

**MINUTES OF A MEETING OF THE  
PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B  
HELD ON 22<sup>ND</sup> JUNE 2010 AT 11.00 A.M.**

P Councillor Chris Davies  
P Councillor Alf Havvock  
P Councillor Jay Jethwa (for Cllr Morris)  
P Councillor Jeff Lovell  
A Councillor David Morris  
P Councillor Poultney

**PSP**

**24.6/10**

**ELECTION OF CHAIR AND VICE-CHAIR**

**RESOLVED -**

- (i) that Councillor Poultney be elected Chair of the Public Safety and Protection Sub-Committee B for the 2010/11 Municipal Year; and**
- (ii) that Councillor Lovell be elected Vice-Chair of the Public Safety and Protection Sub-Committee B for the 2010/11 Municipal Year.**

**PSP**

**25.6/10**

**APOLOGIES FOR ABSENCE, SUBSTITUTIONS AND  
DECLARATIONS OF INTEREST**

**(i) Apologies**

Apologies were received from Councillor Morris, substitute Councillor Jethwa.

**(ii) Declarations of Interest**

Councillor Jethwa made the following declarations:

(a) Kevin Blackwell lives in her Ward.

(b) She knows John Phillips.

Both of these were considered not to be personal interests and Councillor Jethwa stayed for the remainder of the Meeting.

**PSP**

**26.6/10 SUB-COMMITTEE TERMS OF REFERENCE**

**RESOLVED - that the Public Safety and Protection Sub-Committee's terms of reference for the 2010/11 Municipal Year, as agreed at the Annual Meeting of the Public Safety and Protection Committee held on 8<sup>th</sup> June 2010, be noted.**

**PSP  
27.6/10 PUBLIC FORUM**

Nothing was received.

**PSP  
28.6/10 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.**

**PSP  
29.6/10 APPLICATION FOR THE GRANT OF A SEX ESTABLISHMENT LICENCE  
RE: 72 WEST STREET, OLD MARKET, BRISTOL**

The sub-committee considered a report of the Director of Neighbourhoods (agenda item no. 6) considering an application for the grant of a Sex Establishment Licence.

The applicant was in attendance accompanied by his solicitor. Three supporters of the application were also in attendance.

The Chair explained the procedure that would be followed.

The Licensing Officer introduced the report and summarised it for Members.

The applicant's solicitor put the case for the applicant and answered questions highlighting the following:

- There has been a family business on the site since the 1960's when the applicant's father ran a carpet business from there
- The business had changed to a shop selling videos in 1983 when the applicant found that there was a market for adult films
- The shop then diversified into selling adult clothing as well as sex toys
- In 2002 the applicant had left the business for a period of 18 months to pursue a different type of business venture and leased the premises to a third party
- The third party was refused a license for the premises and returned the lease to the applicant in 2003
- The applicant acquired Rudies which was a fetish clothes store when it operated from premises in St George and relocated it to 72 West Street
- The business operates in a similar way to Ann Summers with a large area for the sale of clothing and a small discreet area for the sale of sex toys, etc.
- Nobody under 18 years of age is allowed into the shop
- The license is required for a number of reasons
  - Do not wish to change the business but to seek clarification and reassurance;
  - to sell a limited number of R18 films deemed suitable to be sold in such licensed premises
  - and allow the business to develop and move forward
  - there is a thriving gay community in the Old Market area and it is intended that the business will diversify to meet the needs of the gay community
- The main staple of the business will remain the sale of clothing
- There are only 2 objections to the application and neither of these objections live in the area; 1 works there and the other appears to be from the adjacent Private Shop business
- There are no objections from residents, instead significant

support from local businesses and residents

- The first objector mentions a “red light district”, however Rudies is completely legal and only trades during the day; it has nothing do with the adjacent massage parlours or the sex entertainment businesses - there is no sex entertainment at Temptations until 9.00 pm
- The second objector - assumed to be Darker Enterprises who run the adjacent Private Shop - are objecting on the basis of protecting their own business from competition
- Darker Enterprises have the largest number of sex shops in the country and sell only their own products; they do not sell clothing or cater for the gay community
- Granting this license would not lead to a proliferation of applications as there are no other sex shops in the area
- The supporting letters emphasise the need for this business to remain viable to try to ensure that there are no further boarded up businesses in the area as there are 16 boarded up units. The 8 trading units are all specialist businesses as the business units here can not compete with the main street shops and that the presence of this business has never caused any problems in the area
- In particular, the Old Market Community association has lent its support to the application and they are the voice of a significant part of the Old Market Community
- Businesses with significant investment in the area also support the application such as Halcyon Ventures who have invested three quarters of a million pounds, Thorne Security also support the application.
- Circumstances were different now from when an application was refused in 2002
- Should the license be granted it was anticipated that the applicant would stock around 100 -250 DVDs with around 20% of all stock aimed at the gay market
- The windows of the shop are blacked out and there is a sign forbidding entry by anyone under 18 years old; there is nothing to offend on display to anyone outside of the shop

- It is not considered likely that the presence of this shop in the area will deter people from buying adjacent residential property

One of the supporters spoke in favour of the application.

The applicant's solicitor then summed up his case.

The Licensing Officer advised Members that three shops in the City currently held sex licenses - Ann Summers, 76 West Street and Naughty & Nice in Colston Street.

All parties and the representatives of the Director of Neighbourhoods left the room.

Details of the Committee's findings and reasons for the decision are set out in Appendix 1.

All parties and the representatives of the Director of Neighbourhoods returned to the room to hear the decision of the Committee.

**RESOLVED - (voting 4 for - Councillors Havvock, Jethwa, Lovell and Poultney; 1 against - Councillor Davies)**

**that the application for a Sex Establishment License for premises known as Rudies situated at 72 West Street, Old Market, Bristol, BS2 0BL be granted subject to the Standard Conditions at Appendix E to the Report.**

## **INFORMATION ITEM**

**PSP**

**30.6/10      DATE OF NEXT MEETING**

**RESOLVED -      that the next meeting is to be held on Tuesday 6<sup>th</sup> July 2010 at 10.00 a.m. and is likely to be a meeting of Sub-Committee A.**

(The meeting ended at 12.15 pm.)

CHAIR

**BRISTOL CITY COUNCIL**

**MINUTES OF MEETING  
OF THE PUBLIC SAFETY AND PROTECTION  
SUB-COMMITTEE B  
HELD ON 22<sup>nd</sup> JUNE 2010 AT 11.00 A.M.**

**PSP 29.6/10**

**Agenda item no: 6**

**Agenda title**

**APPLICATION FOR THE GRANT OF A SEX ESTABLISHMENT  
LICENCE**

**RE: 72 WEST STREET, OLD MARKET, BRISTOL**

**Decision**

That the application for a Sex Establishment License for premises known as Rudies situated at 72 West Street, Old Market, Bristol, BS2 0BL be granted subject to the Standard Conditions at Appendix E to the Report.

**Reasons for Decision**

Members considered very carefully all of the written and verbal evidence presented to them, as well as what they had observed during their visit to the site just prior to the Meeting.

The Applicant is the freeholder of the premises known as Rudies, 72 West Street. The ground floor is trading as an adult premises.

The Applicant is seeking a sex establishment licence to use the premises as a Sex Shop.

The Members took into consideration the evidence presented in support of the application as well as the objections to the application. Members also noted their observations during the site visit of the premises as well as other premises in the locality and the character of the locality together with the Members' own knowledge of the locality and having regard to the factors laid down under legislation.

The meaning of relevant locality is defined in paragraph 12(5)(a) of Schedule 3 to the 1982 Act. In determining what is the relevant locality for the premises the members considered that the previous decision dated 22 May 2002 concerning Continental, 72 West Street, Old Market was of assistance as relevant locality for those premises had been identified by the committee they considered an application for a Sex Establishment Licence for the premises to trade as a Sex Shop. Members identified Old

Market/West Street as a distinct locality. Following the site visit that morning and considering the map of the area and following discussion between the Members they were satisfied that the relevant locality for the premises was Old Market/West Street.

Members considered that Old Market/West Street is an important locality for the City of Bristol as it is now an important gateway into and out of Bristol. The new shopping centre “Cabot Circus” has been developed. The showcase bus route is now established bringing commuters in and out of the City. A significant number of residential accommodation has been built thus bringing back into use empty buildings as well as nearby vacant lands being developed into residential units bought by investors as buy to lets or by individuals wishing to live near the City Centre of Bristol. However, members noted that there were 16 boarded up units against 8 trading units.

There is currently one Sex Shop Licence in that locality next but one to these premises. Members noted that at the previous hearing concerning these premises on 22 May 2002 it was decided that this locality shall not have any licensed sex shop establishments as the locality was now vibrant and occupied by a variety of business, on the doorstep of “Cabot Circus”, with the proposed showcase bus route and increasingly occupied by residents including families with children. Members considered the character of the locality and despite the regeneration there were a significant number of boarded up units. Members also noted that there was invested in the locality by businesses and residential occupiers. Nevertheless, Members also noted that the grant of the licence does not affect what can be sold on the premises but affects the quantity that can be sold, since it is the licence that permits the selling of the sex articles “to a significant degree” on the premises. The one exception is that without a licence, R18 videos cannot be sold. The grant of the license would enable the applicant to diversify and develop the business and cater for a wider range of customers.

Members decided after careful deliberations that to grant the license would not be inappropriate having regard to the character of the relevant locality and taking into account that the premises are a long established existing business already trading but not to a significant degree to necessitate it having a sex shop license. Members were persuaded by the representations made by the applicant that he did not intend to change the business but needed the license to sell R18 DVD's. There was a lot of support from the local businesses and the community for this license to be granted.

Members therefore decided that the application should be granted.

**Chair's Signature**