

**AGENDA ITEM NO. 4D**

**BRISTOL CITY COUNCIL**

**MINUTES OF THE MEETING OF THE  
LICENSING COMMITTEE  
HELD ON 24TH JANUARY 2012 AT 10.00 am**

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

**LIC**

**44.1/12**

**APOLOGIES FOR ABSENCE AND DECLARATIONS  
OF INTEREST**

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

There were no declarations of interest.

**LIC**

**45.1/12**

**PUBLIC FORUM**

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

**LIC**

**46.1/12 ANNOUNCEMENTS FROM THE CHAIR**

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

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

**LIC**

**47.1/12 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.**

The Committee considered a report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 5) regarding the application made by Temptations T3 in respect of premises trading as Temptations T3, 46 West Street, Old Market, Bristol, BS2 0BH.

The legal advisor to the Committee commented that due to an administrative error some of the hard copies of the papers for the meeting appeared to have pages either missing or in the wrong order. However, the electronic copy that had been published on Bristol City Council's website and also sent to all Members of the Committee had contained the right information. All parties agreed to proceed with the hearing.

It was noted that the applicant had submitted a response to the points raised by objectors, a copy of which had been circulated in advance of the meeting.

Members invited those objectors present at the hearing to summarise their comments. They heard from the following objector numbers; 18, 27, 37 and 52a and 55.

The Committee adjourned for lunch at 12.00pm and reconvened at 12.45pm.

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

- The applicants had interests in a number of businesses based in Plymouth and Bristol, including 2 lap dancing clubs, a hotel and 2 restaurants. Both applicants were personal licence holders.
- The Plymouth branch of Temptations (Temptations T2) had been trading since 2004 without any issues or complaints. The applicants established Temptations T3 in Bristol in 2007, at the premises formerly used as the lap dancing venue called Club Crème. They had invested a significant sum in improving the interior and exterior of the building. The changing facilities for performers would shortly be upgraded.
- Temptations T3 was based in the Old Market area of Bristol, which the applicants felt was relatively run down. They would argue that their premises enhanced the local area because it was a well-maintained building whereas others in the vicinity were dilapidated or derelict.
- Old Market was a Conservation Area and the adaptations to the premises, including the signage and company logo, had been approved by Bristol City Council's heritage department. When the premises were closed and the gates shut the exterior was very bland so there was no reason for pedestrians to be offended by its presence.

- The applicants participated in schemes initiated by local businesses to improve and promote the Old Market area.
- Up to 40 people were employed by Temptations T3 and depended on the business to make their living. The applicants were good employers and looked after their staff.
- Temptations T3 was managed by Ms H, who had worked as a lap dancer for 6 years. She was a lone parent who used her income to support herself and her daughter. The applicants had recruited Ms H in 2004 because they wanted a female to manage their venue in order to offer care and support to their performers.
- Ms H had considerable experience of the lap dancing industry and did not accept the suggestion made by some objectors that lap dancing exploited women and was associated with issues such as poor mental health and drug addiction.
- The safety of performers at the club was taken very seriously. At the end of each shift the security staff ensured the venue was cleared of customers and escorted performers to their transport.
- The standard conditions prepared by Bristol City Council were in the main acceptable to the applicants, but in some areas they requested minor amendments.
- The first condition which the applicants wished to vary was standard condition Q 'the availability of relevant entertainment shall not be marketed or advertised in any of the following ways; by way of leafleting in the locality.' As the venue was situated approximately 2 miles from the city centre, management arranged for tasteful, professional leaflets to be left in suitable bars and hotels to advertise the business. The leaflets were used to promote special offers, such as a free taxi to the premises. It should be noted, however, that leafleting did not take place 'in the locality' so it was

possible that the activity could continue without breaching the condition.

- The applicants currently used a number of television screens in the front window to advertise the telephone number and opening hours of the club, as well as any drinks promotions. The televisions were only switched on during opening hours. If possible, the content of the 'loop' that was used on the television screens would be provided to the Committee in advance of the decision-making meeting on Monday 30<sup>th</sup> January 2012.
- The second standard condition which the applicants wished to vary was condition O 'Performers and audience shall not be permitted to share any smoking areas.' Currently performers and customers used the dedicated smoking area at the rear of the premises. If this arrangement were to cease then one party would need to smoke at the front of the premises, which the applicants did not consider acceptable. The smoking area was monitored by CCTV and a security guard was present at all times.
- The third standard condition which the applicants wished to amend was condition P 'All external doors affording access to the licenced premises shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.' The applicants did not feel this condition was necessary since the doorway to the premises was located across a gated courtyard and was monitored by CCTV. Furthermore, the entrance to the premises was manned at all times during opening hours by a security guard who would check the age and condition of customers and close the door following admission.
- With regard to the objections that had been submitted, the Committee should note that many were blanket submissions that appeared to be based on moral grounds. Some of the objections were from people living outside the local area.

- Some objectors had presented a very negative impression of the prospects for lap dancers, in some instances suggesting they went on to become prostitutes, but the reality was that performers were well paid, enjoyed their work and were independent.
- A common theme within the objections was the proximity of the venue to public buildings, but there were no schools or churches in the near vicinity. To date no one had complained about the presence of the premises.
- Temptations T3 attracted both male and female customers. Staff were mindful of their equalities duties and there was full disabled access. Management did not target large groups of men or stag parties. Usually the maximum number of people attending from one party was up to 10. The premises could easily accommodate groups of that size because it was spacious and spread over 2 floors. Staff helped manage the impact of large groups by ensuring they left the premises quietly.
- Avon & Somerset Constabulary had confirmed that there had been no crimes associated with the premises during the last 12 months. Management made every effort to maintain effective working relationships with the responsible authorities.
- The comment in paragraph 19 of the accompanying report (based on the outcome of a licensing check conducted by the Joint Enforcement Team) was completely false and potentially libelous. The applicants had concluded that this false rumour could have originated from a disgruntled former member of staff or out of professional jealousy.
- The Joint Enforcement Team report also included comments that the 'venue gave an overall seedy impression due to females wearing very little (thong and bra) and appearing over friendly with customers.' The applicants did not feel this was a fair representation since the décor was very high quality and there was a rule in place that performers

must wear a long dress until midnight. The performers were friendly with some regular customers and might greet them upon arrival, but in much the same way as a waitress might greet a regular customer at a restaurant.

- The comment relating to a performer being 'Polish' was irrelevant.
- The Joint Enforcement Team officers attending the licensing check reported that a female was 'rushing about erratically warning the females that the police were in the premises' but this was a natural reaction for many individuals, similar to when drivers warned each other that a police car was on the road.
- Overall, the applicants felt the Joint Enforcement Team report was unfair. The report suggested performers touched themselves at the end of the dance, but it should be made clear that this was not in an inappropriate way.
- The applicants were seeking a licence from 11am to 6am Monday to Saturday and 12pm and 12.30am Mondays to Sundays. Lap dancing activities would not usually commence until 9pm, but would occasionally start earlier for special occasions. The club usually closed between 2am and 3am, depending on customer demand. There was no demand for lap dancing during the day times but the applicants needed to be licensed during those hours to permit them to hold classes in pole dancing, cocktail making and life drawing, as well as hen events.
- Most of the performers were from the UK, but the dancers' code of conduct would be translated into Polish and Russian to ensure there were no communication issues relating to expected standards of behaviour.
- Bristol City Council had identified that the appropriate number of Sexual Entertainment Venues (SEVs) for the Old Market locality was 1. Temptations T3 was the only SEV in Old Market.

Following the presentation from the applicant's solicitor, Miss H, the Manager of Temptations T3, was invited to provide details of her experience of working in and managing lap dancing venues. She provided the following information during her introduction and also in response to questions from Members and the applicant's legal representative;

- She had developed a safe and positive working environment for the performers at Temptations T3. She was not aware of any incidences during her career when a lap dancer had been assaulted.
- Lap dancing clubs tended to have a relaxed environment; she had only witnessed a total of 4 or 5 minor scuffles between men during her career. In a city centre nightclub you could expect there to be 3 or 4 fights every night.
- Performers undertook lap dancing to supplement their family's income or fund their education. They were professional women earning their own living. Lap dancing required a high level of fitness and encouraged performers to take pride in themselves, so it was a positive experience for those involved.
- The upper floor of the venue had originally been designed to accommodate corporate events but that side of the business was not yet fully developed.
- Temptations T3 did not target stag parties but on average had about 1 each month.
- Management endeavoured to attract customers from the higher end of the market because they wanted the venue to be upmarket and 'classy.' The cost of travelling to the venue in a taxi from the city centre was around £10, which was a deterrent for less affluent customers.
- On Thursday evenings business people were offered free admission.
- The location of the venue meant there was very little footfall so management relied upon flyers to

generate custom. The flyers were only left in places where interested parties could pick them up, such as hotels and bars, so were unlikely to be found lying in the street.

- The venue was advertised on websites, as well as in the What's On Bristol magazine.
- The person called 'Z' who was mentioned on posters at the venue was employed by Temptations T3 to promote the business. He had good links with other venues and visited industrial estates, offices and student venues to increase custom. Z was responsible for updating the company's Face Book and Twitter accounts, as performers were not permitted to use social networking on behalf of Temptations T3.
- Private dances lasted for between 3 and 5 minutes in the individual booths or 15 minutes plus in the VIP area. Dances were timed using a flashing lights system. There were a total of 13 booths, 4 of which were for VIPs.
- Security staff used a 'fault sheet' to record incidents of breaches of expected behaviour by lap dancers and customers. Performers used a signal to alert the security guard who was monitoring the CCTV that she wanted them to intervene.
- The frequency with which it was necessary to interrupt dances varied but could be up to 3 or 4 times a night.
- A maximum of two performers were permitted to use the smoking area at any one time. There was a terrace area upstairs which could be used by performers for smoking if necessary, but it wasn't monitored by CCTV or security staff so management felt it was less safe.
- The images displayed on the television screens at the front of the premises were not titillating. Similar pictures were used in holiday and spray tan advertisements. The images could be replaced if the Committee felt it necessary.

- Management requested that only one performer use the changing rooms at any one time (aside from at the start/end of the shift) because they wanted to ensure performers were working rather than chatting.
- Performers were encouraged to dress in a 'classy' way so thongs were discouraged. After midnight when they could change out of their long dresses, performers chose a variety of styles of clothing including hot pants and mini dresses.
- She had an office at the premises where she could monitor the CCTV, but usually she spent her time roaming the venue so she was available where she was most needed. A member of the security team (of which there was always a minimum of two) monitored the CCTV at all times. The management team had recently been expanded to include an assistant manager and security manager.
- The private booth on the ground floor that was accessible to the disabled was partitioned by a non-locking door because customers walked past when they entered the club. She did not consider it necessary to install a panic button because the booth was very near to the main reception desk, which was manned at all times.
- Life drawing had taken place at the premises 4 times in the last 8 months, as part of a hen package. Plans were in place to offer regular burlesque style drawing in the future.
- Performers would remove their clothing during the course of a private dance. At the end of the dance the customer would be asked to leave, but they could arrange to meet at the bar afterwards if desired. The performer would then replace her clothing before returning to the communal area.
- A fine system was in place for performers who breached the code of conduct. The maximum fine of £150 was for 'dirty dancing.' Performers could also be suspended or dismissed.

- Performers had the opportunity to earn extra money by selling corporate membership, and could save the usual house fees if they behaved in an elegant manner and observed the code of conduct.
- Performers were expected to work the full shift they were allocated, but management tried to accommodate individuals' requests when preparing the rota. Repeated failure to attend a shift or requests to leave early would result in a warning.
- The premises employed very few foreign dancers; in the last 4.5 years there had only been about 5 performers who were not from the UK. Applicants were invited to audition when a vacancy arose and would not be permitted to perform unless they were over 18 and had appropriate ID.
- Performers did not necessarily need to be experienced before they were hired. New dancers were permitted to work for two weeks before commencing pole dance performances to give them time to develop their skills. Staff generally enjoyed the pole dancing element of their work.
- The pool table had been installed as a gimmick to enable customers to play pool with topless dancers.
- She had undertaken her Security Industry Authority qualification and passed the course.
- Temptations T3 had advertised for performers to visit offices over the Christmas period to serve drinks and mince pies, but the scheme had not generated any interest. The intention had not been for performers to dance naked at other venues.

The legal advisor to the Committee commented that one of Bristol City Council's standard conditions in relation to SEVs prohibited penalties. The applicant's solicitor confirmed they were willing to accept the condition. The legal advisor proceeded to inform the applicants that Bristol City Council would need to be formally advised of the details of the new members of the management team and it was agreed that Ms H would complete and submit

the relevant paperwork so checks could be made prior to the determination meeting on 30<sup>th</sup> January 2012.

Members asked for additional information in a number of areas. The responses provided by the applicants and their representatives were as follows;

- The logo on the outside of the premises was a silhouette of a woman, with her hands covering her body.
- Pedestrians visiting local amenities might need to walk past Temptations T3, but in the vast majority of cases this would be during the day when the venue was not open for lap dancing. Usually lap dancing would not commence until 9pm, but occasionally it might begin at 7pm, for example at a corporate event.
- Security at Temptations T3 had previously been managed by a contractor, but due to concerns about the quality of the service provided the applicants had recruited a permanent security manager.

Inspector Rundle was invited to comment on the observations of the Chief Officer of Police relating to incidents and significant issues occurring at the premises between January 2011 and December 2011. He confirmed that he was not aware of any issues associated with Temptations T3. The applicant's legal representative asked if Avon & Somerset Constabulary could check for incidences for a longer time period because he was confident that the outcome would be positive, but Inspector Rundle declined because he had not provided that information in respect of the other SEVs seeking a licence.

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

**RESOLVED - That the decision relating to the application for the**

**Sexual Entertainment  
Venue licence for  
Temptations T3 be deferred  
to the Committee's meeting  
on Monday 30<sup>th</sup> January  
2012 at 9am.**

**LIC  
48.1/12 EXCLUSION OF PRESS AND PUBLIC**

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

**LIC  
49.1/12 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.**

The Committee considered an exempt report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 7) regarding the application made by Temptations T3 Ltd in respect of premises trading as Temptations T3, 46 West Street, Old Market, Bristol, BS1 0BH.

**LIC  
50.1/12 DATE OF NEXT MEETING**

Members noted that the next meeting of the Licensing Committee would take place at 9am on 30<sup>th</sup> January 2012.

(The meeting ended at 4.30pm)

CHAIR  
COUNCILLOR RON STONE