

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
LICENSING COMMITTEE
HELD ON 23RD JANUARY 2012 AT 10.00 am**

- P Councillor Peter Abraham
- A Councillor Fabian Breckels
- A Councillor Barry Clark
- A Councillor Steve Comer
- A Councillor Fi Hance
- P Councillor Chris Davies
- P Councillor Brenda Hugill
- A Councillor Jay Jethwa
- A Councillor Bev Knott
- A Councillor Tim Leaman
- P Councillor Glenise Morgan
- A Councillor David Morris
- P Councillor Ron Stone
- A Councillor Mike Wollacott
- A Councillor Alex Woodman

LIC

37.1/12

**APOLOGIES FOR ABSENCE AND DECLARATIONS
OF INTEREST**

Apologies for absence were received from the following Councillors; Breckels, Clark, Comer, Hance, Jethwa, Knott, Leaman, Morris, Wollacott and Woodman.

Councillor Abraham declared a non-pecuniary interest because he had attended a Bristol Sports Club charity event, where individuals connected with Central Chambers had sold raffle tickets on behalf of the Sports Club.

**LIC
38.1/12 PUBLIC FORUM**

Public forum statements were received and a copy placed in the minute book.

At the request of the Committee Chair the legal advisor provided guidance about the comments made in a public forum statement regarding the procedure adopted during the Sexual Entertainment Venue (SEV) determination process. She advised that Bristol City Council were dealing with the matter in accordance with the relevant legislation and case law, which required that objections be circulated to the applicant in advance of the hearing.

The Committee's licensing policy advisor commented on the statistics provided within a public forum statement, reminding Members that a representative of Avon & Somerset Constabulary had confirmed that there was no evidence to suggest that SEVs led to a rise in crime.

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39.1/12 ANNOUNCEMENTS FROM THE CHAIR**

The Chair confirmed the procedure that would be adopted, advising that no decisions would be made until the Licensing Committee meeting on Monday 30th January 2012.

It was agreed that, having regard to the quasi judicial nature of the business on the agenda, those Committee Rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for the duration of the meeting.

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40.1/12 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 REPORT ON THE APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE MADE BY REEDBED LTD IN RESPECT OF PREMISES TRADING AS CENTRAL CHAMBERS, 9-11 ST STEPHENS STREET, BRISTOL, BS1 1EE.

The Committee considered a report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 5) regarding the application made by Reedbed Ltd in respect of premises trading as Central Chambers, 9-11 St Stephens Street, Bristol, BS1 1EE. The Licensing Co-ordinator introduced the report, asking the Committee to note that due to an administrative error the objection known as no. 1A, and the legal implications, had not been included within the Committee papers. She had circulated this information prior to the hearing with the applicant's agreement. The legal implications and objection no. 1A were both read out for the benefit of those in attendance.

Members invited those objectors present at the hearing to summarise their comments. They heard from the following objector numbers; 44, 47,49, 51, 52A and 58. They also noted an email of additional information from objector no. 55, which had been accepted by the applicant.

The Committee adjourned for lunch at 12.30pm and reconvened at 1.15pm.

During the introduction from the applicant's legal advisor, the following comments arose;

- The premises were a Grade II listed building that had been tastefully adapted. The venue was relatively compact, with a maximum occupancy of 150. Signs at the front of the building were small and featured the image of a woman in a bikini. The applicants considered the logo to be inoffensive, but

would be willing to replace it if required.

- Central Chambers had been trading since 2001, but during that time it was closed for nine months due to flooding. The company was contracted to pay rent on the premises until 2021. If the application were not granted the applicant would experience severe financial difficulties.
- Central Chambers was a family business that was owned by Mr BH and managed by his daughter Ms CH, who was the Designated Premises Supervisor (DPS). Mr BH's wife assisted with the administrative side of the business.
- Ms CH had managed Central Chambers for ten years and had a number of relevant qualifications, including Security Industry Authority (SIA) accreditation and conflict resolution training. Ms CH was assisted by Ms KD, who had been in post for five years. Mr BH, Ms CH and Ms KD were all Personal Licence Holders.
- The applicant wished to be licenced between the hours of 12:00 and 06:30, Monday to Saturday. However, during the day the licence was to permit activities such as pole dancing lessons, hen parties and television filming, as the venue did not admit patrons until 21:00
- Staff at the premises during a typical evening would include; 2 persons on the bar, 3 people dealing with security, 12 to 15 performers (from the pool of around 30) and 1 or more member of the management team. 1 security guard had responsibility for monitoring the CCTV monitors and 2 would normally be positioned at the front of the premises.
- Draft drinks were not available at Central Chambers, but bottled beers or spirits (with or without mixers) could be purchased for £4 each. Admission cost £5 Monday to Thursday until 11pm and £10 thereafter, and on Friday and Saturday nights. The venue was not 'alcohol led' and attracted older clientele.
- Performers were self employed and paid Central Chambers a fixed rate based on a scale. Income from private dances was wholly retained by the performer. On quiet evenings management would

- reduce the performance fees as appropriate.
- Some of the 62 objections to the application had been generic in nature. Only 2 objectors lived or worked very near to the venue, and around half lived in different wards.
 - Central Chamber's directly adjacent neighbor was a backpacking hostel. The owner of the hostel had asked his customers if the lap-dancing club was off putting but had received no objections.
 - St Stephens Church was located geographically near to the premises but Central Chambers was not visible from the Church and the respective entrances were on different streets.
 - Some objectors had raised concerns about Central Chambers' proximity to facilities such as the Job Centre, Register Office and bus stops, but the applicants argued that the venue was discretely situated on a quiet side street that was not used as a main thoroughfare. Furthermore, the vast majority of public buildings were not open during the hours of operation.
 - One objector had suggested that the applicants wished to remove the standard condition requiring separate changing facilities for performers, but this was incorrect.
 - Objectors had commented that they were more likely to be sexually harassed when walking past SEVs, but there was no evidence to support this and door staff were in situ during trading hours.
 - There was no designated smoking area at the premises so patrons smoked at the front of the building. One fully dressed performer at any one time was also permitted to smoke at the front of the building, but would be chaperoned by security staff.
 - When the Licensing Committee had agreed the policy for SEVs in November 2011, they had received reports from Avon & Somerset Constabulary regarding crime rates. Of the three City Centre SEVs that had applied for a licence, Central Chambers had the lowest rates of reported crime within 50 metres of the premises.
 - During the 10 years that Central Chambers had been operating there had only been 4 minor

incidents at the venue, none of which related to assault or affray. There had been no complaints from the Responsible Authorities.

- When representatives of the Council's licensing enforcement team and Avon & Somerset Constabulary had visited the venue in December 2011, they had commented that the premises 'gave a better impression than the others.' The issues they found during the visit were mostly relatively minor breaches of the premises licence, which had since been rectified by the DPS.
- The applicant had agreed to replace the CCTV system currently in situ due to concerns raised by the Responsible Authorities about the quality of the 'time lapse' images recorded. The cost of the new 'real time' equipment would be approximately £2K.
- The Committee should note the supporting evidence that had been provided by the applicant detailing certificates held by Ms CH; the Equality and Diversity Policy; staff training procedures and letters of support from male and female clients. A brochure had also been produced for the hearing summarising details of staff training/the code of conduct, disclosure of convictions and information on Sexually Transmitted Diseases for performers.
- The applicant was seeking variation of three of Bristol City Council's standard conditions, but would accept the Committee's decision if their request was rejected.
- Firstly, the applicant wished to amend standard condition C 'relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas.' The applicants wished to retain curtains around the private/communal booths because any issues would be managed by the security staff who monitored the CCTV images. It was not desirable for private dances to be observed from the bar.
- The second condition which the applicant wished to vary was standard condition F which prohibited contact between performers and customers. The applicant wanted contact lasting up to 10 seconds to be permitted, stating that a lap dance without contact was a strip tease.

- The applicant had originally applied for a Licensing Act 2003 premises licence for the provision of lap dancing and that licence was granted without a hearing. The wording used in the current licence implied that touching was acceptable providing it was the performer making physical contact with the customer, rather than the other way around.
- The third condition which the applicant would like to amend was standard condition Q 'the availability of relevant entertainment shall not be marketed or advertised in any of the following ways; by way of leafleting in the locality.' The applicant wished Members to note that leafleting was an essential way to promote the business. Flyers were only handed out in the immediate area after 9pm.

The legal advisor to the Committee confirmed that the City Council did not share the applicant's interpretation of the condition regarding contact during performances. In her view the wording used in the condition prohibited all contact between the performer and customer, apart from that involved in the exchange of payment at the end of a dance.

The applicant's legal advisor asked Mr D, the independent licensing inspector who had been commissioned by the applicant to conduct an assessment of the premises, to comment on his findings. Mr D advised the Committee that he had visited many similar establishments through the course of his employment, both as an inspector and also during his time working as a police officer in the vice department. In his opinion, Central Chambers was the most professional lap dancing club he had encountered, due in part to the strong but fair management style of Ms CH. All staff had behaved professionally and during his private dance the performer had not touched him. In response to a question he confirmed that his visit was planned, so staff were aware of the purpose of his attendance.

Following the presentation from the applicant's solicitor, Members asked for additional information in a number of areas. The responses provided by the applicant and his representatives were as follows;

- During a lap dance performance a degree of touching was inevitable, even if it was accidental. Customers who breached the touching rule had been asked to leave the premises on occasion.
- The applicants did not intend to open the lap-dancing club from midday onwards as there was no demand during the day times. They had applied for a licence from this time to enable them to conduct other activities such as pole dancing lessons, which took place up to 3 times a week.
- It was necessary for the applicant to be permitted to advertise the business using flyers because the premises were situated in a discreet location where there was very little footfall. It would be acceptable for the content of such flyers to be conditioned if the Committee felt it appropriate.
- Central Chambers used promotional staff to distribute flyers. They were not aware that flyers had been left on windscreens in a city centre car park and agreed that this was not appropriate. If circulation of flyers were not permitted they would rely on other means of advertising, such as social networking.
- Retaining the curtains around the communal and private booths was important to the applicant because it retained privacy, and because those in the main bar might not wish to observe a naked or topless performance.
- During private lap dance performances customers were asked to sit on the seat with both feet on the floor, their legs apart and their hands by their sides.
- If performers were permitted to touch customers for up to 10 seconds, this would be monitored and enforced using the CCTV. A set distance, possibly using a marking on the floor, could be adopted if necessary.
- The management team and the security staff monitored the smoking area. If a patron was behaving in an inappropriate way (e.g. harassing female pedestrians) he would not be allowed to re-enter the premises and the police would be called, but that type of incident had not been witnessed to

date.

- Male dancers did not usually perform at Central Chambers, but occasionally women would be permitted to book a 'stripogram' for an event. In these circumstances performers would be given a full briefing regarding permitted behavior.
- There were no rules regarding dress code for performers, so they typically wore dresses or lingerie.
- Performers were expected to work for a full shift unless there were exceptional circumstances. Most performers drove themselves to and from work, but taxis were booked if requested. Performers were escorted to their chosen transport by the security team at the end of their shift.
- All performers were aged 18 or over, but management preferred to use those aged 21 and above.
- Objector no. 53 commented that Central Chambers advertised for performers in the nearby students' accommodation. This was incorrect.
- Performers were self employed and on occasion they opted to discount private dances by offering 'buy one, get one half price' deals.
- The premises did not currently have full disabled access because it was difficult to adapt the building due to its listed status. It was hoped that a lift could be modified to overcome the problem. Currently security staff would assist by admitting disabled customers through a side door, where appropriate.
- Security guards checked identification and took payment from customers when they entered the premises.
- A sign displaying the fixed prices of drinks would be added to the bar area.

Inspector Rundle was invited to comment on the observations of the Chief Officer of Police relating to incidents and significant issues occurring at the premises between January 2011 and December 2011. He confirmed that he was not aware of any issues other than those 4 relatively minor incidences that were described within the accompanying report.

The applicant's legal advisor summed up their case, highlighting the main points made during his presentation and asking the Committee to grant the application with the variations to standard conditions that had been requested.

At 3.20pm there was a five-minute comfort break.

RESOLVED - That the decision relating to the application for the Sexual Entertainment Venue licence for Central Chambers be deferred to the Committee's meeting on Monday 30th January 2012 at 9am.

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41.1/12

EXCLUSION OF PRESS AND PUBLIC

RESOLVED - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act (as amended).

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42.1/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 REPORT ON THE APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE MADE BY REEDBED LTD IN RESPECT OF PREMISES TRADING AS CENTRAL CHAMBERS, 9-11 ST STEPHENS STREET, BRISTOL BS1 1EE

The Committee considered an exempt report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 7) regarding the application made by Reedbed Ltd in respect of premises

trading as Central Chambers, 9-11 St Stephens Street,
Bristol, BS1 1EE.

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43.1/12

DATE OF NEXT MEETING

Members noted that the next meeting of the Licensing Committee would take place at 10am on 24th January 2012.

(The meeting ended at 4.12 pm)

CHAIR
COUNCILLOR RON STONE