

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
LICENSING COMMITTEE
HELD ON 20TH 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

29.1/12

**APOLOGIES FOR ABSENCE AND DECLARATIONS
OF INTEREST**

Apologies were received from Councillors Breckels, Clark, Comer, Hance, Jethwa, Knott, Leaman, Morris, Wollacott and Woodman. There were no declarations of interest.

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30.1/12

PUBLIC FORUM

The Public Forum bundle was circulated to members in advance of the meeting and a copy placed in the Minute Book. The Committee's Legal Advisor reminded statement makers that they should not raise material that was not within their statutory objection (which would be

considered elsewhere on the agenda). The Committee could only take into account the facts presented in the report and not what was read in the press or heard by word of mouth.

**LIC
31.1/12 ANNOUNCEMENTS FROM THE CHAIR**

There were no formal announcements from the Chair.

**LIC
32.1/12 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
33.1/12 LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982 REPORT ON THE
APPLICATION FOR A SEXUAL ENTERTAINMENT
VENUE MADE BY BRUCE ASHMORE IN RESPECT OF
PREMISES TRADING AS LOUNGE @ 30, 30 CLARE
STREET, BRISTOL**

The Committee considered a report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 4) on the application made by Bruce Ashmore In Respect Of Premises Trading As Lounge @ 30, 30 Clare Street, 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 this point, the Committee's Licensing Administration Manager reminded objectors of the importance of not adding new information that was not contained within their statutory objection as the applicants would not be in a position to respond.

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

No 9, No38 (Bristol Fawcett waived their right to anonymity), No44, No 52 (Dr Helen Mott waived her right to anonymity), No 40 and No 55.

The Chair reminded all present that the Committee would not make a decision today. This would take place on 30 January once all four SEV applications had been heard.

Counsel advised the Committee that he would require 30 to 45 minutes to present his client's case and would not be calling any witnesses or relying on market surveys as he did not wish to insult the intelligence of the Committee. Mr Ashmore was the owner, Mr Chakrabati was the Manager and Mrs Chakrabati was the HR Manager all were present in order to answer questions from the Committee.

Counsel made the following points in his opening statement:-

- the premises was located on the first, second and

third floors of the building and not directly accessible from the ground floor;

- there was no danger of the door being left open and passers-by observing the entertainment within;
- there were two entrance points - one off the street and the other from the bar below. Both had the same supervision and were subject to the same checks at entry;
- the premises licence was granted in November 2008 and provided striptease and lap dancing entertainment for men and women;
- it was situated at the centre of the city's late night entertainment facilities and the street was pedestrianised on both sides;
- striptease as a form of entertainment had a long history in this country and was not a recent invention as suggested with a public forum statement heard earlier;
- what took place at the premises was a lawful form of entertainment allowed by Parliament albeit with subject to local regulation. Objectors were entitled to their views but it was not for this Council to proscribe this form of entertainment;
- a decision would be reached based on evidence and not speculation and must relate to these premises;
- it was noted that the premises had operated for three years without any significant problems under its current licence and the applicant was anxious to co-operate with the Council and would accept any conditions which the Committee considered necessary and proportionate;
- the applicants have asked the Committee to exclude and/or vary standard conditions as follows;

- Condition C - full nudity took place in a 'private booth' which was monitored by CCTV and has a curtain that can be pulled across or remain open as wished by the performer. Performers tended to prefer the curtain to be

closed as did not like to be the subject of other customers gazing when they disrobed but if the Council did not approve of this feature then the applicant would remove them;

- Condition L - signage. There had been signage but all signage was now being withdrawn. If the licence was granted a planning consultant would be engaged to work with the Council in order to rebrand the premises which would include a new website, menu and signage;

- Condition P - auto-closure. The Applicants accepted that this was needed at ground floor level but this was not the case here and besides the entrance was constantly supervised by a security guard;

- Condition Q - advertising and flyers. This did not take place until after 21:00 hours staff distributing them were not scantily clad. 50% of customers were not regular and this why advertising was important. The current practice had not caused any complaints but if the Committee did not approval the applicants were willing to comply with conditions imposed;

- the Applicant did not intend to comment on other premises and noted that the Committee had to focus on the purpose of the legislation and the harm it sought to avoid. Measures imposed should be only those that were necessary to comply with those objectives. Counsel referred to the Scottish case of *Brightcrew Limited v GC Licensing Board* and supplied a copy for members to consider. (Copy held within the Minutes and in Members' packs for the determination meeting on 30 January) The case was not based on the same legislation but it was concerned with a lap dancing club and the same principle regarding the purpose of the legislation being to evaluate if conditions were geared to that purpose and were they necessary and proportionate. In this case, the court found the

conditions concerned with signage and flyers were not justified and emphasised the importance of focusing on the objectives of the legislation;

- Counsel continued to describe the business. The Applicant employed 18 permanent staff and up to 70 contracted staff most of which were women, which included those supporting families or paying for their education. Those staff included a toilet supervisor, three security staff, a bar supervisor, ten bar staff, a Manager, assistant Manager and HR Manager;
- the current licence operated from 18:00 to 04:30 hours but in reality traded between 22:00 and 04:00 hours. The 18:00 hours opening was to enable private events when contracted;
- most entertainment took place well within bedtime hours and comprised pole dancing, lap dancing, stage performance and stag and hen shows;
- until midnight dancers wore evening dress when moving through the premises, after this different forms of fancy dress or lingerie were worn. There was a strict code of conduct for dancers and customers alike. Dancers did not leave until the premises closed and were then escorted to their taxi. These dancers were much safer than many staff who worked in bars;
- there were no drinks promotions. A single drink was sometimes included in the entry price. The ground floor premises were a different operation;
- stag and hen parties were not advertised anywhere save for the website and were also booked through tourism agencies. At such events, the stag or hen would be seated centrally and a dancer/dancers would perform around them whilst friends watched;
- women were welcome at the premises and there were female only nights with a number of regular customers. The management were aware that there were a number of lesbian customers but they did not advertise it;
- it was a conservative and mature atmosphere and

there was a mature customer base. On a busy Friday/Saturday night there would typically be 100 customers compared to 30- 50 midweek;

- the Grade II listed building was purchased in 2004 and subsequently fire damaged. £300,000 was then spent on refurbishment and was then leased to tenants who did not operate well and the owner therefore took back possession and spent a further £200,000 refurbishing the premises;
- the Applicant was solvent, paid his taxes and his bills and was a responsible applicant;
- the premises was located within the entertainment area of the City, which was considered the capital of the West of England. The area was vibrant and it was vital that the City could offer all forms of entertainment. The management considered themselves good neighbours and were very open and treated all customers equally
- The Manager had experience of running this type of premises both in the UK and abroad;
- due to the anonymity rules, the applicant did not know exactly where the objections had come from but he was not aware of one from their nearby neighbour, St Stephens Church or from near by businesses. The Licensing Administration Manager interjected that an e-mail had been received from the City Canon who was also the Priest for St Stephens waiving his right to anonymity. However, it was subsequently clarified that this objection did not relate to Lounge @ 30;
- Counsel informed the Committee that management were very aware of their responsibilities to their neighbours. They frequently assisted the Police with the use of their CCTV coverage and in response to a Police request, had closed their premises during the recent riots. He reiterated that this was a lawful business, which had acted lawfully under the previous legislation and wished to continue that way under the new legislation.

The following points arose as a result of questioning :-

- the large signage had been taken down and would be replaced with whatever was deemed appropriate;
- the owner was an accountant and family man with four children and was relatively new to this type of business and had hence appointed a Manager. The sign had been in place when he took over the premises and was taken down in October/November in response to a query from the Council and a member of the public who did not like it. The boxboard had been damaged so he had instructed for it to be taken away. He was currently in discussions with the Police and Council regarding appropriate signage and had no desire to offend anybody;
- the Chair referred to some imagery within the report which also contained textual descriptions such as 'tease your dark side...you know you want to !' and asked whether such statements could be misinterpreted. Counsel understood his point but this was a striptease premises and had been known as this since the days of the Windmill. Counsel also clarified that they wished to be able to continue leafleting but if the Committee did not wish this to continue they would comply with whatever was imposed;
- Councillor Davies referred to a planning enforcement investigation regarding replacement windows. He also referred to the illuminated notices, which the applicant had stated were taken down in October whereas he believed it had not been done until Christmas. The Applicant stated that he operated in an open and transparent fashion and if the signage was not acceptable he would remove it and not proceed until clear as to what was acceptable;
- Councillor Abraham asked what other actions had

taken place in preparation for the Committee's visit. He added that it the Committee needed to make a decision regarding suitability as part of its determination of the application. He was informed that no signs had been painted over simply because of the Committee's visit. The Box board only had been taken away this morning would not be reinstalled;

- Councillor Abraham noted that the applicant had not been in the business for very long, and was an accountant by trade and wondered what impression this was giving the Committee. The Applicant reported that even though he was the Licence Holder, his wife technically owned the building. He understood his legal responsibilities and considered himself able to run the business but required two managers to assist with this. When he took the business over he was initially scared as it was unknown to him. He was happy to be regulated and encouraged transparency and openness. He wished to be a good neighbour and employer and had made every effort to run his business well and could see no reason why he was not a suitable Applicant. Counsel added that the applicant preparing for this application for some time and part of that had been a stream of improvements;
- Councillor Abraham raised the matter of location in a residential and business context and particularly its family orientation at certain times and St Stephens church. He noted that the premises opened at 18:00 hours and closed at 04:30 hours, with last orders at 03:30 hours although in reality the premises operated from 22:00 hours until 04:00 hours. He asked whether there was any lap dancing or pole dancing before 22:00 hours and was informed that this occurred on occasions for private functions but was rare. The only other occasions they opened earlier was for training. A private function had exclusive use of the premises and would not be open to the public;

- Councillor Abraham noted that there had been complaints regarding the current marketing strategy and referred particularly to the ability of children to pick up discarded flyers. He asked the applicant to detail any future marketing plans. Counsel responded that it was anticipated that the Committee might make a decision that was not what the applicant would want and so this matter would need to be reviewed. He envisaged the use of social networking sites and increased use of the website. Local magazines would be used on occasions but this would depend on magazine content, for example, a children's feature would mean that Lounge @ 30 could not be advertised. Flyering would be restricted from within two metres of the premises. They did not use limousines but could not prevent some customers arriving in them;
- Councillor Abraham asked for some assurance regarding the video coverage as on visiting the premises he had some doubts about what could be seen as images seemed to cut off the face of both the dancer and customer. He wondered whether there were particular black spots. In response, the Applicant stated that the average dancer was 5'5" so should always capture the dancer and they had been reasonably vigilant so there had been no issues in the past. Councillor Abraham noted that the dancers would in fact be taller than this if high heels were taken into account;
- Councillor Abraham asked how important were staff working conditions and was informed that staff turnover was low which was a positive thing;
- Councillor Abraham observed that the changing room was very small when there could be potentially 18 dancers in there on a Saturday night. The Applicant agreed that they could be bigger but added that dancers did not all perform at the same time so that there was only ever 6/8 dancers in there at any time;

- Councillor Morgan sought clarification of the board shown on page 32 of the papers and heard that this advertised the bar and not Lounge @ 30;
- Clarification was sought regarding the arrangements for flyering. The Manager explained that staff were trained and had to be at least 25 years old and were only senior dancers who were more experienced. Two or three dancers flyer together and flyers were not given to rowdy people or groups larger than 6/7, or to people whose clothing did not suit the venue's dress code. Only one flyer was given out per person or group as flyering was considered selective. Flyering started at 22:00 hours and ended 01:00 hours. Flyers were never left on car windscreens as the customer needed to be selectively invited and there was also potential that a child could return to that car. This was all strictly enforced. Councillor Morgan observed that discarded flyers could be picked up by anyone;
- copies of the new menu were passed around;
- it was noted that the code of conduct and house rules were displayed in the changing room and the code of conduct was also part of the dancers' contract;
- the Applicant stated that the venue attracted a slightly older crowd aged between 40 - 45 and tended to be semi-professional who had more money;
- clarification was sought regarding the dancers clothing after midnight as the Committee had heard that it was fancy dress but the guidelines stated lingerie. The Manager replied that the dancers were given the choice as some preferred not to wear lingerie;
- The HR Manager confirmed that the code reinforced that dancers had to perform a minimum of one foot away from customers;
- it was confirmed that all dancers were self-employed;

- it was confirmed that on a Friday or Saturday night there was typically 3 security staff and midweek there were 2 security staff on duty. A toilet attendant was always on duty on a Friday and Saturday night;
- it was noted that there was not disability access although this had been explored but was too costly. Last year there had only been 3 disabled customers who had been carried up the stairs;
- there were occasional male performers but they were not in such demand;
- Councillor Hugill asked for clarification regarding the fees paid to dancers and was informed that these were paid at the end of a shift and were a matter of individual negotiation. An example would be £6 out of a £20 dance fee would go to the club midweek, whilst a £30 club fee would be charged on a Saturday. The majority of dancers income was based on the shifts they did - the more shifts undertaken the less commission was given. This equated to 25% to the club and 75% to the dancer;
- the Chair observed that the venue was not the easiest of places to access with blind spots and a series of doors and corridors. Counsel agreed but noted that there were areas where activity was not taking place. Dancers and staff were constantly moving through the building and would not be expected to disappear from view due to the CCTV coverage. Should this happen, security staff would notice and so the possibility of improper behaviour was virtually non-existent. It was noted that security staff needed to be fit as the building was large. The possibility of using head cams for security staff had been discussed subsequent to the site visit;
- the Chair asked for observations regarding the local objections received. Counsel replied that objections appeared to be generally about this type of premises rather than specific to this particular premises. It was understood that the Committee had a policy which allowed four premises to exist

within this area. He asserted that objections from outside the area should carry little weight;

- it was confirmed that a double lap dance was where two dancers paid attention to the customer and a lesbian lap dance was where two dancers paid attention to each other;
- a 'sit down' was where a customer wished the company of dancer. They could subsequently agree to a dance whereupon the dancer would take the customer to a booth and money would be exchanged;
- entrance to the premises was from the street straight onto the landing and there were roped off steps on the landing down to Bar @ 30, so the premises could be accessed internally also. Door staff were directly in front of the door and able to monitor both points of entry. Lounge @ 30 was not advertised in the bar. A stamp was used to separate the customers in the two venues;
- dancers must be sufficiently fluent in English to be able to hold a decent conversation and to understand the code of conduct and contract;
- there was no dedicated smoking area for customers or dancers, a maximum of 2 or 3 customers were permitted to go out at any time and were closely observed;
- rowdy behaviour from smokers was not tolerated and if observed the customer would not be allowed to return to the venue;
- the Applicant invited opinion on the policy of booths, noting that their current policy was based on the preferences of the dancer and whatever was best for their wellbeing. The vast majority preferred a booth with the curtains drawn so that they were not gazed at;
- Councillor Davies noted that with the curtain drawn the booth was even smaller and therefore contact was more likely and was informed that this was the use of the curtain was a matter for the individual

- dancer;
- the first floor was opened at weekends and no customer was allowed near the booths unless accompanied by a dancer. On weekdays the curtains must always be closed because the area was accessible to all other people;
 - Counsel referred to the Councillors' view that the rooms were so small that the no contact rule was bound to be broken and reported that booths were monitored by an experienced person. Councillor Davies observed that the CCTV was positioned so that they could not see the heads of the dancer and the customer;
 - the Manager reported that on a weekend the customer pays on the ground floor and goes to the first floor. On a weekday, customers would go to the second floor;
 - once a private dance was complete, the dancer would cover herself, hold the curtain back and show the customer out. Drinks were not permitted in the booths;
 - it was confirmed that the dress code after midnight did not allow bra and panties sets, only corsets, Basques and teddies and nothing sleazy;
 - there were no hanging rails or lockers so dancers came with their own suitcases and left their valuables with management.

Inspector Rundle reported that there were no incidents to be added to the report and there was no questions from Counsel.

Counsel emphasised that the application was made on the basis of current practice as it was considered wrong to start on a false premise. Where current practice differed from the Council's proposed standard conditions, it sought to vary those conditions. However, the Applicant was happy to accept whatever the Committee imposed provided it was lawful.

In closing, Counsel stated that the lawful business had operated for three years without complaint. There had been no objections from responsible authorities, local churches, schools, businesses or local residence bearing in mind the anonymity of addresses. There was no link between the venue and crime. The Committee would make a decision based on evidence, the most important being from officers and the Police. The Applicant was aware of his responsibilities and co-operated with the Police in crime prevention and also to ensure the safety of his dancers. Dancers could confirm that they felt safe working within this environment.

He submitted that the premises did hold a licence at present and in his submission was this property was within the first protocol. He thought it important to refer the Committee to paragraph 4.4 and 4.21 of the Home Office guidance and read this out to the Committee and noted that this applied to all three applicants in this part of the City. He reported that the Applicant was conversant with the Equalities Act and complied with it by offering entertainment to both genders. He employed a number of local people whose own welfare depends on income derived from a legitimate activity. He asked that the Committee take into account that it was wrong to close an operation that was responsibly run without complaint unless it was backed by evidence. Finally, he urged the Committee to keep uppermost in their minds the harms which the legislation was seeking to protect.

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

LIC

34.1/12

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

35.1/12

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

The Committee considered an exempt report of the Strategic Director of Neighbourhoods and City Development (agenda item no. 6) on the application made by Bruce Ashmore In Respect Of Premises Trading As Lounge @ 30, 30 Clare Street, Bristol.

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

LIC

36.1/12

DATE OF NEXT MEETING

The date of the next meeting of the Licensing Committee will be 23rd January 2012 at 10.00 am.

(The meeting ended at 4.30 pm)

CHAIR