committee Lawyer and Committee Manager withdraw from the meeting.

After an adjournment, all parties were recalled to the meeting at 1338 hours and the decision of the Committee to grant the renewal application was announced with Ryan McNulty, Director of Coventry Road Lingerie Limited, being advised of the full decision and reasons as set out below in due course:-

1237

**RESOLVED:-**

That, having considered the application for renewal for the Sexual Entertainment Venue licence held under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 by **Coventry Road Lingerie Limited**, in respect of: **Adult World, 1 Hinckley Street, Birmingham, B5 4EB** upon the representations by other persons.

**BE GRANTED SUBJECT TO THE FOLLOWING CONDITION**

**1. That the outline of the former illuminated sign of a woman displayed high above the front entrance of the premises is removed either by way of cleaning the façade or covered over with paint or other suitable method.**



At the start of the hearing, the Principal Licensing Officer presented the agenda report and confirmed that none of the mandatory grounds for refusal were engaged by the application.

Members noted the applicant conveyed his apologies to the representatives of the Old Rep and Birmingham Ormiston Academy at the beginning of the hearing for any issues in a troubled area of Birmingham. The applicant stated 4 CCTV's were recently installed at the front door of the SEV premises covering the surrounding area which could be accessed at any time by the Old Rep if there were any problems outside on Hinckley Street.

The applicant made clear that the SEV premises remained the same since he took over the business 3 months ago and that no changes were sought on the SEV licence as part of the renewal application. In response to Member's questions, the applicant explained the business has been trading for 18 years on Hinckley Street without any objection and as a SEV premises for a year, and that he was a licensee for 6 years for two sex establishments in Small Heath, again without any objection.

Members then carefully considered the written and oral representations made by those representing The Old Rep, and Birmingham Ormiston Academy who objected to the renewal of the SEV licence based on the perception of Adult World on Hinckley Street. The Licensing Enforcement Authority's inspection of the premises was also considered as submitted in writing and orally at the hearing.

The representative for the Old Rep spoke first explaining that Hinckley Street is poorly lit and troubled with homelessness and drug issues, attracting people to sit in their cars. The Old Rep had safeguarding concerns as its customer base profile was primarily young families and students aged 16 plus who visited the premises through the back-stage door on Hinckley Street. It was noted, the back-stage door was a few metres away from Adult World and served also as an access point for disabled customers. The Old Rep had issued guidance to students on travelling arrangements to its venue following an incident that occurred 14 months ago when a female student was approached by a male in a car near to Adult World.

The representative also commented in response to a member's question that both the Old Rep and Birmingham Ormiston Academy had made complaints to the Police up until August and conceded none of the evidence they had was directly attributable to Adult World.

The Birmingham Ormiston Academy's representative then addressed members on how Hinckley Street was perceived by families and children having to walk past Adult World in order to get to the back-stage door of the Old Rep in poor street lighting. The representative explained the front entrance of the Old Rep was not used due to the internal layout of the premises which had different levels making access unsuitable for its visitors.

In response to member's questions both representatives expressed concerns about undesirables on Hinckley Street baiting female students based on 2

complaints received 12 to 18 months ago. Some of the customers visiting the Old Rep felt uncomfortable and vulnerable, and as such safeguarding was taken seriously due to the perception of a SEV premises located a few metres away.

During closing submissions, members noted the SEV premises was compliant with the SEV licensing conditions and did not attract any comment from West Midlands Police during the representation period prior to the hearing. Further, there were parking restrictions on Hinckley Street that meant only loading could take place for 30 minutes. It was noted, the applicant had retained existing employee's on acquiring the business a few months ago who were quite familiar with the trading business and had gone the extra length to install 4 CCTV's outside the front entrance to assist his immediate neighbours.

Under the 1982 Act, the Committee has the discretion to refuse applications relating to sexual entertainment venues on the grounds that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality. For the purposes of the 1982 Act the relevant locality means, in relation to premises, the locality where the premises are situated. Members therefore considered whether the renewal of SEV licence would be inappropriate having regard to the character of that locality as described by the objectors.

The Committee considered the locality of the SEV had been characterised by the two representatives based on their perception of Hinckley Street, and that of their customer's travelling experiences of having to walk past Adult World to access the Old Rep via it's back-stage door. The Committee noted the feel of the locality was influenced by the issue of poor street lightening, and passers-by on the street that could be homeless or vulnerable individuals, both of which were outside of the applicant's and the Committee's control.

The nature of the clientele that sexual entertainment venues may attract, and their behaviour outside the premises, may also be inappropriate in the context of the character of the locality in which the premises are situated, however, Members could not find any evidential and causal links between the two incidents commented on by the objectors that occurred 12 to 18 months ago to the SEV premises. The same finding applied to the purported reports of incidents to the police by the objectors which were non- particularised. The Committee determined the objectors gave anecdotal information that was vague in detail which could not be directly associated with the SEV premises or it's business.

In the absence of any representation from West Midland Police on crime and or disorder occurring in the vicinity of the SEV premises, members considered Adult World was a compliant business [as did the Licensing Enforcement Officer] that should be allowed to continue with it's operation under a renewed licence subject to one condition. Members identified from the photo's attached to the agenda report, an image of a female above the front door of the SEV appeared to be visible and that could be covered over with paint to make the building exterior as plain as is possible to passers-by.

**Licensing and Public Protection Committee – 23 October 2019**

All parties are reminded that under the provisions contained within Schedule 3, paragraph 27 of the Local Government (Miscellaneous Provisions) Act 1982, the applicant has a 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 meeting concluded at 1340 hours.

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CHAIRMAN