

Licensing (Hearings) Sub-Committee

Agenda



Date: Monday, 24 April 2017

Time: 12.30 pm

Venue: City Hall College Green, BS1 5TR

Distribution:

Councillors: Harriet Clough, Richard Eddy and Hibaq Jama

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Date: Friday, 14 April 2017



Agenda

1. Welcome, Introductions and Safety Information

(Pages 3 - 4)

2. Apologies for Absence and Substitutions

3. Declarations of Interest

4. Public Forum

Up to 30 minutes is allowed for this item.

Any member of the public or Councillor may participate in Public Forum. The detailed arrangements for so doing are set out in the Public Information Sheet at the back of this agenda. Petitions and statements must be received on the working day prior to the meeting and should be emailed to democratic.services@bristol.gov.uk. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **21 April 2017**.

Please note, Petitions and Statements presented to the Sub-Committee can only be received in respect of hearings already decided and licence applications not subject to a hearing.

5. Local Government (Miscellaneous Provisions) Act 1982

12.30 pm

Application for the Renewal and Variation of a Sexual Entertainment Venue Licence made by Select Money Tree Limited in Respect of Premises Trading as Jack of Diamonds, 46 West Street, Bristol, BS2 0BH.

To seek consideration of an application for the renewal and variation of the Sexual Entertainment Venue (SEV) licence in respect of premises trading as Jack of Diamonds, 46 West Street, Bristol, BS2 0BH.

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Licensing Public Information Sheet

Inspection of Papers - Local Government
(Access to Information) Act 1985

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Committee rooms are fitted with induction loops to assist people with hearing impairment. If you require any assistance with this please speak to the Democratic Services Officer.

Public Forum

Residents who are affected by the business of the Committee, may present a petition or submit a statement at ordinary meetings of the Licensing Committee and at Licensing Sub-Committee meetings. Petitions, questions and statements presented to the Licensing Sub-Committee can be received only in respect of hearings already decided and licence applications not subject to a hearing.

The petition or statement must relate to the terms of reference and role and responsibilities of the Committee or Sub-Committee concerned.

Further information on representations is available from the Licensing Office (tel: 0117 9142500) or from Democratic Services.

Your submission will be sent to the Committee and statements, questions and answers will be available in the meeting room one hour before the meeting. Please submit it to democratic.services@bristol.gov.uk or Democratic Services Section, Brunel House St Georges Road Bristol BS1 5UY. The following requirements apply:

- The statement is received no later than **12.00 noon on the working day before the meeting** and is about a matter which is the responsibility of the committee concerned.
- The question is received no later than **three clear working days before the meeting**.

Please see www.bristol.gov.uk and the '[How to Have Your Say](#)' pdf for the parameters of each individual Committee and what will happen to your submission.



Any statement submitted should be no longer than one side of A4 paper. If the statement is longer than this, then for reasons of cost, only the first sheet will be copied and made available at the meeting. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in public forum business, we will assume that you have consented to your name and the details of your submission being recorded and circulated. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record (available from Democratic Services).

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Public Forum statements will not be posted on the council's website. Other committee papers may be placed on the council's website and information in them may be searchable on the internet.

Process during the meeting:

- Public Forum is normally one of the first items on the agenda, although statements and petitions that relate to specific items on the agenda may be taken just before the item concerned.
- There will be no debate on statements or petitions.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- Your time allocation may have to be strictly limited if there are a lot of submissions.
- If there are a large number of submissions on one matter a representative may be requested to speak on the groups behalf.
- If you do not attend or speak at the meeting at which your public forum submission is being taken your statement will be noted by Members.

Webcasting/ Recording of meetings

Members of the public attending meetings or taking part in Public forum are advised that all Full Council and Cabinet meetings and some other committee meetings are now filmed for live or subsequent broadcast via the council's [webcasting pages](#). The whole of the meeting is filmed (except where there are confidential or exempt items) and the footage will be available for two years. If you ask a question or make a representation, then you are likely to be filmed and will be deemed to have given your consent to this. If you do not wish to be filmed you need to make yourself known to the webcasting staff. However, the Openness of Local Government Bodies Regulations 2014 now means that persons attending meetings may take photographs, film and audio record the proceedings and report on the meeting (Oral commentary is not permitted during the meeting as it would be disruptive). Members of the public should therefore be aware that they may be filmed by others attending and that is not within the council's control.



**BRISTOL CITY COUNCIL
LICENSING (HEARINGS) SUB- COMMITTEE
24 APRIL 2017**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR THE RENEWAL AND VARIATION OF A SEXUAL ENTERTAINMENT VENUE
LICENCE MADE BY SELECT MONEY TREE LIMITED IN RESPECT OF PREMISES TRADING AS JACK
OF DIAMONDS, 46 WEST STREET, BRISTOL, BS2 0BH.**

Report of the Director of Neighbourhoods and City Development

Purpose of Report

1. To seek consideration of an application for the renewal and variation of the Sexual Entertainment Venue (SEV) licence in respect of premises trading as Jack of Diamonds, 46 West Street, Bristol, BS2 0BH.

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 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. 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:

- 1 Pole dancing on stage (to include topless striptease every 10-20 minutes).*
- 2 Table dancing to include topless striptease in performing area and at tables.*
- 3 Full nude striptease to be performed in private/performing area..”*

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 previous SEV licence is attached for member's information at Appendix A.

6. The proposed variation seeks the following:

“To permit the playing of topless pool table and permit the use of topless bar staff

To vary the conditions relating to door supervisors and decrease the number required at any time."

The applicant has requested that the current condition 2.3 (i) be replaced with the following:

"There shall be an SIA registered door person on duty from 2100 hours. There shall be two registered door staff in attendance from 2300 until close and at any other time when performance of dance is taking place.

Subject to meeting the minimum required number, the number of managers and door supervisors employed at the premises shall be based on a suitable and documented risk assessment."

7. A copy of the location map is attached as Appendix B. A copy of the plan of the premises layout is attached as Appendix C.
8. A copy of the logo that is displayed on the premises is attached as Appendix D. Copies of the house rules and code of conduct for dancers are attached as Appendices E and F respectively. Some additional information from the applicant is at Appendix G which details in full the variation sought.
9. Observations and objections
10. 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. The application was made on the 2 November 2016 and a public consultation period of 28 days has been allowed. The application was advertised via the Council's website, at the premises and in a locally circulating newspaper. The last date for objections was 30 November 2016. No objections were received within this period.

12. 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 however they do acquire the anonymity 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.

No objections have been received outside of this period.

13. Observations of the Licensing Enforcement Team

Since the last grant of the licence, the conduct of the licence has been as follows. Licensing Enforcement officers visited the premises in conjunction with Avon and Somerset Constabulary on 21 October 2016.

A number of issues were identified in respect of compliance with the premises licence issued under Licensing Act 2003.

Annex 3, condition 2 states:

Subject to meeting the minimum required number, the number of managers and door supervisors deployed at the premises shall be based on a suitable and documented risk assessment.

The risk assessment required under this condition could not be produced.

Annex 3, condition 75e) states:

A member of staff technically able to operate the CCTV system shall be available during all licensable hours and shall comply with any reasonable request of an authorised officer of the Licensing Authority or the Police to view any CCTV 'footage' that has been recorded. The premises licence holder shall ensure that a member of staff shall be technically able to reproduce CCTV images into a removable format and that such format shall be produced within 24 hours following any request from an authorised officer of the Licensing Authority or the Police.

Mr Dulmeer, the manager on the evening, was not able to operate the CCTV system.

A number of issues were identified in respect of compliance with the licence issued under the Local Government (Miscellaneous Provisions) Act 1982 to permit relevant entertainment.

Annex 1, Condition H states:

H. No person shall be employed or shall perform at the premises who has unspent convictions for any Relevant Offence;

Annex 1, Condition T states:

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.

Officers were concerned that the above conditions were not being complied with, specifically in respect of the maintenance of documentation relating to performers at the premises who were on duty, detailing their age, identity, right to work in the UK checks and checks regarding unspent convictions.

Condition 2.6 states:

2.6 The premises licence holder shall ensure that the Digi lock code, which permits access

to the staff area be changed immediately and the code be kept secure and in particular not be accessible to customers or other persons not permitted access. In the event of the code being disclosed or any suspicion that the code has been disclosed to a party not authorised to possess it, the code shall be changed immediately.

Upon checking this area of the premises officers found the door to the performers changing room was open and unlocked. The digi lock on the door was not in use. This presents a security issue for the performers, as any person could have gained access to the changing area, or office area.

Licensing Enforcement officers conducted a further visit to the premises in conjunction with Avon and Somerset Constabulary on 25 February 2017.

It appeared from this visit that the management had taken steps to address the issues highlighted on the previous visit, namely that the digi lock was being employed on the door to the changing area, Mr Dulmeer was able to use and operate the CCTV system, and an updated disclaimer form for staff had been implemented. However, whilst undertaking checks on this visit officers identified further issues.

Condition 2.3 states:

2.3 (i) 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.

At the time of the visit it appeared that only two door supervisors were present on the premises, in breach of the above condition. The manager, Mr Dulmeer, advised officers that there were in fact three door supervisors but that one had lost his Security Industry Authority (SIA) identification card. Officers spoke with the individual identified as the third door supervisor, and made further checks upon returning to the office. It was established that he was not registered with the SIA, and his role that evening was as a barman.

Annex 3, condition 43 of the premises licence issued under Licensing Act 2003 states:

43 The striptease entertainment shall be given only by the performers and no audience participation will be permitted.

Annex 3, condition 48 of the premises licence states:

48 There shall be no physical contact between customer and the performer before, during or after the performance other than the placing of notes by the customer in a garter worn by the performer for that purpose.

Officers performed a check of the CCTV at the time of the visit, at which time they became aware of an event taking place live on the stage. Officers witnessed a male customer sat on a chair on the stage, surrounded by three female performers. He was being hit around the neck with his belt, and having ice cubes put down his underwear. One of the performers was lying across his lap.

Recordings were requested of the CCTV for this time period, of the stage specifically, and additional CCTV of the other areas of the premises including the booths, to check for further compliance. Upon viewing the CCTV officers determined that no other dances recorded during this time breached any conditions regarding contact between performer and customer.

Further examination of the CCTV footage revealed that two performers were smoking inside of the corroder, next to the fire exit. This is an offence under the Health Act 2006.

Additionally during the visit officers noted that the shower facility in the dancers changing room was dirty, and the tray did not appear to have been cleaned for some time. Officers tried to operate the shower, but it did not work, and appeared to have been inoperable for some time.

Officers feel that the management at the premises show a continued disregard in respect of compliance with both the premises licences in force for these premises, and consistently fail to manage the premises in accordance with the conditions.

Officers are particularly concerned at the apparent attempt to cover up non-compliance by using a barman as a substitute for a third doorman, and providing officers with false information regarding the registration of the barman with the SIA. Additionally officers are concerned that the facilities for performers were on one visit unsecured, and that the shower facilities were unclean, showing little consideration for the welfare of the performers at the premises.

Officers advise that members should give strong consideration to the views of the Police and Licensing Enforcement officers in respect of the visits to this premises, and renewal and variation of the licence.

14. Observations of the Chief Officer of Police.

The Chief Officer of Police's representative has made comments on this application which are attached at Appendix H.

15. 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 determination of the application. 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 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. 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 West Street in the area of the city known as Old Market. Members should consider, on the basis of the application before them, whether this is 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.

16. 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.

17. 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.

18. 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.

19. 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

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.

21. Ground c)

That the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of the application is determined is equal to or exceeds the number which the authority considers is appropriate for that locality.

22. The Licensing Committee has previously found that the relevant locality for the purpose of the Jack of Diamonds premises is the Old Market locality. The full Licensing Committee has adopted policy on behalf of the Council for the Old Market locality under which the appropriate number of sex establishments, or of sex establishments of a particular kind, for the Old Market locality, is:

- Sex shops – 2
- Sex cinemas – 0
- Sexual entertainment venues (SEV) – 1

There is currently one licensed SEV in the Old Market locality of which this is the renewal and variation application. Therefore if the sub-committee follows the Councils policy this ground for refusal would not arise.

23. 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.

24. 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.

25. 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

26. 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.

27. 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
- Appendix D Applicant logo to be displayed on the exterior of the premises
- Appendix E House rules
- Appendix F Code of conduct for dancers
- Appendix G Additional information from applicant
- Appendix H Comments from the Chief Officer of Police

RECOMMENDED:

1. That the sub-committee determine the application after affording a hearing to the applicant.

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 they may be applied in the particular application under consideration. Where a discretionary ground is judged to apply in this application the sub-committee must consider whether or not to exercise its discretion to rely upon that ground (or grounds) to refuse the application. The applicant must be given the opportunity to persuade the subcommittee either that the ground is not available in the particular circumstances of this case or, even if it is, that the council ought not to rely upon it to decide to refuse this application.
2. Subject to acting within the statutory constraints referred to in this report and subject to adherence to the Council's own procedure rules 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 and the Chief Officer of Police is not limited to objecting.
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. The Act requires that an opportunity of appearing **Page 15** 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.

4. Case law establishes that an applicant cannot expect that a licence will automatically be renewed. Within the constraints of the grounds for refusal there is a wide margin of discretion. Subject to the obligation to give adequate reasons and to have due regard to its earlier decisions, this subcommittee is entitled to take a fresh look and is not bound in any way by the views of earlier subcommittees. In order for adequate reasons to be given, among other things, they must be intelligible and rational, that is to say properly relevant to the ground or grounds relied upon for refusal. Guidance on the general principles applying will be available to the subcommittee throughout the hearing and during deliberations.

5. The Council is under a duty in 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 Members must have due regard to the need to –

- eliminate discrimination, harassment, victimisation and any other conduct prohibited in relevant equalities legislation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant characteristic and persons who do not share it.

The protected characteristics are set out in the report

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 adequate evidence to inform its decision making. This can be in various forms, including engagement with the public and interest groups and by gathering details, statistics impact assessments and similar documentary evidence relevant to the statutory function engaged in this regulatory process.

Michael Bonnicks
Legal Officer, Community Litigation Regulatory Team
For Service Director – Legal Services

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers: Application and supporting documents.

**Contact Officer: Abigail Holman, Senior Licensing Officer
Neighbourhoods and City Development
Telephone: 01173574900**



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

Select Money Tree Limited
5 Chigwell Road
London
E18 1LR

Address of premises:

Temptations T3
46 West Street
St Philips
Bristol
BS2 0BH

The licence is granted for one year commencing on: 14 November 2015

The licence is granted on the terms and restriction contained in regulations (hereinafter referred to a 'Standard Conditions') made by the City Council of Bristol (The Council), save to the extent that any have been expressly excluded or varied by the Council.

Premises Licence Number 15/05388/SEV

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) Pole dancing on stage (to include topless striptease every 10-20mins)
- (ii) Table dancing to include topless striptease in performing area and at tables, and
- (iii) Full nude striptease to be performed in private/performing area.

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

(Copy of Standard Conditions attached as Annex 1 to this licence)

Further, the licence is granted on the following additional terms and conditions and subject to the following additional restrictions, if any:

Paragraph 2 – Additional terms, conditions and restrictions;

2.1 Relevant entertainment may only take place on the following days and times:

Monday to Saturday 11.00 to 08.00 the following day

Sundays 11.00 – 00.30 the following day

2.2 (i) A CCTV system must continue to be provided at the premises. In the event that the CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed by the Authority in consultation with the Police. Any such extension or replacement shall be concluded by a date as agreed with the Authority and the system shall be fully operational on that date.

(ii) All CCTV equipment shall be maintained in good working order and shall continually record when Relevant Entertainment and/or any activity for which authorisation is required under the Licensing Act 2003 (licensable activity) takes place and for a period of two hours afterwards.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days.

(iv) The correct time and date will be generated onto both the recording and the real time image screen.

(v) If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor named on the Licensing Act 2003 premises licence, or if for any reason no designated premises supervisor is present, another responsible person nominated by the licensee, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable and in any event within 24 hours of the occurrence. This information shall be contemporaneously recorded in an incident report register and shall include the time, date and means by which this was done and to whom the information was reported. Equipment failures shall be remedied as soon as is reasonably practicable. The Licensing Authority and the Police shall be informed when faults have been rectified.

(vi) The premises Licence holder shall ensure that there are trained members of staff available during the hours when licensable activities are permitted to take place, that are able to reproduce and download CCTV images into a removable format and provide them to an authorised officer of the Licensing Authority or a constable.

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all hours the premises are open to the public.

(viii) In any area where Relevant Entertainment takes place the licence holder shall ensure that any observable contravention of licence conditions during a performance or display of nudity is capable of being clearly captured and shall be contemporaneously monitored.

(ix) 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 so as to ensure that both parties are clearly identifiable from the captured images.

(x) All monitors shall be positioned so that customers may not observe images.

2.3 (i) 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.

(ii) The in house rules be kept under review and a copy lodged with the Licensing Authority within one month.

(ii) 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.

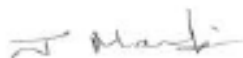
2.4 Relevant entertainment shall not include any word, action or imagery that endorses or depicts, or might reasonably be taken as endorsing or depicting, or be promoted as including, any conduct which, if taking place in reality, would amount to a criminal offence; for the avoidance of doubt this imposes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

Attached after a hearing on 14 April 2016

2.5 If the company, any officer of the company, or any person concerned with the management of the premises (for the avoidance of doubt this includes the manager, relief/deputy Manager and Designated Premises Supervisor for the purposes of the Licensing Act 2003) being charged with any recordable criminal offence, the licence holder shall inform the Licensing Authority as soon as is reasonably practicable and in any event within three working days.

2.6 The premises licence holder shall ensure that the Digi lock code, which permits access to the staff area be changed immediately and the code be kept secure and in particular not be accessible to customers or other persons not permitted access. In the event of the code being disclosed or any suspicion that the code has been disclosed to a party not authorised to possess it, the code shall be changed immediately.

Signed:



Jonathan Martin
Regulatory Compliance Unit Manager

Annex 1 – CONDITIONS

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

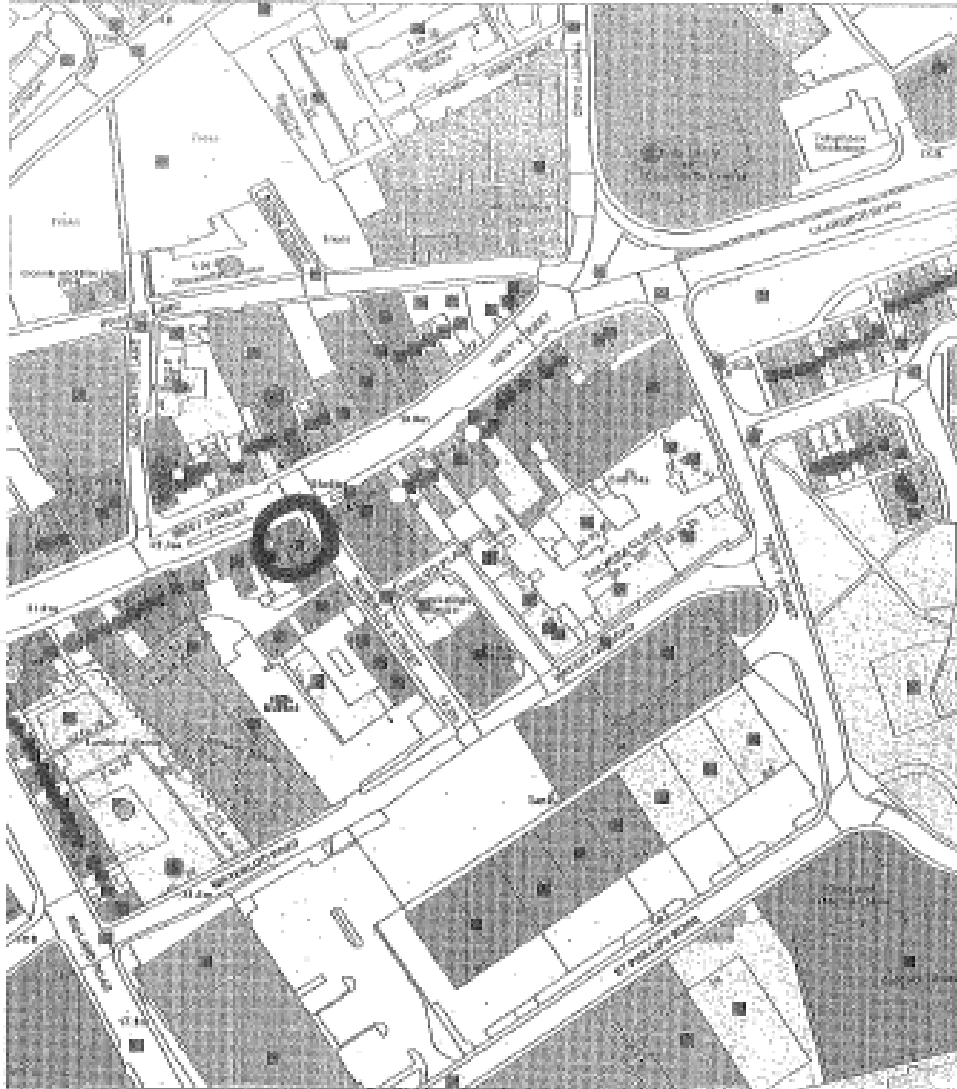
(ii) This prohibition shall be brought to the attention of all members of the Audience

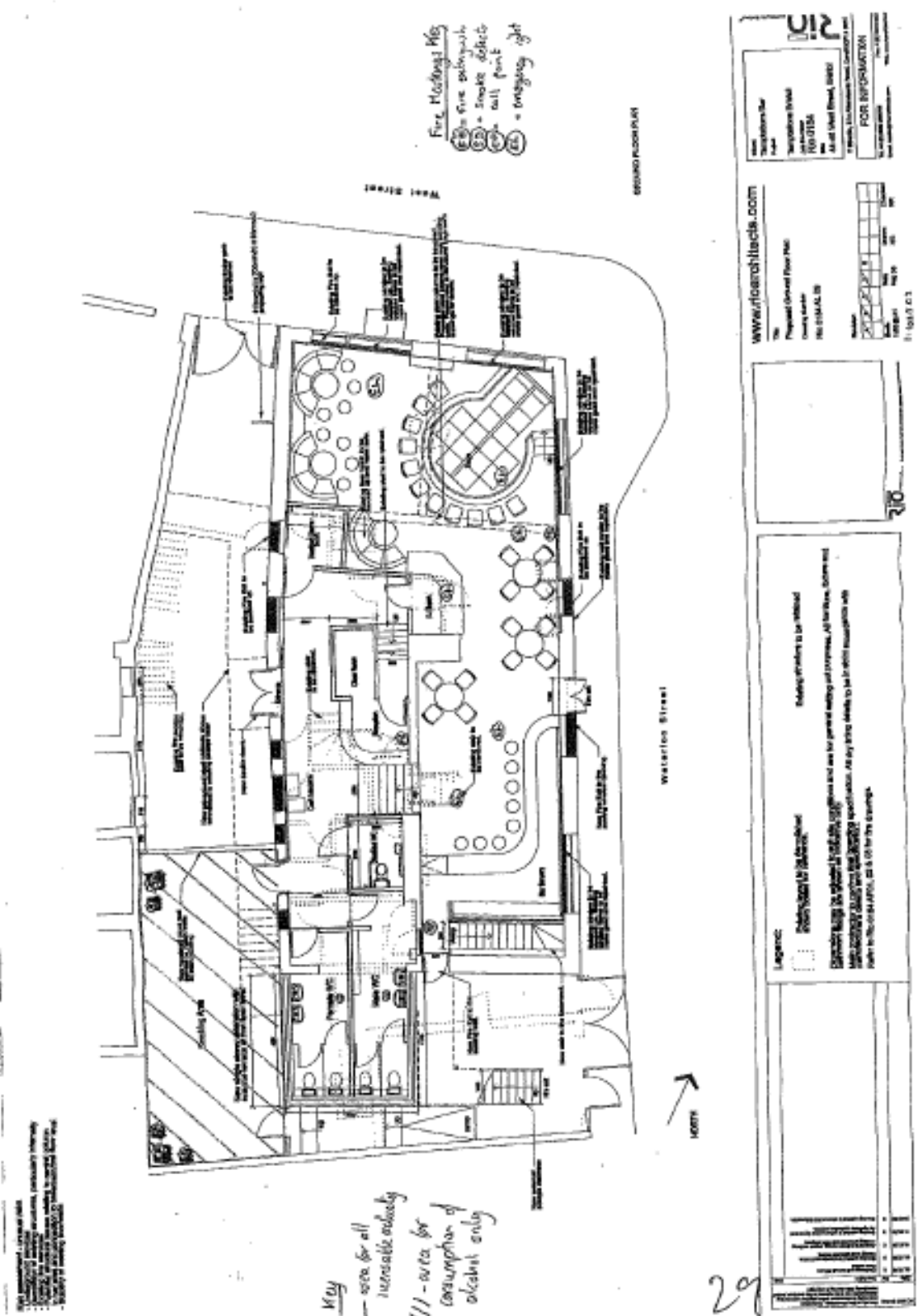
T. (i) Performers may perform only in accordance with written contracts, which define their rights and obligations, including terms as to the nature of their performance and payment. No deduction shall be made from such payment unless permitted by the contract, and no deduction by way of penalty shall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

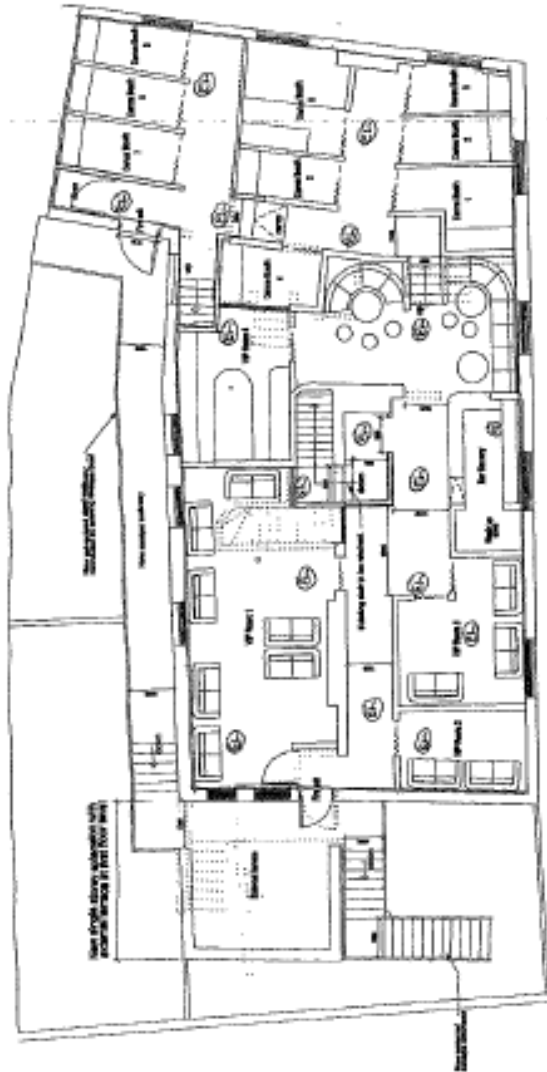
(ii) No relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom;

(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.







Key area for all licensable activity

FIRST FLOOR PLAN

www.rfoarchitects.com

Proposed First Floor Plan
 Project Number: 100-100-10
 Date: 10/10/10

RIO

FOR INFORMATION

Legend:

Existing conditions to be retained

Proposed conditions to be demolished

Proposed conditions to be added

Proposed conditions to be relocated

Proposed conditions to be removed

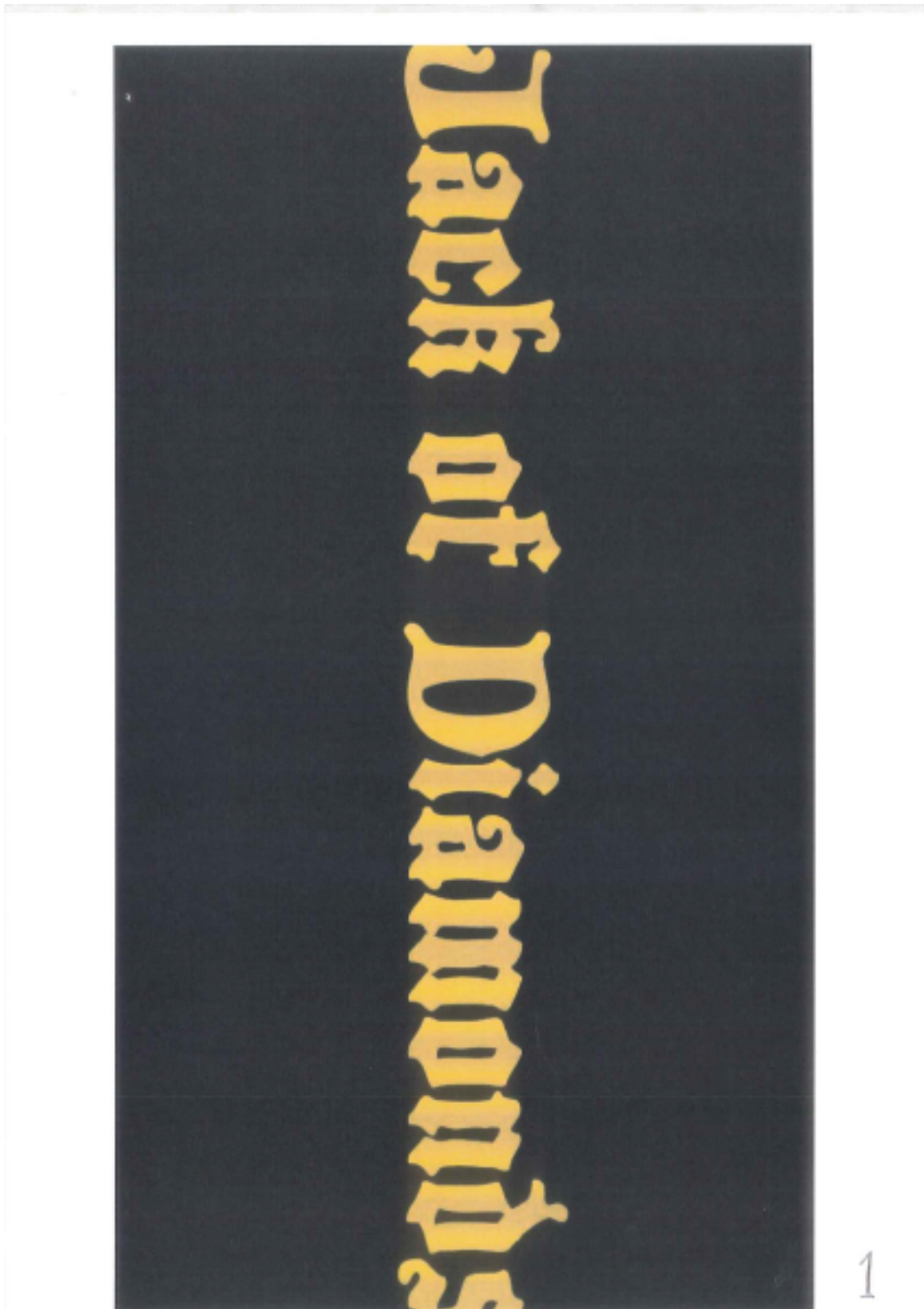
Proposed conditions to be relocated

Proposed conditions to be removed

Proposed conditions to be relocated

Proposed conditions to be removed

30



ADDITIONAL P.4.

House Rules

Challenge 21 Policy – Do you look under 21 years of age? Photo ID will be required to prove you are over 18 years old.

Dress Code – Must be smart/casual. Clean trainers are permitted but no hats or sportswear to be worn when inside the club.

Mobile Phones – Are not to be used inside the club at any time.

Cameras - No photos are to be taken inside the club without prior permission from the management.

Conduct - Anybody who is believed to be under the influence of drink/drugs will be refused entry.

Drugs – We operate a ZERO tolerance policy. Random searches may be carried out by security staff or management.

Dance Rules

Customers must remain seated and fully clothed during private dances.

Customers must leave the private dance area immediately after the private dance has finished.

Strictly no touching or propositioning of dancers at any time is permitted. Anybody found to be ignoring this rule will be asked to leave the club immediately.

Management or Security staff reserve the right to stop a private dance at any time.

CCTV Monitoring is in operation at all times.

Thank you

2631

P3.

IN-HOUSE RULES DANCERS

Conduct

1. You are required to follow instructions given by management and members of the door supervisor team. You are to adhere to instructions given without complaint. Disrespect to management or members of the door supervisor team will not be tolerated.
2. Shifts are from 10pm till 6am every night. You are to be ready and on the floor by 10pm. Doors open at 9.30pm. Late arrivals are not permitted.
3. Long elegant outfits or knee length glamorous gowns are to be worn until 1am prompt every evening.
4. Only ONE lady in the changing room and downstairs toilet at any ONE TIME. You must check at reception if the changing room is available first.
5. No more than ONE lady in the allocated smoking area at any one time.
6. Chewing gum is NOT permitted anywhere on the premises. Please make customers aware of this policy.
7. Swearing and bad behaviour to include fighting, arguing with other dancers or customers is not permitted. You are Ladies, please behave so!
8. You are here to work. Sitting at the bar unless with a customer is not permitted. Mobile phones are not to be seen or used on the floor. Use only in the changing area but keep calls short.
9. Drinking – Everyone has a limit. Make sure you know yours!
10. Treat the Club with respect i.e no heels on sofa, use tables for drinks & rubbish in bins provided etc.
11. Poaching – One lady per customer. You may approach customer when another lady leaves. If customer is waiting for another dancer to return or drink has been left by dancer to fulfil pole commitment then you must leave customer so the other dancer can return.
12. Shifts- You must confirm shifts available by Saturday evening for the following week. If no contact is made you will not be put on the rota that week. Your shifts will then be confirmed Via text/Rota the following week. If then you cannot do any shifts for whatever reason you must make contact to confirm so, no later than 3pm that day. House fee will still be required to committed shifts. No shows are not permitted. Any holiday you require must be confirmed in writing two weeks in advance.
13. House Fee – Must be paid at the beginning of each night. Late payment is not permitted.
14. The Pole - NO DJ present: a lady MUST be on the pole every 15minutes. You are required to follow the rota made at the beginning of the evening. It is your responsibility to know what times you have been given and to make sure your performance is on time.
DJ present: you are required to make your way on stage when called.

2429

P.3.

Pole performances are to last TWO songs (6-8 minutes). POLE performances are PRIORITY to ALL dances.

Dances

15. Pressure sales are not permitted. No customer to be approached until they are settled i.e drink has been purchased.

16. False advertising or over committing i.e offering extra on dances is STRICTLY NOT PERMITTED.

17. All dances are to be reported clearly to the doorman at reception. All monies are to be exchanged for dance tokens before the beginning of each dance. If a customer wishes for you to continue replace your bottom garment at beginning of each dance and start again. You must then report all dances/monies (including tips) when finished and exchange for tokens. All VIP dances will need to be reported before each dance. You will then be ALLOCATED an available room.

18. When taking customers for a dance you must go straight to a booth. At the end of each dance you are to ask the customer to leave while you get redressed. If the customer wishes to wait for you they may do so at either bar. You are not permitted to hang around any corridors with customers.

19. All dances are STRICTLY NO CONTACT! All fully nude dances are to be performed in a private dance area. If you are unsure of dance rules please ask.

20. Anyone offering CUSTOMER CONTACT, DIRTY DANCING, MEETING, DATING OR EXCHANGING PERSONAL INFORMATION with customers will lead to a SUSPENDED PERIOD OR DISMISSAL.

21. DRUGS - INSTANT DISMISSAL

We operate a ZERO tolerance policy. Random searches may be carried out by management or members of the door supervisor's team. Anyone suspected to be under the influence of drugs will be searched and asked to leave the premises.

I(Dancer name) have read and understand the company's In-House rules. I acknowledge that I am expected to conform to those rules and that I am subject to disciplinary procedures or termination for failure to conform to the said rules.

It is understood that any modification to the work rules must be in writing and signed by management.

In addition, I acknowledge that I have a duty to report to management any violations of the work rules by other member's of staff.

Sign. Date

..... Position.

Sign. Date.....

On behalf of Temptations Ltd

38 30

Details of variations sought

Door Supervision

Current condition

2.3 (j) Any times relevant entertainment is authorised to take place there shall be a minimum of three door supervisors in attendance excluding the manager. The door supervisor on the first floor shall not be engaged in other duties

Varied condition

There shall be an SIA registered door person on duty from 21.00 hours. There shall be two registered door staff in attendance from 23.00 hours until close and at any other time when performance of dance is taking place.

Subject to meeting the minimum required number, the number of managers and door supervisors deployed at the premises shall be based on a suitable and documented risk assessment.

Variation sought to permitted entertainment

To permit the playing of topless pool and to permit the use of topless bar staff



Jack of Diamonds SEV Renewal Report 2016

Introduction.

This is a report on Jack of Diamonds, 46 West Street, Old Market for Bristol City Council Licensing Committee for use when considering an application for renewal of the SEV licence and variation application submitted for the premise licence.

In order to prepare this report a search was made of Avon and Somerset Police data bases and also makes reference to licensing visits to the establishment.

Incident Logs and Visits

13th June 2016 (0718hrs)

Report from a member of staff who was leaving the premise having just finished work, she was propositioned for sex when refused she was assaulted (male tried to drag female into a vehicle).

Her bag was stolen, £400 in cash plus bank cards were within.

The victim advised the call taker that she felt targeted because of where she works that the male wanted to have sex with her.

17th December 2015 (2249hrs)

Joint multi-agency licensing visit completed as a result of intelligence relating to the premise.

21st October 2016 (2300hrs)

Joint multi-agency licensing check.

Premises Licence breach was identified –

Annex 3 condition 75

CCTV - Condition

a) Tapes, or other recording media, which relate to the CCTV cameras shall be retained for a minimum of 31 days and made available to a Police or Licensing Officer when required.

b) The CCTV equipment shall be maintained in good working order and continually record during licensable hours and for a period of two hours afterwards.

c) The correct time and date shall be generated onto both the recording and real time image screen.

d) If the CCTV equipment (including mobile units) breaks down the premises licence holder shall ensure that the DPS, or in his/her absence other responsible person, verbally informs the Police and The Licensing Authority's Licensing Section as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was passed. Equipment failures shall be repaired or replaced as soon as reasonably practicable and without undue delay.

The Licensing Office and the Police shall be informed when faults are rectified.

e) A member of staff technically able to operate the CCTV system shall be available during all licensable hours and shall comply with any reasonable request of an authorised officer of the Licensing Authority or the Police to view any CCTV footage that has been recorded. The premises licence holder shall ensure that a member of staff shall be technically able to reproduce CCTV images into a removable format and that such format shall be produced within 24 hours following any request from an authorised officer of the Licensing Authority or the Police.

The manager on the date of the visit (Adam Dulmeer), who now is the Designated Premises Supervisor (as of 3rd November 2016) was unable to operate the CCTV system to the satisfaction of the Police or the Licensing Officers during the licensing check.

Annex 3 Condition 2

Subject to meeting the minimum required number, the number of managers and door supervisors deployed at the premises shall be based on a suitable and documented risk assessment.

The manager on duty Adam Dulmeer was unable to produce a risk assessment relating to the deployment of the door staff.

SEV Licence breaches were identified-

H- No person shall be employed or shall perform at the premises who has unspent convictions for any Relevant Offence.

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.

The manager on the date of the visit (Adam Dulmeer) was unable to produce relevant documentation relating to all of performers on duty as to their age, identity, confirmation of unspent convictions and right to work in the United Kingdom.

Variation

The application seeks to vary the condition 2.3(i) which relates to the number of door staff on duty.

The condition currently states that *'any times relevant entertainment is authorised to take place there shall be a minimum of three door supervisors in attendance excluding the manager. The door supervisor on the first floor shall not be engaged in any other duties'*

The variation seeks to amend the condition to reduce the door supervisor provision to-

One person only from 2100hrs and then two door supervisors from 2300hrs until close and at any other time when performance of dance is taking place. Furtherly subject to meeting the minimum required number, the number of managers and door supervisors deployed at the premises shall be based on suitable and documented risk assessment.

The application also looks to permit the playing of topless pool and to permit the use of topless bar staff.

Response to Variation

The proposed reduction in doorstaff requested is objected to on the following grounds-

- One member of doorstaff is currently deployed on the first floor with no other duties, under this proposed variation the deployment would only be based on a risk assessment.
- The first floor is currently the VIP area and where dancers perform full striptease in private areas.
- The safeguarding of dancers is paramount and to amend the condition as such will result in performers potentially being subject to risk or harm, without safeguarding measures of doorstaff there are concerns that exploitation could occur.
- With the requested addition of topless pool/ topless bar staff there are concerns that it could heighten the perception that touching of performers is permitted, the reduction of door staff could fail to address the issue.
- Condition 8 of the Premise Licence relates to the searching of persons being searched entering the establishment if there is reasonable suspicion of drugs, if the number of door staff on duty were reduced and searching was required it could lead to the vulnerability of performers/and or other members of staff.
- During the licensing visit on the 21st October no current risk assessment pertaining to the deployment of doorstaff was located by the manager, by

breaching the existing condition it raises concerns as to the management of doorstaff currently.

The proposed permitting the playing of topless pool and the use of topless bar staff is objected to under the following grounds-

- There is no indication in the application as to where the pool table will be located.
- Pool table cues/balls could be used as weapons.
- Pool tables tend to be lit from a lamp directly above the table, with the surrounding area in almost darkness, this again could put performers at risk from inappropriate touching.
- If the doorstaff numbers are reduced in line with the variation application staff may be subjected to unwanted attention.
- Bar staff who are topless may be subjected to unwarranted advances.
- Possible changes in the clientele that may be attracted to the premises and their perception of what is permitted.
- The issues of how topless bar staff and performers will be identified in house and to licensing officer has failed to be addressed in the application.
- The roles of topless bar staff and performers may be perceived to interchangeable to members of the public putting the barstaff at risk.

The incident of the 13th June 2016 where the staff member felt she was 'targeted because of where she works' when propositioned for sex by a male outside of the premises, the breaches of the both the premises licence and SEV licence identified at the licensing check on the 21st October and the planned variation calls into question the suitability of the renewal of the SEV licence.

Bristol City Council Policy on Sexual Entertainment Venues is clear in steer of the non-suitability of Adam Dulmeer and Select Money Tree Limited due to the breaches already identified to hold a current SEV licence. The risk to lone females and the public perception of the role of the performers is concerning.

The incident in June highlights the risks to performers associated with the venue and to permit the renewal of the SEV licence would be amiss.

Inspector 1369 Martin Rowland
On behalf of the Chief Constable
Local Policing Support Team
Bristol Police
21/11/16



**Jack of Diamonds SEV Renewal Hearing
Additional Submission**

Introduction

This is an additional report on Jack of Diamonds, 46 West Street, Old Market following the submission on the 21st November 2016.

Logs & Visits

25th February 2017

Officers attended the premises at 2135hrs to complete a licensing check and spoke with the Designated Supervisor Adam Dulmeer.

At 2210hrs whilst in the office officers observed on CCTV a male on the stage surrounded by three female dancers.

It was observed that the females acted contra to the Sexual Entertainment Venue Licence.

The SEV Licence states –

1. At no time during the performance may there be any contact between a performer and a customer.

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.*

The actions of the females indicated a clear breach of the licence.

A statement provided by the officer observing is attached to this report.

Mr Dulmeer made a significant comment to the officer suggesting that these actions as observed, occur on a regular basis and the management are fully aware and do not intervene or ensure compliance of the SEV Licence.

It was also observed that there were insufficient doorstaff on duty again contra to the SEV licence.

The SEV Licence states –

2.3 (i) 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.

A copy of the CCTV footage as downloaded is attached with this report.

25th March 2017

The police attended the premises at 0501hrs following a report of a female member of staff having been stabbed in the neck by an attendee at the premises.

This is an ongoing police investigation.

Summary

Further breaches of the SEV licence have been identified following the previous licensing check on the 21st October and report for the committee compiled on the 21st November.

The SEV states –

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.

As such the renewal of the SEV licence must be objected to outright.

The incidents highlight the disregard for the conditions of the existing SEV licence and the risks to performers and public associated with the venue.

Inspector 1369 Martin Rowland
On behalf of the Chief Constable
Bristol Police
11/04/17

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: James Aitchison

Age if 18 or under: Over 18 *see overleaf if Over 18 insert 'over 18' Occupation: Police Constable 862

This statement (consisting of 4 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Victim / Witness signature:  Date: 11 March 2017

I am Police Constable 862 Aitchison currently serving at Bridewell Police station in Bristol.

My current role is a Licensing Enforcement Officer. I will attend Licensed Premises to carry out checks and enquiries to ensure the premises are operating as per the Premises Licence.

A Licensed Premise is one which is licensed to carry out Licensable Activities. These activities include the following, The sale of Alcohol, regulated entertainment and provision of late night refreshment. A premises Licence may have conditions on the licence which would say how the premise is to be operated such as timings, measures for supply of alcohol and other conditions imposed by the local authority or agreed by the Licence Holder. These conditions are or may be in place in order to uphold the Licensing Objectives. The Licensing Objectives are for a Licence Holder and staff who work within a licensed Premise, and central to Licensing activity in order to prevent crime and disorder, prevent Public nuisance, public safety and protect children. If a premise is found not to be upholding the conditions on the licence this is commonly referred to as a Breach of Licence, enforcement action may be taken if this is the case and could result in prosecution.

As well a premise having licensing conditions a premise may well have a Sexual Entertainment Licence, these premises may be known as "lap Dancing Bars".

On Saturday 25th February 2017 I attended a licensed Premises called Jack of Diamonds a premise which has numerous conditions on its Premise Licence and also has a Sexual Entertainment Licence.

I attended in company with Enforcement officer Louise Nowbray who is also employed by Avon and

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Somerset Constabulary and Wayne Jones a Bristol City Council Enforcement Officer.

I arrived at the premise at 9.35 hours. I attended with the intention of checking that the premise was operating as per the Licence Conditions recorded on the premises licence and upholding the Licensing Objectives.

On arrival I spoke with a person I know now to be, Adam DULMEER. Dulmeer introduced himself to me as the Designated Premises Supervisor for the premises and as such the person responsible for the running of the premises.

At 10.10 pm I attended the main office for the premises in company with Dulmeer and my colleagues. In the office I could see a CCTV monitor which shows various locations throughout the premises.

As a "Lap Dancing Venue" the premise has a stage and booths which allow for "topless dancing" and lapdances whereby females may perform in a state of undress.

I was aware that the licences both Premise and Sexual Entertainment have conditions which exclude any contact, touching or propositioning for sexual acts between the dancers and customers. The conditions also prohibit any customer participation during any dance and act.

Whilst in the office and looking at the monitor I saw the following.

On the main stage in the down stairs bar area I could see that a male person was sat on the stage, on a chair. There were x3 female dancers, in front of and around the stage were males watching those on the stage. The females were topless and were wearing only underwear and shoes. They were dancing around the male undressed him taking off his shirt and belt. The females were touching him and rubbing his chest area, he was then whipped with the belt by one of the males. One of the females sits on his lap and lies backwards, one of the females appears to place her hand inside his jeans as if placing something in his or on his crotch. On seeing this I said to DULMEER, "CAN YOU TELL ME WHAT IS GOING ON, ON THE STAGE?"

DULMEER said "IT'S A STAG DO, THEY ARE HUMILIATING HIM, HIS MATES WANT TO SEE HIM HUMILIATED, IT IS TRADITION."

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I said " I AM REQUESTING THAT YOU PROVIDE , DOWNLOAD THE CCTV FOOTAGE FOR THIS, CCTV FROM 2210 HOURS UNTIL 2225 HOURS. THE LICENCE HAS CONDITIONS FOR THIS , NUMBER 43 SAYS THE STRIPEASE ENTERTAINMENT SHALL BE GIVEN ONLY BY PERFORMERS AND NO AUDIENCE PARTICIPATION SHALL BE PERMITTED. NUMBER 48, THERE SHALL BE NO PHYSICAL CONTACT BETWEEN CUSTOMER AND THE PERFORMERBEFORE, DURING OR AFTER THE PERFORMANCE OTHER THAN PAYING NOTES INTO THE GARTER FOR THAT PURPOSE. THERE SHALL BE NO CONTACT ACCORDING TO THE SEXUAL ENTERTAINMENT LICENCE. I HAVE SEEN X3 GIRLS ON STAGE TAKING THE CLOTHES OFF OF A MALE, TOUCHING HIS CHEST AND WHIPPING HIM. I BELIEVE I HAVE SEEN CLEAR BREACH OF THE LICENCE. I WOULD LIKE YOU TO DOWNLOAD CCTV FOOTAGE OF THE MAIN STAGE AREA 2210 TO 2225HOURS, I WOULD ALSO LIKE YOU TO PROVIDE THE DETAILS OF THE X3 GIRLS ON THE STAGE."

DULMEER agreed to down load the footage as requested and said words to the effect of " SORRY, I AM NOT AWARE THEY WERE DOING ANYTHING WRONG, IT IS A STAG SHOW, A TRADITION, USED TO TAKE PLACE BEFORE I WAS HERE AND IT IS TRADITION."

I said " I WILL TELL YOU THAT ENFORCEMENT ACTION MAY BE TAKEN AS A RESULT OF THIS, I WILL LOOK TO REVIEW THE FOOTAGE AND A DECISION WILL THEN BE TAKEN ON SEEING THE FOOTAGE AGAIN , IN ORDER TO CONFIRM WHAT HAS JUST TAKEN PLACE, YOU MAY BE ASKED TO BE INTERVIEWED REGARDING THIS DO YOU UNDERSTAND?" Dulmeer said he understood and again apologised.

Whilst at the premise I was aware that there were x2 members of security staff on duty at the premises. The premises licence also has a condition 2.3 (i) Any times relevant entertainment is authorised to take place there shall be a minimum of three door supervisors in attendance excluding the manager.

I formed the opinion that Dulmeer was not ensuring the terms and conditions on the licence were being complied with whilst licensable activity was taking place.

On Friday 10 March I attended Bristol City Council at temple Street in Bristol, I viewed the CCTV footage,

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this had been obtained by Council licensing Enforcement Officer Wayne Jones and confirmed what I had seen on the evening of the 25th February 2017. The footage shows the females around the male at 22:12 hours, at 22:14 the male is whipped with his belt, at 22:16 a female sits on the male's lap and lies backwards, at 22:17 they are all topless including the male. The footage shows the male throw what appears to be ice cubes, he takes these from inside his trousers and I believe the females placed these inside his trousers. At one stage a second male is seen to get up upon the stage and he is ushered down by one of the security.



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