

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

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
REPORT ON THE APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE MADE  
BY TEMPTATIONS T3 LTD. IN RESPECT OF PREMISES TRADING AS  
TEMPTATIONS T3, 46 WEST STREET, OLD MARKET, BRISTOL. BS2 0BH**

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 Temptations T3 located at 46 West Street, Old Market, Bristol, BS2 0BH.

**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 11:00 – 06:00 Monday to Saturday and 12.00 hours (noon) and 00.30 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) pole dancing on a stage to include topless striptease every 10 to 20 minutes,
- (b) table dancing to include topless striptease in performance area and at tables,
- (c) full nude striptease to be performed in private areas.

7. Copies of the location map of the premises, the plan of the premises and a listing of the location and areas covered by CCTV are attached as Appendices A, B and C respectively.

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

attached as Appendix D.

9. Copies of the premise's house rules, dance rules and performers contract are attached as Appendices E, F and G respectively.

10. Application has been made to exclude standard conditions Q. and O.

Condition Q states:

The availability of relevant entertainment shall not be marketed or advertised in any of the following ways:-

- (a) by means of personal solicitation in the locality of the licensed premises;
- (b) by means of leafleting in the locality;
- (c) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Council's administrative area.

Condition O states:

1. Performers shall not be permitted to share the following facilities with any members of the audience and suitable separate provision must be made;
  - (i) water closet;
  - (ii) washing facilities;
2. Performers and Audience shall not be permitted to share any smoking area
3. No Member of the audience shall be permitted to enter any changing area used by Performers

The applicant has provided statements in support of the exclusion of these standard condition which are attached as Appendices H and I respectively

11. Application has been made to vary standard condition C.

Condition C states:

Relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas.....

The applicant has provided a statement in support of the variation of the standard condition which is attached as Appendix J.

12. Application has been made to vary standard condition P.

Condition P states:

All external doors affording access to the licensed premises shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order;

The applicant has provided a statement in support of the variation of the standard condition which is attached as Appendix K.

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 L 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) There are three schools in the vicinity of the proposed venue, Hannah Moore Primary School, St Nicholas of Tolentino RC Primary School and the Easton Church of England Primary School with an associated family centre.
- b) There are community facilities in the vicinity, Easton Leisure / Community Centre, Trinity Community Arts Centre, Easton and Ashley Residents Association. All of which cater to families and young children offering sport, arts and support and advice facilities.
- c) Several charities operate in the vicinity, CSV Avon, Active Inclusion Support and Learning, Bristol Mindline, The Terrance Higgins Trust, The South West Law Centre. Also operating in the vicinity are the sofa project, furniture reuse network and the Bristol Debt Advice Centre.
- d) Several hundred residential properties.
- e) Places of religious worship, Stapleton Road Chapel, Trinity Tabernacle, The Salvation Army, St Phillips and St Jacobs Church, Al Baseera Mosque, The Methodist Centre.
- f) Other sex- orientated / adult premises, there are two sex shops and several massage parlours.
- g) 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.

#### 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 effect of such venues is 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. Proposed opening times.

Application is for opening hours from 11.00 am to 6.00 am six days a week and 11.00 am to 12.30 am on Sundays. These hours are such that persons going about their daily business such as going to school, church, work etc will be forced to walk past this venue when it was open.

#### D. Character of the Area and Conservation Area 16

The area has been designated as Conservation Area 16 which is sited on West Street together with Old Market Street forms the eastern gateway into the city, the Gateway Scheme identifies the area as a priority for redevelopment and regeneration. The presence of sex related premises in the area is having a detrimental impact on the areas ability to attract new businesses. The environment is hostile to women to such an extent that active steps are taken to avoid walking past it. Such clubs effectively create 'no go' areas for women particularly late at night, because of a risk of sexual aggression, harassment and assault.

#### E. 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.

#### F. 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.

#### G. 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

Temptations is located on West Street in the Old Market area of the city. The area has been designated as Conservation Area 16 which is sited on West Street which together with Old Market Street is acknowledged as the eastern gateway into the city. The Gateway Scheme identifies the area as a priority for redevelopment and regeneration. There is currently a concentration of leisure facilities and is a popular destination. 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 popularity of this area.

#### (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.

(i) Introduction.

This is a report on Temptations 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.

There were no police incidents or crime associated with the premises during this period.

A licensing check was conducted by police and officers of the Jet on the 4 November 2011. On the whole the licence check was ok with a few breaches. The main concerns centred around the monitoring of the CCTV in the private rooms where the females took their customers for a private dance. There is a no touch policy in place which was clearly being breached by all the females that were

observed working.

There was suggestion from some of the dancers at other venues that female dancers at this club do 'extras'.

This venue gave an overall seedy impression due to the females wearing very little (thong and bra) and appeared over friendly with customers. Upon entering the premise there is a cash desk with a corridor on either side and steps leading down to a bar area. To the left of the bar are a number of tables and at the end of the room is a pole and stage on a raised platform. The first female spoken to was Polish however there was one female rushing about erratically warning the females that the police were in the premise. The second female spoken to advised that females do remove their clothing and do go the extra step of touching themselves at the end of a dance. It is not clear if this is with all dances or just the more expensive dances.

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 30 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 subject of an ongoing investigation and 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 M. 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 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 Old Market / West Street 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) – 1

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 Old Market / West Street locality. Therefore if the Council follows its current policy this ground of refusal may not 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 –

(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 the 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 venue 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 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 has 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 applicant's 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 to 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 whether 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 - Copies of the location map of the premises

Appendix B - Plan of premises

Appendix C - A listing of the location and areas covered by CCTV

Appendix D - Logo to be displayed on the exterior of the premises

Appendix E - House rules

Appendix F – Premises dance rules

Appendix G – Performers contract

Appendix H - Statement in support of exclusion of standard condition Q

Appendix I - Statement in support of exclusion of standard condition O

Appendix J - Statement in support of exclusion/variation of standard condition C

Appendix K - Statement in support of variation of standard condition P

Appendix L - Details of public objections

Appendix M - Table of responses regarding status of applicants

Appendix N - Conditions currently attached to the premises licence granted under the Licensing Act 2003

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

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

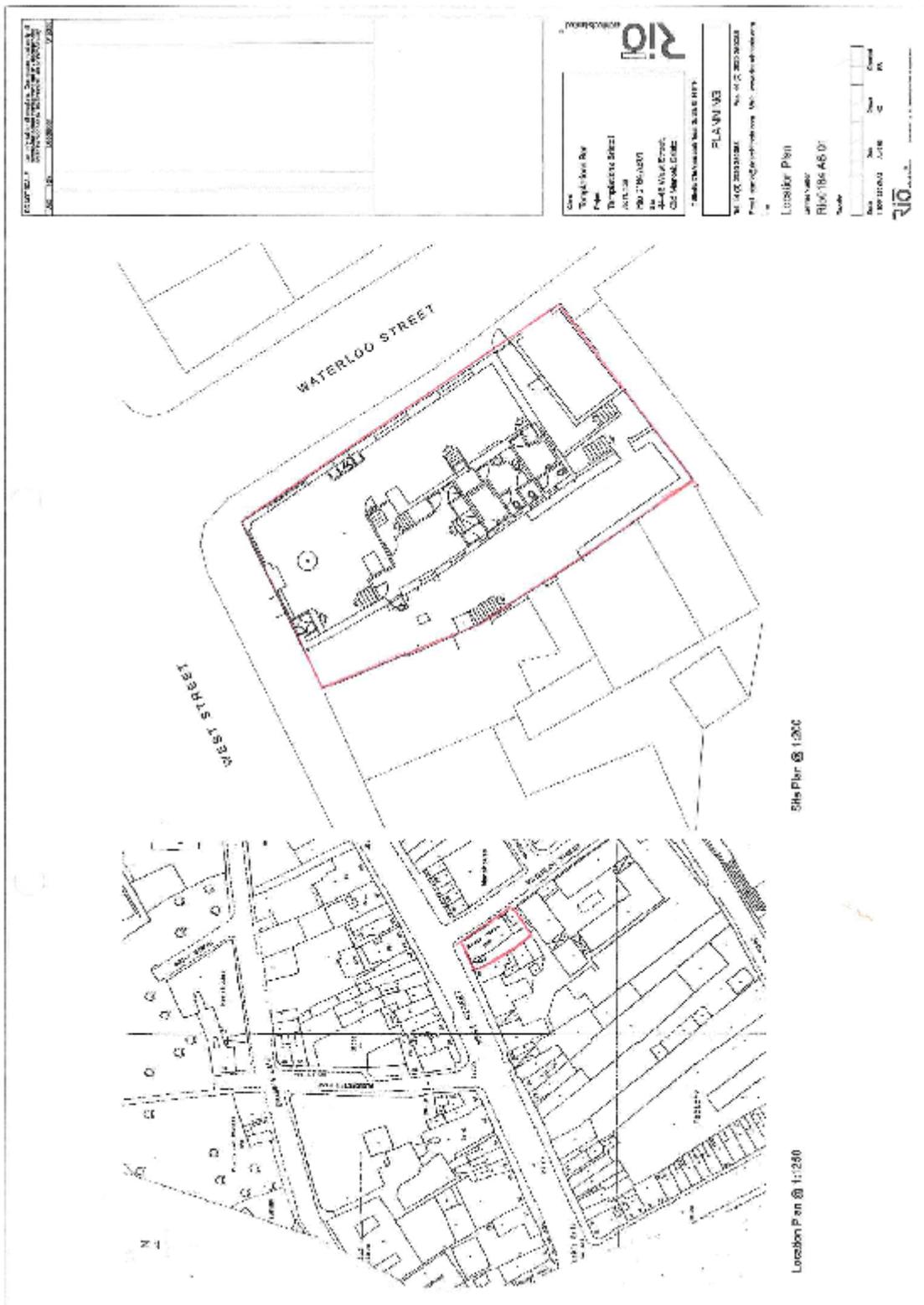
**Background papers: Application, letters of objection**

**Contact Officer: Myra McSherry, Licensing Administration Manager**

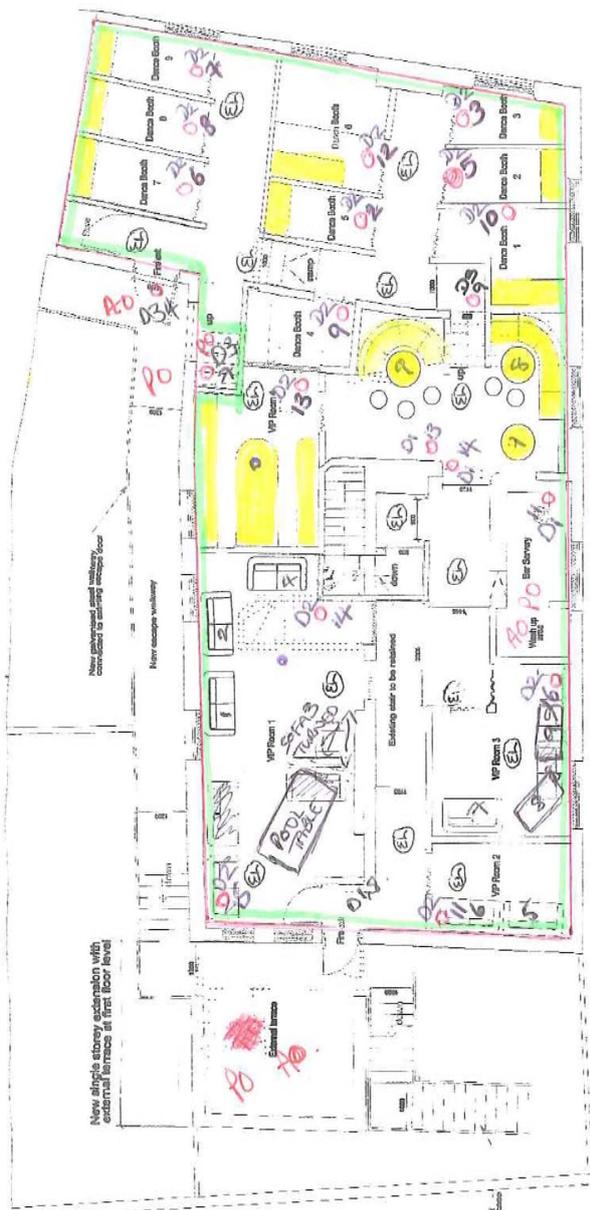
**Neighbourhoods**

**Telephone: 01179142500**

Location Map of Premises







Key  
 - area for ~~work~~  
 licenalle activity

o POLE

o CCTV CAMERAS

D1 - DVR 1 MONITDR

D2 - DVR 2 MONITDR

■ FITTED FURNITURE

FIRST FLOOR PLAN

**Client**  
 Temptations Bar  
 Temptations Bar  
 Job Number  
 Rio 0184  
 Rio 0184  
 44-46 West Street, Bristol

**FOR INFORMATION**  
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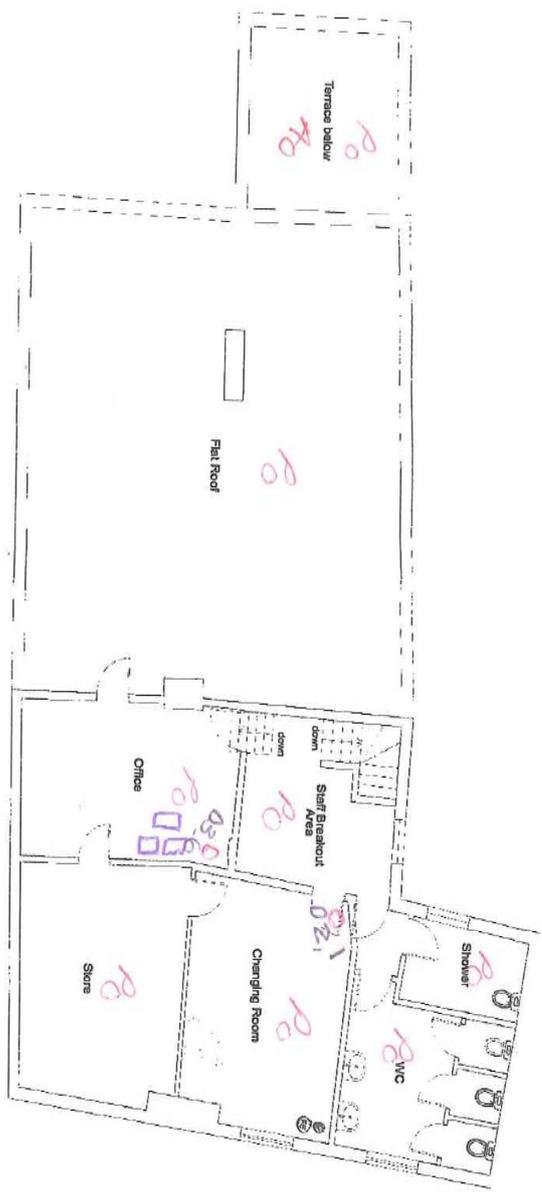
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Title  
 Proposed First Floor Plan  
 Drawing Number  
 Rio 0184.AL.10

Revision  
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□ - CCTV  
MONITORS  
○ - CCTV

SECOND FLOOR PLAN



**Legend:**

Existing layout to be demolished  
Shown hatched for reference.

Existing structure to be retained

Dimensions shown are subject to site conditions and are for general building out purposes. All furniture, fixture and main contractor details and specifications. All dry lining details to be in strict accordance with Refer to No 0194 AFD1, 02 & 03 for the drawings.



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Title: Proposed Second Floor Plan  
Drawing Number: No 0194-AL-11

Revision:

A	Issue
11:00 @ AD	Nov 09
	JM
	Checked
	RZ

Client: Temptations Bar  
Project: Temptations Bristol  
Site: RIO 0184  
44-48 West Street, Bristol

V. Wilkins, 27's Advertiser Road, Cardiff, CF14 2PN  
Tel: 01446 2800200  
Email: info@temptationsbar.com

**FOR INFORMATION**

11:00 @ AD  
Nov 09  
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RZ

**rio** architects Bristol

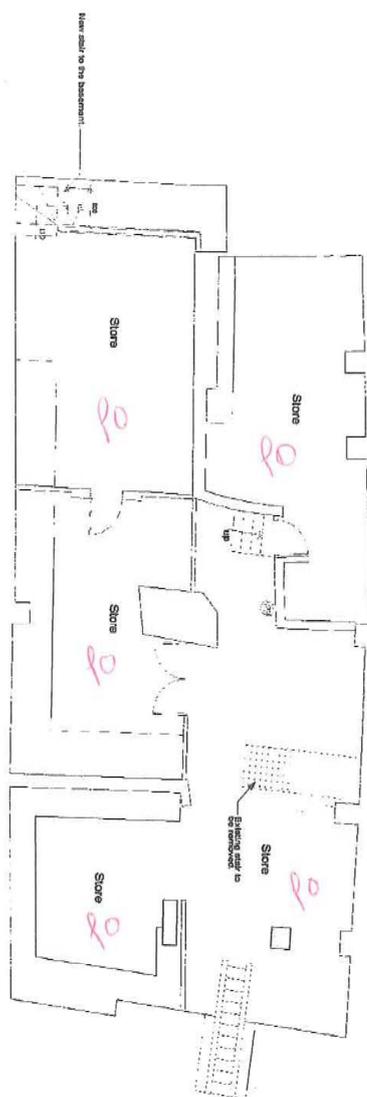
**CONTRACTOR:** The only written description, dimension, materials or equipment to be used in the construction and by whom shall be as shown on the drawings and by reference to the notes hereon. No work shall be done until the drawings are approved by the architect.

No.	Rev.	Description	Date
21253	A	Design updated to show a bathroom	

**Legend:**

- Existing structure to be demolished
- Existing structure to be retained

Dimensions, materials, and equipment shall be as shown on the drawings and by reference to the notes hereon. No work shall be done until the drawings are approved by the architect. All dimensions, materials, and equipment shall be as shown on the drawings and by reference to the notes hereon. No work shall be done until the drawings are approved by the architect.



BASEMENT PLAN

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The  
Proposed Basement Plan  
Drawing Number  
RIO 0184 AL 05

Revision  
A  
Date  
Aug 08  
Scale  
1/8" = 1'-0"

Client  
Temporada Bar  
Project  
Temporada Bar  
Job Number  
RIO 0184  
Site  
44-48 West Street, Bristol  
Y. Skovon, 214 Adelaide Road, Cardiff, CF14 4PW

**FOR INFORMATION**

111 of 120  
Email: info@hoarchitects.com  
Web: www.hoarchitects.com

**rio** Architecture

## Listing of CCTV Locations

6.2 (ix)

CCTV Monitoring positions. DVR1,2,3.

D1,1 – Covering entrance/exit to club, reception area, entrance/exit to smoking area, entrance/exit to gent's, ladies, disability toilets.

D1,2 – Covering whole of stage

D1,3- Covering seating around stage, seating area 5&6 and dj booth.

D1,4 – Covering bar seating area, seating area 1 and stairway to enter/exit lower lever.

D1,5 – Covering entrance/exit for disability & fire, end of bar and some of seating area 2.

D1,6 - Covering seating area 5&6

D1,7 – Covering all of bar & seating area and seating area 1.

D1,8 – Covering fire exit.

D1,9 – Covering corridor from disability booth to main entrance/reception.

D1,10 – Covering stairway to 1<sup>st</sup> floor and dj booth entrance.

D1,11 – Covering bar area and entrance to 1<sup>st</sup> floor.

D1,13 – Covering seating area 9.

D1,14 – Covering seating area 7&8 and stairway to upper level.

D1,15 – Covering corridor.

D2,1 – Looking into room, covering Performers changing area.

D2,2,3,4,5,6,7,8,9,10,12,13 – Looking into booths covering all fitted seating area.

D2,11 – Looking into booth, covering sofa 5&6.

D2,14 – Looking into booth, covering sofa 1&2 and pole.

D2,15. – Looking into booth, covering pool table and sofa 3&4.

D2,16 – Looking into booth, covering sofa 7,8&9.

D3,1 – Covering back court yard, gates/fire exit out of court yard and fire escape.

D3,2 – Facing down front court yard, gates into/out of court yard and west street.

D3,3- Facing down Waterloo street, covering fire exit.

D3,4- Looking over fire escape walkway and fire exit.

D3,5- Covering smoking area, entrances/exits and seating areas.

D3,6- Covering office, furniture, safes and entrance/exits.

D3,7- covering stairway to 2<sup>nd</sup> floor

D3,8- Facing up front court yard, covering main entrance/exit.

D3,9- Facing up hallway to dance booths.



# TEMPTATIONS



## **House Rules**

Challenge 21 Policy – Do you look under 21 years of age? Photo ID will be required to prove you are over 18 years old.

Dress Code – Must be smart/casual. Clean trainers are permitted but no hats or sportswear to be worn when inside the club.

Mobile Phones – Are not to be used inside the club at any time.

Cameras - No photos are to be taken inside the club without prior permission from the management.

Conduct - Anybody who is believed to be under the influence of drink/drugs will be refused entry.

Drugs – We operate a ZERO tolerance policy. Random searches may be carried out by security staff or management.

## **Dance Rules**

Customers must remain seated and fully clothed during private dances.

Customers must leave the private dance area immediately after the private dance has finished.

Strictly no touching or propositioning of dancers at any time is permitted. Anybody found to be ignoring this rule will be asked to leave the club immediately.

Management or Security staff reserve the right to stop a private dance at any time.

**CCTV Monitoring is in operation at all times.**

**Thank you**

## **Dance Rules**

Customers must remain seated and fully clothed during private dances.

Customers must leave the private dance area immediately after the private dance has finished.

**STRICTLY NO TOUCHING** or propositioning of dancers at any time is permitted. Anybody found to be ignoring this rule will be asked to leave the club immediately.

Management or Security staff reserve the right to stop a private dance at any time.

**CCTV Monitoring is in operation at all times.**

**Thank you**

**Club Rules**

You are to be ready and on the floor by 9pm/10pm.  
 Late arrival can be arranged by prior arrangement but you will only be permitted one per month.

Long one piece outfits are to be worn until 12pm prompt every evening (*fantasy night excluded*). Only ONE LADY in the changing room at any ONE TIME.

No more than ONE lady outside at any one time.

Chewing gum is NOT permitted anywhere on the premises. Please make customers aware of this policy.

Swearing and bad behaviour is not permitted. You are Ladies, please behave so!

You are here to work. Sitting at the bar unless with a customer is not permitted. Mobile phones are not to be seen or used on the floor. Use only in changing area but keep calls short.

Drinking - Everyone has a limit. Please know yours!

Pressure sales are not permitted. No customer to be approached until they are settled i.e: drink has been purchased.

Treat club with respect ie no heels on sofa.

The Pole - No DJ present: a lady MUST be on the pole every 15 minutes. You are required to follow the rota made at beginning of the evening. DJ is present: you are required to make your way on stage when called. Pole performances are to last TWO songs (6-8mins). POLE performances are PRIORITY to ALL dances.

Poaching – One lady per customer. You may approach customer when another lady leaves. If customer is waiting for someone to return you must then leave customer so they can do so.

Shifts - If you cannot do your shift for whatever reason you must arrange cover. If you cannot arrange cover only then are you to contact the manager. Contact to the manager must be made by 3pm that day. No more than one no show to be committed in one month.  
 Any holiday you require must be confirmed in writing two weeks in advance.

**Dance's**

All dances are to be reported clearly to the doorman at reception. All monies (including tips) are to be exchanged for dance tokens before the beginning of each dance. If the customer wishes for you to continue replace your bottom garment at the beginning of each dance and start again. You must then report all dances/monies when finished and exchange for tokens. All timed Vip dances will need to be reported before each dance.

When taking customers for a dance you must go straight to a booth. At the end of each dance you are to ask the customer to leave while you get redressed. If the customer wishes to wait for you they may do so at either bar. You are not permitted to hang around any corridor with customers.

All dances are STRICTLY NO CONTACT! All fully nude dances are to be performed in private dance area. If you are unsure of dance rules please ask.

Anyone offering customer contact, dirty dancing, meeting, dating or exchanging personal information with customers will lead to a suspended period or dismissal.

**INSTANT DISMISSAL – STRICTLY NO DRUGS.**

I .....(Dancer Name) have read and understood all of the above.

Sign ..... Date.....

.....(Name) Position .....

Sign ..... Date.....  
 On behalf of Temptations ltd

## Exclusion Condition Q

## Annex 3 – Q (ii)

## Leafleting in the locality

Our establishment is located on the outskirts of the town therefore leafleting is an essential part of our clubs promotion.

We are very responsible and ensure any discarded leaflets we see are disposed of responsibly. This in turn gives us a fairer way to compete with other clubs located within the town centre. Any material we publish for promotional use is inoffensive and discreet.

We are reliant on the flyer distribution for marketing and it has been proven this form of marketing does increase our profits raising the footfall through the doors (especially at weekends) and raising awareness. This form of marketing has increased our custom by approximately 20%.

## Exclusion Condition O

## Annex 3 – O (b)

## Performers and Audience Sharing Smoking Facilities

We believe we should be exempt from this condition for the following reasons:

We have in place a shared smoking area which is CCTV'd – this allows us to monitor and safeguard the dancers at the same time providing our customers with safe, relaxed, social surroundings. Numbers are limited to a maximum of two dancers at any one time (this is monitored by dancers having to report to management before entering the area). The area itself is at the back of the building and enclosed by four walls providing again safety for customers and dancers. This area is ideal as it cannot be accessed or viewed by the public.

This is one of our unique selling points to distinguish us from other clubs.

If we had to separate the smoking areas we would have to keep the existing for the customers and the dancers would either smoke out on the street (which is not the image we wish to portray, nor is it safe) or use the upstairs terrace (this is currently not permitted on existing licence and nor is there any security to monitor the usage. i.e, CCTV).

## Exclusion / Variation of Standard Condition

## Annex 4C

Part C – Exclusion of Standard Conditions Relevant Entertainment shall not occur in private rooms, cubicles or other enclosed areas.

Ground Floor

Disability Booth / CCTV D2, 4: Max 1 person per room. Room with 1 x doorway with door.

1<sup>st</sup> Floor

VIP Room 1 / CCTV D2, 14 & 15: Max 10 people per room unless corporately hired. Corporate hire max 25. Room with x 1 curtained doorway plus x1 doorway with door (always open).

VIP Room 2 / CCTV D2, 11: max 6 people per room. Room with x 1 curtained doorway.

VIP Room 3 CCTV D2, 16: Max 7 people per room. Room with x 2 curtained doorways.

CIP Room 4 / CCTV D2, 13: Max 10 people per room unless corporately hired. Corporate hire max 16. Room with x 1 curtained doorway.

Dance Booth 4 / CCTV D2, Booth 1 & 6 / CCTV D2, 12 : Max 1 person per room. Both rooms with x 1 curtained doorway.

The establishment has been refurbished as exclusive VIP suites to supply private rooms for VIP hire and corporate hire. Approximately half of the rooms meet the requirements (3 walls with curtained access), the others have open doorways which most have curtained access but they are not totally open as they do have a fourth wall.

We have been trading with this layout for the last two years and due to our security and clientele we have experienced no problems and feel curtained doorways provide enough privacy but also are versatile enough to allow security to enter if there were to be any problems. The disability booth has a door but is located next to reception allowing security to respond quickly if there were to be any problems. Each booth has a separate CCTV monitoring all seating areas and is closely monitored at all times.

## Exclusion / Variation Condition P

## ANNEX 4 (P)

## Automatic closure device

1. We would like to have a variation as although some of our exterior door's meet this requirement the main entrance does not. It is however manned at all times and kept shut at all times. As the main entrance is located on private court yard, away from main road noise pollution is kept to minimum. We would also like you to take we have already spent 1.5 million on refurbishment including entrance. *into consideration*

Thank you.

2.(k)

## Details of Public Objections

Ref.	Approximate location of objector	Summary of Objection
WITHIN BRISTOL		
1, 2, 3, 4, 5, 6, 7,  8,  9, 10, 11, 12, 13, 14, 15, 16, 17,  18, 19, 20,  21, 22,	Mendip Road, St Matthias Park Midland Road Cotham Road Orlebar Gardens Oakfield Road Raleigh Road  West Street  Rose Road West Street Rose Road Lower Redland Road Court Road High Kingsdown P O Box Ashley Down Rosling Road  Albert Park Place Greenbank Avenue West West Street  Shadwell Road Upper Cranbrook Road	<p>Template letter: Concern for safety of women in the area and proximity of venues near facilities and amenities.</p> <p>In particular management of adverse behaviour is reactive and there is no protection for public outside of club. There are schools, community facilities, charities, several hundred residential apartments, places of religious worship, several massage parlours and two sex shops.</p> <p>Objection 8 includes references to the sofa project, furniture reuse network and the Bristol Debt Advice Centre as charities in the area that may be affected.</p> <p>Objection 17 includes a request that if granted the venue should not be allowed to advertise by means of personal solicitation, leafleting in the locality, externally displayed billboards or posters, or in any part of the Council's administrative area.</p> <p>Objection 20 includes that there could be large numbers of drunks in the road outside the venue.</p> <p>Objection 22 includes that opening of the venue will have a negative impact of schools, nurseries, crèches, youth hostels and other similar educational or recreational facilities attended by children e.g. swimming pools, parks, children's play area, residential and sheltered accommodation, religious and community buildings. That there will also be a negative impact on tourism, perception of the City at a gateway location, retail attractions, risk of public nuisance, increase crime and disorder and public perception of the safety of the area.</p>
23	Ashley Road	Moral and ethical objection as nude and lap dancing encourages the objectification of men and women and the operation of the club will contribute towards the breakdown of family relationships.
24	Ashley Road	Moral obligation in that no person should be exploited sexually. Bodies and souls of males and females are not for sale and that the club promotes unhealthy addiction (alleged link to drugs in this industry).

Ref.	Approximate location of objector	Summary of Objection
25	Ashley Road	Objectification of women, fully nude dancing and striptease is offensive. High numbers of trafficked women encourages the trade making it more difficult to break the cycle of slavery.
26	West Street	Objection to the sanctioning the sale of sexual arousal, packaging of women as anonymous, fantasy sexual meat. Experience of stag parties leaving club intoxicated and in a sexually excited state resulting in the risk of offence, urination in the street or worse. Such premises are antithesis of gender equality and sanction sexism. The location of these premises is inappropriate and impedes the regeneration of the area.
27	Falcondale Road	<p>Location of this venue creates an environment that is hostile to women because of the concentration of the sex trade and sexual exploitation of women. Area is inappropriate given the character of the locality and uses of nearby premises which includes residential premises, places of public worship, education, leisure and family friendly facilities. The area is a conservation area, is the Eastern gateway into the city features a showcase bus route, is the subject of a Gateway Scheme which identifies the area as a priority for redevelopment and regeneration.</p> <p>Stag parties are renowned for negative impact in terms of crime and disorder and perceptions of personal safety in the locality. Old Market has a reputation as the sex hub of Bristol.</p>
28	Beaumont Street	Premises are close to residential properties and a school as a result children have to pass premises to get to the school. This type of activity promotes dangers to women, is degrading and opens doors for opportunities to those who exploit vulnerable women.
29, 30,	Elton Road Armidale Place	Dislike of seeing such premises and avoids passing such premises. Sexist imagery as embodied by the lap dancing industry is linked to increased tolerance of sexism, sexual harassment and interpersonal violence according to the American Psychological Association. Personal experience of aggressive and abusive sexist comments in Bristol. Premises are in a highly residential area and patrons would cause noise problems and a risk of sexual harassment. Local residents especially women will feel unsafe entering and leaving their homes. Old Market is one of the main routes into and out of the city and passing the premises causes the objector to feel uncomfortable, it promotes a poor image of Bristol and is a conservation area.
31	Mina Road	Violence and sexual harassment against women is increased by the presence of SEV and cannot be prevented inside or out. Employment discrimination is inevitable. The presence of such venues objectify women and is contrary to principles of promoting gender equality. Impact on local neighbourhood including family orientated restaurants, businesses, Local authority offices and general public access is contrary to Councils

Ref.	Approximate location of objector	Summary of Objection
		own licence guidance.
32	Merchants Road	Number of residential premises in the area and it unacceptable that women and children have to pass the venue on a daily basis when patron may have been drinking heavily and may be in a state of sexual excitement. The proposed opening times coincide with children attending local primary schools, commuters travelling to and from work. Also have an effect on families and young people using local community venues. There are also offices in the vicinity for charitable organisation. The premises will be detrimental to business and character of the locality which is a conservation area. There will be a detrimental impact on ability to attract regeneration to the area. Venue is promoting stag parties which are renowned for their negative impact and there would be a significant impact on the real and perceived threat to those who live, work and travel through the area. Activities in lap dancing clubs are contradictory with equality between men and women, it normalises men's sexual objectification of women which is dehumanising and make violence against women more likely.
33	Merchants Road	Premises are situated in a residential area and residents will have to pass venue on their way to local schools, to work, places of religious worship and community facilities. Locality has a high concentration of SEV and other late night venues and has a high level of assaults and to be threatening places. Premises encourage stag parties which are renowned for their negative impact on a district in terms of crime and disorder. Activities in lap dancing clubs are contradictory with equality between men and women, it normalises men's sexual objectification of women which is dehumanising and make violence against women more likely.
34	Commercial Road	The premises will encourage urban degeneration and has been shown to increase promiscuity with minors and violence to women. Experience of working with sex offenders is that such premises trigger apparently normal people to offend.
35	Chessel Street	Already several SEVs in the area and further venues will reinforce the red light image of the area. SEVs alienate women who work in the area and to the detriment of mainstream businesses in the area
36	Ashley Ward	Four SEVs within a half mile radius of each other within the city centre. Close proximity to three schools, places of public worship, densely populates residential area in close proximity, community buildings and that there are other sex related commercial premises in the area.
37	Falcondale Road	Locality is inappropriate given character of the locality and the uses to which nearby premises are put. Highly residential area, presence of places of worship, places education, leisure and family friendly facilities. Users of such facilities should not be forced to walk past a sexual entertainment venue to reach their intended destination.

Ref.	Approximate location of objector	Summary of Objection
		<p>The character of the locality as been designated as Conservation Area 16 and is part of the showcase bus route. Venue would have a detrimental effect on the areas ability to attract new businesses. The venue target stag parties which are renowned for their negative impact on city centres by attracting large groups of young men. The general appearance to others using the locality is detrimental and that the volume of undesirable sex-orientated premises in the area contributes to the threatening perception of the area. Public sector has a duty to promote gender equality and that activity within lap dancing clubs is in direct contradiction with equality between men and women.</p>
38	West Street	<p>Opening times are excessive and a starting time of 4.am would be less damaging to businesses. Area is designated as Conservation Area 16 and is the eastern gateway to the city. Venue targets stag parties consisting of large groups of men who will be drinking to excess and are subject to rowdy and antisocial behaviour when leaving the venue. CCTV can only be reactive and damage has occurred to local business premises. The venue is in close proximity to several charities which serve vulnerable sections of the community, several hundred residential properties and other sex orientated premises. That granting of the licence would have a serious detrimental impact on the operation of local commercial premises.</p>
<b>OUTSIDE OF BRISTOL</b>		
39	Lytham St Annes	<p>SEV is inappropriate as it is in a conservation area, residential area used for leisure and cultural activities, inconsistent with public sector duty to promote gender equality. Have seen at first hand sleaze that accumulates in areas with these kinds of venues.</p>
40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54,	Northampton Coventry Hampstead, London Swansea Glasgow Cheltenham Peterborough Cardiff Lichfield York Islington, London York York Malton Durham City	<p>Template letter: Concern for safety of women in the area and proximity of venues near facilities and amenities. In particular management of adverse behaviour is reactive and there is no protection for public outside of club. There are schools, community facilities, charities, several hundred residential apartments, places of religious worship, several massage parlours and two sex shops.</p>
55	Frampton Cotterell	<p>Premises are situated near to places of worship, places of education, leisure and family friendly facilities. Opening times coincide with journeys to and from schools, places of religious worship and places of work. Venue is in close proximity to community facilities charities and organisation whose clientele includes</p>

Ref.	Approximate location of objector	Summary of Objection
		<p>potentially vulnerable people. Users of facilities should not be forced to walk past SEV to reach their destinations. The venue targets stag parties and it is intimidating to lone women walking past large groups of drunken men on stag weekends. Although controls can be placed on activities within the premises there are no controls on activities of customers on leaving the venue. There would be a negative impact caused by the general appearance to others using the locality, premises is located on a gateway to the city and the volume of undesirable social uses, massage parlours etc contributes to the threatening perception of the area.</p>
56	Choppington Northumberland	<p>Venue is inappropriately located on a high street in a residential area which includes a multitude of charities whose clientele are often vulnerable people. Such venues promote a red light image for an area. Men visiting the premises may be drunk, sexually aroused and/or frustrated which may affect their behaviour. Increase in crime and disorder including verbal hate crime, women at greater risk of intimidation at any time of day and creation of a no go area for women. Such venues have a dehumanising effect and have serious implications in relation to gender equality.</p>
Objection received after consultation period closed		
57	Gloucester Lane	<p>Template letter as per objections 1 to 22. In addition – too many premises and nightclubs in area causing disturbance to residents. Concern for children from local schools and charities supporting vulnerable people in the area being subjected to exploitation</p>

## Table of Responses

Summary of Question	Applicant response
1.3 E) Will the business for which a licence is sought to be carried on for the benefit of a person other than the applicant	No
1.3 F) Does the applicant operate any other sex establishment	No
1.3 H) Has the applicant ever been disqualified from holding a licence under the LG(MP)A 1982	No
1.3 I) Has the applicant ever 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.	No
Three individual responses regarding company directors etc. and one regarding corporate body responses Total of four sets of responses per question	
9. Has the responder ever been disqualified from holding a licence under the LG(MP)A 1982	Four responses - 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.	Four responses - No
11. Has the responder ever had a personal licence refused, suspended or revoked under the Licensing Act 2003	Four responses - No
12. Has the responder ever been convicted of a criminal offence, whether in the UK or elsewhere.	Four responses - No
13. Has the responder accepted a simple or conditional caution in respect of any criminal offence.	Four responses - No
14. To the responders knowledge are they currently the subject of any criminal investigation.	Four responses - 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	Four responses - No

16. Are the responders facing any allegations of the type referred to in 15 above.	Four responses - No
17. Have the responder ever been disqualified from acting as a company director	Four responses – No

**Conditions attached to premises licence issued under the Licensing Act 2003**

## Annex 2

1. Live music - limited to indoors only.  
Recorded music - limited to indoors only.  
Performances of dance - limited to indoors only. Performance of lap dances including full striptease and nudity.  
Similar - live/recorded music or dance - limited to indoors only. Occasional similar activities at the management's discretion.  
Provision of facilities for making music - limited to indoors only. Facilities to play amplified recorded and live music.  
Provision of facilities for dancing - limited to indoors only. Dancing by performers.  
Similar facilities for music or dance - limited to indoors only.  
Late night refreshment - provision shall take place indoors only. Hot food and drink at the management's discretion.
- 2 Intoxicating Liquor shall not be sold or supplied except during permitted hours. In this condition, permitted hours means those as listed on page one of this licence, as varied by the non-standard timings.

## Annex 3

- 1 There shall be an SIA registered door person on duty from 21.00 hours. There shall be two registered door staff in attendance from 23.00 hours until close and at any other time when performance of dance is taking place.
- 2 Subject to meeting the minimum required number, the number of managers and door supervisors deployed at the premises shall be based on a suitable and documented risk assessment.
- 3 The premises licence holder shall ensure that where door security personnel 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 security personnel engaged at the premises during the period of not less than 21 days prior to the request and shall be open to inspection by licensing officers or police officers upon request.
- 4 The premises licence holder shall ensure that all door security personnel employed at the premises wear a current identification badge, issued by the Security Industry Authority, in a conspicuous position to the front of their upper body.
- 5 The premises licence holder shall keep a register of all door security personnel employed at the premises, such a register to include the following details of those personnel and is to be kept on the premises at all times:  
"Full Name, Date of Birth, Full Address, Employing Agency (if appropriate)"
- 6 The premises licence holder shall keep an 'Incident Report Register' of a form prescribed by the Licensing Authority in which full details of all incidents involving door security personnel are recorded. The register is to be kept on the premises at all times.
- 7 The premises licence holder, when requested, shall identify by name those persons employed by him/her as door security personnel to a police officer or

officer of the Licensing Authority.

- 8 The premises licence holder shall ensure that the outer clothing, pockets and bags of those entering the premises is searched by door security personnel of the same sex, in cases where there is reasonable suspicion that drugs, defined as Class 1 or Class 2 controlled substances under the Misuse of Drugs Act, or weapons are being carried. In such cases where controlled substances or weapons are found the premises licence holder shall inform the Police in order that they may take any necessary action.
- 9 All doors and fastenings shall at all times be kept in proper working order.
- 10 Exit signs shall be adequately illuminated during the whole time the public are on the premises by a system of lighting, other than that which is used for the general lighting of the premises, unless arrangements are made for such notices to be automatically illuminated when the general system fails.
- 11 All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other obstructions and from any article or substance which may cause a person to slip, trip or fall.
- 12 Any door not usable by the public shall be marked "PRIVATE", notices bearing the words "NO EXIT" or "NO WAY OUT" shall not be used.
- 13 If required by the Licensing Authority, additional exit signs and also directional signs to British Standard 5499; Part 1, shall be provided and maintained in the premises in the manner specified by the Licensing Authority.
- 14 Exit doors or gates shall open in the direction of exit and shall be hung so as not to obstruct, when open, any gangway, passage, staircase or landing. Such door or gate shall be free from fastenings other than panic bolts. Doors fitted with panic bolts shall have on the internal face the words "PUSH BAR TO OPEN" in blocked white letters 50 mm high on a green background.
- 15 A door or gate shall not open immediately upon a step or steps. A landing having a width of not less than 900 mm shall be provided between the door and gate and the step or steps.
- 16 Barriers for checking or controlling admission shall not be used without permission of the Licensing Authority.
- 17 Temporary barriers, other than rope barriers of a type approved by the Licensing Authority, shall not be provided. Rope barriers approved by the Licensing Authority shall be fitted with automatic catches or slip connections and shall be arranged so as not to trail on the floor when parted, and the fittings shall not project into the gangway or exit way.
- 18 The public shall be permitted to leave by all exit and entrance doors after each performance, entrances being considered and treated as exits for all purposes, provided that they are not revolving doors or fitted with turnstiles.
- 19 Adequate means of escape shall be provided from all dressing rooms.
- 20 There must be no projection which would diminish the clear width of the gangway.
- 21 Floor coverings shall be secured so as not to ruck up or cause obstruction. Mats

more than 1 cm thick shall be sunk to floor level unless of rubber with wide bevelled edges.

- 22 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.
- 23 The floors of all gangways, lobbies, corridors, passages and other exit routes and the tread of all steps and stairways shall be non-slippery and flat. The nosings of the treads of steps and stairways shall be coloured white.
- 24 No cotton-wool or other highly flammable material shall be used for decoration or costume.
- 25 All scenery, hangings, curtains and decorations on or about the stage shall be rendered and maintained flame-proof unless otherwise fire resisting.
- 26 A notice giving instructions as to the mode of summoning the Fire Brigade shall be displayed at such points as deemed necessary by the Chief Fire Officer. If any fire, no matter how trivial a nature, takes place within the licensed premises, or if any report or alarm of fire is made or given, notice shall immediately be sent to the nearest Fire Station by the quickest means possible.
- 27 Except with the consent of the Licensing Authority, explosives or highly flammable substances shall not be brought on to or used in the premises.

#### Staff Training

- 28 The premises licence holder shall provide training for all staff to ensure that they are familiar with all means of ingress and egress and the appropriate procedures in case of any emergencies that require an immediate evacuation of the premises.
- 29 In all cases in which it is desired to install temporary lighting, notice must be given to the Licensing Authority in writing, at least 48 hours before it is desired to commence the work. Temporary electrical wiring and distribution systems shall not be provided without notification to the Licensing Authority at least 10 days before the commencement of works and a prior inspection by a suitably qualified electrician. A record shall be kept by the premises licence holder. All temporary electrical wiring and distribution systems shall comply with the recommendations of British Standard no 7671 or where applicable British Standard No 7909 or any British Standard replacing or amending the same.
- 30 All suspended light fittings or apparatus (other than small single lamp pendants fitted at a height of less than 3 metres above floor level) shall be provided with satisfactory means of suspension independent of the conductors.
- 31 Heavy pendant fittings or apparatus shall, unless rigidly fixed, be provided with two means of suspension independent of the conductors. Proper means of access for maintenance of such fittings or apparatus shall be provided.

#### Noise Precautions

- 32 The risk of hearing damage from noise to employees shall be reduced to the lowest level reasonably practicable and attention is drawn to the requirements of the Noise at Work Regulations 1989. No alterations to the sound amplification

system is to be undertaken without consultation with the Licensing Authority.

#### Disabled Persons

- 33 It shall be the responsibility of the premises licence holder, or the person appointed by the premises licence holder to be in charge of the premises when public entertainment is taking place to ensure the safety of disabled persons on the premises.

#### Offensive Entertainment

- 34 No exhibition, recitation, acting, singing, or dancing, which is obscene, offensive to public decency, or calculated to excite a breach of the peace, shall be allowed. A copy of any proposed recitation or song shall be provided to the Chief Constable at his request.

#### Hypnotism

- 35 Unless the express consent of the Licensing Authority is obtained and subject to any conditions attached to such consent, no person shall give at the premises (otherwise than as provided by Section 5 of the Hypnotism Act, 1952) any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

#### Telephone

- 36 The premises licence holder, or the person appointed by the premises licence holder to be in charge of the premises when public entertainment is taking place, shall provide or have the unhampered use of a telephone on the licensed 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.

#### Ventilation

- 37 All parts of the licensed premises 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.

#### Free Drinking Water

- 38 The premises licence holder shall ensure that potable drinking water is available free of charge at all times that the licence is in force. The drinking water should be provided from the bar when such facilities are available. Notices publicising the availability of free drinking water should be clearly displayed within the premises. The premises licence holder shall ensure that suitable drinking utensils shall be available for the free drinking water at all times that licensable activity is taking place..

- 39 The premises licence holder shall put up a clearly visible notice advising those attending that the Police will be informed if anyone is found in possession of controlled substances or weapons.

- 40 The premises licence holder shall ensure security arrangements are sufficient to discourage the sale and consumption of controlled substances; for example they shall have a member of staff dedicated to carrying out regular checks in the toilet areas.

#### Provisions Relating to Striptease Entertainment

- 41 Only activities which have previously been agreed in writing by the Licensing

Authority shall take place.

- 42 The agreed activities will only take place in designated areas approved by the Licensing Authority and the approved arrangements for access to the dressing room shall be maintained at all times whilst strip tease is taking place and immediately thereafter.
- 43 The striptease entertainment shall be given only by the performers and no audience participation will be permitted.
- 44 Dancers not performing must not be in the licensed area in a state of undress.
- 45 Dancers shall only perform on the stage area or to seated customers.
- 46 Performers shall be aged not less than 18 years.
- 47 The premises licence holder must not permit the display outside of the premises of photographs or other images which indicate or suggest that striptease or similar dancing takes place on the premises.
- 48 There shall be no physical contact between customer and the performer before, during or after the performance other than the placing of notes by the customer in a garter worn by the performer for that purpose.
- 49 Striptease entertainment shall only take place at the premises during permitted hours.
- 50 Nudity
- (i) The area proposed for striptease (involving full nudity shall):
    - (a) Be in a position where the performance cannot be seen from the street;
    - (b) Be in the 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.
  - (ii) Entertainers in all parts of the premises other than the designated area shall at all times wear a G string or similar piece of clothing that covers the appropriate part of the body.
- 51 The external doors and windows shall be alarmed.

#### Glass Bottles/Drinking Glasses

- 52 The premises licence holder shall ensure that any bottles or glasses are removed from persons leaving the premises.

#### ACCESS AND EGRESS - NOISE CONTROL

- 53 Except for access and egress all doors and windows shall be kept closed when regulated entertainment is being held.

#### MONITORING

- 54 The manager, premises licence holder or other competent person from the premises shall carry out observations in the vicinity of the nearest noise sensitive premises, at least once between 11.00 and 02.00 whilst the licence is being exercised in order to establish whether there is a noise breakout from the premises.

- 55 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 breakout and any action taken to reduce noise breakout.
- 56 Such a book to be made available at all times upon request to a police officer or an officer of the local authority.
- 57 Where necessary, steps shall be taken to minimise the extent of noise breakout from the premises to ensure that all local residents are not disturbed
- 58 The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no licensable activity shall be advertised in a manner which contravenes the general law or cause a nuisance to the general public.
- 59 The maximum occupancy shall be limited to 100 persons at any time when performance of dance is taking place at the premises.
- 60 Admission is pay at the door with no ticket issued but at times could be ticketed, and these tickets will be held to the end of the evening.
- 61 There is a zero tolerance drugs policy in force at the premises
- 62 Admission shall be refused to any person where there is reason for the premises licence holder, his employers, officers or other agents to believe the person to be involved in the distribution or supply of classified drugs as well as to anyone they believe may be carrying such drugs.
- 63 If any customers are creating a general nuisance they shall be refused entry.
- 64 In the case of an emergency the Manager on duty shall co-ordinate with the Emergency Services and will liaise with the staff and customers.
- 65 Each member of staff shall be told how to contact the emergency services in the event of a fire upon their induction into the employment of the venue.
- 66 The location of non fixed tables and chairs shall be monitored to ensure that they are not interfering with the escape route. If they are causing an obstruction they shall be removed.
- 67 No customer entering the premises shall be allowed to bring in sealed containers of glass with alcohol inside. If such a product is brought in by a customer it shall be confiscated and given back upon their departure from the premises.
- 68 The Licensing Authority, the Chief Officer of Police or the Fire Officer in conjunction with the premises licence holder may reasonably require the entertainment be suspended at any time for the safety of the performers and any others present at the entertainment.
- 69 The risk of hearing damage from noise to employees shall be reduced to the lowest level practicable for the provision of musical entertainment required by guests of the venue.
- 70 The layout of the speakers shall be approved by the premises licence holder and the people who install the equipment. The company that installs the equipment

shall be recognised by the Licensing Authority as a company that installs music systems in Bristol, the company will be aware of any new legislation and install to meet those needs.

- 71 Customers shall be expected to queue, enter and leave in a quiet and orderly fashion.
- 72 Odours from cooking shall be ventilated outside.
- 73 The premises 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 those areas immediately adjacent to the premises that are within the control of the premises licence holder. A visual check of the premises and adjacent areas shall be carried out periodically when licensable activities are taking place to ensure the area is not affected by littering.

### **Trading Standards**

- 74 A recognised proof of age scheme such as 'Challenge 21' or similar should be implemented. This should include documented staff training, records of refusals and clear signage.

### **Police**

- 75 CCTV equipment shall be installed at the premises to the satisfaction of the Police and The Licensing Authority's Licensing Section, subject to a regular assessment instigated by either.
- a) Tapes, or other recording media, which relate to the CCTV cameras shall be retained for a minimum of 31 days and made available to a Police or Licensing Officer when required.
- b) The CCTV equipment shall be maintained in good working order and continually record during licensable hours and for a period of two hours afterwards.
- c) The correct time and date shall be generated onto both the recording and real time image screen.
- d) If the CCTV equipment (including mobile units) breaks down the premises licence holder shall ensure that the DPS, or in his/her absence other responsible person, verbally informs the Police and The Licensing Authority's Licensing Section as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was passed. Equipment failures shall be repaired or replaced as soon as reasonably practicable and without undue delay. The Licensing Office and the Police shall be informed when faults are rectified.
- e) A member of staff technically able to operate the CCTV system shall be available during all licensable hours and shall comply with any reasonable request of an authorised officer of the Licensing Authority or the Police to view any CCTV 'footage' that has been recorded. The premises licence holder shall ensure that a member of staff shall be technically able to reproduce CCTV images into a removable format and that such format shall be produced within 24 hours following any request from an authorised officer of the Licensing Authority or the

Police.

## **Health and Safety Team**

- 76 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.
- 77 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). A Residual Current Device protection, sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying sockets that may be used by entertainers/ members of the public.
- 78 With regard to premises with outdoor areas, a Residual Current Device protection sensitive to tripping currents of not more than 30 milli-amps, must be fitted to power circuits supplying outdoor sockets and also indoor sockets that might be expected, with the use of plug-in extension leads, to power outdoor circuits.
- 79 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 Premises licence holder 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.
- 80 All or any open fireplaces or stoves must be protected when in use so as to prevent injury to vulnerable members of the public such as children, such as by the use of suitable fireguards.
- 81 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.
- 82 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).
- 83 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.
- 84 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.

- 85 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. [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].
- 86 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).
- 87 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:  
dry ice machines, cryogenic fog machines, smoke machines and any other type of fog generators  
pyrotechnics including fireworks  
explosives and other highly flammable substances  
real flame  
firearms  
motor vehicles  
strobe lighting  
lasers  
foam  
any other unusual or novel effect
- Furthermore written permission must be sought from the licensing authority before using any of the above -
- a) for the first time and
  - b) after any significant changes have been made to the venue, usage of the effect or the equipment itself.
- 88 Where the premises is part of a shared property and members of the public may require access through areas not under the direct control of the licence holder (such as escape routes), the licence holder must ensure that he has liaised with the appropriate persons and has in place such arrangements as are necessary to ensure that the safety of members of the public is not compromised by the use of these shared areas and that none of the other licensing conditions may be breached.
- 89 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.
- 90 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.

- 91 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: 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.  
Any changes in level shall be clearly visible to members of the public, such as by using contrasting colours or additional lighting.
- 92 Mats more than 1 cm thick shall be sunk to floor level unless of rubber with wide bevelled edges.
- 93 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.
- 94 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.
- 95 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.
- 96 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.
- 97 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.
- 98 No person under 18 years of age shall be present on the licensed premises at any time when licensable activities are authorised to take place.