

**BRISTOL CITY COUNCIL
LICENSING COMMITTEE
30 SEPTEMBER 2013**

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

Report of the Director of Neighbourhoods and City Development

Purpose Of Report

1. To seek consideration of an application for the renewal of a sexual entertainment venue licence in respect of premises trading as Urban Tiger, 4 Broad Quay, Bristol, BS1 4DA.

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 applicant states that relevant entertainment is to be mainly provided by way of:

“Nude or semi-nude performances by dancers; possible cabaret acts and the like. Also to include table side and on-stage performances by both male and female performers involving full or partial nudity.”

The proposed relevant entertainment to include live performance, live displays of nudity, male exposure of the pubic area, genitals and anus, female exposure of nipples, pubic area, genitals and anus.

A copy of the licence is attached for member's information at Appendix A.

6. A copy of the location map and site plan is attached as Appendix B. Members are informed that following a minor variation application submitted under the requirements of the Licensing Act 2003 for changes to premises layout, that there are changes to the dimensions and number of performance booths. A copy of the plan of the premises layout at the time the application was granted is attached as Appendix C and a copy of the plan following the minor variation is attached as Appendix D.

7. A copy of the logo that is displayed on the premises is attached as Appendix E. Copies of the premises conditions, house rules, and code of conduct for dancers are attached as Appendices F and G respectively.

8. The application indicates that the trading name of "Urban Tiger" is to be changed to "Playhouse Gentlemen's Club" following refurbishment. Objections were received which expressed concern that the proposed name was unsuitable because the word 'Playhouse' was suggestive of a children's venue and that there has been a children's charity operating in Bristol for several years named as Playhouse Children's Charity. As a consequence the applicant has withdrawn the proposal to change the name and has reverted to Urban Tiger. This should be born in mind when reading the additional information which the applicant wishes the Council to take into account when considering this application that is attached at Appendix I.

10. 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 15 of the adopted legislation. Paragraph 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."

11. This application was made on the 18 December 2012 allowing for a public consultation period of 28 days. Due to a miscalculation on the council's part a later end date of the 16 January 2013 was advertised via the Council's website. A total of 57 (fifty seven) objections were received within that period and the committee must have regard to them. The Council must not disclose the identity of any objectors without their consent. A total of 3 (three) objections were received after the consultation period ended, however, despite requests no responses were received which would have enabled the Authority to confirm that they were bona fide objectors, so they are not addressed in this report.

The following objectors have advised that they waive their statutory right to anonymity:

- (a) City Canon Bristol Cathedral and Priest in charge of St Stephen's Church City Centre.
- (b) Bristol Fawcett
- (c) Bristol Women's Voice

The main themes of all the objections are set out below.

A. Nature of the area.

a) Presence of such a venue makes a public statement to Bristol and tourists that the Council considers this to be an acceptable business, thereby setting Bristol out as a sleazy destination for stag parties and sex tourists. The prominence of the venue puts families and children at risk of noise, disorder, and possibly danger of violence and sexual harassment.

b) The location of the venue is inconsistent with the character of a symbolic area of Bristol.

b) The premises are located in the city centre close to a number of bus stops that are used on a daily basis and often late into the night by commuters, school children, tourists, passengers travelling to and from the airport and the general public going about their business. Unacceptable that people, particularly women, minors and vulnerable people using bus services must wait outside of such a venue.

c) Premises are in close proximity to a church which as well as conducting religious

services hosts concerts and other events during the day and evening. The church garden and café are regularly used by the public during the day.

d) The venue is also adjacent to a range of leisure facilities such as, a bus stop for the sight-seeing tour company, drop off and pick up point for visitors to the Hippodrome, the open space containing the fountains and the cascade steps. The venue is also close to Bristol Hippodrome, Radisson Blu hotel, a Backpackers hostel used by single travellers, 100 residential apartments, 100 serviced apartments, residential apartments directly above and proximity to social housing. It is also close to millennium and Anchor Squares, museums and tourist attractions.

e) The venue is in the vicinity of a small supermarket, family restaurant, coffee shop, printers and florist which are frequented by families and children.

e) Such premises are a threat to young women using the nearby youth hostel, and that young men will be sent a message that in Bristol it is acceptable for women to be used as sexual objects.

e) There are other such venues in close proximity.

f) 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 clientele likely to be attracted to the premises are stag parties, and in fact are specifically targeted on the venues web site as an ideal location. Such parties are often made up of large groups of men who will be drinking heavily. Patrons may be or become inebriated, sexually aroused or frustrated. The effect of such venues, are 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. Adverse behaviour.

Women and children find such venues difficult to deal with, finding them threatening and offensive. Women are likely to receive unwanted attention from users of such clubs and at worst they may be at risk of sexual harassment and assault as incidents of this nature are more likely in areas where such venues are situated.

Pedestrians lacking a feeling of safety after dark, especially since a girl was attacked/assaulted in the vicinity. Passers-by feel intimidated by door stewards and venue customers milling around the entrance, and that leering and jeering is directed at women walking by.

Clear controls can be placed on activities within the premises but not on the control of individuals outside. Management of adverse behaviour can only be reactive ie CCTV only records crimes and cannot prevent such incidents as sexual assaults taking place. Club security may enforce the codes of conduct to protect performers inside the venue but does not protect the public outside of it.

E. 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. Links between the sex industry and violence against women and girls has been proved, and that attitudes of objectification are proven to increase the likelihood of men inflicting violence on other women. Such venues put forward an inappropriate and negative image of all women.

F. 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.

G. Trading Name and Layout of Premises

The trading name of 'Playhouse Gentlemen's Club' is unsuitable and suggests children's toys, nursery or theatre venues. There has been a 'Playhouse' children's charity in Bristol for over 30 years. The applicant has taken note of the objector's concerns in this matter, as a consequence are seeking to revert to the trading name of Urban Tiger.

An advertisement on Jack FM featured a man ringing his wife with an excuse to permit attendance at this venue and encourages other male listeners to invent similar lies is inappropriate and unsuitable. A transcript of the radio advertisement is attached as Appendix H.

The refurbished layout of the premises raises a number of questions as to how private booths are to be managed and controlled. The size of the booths is such as to restrict the performance area. The safety of performers may be jeopardised by a lack of CCTV coverage and that it may increase the level of contact between customers and performers, including the potential for a lowering of standards by the unacceptable offering of 'extras' by some performers.

H. Protection of Performers

Performers in such venues are self-employed and research indicates that they are subjected to high levels of abusive behaviour from customers. Concerns are expressed as to the introduction of small booths that afford performers little protection from customers and the inadequacy of CCTV cameras in covering each small booth. There is an implication in the objections that the booths are screened.

12. 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 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.

(c) The following paragraphs identify 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 any convictions held by the applicant to be made known to the Licensing authority. This requirement is particularly relevant to the duty as it is imperative that the licence holder is a suitable person to hold such a licence. Should any SEV licence be granted a set of robust conditions 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 and therefore it is particularly relevant that the licence holder is suitable. In addition to convictions it is equally 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 needs to be satisfied of the person's ability to ensure the safety and wellbeing of performers, employees and members of the public. The committee also need to be confident of the applicant's ability to understand and adhere to any conditions imposed should any licence be granted.

(e) Character of the locality

This venue is located on Broad Quay close to the main transport hub for the city centre and is in the heart of Bristol's night time economy which attracts higher levels of violent crime than other areas of the city. For this reason, following requests from the police due to the high levels of alcohol fuelled crime, this locality has been designated as a Cumulative Impact Area as defined within the Licensing Act statutory guidance. Members should consider, on the basis of the application before them, whether this remains 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 high footfall at this location.

(f) The Premises

Members will have had the opportunity to visit the premises and view plans of the layout. 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 performers at the premises will generally be women. Members are therefore required to have due regard to the duties described above. In particular members should be satisfied that the layout of the premises provides 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. Of equal importance is the external appearance of the premises. Members need to be satisfied that any frontages are appropriate and do not undermine the duty to foster good relations between persons who share a relevant characteristic and those who do not.

13. Late Objections

It used to be thought that the legal position was that objections could not be received and considered after the statutory deadline in consultation, but case law has now clarified the position that there is discretion to take late objections into account. A late objector cannot

require that their objection be taken into account and nor do they acquire the anonymity as of right that objections properly made would receive. If any late objections were to come forward a copy would be provided to the applicant so that they would be able to make representations regarding whether or not the sub-committee should exercise its discretion to consider them.

14. Observations of the Chief Officer of Police.

The following detail sets out Avon and Somerset Constabulary's involvement with the premises from the 1 January 2012 until 31 August 2013. The details have 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.

Incident Logs and Crime Reports.

Below is a summaries list of all 'incidents' and significant issues that have occurred between 1 January 2012 and 31 August 2013. The source of the documentation which relates to the summary is referred to by incident number and the original is held by Avon and Somerset Constabulary.

22/2/2012 – Assault.

Male reported being assaulted by door staff when being ejected. Male refused to give further details and no further action was taken by police. Source – Log AS-20120122-0261

16/3/2012 02:16 – Theft.

Male detained for theft of a handbag at the premises. Victim did not wish to make a complaint and no further action taken by police. Source – Log AS-20120316-0075

18/3/2012 04:05 – Assault.

Male reported being assaulted by door staff. Police attended and ascertained male had been lawfully ejected using reasonable force. No further action by police. Source – Log AS-20120318-0254

27/5/2012 01:15 – Injured Male.

Male injured having been knocked over as door staff ejected another male. No offence and no further action by police. Source – Log AS-20120527-0131 and 0156.

10/7/2012 02:16 – Assault.

Male ejected from premises claimed the door staff had used racial abuse towards him. He refused to give further details or make a statement and no further action was taken by police. Source – Log AS-20120710-0083

14/7/2012 00:08 – Disturbance.

Police attended following report of group causing problems with door staff. Group moved on by police. Source - Log AS-20120714-0012

19/8/2012 03:31 – Assault.

Male reported he had been assaulted outside the premises. He refused further details and no further action was taken by police. Source – Log AS-20120819-322 and 324.

8/9/2012 – Non crime incident.

Report of water leak at flats above premises. Source – Log AS-20120908-1300

9/10/12 22:50 - Assault.

Male reported being assaulted by door staff. Police attended and believed to be a false allegation. Source – Log As-20121009-1134

20/10/12 00:25 - Theft

Theft of a handbag from the bar area inside the premises. Source – Crime report 114319/12

25/11/12 01:45 – Assault.

A male was detained for an assault on a door supervisor. The door supervisor did not wish to make a formal complaint to the police and no further action was taken by police. Source – Log AS-20121112-0005

28/11/12 01:22 – Disturbance.

Door staff requested police attendance as a male was refusing to leave the premises. Police attended and the male was removed from the premises. No offences.

1/12/12 00:44 – Licensing Check.

Licensing check. Source – Log As-20121201-0052

7/12/12 01:40 ABH assault.

Following an ABH assault outside the premises two door staff were arrested. Following a police investigation there was insufficient evidence to support a prosecution against any person. Both were suspended by Security Industries Authority from working as door supervisors and following a review by the SIA they had their licences revoked. They appealed and currently their licences have been reinstated pending a further appeal. Source – Crime report 132261/12

11/1/13 01:29 Disturbance.

Police were called by CCTV after 2 males were seen acting aggressively towards door staff. The males left prior to police attendance. Source Log AS20130111-0054

23/2/2013 01:00 Public Order.

Three males fighting outside premises. All arrested and two cautioned for affray. Source crime report 18803/13

3/3/13 01:15 Disturbance.

Aggressive male refusing to leave. Left on police arrival. Source log AS-20130303-0077

15/3/2013 00:41 Disturbance.

Call from door supervisors re three males refusing to leave. Police attended and males moved on. Source log AS-20130315-0021

15/3/2013 23:41 Disturbance.

Call from door supervisors re a male refusing to leave. Police attended and male given a section 27 notice to leave the city centre. Source log AS-20130315-1258

4/5/2013 23:57 Disturbance

Male seen by CCTV to be causing problems to door supervisors. Male left prior to police arrival. Source log AS-20130504-1234

24/5/2013 22:31 Suspicious male.

Call from door supervisors re suspicious male believed to be an illegal immigrant outside. Male had left area before police arrival. Source log AS-20130524-1210

25/5/2013 03:33 Disturbance.

CCTV report of two males acting aggressively. No offences on police arrival. Source log AS-20130525-0202

3/6/2013 23:23 ASB.

Report of three males outside premises being abusive to general public. Source log AS-20130603-1230

16/6/2013 04:28 Disturbance.

Call from door staff re male refusing to leave. Male given words of advice by police. Source log AS-20130616-0252

30/6/2013 00:10 Assault.

Report from Ambulance of male outside premise with head wound who had been assaulted. Victim refused to talk to police. Source log AS-20130630-0010

6/7/2013 21:32 Assault.

Door staff reported being with pregnant female who had been assaulted. Male arrested. Incident not linked to Urban Tiger who were just reporting incident. Source logs As-20130706-1283 / 1298

20/8/2013 03:02 Disturbance and criminal damage

Door staff reported a male refusing to leave. Male had left on police arrival. Male returned and smashed window. Male arrested and received conditional caution. Source AS-20130820-0069, crime reports 82497/13 & 82095/13

Summary.

Currently the level of incidents does not cause any significant concern and the premises is graded green

15. 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.

16. 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.

17. 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 was 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.

18. 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

19. Observations of the Licensing Enforcement Co-ordinator.

An inspection visit was conducted at the premises on the 18 January 2013 by licensing enforcement officers to ascertain the status of compliance with conditions attached to the SEV licence and 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. On that occasion alleged breaches of SEV licence conditions were identified and an investigation followed.

The offence under investigation the person(s) had knowingly contravened, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence. In any prosecution it would be necessary in order to secure a conviction to prove beyond reasonable doubt that the defendant knowingly failed to exercise all due diligence and take all reasonable steps to ensure that the licence conditions were complied with.

There was no evidence to show that the company or any of its managers 'knowingly caused or permitted' breach of any term, condition or restriction on the SEV licence.

Although this was judged not be actionable in the criminal courts, members may rightfully be concerned over the potential breaches of the standard conditions. Members may wish to consider if the current conditions are sufficient.

20. The application process requires applicants to provide comprehensive information about any convictions and a range of other information that may be relevant to consideration of grounds A and B. In regard to this applicant there is no evidence of convictions deemed to be unspent under the Rehabilitation Of Offenders Act, cautions, discrimination cases or pending allegations at the date the application was made that would cast any doubt on the suitability of the applicant to hold the licence by reason of having been convicted of an offence or for any other reason.

Information has been declared that an application for the grant of a premises licence under the Licensing Act 2003 for the sale and supply of alcohol, relevant entertainment and late night refreshment for a lap dancing venue in London was refused by the relevant Council in February 2010. On that occasion there were no representations in respect of that application from Responsible Authorities (ie Police, Fire, etc).

Two directors of Nightlife Clubs Limited have declared that an application was made for an SEV licence in Twickenham, London. Objections were received to the application which was refused at a hearing on the 23 January 2012 on the grounds of locality and the use to which the premises would be put.

There is no information to suggest that either refusal has any relevance to any grounds under consideration in respect of this application for an SEV. Members however may wish to explore this with the applicants at the hearing. Your officers have no reason to doubt the veracity of the information provided.

21. Ground c)

That the number of sex establishments, or of 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.

22. Under council policy the relevant locality for Urban Tiger is the City Centre. The Council's policy for the appropriate number of sex establishments, or of sex establishments of a particular kind for the City Centre locality is:

Sex shops – 2

Sex cinemas – 0

Sexual entertainment venues (SEV) – 2

23. There are currently two licensed SEV's in the City Centre locality of which this renewal application is one. Therefore if the sub-committee follows the Council's policy this ground for refusal would not arise.

24. 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 are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

25. 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 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 application 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.

26. 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

27. 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. Factor (vi) is not one that objectors have commented on directly.

28. 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 that together with information 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 put 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.

29. 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.

APPENDICES

Appendix A – Current Sexual Entertainment Venue Licence
Appendix B - Locality map
Appendix C –Plan of premises as ta original grant of SEV licence
Appendix D – Plan of Premises as varied
Appendix E - Applicant logo to be displayed on the exterior of the premises
Appendix F - House rules
Appendix G - Performer's rules / contract
Appendix H – Transcript of radio advertisement
Appendix I - Additional information requested to be taken into account

RECOMMENDED:

1. That the sub-committee determine the application.

LEGAL IMPLICATIONS

The relevant key statutory provisions are reflected in the main body of the report.

1. The sub-committee should consider 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. Where a discretionary ground is judged to apply in this application the sub-committee will need to consider whether or not to exercise its discretion to rely upon that ground (or grounds) to refuse the application.
2. Subject to acting within the statutory constraints referred to in this report and subject to observing the Council's own constitution the sub-committee is able to set its own procedure for the conduct of the meeting. As the report makes clear in considering the application the subcommittee must have regard to any observations submitted to the Council by the Chief Officer of Police. The legislation does not impose any time limit on the ability of the Chief Officer to make observations; note the Act refers to "observations"; the Chief Officer of Police is not limited to making an objection.
3. The sub-committee must also have regard to any objections of which notice has been sent to the Council 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 and the committee has afforded the applicant a right to appear before them and be heard. The sub-committee is advised that case law establishes that there can be no expectation that a licence, once granted, will automatically be renewed. Within the constraints of the grounds there is a wide margin of discretion.
4. The Council is under a duty, section 149 of the Equality Act 2010 to have 'due regard' to the matters set out in relation to equalities when exercising the function of determining this renewal application. Accordingly due regard to the need to eliminate discrimination, advance equality and foster good relations must form an integral part of the decision making process.
5. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

6. There is no prescribed manner in which the equality duty must be exercised. However, the Council must have an adequate evidence base for its decision making. This can be achieved by various means including engagement with the public and interest groups and by gathering details and statistics that are relevant to the statutory function engaged in this regulatory process. The use of impact assessments can assist in meeting the duty.

7. The relevant part of 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 renew a licence. There is no requirement to allow objectors to be heard although this may be permitted. Case law makes it clear that in exercising discretion to afford objectors a hearing the Council must consider the risk of unfairness to the applicant. The meeting should be conducted as a hearing of the applicant's case for the grant of a licence and not as an adversarial contest between the opposing views of the applicants and the objectors. If 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 before the meeting gets underway the committee chair should 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

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers: Application, letters of objection

Contact Officer: Nick Carter, Enforcement and Regulatory Services Manager.

Neighbourhoods and City Development

Telephone: 01179142500

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982****Part II Schedule 3****SEXUAL ENTERTAINMENT VENUE****Bristol City Council****Princess House, Princess Street, Bedminster, Bristol. BS3 4AG****Name, (registered) address, telephone number and email (where relevant) of holder of licence:**

Nightlife Clubs Ltd, 4 Broad Quay, Bristol, BS1 4DA

Address of premises:

Urban Tiger, 4 Broad Quay, Bristol, BS1 4DA

The licence is granted for one year commencing on: 25 April 2012**Premises Licence Number:** 11/02282/SEV

The licence is granted on the terms, conditions and restrictions set out in the Schedule of Conditions.

Description of Permitted Relevant Entertainment

(Relevant entertainment has the meaning given in the Act and Permitted Relevant Entertainment has the meaning given in regulations referred to in the Schedule of Conditions)

- (i) Live Stage shows including striptease style entertainment;
- (ii) Pole dancing, and
- (iii) Non contact table side / lap dancing

SCHEDULE OF CONDITIONS

Save where they have been expressly excluded or varied, as particularised in paragraph 1 of this schedule, the licence is granted subject to the terms, conditions and restrictions prescribed by the Authority in regulations ("Standard Conditions") and also to any additional terms, conditions and restrictions set out in paragraph 2 of this schedule.

Paragraph 1 – Exclusion and variation of Standard Conditions.**1.1 Standard Conditions that have been excluded: None****1.2 Standard conditions that have been varied: None****Paragraph 2 – Additional terms, conditions and restrictions;****2.1 Relevant entertainment may only take place on the following days and times:**

Monday to Sunday 21.00 – 04.30 the following day

2.2 CCTV.

- (i) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours
- (ii) If relevant entertainment is specifically provided for an audience of one (for example what is sometimes referred to as a private dance) the camera must be positioned and operated so as to ensure that both parties are clearly identifiable from the captured images.
- (iii) All monitors shall be positioned so that customers may not observe images.

City Council of Bristol (The Council)

Regulations prescribing standard conditions applicable to licences for sexual entertainment venues

Made on the; 25 day of February 2011.

Coming into force on the: 1 day of July 2011

1. The Council makes these regulations pursuant to its power under paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 ("The Act").

2. In these conditions

'Audience'; 'Sexual Entertainment Venue'; and 'Relevant Entertainment'; each have the meaning given in the Act .

'Performer' means any individual who performs or actively participates in Relevant Entertainment (whether or not they are an employee) and "Performance" and "Performing" shall be construed accordingly.

'Permitted Relevant Entertainment' means entertainment falling within the description specified on the licence as being permitted at the licensed premises

'Relevant Offence' means

1. An offence under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3.

2. A sexual offence, being an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts));

3. Every Sexual Entertainment Venue Licence granted, renewed or transferred by the Council shall be presumed to have been so granted, renewed or transferred subject to the standard conditions contained in the schedule unless they have been expressly excluded or varied by the Council.

Schedule

A. Only Permitted Relevant Entertainment is authorised under this licence.

B. Permitted relevant entertainment may only take place on those parts of the premises as are identified on the plan annexed to the licence.

C. Relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas. For these purposes a room, cubicle or other area is private unless it is completely open on one side so that activities within may be supervised from the exterior.

D. The Council shall be provided with a Code of Conduct for Performers and Rules to be observed by members of the audience.

E. The Code and Rules referred to in Condition D above shall be brought to the attention of all performers and members of the audience and reasonable measures shall be taken to ensure that they are complied with.

F. 1. At no time during the performance may there be any contact between a performer and a customer. Prior to the performance or at the completion of the performance there may be hand-to-hand payment for the performance.

2. At no time except during the performance may a performer or employee be unclothed. Immediately following the performance, the performer must dress, so that (for example) the performer may not be unclothed when seeking payment for a performance.

3. No performer or employee may at any time (and whether or not performing):

a. sit or lie on the lap or any other part of any customer;

b. kiss, stroke, fondle, caress or embrace any customer;

- c. engage in any other contact of a sexual nature with any customer.
4. In these conditions:
- a. "customer" means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided;
 - b. "employee" means any person working at the venue whether under a contract of employment or some other contract;
 - c. "unclothed" means when breasts and/or genitals and/or anus are fully or partially uncovered.
 - d. "other contact of a sexual nature" means contact which must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.
- G. As soon as is reasonably practicable, and in any event within seven days, the Council shall be notified of any material change in the management structure, where a material change means one which is at variance with the information provided in the most recent application for a license, or its renewal or variation as the case may be;
- H. No person shall be employed or shall perform at the premises who has unspent convictions for any Relevant Offence;
- I. Copies of the license and the conditions applicable to it shall be displayed on the premises in a place where it is likely to be seen by every member of the audience;
- J. The licensee shall retain control over all parts of the licensed premises when used for Relevant Entertainment;
- K. Customers shall be made aware of any charge for admission to the premises, and of any further charges that may be levied in connection with the provision of Relevant Entertainment, before being admitted to the premises;
- L. There shall be no display either upon or outside of the licensed premises (in such a way that it is visible on the exterior) of photographs or other images which indicate or suggest that Relevant Entertainment is provided upon the premises, with the exception of any registered trade mark, trading name or trading symbol that has been provided to the Council in connection with the most recent application for licence, its renewal or variation as the case may be;
- M. The licensee shall ensure that no area where Relevant Entertainment may take place can be viewed from outside the licensed premises at any time;
- N. The licensed premises shall be sufficiently illuminated to ensure that usable CCTV images can be captured;
- O.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
- P. 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;

Q. 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) in any part of the Council's administrative area

R. The following shall be made available without charge to performers and the Audience:

Literature and contact names and telephone numbers of organisations that provide advice and counselling on matters relating to:-

- (i) sexual problems;
- (ii) family planning;
- (iii) sexually transmitted diseases
- (iv) rape and sexual assault.

S. (i) No telephone number, residential address, email address or other information that may facilitate further contact between performers and members of the Audience is passed from audience to performer, or vice versa; and

(ii) This prohibition shall be brought to the attention of all members of the Audience

T. (i) Performers may perform only in accordance with written contracts, which define their rights and obligations, including terms as to the nature of their performance and payment. No deduction shall be made from such payment unless permitted by the contract, and no deduction by way of penalty shall be permitted;

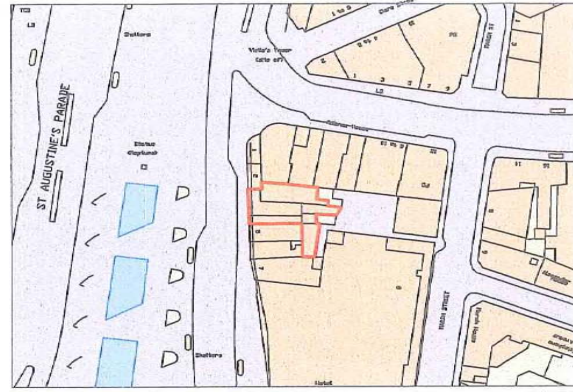
(ii) No relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom;

(iii) Copies of all documents referred to in (i) and (ii) above shall be retained for not less than 12 months after the last provision of Relevant Entertainment by the said Performer and shall be produced to an authorised officer of the Council or a Constable upon request at any reasonable time.

U. The licensee shall exercise all due diligence and take all reasonable steps to ensure that the terms and conditions imposed on the licence are observed and complied with at all times.

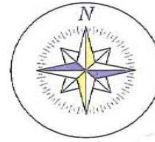


Site Plan 1:500



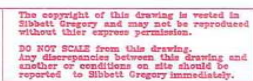
Ordnance Survey, © Crown Copyright 2011. All rights reserved. Licence number 100020449

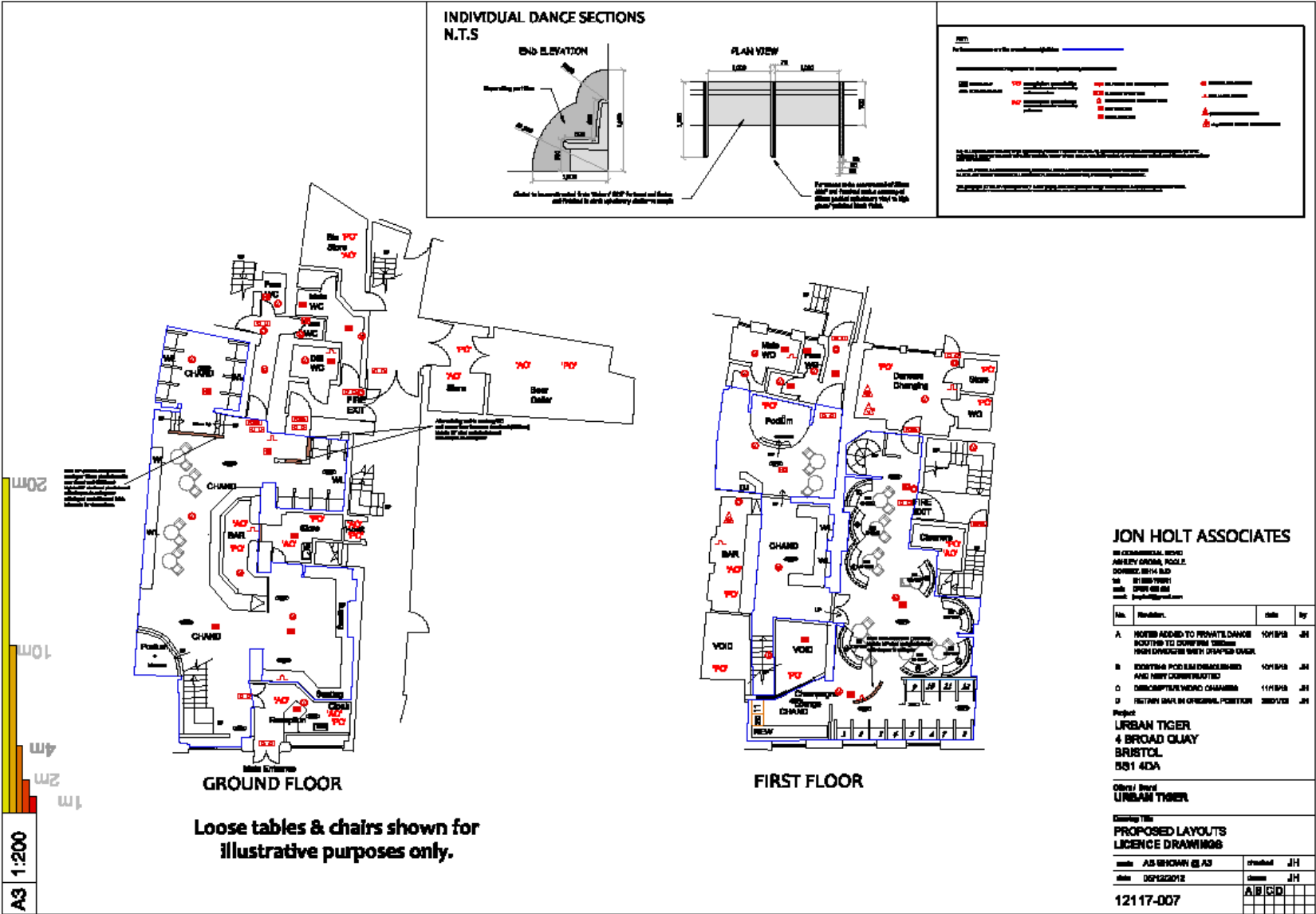
Location Plan 1:1250



Sibbett Gregory and may not be reproduced without their express permission.
Do NOT SCALE from this drawing.
Any discrepancies between this drawing and existing or conditions on site should be reported to Sibbett Gregory immediately.

FOR DETAILS SITE	
sibbett gregory	
Commercial Property Agents, Surveyors & Town Planners	
Sibbett Gregory 12 Victoria Road Forth Street Bristol, Bristol BS1 6ES	
E: info@sibbettgregory.com T: 0117 354 1111 F: 0117 354 1112	
Urban Tiger	
Urban Tiger 4 Broad Quay, Bristol	
Drawing Title: Location and Site Plan	
SEVL	
Scale	1:1250
Scale	1:500
Scale	1:1250
Scale	1:500







URBAN TIGER

GENTLEMEN'S CLUB



HOUSE RULES

CONDITIONS AND HOUSE RULES

1. If invited, a dancer will dance for you. A recommended minimum tip of £5/£10 will be paid for topless and £20 full nude for each recorded track. A single dance will be for approximately 3 minutes.
2. You may invite a girl to stay at your table for up to 5 recorded tracks and tip her at your discretion. She may accept a drink whilst at your table.
3. Dancers must not be propositioned in any manner.
4. Whether or not there is a bar operational, we will always have waiting staff to provide a full drinks service.
5. Dance vouchers may be purchased through your waitress or floor host. This facility is subject to 20% charge including VAT.
6. We accept most major credit cards. Cheques must be supported by a banker's card. All prices are inclusive of VAT. All prices and details are subject to alteration.
7. There is no personal photography allowed. All cameras must be handed in to the cloakroom before entering the premises.
8. No phone cameras can be used in the club.
9. Other than arrival and departure, visiting the cloakroom, lavatory or standing in the bar area, customers must remain seated at all times.
10. Apart from the shaking of hands on introduction and the placing of money or dance vouchers in a garter or hand, there is no intentional full body contact allowed at any time during the performance.

If you fail to obey our strict house rules, you will have to leave Urban Tiger and may be refused future entry.

If you have any questions, please ask for the floor host or duty manager.

Rights of admission are reserved.



CODE OF CONDUCT FOR DANCERS

THE FOLLOWING APPLIES AT ALL TIMES AND THE CODE BELOW IS IN ADDITION TO STANDARD CONDITIONS ON OUR SEXUAL ENTERTAINMENT VENUE LICENCE, WHICH ARE ATTACHED. BREACH OF THE CONDITIONS IS A CRIMINAL OFFENCE.

1. Dancers must be aged 18 years or older and provide the following documents before they may commence working in the premises;
 - a) Proof of age (photographic proof of identity showing date of birth). A copy to be made and kept in individual Dancer files for each Dancer.
 - b) Proof of address - 2 forms of proof (utility bill, phone bill, V5, Bank statement etc). A copy to be made and kept in individual Dancer files.
 - c) If not a citizen of the EU community, the dancer must provide proof of permission to work in the UK. A copy is to be kept in the individual dancers files.
2. No Striptease of any form may take place if such a performance may be visible to people outside the premises.
3. All Dancers are to complete an Induction process before they may commence working in the premises to include;
 - a) To thoroughly read the Code of Conduct and SEV Licence and sign to confirm the Dancer has read & understood them – a sign off sheet to be kept in the individual Dancers' file.
 - b) Explanation of Stage and Podium requirements
 - c) Schedule requirements and Changing Room Etiquette
 - d) Customer Relations and Conflict Management
 - e) Fire Safety – Health and Safety
4. Dancers may never give out any personal contact information, including telephone numbers, or contact details away from the Club. Dancers may provide a customer with the days and shifts they or other dancers work at the Club.
5. Dancers may never accept any telephone number, address or any other contact information from any customer .
6. Dancers are never to perform a nude table dance unless in a supervised area
7. Dancers may not use language of an inappropriate or sexually graphic nature at any time.
8. Dancers may only consume alcohol in moderation.
9. During the performance of a nude or semi nude dance, dancers must not allow any contact with the customer.
10. If a customer attempts to touch, or speak to any dancer inappropriately, the dancer must immediately stop the performance and explain the relevant customer rules. If necessary, ask for assistance from and cooperate with a floor supervisor, who will take appropriate action, which may include escorting the customer out of the Club.
11. Dancers are never to engage in an act of prostitution (to include the receiving of gratuities or payments for any form of sexual favour or offer of such).
12. Dancers must not accept a customer's offer of payment in return for sexual favours and must report any such behaviour to a member of management or supervisor.
13. Dancers must not engage in communications that could be deemed as acts of prostitution or solicitation.
14. Dancers are never to agree to meet a customer outside of the Club.

15. Dancers must never engage in any unlawful activity within the Club.
16. Dancers may never leave the premises during a shift, except in the case of an emergency and then only with the express permission of the duty manager. In that event, dancers must sign out before leaving the premises. If a dancer leaves early, for any reason, the dancer will not be re-admitted during that shift.
17. At the end of the night shift, dancers must not leave the premises until after the customers have departed and then have been cleared to leave by the manager.
18. Topless table dances and full nude table dances may be performed for the pre-determined rate.
19. By agreeing to dance at the club, the Dancer accepts that the club may use any recording as the club deems fit and in accordance with the Data Protection Legislation.
20. Any dancer found to be in violation of any of these rules, without exception, will be subject to the cancellation of pre booked shifts.

ANY BREACH OF THE ABOVE RULES
MAY RESULT IN THE DANCER BEING EXCLUDED FROM THIS CLUB
AND ALL OTHER ASSOCIATED CLUBS WORLDWIDE.
OBEY THE CODE! COMPLY WITH STATUTE LAWS!
USE COMMON SENSE!
WE HAVE ZERO TOLERANCE FOR;
PROSTITUTION, SOLICITATION, UNLAWFUL DRUGS, UNLAWFUL CONDUCT!

The signing of this document signifies that you, the dancer, have read and understood the CODE OF CONDUCT FOR DANCERS, and that you agree to comply with the Code of Conduct and the terms and conditions of the Sexual Entertainment Venue Licence and accept the obligations under both of them. This document is in no way designed to restrict your own artistic performance or freedom of expression.

Dancer signature _____

Dancer printed birth name _____

Dancer stage name _____

Printed Club Manager Name _____

Date Signed _____

Transcript

Male 1 "Look I'm sorry darling, but I'm just up to my eyeballs with work..."

Male 2 "Got to pull an all-nighter for the boss..."

Male 1 "Gutted!"

Male 2 "Gutted!"

Male 1 "But what can you do?"

ROARRRRRRRRRR!!!!

Female "More men are making more excuses not for being at Urban Tiger gentleman's club.... Wonder why that is? Urban Tiger..... plush V.I.P lounge suites, premium champagne and spirits. Urban Tiger so what's your excuse? Find us at Broad Quay, Bristol or visit Urban Tiger club.co.uk, download your half price entry voucher."

ROARRRRRRRRRR!

ADDITIONAL INFORMATION IN RESPECT OF APPLICATION FOR RENEWAL OF
SEXUAL ENTERTAINMENT VENUE LICENCE FOR

**URBAN TIGER (to be known as PLAYHOUSE GENTLEMEN'S CLUB)
4 BROAD QUAY, BRISTOL**

Question 5 A)

Additional Details requested to be taken into consideration.

This venue has the advantage of a Sexual Entertainment Venue Licence operated by Nightlife Clubs Limited (the applicant Company), with the trading name Urban Tiger. This Company has operated this venue for such entertainment since March 2010 without detriment to those living, or working, in the area.

The operators are continuing their commitment to offer an establishment of the highest standard, by proposing a refurbishment to a lighter more luxurious decor and a layout which will be even easier to supervise and better to control. Following this refurbishment, which is planned (subject to the receipt of necessary consents) in February 2013, the premises will re-brand to Playhouse Gentlemen's Club. This is the high end quality operation with which Mr Nicie and Mr Knight are involved, and which has been extremely successful in another major city.

There is no application to increase the hours or capacity, nor to relax any of the licence conditions.

This will also build on the valuable contribution this venue makes to the City's late night business offer and economy, as well as offering a source of income for both staff and performers.

NB These are brief additional details, and the applicant reserves the right to make further and fuller submissions, both generally and in law in the event that a hearing of this application is necessary.