

**BRISTOL CITY COUNCIL  
LICENSING COMMITTEE  
20 JANUARY 2012**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
REPORT ON THE APPLICATION FOR A SEXUAL ENTERTAINMENT  
VENUE MADE BY BRUCE ASHMORE IN RESPECT OF PREMISES  
TRADING AS LOUNGE @ 30, 30 CLARE STREET, BRISTOL.**

Report of the Strategic Director of Neighbourhoods and City Development

**Purpose Of Report**

1. To seek consideration of an application for the grant of a sexual entertainment venue licence in respect of premises trading as Lounge @ 30, 30 Clare Street, Bristol.

**Background**

2. The Council has adopted the Local Government (Miscellaneous Provisions) Act 1982, as amended, therefore, subject to limited exceptions and exemptions, or in the absence of a waiver, premises offering relevant entertainment require a Sexual Entertainment Venue (SEV) licence to operate in the city of Bristol.

3. There is a presumption in the legislation that applications for a licence will be granted unless there is a statutory ground for refusal. Some refusal grounds require the Council to refuse an application (mandatory grounds for refusal) and some grounds enable the Council to refuse an application but do not require the Council to refuse (discretionary grounds for refusal).

4. Where a licence is granted any standard conditions in regulations made by the Council will automatically be imposed unless expressly excluded or varied by the Council. The Council through this committee, has made regulations and has also adopted policy to facilitate consideration of applications and guidance is provided to the committee in subsequent paragraphs of this report.

5. The application was submitted on the 28 July 2011. The company has applied for a licence to provide relevant entertainment between 18.00 hours and 04.30 hours Mondays to Sundays.

6. The relevant entertainment is described as including:

Live performance, live displays of nudity, male exposure of the pubic area, genitals and anus, female exposure of nipples, public area, genitals and anus.

Relevant entertainment to be mainly provided by way of:

(a) including pole dancing in varying stages of undress (male and female),

- (b) performance on stage, such as burlesque or choreographed performances (male and female),
- (c) nude performances in private dance booths (female)
- (d) Stag Show' performances to take place on stage or in larger booths performed in varying stages of undress.

Members may wish to clarify with the applicant what 'stag show performances' mean.

7. Copies of the location map of the premises and the floor plans of the premises are attached as Appendix A.

8. A copy of the logo to be displayed on the premises that is visible from the exterior is attached as Appendix B.

9. Copies of the premise's house rules, code of conduct for dancers and performer's rules / contract are attached as Appendices C and D respectively.

10. Additional information has been supplied by the applicant which they wish the Council to take into account when considering this application is as follows:

"The provision of sexual entertainment at Lounge @ 30, 30 Clare Street, Bristol has been in existence since 27 November 2008. To date there have been no difficulties with either the police or the City Council in relation to the operations at Lounge @ 30. The management pride themselves on operating a well run business within the parameters of their Licence conditions. (It is assumed that reference to licence conditions are those that are attached to the premises licence issued under the Licensing Act 2003)."

11. Application has been made to exclude / vary standard conditions C,L,P and Q.

Condition C: requires that relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas.... The applicant's request to exclude this condition is set out as follows:

Individual cubicles are three sided and closed off by a curtain. A camera is mounted in each cubicle and performances are monitored through that camera at all times.

Condition L: Limits the display on the exterior of the premises. The applicants request to exclude this condition is set out as follows:

The Applicant intends to see the advice of the City Council's licensing officer as to signage. (It is unclear whether use of the word 'see' is a typographical error and should read as 'seek').

Condition P: Requires automatic closure device for exterior doors. The applicants request to exclude this condition is set out as follows:

The external access at St Nicholas Street is constantly supervised by the security staff, as is the internal access from Bar @ 30 on the ground floor.

Condition Q: Controls means of advertising and attracting custom. The applicants request to exclude this condition is set out as follows:

Flyers are handed out in the street outside the premises. This practice has been carried out for the past two years and there has been no complaint. The practice is conducted only between the hours of 21:00 and 03:30 and is the primary means of attracting customers to the premises and sustaining the business.

### 13. Observations and objections

In considering this application the Council must have regard to any observations submitted to them by the Chief Officer of Police and any objections of which notice has been sent to them under paragraph 8 (15) of the adopted legislation. Paragraph 8 (15) provides that:

“Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority stating in general terms the grounds of the objection, not later than 28 days after the date of the application.”

14. This application was made on 28 July 2011 and a total of fifty seven objections were received prior to the deadline, summaries and details of which are attached at Appendix G and the committee must have regard to them. The Council must not disclose the identity of any objectors without their consent. The main themes of the objections are set out below.

#### A. Nature of the area.

- a) The premises are located in the city centre close to a busy transport hub used by commuters, school children, tourists, passengers travelling to and from the airport and the public.
- b) There are several residential dwellings, hotel rooms and youth hostel facilities in the near vicinity.
- c) There are other such venues in close proximity.
- d) Concerns are raised as to why users of the above facilities, schoolchildren, commuters, charity volunteers and clients should be forced to walk past a sexual entertainment venue to reach their school, community activity or offices.
- e) Venue is in proximity to a busy parish church which carries out religious services and provides many community based activities, the Bristol Office of the Samaritans, Bristol Register Office, travel specialist books shop, banks, language schools and several restaurants and other businesses

#### B. Target clientele of venue.

The premises specifically targets stag parties which are often made up of large groups of men who may be or become inebriated, sexually aroused or frustrated. The affect of such venues are to dehumanise resulting in the objectification of women. The presence of large groups of often young men who almost always abuse alcohol will have a negative impact on levels of crime and disorder and public nuisance, as well as on perceptions of personal safety in the locality.

### C. Management of adverse behaviour.

Clear controls can be placed on activities within the premises but not on the control of individuals outside. An example being the use of CCTV which is reactive in that it only records crimes etc after the event and cannot guard against such incidents as sexual assaults. There is little protection for the public outside of the venue.

### E. Gender Equality and the Objectification of women.

That nude dancing and lap dancing encourages the objectification of women and men and will contribute towards the breakdown of family relationships. Such activities can promote unhealthy addiction being linked to the drugs trade and people trafficking.

### F. Equality Duty

The Council is obliged by the Public Sector Equality Duty to have due regard to the need to eliminate sex discrimination and sexual harassment, and to advance equality of opportunity between men and women. Such venues also send clear messages about women's place in society as second class citizens and men's ownership of public spaces above women and children.

## 14. Equalities Impact Assessment

(a) Before making a decision, section 149 of the Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

i) eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

ii) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to:

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic.

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

(b) This duty places an obligation on the Licensing Committee to ensure that

the need to promote equality is taken into consideration with regard to every aspect of its decision making, this will include the circumstances of each individual application, the findings of fact once the application has been considered, including the taking into account of any objections and any response the applicant may choose to make when heard by the committee.

(c) The Council is committed to ongoing Equalities Impact Assessment of its policy, standard conditions and individual applications. The assessment in this paragraph is intended to focus on the consideration of the four transitional applications received since the first appointed day.

The following paragraphs identify some issues that may be considered relevant to the need to have due regard as described above. It is not intended to be an exhaustive list but aims to highlight issues that are anticipated to arise in applications for SEV licences, although it should be born in mind that each application must be considered on its own merits.

(d) Suitability of the applicant

The SEV Policy sets out a number of discretionary grounds under which a licence can be refused. The application process requires details of relevant Court and Tribunal proceedings, including findings of relevance to the conduct of the management towards persons with protected characteristics and of any convictions to be made known to the Council. This expectation is particularly relevant to the duty due to the risk of an adverse impact on equalities groups that may result if an unsuitable person is permitted to hold such a licence. Should any SEV licence be granted a set of robust conditions may be imposed that will cover all aspects of the operation, including the protection of workers providing any activity allowed under the licence. The majority of the premises that are likely to be regulated under this regime predominantly employ or contract women to provide relevant entertainment and therefore it is particularly relevant in connection with the gender equality duties. In addition to consideration of any convictions it is also important to consider whether the applicant has committed any relevant offences, for example breaches of any conditions on licences held under similar regulatory regimes. The applicant's experience is also an important factor as the committee will wish to be satisfied of the person's ability to ensure the safety and wellbeing of performers, employees and members of the public. The committee will also wish to be confident of the applicant's ability to understand and adhere to any conditions imposed should any licence be granted. Members have identified in the development of their policy and when making regulations establishing standard conditions that women involved in the provision of lap dancing and similar relevant entertainment can experience harassment, sexual assault, arbitrary fines, lack of clearly defined rules and unsafe working conditions. Plainly confidence that operators and the team they employ are suited to the high standard of management and adherence to conditions that the council expects is relevant to the Council's positive obligations under Equalities legislation.

(e) Character of the locality

Lounge @ 30 is located on Clare Street within the area known as the 'Old

City', the former commercial hub of Bristol and now in the heart of Bristol's night time economy. This location attracts higher levels of violent crime than other areas of the city, for this reason following requests from the Police due to the high levels of alcohol fuelled crime this locality has been designated as a Cumulative Impact Area in the statement of Licensing Policy adopted by the Council under the Licensing Act 2003. Members should consider on the basis of the application before them, whether this is a suitable operation at this particular location. Factors to take into consideration could include the impact of the proposal on persons with protected characteristics who may be in the vicinity of the premises bearing in mind the high footfall at this location.

(f) The Premises

Members will have had the opportunity to visit the premises and view plans of the layout. Members will need to consider if there are any accessibility issues and if so measure proposed to address them. The type of operation undertaken at the premises can reasonably be described as a lap dancing club and it would not be unreasonable to assume that the performance at the premises would generally (although not necessarily always) be women providing regulated entertainment to a male audience. Members are therefore required to have due regard to the duties described above. In particular members should consider the impact of the layout of the premises, whether they provide a high level of safety for performers, consideration should be given to CCTV coverage of the premises including the quality of the images and the monitoring arrangements. This will be highly relevant in areas where, if permitted under the terms of the licence, private dances may take place. The external appearance of the premises could also be relevant to the duty. Members need to be satisfied that any frontages are appropriate and for example ensure due regard is given to the potential for what is proposed to impact on the need to foster good relations between persons who share a relevant characteristic and those who do not.

15. Late Objections

There are a number of ways in which objections are made after the statutory deadline. Individuals or bodies seeking to object might write to your officers, or use the public forum process, or engage in lobbying of committee members. It is used to be thought that the legal position was that late objections could not be received and considered in this regime, but recent case law has made it clear that there is discretion to take late objections into account.

16. Late objectors do not have the rights enjoyed by those who have made their views known before the deadline who have a right to anonymity and a right to have their objections taken into account.

17. The Committee has indicated that given the length of the transitional process, it is minded to take into account material that is received after the deadline but that may be relevant to their deliberations. The committee will ensure that the applicant company has a full opportunity to answer any late issues raised over and above those that are already included in this report. This includes not only an opportunity to address the committee at this meeting

but also to make any written representations that will be included in the report to the further meeting of this committee that will determine all four transitional applications once they have all been individually considered.

#### 19. Observations of the Chief Officer of Police.

The Police observations relate to incidents and significant issues that they are aware of, which occurred between 1 January 2011 and 13 December 2011.  
Observations of Chief Officer of Police

##### (i) Introduction.

This is a report on the Lounge @ 30 for Bristol City Council Licensing Committee when considering their application for a Sex Entertainment Venue licence.

This report has been prepared to give a snapshot of the Avon and Somerset Constabulary involvement with the premises from the 1/1/2011 until 13/12/2011.

The report has been compiled in many cases from a number of sources. In preparing these the police have endeavoured to be fair and balanced and to reflect a true picture of what happened.

It is likely in working through the incidents and writing a précis of events certain entries in particular documents have been revised so that for instance a suspected serious injury in an initial report may be reduced to bruising in the summary, equally where the outcome was more serious that is likely to be reflected in the summary.

The source data used in preparation of this file includes witness statements, e-mails, memos, crime and police reports, intelligence reports, meeting notes and police storm logs (incident reports). In every case, where there is doubt over the summary, reference should be made to the source data that held by Avon and Somerset Constabulary.

If any party wishes to seek clarification on any point within the documents or source data the police will endeavour to assist.

##### (ii) Incident Logs.

Below is a summaries list of all 'incidents' and significant issues that have occurred between 1<sup>st</sup> January 2011 and 13<sup>th</sup> December 2011. The source of the documentation which relates to the summary is referred to by incident number and the original is held by Avon and Somerset Constabulary.

They have been only 7 incident logs during this period none of which raise any concerns.

##### (a) 4/1/2011. AS-20110104-1110.

Emergency activation of pub net radio. Police attended and it was a

false alarm.

(b) 3/2/2011. AS-20110203-0738.

Premises reported a burglary where laptop and equipment used by DJ was stolen. Crime report 13613/11 refers.

(c) 27/4/2011. AS-20110427-0080 and 0082.

Report from door staff of male being refused entry and being aggressive towards them. Male left prior to police arrival.

(d) 18/9/2011. AS-20110918-0553.

Police requested to make a check at the premises for a female who works at the premises who had been reported as missing. Female was located before police attendance.

(e) 9/10/2011. AS-20111009-0017.

Male reported that some females at the premises had taken his mobile phone and wallet. Male had been refused re-entry in club. Male refused to give further details to police. NFA taken. .

(g) 16/10/2011. AS-201116-0182.

Police came across a male with a facial injury outside the club. Male refused to give details or state how he had been injured.

(iii) Visits to premises.

A licensing check visit was made by officers of the Police and Council's enforcement team operating within the Joint Enforcement team (JET) on the 4/11/11. The visit resulted in the following breaches being identified.

1. No refusal book.
2. Plaster board partially covering one of the emergency exits.
3. Accident book being used instead of incident book.
4. The time and date were incorrect on the CCTV system.

The DPS was advised to rectify the above.

During the visit officers were tasked with looking at the operation of the premises and talking to the females employed as dancers. Below are excerpts from visit reports.

*1. A few breaches were identified, our main concerns were regarding the documentation the premises accepted for the working females, one passport had expired in 2003 and was of a 13 year old girl. There was no incident book in place and an accident book was being used instead of an incident book.*

*2. The 1st floor of the venue consisted of a bar, pole (very small with extremely small stage area) and private area (I believe with a number of booths). The second floor was more seedy, it had 2 private rooms that were dimly lit and more secluded than the ones on the first floor. I spoke to a number of females who seemed happy to work at the venue and there was no indication then the females did more than dance and*

*remove their clothing. Many females were from Eastern Europe or local to the area. There were a lot of females working in the venue and the facilities provided were poor. They had a very small changing area in which to get ready and the overall appearance was untidy.*

(iv) Future Police Action.

It is planned to carry out a further licensing check in the new year to see if the breaches above have been corrected.

20. In addition the Police have provided some observations that they consider ought not to be in the public domain. Your officers have considered the information and agree that paragraph 7 of Part 1 of Schedule 12(A) by the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006 applies to the material so it has been included in a short exempt report that the committee should consider after the public have been excluded from the meeting. The Applicant and its representatives, together with the Chief Officer of Police's representative (if in attendance) should be permitted to remain to enable them to address the committee about the material in the exempt report should they wish to do so.

21. Determination of application.

Members will be aware that the all applications received between the 31 January 2011 (First Appointed Day – FAD) and the 31 July 2011 (Second Appointed Day – SAD) must all be considered before any application can be determined. There are four such applications in total. Members are therefore asked to engage in consideration of this application at this meeting but to defer tabling of resolutions for the grant or refusal of the application to the meeting scheduled to take place on 30 January 2012.

22. Mandatory Grounds of Refusal

A licence shall not be granted:

- a) to a person under the age of 18; or
- b) to a person who is disqualified by reason of prior revocation of a licence;
- c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the 4 July 2011;
- d) to a body corporate which is not incorporated in an EEA state, or
- e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

23. These are mandatory refusal grounds. Having considered the information provided through the application process your officers advise that none of these grounds appear to apply in this case. Members should therefore focus their considerations on whether any of the discretionary grounds for refusal arise in respect of this application. These are dealt with in turn in the following paragraphs.

24. Discretionary Grounds of Refusal, paragraph 12(2)(a):

The Council may refuse the grant of a licence on one or more of four statutory grounds which are referred to in the following paragraphs:

Grounds a) and b):

- a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) That if the licence were to be granted 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.

25. The Council's policy identifies a number of factors that the Council may take into account in considering the suitability of such persons, these are set out on page 6 of the policy under the heading 'Discretionary grounds a) and b)' as follows:

In considering the suitability of those persons referred to in (a) and (b) above the factors the Council may take into account include:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equalities Act 2010)
- information germane to the person's ability to, among other things:
  - ensure the safety and wellbeing of performers;
  - ensure the proper protection of the public;
  - ensure the suitability of employees, performers and others using the venue;
  - prevent performance by or for those who may thereby be harmed, including minors;
  - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises;
  - engage constructively with the Council and other relevant regulators

26. An inspection visit was conducted at the premises on the 28 December 2011 by licensing enforcement officers to ascertain the current status of compliance with conditions attached to the premises licence issued under the terms of the Licensing Act 2003, which permits the sale and supply of alcohol, regulated entertainment and late night refreshment. The findings of that inspection are currently sub-judice and as such ought not to be in the public domain and as a consequence have been included in the short exempt report referred to at paragraph 20 above.

27. The applicant has been required through the application process to provide details of any convictions and of any other information that may be relevant to the consideration of this ground. A summary of the questions

posed in the application form and the applicants responses are attached as Appendix I. Members will note that there is no evidence of conviction, caution, discrimination cases, pending allegations or other matters having been disclosed at the time the application was made and your officers have no reason to doubt the veracity of the information then provided. Observations made more recently by the Chief Constable and Licensing Officers that are included in the exempt report referred to in paragraph 20 above, may be considered pertinent under the discretionary grounds for refusal.

28. Ground c)

That the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of the application is determined is equal to or exceeds the number which the authority considers is appropriate for that locality.

29. The Council's policy sets out how it will usually approach this issue. At a meeting of this committee on the 21 January 2011 the process by which this would be done for the transitional applications, namely that the Authority would review the applications and identify the locality or localities in which licences have been applied for. Having done so it would:

- apply its mind to those localities in a suitably focussed manner;
- identify any which were already subject to numerical control for other forms of sex establishments and consider whether those decisions need to be revisited;
- consider whether there is a number of sex establishments, or sex establishments of a particular kind which the authority considers is appropriate for that locality (which may be nil);
- make its stance known to the public (in particular to applicants and existing licensees in the locality) in advance of making decisions on applications.

30. At its meeting on the 23 November 2011 the committee decided that the City Centre (mirroring the City Centre Cumulative Impact Area (CIA) as applicable to the Licensing Act 2003) was the relevant locality for these premises and discussed the character of that locality having regard to its policy. The Council's existing paragraph c) policy for this locality was reviewed and it was resolved that the appropriate number of sex establishments , or sex establishments of a particular kind for this locality should be:

Sex shops – 2

Sex cinemas – 0

Sexual entertainment venues (SEV) – 2

31. The committee is reminded that policy is guidance, not rules and whilst the public and applicants can expect that adopted policy will usually be followed the policy must not be rigidly or inflexibly applied and nor must it be allowed to fetter the discretion of the decision taker. Therefore the committee should keep an open mind to arguments that its policy is wrong and / or that it ought not to be relied upon to found a refusal in a particular case.

There are currently no licensed SEVs in the City Centre area, there are

currently two other applications in addition to this within this locality seeking an SEV. Therefore if the Council follows its current policy this ground of refusal may be triggered when this application comes to be determined.

### 32. Ground d)

That the grant or renewal of the licence would be inappropriate having regard

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- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### 33. Ground d)(i)

That the grant or renewal of the licence would be inappropriate having regard to the character of the relevant locality.

At first glance this ground might appear to be a repetition of ground c) but the committee is reminded that whilst ground c) decisions concern sex establishments, or sex establishments of a particular kind, generally, ground d) is concerned with appropriateness of granting the particular licence applied for having regard to the relevant locality.

Accordingly, simply because ground c) does not apply to a particular application, it does not follow that ground d)(i) cannot arise. This is because, if granting what is sought in this particular type of relevant entertainment were considered to be inappropriate having regard to the character of the relevant locality, then this ground may be relied upon to found refusal notwithstanding that other types of relevant entertainment, or premises of a different appearance, or in a different part of the relevant locality etc may not be deemed to be inappropriate in that same locality.

In other words the test in d)(i) is focussed on the particular application and its appropriateness in the locality.

34. The adopted policy expects the character of the locality to be considered and the following factors to be taken into account:

- (i) the size and appearance of the premises
- (ii) their proximity to places where the public congregate for purposes other than use of the premises, such as bus stops and taxi ranks.
- (iii) the nature and style of the relevant entertainment that is proposed
- (iv) the nature of the clientele it is likely to attract and their number
- (v) the duration of the proposed licence / activity
- (vi) the manner in which the relevant entertainment is likely to be managed
- (vii) the risk of nuisance to others engaged in legitimate activity
- (viii) the proposed hours of operation

35. Members will note a number of objections are made to the appropriateness of granting this application that address factors identified in your policy as set out above.

36. Ground d)(ii).

The use to which other premises in the vicinity are put. Members will note that this ground refers to vicinity and not locality. Members will have conducted a site visit prior to considering this report and have the benefit of other information in the application form as well as that contained in this report and their own local knowledge to help in the consideration of the factors the policy expects to be taken into account in considering this ground, as follows:

Whether premises in the vicinity are out to any of the following uses:

- (i) Residential, in particular homes occupied by families
- (ii) leisure,
- (iii) educational establishments
- (iv) churches and other places of worship
- (v) family friendly facilities
- (vi) other sex orientated / adult premises (whether or not they are licensed / licensable)
- (vii) youth clubs
- (viii) women's refuges
- (ix) community centres
- (x) parks and other open spaces
- (xi) swimming pools
- (xii) public transport.

37. Ground d)(iii).

That the grant of the licence would be inappropriate having regard to the layout, character or condition of the premises in respect of which the application is made.

The policy expects the following to be taken into account:

- (i) Whether the premises are fit for the purpose proposed
  - (ii) their planning status
  - (iii) the general appearance to others using the locality
  - (iv) whether premises are self contained
  - (v) means of access and egress, whether shared with other building users
- (if any)
- (vi) accessibility
  - (vii) sight lines
  - (viii) 'hidden' areas and other places where effective monitoring may be hampered
  - (ix) standard decoration and 'fit out'
  - (x) visibility from the street
  - (xi) facilities for smokers
  - (xii) facilities for performers (changing, washing, wc, smoking areas, etc) and whether they are adequately separated from those provided for customers.

38. The granting of a Sexual Entertainment Venue licence has an effect on the conditions that are attached to a premises licence granted under the Licensing Act 2003. This issue will be addressed further when applications fall to be determined.

## **Legal Implications**

39. The key provisions are reflected in the main body of the report.

40. Members are aware that transitional and saving provisions apply to the first round of applications for a sexual entertainment licence. This application is one of four such applications received in Bristol all from existing operators who have a licence under the Licensing Act 2003 and who use their premises as a sexual entertainment venue under that 2003 Act licence.

41. Under the transitional provisions the Council must not determine any application made between the first and second appointed days until they have considered all such applications. This means the Council can only consider the application from the applicant at this meeting; It is prohibited from deciding at this stage whether or not the application should be granted or refused.

42. The committee will therefore wish to focus its consideration of the application on whether or not any of the grounds for refusal arise in this case. The report accurately sets out those grounds. It will be a matter of fact and judgement in respect of each ground whether or not they are capable of applying in the particular application under consideration and where they are available a matter for determination by the committee meeting on the 30 January 2012, whether or not to exercise its discretion to refuse the application.

43. Where (as in Bristol) the Council made regulations prescribing standard conditions every licence granted, renewed or transferred by them shall be presumed to have been so granted , renewed or transferred subject to any standard applicable conditions unless they have been expressly excluded or varied. Members will appreciate that the imposition of conditions is not the focus of this report, however, the inclusion of information regarding the applicants request that certain standard conditions ought to be excluded and / or varied in respect of any licence granted to it provides an opportunity for the committee to explore any issues arising out of those requests with the applicant at this stage.

44. Subject to acting within the statutory constraints referred to in this report and compliance with the Councils own procedural rules the committee is able to set its own procedure for the conduct of the meeting. In considering the application the committee must have regard to any observations submitted to them by the Chief Officer of Police and any objections of which notice has been sent to them under paragraph 8(15) of the Third Schedule of the 1982 Act. Sub paragraph 15 is set out in full in the report. All objections have been notified to the applicant to whom the Committee has afforded a right to appear before them and be heard.

45. The Committee has indicated it will consider if any late objections can be received. The Committee is advised that the content of any late objections that are accepted for consideration ought to be provided to the applicant in sufficient time to enable the applicant to consider and deal with them

appropriately.

46. The Act requires that an opportunity of appearing before and being heard by a committee or sub committee must be afforded to an applicant before refusing to grant, renew or transfer a licence etc. There is no requirement to allow objectors to be heard although this may be permitted. In exercising any such discretion the Council must have regard to the risk of unfairness to the applicant. The meeting should be conducted as a hearing of the applicant's case for grant of a licence and not as an adversarial contest between the opposing views of the applicant and the objectors. In hearing from objectors the committee must ensure that the applicant's opportunity to deploy all appropriate arguments to the committee remains unimpeded. It is recommended that the committee chair set out the arrangements for enabling objectors to address the meeting and for affording a hearing to the applicants. Standing orders should be suspended for this part of the meeting to facilitate this.

Pauline Powell  
Senior Solicitor  
For Head of Legal Services

#### **APPENDICES**

Appendix A - Locality map  
Appendix B - Plan of premises  
Appendix C - Applicant logo to be displayed on the exterior of the premises  
Appendix D - House rules  
Appendix E - Performer's rules / contract  
Appendix F - Details of public objections  
Appendix G – Summary of responses to questions to applicants  
Appendix H – Conditions as currently attached to the premises licence.

**RECOMMENDED:** The Committee is asked to consider the application.

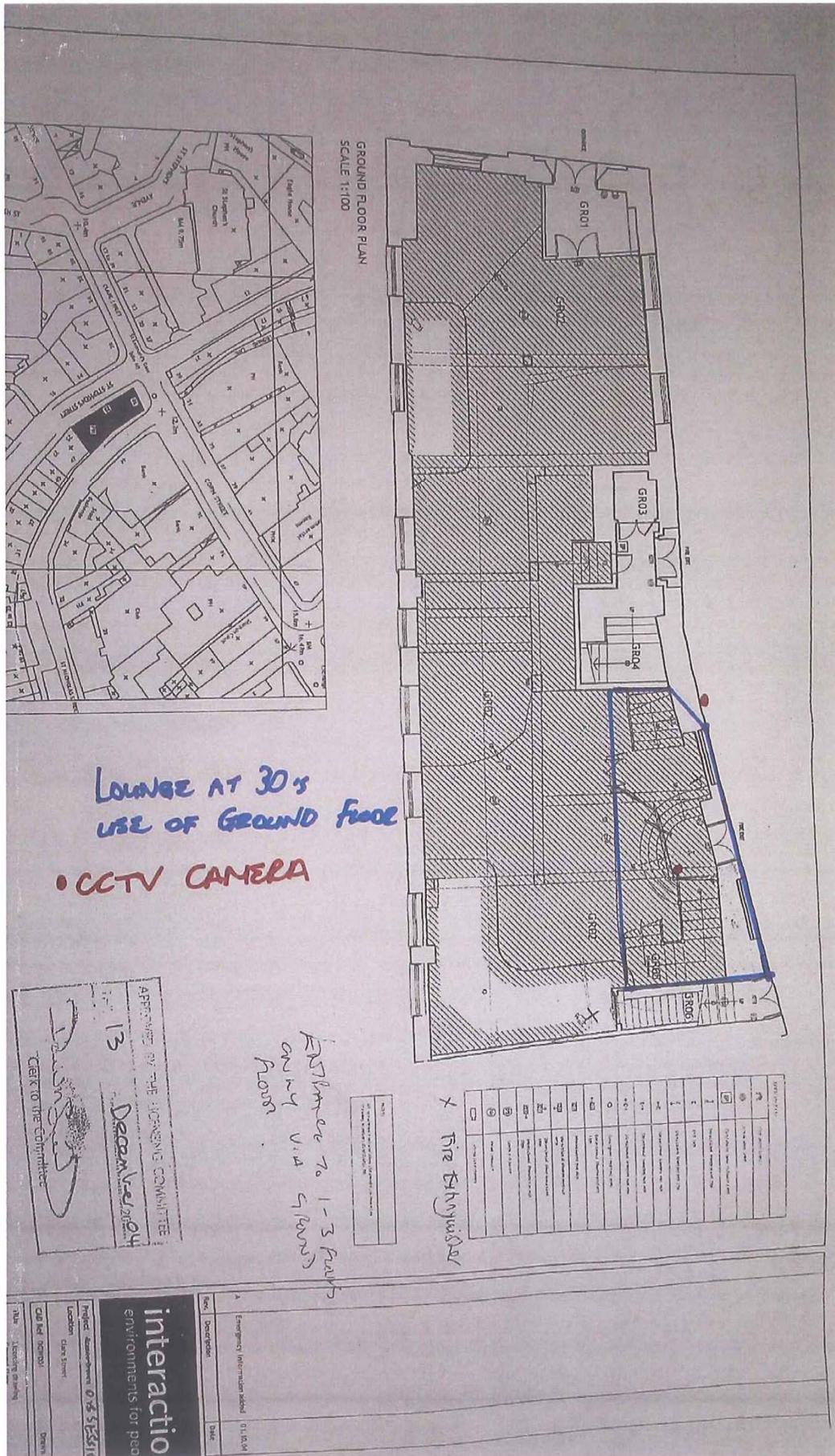
#### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

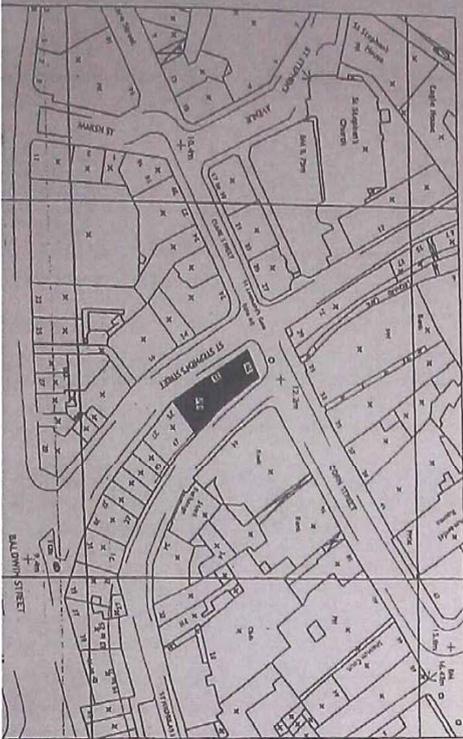
**Background papers: Application, letters of objection**

**Contact Officer: Myra McSherry, Licensing Administration Manager  
Neighbourhoods  
Telephone: 01179142500**



Location map and floor plans of premises





FIRST FLOOR PLAN  
SCALE 1:100



- DANCING AREA  
POOLS & STAGE
- CCTV CAMERA

APPROVED BY THE LICENSING COMMITTEE  
THIS IS PART OF *Deborah's* 1054  
Dek to the Committee

DATE: 11/11/11  
BY: [Signature]

NO.	DESCRIPTION	DATE	BY
1	Initial design		
2	Final design		
3	Final design		
4	Final design		
5	Final design		
6	Final design		
7	Final design		
8	Final design		
9	Final design		
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23	Final design		
24	Final design		
25	Final design		
26	Final design		
27	Final design		
28	Final design		
29	Final design		
30	Final design		

X FIRE STAIRWAYS

**interaction**  
environments for people

Project: *Deborah's* 1054 SESSIONS  
Location: City Street  
Old Ref: 01/000  
Title: Lobby drawing

SCALE: 1:100 DATE: 22/09/2010  
DRAWN BY: 864-D1-1-C-01 REV: A

NO.	DESCRIPTION	DATE	BY
1	Emergency information sheet	01/11/11	LV



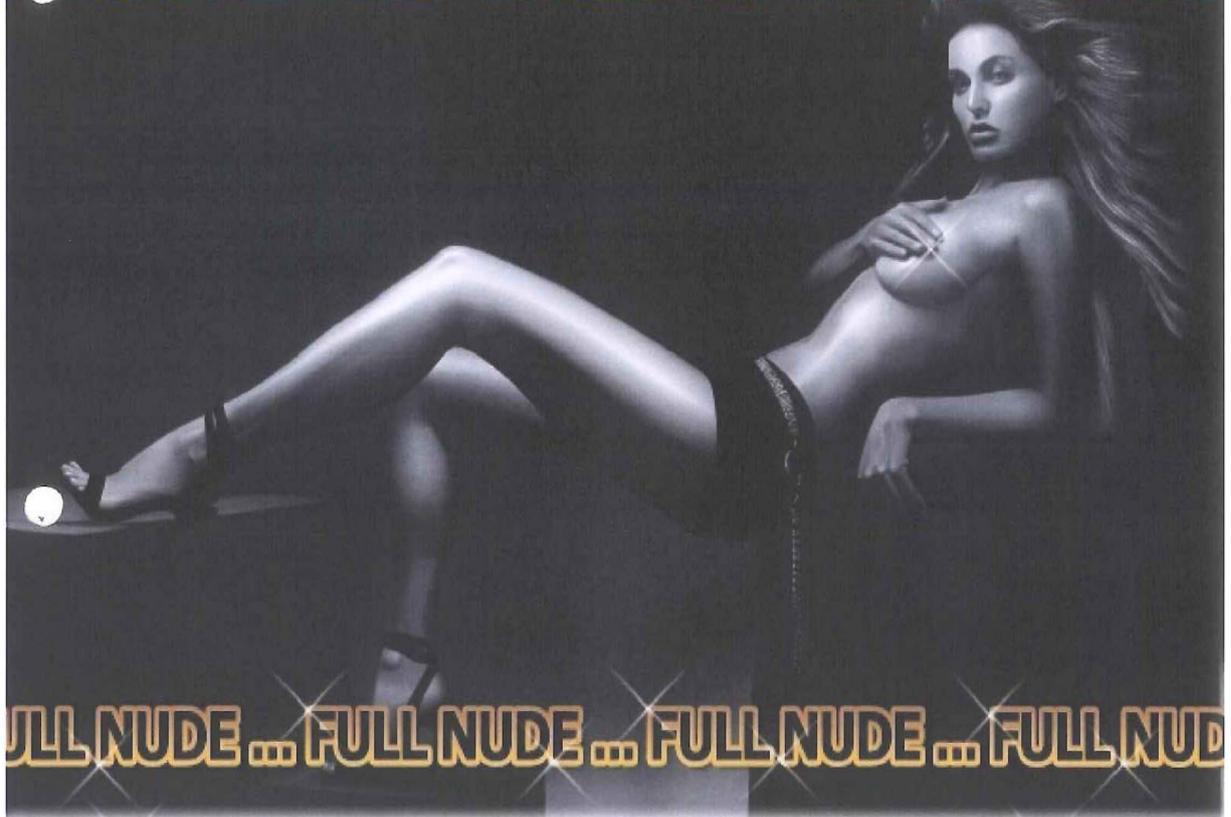




# LOUNGE @ 300

BRISTOL

FULL NUDE ... FULL NUDE ... FULL NUDE ... FULL NUDE



FULL NUDE ... FULL NUDE ... FULL NUDE ... FULL NUDE

*A UNIQUE BURLESQUE THEMED GENTLEMEN'S CLUB,  
YOU CAN RELAX IN THE LAP OF LUXURY WHILST OUR  
WAITRESS' TENDS TO YOUR ORDERS AND THE  
DANGERS TEND TO YOUR NEEDS.*

# LOUNGE @ 30

BRISTOL'S LARGEST, MOST EXCLUSIVE GENTLEMEN'S CLUB.

*Tease your dark side...  
You know you want to!!!*

3 Floors Of Entertainment



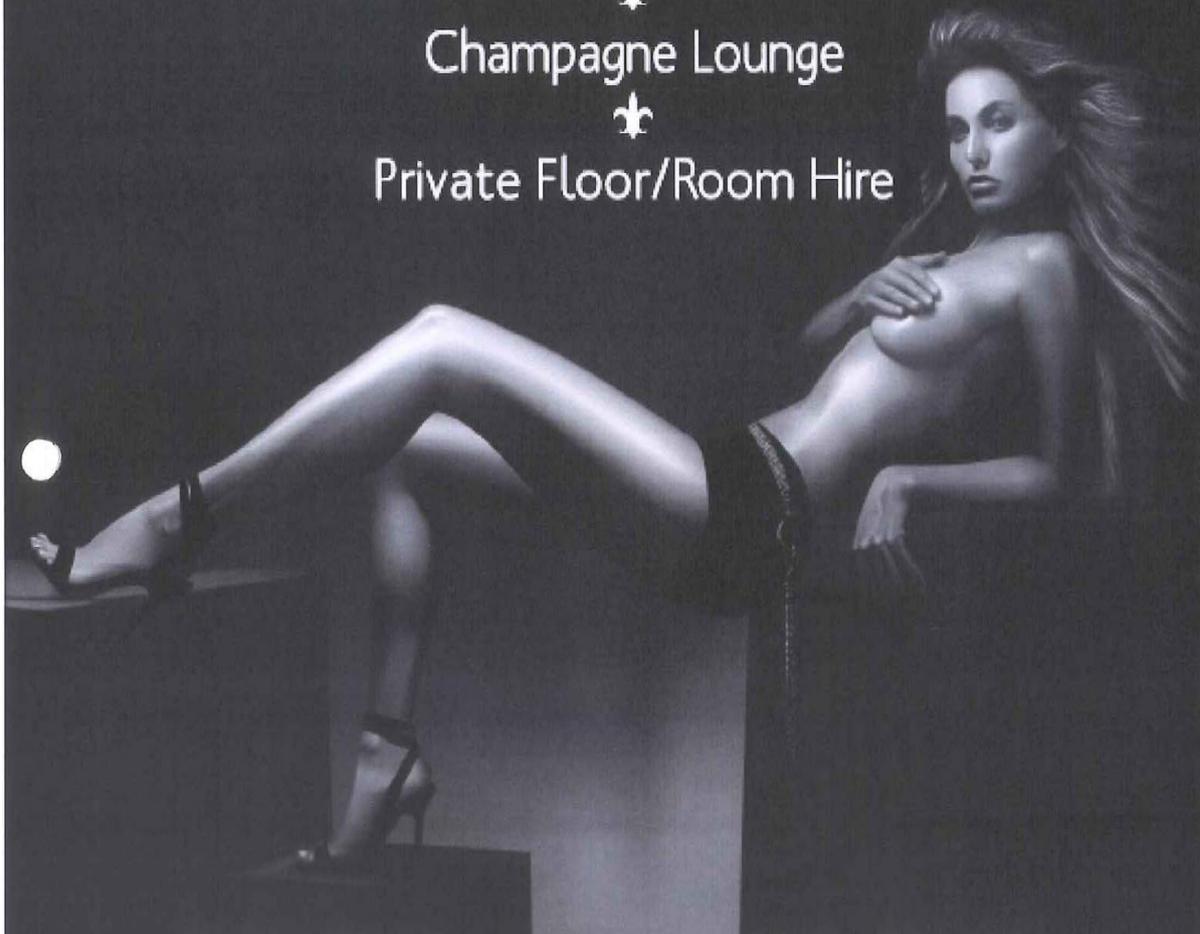
VIP Lounge



Champagne Lounge



Private Floor/Room Hire



30 CLARE ST (OFF CORN ST) BRISTOL, BS1 1YH

TEL: 01179 457788 MOB: 07532 488458

WWW.LOUNGEAT30.CO.UK





**LOUNGE@30 – RULES FOR CUSTOMERS**

Rules for customers will be printed onto an aluminium sign and displayed in the reception area where each customer will be made fully aware of them the rules and admission charges.

The current admission charges which are subject to change next year are as follows:

Monday to Thursday - £5 Per person

Friday and Saturday (including Sundays preceding bank holiday Mondays) - £7 Per person before midnight and £10 thereafter.

**Rules:**

1. Please remember that all of our dancers are professional dancers and may not be propositioned at any time.
2. At no time may any contact details, in any form, (including but not limited to phone numbers, addresses or social media information) be exchange between you and our dancers
3. Mobile phones and cameras are not permitted in any of our performance areas.
4. During a lap dance you are required to remain seated. Contact of any kind will not be tolerated.
5. Physical contact that may be deemed inappropriate will not be tolerated at any time.
6. Drug use will not be tolerated. Ay one found under the influence of or in possession of drugs will be reported to the police.
7. Management reserves the right to refuse entry
8. Last re-entry time is 03:30.

## **Entertainer's Code of Conduct:**

This Code of Conduct covers: Definitions, General Regulations, House Rules and Dress Code set by Lounge at 30 on behalf of KPSB BAR LTD.

### **Definitions:**

Whenever these words in appear in this Code of Conduct the will have the following meaning:

**Lounge at 30:** Trading name for the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of 30 Clare Street, Bristol, BS1 1YH.

**Venue / Club / Premises:** Lounge at 30

**Entertainer / Dancer / Performer:** A person (of any sex) who has signed the 'Performer's Contract' (see the extended definition in the Performer's Contract document)

**You / Your:** Entertainer / Dancer / Performer

**Our / us:** Lounge at 30

**Customer:** Any person who is not employed by or contracted to work for Lounge at 30

**Performance / Dance:** Entertainment provided by an entertainer when the entertainer is either clothed, nude or semi nude, in designated dancing / performance areas

**Dancing / Performance Area:** A designated area such as the stage, poles or private booths

**House Rules:** A list of rules set out by Lounge at 30 to ensure the safety of performers and customers and to ensure effective and successful management of the venue at all times

**Managing Director and General Manager:** Mr Pranjali Chakraborty

**Assistant Manager / Acting Manager (in the absence of Managing Director / General Manager):** Mr Kieran Tucker

**Management:** The General Manager and the Assistant Manager together or either one in the absence of the other

### **General Regulations:**

All the information in this document is strictly private and confidential. Except where legally relevant this information must not be duplicated or removed from the premises, in which case you will require written consent from Lounge at 30 to do so.

- Lounge at 30 does not require performers to have previous experience as full training will be provided.
- Performers at Lounge at 30 will be required to dance in various stages of undress in designated performance areas. The level of nudity in each performance area will be set out by the General Manger and is subject to change.
- Failure to abide by the house rules can lead to your contract with Lounge at 30 being instantly terminated.
- Lounge at 30 will not tolerate drug use. Anyone found under the influence of or in possession of drugs will be reported to the police. You can find more information about drug abuse online at [www.talktofrank.co.uk](http://www.talktofrank.co.uk)
- Lounge at 30 will not tolerate alcohol abuse, any performer found under the influence of alcohol will not be allowed to continue performing for the remainder of their shift. You can find more information about alcohol online at [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

- This Code of Conduct and the House Rules are set out by Lounge at 30 to ensure your safety whilst on the premises. It is your responsibility to protect your own safety and privacy whilst off the premises.
- Lounge at 30 is constantly monitored by CCTV to ensure the safety of all our performers, staff and customers.

#### **House Rules:**

- You must be at Lounge at 30 with enough time to ensure that you are appropriately dressed (*see dress code*) and ready to be on the main floor for the start of your shift: **10PM Monday – Thursday and 9PM Friday and Saturday** (including bank holiday Sundays) unless expressly permitted by the General Manager. Access to the changing room will be available half an hour before your shift starts.
- As a performer in Lounge at 30 you will be required to a minimum number of performances on the pole or stage. The minimum requirement will be set by the General Manager in accordance with your current experience level.
- At no time during a performance may there be any contact between you and a customer. Hand-to-hand payment for the performance is permitted before or after the performance only.
- You are only permitted to be undressed for the duration of the performance and must immediately redress before leaving the performance area.
- At no time will you be permitted to make physical contact with a customer, examples include sitting or lying on a customer's lap. You are not permitted to kiss, caress, fondle, stroke or embrace any customer or engage in any other form of sexual contact.
- You must not exchange any contact details with customer, contact details include, but are not limited to, phone numbers, email addresses, instant messengers, blackberry messenger, facebook, twitter, myspace, private websites etc.
- House fees are payable at the end of each shift and will vary according to the number of shifts you work. Your house fees must be paid to the General Manager, the Assistant Manager or a member of staff designated by management. If you leave without paying your house fees, the management will treat your actions as theft.

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#### **Dress Code:**

- You must adhere to the dress code at all times. Please refer to the [Dress Code Guidelines](#) sheet for further information.
- From the start of your shift until midnight you will be required to wear a long evening dress, ensure you bring at least two dresses in case one of them does not meet our requirements.
  - From midnight to the end of your shift you will be required to wear lingerie.
  - At no time, other than when you are performing in a performance area are you to be undressed.
  - Fantasy wear, such as themed outfits are occasionally permitted with the permission of either the General Manager or the Acting Manager.

Once you have completed reading the Code of Conduct you must sign below to indicate that you agree and will comply with the Code of Conduct. A copy of the Code of Conduct will be on display at all times in the changing area should you need to refer to any details at a later date. This copy is not to leave the premises.

I ..... agree that I have read and understood the Code of Conduct as set out by Lounge at 30.

**Signed:**.....

**Date:** .....

**Management Signature:**.....

**This is a legally binding document between you and Lounge at 30 (KPSB BAR LTD). By signing this agreement you agree to adhere to the Code of Conduct as stipulated above.**

## Performer's Contract

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**To work with Lounge at 30 according to this contract you must be over 18 years old.**  
**You must also have the right to live and work in the UK and no unspent convictions or relevant offences**

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### **Definitions:**

***Performer / Entertainer / Dancer:*** A person (of any sex) who has agreed to work, under contract, with Lounge at 30 on a self employed basis. Lounge at 30 does not employ any performers.

**Please refer to the full list of definitions is available in the Code of Conduct.**

### **Confidentiality Policy:**

As agreed through the terms and conditions signed preceding employment/working with Lounge at 30, you will not disclose any confidential / privileged information with any third party without prior consent expressly permitted from Lounge at 30 in writing.

Any monetary transactions (including but not limited to any bar/visa transaction, wages and entertainer's earnings or entertainment hiring costs) are strictly confidential. You understand that it is your responsibility to ensure that your personal information and Lounge at 30's confidential information remain confidential unless requested by management.

### **Data Protection:**

In accordance with the Data Protection Act 1998, Lounge at 30 will not request or share personal details of staff or entertainers other than what is required to take up employment with Lounge at 30 or as required by law.

For more information on your rights under the Data Protection act, you can visit <http://www.ico.gov.uk> or you can call the ICO Helpline on 08456306060 or 01625545745. The ICO helpline is open from 9am to 5pm, Monday to Friday. (Information correct as of 01/07/11)

### **Grievance Procedures:**

You agree that any issues with management, co-workers, entertainers or customers will be brought to the immediate attention of the General Manager or Acting Manager. In the majority of cases the General Manager or Acting Manager will be able to resolve the issue immediately.

Should the resolution, not be satisfactory a grievance should be raised in writing and presented to the General Manager who will assess and deal with the grievance taking due care to remain unbiased and treat each case individually, fairly and justly.

Further information on grievance procedures can be found online at <http://www.acas.org.uk> or by calling the ACAS Helpline on 0845747477

### **Self Employment:**

Lounge at 30 does not employ performers. Performers wanting to work within Lounge at 30 do so on a self employed basis meaning all taxes and NI contributions must be paid to HMRC by the performer.

Lounge at 30 does not take any responsibility for non payment of taxes or NI contributions owed to the HMRC by self employed performers.

Further information on being self employed can be found online at <http://www.hmrc.gov.uk/selfemployed>.

**Disclaimer:**

Upon reading and accepting this statement, you agree that you are content with the working environment supplied by Lounge at 30 and will not take any action against any staff, management, entertainers or customers without following the above mentioned procedures.

**You agree that you am working with or under the employment of Lounge at 30 at your own discretion.**

Lounge at 30 does not take any responsibility for management, staff or entertainers who are pressurised into working at the premises by partners, family or any other person, or for any other reason that would infringe upon your human rights.

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**Performer's Details:**

*According to Local Government (Miscellaneous Provisions) Act 1982 we require the following information from you that will be kept for the duration of your contact and a further 12 months thereafter.*

**Name:** ..... **Performing Name:** .....

**Surname:** .....

**Address:** .....

.....

**Phone number:** .....

**Date of Birth:** .....

A valid from of photo ID must be presented.

**ationality:** .....

**If you are not a British Citizen, do you have the right to live and work in the UK? YES NO**

If yes please provide proof of your entitlement.

**Do you have any unspent convictions or relevant offences? YES NO**

Upon completing and signing this form you agree that all the information provided is correct and true to the best of your knowledge.

**Signed:** .....

**Performer**

**Signed:** .....

**General Manager**

**Date:** .....

Ref.	Approximate location of objector	Summary of Objection
WITHIN BRISTOL		
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 50, 51, 58,  14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36. 56, 57A,	Upper Cranbrook Road Lower Redland Rd Wessex House Rose Rd Greenbank Ave West Orlebar Gardens Cotham Road St Nicholas Street Albert Park Place Corn Street Perry Street High Kingsdown Court Road Mendip Road Shadwell Road Maycliffe Park  Outside of Bristol Manchester Thornton Heath Coventry Peterborough Cheltenham Glasgow Glasgow Swansea Swansea London London Leeds Durham Cardiff Lichfield Bradford York Malton Crewe Liverpool Liverpool Liverpool Northampton High Littleton Redditch	Template letter: Premises website specifically mentions that venue is an ideal location for stag parties which will be made up of large groups of men who will be drinking. Management of adverse behaviour can only be reactive and cannot prevent crimes such as sexual assault taking place. The premises is situated in close proximity to, opposite or next to a back packers hostel, student accommodation, churches, other lap dancing venue, office of the Samaritans, Bristol Register office, travel agency, banks, language school and several other businesses.  Objection 50. Has also added that they are concerned for the safety of women in these areas, and for the proximity of these venues near public facilities and amenities.
37.	In Bristol Armidale Place	Resident who works and socialises in Bristol, they also dislike seeing the venue when in the city centre and goes out of their way to avoid passing them during hours that they are open. The current signage at the venue reminds them every

Ref.	Approximate location of objector	Summary of Objection
		<p>day when passing that they are seen as an object. Sexist imagery, such as at the venue, is linked to increased tolerance of sexism, sexual harassment and interpersonal violence as reported by an American association. Council should not endorse the view of women as sex objects. Normalising effect of presence on high streets of sex industry.</p> <p>Premises is located adjacent to residential properties, customers using the premises causes a risk of public nuisance including sexual harassment. Premises is also in centre of one of busiest parts of city which is a hub for tourists, workers and shoppers. Unacceptable that public have to walk past this venue.</p> <p>Stag parties are renowned for negative impact on city centre life, premises cater for such groups which will have a negative impact on levels of crime, disorder, public nuisance and perception of personal safety in the locality.</p> <p>Venue offers corporate entertainment which if held in this venue further entrenches sexism in the workplace and works to exclude women from taking a full role in their companies. Such companies have a higher tolerance for sexism in the workplace and sexual harassment.</p> <p>Reference to a 2005 study relating to the public sector equality duty to promote gender equality.</p>
38.	Falcondale Rd	<p>Dislike of being unable to avoid seeing venue and avoid taking children into those areas where the premises are located. Avoid going into the city centre at night because of feeling unsafe and has experienced being sexually harassed by a drunken man whilst waiting for a bus. Prevalent street sexual harassment by men is related to men's sense of ownership of public spaces and to their sense of entitlement to sexually objectify women which is related to the normalising effect of the presence on the high street of the sex industry.</p> <p>The premises are prominently located in the city centre which includes leisure and family friendly facilities. There are a number of residential properties including adjoining student accommodation, close proximity to a backpackers hostel, local church.</p> <p>Presence of the venue in the central commercial district facilitates its use by local workers in business meetings and after the working day which would result in sex discrimination.</p> <p>Negative impact of stag parties on city centres.</p>
39	P O Box	<p>Venue likely to attract stag parties which are often made up of often large groups of men who will be drinking. Management of adverse behaviour can only be reactive, The venue is close to a backpackers hostel, student accommodation, church, another lap dancing venue, office of Samaritans, Bristol register office, travel agency, banks, language school and several restaurants.</p>
40.	Rosling Rd	<p>Sexual entertainment venue is inappropriate as it is inconsistent with character of city, is within a residential</p>

Ref.	Approximate location of objector	Summary of Objection
		area also used for leisure and cultural activities and is inconsistent with the public sector duty to promote gender equality.
41. 42.	Oakfield Road Raleigh Road	Clientele attracted are stag parties which are often made up of large groups of men who will be drinking. Management of adverse behaviour can only be reactive, it cannot prevent crime such as sexual assault taking place. Venue is in close proximity to a back packers hostel, student accommodation, churches, another lap dancing venue, Office of Samaritans, Bristol Register Office, travel agency, banks, language school and several restaurants.
43.	Trenchard Street	Resident in vicinity and already endures nuisance throughout the night. Old Market has been given over by the authorities to depravity and has become a red light district, the same authorities are giving over the centre of Bristol to the same evil pursuits.
44.	Ashley Road	Signage on the premises is inappropriate, the girls in the premises are exploited and encouraged to be controlled by men. Moral responsibility to encourage health behaviour.
45.	Ashley Road	Contrary to character of local area and the uses to which other premises in the vicinity are put. Families walk past and venue will enforce children's view that men and women can be used for sex rather than including it in a relationship. Nude and lap dancing encourages people to objectify sex leading to an increase in demand for sex and leads to trafficking.
46.	Ashley Road	Contrary to character of local area and the uses to which other premises in the vicinity are put. If granted there would be further damage to a compact part of the city centre which is a tourist attraction with old buildings, places for families, adults and vulnerable people to explore. Nude or lap dancing in front of a stranger is damaging to relationships and self worth.
47.	Mina Road	Violence and sexual harassment against women and girls is increased by the presence of sexual entertainment venues and cannot be prevented inside or outside. Employment discrimination is inevitable. Presence of venues which objectify women and girls are contrary to the principle of promoting gender equality. Impact of the premises on local neighbourhood contrary to Councils own licensing guidance. Venue is promoted as a suitable venue for stag parties that consist of young men who are likely to be drinking and boisterous. Evidence that sexual harassment and assault of women in the vicinity of such venues is higher than in general.
48.	Merchants Road	Premises is situated very close to churches, shops, restaurants Samaritans, Bristol Registry Office. It is unacceptable that the public have to negotiate a sex entertainment venue and its attendant male visitors who

Ref.	Approximate location of objector	Summary of Objection
		<p>may well have been drinking heavily and sexually titillated.</p> <p>The current signage is inappropriate</p>
49.	Merchants Road	<p>Object on the basis of its locality, signage and the likelihood of increasing crime and disorder, especially violence against women. Venue is in close proximity to churches, Samaritans office, other public buildings, shops, restaurants, back packers hostel, student and residential accommodation.</p> <p>Premises cater for and encourage stag parties which are renowned for their negative impact on city centre life in terms of crime and disorder.</p> <p>Object to the current signage as an offensive image and in contravention of the Councils duty to promote gender equality.</p>
52. 55.	Falcondale Road Frampton Cotterell (These objections are not identical but the content is very similar so not listed separately)	<p>Premises are situated in a locality close to a church and it is inappropriate as the venue has applied for exemption from conditions in order to promote the club using advertising, personal solicitation and inappropriate signage. Due to the times applied for there would frequently be overlaps with activities at the church.</p> <p>There is a residential character to the area which includes a back packers hostel, student accommodation, residential accommodation and further proposed residential development.</p> <p>It is unacceptable that people (especially women, vulnerable and minors) who wish to use local facilities are forced to pass by a sex entertainment venue. Those who pass by face the threat of the venues patrons who are generally in a state of intoxication and arguably sexual excitement from early evening.</p> <p>Premises are also close to a travel agency, restaurants, shops, Samaritans office and the Bristol Registry Office.</p> <p>Venue caters for and encourages stag parties which are renowned for their negative impact on city centre life in terms of crime and disorder.</p>
53.	Ashley Ward	<p>Premises is in close proximity to churches, Registry Office, students and young people, student accommodation, back packers hostel, language school, specialist book store, Samaritans Office, family restaurants and two other such venues.</p>
54.	Leamington Spa	<p>The venue is situated near to a travellers hostel which will house young women travelling on their own. Perception and feelings of being unsafe generated from a hostel adjacent to the sex industry.</p> <p>Close proximity to two churches, Bristol Register Office, charitable organisations including the Samaritans. There are other similar venues close by, a concentration of venues will create a perception and reality of the local area being a red light district, become associated with prostitution and sexual/violent criminal acts.</p> <p>There are a number of family friendly restaurants and leisure businesses in the vicinity, it is inappropriate for people with children visiting these businesses to have to</p>

Ref.	Approximate location of objector	Summary of Objection
		walk past a strip joint which displays inappropriate images of semi naked women.
55a.	Lytham St Annes	Location of premises is inconsistent with character of the city that has been established in this symbolic area. Located at a transport hub used by everyone including school children. (Please note that the transport Hub criteria has been mainly quoted in respect of Urban Tiger application not for Lounge @ 30). Premises is within a residential area used for leisure and cultural activities.
57.	Wraxall	These premises will encourage urban degeneration and have been shown scientifically to increase promiscuity with minors and violence to women. Having worked with sex offenders it is such premises that trigger apparently normal people of all politico socio economic groups to offend.

## Table of Responses

Summary of Question	Applicant response
Three individual responses regarding applicant, premises supervisor and assistant manager. Total of three sets of responses per question.	
9. Has the responder ever been disqualified from holding a licence under the LG(MP)A 1982	Three individuals - no
10. Has the responder ever had licences refused on initial grant, renewal, reviewed or revoked. Sex cinema, sex shop, sexual entertainment venue, premises licence for sale and supply of alcohol or entertainment.	Three individuals – no.
11. Has the responder ever had a personal licence refused, suspended or revoked under the Licensing Act 2003	Three individuals - no
12. Has the responder ever been convicted of a criminal offence, whether in the UK or elsewhere.	Three individuals - no
13. Has the responder accepted a simple or conditional caution in respect of any criminal offence.	Three individuals - no
14. To the responders knowledge are they currently the subject of any criminal investigation.	Three individuals – no
15. Has any responder ever been found by any tribunal or court of having engaged in unlawful discrimination of or harassment against any person with protected characteristics within the meaning of the Equalities Act 2010 or any equalities enactment preceding it	Three Individuals – no
16. Are the responders facing any allegations of the type referred to in 15 above.	Three individuals - no
17. Have the responder ever been disqualified from acting as a company director	Three individuals - no

Conditions attached to Licensing Act 2003 premises licence.

## Annex 2

- 1 Further Details - Recorded music limited to indoors only
- 2 All staff shall be aware of the need to promote the licensing objectives as a whole, with particular attention to the laws regarding the sale of alcohol.
- 3 The premises licence holder shall ensure that where door supervisors are employed at the premises, they enter in a register kept for that purpose their full name, badge number, (including expiry date), the time they began their duty and the time they completed their duty, immediately after doing so. This register is to be kept at the premises at all times and should be so maintained as to enable a police or licensing officer to establish the particulars of all door stewards engaged at the premises during the period of not less than 21 days prior to the request and shall be open to inspection by officers of the licensing authority or police officers upon request.
- 4 The premises licence holder shall keep an 'Incident Report Register' in which full details of all incidents involving door supervisors are recorded. The register is to be kept on the premises at all times.
- 5 The premises licence holder shall operate a zero tolerance policy to anti-social behaviour.
- 6 The premises licence holder shall operate a policy of refusal of service of alcohol to any intoxicated person.
- 7 The premises licence holder shall operate a 'touch and go' policy which shall be enforced by staff on the ground and first and second floors
- 8 The premises licence holder shall refuse to keep goods on the premises upon which duty has not been paid.
- 9 All alcohol not on immediate sale shall be placed in a secure storage area in the cellar located in the basement room numbered BR08.
- 10 The premises licence holder shall ensure all fire exits are kept clear, unlocked and unobstructed at all times when the public are admitted and that all fire fighting equipment is regularly checked and maintained in good order.
- 11 Adequate first aid equipment shall be provided on the premises and available for immediate use.
- 12 All reasonable steps will be taken to avoid any interference with the amenity of local residents.
- 13 A recognized proof of age scheme such as 'Challenge 21' shall be adopted and implemented. Signage shall be displayed in prominent positions advertising the scheme that has been adopted and its method of implementation.
- 14 All refused sales shall be recorded in a 'Refusals Book', showing the time and date of the refused sale and the person who refused the sale.
- 15 Lap Dancing Conditions

- a) All performers shall be over 18 years of age
- b) No person under the age of 18 shall be allowed on the premises at any time when lap dancing or similar entertainment is taking place.
- c) All entrances, exits and toilets shall be continually monitored during licensing hours or when any entertainment of an adult nature is taking place.
- d) A room shall be set aside to provide a changing and rest area for entertainers to which patrons are not to be admitted.
- e) Striptease entertainment shall only be provided by the authorised performers and no audience participation will be permitted.
- f) Scantily clad persons shall not be exhibited in the entrance or surrounding area of the entrance.
- g) Any person who can be seen from outside the premises shall be fully clothed and decently dressed.
- h) Performers shall not approach closer than 12 inches from any part of a customer.

Annex 3 – Conditions attached after a hearing by the licensing authority

1 No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.

2 With regard to areas used by members of the public, any alterations made to electrical installations, including the use of temporary wiring and distribution systems, shall comply with the relevant edition of the Regulations for the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671 or any British Standard replacing or amending the same).

3 A Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amperes, must be fitted to power circuits supplying sockets that may be used by entertainers/ members of the public.

4 For events where it is anticipated that more than 100 persons will be in attendance or where an activity is taking place that is likely to give rise to personal injury (e.g. indoor sporting events/ use of special effects/ etc) the Licensee shall ensure that adequate first aid provision is available at all times that licensable activity is taking place and shall have a suitably qualified first-aider on the premises during that period.

5 As far as possible, all drinking glasses used within the premises must be of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.

6 Items of glassware (such as glasses, bottles, etc) shall not be permitted in the outdoor and dancefloor areas.

7 Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use (this includes internal and external areas, for example such as corridors, lobbies, emergency exits, car parks, etc).

8 Adequate procedures must be implemented to ensure overcrowding (such as that which may cause injury through crushing) does not occur in any part of the premises.

9 Adequate and separate sanitary conveniences shall be provided for persons of both sexes and shall be separately approached and adequately screened. The conveniences for each sex shall be indicated by a suitable notice. The sanitary conveniences in the premises shall at all times be kept in good order and repair, be properly and effectively cleansed, ventilated and disinfected, and supplied with water,

paper and efficient flushing arrangements. During the time the premises are open to the public the sanitary conveniences and the approaches thereto shall be properly and efficiently lighted.

10 Adequate sanitary accommodation shall be provided at the premises in accordance with either the District Surveyors Technical Standards for places of entertainment or the BS6465 standard for sanitary provisions or any British Standard replacing or amending the same. [NB: If this premises is not currently compliant to this standard, this guidance should be used as a factor in determining maximum occupancy for the premises and in the longer term, the applicant should aim to ensure compliance if any refurbishment takes place].

11 Every wash hand basin provided for use by members of the public shall be provided with hot and cold (or suitably mixed) water, soap and towels (or a suitable alternative method of hand drying). Adequate arrangements must be in place to ensure this hot water supply does not pose any risks of scalding to members of the public (NB: this arrangement must not create secondary risks of legionnaires disease).

12 All special effects, equipment and mechanical installations shall be selected, arranged, stored and used so as to minimise any risk to the safety of the audience, performance and staff. This must be on the basis of a written risk assessment. `Special effects' include:

- a) dry ice machines, cryogenic fog machines, smoke machines and any other type of fog generators;
- b) pyrotechnics including fireworks;
- c) explosives and other highly flammable substances;
- d) real flame;
- e) firearms;
- f) motor vehicles;
- g) strobe lighting;
- h) lasers;
- i) foam;
- j) any other unusual or novel effect.

Furthermore written permission must be sought from the licensing authority before using any of the above -

- for the first time;
- and after any significant changes have been made to the venue, usage of the effect or the equipment itself.

13 Where the premises, or parts of the premises may be hired out by third parties or be used by events promoters, the licence holder must ensure that there are appropriate arrangements in place that will ensure that as far as is possible, the third party is aware of the licensing conditions and has in place their own arrangements which will ensure that the licensing objectives are not compromised.

14 The premises licence holder or the person appointed to be in charge of the premises when licensable activity entertainment is taking place, shall provide or have the unhampered use of a telephone on the premises for use in an emergency. In premises that do not have the benefit of a permanent phone installation then a mobile phone must be available.

15 All traffic routes used by members of the public (including entrance ways, gangways, lobbies, corridors, passages and exit routes and the tread of all steps and stairways) shall be of suitable construction, non-slippery, free from obstruction, and free from disrepair such that may cause someone to trip or fall or pose other safety hazards.

In complying with this requirement, particular regard must be had for the type of person that may be using the area (e.g. elderly or very young, disabled, impaired through drink or drugs, etc) and the circumstances of this usage (e.g. low lighting levels, crowds, etc). In particular, where relevant:

- a) The nosings of the treads of steps shall be of a contrasting colour to the remainder of the tread. The nosings shall show up clearly under emergency lighting conditions.
- b) Any changes in level shall be clearly visible to members of the public, such as by using contrasting colours or additional lighting.
- c) Mats more than 1 cm thick shall be sunk to floor level unless of rubber with wide bevelled edges.

16 A continuous handrail shall be securely fixed on each side of all staircases, steps and landings at a height of not less than 840 mm nor more than 1 metre, measured vertically from the pitch line, except that only one such handrail need be provided to such staircases, flights of steps or landings which are less than 1 m wide. Where a staircase is 1.8 metres or more in width, a central handrail shall, in addition, be provided, properly supported and secured to the steps.

17 All parts of the licensed premises used by members of the public shall be effectively and suitably ventilated by a sufficient quantity of fresh or purified air. The air within the premises shall be maintained at a reasonable and comfortable temperature immediately before and during their use by patrons. Guidance on this should be sought from Guide B `Heating, Ventilation, Air conditioning and refrigeration issued by the CIBSE (Chartered Institute for Building Services Engineers) or any document replacing the same.

18 Suitable procedures must be implemented to ensure the safety of vulnerable persons, such as disabled persons, on the premises whilst the licensable activity is taking place.

19 Potable drinking water must be made available free of charge at all times that any licensable activity is taking place. The drinking water shall be provided from the bar when such facilities are available. Notices publicising the availability of free drinking water shall be clearly displayed in areas accessible by the public.

20 The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from their customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence and club premises certificate holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc.

21 The licence holder shall determine the occupant capacity of the premises on the basis of documented risk assessment(s). The risk assessment(s) must take into account all relevant factors including space, means of access and egress, toilet provision, load-bearing capacity of floors, ventilation, etc and must be reviewed regularly, and if circumstances change.

22 Where necessary separate occupancy levels must be set for different parts of the premises.

23 It is recommended that any proposed capacity figure be confirmed as suitable in consultation with the Public Health Services of Bristol City Council and any other relevant authority.

24 The proposed capacity figure must be notified to the Licensing Authority within four weeks of the date of this representation.

25 Measures must be put in place to ensure that the capacity is not exceeded at any time.

26 All documentation pertaining to the proposed figure must be kept on the premises and must be available immediately on request to any authorised officer of Bristol City Council, the police or the fire service

27 Heavy fittings such as projectors, stage lights etc must have 2 independent means of suspension e.g. clamp and chain.

28 Windows and mirrors must be of safety glass or adequately protected from breakage, particularly when they are in safety-critical locations. They must also be marked to make their presence obvious.

29 If patrons are to be allowed to use the area outside the front door for smoking then the following conditions must apply:

- a) The area must be adequately monitored by door staff and CCTV to ensure that:
  - patrons do not cause a nuisance;
  - patrons do not obstruct access to adjoining premises;
  - risk of crime and disorder in this area is adequately controlled.
- b) If there is a risk that patrons may acquire illegal items such as drugs or weapons while in this area then they must be searched before being allowed to re-enter the premises.
- c) Patrons must not be allowed to take drinks/ glass items to the smoking area.
- d) If there is a risk that drinks may be left unattended whilst their owner is outside smoking, suitable measures must be in place to reduce the risk of drinks being spiked such as warning signs and CCTV/ door staff presence.
- e) The area must be provided with suitable ashtrays/bins, the use of which is monitored by door staff.
- f) The area must be regularly swept to remove cigarette ends.
- g) Adequate arrangements must be made to prevent overcrowding or disorder on the route to the smoking area, particularly if patrons are exiting towards the smoking area while others are queuing for entrance to the venue.

30 Whilst it is recognised that short-term exposure is unlikely to cause long term hearing damage, it is recognised that it may cause short-term health problems such as tinnitus, acoustic trauma or temporary threshold shift if the noise levels are excessive. A noise assessment with regards the risks to the safety of customers must therefore be undertaken on an at least annual basis and measures implemented to ensure these risks are suitably reduced to a reasonable level at all times. This can be achieved by a variety of measures, for example:

- Ensure chill out areas are provided where physically possible.
- Ensure chill out areas are open, and that noise levels in chill out areas don't exceed 80dB(A).
- Ensure speakers are not placed in positions where members of the public can stand close to them.
- Publish noise levels where they can be seen by staff and the public, and display consumer-friendly signs that give advice about hearing protection.
- Provide earplugs for free or make them available to buy.
- Provide information about safer listening on websites, or direct people to this site for more info.

### 31 Recorded Music

Music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

32 No speakers for amplification of music shall be placed on the outside of the premises.

33 Except for access and egress, all doors and windows opening to the outside shall be kept closed during periods of live music and DJs playing recorded music.

34 In order to improve the sound attenuation of the premises windows to the first floor shall be fitted with secondary glazing to the satisfaction of an authorised officer of the Pollution Control Team prior to the playing of any regulated entertainment in conjunction with the premises licence on the first floor.

### 35 Monitoring

The premises supervisor, manager or other competent person shall carry out observations in St Nicholas Street and Corn Street. These must be carried out on at least hourly intervals when live music and DJs playing recorded music is taking place.

(a) If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.

(b) A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise break out and any action taken to reduce noise breakout.

(c) Such book to be made available at all times upon request to a police officer or an officer of the local authority

### 36 Noise limiter

Noise limiting devices shall be used in relation to all sound amplification equipment used in conjunction with the Premises Licence.

(a) The noise limiting devices shall be installed and set at a level approved by the Council through an authorised officer of the Pollution Control Team prior to the playing of any regulated entertainment in conjunction with the premises licence.

(b) Noise limiting devices shall be properly secured so that they cannot be tampered with.

(c) Noise limiting devices shall only be reset with the authority of the Council through an authorised officer of the Pollution Control Team.

(d) If deemed necessary, the noise limiting devices shall be reset to a level approved by the Council through an authorised officer of the Pollution Control Team within 14 days of notification.

(e) The repositioning and/or replacement of the loudspeakers or the noise limiter may only be carried out after consultation with an authorised officer of the Pollution Control Team.

### 37 Customer Noise

Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.

### 38 Odour

Odour from any flue used for the dispersal of cooking smells serving the building shall not cause nuisance to the occupants of any properties in the vicinity.

Recommendation: It is recommended that any flues for the dispersal of cooking smells

shall either:

- (a) Terminates at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air or:
- (b) Have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.

Guidance on the above can be gained at `Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System¿ Published electronically by

Department for Environment, Food and Rural Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

### 39 Noise from plant & equipment

Noise from any ventilation, refrigeration or air conditioning plant or equipment shall not cause nuisance to the occupants of any properties in the vicinity.

Recommendation:

- (a) The Rating Level of any noise from any fixed plant shall not exceed the background noise level by more than 0dB at the nearest noise sensitive property as determined by BS 4142: 1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas at any time.
- (b) Anti vibration mounts should be used to isolate plant from fixed structures and a flexible connector used to connect the flue to the fan if there is a potential to transmit vibration to any noise sensitive property. Any systems will also need regular maintenance so as to reduce mechanical noise.

Guidance on the above can be gained at `Guidance on the Control of Odour & Noise from Commercial Kitchen Exhaust System¿ Published electronically by Department for Environment, Food and Rural Affairs. Product Code PB10527.

<http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/pdf/kitchenreport.pdf>

### 40 Refuse, Collections and Deliveries

Activities relating to the placing of refuse, bottles and recyclable material into external receptacles shall only take place between 09.00 hours and 20.00 hours.

41 The collection of refuse, bottles and recyclable materials shall only take place between 07.00 hours and 20.00 hours Monday to Saturday and not at all on Sundays or Bank Holidays.

42 The Personal License Holder shall provide training to all staff, including performers, commensurate with duties. All training shall be documented and records shall be documented and records shall be available on request to officers of the Police or Licensing Authority.

43 The Premises License Holder shall ensure that the Manager and Assistant Manager are SIA licensed. The Premises License Holder shall ensure that there are at least 3 SIA licensed members of staff on the premises during all trading hours.

44 Signage to be displayed appropriately requesting that customers respect neighbours and leave quietly.

45 There shall be no entry or re-entry to the premises after 3.30 hrs with the exception of people temporarily leaving to smoke. There shall be no more than two customers smoking at any one time.

46 There shall be a minimum of two door staff on duty at all times during normal

trading hours from Sunday to Thursday and a minimum of three door staff on duty on Fridays and Saturdays and those Sundays that precede a Bank Holiday Monday.

47 The distribution of advertising material by hand shall only take place between 22.00 hrs and 1.30am in the vicinity of the premises.

48 All doormen to be in constant communication and radio contact to be maintained between doormen and Managers.

49 A CCTV monitor to be in use behind the bar area on the First Floor.

50 A zero tolerance to drugs policy to be available on request by members of the Police or Licensing Authority.

51 A log book of daily CCTV activity within the booths to be made available on request by the Police or Licensing Authority.

52 Patrons shall only be admitted to the Second Floor on condition of purchase of a voucher.

53 There will be table service only for drinks on the Second Floor.

54 There shall be no under 18's allowed on the premises.

55 There should be no physical contact between customers or performers before, during or after performance.

56 No dancer may perform if they are intoxicated or under the influence of illegal substances.

57 Striptease or adult types of entertainment will only take place in designated areas approved by the Licensing Authority. Arrangements for access to the dressing room shall only be approved by the Licensing Authority and shall be maintained at all times whilst strip tease is taking place and immediately thereafter.

58 Whilst strip tease entertainment is taking place, no person under the age of 18 will be allowed on that part of the licensed premises where the strip tease/ entertainment is taking place and such part must not be visible from other parts of the premises. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can easily be read by persons entering the premises on the following terms 'No person under 18 years will be admitted'.

59 Dancers not performing must not be in a state of undress in any area to which the public have access.

60 The Applicant is required to submit a plan of the staged area to the Licensing Authority within 14 days of receipt of this Decision Record.

61 Dancers shall only perform on the staged area and to seated customers.

62 Performers shall be aged not less than 18 years.

63 There shall be no physical contact between customer and the performer before, during or after the performance other than the placing of money or tokens into the hands of the dancer, or by the placing of notes by the customer in a garter worn by the performer for that purpose.

64 The Premises Licence Holder, performer and any person concerned in the organisation or management of the entertainment shall not encourage or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (other than in accordance with the condition above)

65 The area proposed for strip tease shall :

- a) be in position where the performance cannot be seen from the street;
- b) be in a designated area of the premises with segregation from the audience;
- c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.

66 Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor.

67 No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.

68 No dancer may perform if they are intoxicated.

69 No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.

70 All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.

71 Whilst dancing takes place there shall be not less than 1 identified member of management to be present.

72 CCTV shall be installed to cover all areas of the premises, including areas where dancing will take place. All cameras shall continually record whilst the premises is open.