

BRISTOL CITY COUNCIL

**MINUTES OF THE MEETING OF THE
LICENSING (HEARINGS) SUB-COMMITTEE
HELD ON 14th NOVEMBER 2013 AT 11.00 A.M.**

P Councillor Peter Abraham
P Councillor Jay Jethwa
P Councillor Steve Pearce

**LIC
26.11/13 ELECTION OF CHAIR**

RESOLVED - that Councillor Abraham be elected Chair for the duration of the Meeting.

**LIC
27.11/13 DECLARATIONS OF INTEREST**

Councillor Jethwa declared that she was a licence holder for a premises within Bristol but this was not an SEV licence.

**LIC
28.11/13 PUBLIC FORUM**

None.

**LIC
29.11/13 PROCEDURE TO BE FOLLOWED AND INTRODUCTIONS**

The Chair explained the procedure that would be followed and everyone introduced themselves.

**LIC
30.11/13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1982 APPLICATION FOR THE RENEWAL OF A SEXUAL
ENTERTAINMENT VENUE LICENCE MADE BY TEMPTATIONS**

T3 LTD IN RESPECT OF PREMISES TRADING AS TEMPTATION, 46 WEST STREET, BRISTOL BS2 0BH

The Applicants and Representatives were in attendance as follows

- Valerie Hoare – Manager of the premises;
- Mario Hajjiyanni – Director of Temptations T3 Limited;
- Leighton de Burca – Place Making Director, Old Market Community Association.

The Licensing Manager introduced the report and highlighted the following :-

- Paragraph 8 of the report – the licence holder confirmed that he operated Temptations 2 in Plymouth;
- Paragraph 15 – an enforcement visit on 19 January found breaches of conditions on both licences and was before Magistrates on 21 August 2013. Details of this were attached to the report;
- Paragraph 15 – there had also been an enforcement visit on 31 May 2013 which had been omitted from the report. This had found no breaches under the Licensing Act or the SEV licence;
- On renewal, the licensee also sought to exclude Condition O which prohibited the sharing of certain areas and facilities;
- The licensee also sought a variation to the standard conditions as follows:-
 - Condition C – relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas;
 - Condition F – controlling the contact between performers and customers;
 - Statements had been provided by the licensee in support of his application to exclude and vary conditions and were attached to the report.

The Sub-Committee received 28 written objections to the application and these were appended to the report and anonymised. The Chair observed that the right for objectors to speak at the meeting was discretionary but this Licensing Authority allowed it. The Committee noted each written representation in turn and heard from the six objectors who were in attendance.

The licence holder (director) and his Manager spoke as follows:

- The Manager stated that the premises had traded since 2007 and the SEV licence had been granted in 2012. The business employed approximately 25 self-employed performers and 10 members of staff;
- She had worked there for 12 years, previously as a performer so had personal experience of that role and therefore had pride in taking care of the performers since in her role as Manager;
- She was the DPS as well as Manager and had run the premises successfully since in post, upheld the licensing objectives and addressed any enforcement issues;
- There had been no breaches for the past year;
- The premises did not trade during the day but from 10pm to 6am save for a Saturday afternoon when it held Hen and Stag events. She did not accept that the business promoted Stag events only, Hen, corporate and events with couples were all welcomed;
- She did not refer to the performers as 'girls' but as 'ladies' and treated them in that manner. She did not tolerate sexual harassment from staff members and the performers were treated fairly and with respect;
- She did not accept that performers made noises leaving the venue. All performers were escorted to their taxi or their car by members of staff. The location of the premises meant that most customers travelled by car or taxi and tended not to walk;
- She did not accept the assertion that performers were victims. They came from different backgrounds which included students, single parents and women with families increasing family income. She read out for the benefit of the Committee two letters from performers describing their experience of working at Temptations. She also read out for the benefit of the Committee a statement from the Receptionist also known as the 'house mum' of her experience working at Temptations;
- The business operated as a family unit not just as a night club. She liked to offer as much help to the performers as possible as some came from broken homes and had no family support;
- Performers worked in a controlled and safe environment with clear guidelines with respect to their safety. It was their

choice to perform professionally;

- She was a single parent and this was her only source of income. Many staff and performers relied on this income so refusal of the licence would be extremely serious;
- The breaches were rectified quickly after the enforcement visit and resulted in a receptionist being employed solely to take the entry fee so that the door steward could fully concentrate on the CCTV in order to ensure that there were no breaches in the performance area. A radio system had also been introduced in order to call on the 'floater' door steward to go and intervene should a breach in the performing area be observed;
- The premises owner informed the Committee that his background was in the restaurant and hotel trade but had become involved in the lap dancing club when a premises in Plymouth had been vacated in 2004. With the success of that premises, he opened Temptations in Bristol. His business partner had passed away in 2010 and he had been available at the end of the phone to the Manager;
- He was against drugs and was bothered by such allegations as he was family orientated and therefore did not encourage drugs;
- The Manager added that she had put some of the performers on a drinking ban for their own benefit. They were not judged, just offered guidance to better themselves.

Leighton De Burca commented as follows:-

- He worked with local traders in a very diverse area. Temptations attended meetings regularly;
- Temptations was discussed at a recent meeting and was unanimously supported by those in attendance as they wished to support businesses in their community;
- Adult businesses in the area worked in partnership with the Police and Licensing Authority to ensure that there were no issues as they valued the community links. This venue had not required a Police call-out in 2.5 years;
- It was a family run business with a moral connection to the area;
- More affluent areas could make choices on the sort of venues they had but this deprived area needed diverse business to improve the area and offer employment;

- Those residents who could not attend meetings were visited and found no objection to the venue;
- The licence holder confirmed that they were willing to withdraw the exclusion of Condition O regarding the use of shared facilities with customers and performers but asked whether advice could be provided on what part of the venue to use as a smoking area. The Chair advised that it was the responsibility of management to provide a solution and the licence holder confirmed that the top terrace would be used, the CCTV would be adjusted and a shelter added ;
- The Chair reported that on the site visit it had been observed that the booths had curtains whereas the licence imposed a condition requiring completely open booths so that all activities could be clearly monitored. The licence holder stated that the curtains did not obscure the CCTV but he was content to remove them as they had only been in place for decorative purposes. It was noted that the Rules produced for this application and as given to performers stated 'tie back curtains after performance'. The licence holder stated that all legislation including the Rules would be updated.
- The Manager addressed the application to vary condition F stating that it was almost impossible to enforce the no touching condition as sometimes performers accidentally brushed against customers and on occasion a customer spontaneously kissed a performer to thank her at the end of a performance and it appeared aggressive to push the customer away. It was felt that management could not be held responsible for what customers did but they would certainly intervene and stop it on observing the breach. At this point, it was noted that there had been occasions where breaches of touching had occurred and management had failed to intervene. Immediate steps were taken to rectify this ie. the employment of a receptionist so that the door steward could be fully engaged in CCTV monitoring and the introduction of the radio system to call on 'floater' stewards to intervene immediately on observation of a breach. The Committee's Legal Advisor stated that this condition was based on a policy stance and to allow any sort of contact would undermine the policy and condition and permitting a kiss even if not considered sexual was an assault and was unacceptable. The Director responded that he was happy to withdraw the condition;
- Councillor Jethwa referred to blindspots which were not

covered by CCTV and the Committee agreed that consideration might need to be given to the installation of additional cameras;

- The Director confirmed that since the breaches occurred he regularly inspected the premises to ensure compliance.

The Committee then went into closed session deliberation.

Decision

The Committee found that:-

- Ground A of the discretionary grounds for refusal was triggered in that:-
 - there was a criminal investigation resulting in a conviction for breaches of the SEV licence'
 - The Committee had also observed on the site visit that the curtains on each booth obscured clear site despite a condition which required clear booths being on the licence;
 - the Committee felt that the Director ought to be engaged more in regular day to day business of the venue.
- Ground Diii) of the discretionary grounds for refusal was triggered in that the building was awkwardly laid out in terms of security and there were blind spots which rendered the building unfit for purpose.

However, the Committee noted and gave weight to the fact that the Licence holder had taken measures to address the breaches with regards to touching during performances by employing a Receptionist who was solely responsible for receiving customers' entrance fee so that the door steward based on reception could focus on the CCTV cameras and take action if touching was observed. In order to assist with observed breaches, the licence holder had also introduced a radio system in order to call on the 'floater' door steward to intervene should a breach in the performing area be observed.

The Committee noted that the licence holder had agreed to

remove curtains so that there was no obscuring of the booths and that they had only been in place for decorative purposes.

The Committee noted that the licence holder had withdrawn the elements of the application which sought exclusion of Condition O and the variation of conditions C and F.

The Committee therefore agreed to grant the licence subject to the following conditions:-

1. Any times relevant entertainment is authorised to take place there shall be minimum of three door supervisors in attendance excluding the Manager. The door supervisor on the First Floor shall not be engaged in other duties.
2. The in house rules be kept under review and a copy lodged with the Licensing Authority within one month.
3. The premises CCTV shall be such that there are no blind spots in the areas to which the public have access and this shall include all smoking areas.

It was therefore

RESOLVED -

that the application for the renewal of the Sexual Entertainment Venue Licence be granted subject to the same terms and conditions applying to the current licence and subject to the additional three conditions noted above.

(The meeting ended at 3.15 pm.)

CHAIR