



Agenda Item No: 4D

Bristol City Council
Minutes of the Licensing (Hearings) Sub-Committee
Tuesday 9 April 2015 at 12.30 pm

Members Present:

Councillor William Payne, Councillor Peter Abraham and Councillor Jay Jethwa

Officers in Attendance:

Pauline Powell - Legal Advisor, Carl Knights - Licensing Policy Advisor, Suzanne Ogborne - Democratic Services; Andy Lyle - Licensing Enforcement Officer.

1. Apologies for Absence

None

2. Election of Chair.

Councillor Abraham was elected as Chair.

3. Declarations of interest.

None were made.

4. Public Forum.

Nothing was received.

5. Housekeeping, introductions and procedure to be followed for hearings.

The Chair explained the procedure that would be followed. In addition he advised that an opportunity would be given to each of

the people/organisations who had submitted written objections to the application to outline these objections at the meeting.

**6. Local Government (Miscellaneous Provisions) Act 1982
Application for the Renewal and variation of a Sexual
Entertainment Venue Licence made by Temptations T3 Ltd in
respect of premises trading as Temptations T3, 46 West
Street, Bristol BS2 0BH.**

The Applicants and Representatives were in attendance as follows – Jeremy Woodcraft (legal representative), Mario Hajianni and Mr Galicia (manager).

The Licensing Policy Advisor introduced the report and summarised it for everyone. He advised that a site visit had been made to the premises just prior to the meeting but explained that no discussion on the application had taken place during the visit. He summarised the four grounds for refusal of the application.

He drew the committee's attention to Paragraphs 8 and 9 of his report in respect of the applicant's application for variation of the licence with respect to (i) varying the opening times of the premises and (ii) reducing the number of door supervisors in attendance at the venue.

He also drew attention to Paragraph 13 of his report in relation to an advertisement which appeared on Temptations' Facebook page and contained a photograph of a woman in what appeared to be a 'school girl' fancy dress outfit (further details in Para 13 of the report) and recommended that as a result of these concerns an additional condition be proposed – this condition was contained in Paragraph 13 of the report, it read as follows:

“Relevant entertainment shall not include any word, action or imagery that endorses or depicts, or might reasonably be taken as endorsing or depicting, or be promoted as including, any conduct which, if taking place in reality, would amount to a criminal offence; for the avoidance of doubt this imposes a prohibition on any

performer being clothed in a school uniform or otherwise attired or presented as being a school student or a child or being promoted as such in any media.”

The officer also drew the committee’s attention to Paragraph 14 of his report which mentioned that Temptations had advertised on its website a ‘full strip and topless pool’ as being available at the premises. Temptations’ current SEV licence and the renewal/variation made no reference to this.

The objectors made the following points:

Objection 1

As an area, Old Market was changing and was more of a residential area than it used to be. There had been a lot of hard work to diminish the sleaziness of the area. Bristol should be like other cities and have a nil capacity of SEVs. **This objection was received and noted.**

Objections 2 and 3 (the objectors did not speak at the meeting)

These objections were received and noted.

Objections 4 and 5

The objector explained that she was a specialist in the prevention of violence against women and girls and was also a representative of Bristol Fawcett. Her personal objection was that she was funded by Public Health England to help prevent the high levels of sexual violence that female students in universities were experiencing. She spent time with freshers to try to prevent this. She believed that advertising fresher/student nights undermined all the good prevention work that was being done.

She also explained that Bristol Fawcett campaigned and lobbied to improve services for women and girls and had been working in partnership with Bristol City Council for over a decade. Bristol Fawcett objected on the grounds set out in their objection no. 4 – including the unsuitability of the applicant in view of the previous licence breaches and

in particular that this club had deliberately played on the sexualising of girls in school uniform. **These objections were received and noted.**

Objection 6 (in relation to the Renewal) (the objectors did not speak at the meeting)

This objection was received and noted.

Objection 6 (in relation to the Variation) (the objectors did not speak at the meeting)

This objection was received and noted.

The committee also received and noted Appendices K, L, M, N and O.

Jeremy Woodcraft, the Applicant's Legal Advisor, put the case for the applicant. He dealt with the matters outlined by the Licensing Officer above:

1. He mentioned the advert on the Facebook Page 'Back 2 School Bash' and explained that this was aimed at returning college students. However, he confirmed that the applicant was willing to accept the condition outlined in Paragraph 13 of the Licensing Officer's report in relation to the safeguarding of children.
2. In relation to the advertisement on Temptation's website regarding a 'full strip and topless pool' being available at the premises, Mr Woodcraft acknowledged that this fell outside of Temptation's licence.
3. He also acknowledged the objections and late objection.
4. In relation to variation application regarding increasing the hours of opening on a Friday and Saturday night, he explained that this had been withdrawn.

Jeremy Woodcraft then ran through the licensing officers report and highlighted the following:

In relation to the Equalities impact assessment – the applicant believed that this SEV served a broad section of predominately male members of Bristol community. He stated that, as the committee would have noted when they visited, the premises had gone to a considerable effort in relation to making the venue accessible for the disabled person so that they could also participate in the entertainment. The business also provided benefit to the women that were employed to work at the premises – as outlined in Appendix I to the papers.

In relation to the suitability of the applicant, it was a company with limited status, run by two brothers who run many other licensed premises and one other SEV in Plymouth which has been in operation for many years. There were, however, convictions disclosed in relation to the Bristol SEV premises in 2013. These convictions went before the committee at the renewal last year and the convictions were considered. There have been no subsequent problems or breaches. On 5 April 2014 an enforcement visit took place which looked at compliance with all aspects of the licence and no problems were identified at that visit. Since the last renewal there was nothing to suggest that the applicant was not suitable.

Referring to the locality of the club and its impact on the locality, he made the following comments:

- Having visited the venue, the committee would have considered other similar uses in the near vicinity. The quota for 2 sex shops in the area, open and operating within 200 yards of the SEV, and also two saunas in the vicinity;
- The reality was that most of the business at the SEV took place during the Thursday to Saturday period with not more than 30 people in the premises at one time. The clientele arrived mostly in ones or twos and they almost always left in taxis from just outside the premises.
- The public entrance was some distance away from the public highway and footpath. There was no queuing.
- He highlighted the anonymous nature of the building which was controlled by a condition and part of the regulations to which the SEV complied. There were blacked out windows.

In relation to the premises themselves, he highlighted the following:

- There was supervision in all areas when any type of activity was taking place by door staff or CCTV. There were no blind areas to ensure full and proper supervision.
- The door supervisor was permanently stationed on the first floor when the premises was operating. Any issue could be immediately dealt with.
- All admission was through the reception area which was constantly supervised. The Security hub was also in the reception area.

In relation to observations of the Police regarding the promotion of the Crime and Prevention objective - they had not identified any concerns from either the neighbourhood team or the licensing team. The premises was graded green under the Police's 'traffic light' evaluation system.

Mandatory Grounds – none of these applied to the applicant.

Discretionary grounds for refusal – no concerns had been raised.

The variation also sought an amendment to one of the non-standard conditions attached to the licence at the last renewal. This was in relation to the number of door supervisors – there was an obligation to have 3 door supervisors.

The applicant sought for this to be reduced to 2 but they would replace the third person with a dedicated compliance member of staff whose sole responsibility would be to monitor the CCTV at the door. The staff member would be in radio communication with other members of staff and if they identified any untoward behaviour, they could immediately communicate with the two door supervisors. If the controller identified a problem, Mr Galicia, the manager, would step in and assist.

The Chair thanked the legal advisor.

In response to questions from Members the following answers were provided:

- It was confirmed that the hour variation had been withdrawn and did not need to be considered
- In relation to the variation application, the Police had recommended refusal
- In relation to the images appearing on the website, the legal representative advised that the applicant would not use these images again
- In relation to door staff reduction, the legal representative explained that the applicant did not want to pay door staff who were SIA (security industry authority) registered to watch the CCTV. Also the venue had a capacity of 100 persons split on two floors, but in reality there were no more than 30 people in the premises at one time. The ratios need to be taken into account in relation to staffing levels
- The committee expressed concern that on their visit they spotted an 'A' board for the venue visit just inside the gates. When asked, the manager confirmed that this was put outside the venue. The Council's legal advisor confirmed that under Condition L, the SEV was prohibited from displaying an external advertisement. The applicant's legal advisor confirmed that the applicant would remove the 'A' board.
- Concern was expressed by the committee over the welfare of the performers – the legal advisor confirmed that an initial induction was carried out by the manager, Mr Galicia. Mr Galicia outlined the procedure and explained that performers were given a contract which contained the rules. He also confirmed that there was a 'house madam' who looked after the girls and who was there all of the time the performers were at the venue.
- The committee asked for details in relation to employment of a compliance member of staff – the applicant's legal advisor confirmed that this would be a permanent member of staff and not from an agency.

- Andy Lyle, Licensing Enforcement Officer, confirmed that he would be happy if it was a condition of the licence that there was a permanent member of staff employed to watch the CCTV
- The committee supported the employment of a compliance staff member.

Jeremy Woodcraft summed up the case for the applicant.

All parties left the room.

Members considered very carefully all of the written and verbal evidence presented to them. They considered fully each of the Objections that were submitted. They noted that there had been no problems with the premises and that the Police had not objected to the renewal of the Licence, only to the variation.

Members agreed that the Condition suggested in paragraph 10 of the report should be added to the Licence.

All parties returned to the room to hear the decision of the Committee.

Resolved – that the Licence be granted with the Conditions previously attached to it, along with the new Condition attached in relation to *“Relevant entertainment shall not include any word, action or imagery that endorses or depicts, or might reasonably be taken as endorsing or depicting, or be promoted as including, any conduct which, if taking place in reality, would amount to a criminal offence; for the avoidance of doubt this imposes a prohibition on any performer being clothed in a school uniform or otherwise attired or presented as being a school student or a child or being promoted as such in any media.”*

The variations applied for in respect of the Licence were rejected.

(Meeting ended at 2:20pm)

Chair