

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
LICENSING COMMITTEE
HELD ON 19th 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
22.1/12 APOLOGIES FOR ABSENCE AND DECLARATIONS
OF INTEREST**

Apologies were received from Councillors Breckels, Clark, Comer, Hance, Jethwa, Knott, Leaman, Morris, Wollacott and Woodman.

**LIC
23.1/12 PUBLIC FORUM**

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

**LIC
24.1/12 MINUTES - LICENSING COMMITTEE – 16TH JUNE 2011**

RESOLVED - that the minutes of the meeting of the Licensing Committee held on 23rd November 2011 be confirmed as a correct record and signed by the Chair.

LIC

25.1/12

ANNOUNCEMENTS FROM THE CHAIR

There were no formal announcements from the Chair.

LIC

26.1/12

CONSIDERATION OF THE SUSPENSION OF COMMITTEE PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE MOVING OF MOTIONS AND RULES OF DEBATE FOR THE DURATION OF THE MEETING

RESOLVED - 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

27.1/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 REPORT ON THE APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE MADE BY NIGHTLIFE CLUBS LTD IN RESPECT OF PREMISES TRADING AS URBAN TIGER, 4 BROAD QUAY, BRISTOL BS1 4DA

The Committee considered a report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 5) on the application made by Nightlife Clubs Ltd in respect of premises trading as Urban Tiger, 4 Broad Quay, Bristol.

The Licensing Administration Manager, Myra McSherry, introduced the report and referred to Paragraph 26. Line 5 of this paragraph should be corrected to read 'The findings of that inspection are currently subject to on-going investigation.....' and the term 'sub-judice' be disregarded.

It was noted that the premises had been the subject of a site visit of the Licensing Committee prior to this meeting. At the request of one of the Committee Members, the management of the premises had demonstrated how the CCTV screens were monitored.

The following statutory objectors were in attendance to speak to their objections:-

No.44, No 47 - Dr H M waived right to anonymity.

The Committee's Legal Advisor informed the Committee and objectors of the importance of not adding new information that was not contained within their original written statutory objection.

Statutory objectors No.53, No.55, No.63, and No.68 also spoke.

The Chair reminded the public gallery that no determination would take place today as all hearings had to be considered before any of them could be determined, determination was scheduled for Monday 30th January 2012.

The applicant and his legal representative made the following points as part of their opening statement:-

- The applicant understood that lapdancing was not everyone's 'cup of tea' and some members of the public were very passionately against it;

- The applicant had set out to have no environmental impact in the locality. There were no external images of naked women or flashing lights and the premises was not seedy or tacky to look at;
- The premises did not open until 9pm and there were no school children present at that time;
- The premises was not alcohol-led. There was a good class of customer who were very well supervised. The fall out from the night-time economy could not be associated with these premises;
- The application had not attracted any objections from regulatory authorities ie. environmental health, planning or child protection. No church, school, theatre or any body whose statutory concern is business, regeneration or tourism was known to have objected. No neighbours, whether residential or business had objected. Indeed, neighbours had made only positive responses;
- To give perspective, of the 441,000 Bristol residents, there had been only 42 objectors with Bristol addresses and none of these were near the premises. This equated to an objection from 1 in 10,000 Bristolians;
- The Fawcett Society had conducted a vigorous campaign for no lapdancing clubs anywhere. This was a not a view shared by UK parliament and Bristol City Council;
- Morality views of “good” and “bad” were not pertinent to this hearing. This was an evidential exercise set out by parliament. The applicant had run his premises for 22 months and there was no evidence of any individual who had been the subject of a criminal offence or harassment arising from these premises. The concerns being raised were entirely speculative and there was no material to back them up;

- Any regulatory issues with the premises had been immediately acknowledged, effectively responded to, and not repeated. The applicant wished to comply. There could be no objection to the suitability of the operator;
- This Council had set a careful approach to standard terms and conditions for SEVs which went well beyond other local authorities in some instances. The bar had therefore been set high. The applicant did not wish to vary any conditions and was willing to be bound by all standard conditions. There would be no flyers, curtains or touching the performers. A previous condition of the licence had stated 'no intentional contact.' The applicant was willing to accept for clarity a condition preventing contact entirely;
- The premises would exist in a new era where standards were raised. The applicant tended to run his premises in a way which met all the Council's aspirations and reduced the environmental footprint of the business. The applicant has invested in the city and built up goodwill. He employed lots of staff and it would be very serious for those staff if the premises was closed. The Committee would need to find a pressing social reason to necessitate such a draconian step and it was hoped that this would be found not necessary;
- The applicant did not intend to disparage other SEVs as he respected his competitors;
- The applicant had been in the licensing industry since he was 18 and in the lapdancing industry for the last 15 years. He established Urban Tiger in 2010 and was locked into an expensive lease until 2027, which had been guaranteed on his family home. The premises was not in an acceptable state when taken over;
- The applicant stated that he had wanted to establish a comfortable and safe environment for

customers and performers to enjoy the entertainment and to relax. The applicant was supported by two managers who recruited, trained and supervised staff;

- The applicant's legal representative stated that there was no day time use, music was maintained at a conversational level and there were no images other than a logo. The applicant was willing to trade on the brand and not operate in a sexualised environment. There was no view into the club from the outside and a supervisor explained the rules of the club to customers as they entered. A busy Saturday night in the Summer might attract 80 customers. There was a high ratio of staff to customers. Most customers were seated. It was noted that the Committee had been concerned that CCTV monitors in the entrance might be capable of being viewed by customers. These could be swiveled away so the public could not view them;
- The fire escape was used as a smoking area for performers as it was not appropriate to have performers mix with customers when smoking; a separate facility was best for the performers safety;
- the premises was adjacent to a coffee shop, a printing shop and some student residential accommodation and wished to be a good neighbour so the applicant had expressly set out to have no explicit imagery and self-closing doors so that it blended in with the streetscene. The applicant's legal representative referred to letters received from Lashings, Digs - (landlords of students residences) and Printing.com. Lashings stated they had had no cause for concern with the staff or clientele and Printing.com reported that the doorstaff were of good character, kept an eye on their business and also acted as a moderating affect on the public in that area. Digs stated that they were more than satisfied with

their neighbours. The applicant reported that he saw his neighbours frequently and had built up a good relationship with them;

- the business did not use limousines;
- the applicant had changed his original position and was now willing to accept the standard condition that flyers would not be used for advertising the premises;
- there were 50 people who made a living from Urban Tiger, this included 30 - 35 dancers. The same security firm were always used as the applicant found the staff polite, quiet and diplomatic and therefore there was a good working partnership. The doorstaff were fully registered and had gold-plated accreditation. There was always one door steward on the street and two on a busy night. There was also one door steward on each floor in addition to management staff;
- the dancers were valued and therefore given respect as the premises would not exist if not for them. The applicant confirmed, on being asked, that the performers were not subjugated at all. There was a set of rules to abide by, the performers were not friends but everyone worked together as colleagues. Performers were not fined;
- management were respected and there was a better class of customer. There were no drunks and very few incidents;
- the premises was classy and not seedy. Loutish people were not allowed in as this would create problems for the club;
- Challenge 21 was operated at the reception and random searching took place. House rules were displayed at reception. The smoking area and reception were linked to nightlet radio and Pubwatch was also supported. Toilet attendants were in place on busy nights, at other times bar

- staff undertook such duties;
- there was a zero tolerance drugs policy which involved random searching, notices in toilets and inspections. If found, drugs and weapons were seized;
 - there was a smoking and dispersal policy both of which were displayed in reception;
 - new performers were inducted into the business and proper training given. If the committee granted this licence, performers would be fully inducted into the terms of the new licence. It would be made clear that breaches would be considered very serious;
 - the safety of performers was paramount - there was a system of sign in on arrival, a keypad for entering the changing room and personal lockers. Performers were taken to their cabs at night. If anything untoward took place, management would immediately take action;
 - the applicant's legal representative referred to a series of letters from performers relaying their experience of working at the premises. Comments were as follows:-
 - I feel safe and like working in a strict club;
 - I am a student and rely on the money to pay my fees - very comfortable compared to other employers;
 - it's the safest club I have worked at;
 - I am a team player - in a happy and well run club.
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- the applicant's legal representative noted that a couple of letters stated that the performers would not work anywhere else;
 - 10% of customers were women with a male partner.
 - the premises did not advertise for stag parties but

- these could be booked through an events company. Such groups were well behaved;
- there was a clear and communicated expectation of customer behaviour and house rules were explained at reception;
 - the applicant's legal representative referred to a series of customer letters regarding the premises. Comments were as follows:
 - the entertainment was adult and not sleazy and customers were made welcome there;
 - I have been often and staff were welcoming. Have not been pursued to pay for performers;
 - the premises was relaxing and accommodating - one of the best had visited - would be a great shame if closed;
 - entertained male and female clients there - thanks given;
 - the events company promoting Bristol received positive feedback from customers;
 - I like going there - did not like the previous club there;
 - I feel safe - pleasant atmosphere;
 - I feel comfortable as a female customer;
 - I run another venue in Bristol - feel comfortable in this premises;
 - I have a pub and take staff to the premises as feel safe.
 - Considerable thought had been given to the issue of unintentional body contact between customers and performers and the applicant was content to comply with the Council's standard condition which did not allow any contact. It was important to work within the conditions and performers had been reinducted to work with no

contact and had worked on this basis since Christmas;

- the premises was not an alcohol led premises and therefore did not contribute to the crime and disorder and public nuisance often experienced within the Cumulative Impact Area of the City Centre;
- the applicant's legal representative referred to a statement given to a government Select Committee stating that there was no evidence that SEV premises led to crime and disorder as there was not excessive drinking in such premises. The applicant considered this a fair description of his premises;
- reference was made to objections received regarding the premises. It was reported that one objector had used images of other premises on its standard letters regarding SEVs. That campaign also included word documents of blank objection forms and standard letters for objection. A map of objectors showed that some came from places not associated with Bristol, examples were Berwick-on-Tweed and Glasgow;
- a map showing this premises in red demonstrated that no objections had been received from the immediate vicinity of the premises. There were 7 objections received from the Cabot ward location of the premises which was low considering there were 13,000 residents living in that ward;
- reference was made to the Police comments within the public report on the agenda. It was noted that the Police believed that none of the incidents raised any significant concerns. Reference was made to a Joint enforcement visit on 5 August 2011 where a suspect package had been seized. It was found that procedures had not been properly followed as the seizure form should have been kept in the bound book and not

- in the safe;
- it was also noted that a free drinking water sign had not been displayed although this was listed in the price list;
- the fire extinguisher was also found to be out of date. Chubb had failed to take the old one away but the replacement had been put in place.

On reconvening after lunch, the procedure for the rest of the meeting was clarified. Reference was made to new information that had been presented by statutory objectors and it was emphasized that such information could not be taken into account unless the committee had consciously admitted the material into the process as a late objection and afforded adequate opportunity for the applicant to consider and deal with it. The applicant's legal representative stated that he had no criticism of procedure so far.

The applicant's legal representative called a witness, JJ to speak to the Committee. She confirmed that she ran a Public Relations Company, organised events and conducted market research. She said she was wholly independent and used the normal protocols and rules when undertaking market research. She had undertaken 3 random surveys last week on the corner of Baldwin Street, near to the premises. She tested 100 people (split evenly between men and women) as to whether they knew the premises was there. 50 % of respondents did not know of the premises existence. Those that did know were asked where the nearest lapdancing club was. 49 people claimed to know and when asked to point this out on a map, 34 people pointed to Urban Tiger as the nearest, most others said Central Chambers and a few said Lounge @ 30. people were then told where urban Tiger was and asked whether they knew it was there before they were told. She said that only 37 people knew it was there and that this comprised 20 males and 18 females. Those surveyed were asked for any other comments - a young female commented that it did not

bother her, she had no concerns as long as it was not done in the street. A male stated each to their own - it did not bother him.

The applicant's legal representative called a witness, Mr V, an independent licensing investigator with a degree in law, a fellow of the Institute of Professional Licensing Investigators and a member of the British Institute of Innkeeping. Mr V confirmed that he always worked at arms length from premises owners in order to be properly independent. He reported that he had visited the premises on Friday 6 Jan, Saturday 7 Jan and Saturday 14 January between 10pm and 4.30am. The first two nights were covert visits. When the visits were completed it was necessary to confront the owner with what had witnessed. He had used two different assistants on two of the visits and had worked outside of the premises to assess the impact of the premises on the environment. He reported that he had visited similar clubs in Brighton, Blackpool and Birmingham and had found the standard of comfort as good as he had experienced including at very high-end premises. Such comfort had the effect of attracting an older type of customer. It also helped to moderate behaviour and the customer's expectations of the performers. He did not witness anything that was not correct. His overall assessment was a good and friendly customer service, with the volume of music and temperature set moderately in order to bring about moderate behaviour. These kind of details had been paid attention to. Cleaning staff worked hard to keep the toilets clean. He witnessed inadvertent contact on one occasion when a hostess made room for a performer to come off stage and made contact with a customer. It was inevitable that contact would unintentionally occur on occasions and this had happened to him when a hostess had helped him to stand up. Most observations had been done on the ground floor and there were at least 21 performers, 3 doorstaff, 2 duty managers, a toilet attendant and a glass collector for approximately 50 customers which indicated a ratio of 2 or 3 : 1. This was an astonishingly high

number which was not found in London or Manchester. Customers appeared to be on a first name basis which indicated that they were regulars which assisted with positive behaviour.

The applicant's legal representative noted from the Inspector's report that customers were sober and well behaved, with some looking like business men. Customers were enthusiastic as they were there to enjoy themselves but were well behaved.

With respect to the frontage and interface with the area, Mr V reported that customers reacted positively with doorstaff. Customers left sober and quickly thus making the doorstaff's job straightforward. It was surprising how heavily used the area was as from 10pm the use of the outside area and immediate vicinity was almost nil. Five of the bus stops opposite had no users after 10pm. It appeared that most people used the pedestrian crossing near the subway shop whilst people had little reason to use the stretch of road where the premises was located. He spent some time in the smoking area and there were mostly only two customers present. He understood the arguments regarding these premises within the City Centre but oddly at this precise location there was not great footfall and seemed therefore to be divorced from the reality of the area. It seemed that such a premises had a role to play for those who used the night time economy. He had witnessed loutish behaviour but not from this premises. The frontage was low key and gave no clues as to what the premises was, neither would it attract children to it. The area was well covered by CCTV and the 150m stretch was monitored by doorstaff and there was also a constant Police presence.

This concluded the applicant's legal representative's opening statement.

The following points were made by way of questions raised by the Committee:-

- Councillor Abraham asked how customers interacted with the public at different times of day ie. school children and theatre goers. He was informed that when children were en route to and from school and office workers were leaving to go home the premises was shut as it did not open until 9pm at any time of the year. It was noted that a high level of objectors had raised the issue of school children passing the premises, however, the applicant's legal representative submitted that 42 objections out of 440,000 residents of the city was not high. It was also noted that no objection came from the vicinity;
- customers would be attracted through the website and by maintaining links to events companies. Repeat custom was vital and this was why customers were well looked after in order to persuade them to come back. Flyering had been done in the past but passing trade was not relied on so the business could still operate successfully without flyers;
- the applicant undertook to move the CCTV cameras in reception so that customers could not see what was being monitored;
- the applicant confirmed that stag parties were advertised on the board outside the premises as well as through events companies. It was noted that this could be removed from the board;
- Councillor Davies expressed concern that customers might intimidate people on leaving the premises when they had been drinking excessively. He also questioned the use of the term 'gentleman's' club. He was informed that there was a need to call the premises something that was recognisable to someone and was more anodyne than the use of the terms strip club or lapdancing club. Customers were monitored to ensure that they behaved themselves. If customers were

intoxicated, they would not be admitted. The premises was not alcohol led. Stag parties were nearly always pre-booked with an itinerary so customers were always relatively sober as they would then leave to go to a large club such as Oceana. Customers visiting the premises had planned the visit as a destination venue and therefore tended to be sober.

- Councillor Davies asked whether customers would be tempted to drink excessively before visiting the premises as drinks were so expensive there. He was informed that customers would not be admitted if drunk. Customers wished to be reasonably sober in order to enjoy the entertainment they had paid for;
- the premises opened until 4 or 5am. The applicant stated that he did not tend to close any earlier as this might put off customers that had planned a visit. The premises was never at capacity which tended to ebb and flow through the evening. On closure, there was usually just a handful of customers;
- the applicant had never received any complaint from people passing by the premises regarding customer's behaviour on leaving the premises;
- doorstaff would watch customers on leaving as they progressed along the street. If there were troublesome groups in the area staff could be alerted by radio and their entrance would be blocked;
- Councillor Morgan suggested that the periods when the independent investigator visited the premises would have been quiet as it was the first weekend after Christmas. Mr V agreed to an extent but argued that the City Centre was very busy and buoyant;
- it was noted that there were family theatre performances at the Hippodrome opposite and therefore children might come into contact with the

premises. The applicant stated that theatre-goers tended not to come to their side of the road and if they did, they premises was not brought to their attention as it was not an overt frontage;

- it was confirmed that there were no male performers and no disabled access to the first floor;
- there were usually between 7 - and 28 performers dependent on the time of year and night. The balance was worked well;
- some performers did not have English as their first language but could only work at the premises if they could converse with customers;
- Councillor Morgan asked if the positive statements from the performers might have been written due concern about losing their job? The applicant stated that he had informed the staff and it was clear that a lot of people were concerned, they made a good income from the industry;
- it was noted that the revised house rules and code of conduct were included in the binder issued to the Committee by the applicant. The applicant confirmed that customers who broke the code were asked to leave. Regular meetings, reinductions and monitoring took place with the performers. If there was a breach, the performer was spoken to and if this re-occurred the performer was let go as it was a risk to the business;
- the applicant was asked whether he was informed of the independent investigator's visit. The applicant replied that he was informed that someone had been employed to carry out the work but was not informed who this was in order for it to be truly independent.

The Police Inspector reported two further incidents to that reported in the Committee report. One of those incidents was not relevant. Councillor Abraham referred to a number of objections that suggested that crime statistics rose dramatically near to SEVs and asked the Inspector to

comment. Pauline Powell advised the Committee that this information was not in the Committee's report and had not been submitted as an objection; she reminded the Committee of the advice provided in respect of late objections. There was a lengthy discussion about this, which culminated in the applicant's legal representative agreeing that the applicant would not object to the Inspector responding to the question. The Inspector replied that it would be difficult to disentangle data in order to tie them to one particular premises. The incident logs indicated that there was no particular concerns for this premises.

The applicant's legal representative, in sum up, made the following points:-

- there were various grounds on which the Committee could refuse an application.
- on suitability, there was no objection to this applicant who was highly experienced and did his best to run the premises properly and comply with regulations.
- with respect to character, there was no or negligible impact on the location. The neutral colour scheme, the absence of imagery and the experienced doorstaff demonstrated this.
- there was no evidence to suggest the behaviour of customers was to drink too much and glare at women and if this was the case there would have been objections from neighbours.
- the Committee did not have the evidence to exercise its discretion to shut the business, and there was not even evidence from neighbours that there was a problem with the way the business imposed itself on the locality.
- the premises was right in the middle of the CIA and the Inspector had stated '...13 incidents in this period and none of them raise significant concerns'. The Committee had not heard any

evidence that the premises was causing men to go out and cause problems to women. The premises could be considered risqué and titillating but the applicant would not be in business if it was anything more than this.

- the Committee was not obliged to maintain their policy for appropriate numbers in the locality, this was guidance only. There was still a presumption in favour of grant, each case must be treated on its own merits.
- the premises did not impact on the area to justify closure. There had been no objection from any regulatory authorities, neighbours and schools. There was a lack of regulatory harm caused by the premises. The premises brought additional security to the area and people were very happy that staff were there to monitor the area.
- we live in a democracy where lawful activities could be conducted;
- the highly undesirable consequence of shutting this premises would be the loss of jobs in the height of a recession, and an empty building in the heart of the city;
- the locality was a big one and the SEVs did not interrelate as a collectivity;
- the conditions imposed would mean that the premises would operate to a high standard;
- a decision to refuse would need to be proportionate and consideration would need to be given some other ways to control the premises.;
- the applicant's legal representative hoped that the Committee would find it permissible to allow the premises to remain open. It did not mean that the Council's policy had been abandoned. This premises and the other two SEVs that had applied for license within the City Centre locality were not visually related. The other two premises were visually related, were close to a church and on a narrow street which meant that they imposed

themselves more on the streetscene;

- submissions were made about the impact of the European convention on Human Rights. The Provision of Services Regulations and the Equalities Act; and
- it was understood that SEVs evoked powerful feelings in some people but evidence was the point and not feelings. The Committee was asked to permit the premises to continue.

RESOLVED - That the application be determined at the Full Licensing Committee on 30 January 2012.

LIC

26.1/12

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

27.1/12

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 REPORT ON THE APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE MADE BY NIGHTLIFE CLUBS LTD IN RESPECT OF PREMISES TRADING AS URBAN TIGER, 4 BROAD QUAY, BRISTOL BS1 4DA

The Committee considered an exempt report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 7) on the application made by Nightlife Clubs Ltd in respect of premises trading as Urban Tiger, 4 Broad Quay, Bristol.

LIC

28.1/12

DATE OF NEXT MEETING

The date of the next meeting of the Licensing Committee will be 20th January 2012 at 10.00 am.

(The meeting ended at 5.10 pm.)

CHAIR