

# Licensing Committee

## Agenda



**Date:** Thursday, 7 February 2019

**Time:** 10.00 am

**Venue:** Committee Room 9, First Floor - City Hall,  
College Green, Bristol, BS1 5TR

### **Distribution:**

**Councillors:** Peter Abraham, Barry Clark, Harriet Clough, Eleanor Combley, Chris Davies, Richard Eddy, Fi Hance, Hibaq Jama, Sultan Khan, Mike Langley, Brenda Massey, Paula O'Rourke, Steve Pearce, Chris Windows and Lucy Whittle

**Copies to:** Nick Carter, Ashley Clark (Legal Advisor), Lynne Harvey (Legal Advisor), Allison Taylor (Democratic Services Officer) and Claudette Campbell (Democratic Services Officer)

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**Date:** Wednesday, 30 January 2019



# Agenda

## 1. Welcome, Introductions and Safety Information

(Pages 4 - 5)

## 2. Apologies for Absence.

## 3. Declarations of Interest

To note any declarations of interest from the Councillors. They are asked to indicate the relevant agenda item, the nature of the interest and in particular whether it is a **disclosable pecuniary interest**.

Please note that the Register of Interests is available at <https://www.bristol.gov.uk/councillors/members-interests-gifts-and-hospitality-register>

Any declarations of interest made at the meeting which is not on the register of interests should be notified to the Monitoring Officer for inclusion.

## 4. Public Forum

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. Public Forum items should be emailed to [democratic.services@bristol.gov.uk](mailto:democratic.services@bristol.gov.uk) and please note that the following deadlines will apply in relation to this meeting:-

Questions - Written questions must be received 3 clear working days prior to the meeting. For this meeting, this means that your question(s) must be received in this office at the latest by 5 pm on **1 February 2019**.

Petitions and Statements - Petitions and statements must be received on the working day prior to the meeting. For this meeting this means that your submission must be received in this office at the latest by 12.00 noon on **6 February 2019**.

## 5. Sex Establishment Policy Consultation

(Pages 6 - 111)

## 6. Review of the Council's Statement of Licensing Policy.



**(Pages 112 - 166)**



# Licensing Public Information Sheet

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

You can find papers for all our meetings on our website at [www.bristol.gov.uk](http://www.bristol.gov.uk).

You can also inspect papers at the Brunel House Reception, St.George's Road, Bristol, BS1 5UY.

Other formats and languages and assistance  
For those with hearing impairment

You can get committee papers in other formats (e.g. large print, audio tape, braille etc) or in community languages by contacting the Democratic Services Officer. Please give as much notice as possible. We cannot guarantee re-formatting or translation of papers before the date of a particular meeting.

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](mailto: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](http://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

Full Council

7 February 2019

**Report of: Executive Director: Growth & Regeneration**

**Title: Sex Establishment Policy Consultation**

**Ward: Citywide**

**Officer Presenting Report: Nick Carter**

**Contact Telephone Number: 0117 3574900**

#### RECOMMENDATION

That the Licensing Committee agree to::

- (1) Approve the draft policy for full public consultation as set out in the report.
- (2) Consult on the draft policy from 1 March 2019 to 31 May 2019 as set out in the report
- (3) Request officers to amend the draft policy following consultation and bring back to this committee for formal approval

#### Summary

1. The Local Government (Miscellaneous Provisions) Act 1982 allows the Council, as the Licensing Authority, to develop and implement a policy in respect of exercising its functions under the Act. The Council adopted additional provisions in respect of Sexual Entertainment Venues in 2011. The current policy covers only Sexual Entertainment Venues and has not been reviewed since 2011.

2. There is no statutory requirement to review a Sex Establishment Policy however it is good practice to review policy on a regular basis.

#### The significant issues in the report are:

- The proposed draft policy is based largely on the current policy and has been updated to take account of changes to legislation, and

expanded to cover all forms of sex establishments, rather than just Sexual Entertainment Venues.

- The policy details proposed appropriate numbers for three localities, City Centre locality, Old Market/West Street locality, and Bishopston/Redland/Cotham/Ashley locality.
- Updated standard conditions are proposed for Sexual Entertainment Venues, Sex Shops and Sex Cinemas.

## **Policy**

3. The Sex Establishment Policy must comply with the requirements of the Local Government (Miscellaneous Provisions) Act 1982 (the Act). The Act defines the type of activity which can be regulated, but does not specify a requirement for a policy or review of any such policy.
4. The Council adopted additional parts of the Local Government (Miscellaneous Provisions) Act 1982 in 2011 which gave it the ability to control and regulate Sexual Entertainment Venues. A policy was developed at that time which resulted in three sexual entertainment venues becoming licensed under the legislation, along with the five existing sex shops already covered by the same Act. It has not been reviewed since this date.
5. Currently there are two licensed sexual entertainment venues and four licensed sex shops within Bristol City Council's administrative area. There are currently no licensed sex cinemas.

## **Context**

6. Decisions in respect of this policy are not an executive function, and are dealt with by the Licensing Committee.
7. A working group was set up in 2016 by the Licensing Committee to review the policy. The working group has met with stakeholders, and other interested parties and has reviewed a wide range of documentation in considering the draft policy.
8. A questionnaire was distributed online and was available to the public either online or in a paper format between 3 April 2018 and 31 May 2018. The questionnaire was publicised through media, social media and communications with the public including relevant responsible authorities, equalities groups, and stakeholders.

9. The questionnaire sought the views of a wide range of people on the types of venues regulated under the Act.
10. The questionnaire received 1430 responses, with 1279 (90%) of responses from members of the public. The full report of responses is attached at Appendix C.
11. The questionnaire assisted the working group in the considerations for the draft policy, EQIA and draft standard conditions. A copy of the draft policy, draft standard conditions and draft EQIA, are attached at Appendix A, B, and D respectively.

## **Consultation**

12. It is proposed that the public consultation is open for 13 weeks, in line with government guidance, from 1 March 2019 to 31 May 2019.
13. There are no requirements as to who should be consulted in respect of a Sex Establishment Policy under the Act, however officers propose that the following persons or bodies are included in the consultation:
  - The Chief Officer of Police
  - The Police and Crime Commissioner
  - Avon Fire and Rescue
  - Members of the Public
  - Persons involved in the types of premises which are regulated
  - Equalities Groups

## **14. Internal**

It is proposed that the views and guidance of the following Council teams are sought:

- Children and Families Services
- Public Health
- Pollution Control

## **Proposal**

15. The Act does not require the Council to produce a policy in respect of the premises regulated under it. The Council considers that it is appropriate to produce and review a policy relating to these types of premises to assist applicants and the public with both the process and the expectations of the Council in respect of applications, and regulation of licensed premises.

16. The existing policy has served the Licensing Authority well since its implementation. The proposed draft policy is based on the current policy and has been updated to take account of changes to legislation and information provided to the working group, in addition to the questionnaire results.

### Other Options Considered

17. Do nothing: The policy could be left in place with no changes.

### Risk Assessment

The risks associated with the implementation of the recommendations of the report							
No	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (ie controls) and Evaluation (ie effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	Any policy decision is open to challenge	<b>Medium</b>	<b>Medium</b>	Bristol City Council has followed a clear process in reviewing the policy	<b>Low</b>	<b>Low</b>	

The risks associated with <u>not</u> implementing the recommendations of the report							
No.	RISK Threat to achievement of the key objectives of the report	INHERENT RISK (Before controls)		RISK CONTROL MEASURES Mitigation (i.e. controls) and Evaluation (i.e. effectiveness of mitigation).	CURRENT RISK (After controls)		RISK OWNER
		Impact	Probability		Impact	Probability	
1	The Council could be criticised for not reviewing the policy and taking account of changes within the Council's administrative area.	<b>Medium</b>	<b>Medium</b>	Review of policy and consultation on proposals	<b>Low</b>	<b>Low</b>	

### Public Sector Equality Duties

15a. Before making a decision, section 149 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 who 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.

**15b.** Officers have completed an Equalities Impact Assessment attached as Appendix D. The risks identified were moderate but the policy ensures that the Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications.

## **Legal and Resource Implications**

### **Legal**

The committee is not bound by a statutory procedure for formulating the policy or consulting in respect of Sex Establishments. The Government Guidance suggests the consultation exercise should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach. The Government Guidance recommends that the Consultation period should be 12 weeks.

### **Financial**

This paper requests approval to undertake a 12 week consultation on draft revisions to the Council's current Sex Establishment policy. No financial costs, savings or income are expected to arise as a consequence of this recommended activity.

**Personnel**

No HR implications evident

**Appendices:**

<b>Appendix A</b>	<b>Draft Policy for consultation</b>
<b>Appendix B</b>	<b>Proposed Standard Conditions</b>
<b>Appendix C</b>	<b>Pre consultation responses</b>
<b>Appendix D</b>	<b>Equalities Impact Assessment</b>

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**Background Papers:**

1. The Local Government (Miscellaneous Provisions) Act 1982.
2. The Local Government (Miscellaneous Provisions) Act 1982 – Control of Sexual Entertainment Venues – BCC Policy 2011.



## **BRISTOL CITY COUNCIL**

### **Local Government (Miscellaneous Provisions) Act 1982**

### **Control of Sex Establishments**

#### **1. Introduction**

The Local Government (Miscellaneous Provisions) Act 1982 introduced a regime for the control of sex establishments. The regime is adoptive and Bristol City Council has for many years been able to control the provision of sex shops and sex cinemas within its administrative area. The provisions of the 1982 Act were extended in 2009, to include the control of “sexual entertainment venues”. The Council has adopted the amended Schedule. This enables applicants to apply for licence for sex establishments.

The Act places a duty on the Council to refuse an application in certain cases (for example if an individual applicant is under the age of 18 years) and confers powers on the Council to refuse to grant or refuse to renew a licence by reference to matters such as the maximum number of sex establishments which the Council considers appropriate for the locality of the premises, the premises that are subject of the application and the character of the locality.

The legislation may be viewed here:

<http://www.legislation.gov.uk/ukpga/1982/30>

Local Government (Miscellaneous Provisions) Act 1982 Chapter 30

<http://www.legislation.gov.uk/ukpga/2009/26/section/27>

Policing and Crime Act 2009 Part 2 Section 27 - Regulation of lap dancing and other sexual entertainment venues etc

#### **2. Scope of this policy**

This policy will guide the Council when determining applications made in connection with sex establishments. It will assist it in achieving the purpose of the legislation in a manner that is consistent with the body of case law that has developed since the regime was first enacted.

This policy applies to every type of sex establishment (as defined in the Act) unless an exemption applies. Reference should be made to the legislation itself for a full understanding of what might fall within the definition and when exemptions may apply, but in summary the types of sex establishment have been detailed below:

1. A sexual entertainment venue is:

- (a) **premises** (which includes traditional premises as well as vehicles, vessels and stalls etc. – but not private dwellings to which the public are not admitted) **at which**
- (b) **relevant entertainment** (i.e. either: (i) a live performance of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of stimulating any member of the audience whether by verbal or other means; or (ii) a live display of nudity\* of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of stimulating any member of the audience\* whether by verbal or other means.
- (c) **is provided** (i.e. provided or permitted to be provided by or on behalf of the organiser)
- (d) **before a live audience**
- (e) **for the financial gain of the organiser or entertainer** (this can be direct or indirect)
- (f) **unless an exemption applies** (exemptions are detailed in par 2A of the third schedule – see link above)

2. A sex cinema is:

- (a) **premises** (which includes traditional premises as well as vehicles, vessels and stalls etc. – but not private dwellings to which the public are not admitted) **which**
- (b) **are used to a significant degree for the exhibition of moving pictures**
- (c) **which are concerned primarily** with the portrayal of, or primarily deal with or relate to, or are intended to encourage, sexual activity, or acts of force or restraint associated with sexual activity
- (d) **or are concerned primarily** with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions

3. A sex shop is:

- (a) **premises** (which includes traditional premises as well as vehicles, vessels and stalls etc. – but not private dwellings to which the public are not admitted) **which**
- (b) is used for a business which consists to a **significant degree**
- (c) of **selling, hiring, exchanging, lending, displaying or demonstrating**
- (d) **sex articles** (anything made for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity, and any article to be read or looked at, and any recording of vision or sound which includes or is intended to encourage sexual activity; or acts of force or restraint which are associated with sexual activity)
- (e) **or other things** intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity

A glossary of terms is provided at the end of this document

This policy is intended to be strictly applied, but will not operate inflexibly; the Council will take all relevant factors into consideration when determining applications and each and every case will be decided on its merits.

### **3. Decision making responsibility**

By law all functions of the local authority concerning this regime, including the making of this policy and determination of applications, are matters that cannot be the responsibility of its Executive. As such the Full Council is the body that controls the way decisions are made. The Full Council exercised its powers under Section 7 of the Licensing Act 2003 to arrange for the Licensing Committee to be responsible for the Schedule 3 functions on behalf of the Council. By virtue of Section 10 the Licensing Act 2003 a licensing committee may arrange for the discharge of any functions exercisable by it:-

- (a) By a sub-committee established by it, or
- (b) (Subject to certain statutory restrictions) by an officer of the licensing authority.

The Licensing Committee has made such arrangements.

### **4. Determining applications**

The Council will determine every application on its own merits.

### **5. General obligations that apply to the discharge of all of the Council's powers and duties**

There are a number of general obligations that apply whenever the Council is discharging any of its many functions. Those most likely to be relevant are highlighted in this part of the policy and must be borne in mind when considering any aspect of the regime including all of the things specifically addressed in the following paragraphs. For the avoidance of doubt, the Council has screened this policy statement to ensure it is compatible with those obligations and will, through its information gathering powers, seek to ensure that relevant information may come forward through the application process to enable all of its general obligations to be satisfied in the discharge of the function of determining applications for sex establishment licences. Material that is relevant to the achievement of these obligations will be properly taken into account.

There are many such general obligations applying to the work of a local authority, amongst which are (in no particular order of priority):-

- its fiduciary duties to the Council Tax and Rate payers of the City (protection of the public purse).
- its obligations to act compatibly with rights conferred under the European Convention of Human Rights
- its general and specific duties under Equalities Law
- its obligations under Crime and Disorder legislation

### **6. Considering applications and representations**

Applications have to be made in writing and must contain the particulars specified in paragraphs 10.2 to 10.5 of the third schedule (see hyperlink above) and such particulars as the appropriate authority may reasonably require in addition. The Council's application

form will be designed to elicit information that enables its decision making to be guided by this policy, including information that is relevant to enabling it to meet all of its general obligations such as those referred to in the preceding paragraph.

Public notice must be given of all applications and that notice shall be in the form that the Council may prescribe. The Council intends to prescribe a form of application that facilitates public representations, including, for example, requiring applicants to identify the brand name under which the premises are intended to operate and other material information.

The council will record that applications have been received on its licensing web pages. The council will also display additional notices in the area making use of street furniture and community notice boards. It also intends to notify local councillors about applications within their wards.

Persons objecting to an application for the grant renewal or transfer of a licence must give notice in writing of their objection to the Council, stating in general terms the grounds of the objection not later than 28 days after the date of the application. Providing they comply with the statutory requirements their format of written objections is entirely a matter for the objector.

The Council will give an opportunity of appearing before and being heard by a committee or sub-committee:

- (a) before refusing to grant a licence, to the applicant;
- (b) before refusing to renew a licence, to the holder; and
- (c) before refusing to transfer a licence, to the holder and the person to whom the applicant desires that it shall be transferred.

The Council will also usually permit objectors to address the Committee or sub committee in respect of the matters raised in their written objection (but no other matter)

The Council has arranged for hearings to take place before committees and sub-committees whose Members are accustomed to conducting such business in accordance with the rules of natural justice and other relevant obligations. Training has been made available to all Councillors concerned in the conduct of hearings and determination of such matters.

When considering applications the Councillors will usually enhance their existing local knowledge of the locality by use of maps and site visits. Applicants should be required to provide a location map and plan of the premises.

## **7. Grounds for refusal**

### **Mandatory grounds**

A licence shall not be granted where one of the mandatory refusal grounds applies, that is:-

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being disqualified by virtue of revocation in the previous twelve months;
- (c) to an individual applicant who has not been resident in the UK for the previous six months;
- (d) to a body corporate which is not incorporated in an EEA state;
- (e) to an applicant who has, 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 was reversed on appeal.

If the Council finds any of these grounds apply then it must refuse the application

### **Discretionary grounds for refusal**

A licence may otherwise be refused on one or more of the following grounds.

- (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason
- (b) That if the licence were to be granted, renewed or transferred 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, renewal or transfer of such a licence if he made the application himself;
- (c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality. (Nil may be an appropriate number for these purposes)
- (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

If the Council finds any of these grounds apply then it may refuse the application

### **Factors for consideration**

#### **Discretionary grounds (a) and (b)**

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

### **Discretionary ground (c)**

The Council is mindful of its power to determine an appropriate maximum number of sex establishments, in the relevant locality at the time the application is determined. The Council will adopt a consistent approach to this issue when determining applications for a sex establishment. It will not seek to predetermine the localities that are comprised within the City of Bristol or predetermine the appropriate number for each such locality, but will consider this issue on a case by case basis. That is to say, it will decide what is the relevant locality as a matter of fact in each particular application and not by drawing boundaries on a map or some other method.

Having established the relevant locality, in considering the issue in ground 'c' the Council will take into account all relevant considerations including:-

- The character of the locality:
  - residential
  - leisure
  - educational establishments
- Other uses in the locality:
  - faith / religious institutions
  - churches
  - family friendly facilities
- Impact on regeneration
- Impact on tourism, including considerations of the perception of the City at gateway locations
- Impact on retail attraction
- Risk of public nuisance
- Whether the locality is subject of stress caused by a cumulative impact of premises authorised to provide licensable activities under the Licensing Act 2003;
- Impact on crime and disorder
- Public perception of the safety of the locality and impact on that perception, e.g. typical footfall at material times, level of street lighting, use by lone females
- Existence of social problems in the locality and impact on any initiatives to tackle them, e.g. kerb crawling, prostitution.
- Levels of recorded crime

- Levels of anti social behaviour

Appendix A shall be maintained within this policy to record all decisions made to control the number of sex establishments under this provision.

### **Discretionary grounds (d)**

#### **For d(i)**

Having regard to the character of the locality (see ground (c ) above) the Council will consider whether the particular application is appropriate , taking into account:

- The size and appearance of the premises
- Their proximity to places where the public congregate for purposes other than use of the premises, such as bus stops and taxi ranks
- The nature and style of the relevant entertainment that is proposed
- The nature of the clientele it is likely to attract and their number
- The duration of the proposed licence/activity
- The manner in which the relevant entertainment is likely to be managed
- The risk of nuisance to others engaged in legitimate activity
- The proposed hours of operation.

#### **For d(ii)**

Whether premises in the vicinity are put to any of the following uses:

- residential, in particular homes occupied by families
- leisure
- educational establishments
- churches and other places of worship
- family friendly facilities
- other sex-oriented/adult premises (whether or not they are licensed/licensable)
- youth clubs
- womens refuges
- community centres
- parks and other open spaces
- swimming pools
- public transport

#### **For d (iii)**

In considering these factors the council will take into account information concerning:-

- whether the premises are fit for the purpose proposed
- their planning status
- the general appearance to others using the locality
- whether premises are self contained
- means of access and egress, whether shared with other building users (if any)
- accessibility
- sightlines
- 'hidden' areas and other places where effective monitoring may hampered
- standard of decoration and "fit –out"
- visibility from the street
- facilities for smokers

- facilities for performers (changing, washing, wc, smoking areas etc) and whether they are adequately separated from those provided for customers

## **8. Conditions**

The council has set out standard conditions that will normally be applied to any sex establishment licence granted by it.

The conditions are intended to promote the safety and wellbeing of the public, employees and customers, as well as reducing the impact of these types of premises by imposing certain restrictions.

An applicant may request to vary or be exempt from any of these conditions and will be afforded the opportunity to provide information as to why a variation or an exemption should be granted in that instance.

## **9. Reasons**

The Council will usually make available the reasons for its Committee and sub committee decisions on its web pages. Rarely publication of reasons may be deferred where there is good reason (for example where relevant information is sub judice or otherwise reasonably judged to be exempt from publication).

## **10. Waiver**

In circumstances in which the Council reasonably judges that it would be unreasonable or inappropriate to require a licence for the sexual establishment concerned it may waive the requirement for a licence. An applicant for a waiver must submit the information prescribed in the legislation and such other information as the council may reasonably require. There are no advertising or publicity provisions governing waivers.

If an application for waiver is allowed a waiver notice is given which can be for a specific period or open ended. When it is open ended the council, by giving at least 28 days notice, can bring it to an end.

The Council will consider each waiver application received on its own merits

## **APPENDIX A**

### **RECORD OF DECISIONS TAKEN TO CONTROL THE NUMBER OF SEX ESTABLISHMENTS IN LOCALITIES IN BRISTOL**

**These are the localities for which numbers have been set, any other localities would be determined on a fresh application.**

On 23<sup>rd</sup> November 2011 the Licensing Committee determined three localities in Bristol and specified the maximum number of Sex Shops, Sex Cinemas and Sexual Entertainment Venue within each locality.

#### **Old Market / West Street Locality**

2 Sex Shops, 0 Sex Cinemas, 1 Sexual Entertainment Venue

**City Centre Locality (see map)**

2 Sex Shops, 0 Sex Cinemas, 2 Sexual Entertainment Venues

**Bishopston / Redland / Cotham / Ashley Locality**

0 Sex Shops, 0 Sex Cinemas, 0 Sexual Entertainment Venues

## **APPENDIX B**

### **GLOSSARY OF TERMS**

Audience - includes an audience of only one person

Nudity - nudity is the exposure of the pubic area, genitals or anus and, in the case of women, their nipples

Organiser - the person who is responsible for the organisation or management of the entertainment itself or the premises

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## **CONDITIONS RELATING TO SEX ESTABLISHMENTS**

### **Standard Conditions for Sexual Entertainment Venues**

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 physical 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 customers and suitable separate provision must be made;

- (i) water closet;
- (ii) washing facilities;

2. Performers and customers shall not be permitted to share any smoking area

3. No customers 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.

## **V. CCTV.**

CCTV shall be in use at the premises.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed it shall be fully operational by commencement of the licence.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority

(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, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police 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 reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

(vi) The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of 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 trading hours

(viii) If relevant entertainment is specifically provided for an audience of one (for example what is sometimes referred to as a private dance) the camera must be positioned and operated so as to ensure that both parties are clearly identifiable from the captured images.

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

**W.** 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.

## **Standard Conditions for Sex Shops and Sex Cinemas**

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 regulation (Standard Conditions applying to sex shops and sex cinemas) and also to any additional terms, conditions and restrictions set out in paragraph 2 of this schedule..

### **SCHEDULE**

1 A copy of this licence together with a copy of the conditions shall be exhibited.

### **STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX SHOPS AND CINEMAS**

In these Conditions the following expressions shall have the following meanings:

(i) 'The Council' - The City Council of Bristol.

(ii) 'Sex Establishment', 'sex cinema', 'sex shop', and 'sex article', shall have the meanings given them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

(iii) 'Premises' any vehicle, vessel, stall or premises (which shall include any building, any part thereof, forecourt, yard or storage place in connection with any building) which is the subject of a licence granted under Schedule 3 aforesaid.

(iv) 'Special Conditions' any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid.

1 A sex shop or sex cinema shall not be open to the public before 9 a.m. and shall not be kept open after 8.00 p.m.

2 The licensee shall ensure that the public are not admitted to any part or parts of the premises which have not been licensed by the Council.

3 No part of the premises shall be used by male or female prostitutes for the purposes of soliciting.

4 The licensee shall notify the Council in writing of the person responsible for management of a sex shop or sex cinema at any time and no person may be responsible for such management unless he is approved by the Council.

5 The name of the person responsible for management of a sex shop or sex cinema shall be prominently displayed on the premises throughout the time of his management.

6 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for management of the body shall be notified to the Licensing Authority in writing within 14 days of the change.

7 The licensee shall not let, licence or otherwise dispose of any part of the premises.

8 Any displays must be arranged in such a way that the interior of the premises, other than the window display itself, is not visible from the exterior.

Wording shall not be used in any window display or on the exterior of the premises that could be considered as stimulating or encouraging sexual activity, or acts of force or restraint associated with sexual activity.

No article or material shall be displayed on the premises so as to be visible from outside of the premises that are for use in connection with, or for the purpose of stimulating sexual activity, acts of force or restraint associated with sexual activity, genital organs, urinary or excretory functions.

A maximum of three mannequins may be used in any window display for the purpose of displaying such clothing as lingerie, nightwear, fancy dress, etc. Such displays shall not include any clothing or item which could be considered to be for use in connection with, or for purpose of acts of force or restraint. Where mannequins are used they shall not be posed in such a fashion as to suggest sexual activity or acts of force or restraint.

If the Council notifies the licensee in writing of the unsuitability of any poster, photograph, sketch, painting, image or any form or display visible to members of the public who are not on the premises, then the item shall be removed or obscured from the sight of members of the public not on the premises

9 Neither the licensee nor his servant or agent shall personally solicit custom for a sex establishment outside or in the vicinity of a sex shop or sex cinema.

10 There shall be no change of use from a sex cinema to a sex shop or from a sex shop to a sex cinema without written consent from the Council.

11 No sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

12 All sex articles and other things displayed for sale, hire, exchange or loan in a sex shop shall be clearly marked with their prices.

13 All printed matter offered for sale, hire, exchange, or loan shall be available for inspection prior to purchase.

14 Alterations or additions either internal or external shall not be made to the licensed premises without written consent from the Council.

15 The licensee shall take all reasonable precautions for the safety of the public and employees.

16 In the event of any inconsistency between these conditions and any special conditions of the licence the special conditions shall prevail.

17 Where in these Conditions reference is made to 'approval' or 'consent' by the Council this shall be approval or consent in writing from the Licensing Authority and no approval given under any other powers of the Council will be sufficient, e.g. planning permission approval under building regulations, and approval given under any other powers exercised by the Council shall not preclude the necessity for approval or consent in writing under these Conditions.

**Licensing Service**

**Sex Establishment Policy Review**



# **Pre Consultation Questionnaire Responses and Results**

**Final report v1.2**

**27 June 2018**



[www.bristol.gov.uk](http://www.bristol.gov.uk)

## Contents

1. Summary .....	6
S1 Sex Establishment Policy Review .....	6
S2 Questionnaire .....	6
S3 Scope .....	6
2. Response rate and respondent characteristics .....	6
2.1 Response rate .....	6
2.2 Respondent characteristics .....	7
2.3 Table 1: respondent characteristics - all responses to the survey.....	8
3. Survey responses to the questions – Sex Shops.....	9
3.1 How many sex shops would be acceptable for the following localities?.....	9
3.1.1 A residential area .....	9
3.1.2 A deprived area.....	10
3.1.3 A suburban area .....	10
3.1.4 An industrial area .....	11
3.1.5 A busy late night economy area.....	11
3.1.6 A built up area e.g. shopping precincts/local high streets .....	12
3.1.7 A city centre, or area immediately surrounding it .....	12
3.1.8 A rural area .....	13
3.2 It would not be acceptable to locate a sex shop in? .....	13
3.2.1 A residential area .....	14
3.2.2 A deprived area.....	14
3.2.3 A suburban area .....	15
3.2.4 An industrial area .....	15
3.2.5 A busy late night economy area.....	16
3.2.6 A built up area e.g shopping precincts/local high streets .....	16
3.2.7 A city centre, or area immediately surrounding it .....	17
3.2.8 A rural area .....	17
3.3 It would be acceptable to locate a sex shop on or near to the following city centre areas? .....	18
3.3.1 Harbourside area .....	18
3.3.2 Old City (the area between Broad Quay, St Augustines Parade, and Corn Street, including the area around the Cenotaph) .....	19
3.3.3 Broadmead Area, including Quakers Friars and Cabot Circus areas.....	19
3.3.4 Queen Square and Welsh Back.....	20

3.3.5 Temple Quarter .....	20
3.3.6 Old Market .....	21
3.3.7 Park Street and the Triangle area .....	21
3.3.8 The Stokes Croft and Gloucester Road area .....	22
3.3.9 The area west of Lewins Mead including University, Hospital and Bus Station areas .....	22
3.3.10 Area surrounding Feeder Road including the proposed arena area, Temple Meads area and the Dings and St Philips Marsh areas .....	23
3.4 It would not be acceptable to locate a sex shop near to? .....	23
3.4.1 Schools and other places of education .....	24
3.4.2 Residential areas .....	24
3.4.3 Play areas or parks .....	25
3.4.4 Youth Facilities.....	25
3.4.5 Women’s refuge facilities .....	26
3.4.6 Family leisure facilities such as cinemas, theatres and concert halls.....	26
3.4.7 Places of worship.....	27
3.4.8 Places used for celebration or commemoration .....	27
3.4.9 Cultural leisure facilities such as libraries, museums .....	28
3.4.10 Retail shopping areas .....	28
3.4.11 Historic buildings.....	29
3.4.12 Sports centres/facilities .....	29
3.4.13 Transport Hub (bus or train stations etc).....	30
3.4.14 Financial institutions such as banks.....	30
3.4.15 Late night entertainment areas .....	31
3.4.16 Other .....	31
4 Survey responses to the questions – Sexual Entertainment Venues .....	33
4.1 How many sexual entertainment venues would be acceptable for the following localities? .....	33
4.1.1 A residential area .....	33
4.1.2 A deprived area.....	34
4.1.3 A suburban area .....	34
4.1.4 An industrial area .....	35
4.1.5 A busy late night economy area.....	35
4.1.6 A built up area eg shopping precincts/local high streets .....	36
4.1.7 A city centre, or area immediately surrounding it .....	36
4.1.8 A rural area .....	37

4.2 It would not be acceptable to locate a sexual entertainment venue in? .....	37
4.2.1 A residential area .....	38
4.2.2 A deprived area.....	38
4.2.3 A suburban area .....	39
4.2.4 An industrial area .....	39
4.2.5 A busy late night economy area.....	40
4.2.6 A built up area eg shopping precincts/local high streets .....	40
4.2.7 A city centre, or area immediately surrounding it .....	41
4.2.8 A rural area .....	41
4.3 It would be acceptable to locate a sexual entertainment venue on or near the following city centre areas? .....	42
4.3.1 Harbourside area .....	42
4.3.2 Old City (the area between Broad Quay, St Augustines Parade, and Corn Street, including the area around the Cenotaph).....	43
4.3.3 Broadmead Area, including Quakers Friars and Cabot Circus areas.....	43
4.3.4 Queen Square and Welsh Back.....	44
4.3.5 Temple Quarter .....	44
4.3.6 Old Market .....	45
4.3.7 Park Street and the Triangle area .....	45
4.3.8 The Stokes Croft and Gloucester Road area .....	46
4.3.9 The area west of Lewins Mead including University, Hospital and Bus Station areas .....	46
4.3.10 Area surrounding Feeder Road including the proposed arena area, Temple Meads area and the Dings and St Philips Marsh areas .....	47
4.4 It would not be acceptable to locate a sexual entertainment near to?.....	47
4.4.1 Schools and other places of education .....	48
4.4.2 Residential areas .....	49
4.4.3 Play areas or parks .....	49
4.4.4 Youth Facilities.....	50
4.4.5 Women’s refuge facilities .....	50
4.4.6 Family leisure facilities such as cinemas, theatres and concert halls.....	51
4.4.7 Places of worship.....	51
4.4.8 Places used for celebration or commemoration .....	52
4.4.9 Cultural leisure facilities such as libraries, museums .....	52
4.4.10 Retail shopping areas .....	53

- 4.4.11 Historic buildings ..... 53
- 4.4.12 Sports centres/facilities ..... 54
- 4.4.13 Transport Hub (bus or train stations etc)..... 54
- 4.4.14 Financial institutions such as banks..... 55
- 4.4.15 Late night entertainment areas ..... 55
- 4.4.16 Other ..... 56
- 5. Survey responses to the questions – Sex Cinemas ..... 56
  - 5.1 Bristol does not currently have any sex cinemas. It would be acceptable to have sex cinemas in Bristol? ..... 56
- 6. How will this report be used?..... 57
- Appendix A ..... 58
- Appendix B ..... 62

## 1. Summary

### S1 Sex Establishment Policy Review

The Council adopted additional parts of the Local Government (Miscellaneous Provisions) Act 1982 in 2011 which gave it the ability to control and regulate Sex Establishments. Five premises operated as venues offering sexual entertainment at that time. A policy was developed at that time which resulted in three sexual entertainment venue premises becoming licensed under the legislation, along with the four existing sex shops already covered by the same Act.

Currently there are two licensed sexual entertainment venues and four licensed sex shops within Bristol City Council's administrative area. There are currently no licensed sex cinemas or hostess bars.

The Council is undertaking a review of the policy and as part of this review the Council sought to engage with the public and stakeholders initially using a questionnaire. This feedback will be used to help develop the Council's thinking in advance of preparing a draft policy. The draft policy will then undergo a wider consultation later in the year.

### S2 Questionnaire

The questionnaire was open between 3 April 2018 and 31 May 2018 and sought responses from the public to questions around the appropriateness of these types of venues in relation to locations, other types of premises, and specific locations within Bristol.

The questionnaire was available online, and paper copies of the survey and alternative accessible formats were available on request. The questionnaire was publicised through media, social media and communications with the public including relevant responsible authorities, equalities groups, and stakeholders.

### S3 Scope

This report presents the findings of the sex establishments questionnaire. It includes the overall responses to the questionnaire.

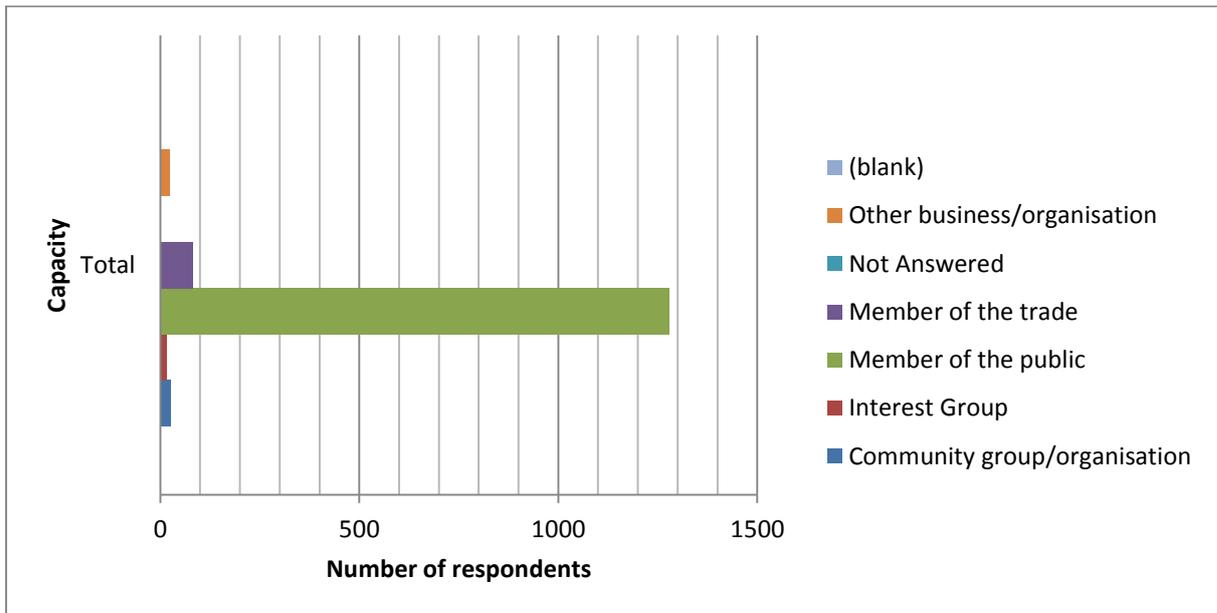
This report does not contain any officers' proposals in respect of the draft policy, having considered the consultation feedback.

## 2. Response rate and respondent characteristics

### 2.1 Response rate

1430 responses were received to the questionnaire, via the online and paper based survey.

1279 (90%) of responses were from members of the public, 82 (6%) were from members of the trade, 24 (1%) were from other businesses or organisations, 26 (2%) were from community groups or organisations, 17 (1%) were from interest groups, and 2 respondents did not provide this information.



## 2.2 Respondent characteristics

1404 (98%) people answered one or more of the equalities monitoring questions.

The most common age of respondents was 25-44 years (54%), followed by 45-64 years (28%), 18-24 years (8%), 65-74 (6%), Over 75 years (1%), Under 18 years (less than 1%). 4% preferred not to say.

58% of responses were from women and 33% from men. 8% preferred not to say.

A full breakdown of respondent characteristics is found in Table 1 below.

2.3 Table 1: respondent characteristics - all responses to the survey

	<b>Respondent characteristic</b>	<b>Number of responses to questionnaire</b>	<b>% responses to equalities question</b>
Age	Under 18	2	<1%
	18 – 24	115	8%
	25-44	767	54%
	45-64	399	28%
	65-74	78	6%
	Over 75	11	1%
	Prefer not to say	50	4%
	No response to question	8	<1%
Gender	Female	835	58%
	Male	465	33%
	Prefer not to say	118	8%
	No response to question	12	1%
Transgender	Yes	27	2%
	No	1275	89%
	Prefer not to say	102	7%
	No response to question	26	2%
Ethnicity	White British	1136	79%
	Other White	119	8%
	Mixed / Dual Heritage	48	3%
	Black / Black British	11	1%
	Asian / Asian British	12	1%
	Other ethnic group	6	<1%
	Prefer not to say	89	6%
	No response to question	9	1%
Disability	Yes	125	9%
	No	1186	83%
	Prefer not to say	102	7%
	No response to question	17	1%
Religion	No religion	898	63%
	Christian	298	21%
	Buddhist	22	2%
	Hindu	1	<1%
	Jewish	10	1%
	Muslim	6	<1%
	Sikh	0	0%
	Any other religion or belief	61	4%
	Prefer not to say	125	9%
	No response to question	9	1%
Sexual orientation	Heterosexual (straight)	974	68%
	Lesbian, Gay or Bisexual	288	19%
	Prefer not to say	173	12%
	No response to question	15	1%

### 3. Survey responses to the questions – Sex Shops

#### 3.1 How many sex shops would be acceptable for the following localities?

Respondents were asked how many sex shops they thought it would be appropriate to have in the following types of area:

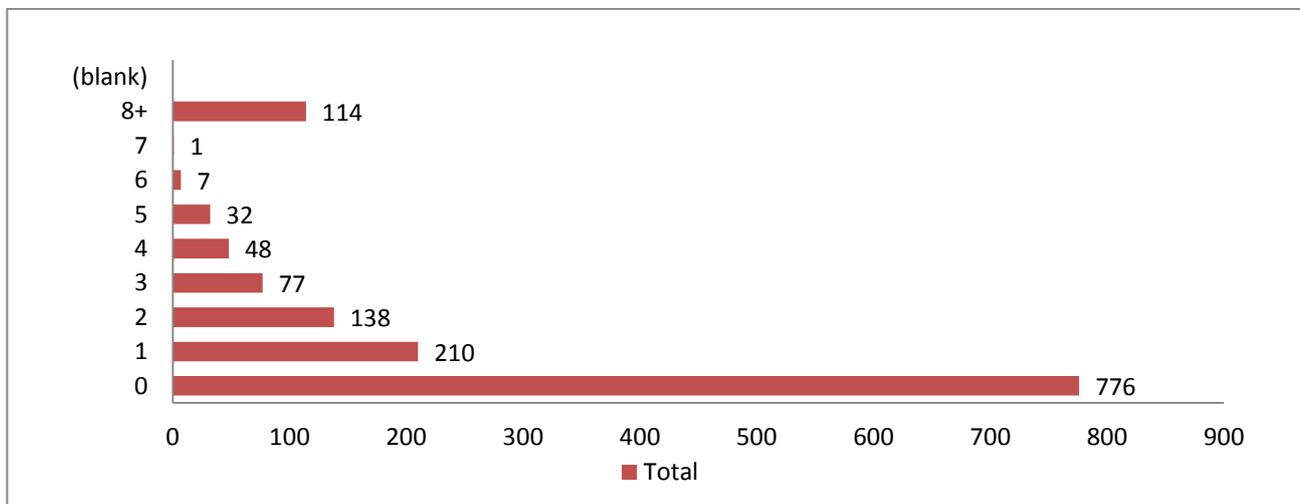
- A residential area
- A deprived area
- A suburban area
- An industrial area
- A busy late night economy area
- A built up area eg shopping precincts/local high streets
- A city centre, or area immediately surrounding it
- A rural area

They were given were given the option of numbers from zero to eight plus.

##### 3.1.1 A residential area

776 (54%) of respondents stated zero was the appropriate number, 210 (15%) said one would be appropriate, 138 (10%) said two, 114 (8%) said eight or more, 77 (5%) said three, 48 (3%) said four, 32 (2%) said five, 7 (less than 1%) said six, and 1 respondent (less than 1%) said seven would be appropriate. 27 (2%) people did not respond.

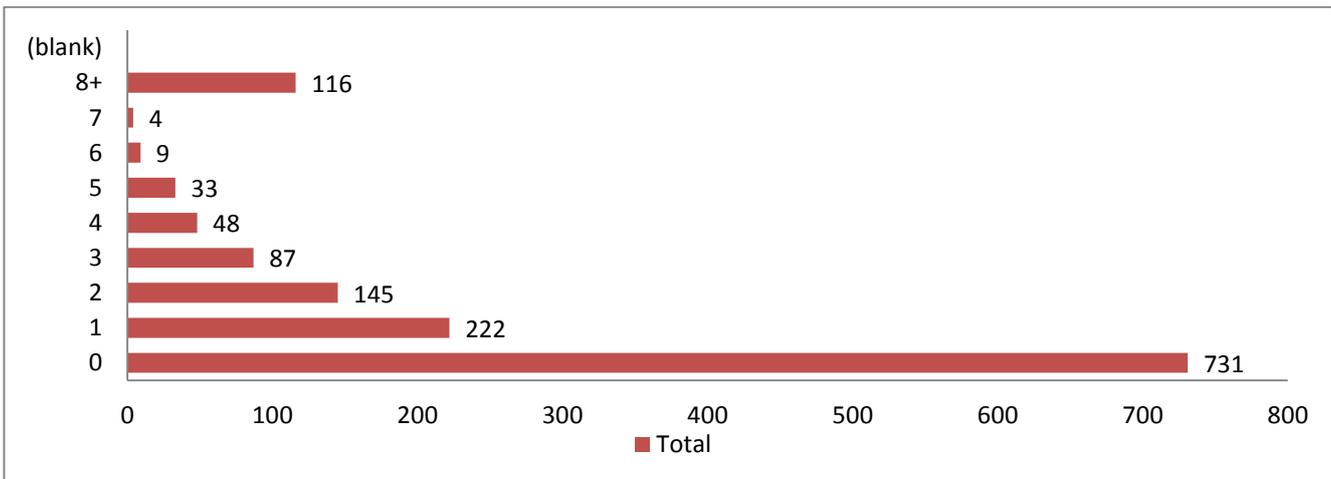
The majority of people (54%) said zero was an appropriate number in a residential area. The remainder (44%) felt that it would be appropriate to have at least one sex shop in a residential area.



### 3.1.2 A deprived area

731 (51%) of respondents stated zero was the appropriate number, 222 (16%) said one would be appropriate, 145 (10%) said two, 116 (8%) said eight or more, 87 (6%) said three, 48 (3%) said four, 33 (2%) said five, 9 (1%) said six, and 4 (less than 1%) respondents said seven would be appropriate. 32 (2%) did not respond

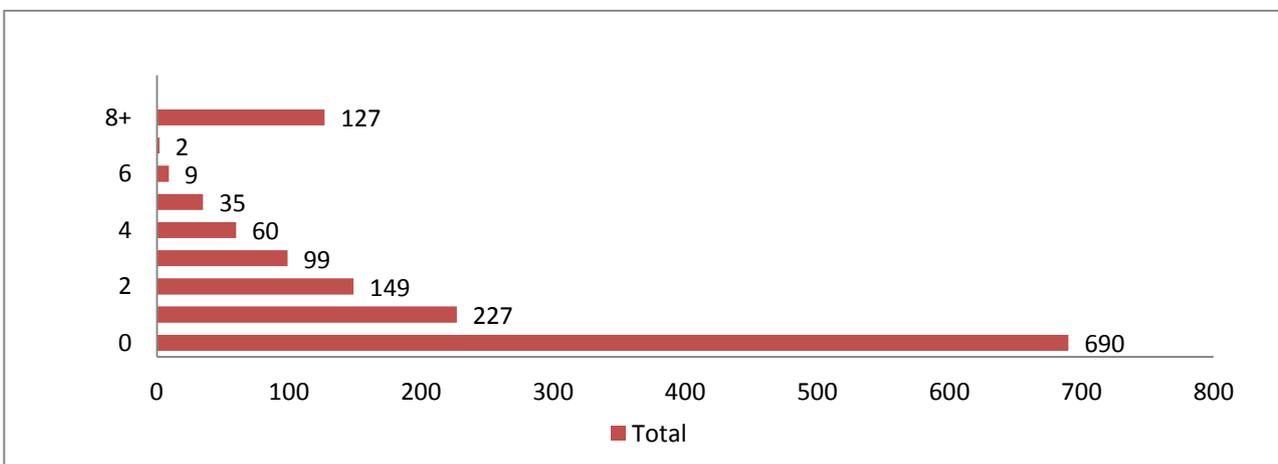
The majority of people (51%) said zero was an appropriate number in a deprived area. The remainder (47%) felt that it would be appropriate to have at least one sex shop in a deprived area.



### 3.1.3 A suburban area

690 (48%) of respondents stated zero was the appropriate number, 227 (16%) said one would be appropriate, 149 (10%) said two, 127 (9%) said eight or more, 99 (7%) said three, 60 (4%) said four, 35 (2%) said five, 9 (1%) said six, and 2 (less than 1%) respondents said seven would be appropriate. 32 (2%) did not respond.

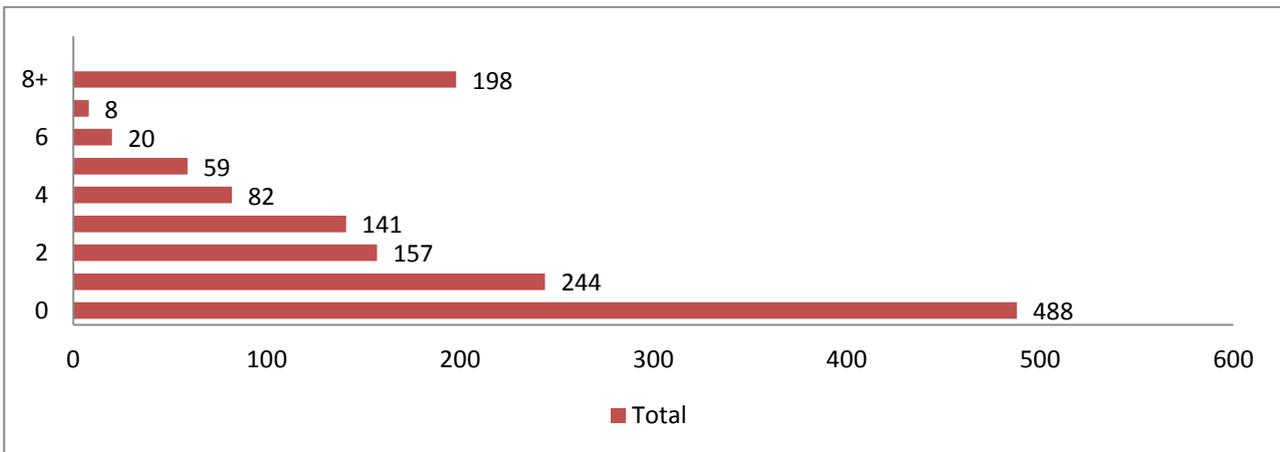
The majority of people (50%) said that at least one sex shop would be appropriate in a suburban area. The remainder (48%) said zero was an appropriate number for a suburban area.



### 3.1.4 An industrial area

488 (34%) of respondents stated zero was the appropriate number, 244 (17%) said one would be appropriate, 198 (14%) said eight or more, 157 (11%) said two, 141 (10%) said three, 82 (6%) said four, 59 (4%) said five, 20 (1%) said six, 8 (1%) respondents said seven would be appropriate. 33 (2%) did not respond.

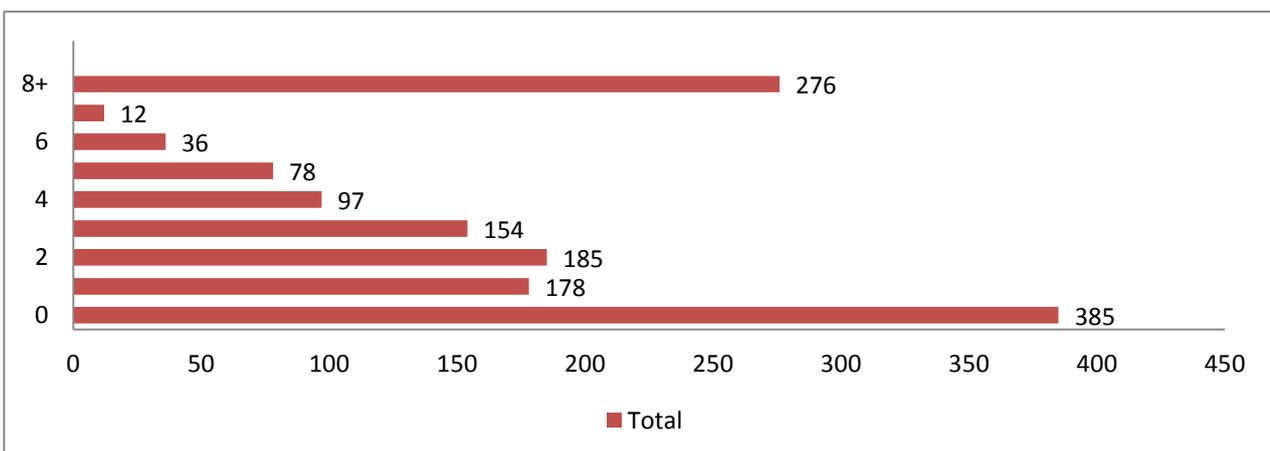
The majority of people (64%) said that at least one sex shop would be appropriate in an industrial area. The remainder (34%) said zero was an appropriate number.



### 3.1.5 A busy late night economy area

385 (27%) respondents stated zero was the appropriate number, 276 (19%) said eight or more would be appropriate, 185 (13%) said two, 178 (12%) said one, 154 (11%) said three, 97 (7%) said four, 78 (5%) said five, 36 (3%) said six, and 12 (1%) respondents said seven. 29 (2%) did not respond.

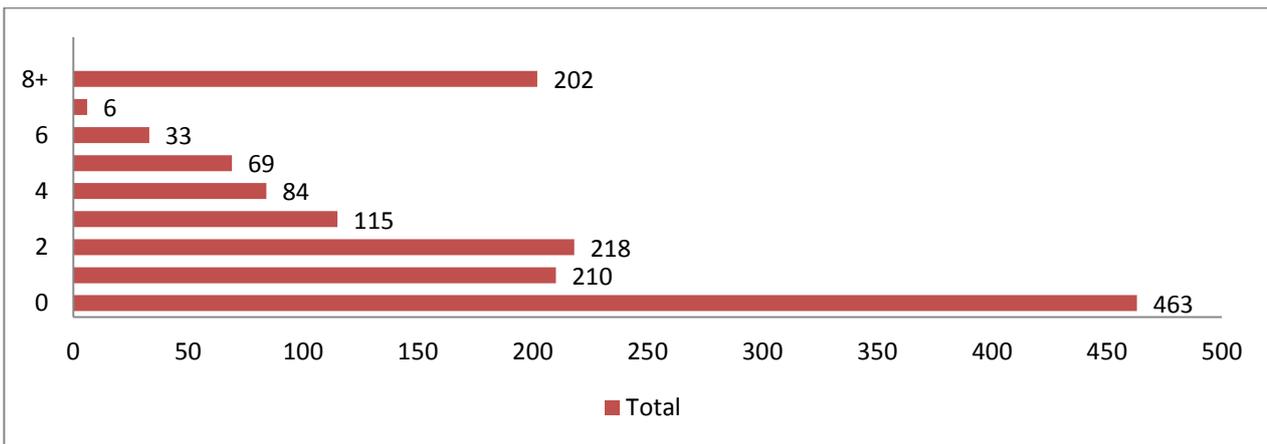
The majority of people (71%) said that at least one sex shop would be appropriate in a busy late night economy area. The remainder (27%) said zero was an appropriate number.



### 3.1.6 A built up area e.g. shopping precincts/local high streets

463 (32%) respondents stated zero was the appropriate number, 218 (15%) said two would be appropriate, 210 (15%) said one, 202 (14%) said eight or more, 115 (8%) said three, 84 (6%) said four, 69 (5%) said five, 33 (2%) said six, and 6 (less than 1%) said seven. 30 (2%) did not respond.

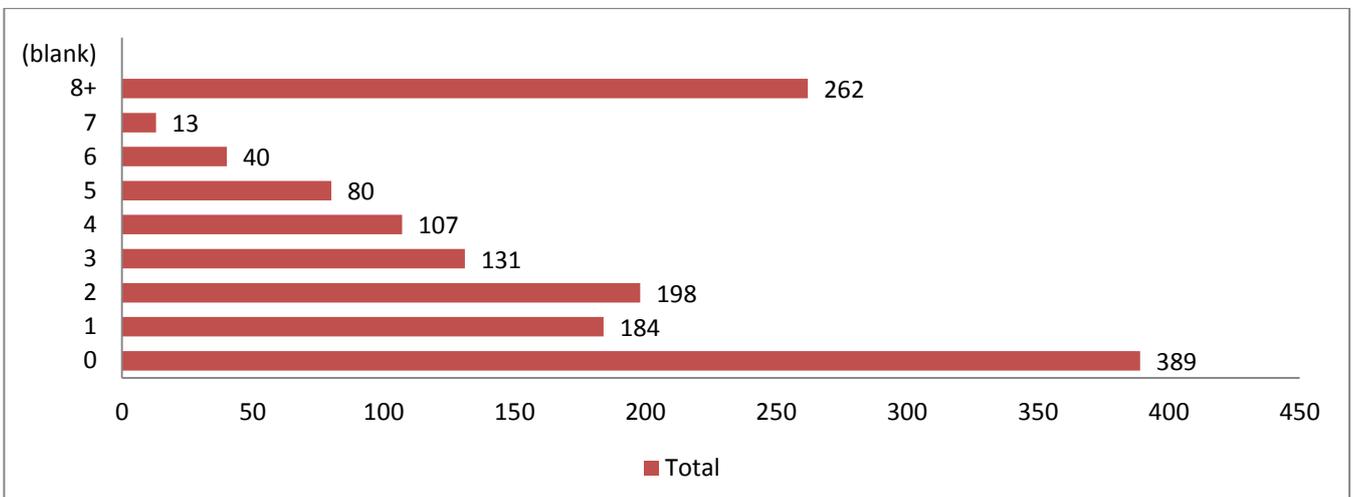
The majority of people (66%) said that at least one sex shop would be appropriate in a built up area. The remainder (32%) said zero was an appropriate number.



### 3.1.7 A city centre, or area immediately surrounding it

389 (27%) respondents stated zero was the appropriate number, 262 (18%) said eight or more would be appropriate, 198 (14%) said two, 184 (13%) said one, 131 (9%) said three, 107 (7%) said four, 80 (6%) said five, 40 (3%) said six, and 13 (1%) said seven. 26 (2%) did not respond.

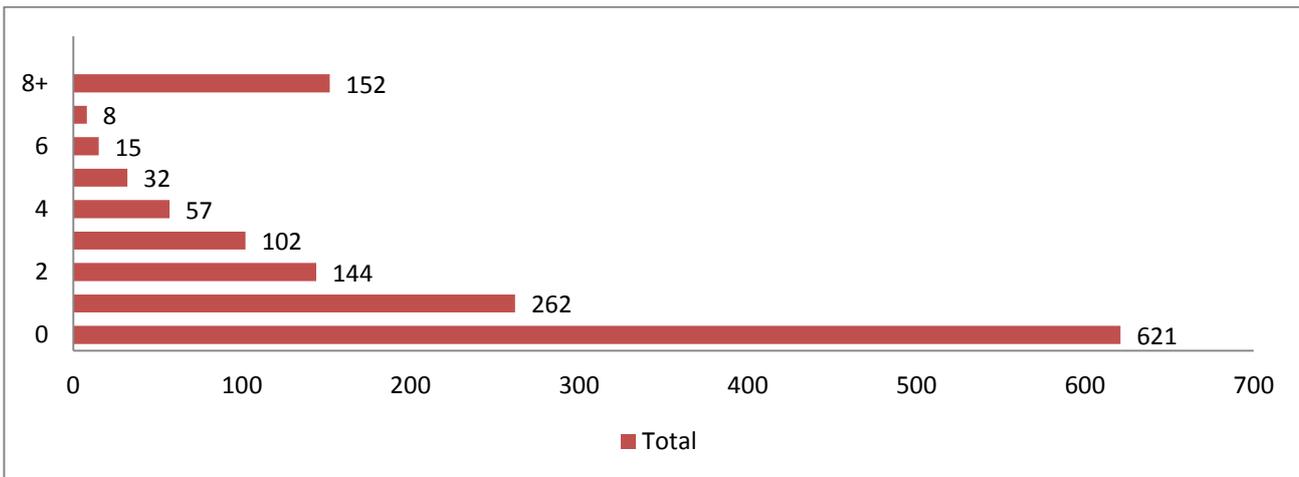
The majority of people (71%) said that at least one sex shop would be appropriate in a city centre, or area immediately surrounding it. The remainder (27%) said zero was an appropriate number.



### 3.1.8 A rural area

621 (43%) respondents stated zero was the appropriate number, 262 (18%) said one would be appropriate, 152 (11%) said eight or more would be appropriate, 144 (10%) said two, 102 (7%) said three, 57 (4%) said four, 32 (2%) said five, 15 (1%) said six, and 8 (1%) said seven. 37 (3%) did not respond.

The majority of people (54%) said that at least one sex shop would be appropriate in a rural area. The remainder (43%) said zero was an appropriate number.



### 3.2 It would not be acceptable to locate a sex shop in?

Respondents were asked whether they agreed with the statement that it would **not** be acceptable to locate a sex shop in the following areas:

- A residential area
- A deprived area
- A suburban area
- An industrial area
- A busy late night economy area
- A built up area eg shopping precincts/local high streets
- A city centre, or area immediately surrounding it
- A rural area

They were given were given the option s below:

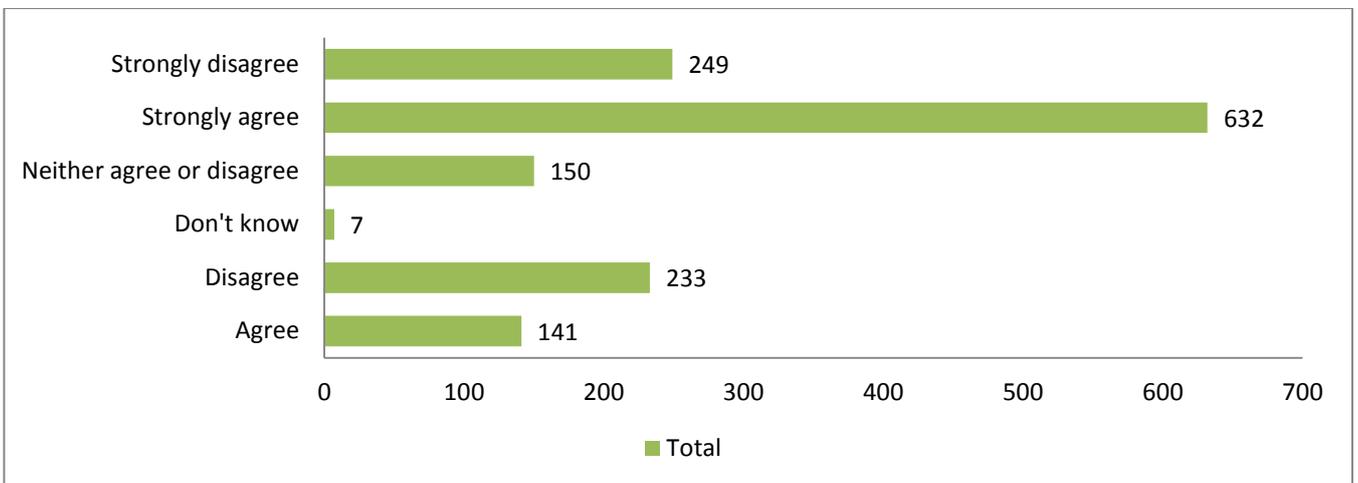
- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree

- Strongly Disagree
- Don't know

### 3.2.1 A residential area

632 (44%) respondents strongly agreed that it was not acceptable to locate a sex shop in a residential area, 249 (17%) strongly disagreed, 233 (16%) disagreed, 150 (10%) neither agreed, nor disagreed, 141 (10%) agreed and 7 (less than 1%) did not know. 18 (1%) did not respond.

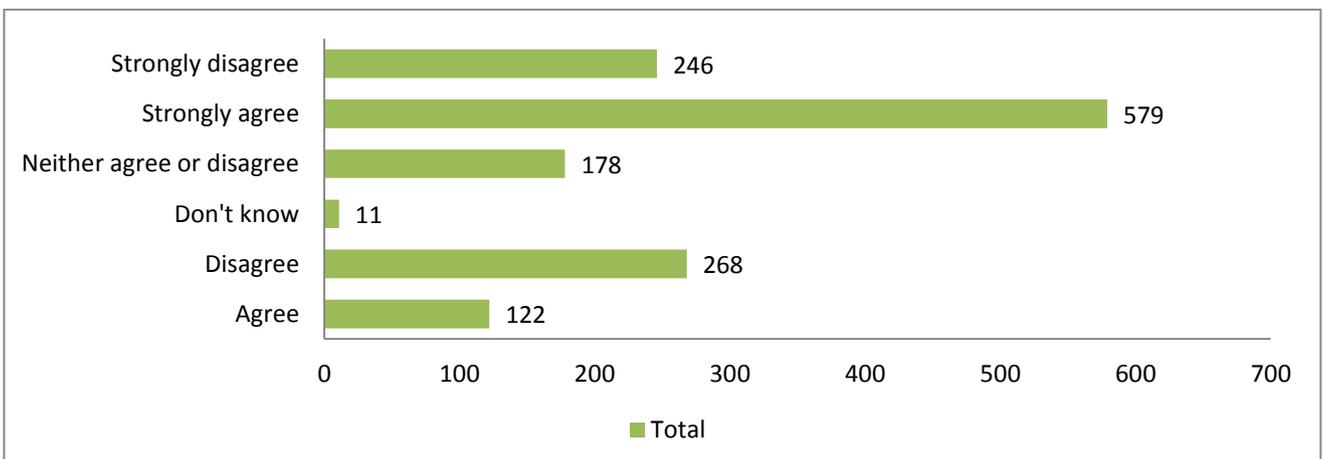
Overall 54% of people agreed or strongly agreed with the statement, and 33% disagreed, or strongly disagreed.



### 3.2.2 A deprived area

579 (40%) respondents strongly agreed that it was not acceptable to locate a sex shop in a deprived area, 268 (19%) disagreed, 246 (17%) strongly disagreed, 178 (12%) neither agreed nor disagreed, 122 (9%) agreed, and 11 (1%) did not know. 26 (2%) did not respond.

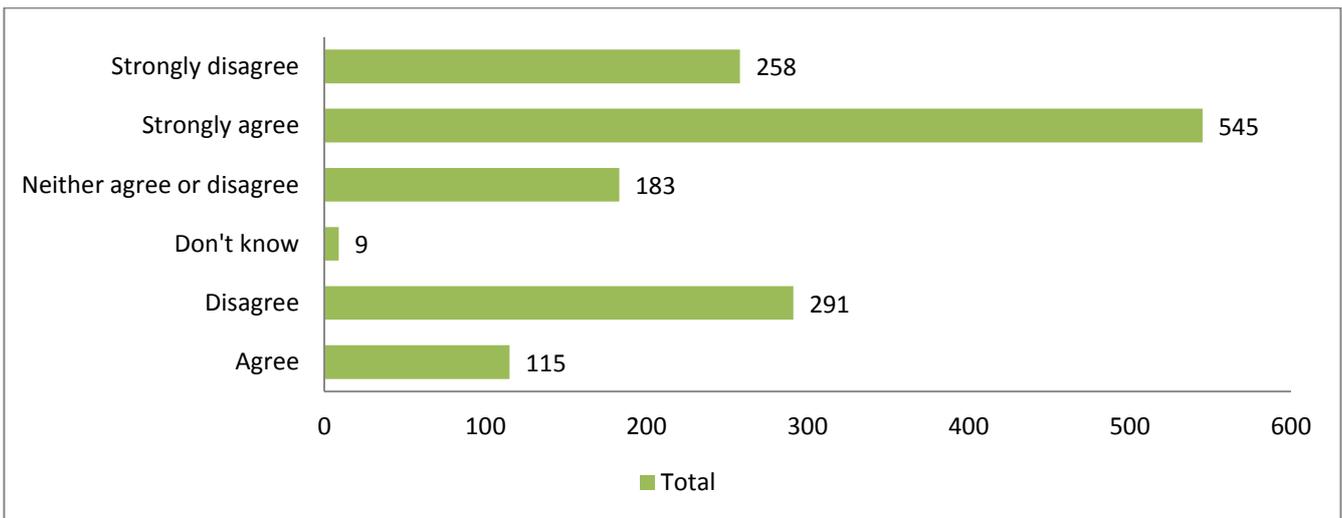
Overall 49% of people agreed or strongly agreed with the statement, and 36% disagreed or strongly disagreed.



### 3.2.3 A suburban area

545 (38%) respondents strongly agreed that it was not acceptable to locate a sex shop in a suburban area, 291 (20%) disagreed, 258 (18%) strongly disagreed, 183 (13%) neither agreed nor disagreed, 115 (8%) agreed, and 9 (1%) did not know. 29 (2%) did not respond.

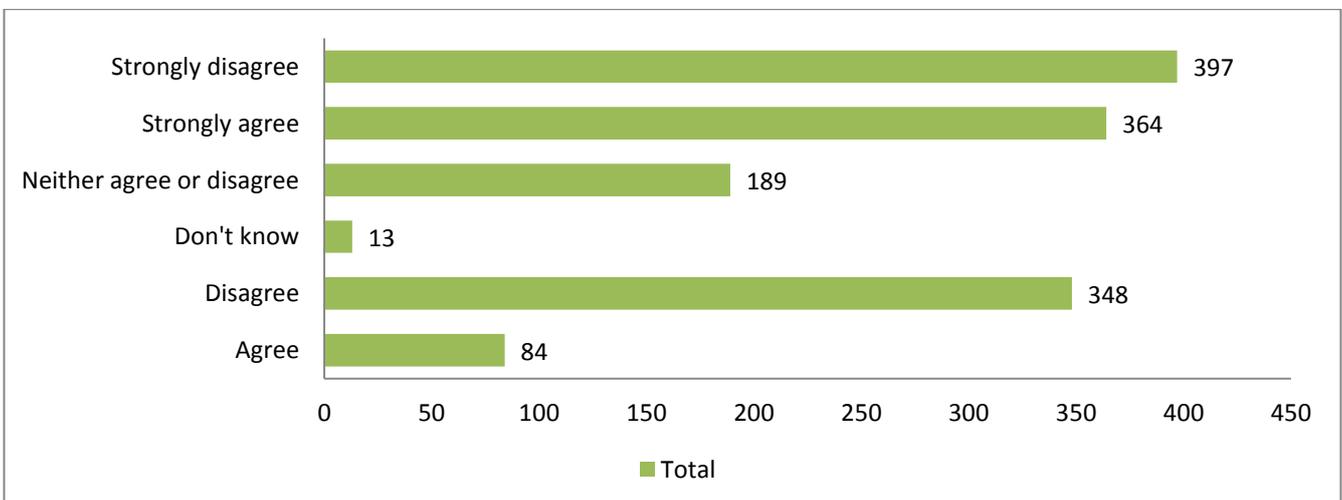
Overall 46% of people agreed or strongly agreed with the statement, and 38% disagreed or strongly disagreed.



### 3.2.4 An industrial area

397 (28%) respondents strongly disagreed that it was not acceptable to locate a sex shop in an industrial area, 364 (25%) strongly agreed, 348 (24%) disagreed, 189 (13%) neither agreed nor disagreed, 84 (6%) agreed, and 13 (1%) did not know. 35 (2%) did not respond.

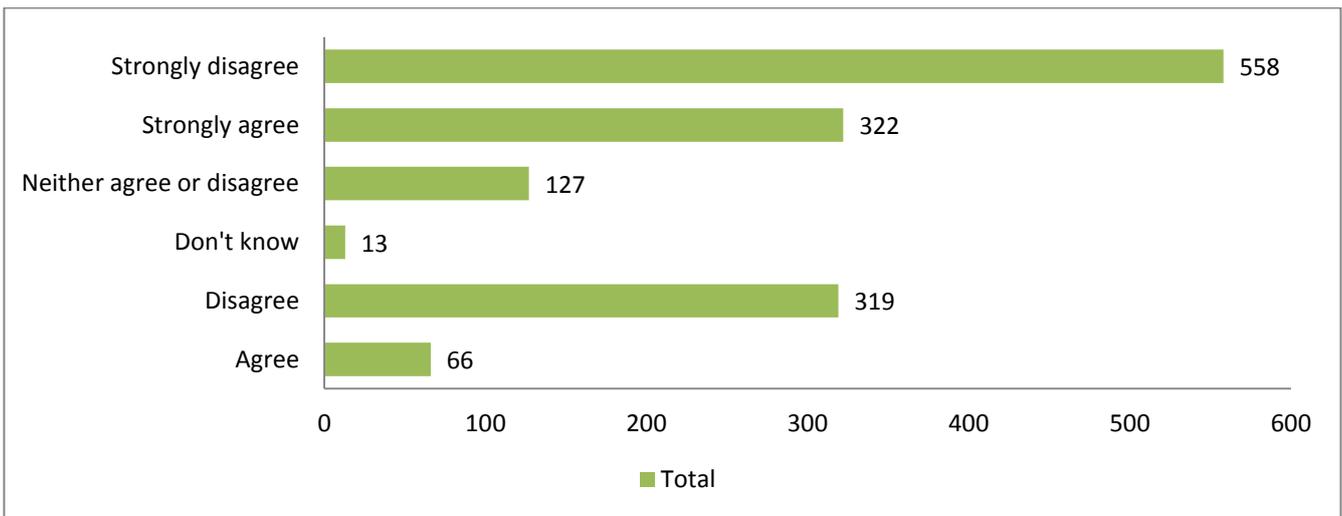
Overall 52% of people disagreed or strongly disagreed with the statement, and 31% agreed or strongly agreed.



### 3.2.5 A busy late night economy area

558 (39%) strongly disagreed that it was not acceptable to locate a sex shop in a busy late night economy area, 322 (23%) strongly agreed, 319 (22%) disagreed, 127 (9%) neither agreed nor disagreed, 66 (5%) agreed, and 13 (1%) did not know. 25 (2%) did not respond.

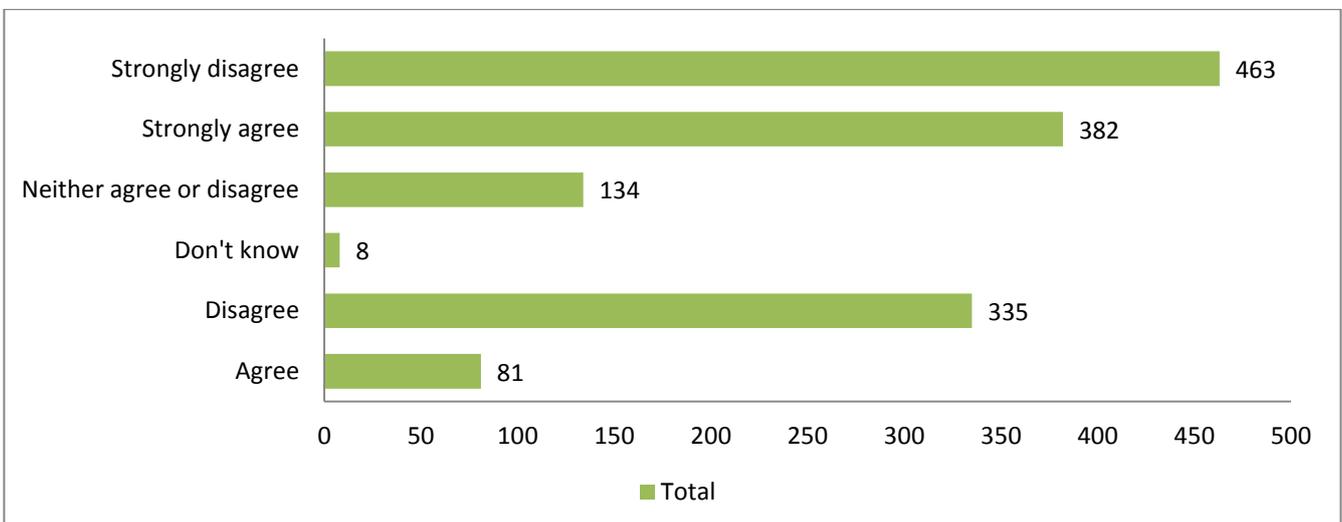
Overall 61% of people disagreed or strongly disagreed with the statement, and 28% agreed or strongly agreed.



### 3.2.6 A built up area e.g shopping precincts/local high streets

463 (32%) strongly disagreed that it was not acceptable to locate a sex shop in a busy late night economy area, 382 (27%) strongly agreed, 335 (23%) disagreed, 134 (9%) neither agreed nor disagreed, 81 (6%) agreed, and 8 (1%) did not know. 27 (2%) did not respond.

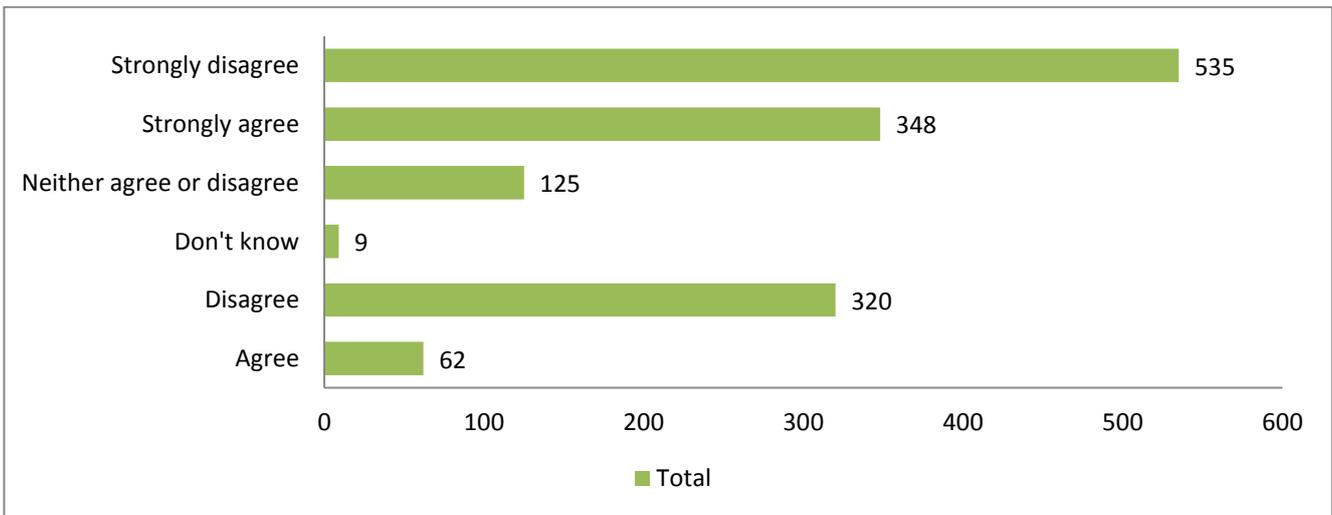
Overall 55% of people disagreed or strongly disagreed with the statement, and 33% agreed or strongly agreed.



### 3.2.7 A city centre, or area immediately surrounding it

535 (37%) respondents strongly disagreed that it would not be acceptable to locate a sex shop in a city centre, or area immediately surrounding it, 348 (24%) strongly agreed, 320 (22%) disagreed, 125 (9%) neither agreed nor disagreed, 62 (4%) agreed, and 9 (1%) did not know. 31 (2%) did not respond.

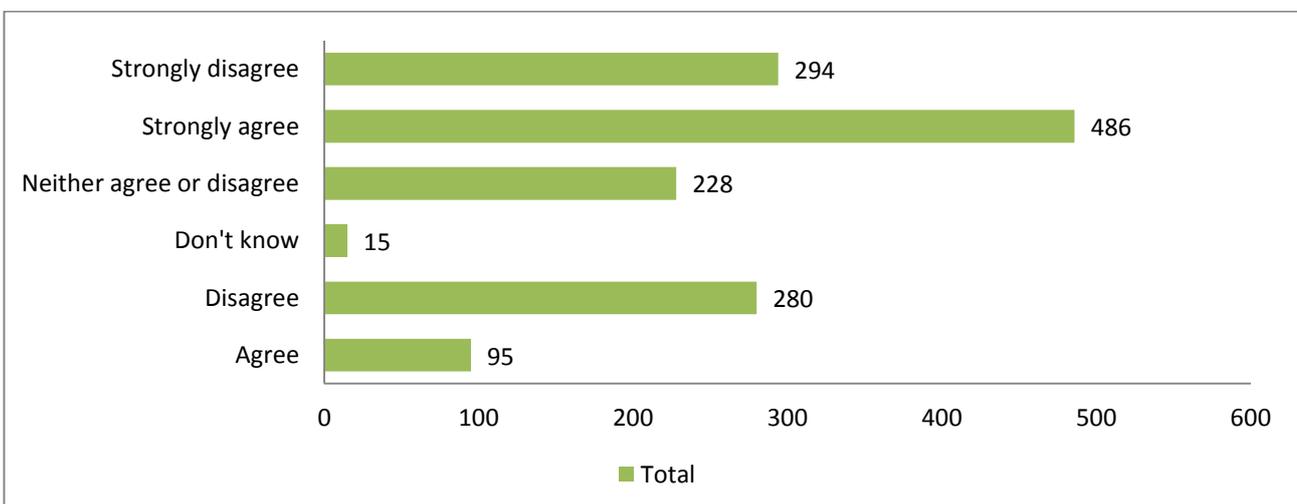
Overall 60% of people disagreed or strongly disagreed with the statement, and 28% agreed or strongly agreed.



### 3.2.8 A rural area

486 (34%) strongly agreed that it would not be acceptable to locate a sex shop in a rural area, 294 (21%) strongly disagreed, 280 (20%) disagreed, 228 (16%) neither agreed nor disagreed, 95 (7%) agreed, and 15 (1%) did not know. 32 (2%) did not respond.

Overall 42% of people disagreed or strongly disagreed with the statement, and 41% of people agreed or strongly agreed.



### 3.3 It would be acceptable to locate a sex shop on or near to the following city centre areas?

Respondents were asked whether they agreed with the statement that it would be acceptable to locate a sex shop on or near to the following city centre areas:

- Harbourside area
- Old City (the area between Broad Quay, St Augustines Parade, and Corn Street, including the area around the Cenotaph)
- Broadmead Area, including Quakers Friars and Cabot Circus areas
- Queen Square and Welsh Back
- Temple Quarter
- Old Market
- Park Street and the Triangle area
- The Stokes Croft and Gloucester Road area
- The area west of Lewins Mead including University, Hospital and Bus Station areas
- Area surrounding Feeder Road including the proposed arena area, Temple Meads area and the Dings and St Philips Marsh areas

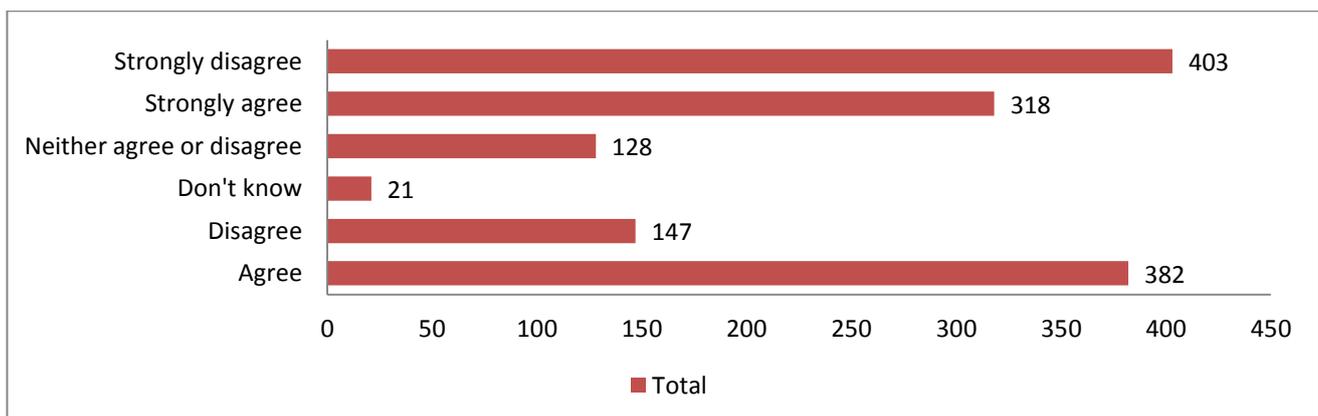
They were given were given the options below:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know

#### 3.3.1 Harbourside area

403 (28%) respondents strongly disagreed that it would be acceptable to locate a sex shop on the Harbourside area, 382 (27%) agreed, 318 (22%) strongly agreed, 147 (10%) disagreed, 128 (9%) neither agreed nor disagreed, and 21 (1%) did not know. 31 (2%) did not respond.

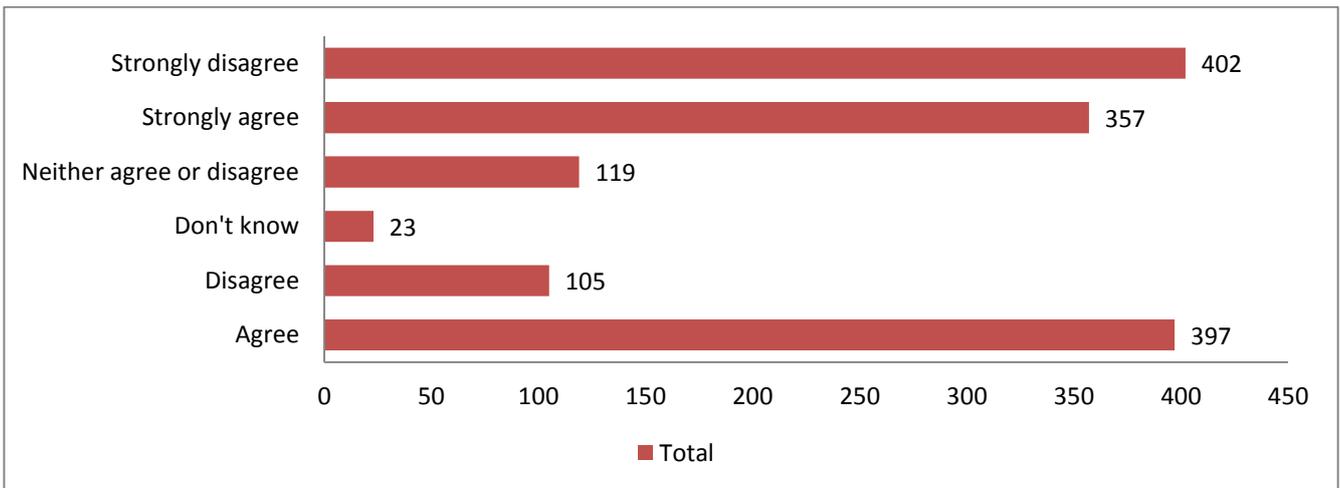
Overall 49% of people agreed or strongly agreed with the statement, and 38% disagreed or strongly disagreed.



### 3.3.2 Old City (the area between Broad Quay, St Augustines Parade, and Corn Street, including the area around the Cenotaph)

402 (28%) respondents strongly disagreed that it would be acceptable to locate a sex shop in the old city, 397 (28%) agreed, 357 (25%) strongly agreed, 119 (8%) neither agreed nor disagreed, 105 (7%) disagreed, and 23 (2%) did not know. 27 (2%) did not respond.

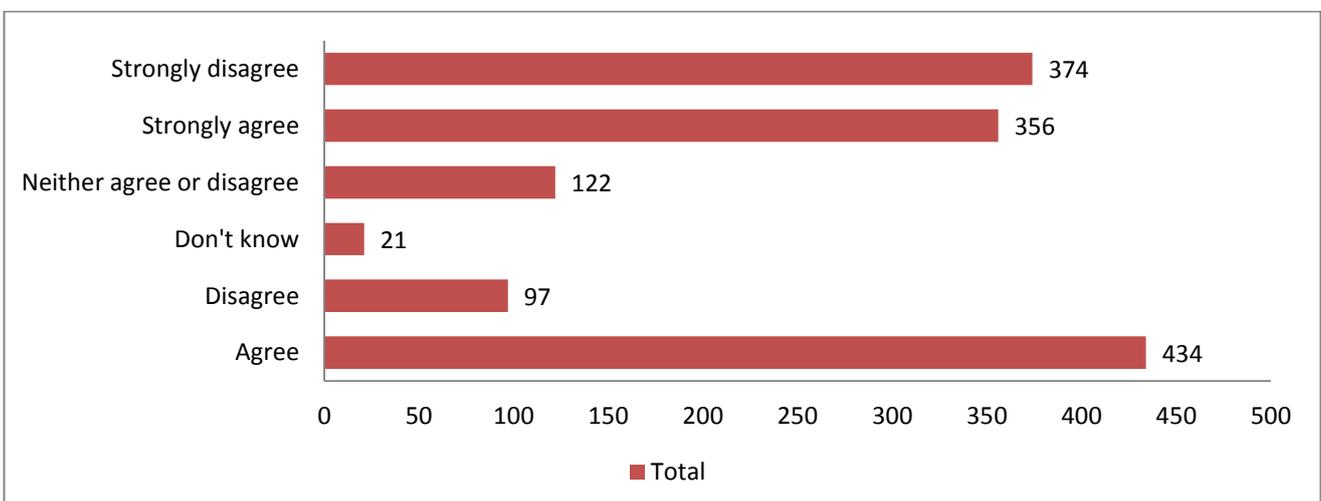
Overall 53% of people agreed, or strongly agreed with the statement, and 35% disagreed or strongly disagreed.



### 3.3.3 Broadmead Area, including Quakers Friars and Cabot Circus areas

434 (30%) of respondents agreed that it would be acceptable to locate a sex shop in the Broadmead area, 374 (26%) strongly disagreed, 356 (25%) strongly agreed, 122 (9%) neither agreed nor disagreed, 97 (7%) disagreed, and 21 (1%) did not know. 26 (2%) did not respond.

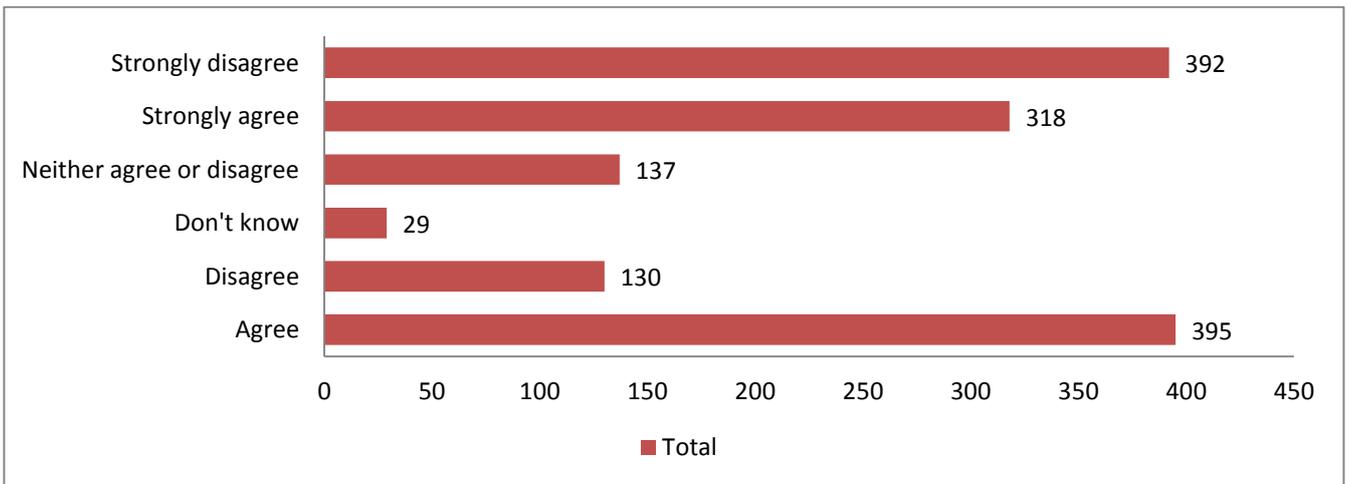
Overall 55% of people agreed or strongly agreed with the statement, and 33% disagreed or strongly disagreed.



### 3.3.4 Queen Square and Welsh Back

395 (28%) respondents agreed that it would be acceptable to locate a sex shop in the Queen Square and Welsh Back area, 392 (27%) strongly disagreed, 318 (22%) strongly agreed, 137 (10%) neither agreed nor disagreed, 130 (9%) disagreed and 29 (2%) did not know. 29 (2%) did not respond.

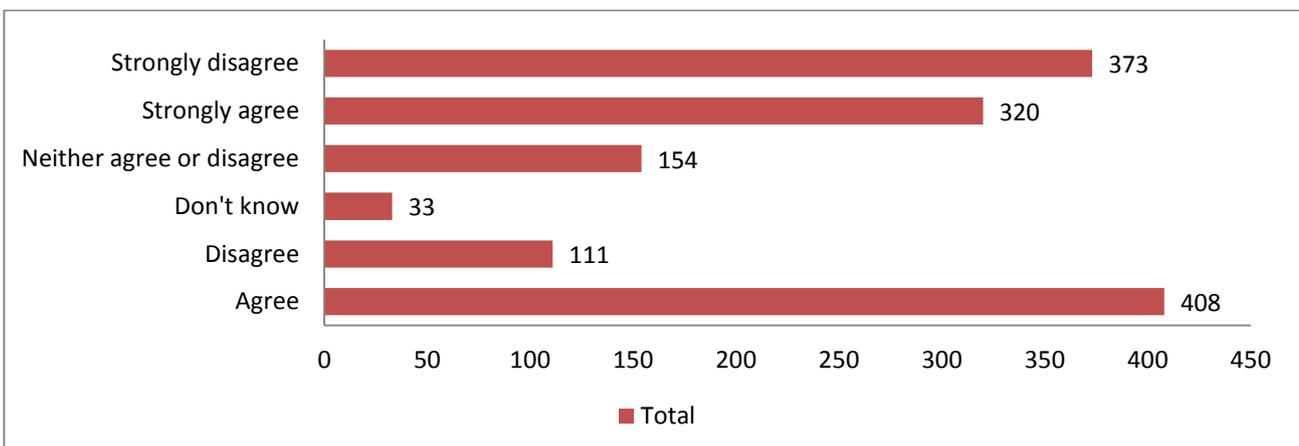
Overall 50% of people agreed or strongly agreed with the statement, and 36% disagreed or strongly disagreed.



### 3.3.5 Temple Quarter

408 (29%) agreed that it would be acceptable to locate a sex shop in temple quarter, 373 (26%) strongly disagreed, 320 (22%) strongly agreed, 154 (11%) neither agreed nor disagreed, 111 (8%) disagreed and 33 (2%) did not know. 31 (2%) did not respond.

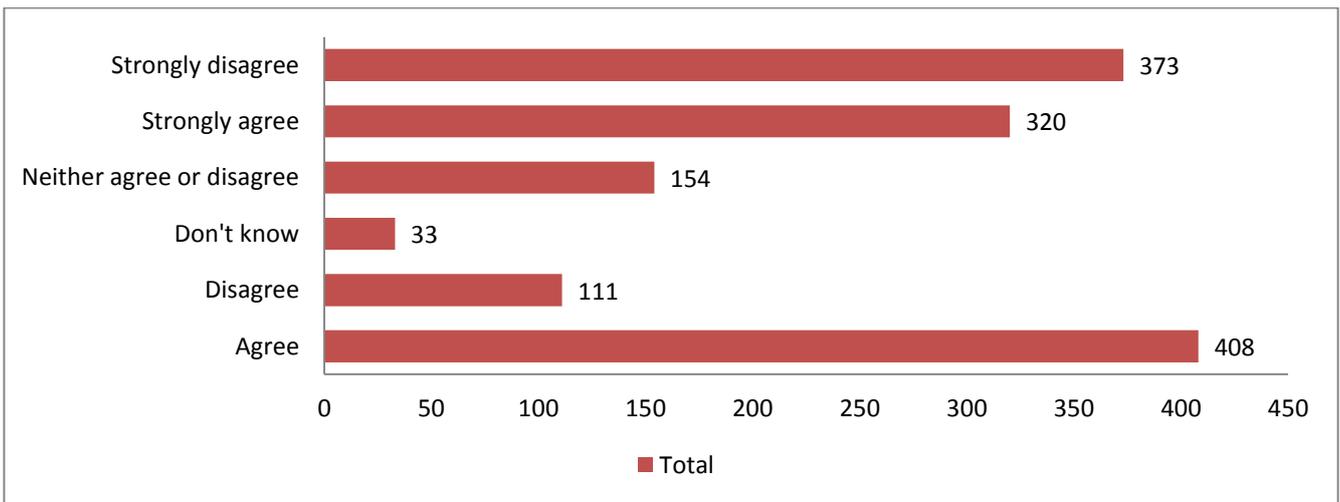
Overall 51% of people agreed or strongly agreed with the statement, and 34% disagreed or strongly disagreed.



### 3.3.6 Old Market

444 (31%) respondents strongly agreed that it would be acceptable to locate a sex shop in Old Market, 402 (28%) agreed, 336 (24%) strongly disagreed, 122 (9%) neither agreed nor disagreed, 75 (5%) disagreed and 22 (2%) did not know. 29 (2%) did not respond.

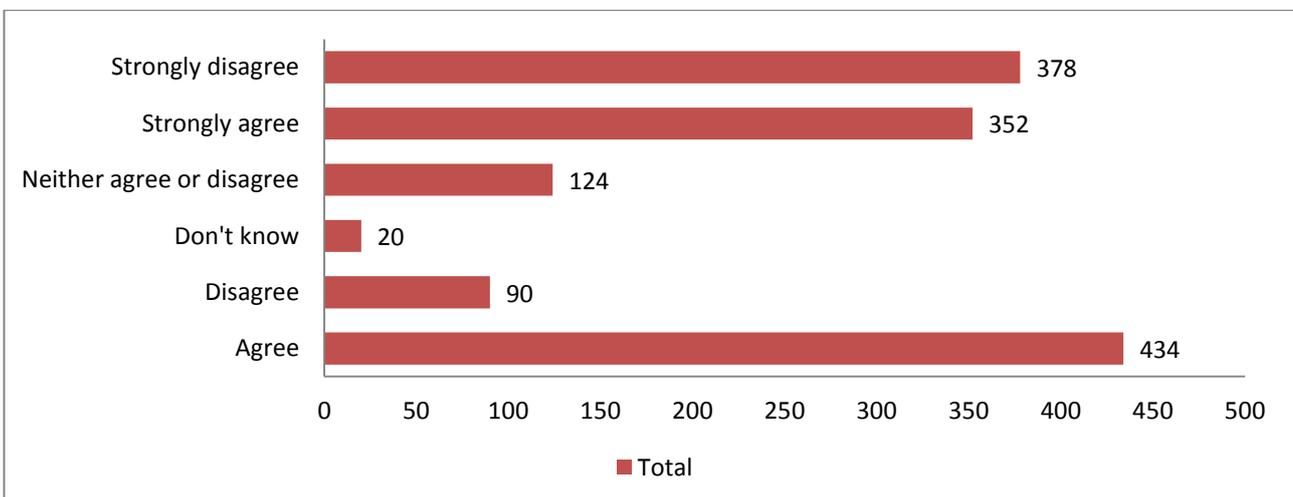
Overall 59% of people agreed or strongly agreed with the statement, and 33% disagreed or strongly disagreed.



### 3.3.7 Park Street and the Triangle area

434 (30%) respondents agreed that it would be acceptable to locate a sex shop in the Park Street and Triangle area, 378 (26%) strongly disagreed, 352 (25%) strongly agreed, 124 (9%) neither agreed nor disagreed, 90 (6%) disagreed, and 20 (1%) did not know. 32 (2%) did not respond.

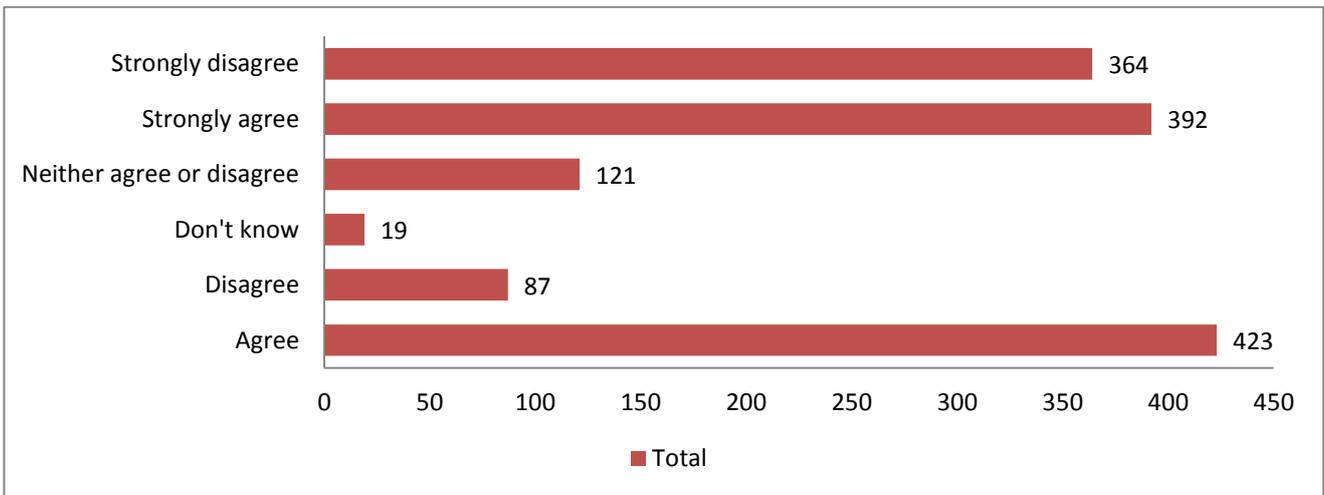
Overall 55% of people agreed or strongly agreed with the statement and 32% disagreed or strongly disagreed.



### 3.3.8 The Stokes Croft and Gloucester Road area

423 (30%) respondents agreed that it would be acceptable to locate a sex shop in the Stokes Croft and Gloucester Road area, 392 (27%) strongly agreed, 364 (25%) strongly disagreed, 121 (8%) neither agreed nor disagreed, 87 (6%) disagreed, and 19 (1%) did not know. 24 (2%) did not respond.

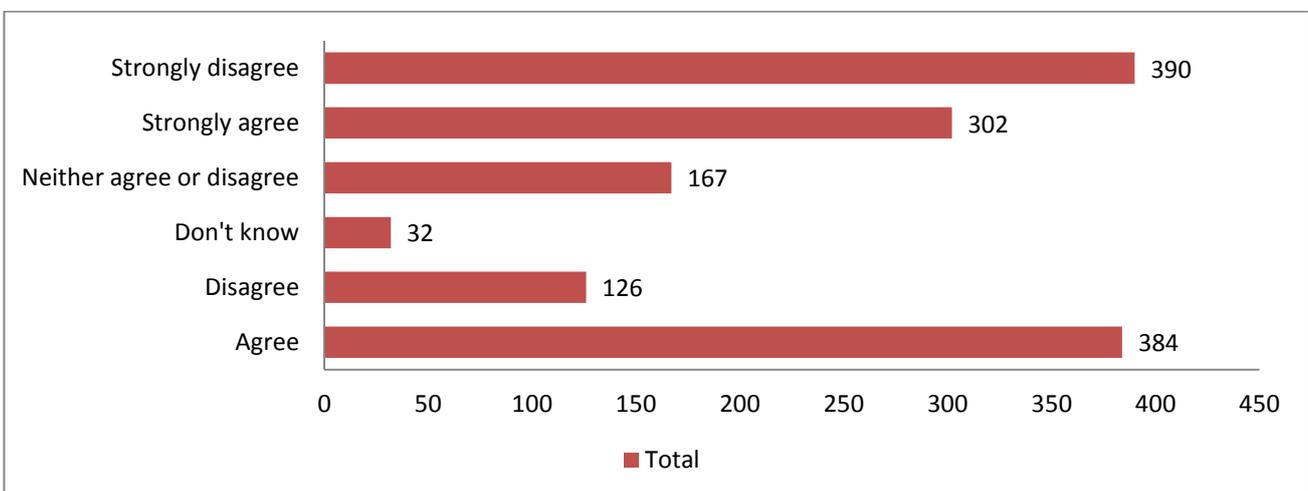
Overall 57% of people agreed or strongly agreed with the statement, and 31% disagreed or strongly disagreed.



### 3.3.9 The area west of Lewins Mead including University, Hospital and Bus Station areas

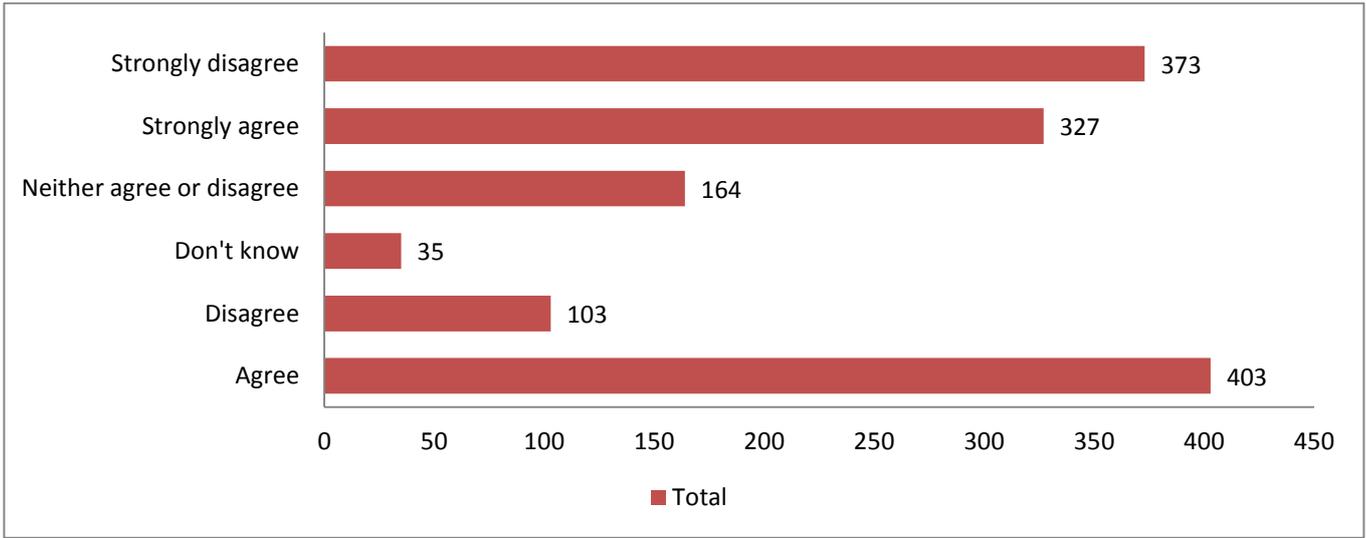
390 (27%) respondents strongly disagreed that it would be acceptable to locate a sex shop in the area west of Lewins Mead, 384 (27%) agreed, 302 (21%) strongly agreed, 167 (12%) neither agreed nor disagreed, 126 (9%) disagreed, and 32 (2%) did not know. 20 (2%) did not respond.

Overall 48% of people agreed or strongly agreed with the statement, and 36% disagreed or strongly disagreed.



### 3.3.10 Area surrounding Feeder Road including the proposed arena area, Temple Meads area and the Dings and St Philips Marsh areas

403 (28%) respondents agreed that it would be acceptable to locate a sex shop in the areas of Feeder Road, the Dings and St Philips Marsh, 373 (26%) strongly disagreed, 327 (23%) strongly agreed, 164 (11%) neither agreed nor disagreed, 103 (7%) disagreed, and 35 (2%) did not know. 25 (2%) did not respond.



### 3.4 It would not be acceptable to locate a sex shop near to?

Respondents were asked whether they agreed with the statement that it would not be acceptable to locate a sex shop on or near to the following types of premises or locations:

- Schools and other places of education
- Residential areas
- Play areas or parks
- Youth Facilities
- Women's refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration
- Cultural leisure facilities such as libraries, museums
- Retail shopping areas
- Historic buildings
- Sports centres/facilities
- Transport Hub (bus or train stations etc)
- Financial institutions such as banks
- Late night entertainment areas
- Other

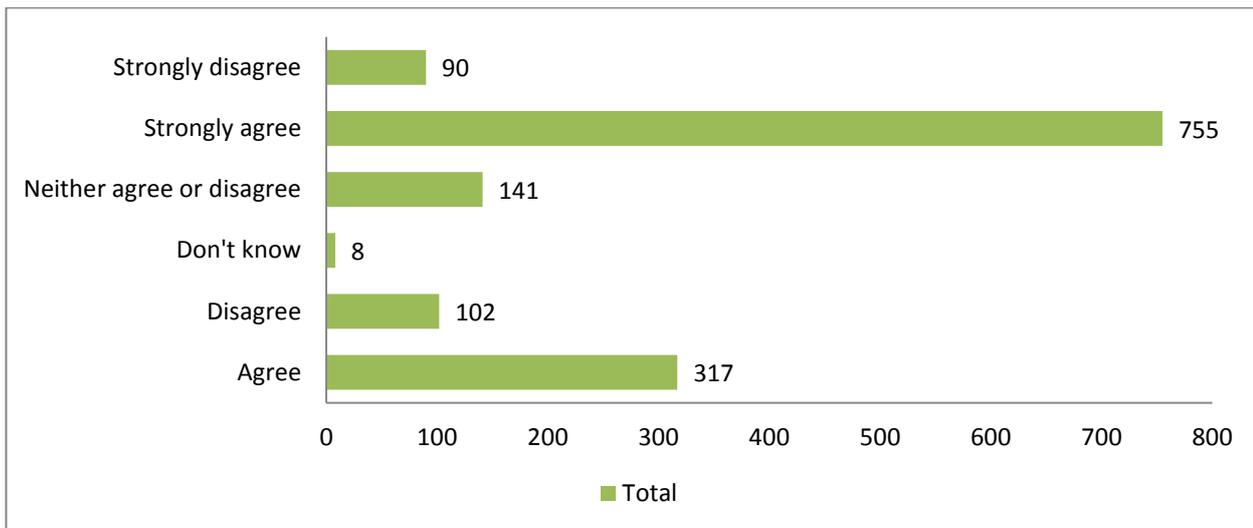
They were given were given the options below:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know

### 3.4.1 Schools and other places of education

755 (53%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to a school or other place of education, 317 (22%) agreed, 141 (10%) neither agreed nor disagreed, 102 (7%) disagreed, 90 (6%) strongly disagreed and 8 (1%) did not know. 17 (1%) did not respond.

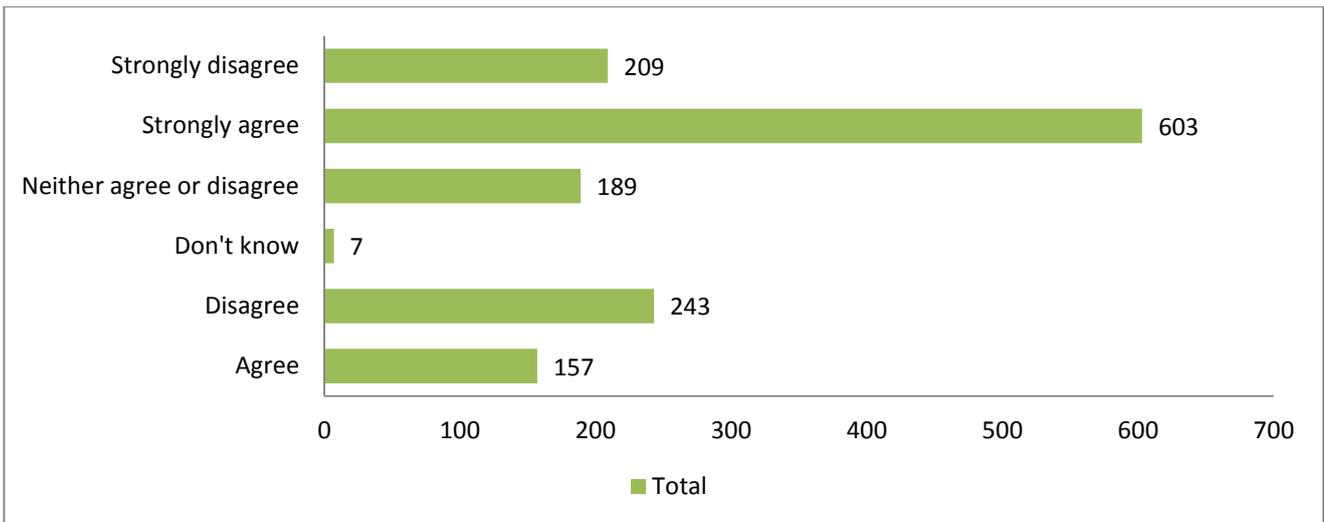
Overall 75% of people agreed or strongly agreed with the statement, and 13% disagreed or strongly disagreed.



### 3.4.2 Residential areas

603 (42%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to a residential area, 243 (17%) disagreed, 209 (15%) strongly disagreed, 198 (13%) neither agreed nor disagreed, 157 (11%) agreed, and 7 (less than 1%) did not know. 22 (2%) did not respond.

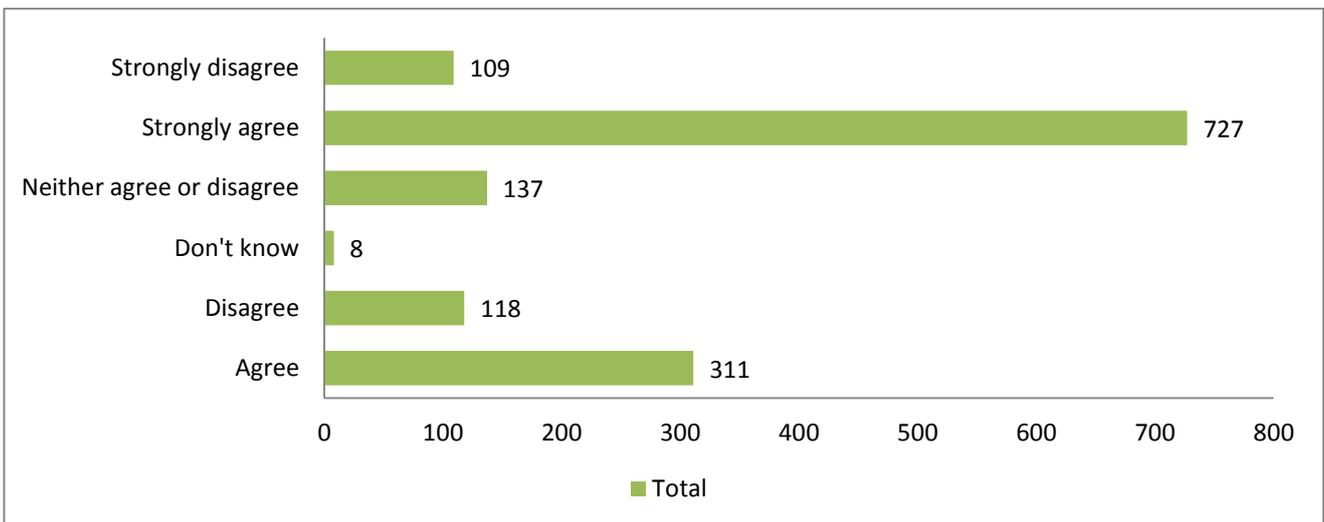
Overall 53% of people agreed or strongly agreed with the statement, and 32% disagreed or strongly disagreed.



### 3.4.3 Play areas or parks

727 (51%) respondents strongly agreed that it would not be acceptable to locate a sex shop near a play area or park, 311 (22%) agreed, 137 (10%) neither agreed nor disagreed, 118 (8%) disagreed, 109 (8%) strongly disagreed and 8 (1%) did not know. 20 (1%) did not respond

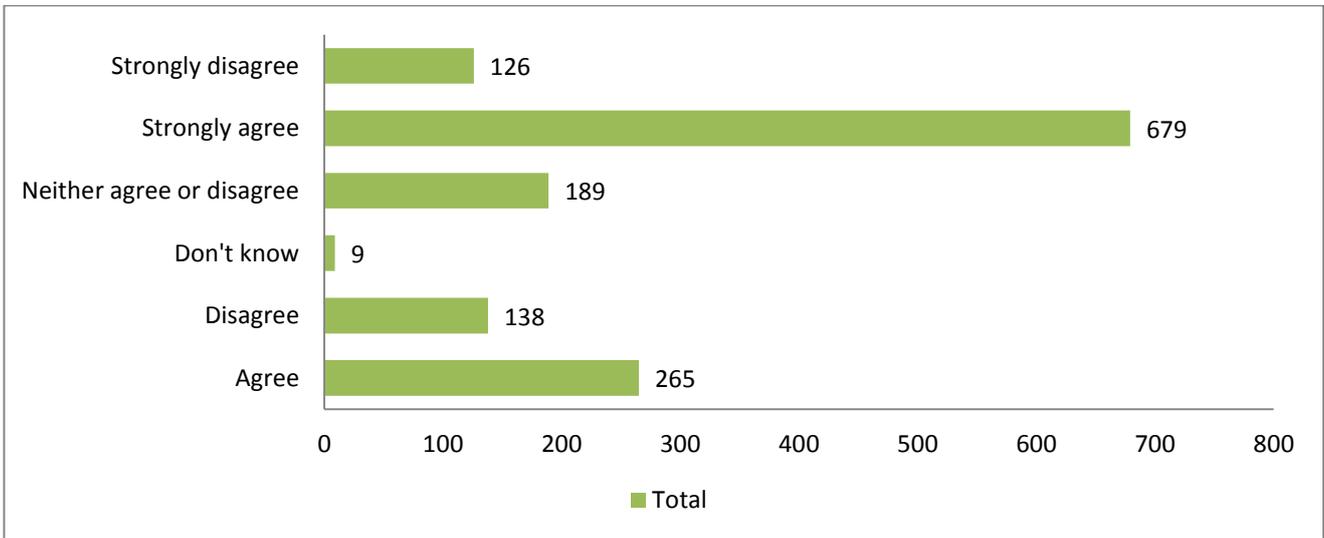
Overall 73% of people agreed or strongly agreed with the statement and 16% disagreed or strongly disagreed.



### 3.4.4 Youth Facilities

679 (47%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to youth facilities, 265 (19%) agreed, 189 (13%) neither agreed nor disagreed, 138 (10%) disagreed, 126 (9%) strongly disagreed and 9 (1%) did not know. 24 (2%) did not respond.

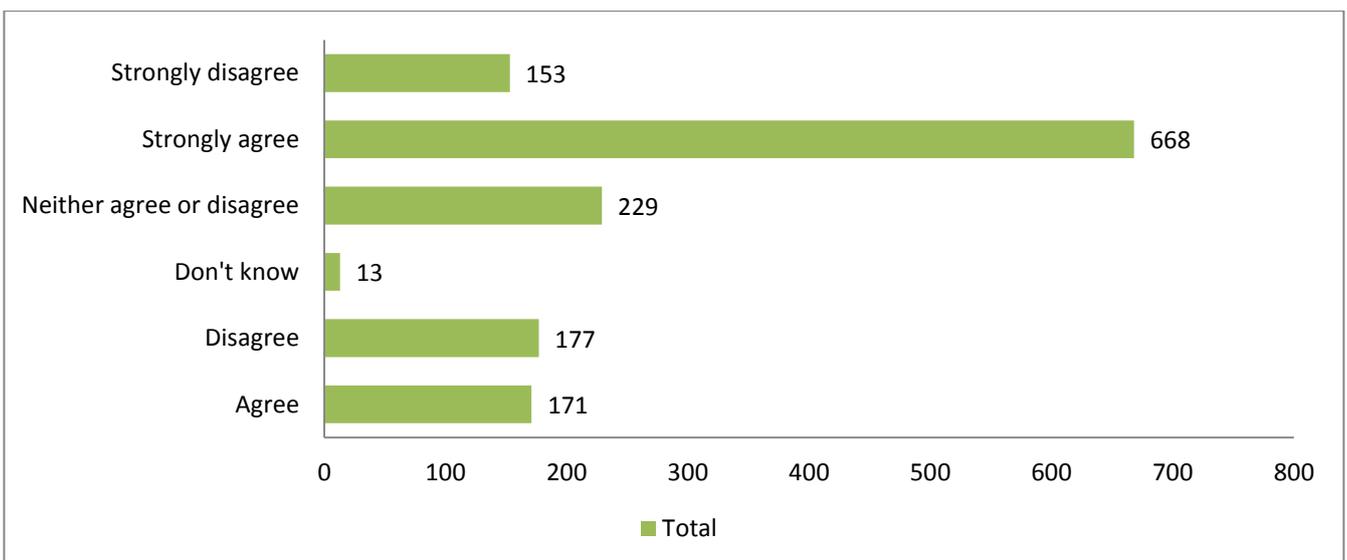
Overall 66% of people agreed or strongly agreed with the statement, and 19% disagreed, or strongly disagreed.



### 3.4.5 Women’s refuge facilities

668 (47%) strongly agreed that it would not be acceptable to locate a sex shop near to women’s refuge facilities, 229 (16%) neither agreed nor disagreed, 177 (12%) disagreed, 171 (12%) agreed, 153 (11%) strongly disagreed, and 13 (1%) did not know. 19 (1%) did not respond.

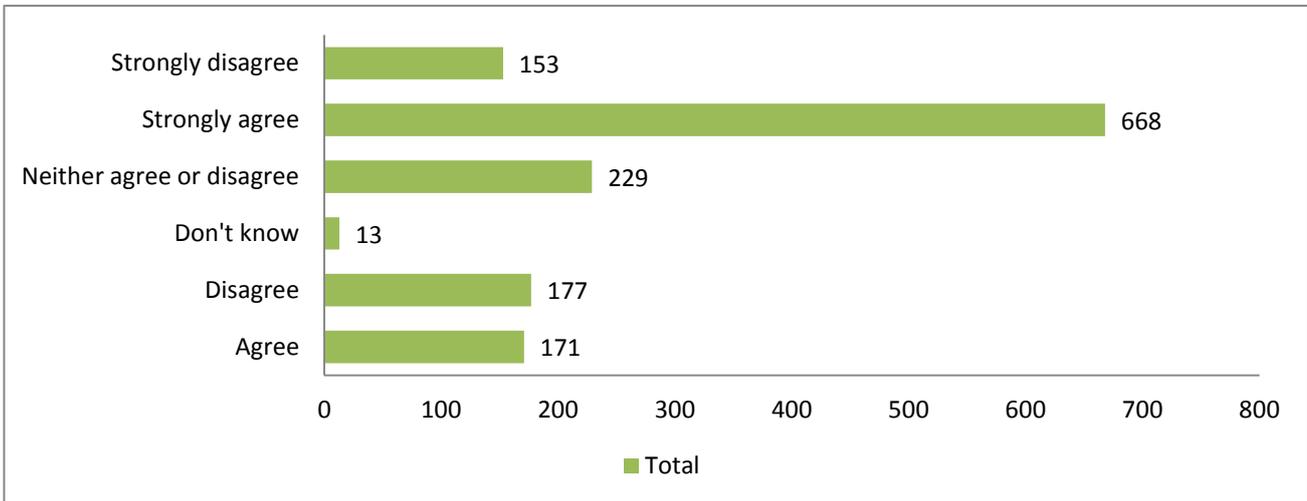
Overall 59% agreed or strongly agreed with the statement, and 23% disagreed or strongly disagreed.



### 3.4.6 Family leisure facilities such as cinemas, theatres and concert halls

591 (41%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to family leisure facilities, 246 (17%) neither agreed nor disagreed, 215 (15%) disagreed, 199 (14%) strongly disagreed, 150 (10%) agreed, and 10 (1%) did not know. 19 (1%) did not respond.

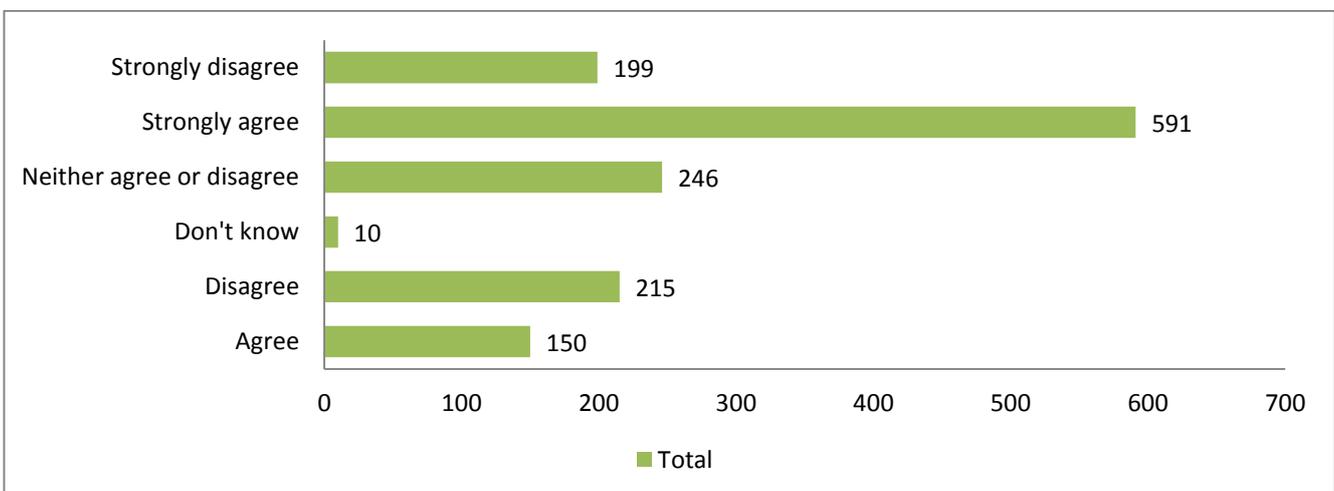
Overall 51% of people agreed or strongly agreed with the statement and 29% disagreed or strongly disagreed.



### 3.4.7 Places of worship

533 (37%) respondents strongly agreed that it would be inappropriate to locate a sex shop near to places of worship, 273 (19%) neither agree nor disagree, 250 (17%) strongly disagree, 210 (15%) disagree, 129 (9%) agree and 15 (1%) did not know. 20 (1%) did not respond.

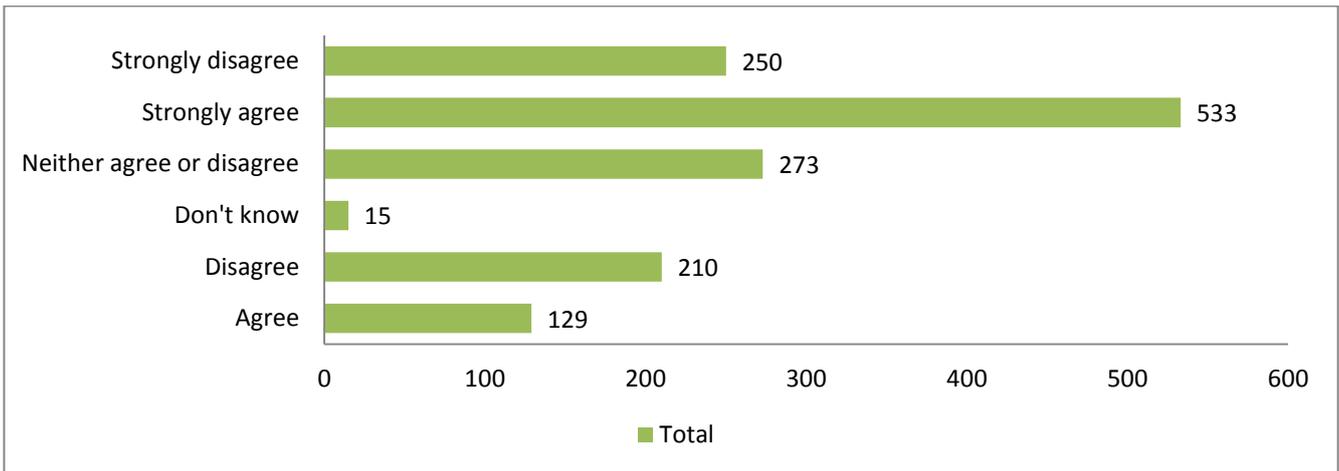
Overall 46% of people agreed or strongly agreed with the statement, and 32% disagreed or strongly disagreed.



### 3.4.8 Places used for celebration or commemoration

530 (37%) respondents strongly agreed that it would not be appropriate to locate a sex shop near to places used for celebration or commemoration, 273 (19%) neither agreed nor disagreed, 235 (16%) disagreed, 220 (15%) strongly disagreed, 140 (10%) agreed, and 10 (1%) did not know. 22 (2%) did not respond.

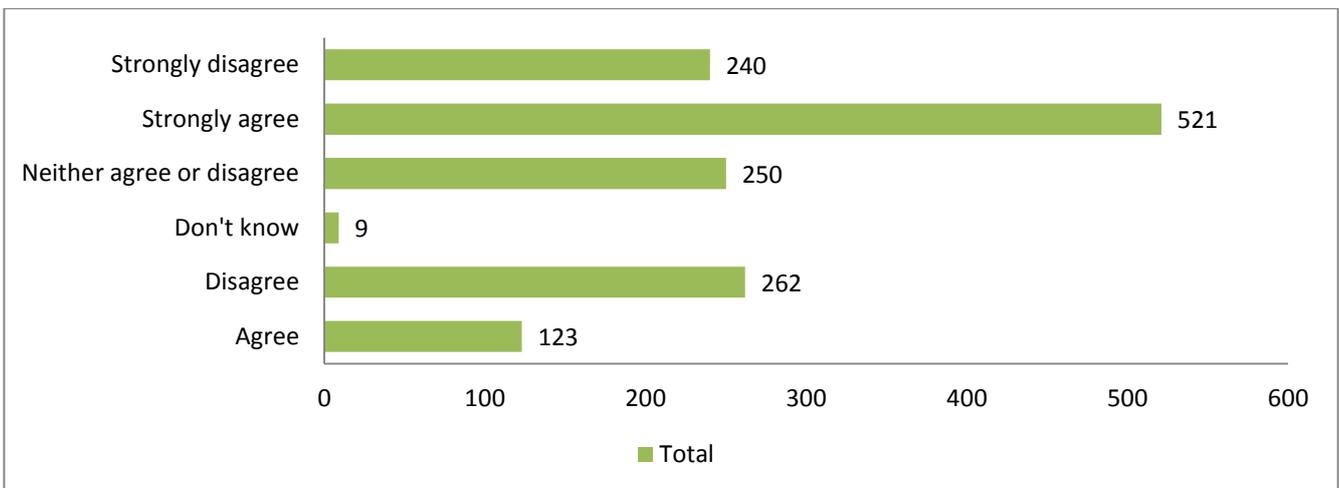
Overall 47% of people agreed or strongly agreed with the statement, and 31% disagreed, or strongly disagreed.



### 3.4.9 Cultural leisure facilities such as libraries, museums

521 (36%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to cultural leisure facilities, 262 (18%) disagreed, 250 (17%) neither agreed nor disagreed, 240 (17%) strongly disagreed, 123 (9%) agreed, and 9 (1%) did not know. 25 (2%) did not respond.

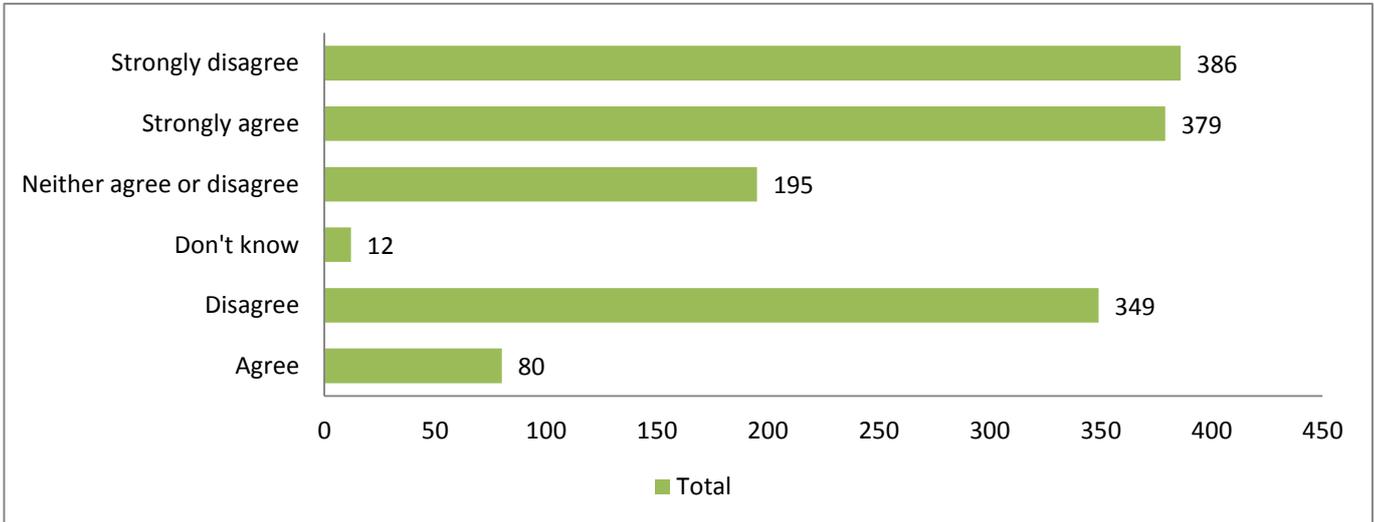
Overall 45% agreed or strongly agreed with the statement and 35% disagreed or strongly disagreed.



### 3.4.10 Retail shopping areas

386 (27%) respondents strongly disagreed that it would not be appropriate to locate a sex shop in a retail shopping area, 379 (27%) strongly agreed, 349 (24%) disagreed, 195 (14%) neither agreed nor disagreed, 80 (6%) agreed, and 12 (1%) did not know. 29 (2%) did not respond.

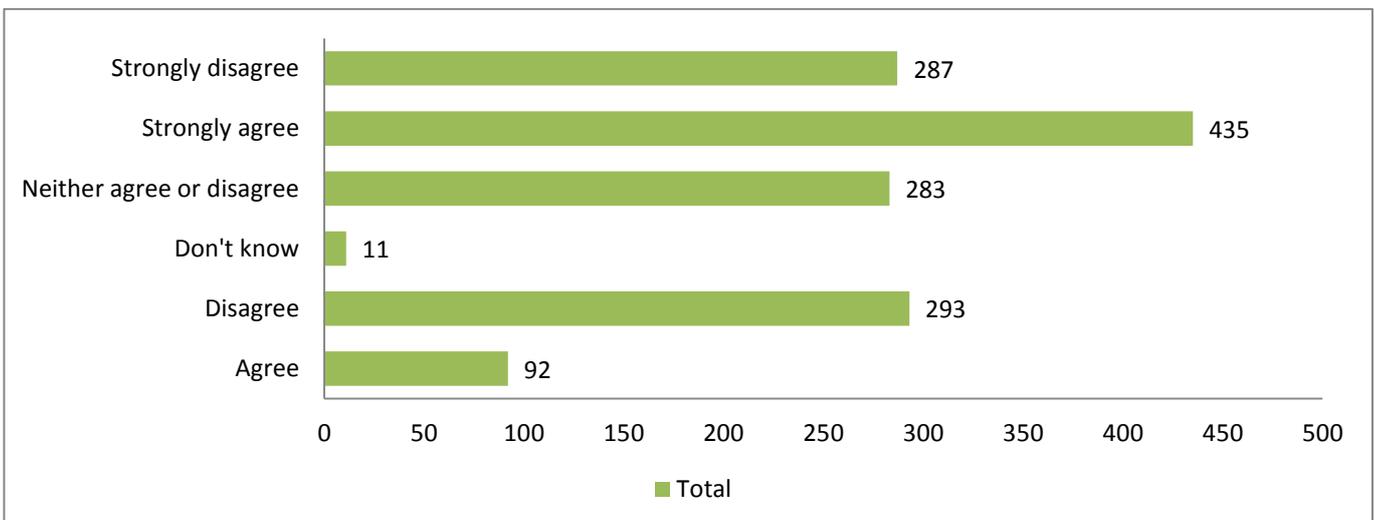
Overall 51% of people disagreed, or strongly disagreed with the statement, and 33% agreed or strongly agreed.



### 3.4.11 Historic buildings

435 (30%) respondents strongly agreed that it would not be acceptable to locate a sex shop near historic buildings, 293 (20%) disagreed, 283 (20%) strongly disagreed, 283 (20%) neither agreed nor disagreed, 92 (6%) agreed, and 11 (1%) did not know. 29 (2%) did not respond.

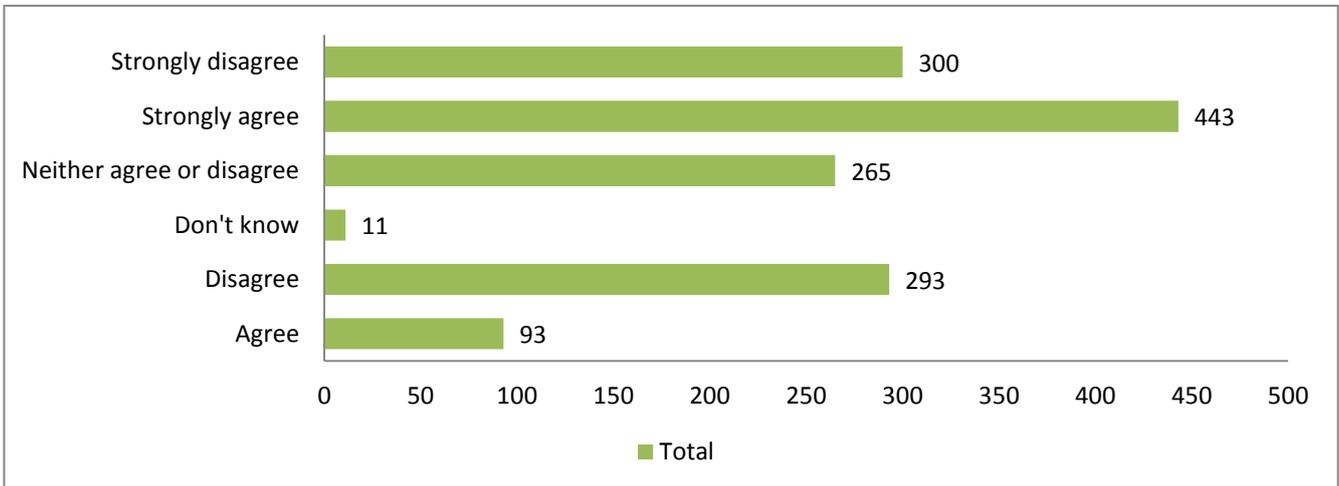
Overall 40% of people disagreed or strongly disagreed with the statement, and 36% agreed or strongly agreed.



### 3.4.12 Sports centres/facilities

443 (31%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to sports centres/facilities, 300 (21%) strongly disagreed, 293 (20%) disagreed, 265 (19%) neither agreed nor disagreed, 93 (7%) agreed, and 11 (1%) did not know. 25 (2%) did not respond.

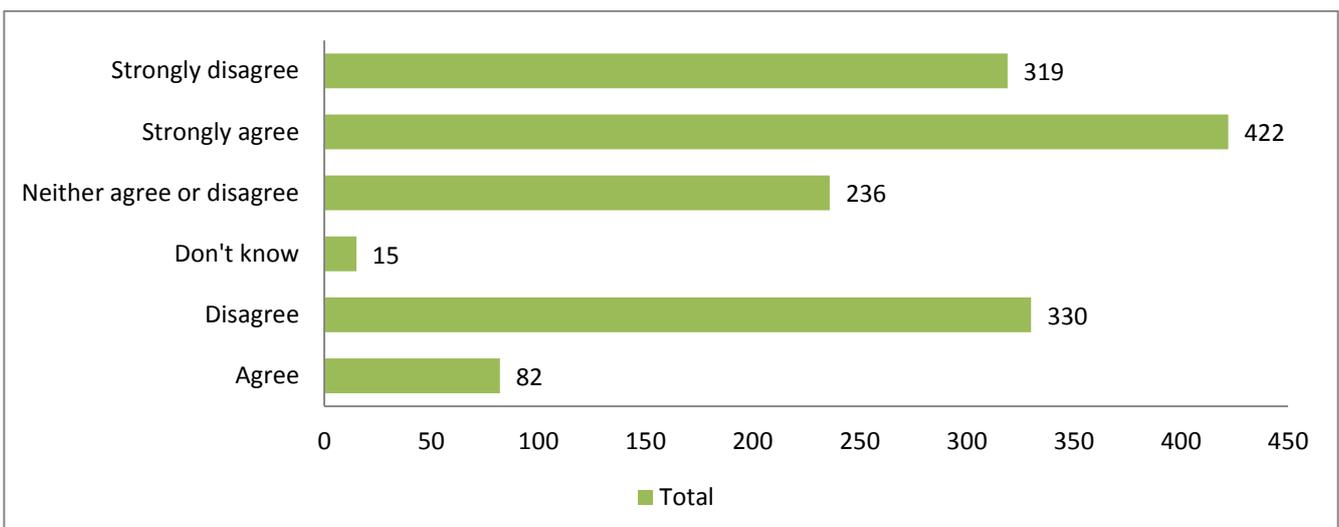
Overall 41% of people disagreed or strongly disagreed with the statement, and 38% agreed or strongly agreed.



### 3.4.13 Transport Hub (bus or train stations etc)

422 (30%) respondents strongly agreed that it would not be acceptable to locate a sex shop near to a transport hub, 330 (23%) disagreed, 319 (22%) strongly disagreed, 236 (17%) neither agreed nor disagreed, 82 (6%) agreed, and 15 (1%) did not know. 26 (2%) did not respond.

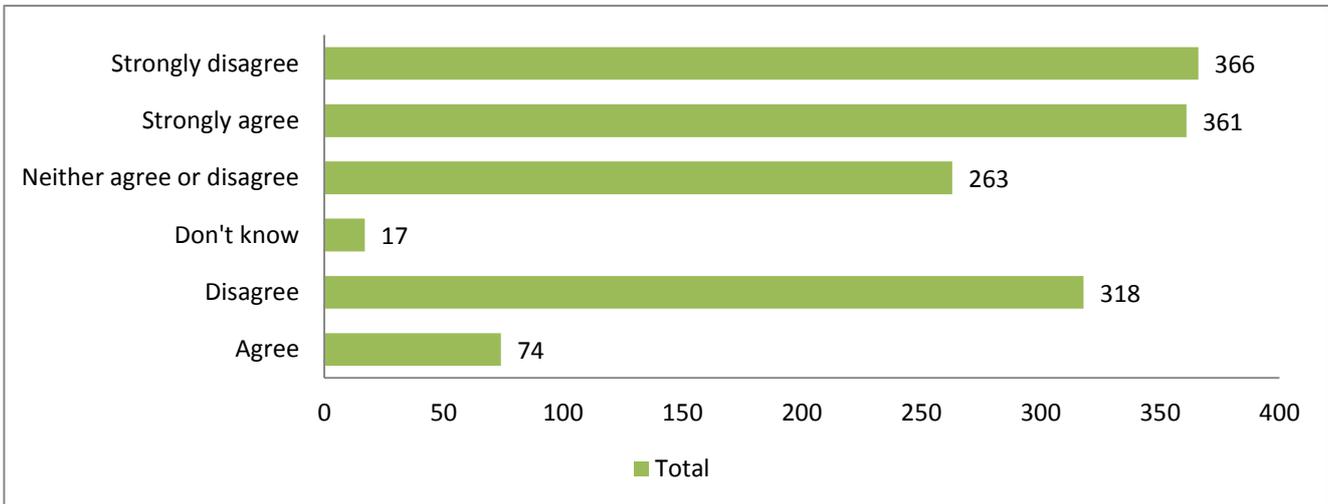
Overall 45% of people disagreed or strongly disagreed with the statement, and 36% agreed or strongly agreed.



### 3.4.14 Financial institutions such as banks

366 (26%) respondents strongly disagreed that it would not be acceptable to locate a sex shop near to a financial institution, 361 (25%) strongly agreed, 318 (22%) disagreed, 263 (18%) neither agreed nor disagreed, 74 (5%) agreed, and 17 (1%) did not know. 31 (2%) did not respond.

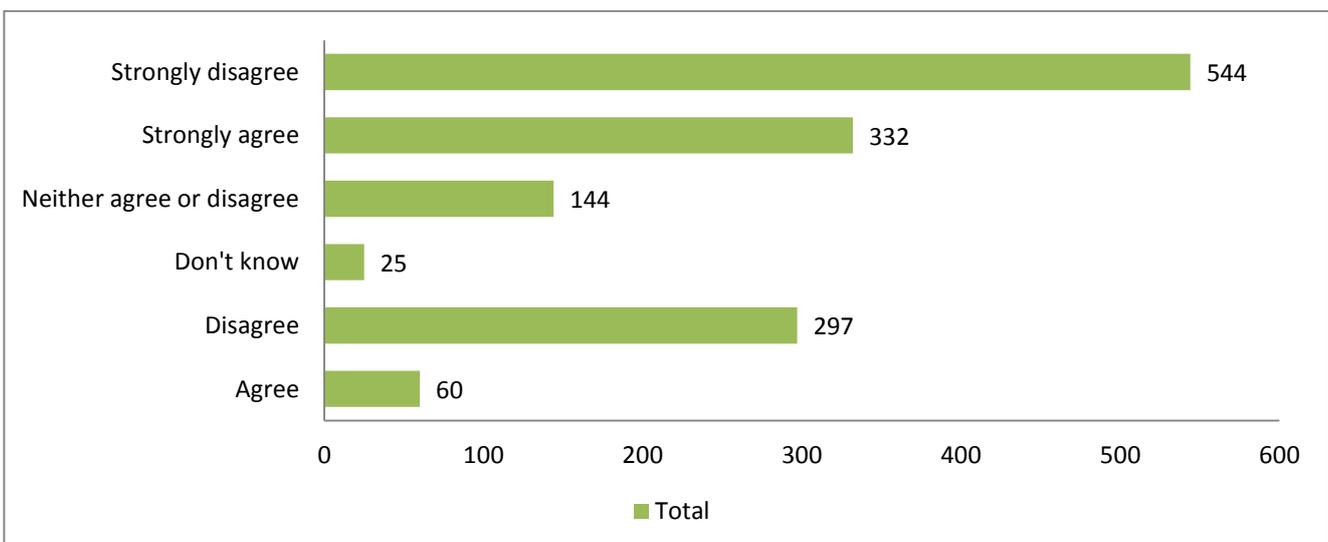
Overall 48% of people disagreed or strongly disagreed with the statement, 30% agreed or strongly agreed.



### 3.4.15 Late night entertainment areas

544 (38%) respondents strongly disagreed that it would not be acceptable to locate a sex shop in a late night entertainment area, 332 (23%) strongly agreed, 297 (21%) disagreed, 144 (10%) neither agreed nor disagreed, 60 (4%) agreed, and 25 (2%) did not know. 28 (2%) did not respond.

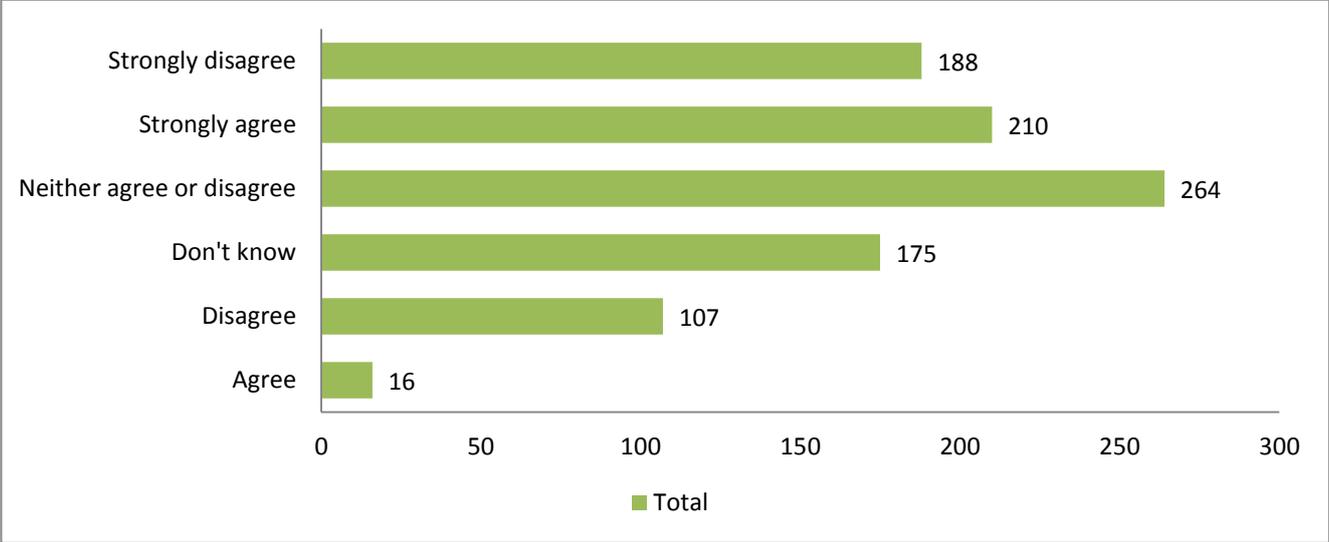
Overall 59% disagreed or strongly disagreed with the statement, and 27% agreed or strongly agreed.



### 3.4.16 Other

264 (18%) neither agreed nor disagreed that it would not be acceptable to locate a sex shop at another location not named above, 210 (15%) strongly agreed, 188 (13%) strongly disagreed, 175 (12%) did not know, 107 (7%) disagreed, and 16 (1%) agreed. 470 (33%) did not answer.

72 other options and comments were given by respondents alongside this question. A summary of the responses has been included in **Appendix A** to this report.



## 4 Survey responses to the questions – Sexual Entertainment Venues

### 4.1 How many sexual entertainment venues would be acceptable for the following localities?

Respondents were asked how many sexual entertainment venues they thought it would be appropriate to have in the following types of area:

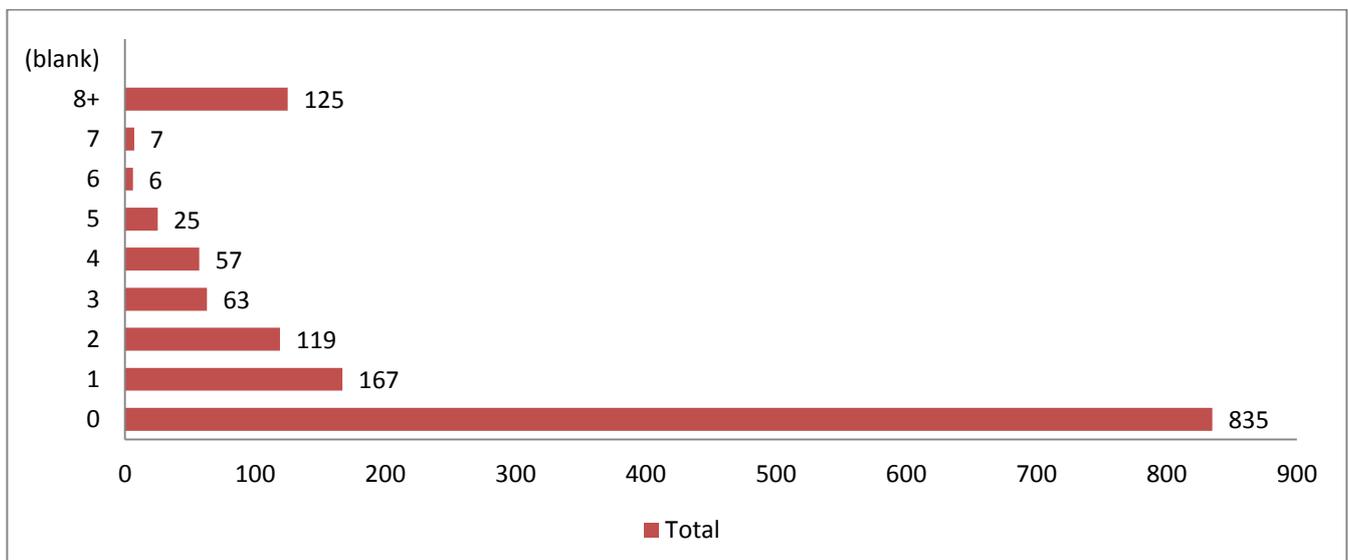
- A residential area
- A deprived area
- A suburban area
- An industrial area
- A busy late night economy area
- A built up area eg shopping precincts/local high streets
- A city centre, or area immediately surrounding it
- A rural area

They were given were given the option of numbers from zero to eight plus.

#### 4.1.1 A residential area

835 (58%) respondents stated zero was the appropriate number, 167 (12%) said one would be appropriate, 125 (9%) said eight or more, 119 (8%) said two, 63 (4%) said three, 57 (4%) said four, 25 (2%) said five, 7 (less than 1%) said seven, 6 (less than 1%) said six. 26 (2%) did not respond.

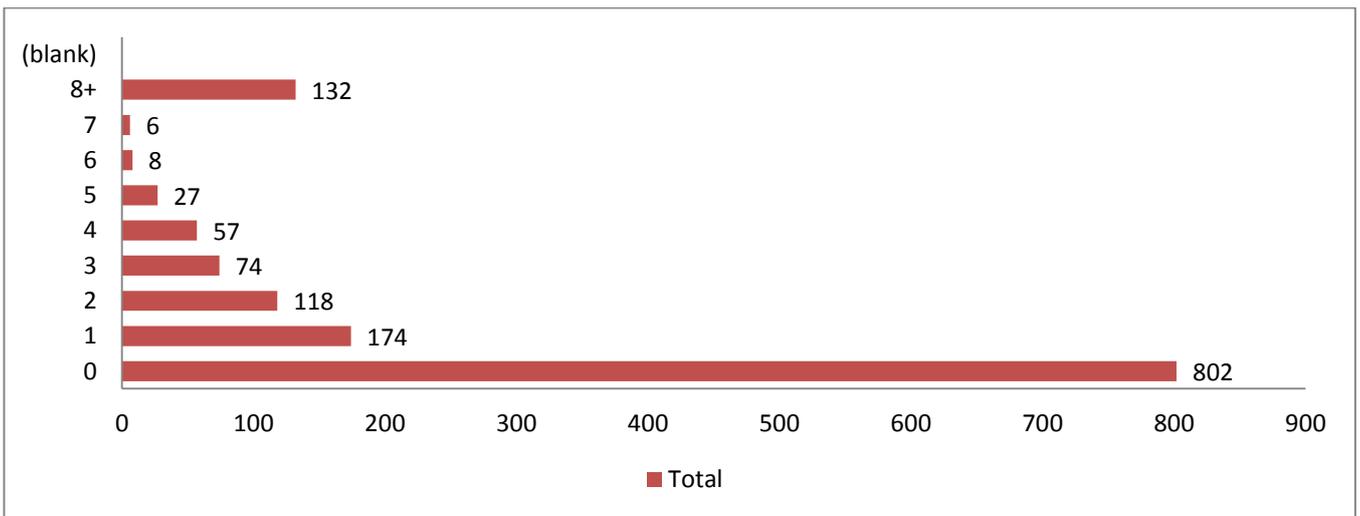
The majority of people (58%) said zero was the appropriate number in a residential area. The remainder (40%) felt that it would be appropriate to have at least one sexual entertainment venue in a residential area.



### 4.1.2 A deprived area

802 (56%) respondents stated zero was the appropriate number, 174 (12%) said one would be appropriate, 132 (9%) said eight or more, 118 (8%) said two, 74 (5%) said three, 57 (4%) said four, 27 (2%) said five, 8 (1%) said six, and 6 (less than 1%) said seven. 32 (2%) did not respond.

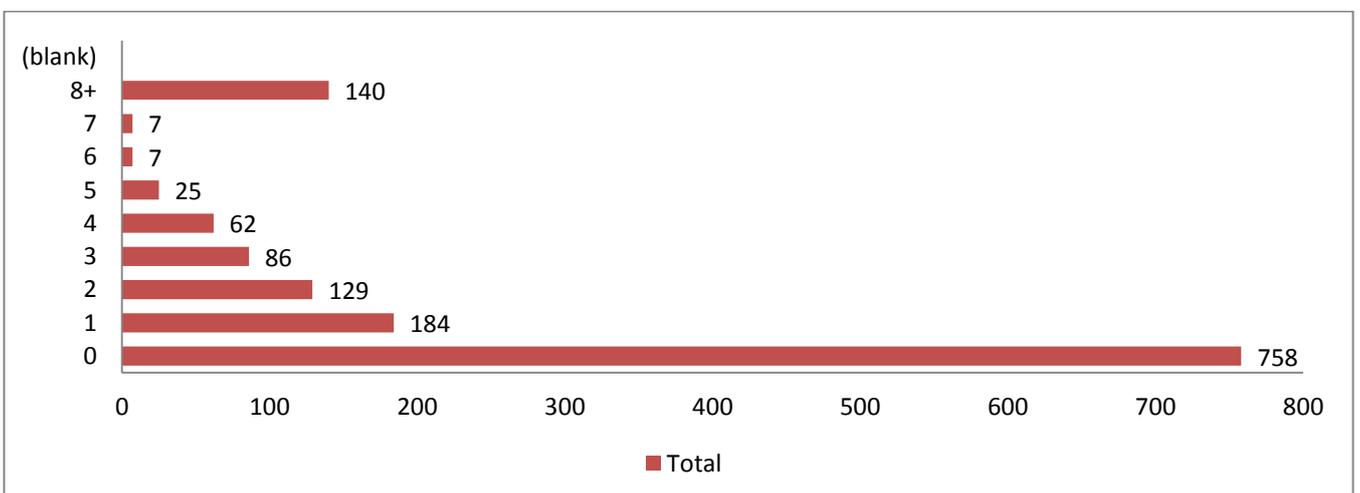
The majority of people (56%) said zero was the appropriate number. The remainder (42%) felt that it would be appropriate to have at least one sexual entertainment venue.



### 4.1.3 A suburban area

758 (53%) respondents stated zero was the appropriate number, 184 (13%) said one would be appropriate, 140 (10%) said eight or more, 129 (9%) said two, 86 (6%) said three, 62 (4%) said four, 25 (2%) said five, 7 (less than 1%) said six and 7 (less than 1%) said seven. 32 (2%) did not respond.

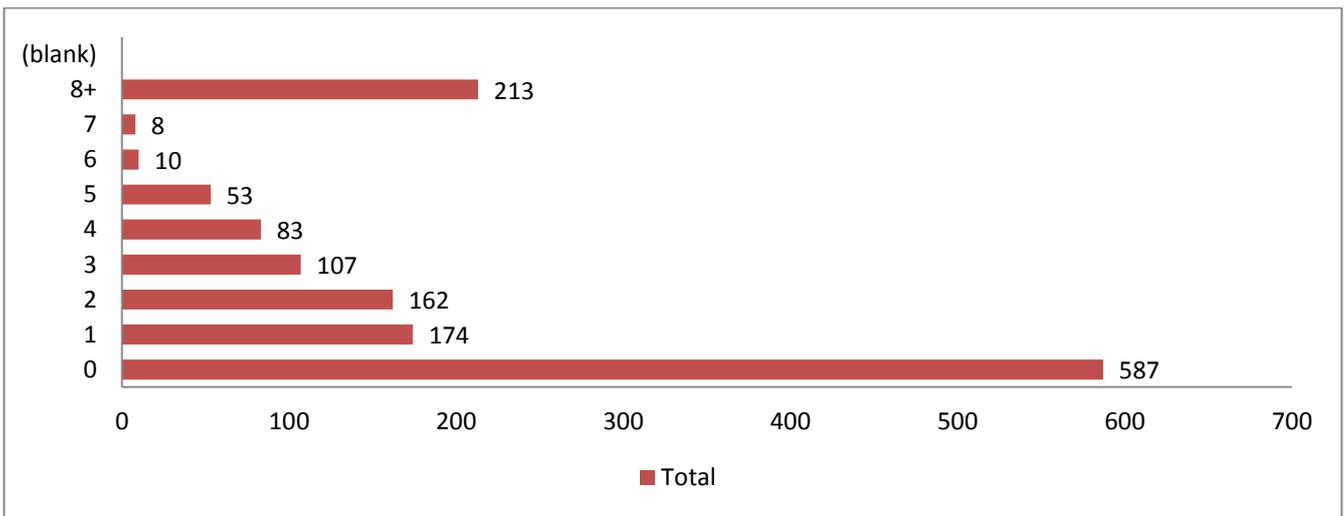
The majority of people (53%) said zero was the appropriate number. The remainder (45%) felt that it would be appropriate to have at least one sexual entertainment venue.



#### 4.1.4 An industrial area

587 (41%) respondents stated zero was the appropriate number, 213 (15%) said eight or more would be appropriate, 174 (12%) said one, 162 (11%) said two, 107 (7%) said three, 83 (6%) said four, 53 (4%) said five, 10 (1%) said six and 8 (1%) said seven. 33 (2%) did not respond.

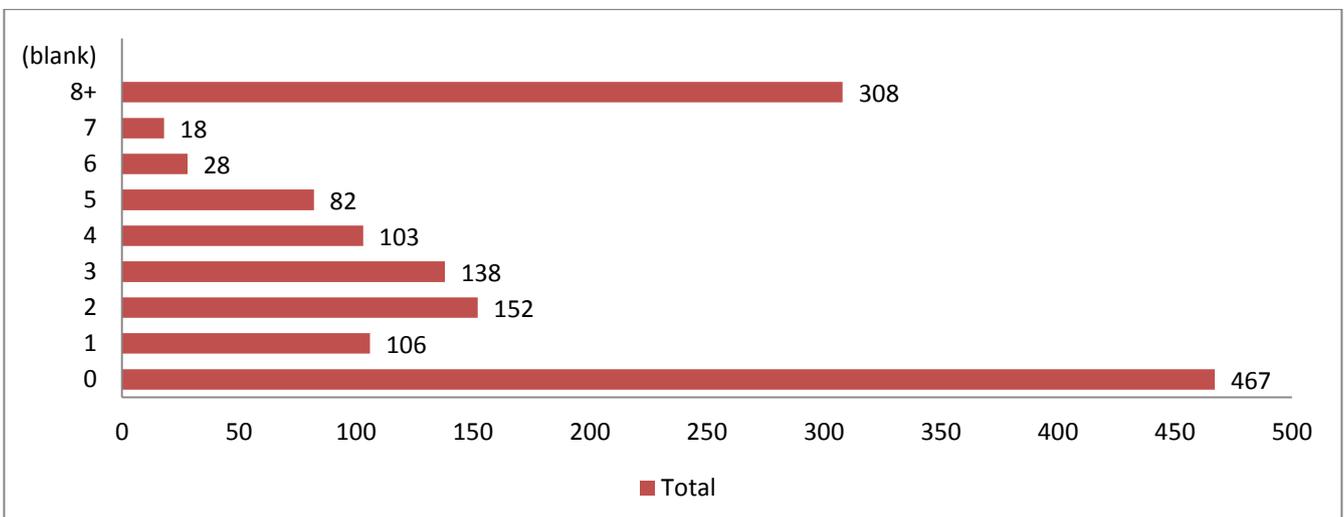
The majority of people (57%) said that it would be appropriate to have at least one sexual entertainment venue. The remainder (41%) felt that zero was the appropriate number.



#### 4.1.5 A busy late night economy area

467 (33%) respondents stated zero was the appropriate number, 308 (22%) said eight or more was appropriate, 152 (11%) said two, 138 (10%) said three, 106 (7%) said one, 103 (7%) said four, 82 (6%) said five, 28 (2%) said six, and 18 (1%) said seven. 28 (2%) did not respond.

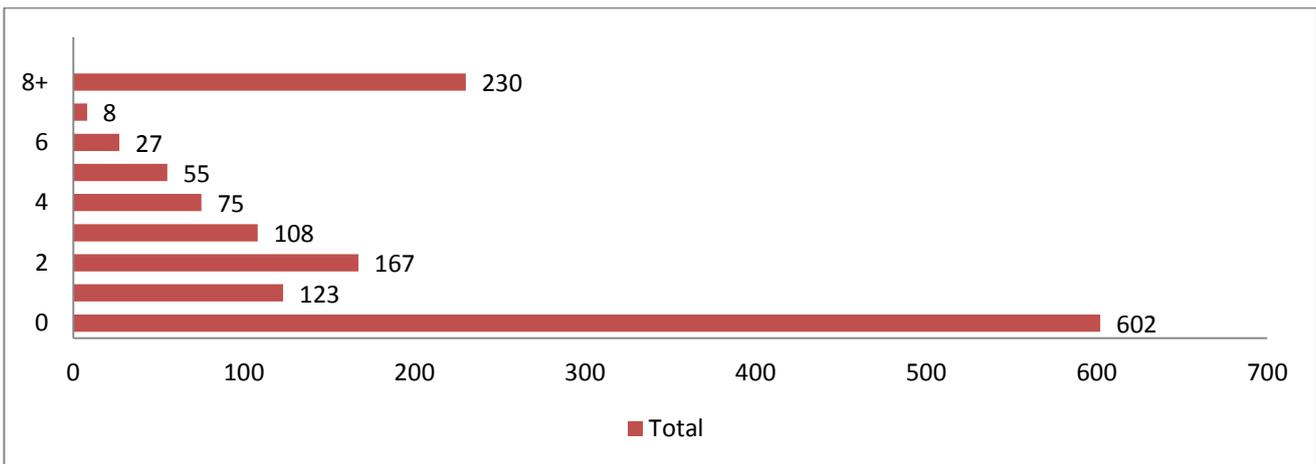
The majority of people (65%) said that it would be appropriate to have at least one sexual entertainment venue. The remainder (33%) felt that zero was the appropriate number.



#### 4.1.6 A built up area eg shopping precincts/local high streets

602 (42%) respondents stated zero was the appropriate number, 230 (16%) said eight or more was appropriate, 167 (12%) said two, 123 (9%) said one, 108 (8%) said three, 75 (5%) said four, 55 (4%) said five, 27 (2%) said six and 8 (1%) said seven. 35 (2%) did not respond.

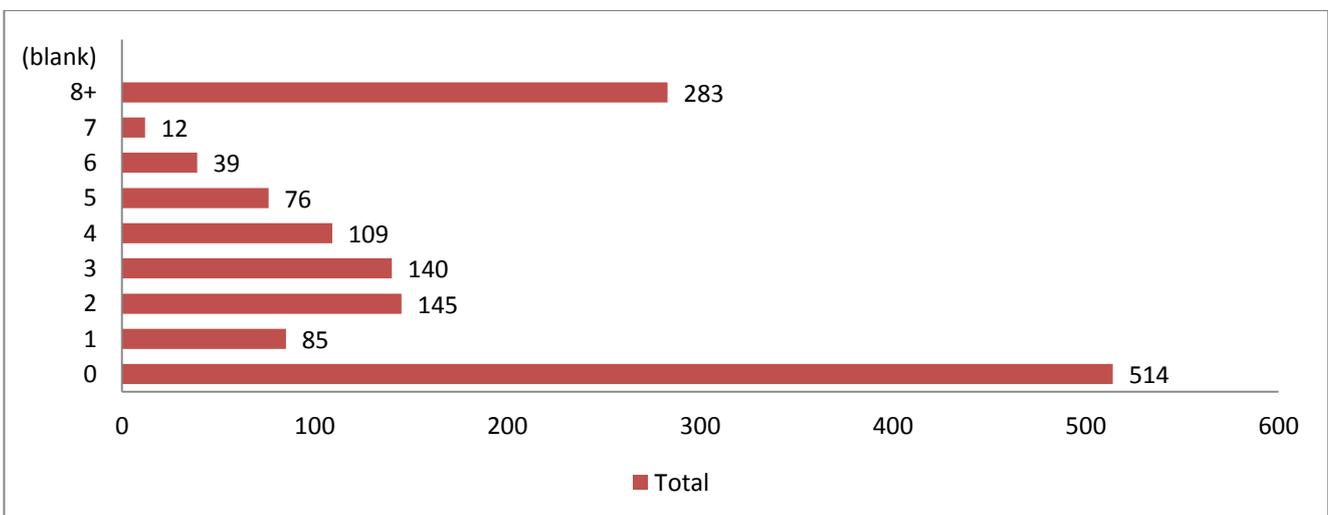
The majority of people (56%) said that it would be appropriate to have at least one sexual entertainment venue. The remainder (42%) felt that zero was the appropriate number.



#### 4.1.7 A city centre, or area immediately surrounding it

514 (36%) respondents stated zero was the appropriate number, 283 (20%) said eight or more was appropriate, 145 (10%) said two, 140 (10%) said three, 109 (8%) said four, 85 (6%) said one, 76 (5%) said five, 39 (3%) said six, and 12 (1%) said seven. 27 (2%) did not respond.

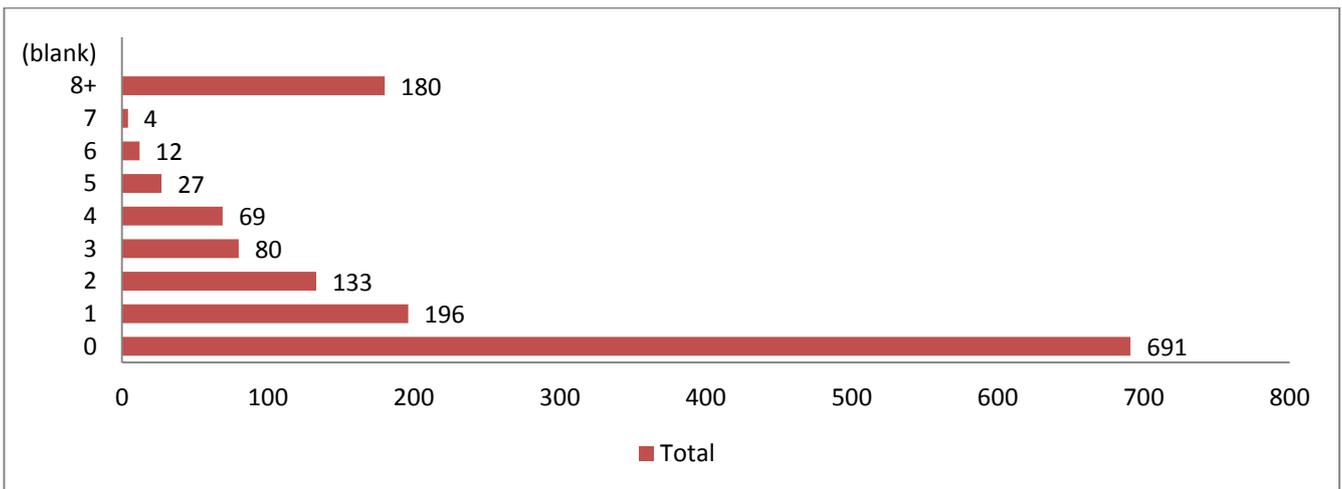
The majority of people (52%) said that it would be appropriate to have at least one sexual entertainment venue. The remainder (36%) felt that zero was the appropriate number.



#### 4.1.8 A rural area

691 (48%) respondents stated zero was the appropriate number, 196 (14%) said one was appropriate, 180 (13%) said eight or more, 133 (9%) said two, 80 (6%) said three, 69 (5%) said four, 27 (2%) said five, 12 (1%) said six and 4 (less than 1%) said seven. 38 (3%) did not respond.

The majority of people (49%) said that it would be appropriate to have at least one sexual entertainment venue. The remainder (48%) felt that zero was the appropriate number.



#### 4.2 It would not be acceptable to locate a sexual entertainment venue in?

Respondents were asked whether they agreed with the statement that it would **not** be acceptable to locate a sexual entertainment venue in the following areas:

- A residential area
- A deprived area
- A suburban area
- An industrial area
- A busy late night economy area
- A built up area eg shopping precincts/local high streets
- A city centre, or area immediately surrounding it
- A rural area

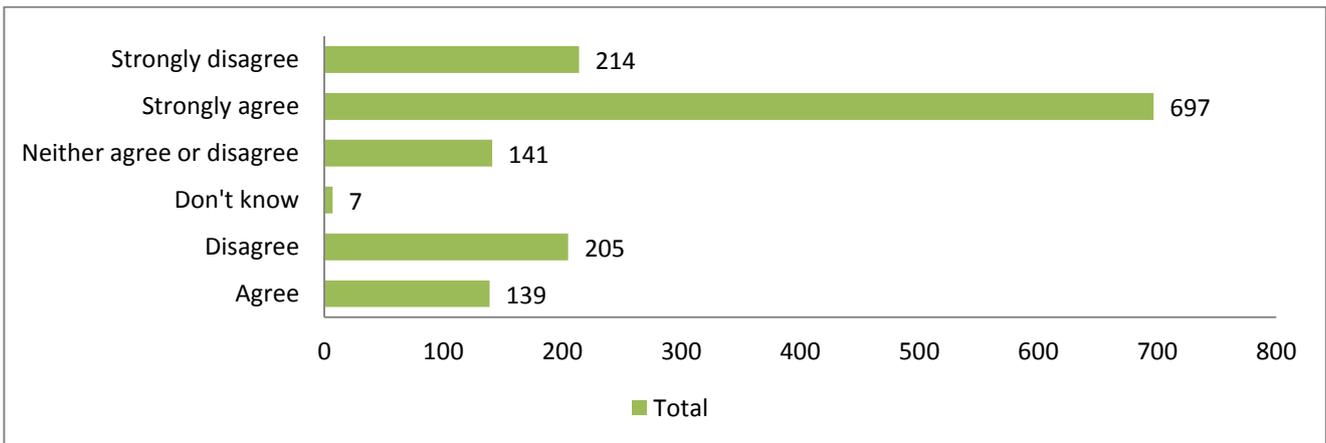
They were given were given the options below:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know

### 4.2.1 A residential area

697 (49%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue in a residential area, 214 (15%) strongly disagreed, 205 (14%) disagreed, 141 (10%) neither agreed nor disagreed, 139 (10%) agreed, and 7 (less than 1%) did not know. 27 (2%) did not respond.

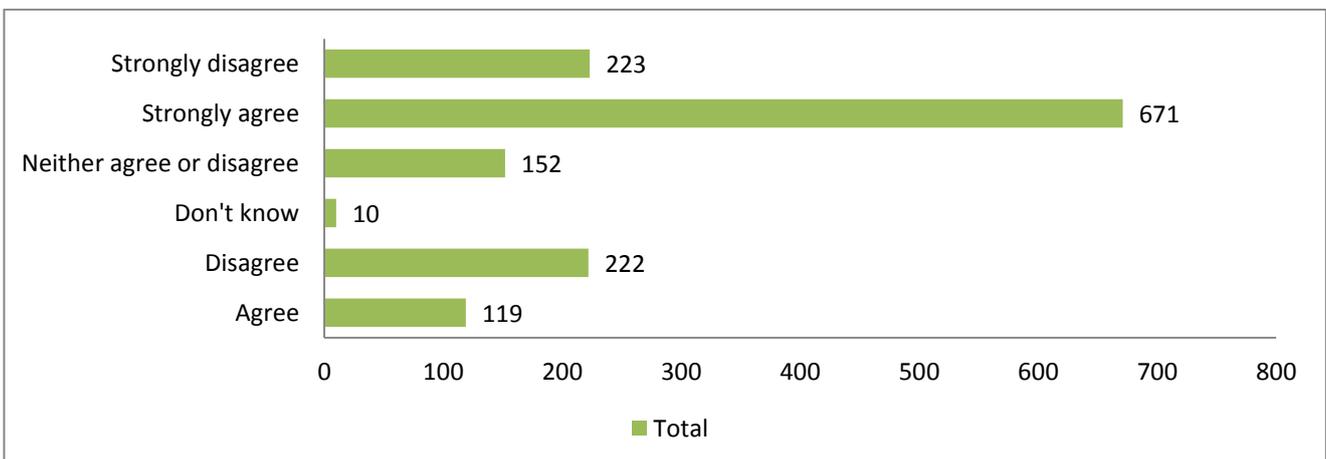
Overall 59% of people agreed or strongly agreed with the statement, and 29% disagreed or strongly disagreed.



### 4.2.2 A deprived area

671 (47%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue in a deprived area, 223 (16%) strongly disagreed, 222 (16%) disagreed, 152 (11%) neither agreed nor disagreed, 119 (8%) agreed, and 10 (1%) did not know. 33 (2%) did not respond.

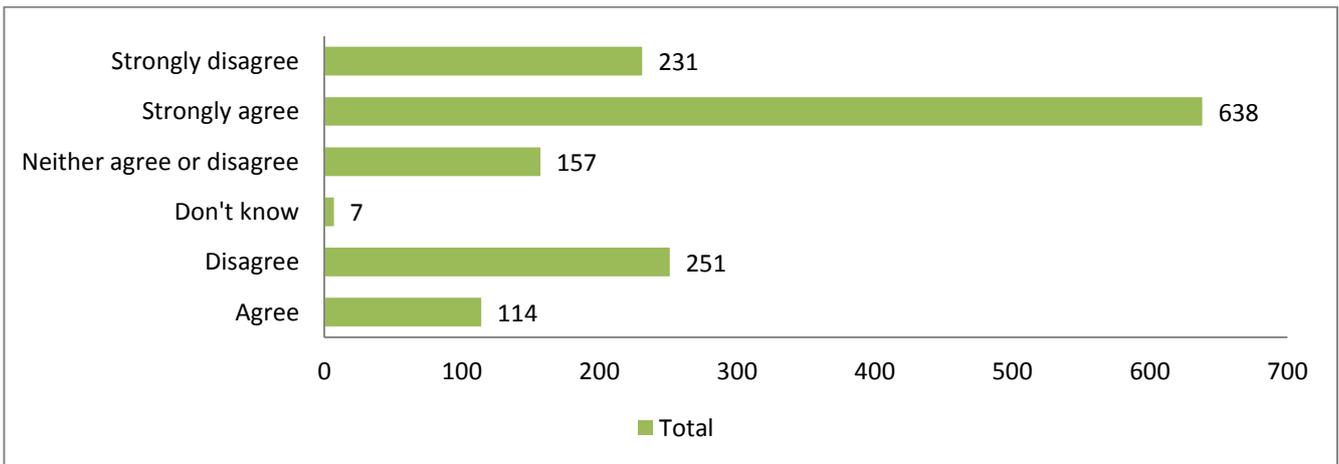
Overall 55% of people agreed or strongly agreed with the statement, and 32% disagreed or strongly disagreed.



### 4.2.3 A suburban area

638 (45%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue in a suburban area, 251 (18%) disagreed, 231 (16%) strongly disagreed, 157 (11%) neither agreed nor disagreed, 114 (8%) agreed and 7 (less than 1%) did not know. 32 (2%) did not respond.

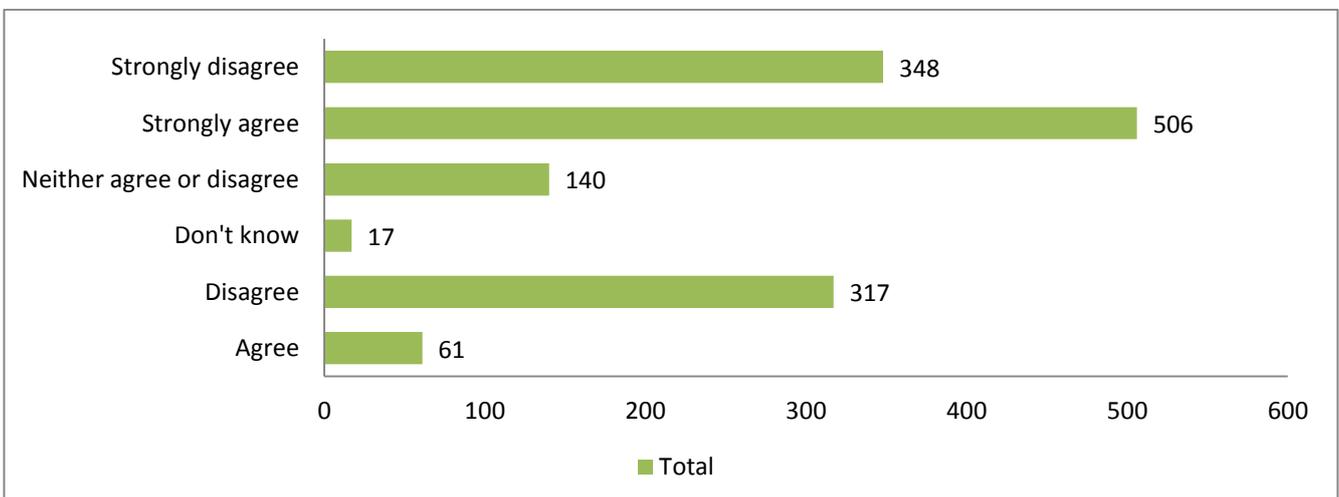
Overall 53% of people agreed or strongly agreed with the statement, and 34% disagreed or strongly disagreed.



### 4.2.4 An industrial area

506 (35%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue in an industrial area, 348 (24%) strongly disagreed, 317 (22%) disagreed, 140 (10%) neither agreed nor disagreed, 61 (4%) agreed, and 17 (1%) did not know. 41 (3%) did not respond.

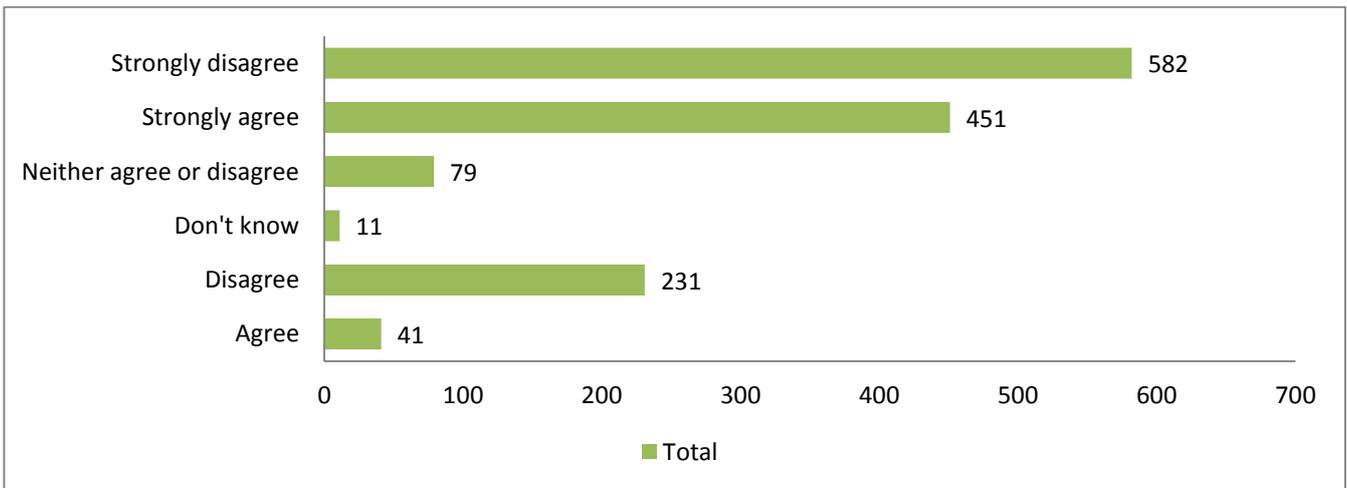
Overall 46% of people disagreed or strongly disagreed with the statement, and 39% agreed, or strongly agreed.



#### 4.2.5 A busy late night economy area

582 (41%) of respondents strongly disagreed that it would not be acceptable to locate a sexual entertainment venue in a busy late night economy area, 451 (31%) strongly agreed, 231 (16%) disagreed, 79 (6%) neither agreed nor disagreed, 41 (3%) agreed, and 11 (1%) did not know. 35 (2%) did not respond.

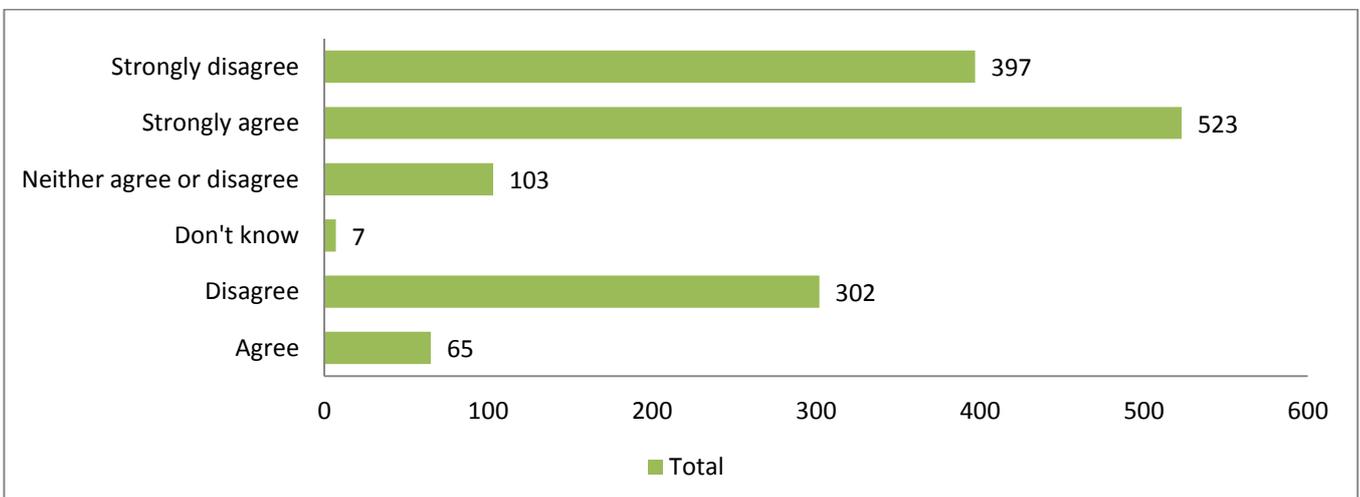
Overall 57% of people disagreed or strongly disagreed with the statement, and 34% agreed or strongly agreed.



#### 4.2.6 A built up area eg shopping precincts/local high streets

523 (37%) strongly agreed that it would not be appropriate to locate a sexual entertainment venue in a built up area, 397 (28%) strongly disagreed, 302 (21%) disagreed, 103 (7%) neither agreed nor disagreed, 65 (5%) agreed, and 7 (less than 1%) did not know. 33 (2%) did not respond.

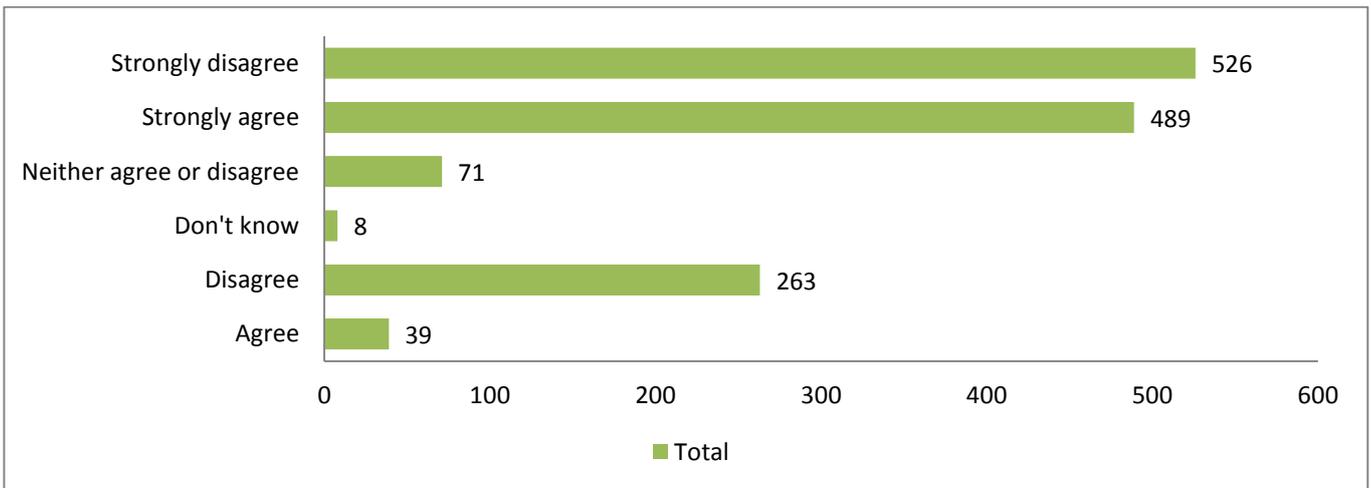
Overall 49% of people disagreed or strongly disagreed with the statement, and 42% agreed or strongly agreed.



#### 4.2.7 A city centre, or area immediately surrounding it

526 (39%) respondents strongly disagreed that it would not be appropriate to locate a sexual entertainment venue in a city centre area or area immediately surrounding it, 489 (34%) strongly agreed, 263 (18%) disagreed, 71 (5%) neither agreed nor disagreed, 39 (3%) agreed, and 8 (1%) did not know. 34 (2%) did not respond.

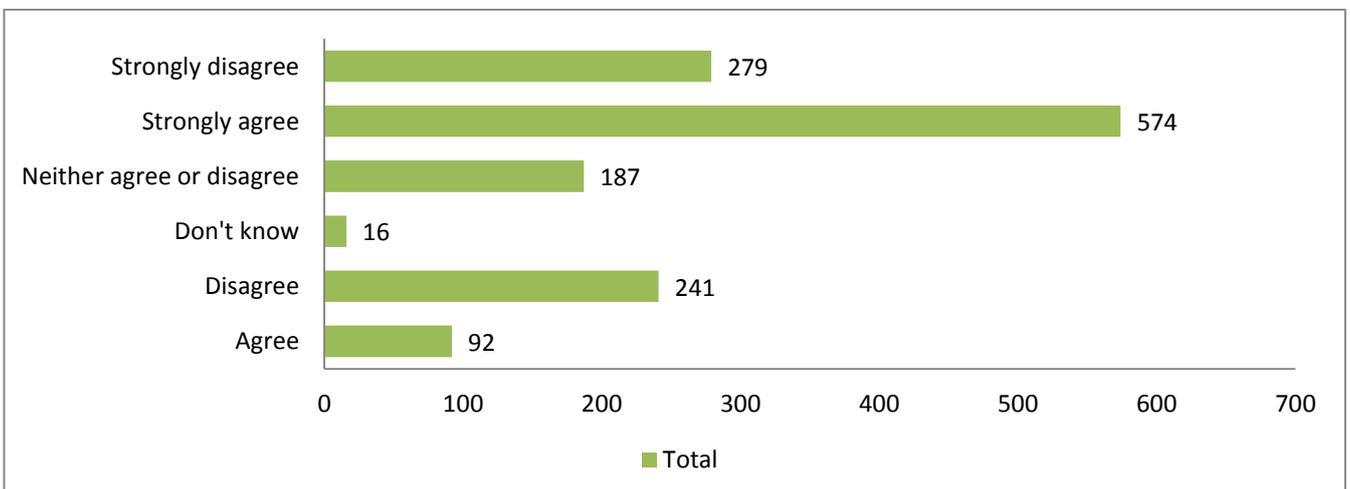
Overall 57% of people disagreed or strongly disagreed with the statement, and 37% agreed or strongly agreed.



#### 4.2.8 A rural area

574 (40%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue in a rural area, 279 (20%) strongly disagreed, 241 (17%) disagreed, 187 (13%) neither agreed nor disagreed, 92 (6%) agreed, and 16 (1%) did not know. 41 (3%) did not respond.

Overall 46% of people agreed or strongly agreed with the statement, and 37% disagreed or strongly disagreed.



### 4.3 It would be acceptable to locate a sexual entertainment venue on or near the following city centre areas?

Respondents were asked whether they agreed with the statement that it would be acceptable to locate a sexual entertainment venue on or near to the following city centre areas:

- Harbourside area
- Old City (the area between Broad Quay, St Augustines Parade, and Corn Street, including the area around the Cenotaph)
- Broadmead Area, including Quakers Friars and Cabot Circus areas
- Queen Square and Welsh Back
- Temple Quarter
- Old Market
- Park Street and the Triangle area
- The Stokes Croft and Gloucester Road area
- The area west of Lewins Mead including University, Hospital and Bus Station areas
- Area surrounding Feeder Road including the proposed arena area, Temple Meads area and the Dings and St Philips Marsh areas

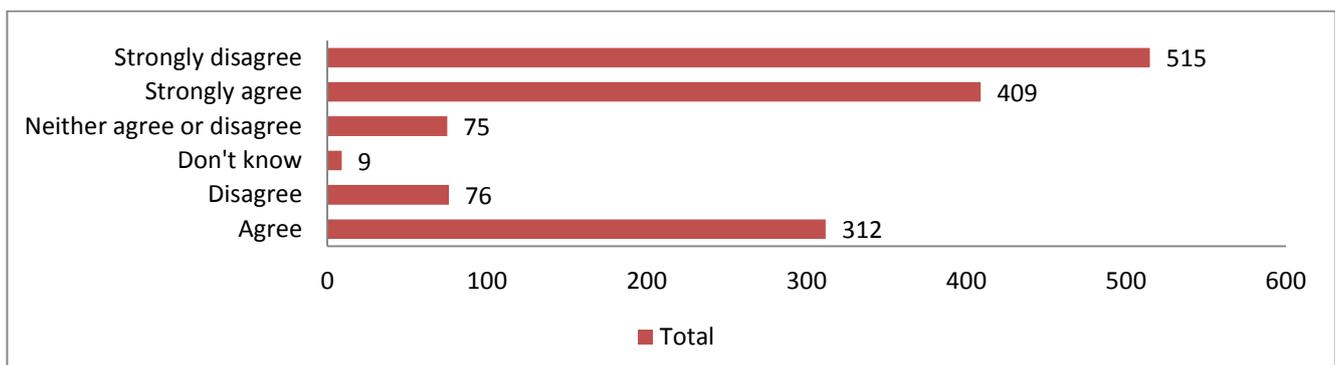
They were given were given the options below:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know

#### 4.3.1 Harbourside area

515 (36%) respondents strongly disagreed that it would be acceptable to locate a sexual entertainment venue near the harbourside area, 409 (29%) strongly agreed, 312 (22%) agreed, 76 (5%) disagreed, 75 (5%) neither agreed nor disagreed, and 9 (1%) did not know. 34 (2%) did not respond.

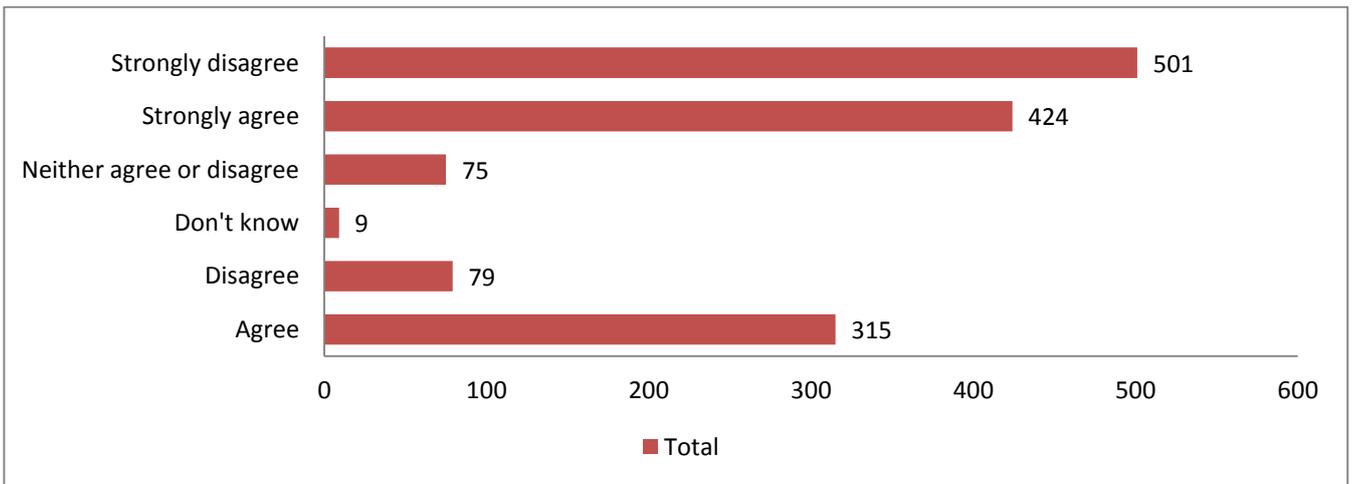
Overall 51% of people agreed or strongly agreed with the statement and 41% disagreed or strongly disagreed.



### 4.3.2 Old City (the area between Broad Quay, St Augustines Parade, and Corn Street, including the area around the Cenotaph)

501 (35%) strongly disagreed that it would be acceptable to locate a sexual entertainment venue near the Old City, 424 (30%) strongly agreed, 315 (22%) agreed, 79 (6%) disagreed, 75 (5%) neither agreed nor disagreed, and 9 (1%) did not know. 27 (2%) did not respond.

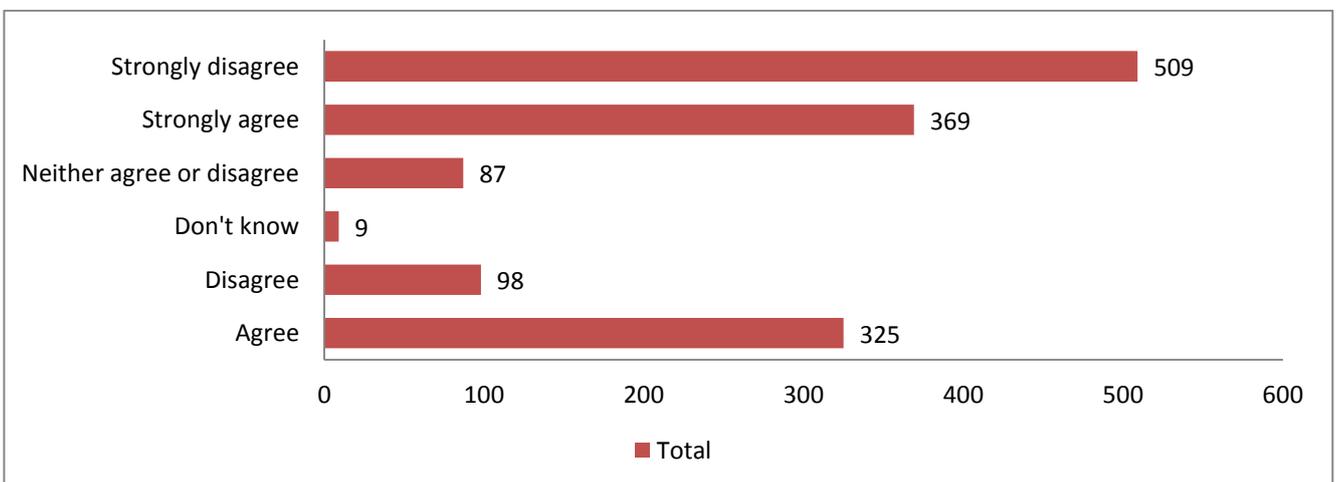
Overall 52% of people agreed or strongly agreed with the statement, and 41% disagreed or strongly disagreed.



### 4.3.3 Broadmead Area, including Quakers Friars and Cabot Circus areas

509 (36%) respondents strongly disagreed that it would be acceptable to locate a sexual entertainment venue near the Broadmead area, 369 (26%) strongly agreed, 325 (23%) agreed, 98 (7%) disagreed, 87 (6%) neither agreed nor disagreed, and 9 (1%) did not know. 33 (2%) did not respond.

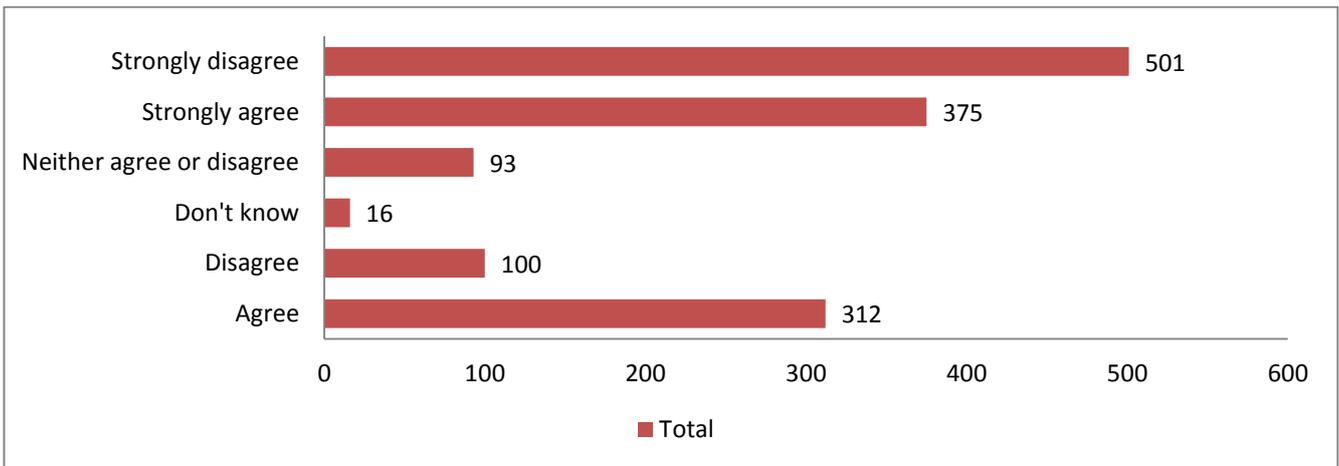
Overall 49% agreed or strongly agreed with the statement and 43% disagreed or strongly disagreed.



#### 4.3.4 Queen Square and Welsh Back

501 (35%) strongly disagreed that it would be acceptable to locate a sexual entertainment venue near Queen Square and Welsh Back, 375 (26%) strongly agreed, 312 (22%) agreed, 100 (7%) disagreed, 93 (7%) neither agreed nor disagreed, and 16 (1%) did not know. 33 (2%) did not respond.

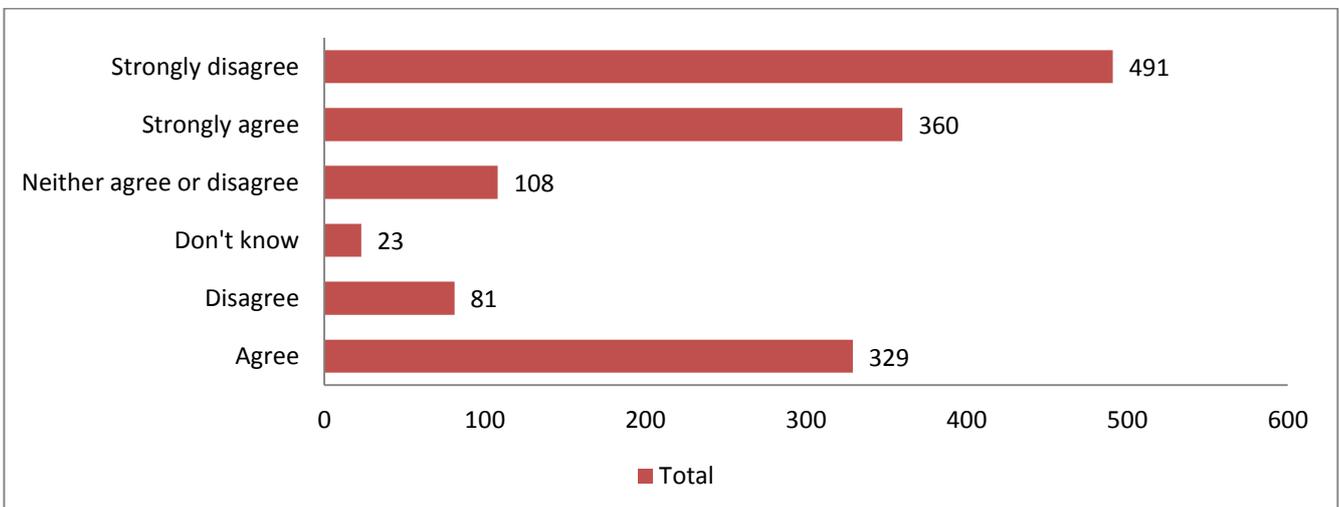
Overall 48% of people agreed or strongly agreed with the statement, and 43% disagreed or strongly disagreed.



#### 4.3.5 Temple Quarter

491 (34%) strongly disagreed that it would be acceptable to locate a sexual entertainment venue near Temple Quarter, 360 (25%) strongly agreed, 329 (23%) agreed, 108 (8%) neither agreed nor disagreed, 81 (6%) disagreed, and 23 (2%) did not know. 38 (3%) did not respond.

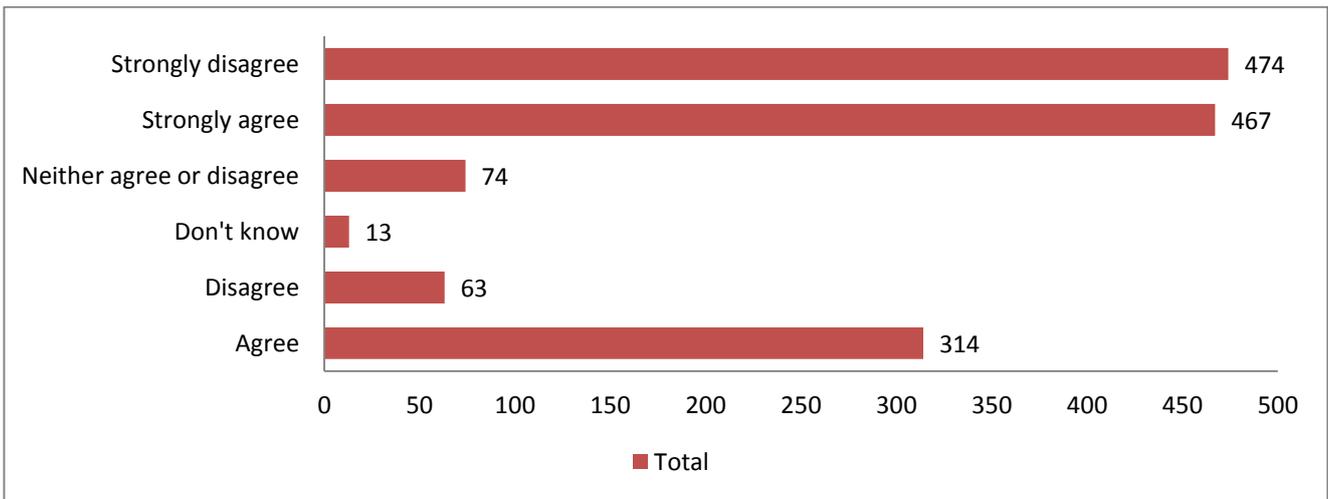
Overall 48% of people agreed or strongly agreed with the statement, and 40% disagreed or strongly disagreed.



### 4.3.6 Old Market

474 (33%) respondents strongly disagreed that it would be acceptable to locate a sexual entertainment venue near Old Market, 467 (33%) strongly agreed, 314 (22%) agreed, 74 (5%) neither agreed nor disagreed, 63 (4%) disagreed, and 13 (1%) did not know. 25 (2%) did not respond.

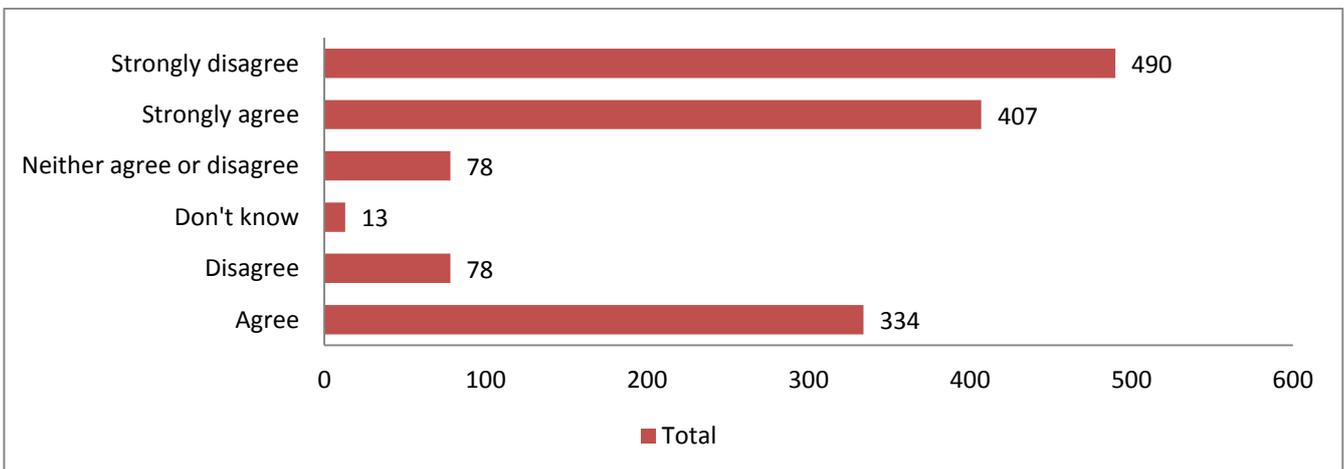
Overall 55% of people agreed or strongly agreed with the statement, and 37% disagreed or strongly disagreed.



### 4.3.7 Park Street and the Triangle area

490 (34%) strongly disagreed that it would be appropriate to locate a sexual entertainment venue near Park Street and the Triangle area, 407 (28%) strongly agreed, 334 (23%) agreed, 78 (5%) neither agreed nor disagreed, 78 (5%) disagreed, and 13 (1%) did not know. 30 (2%) did not respond.

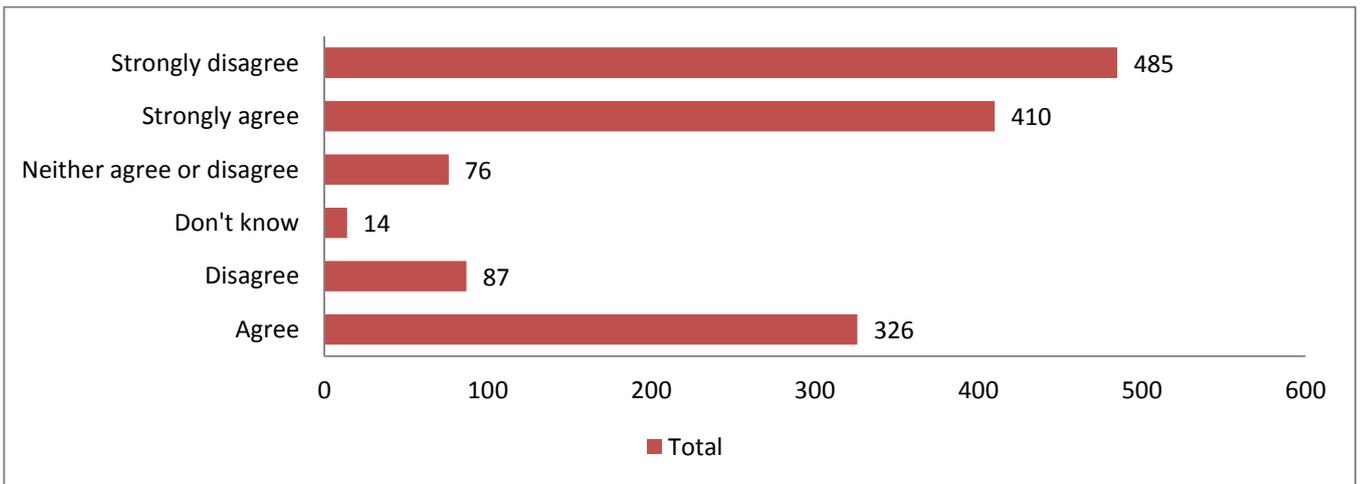
Overall 51% of people agreed or strongly agreed with the statement, and 39% disagreed or strongly disagreed.



### 4.3.8 The Stokes Croft and Gloucester Road area

485 (34%) respondents strongly disagreed that it would be acceptable to locate a sexual entertainment venue near the Stokes Croft and Gloucester Road area, 410 (29%) strongly agreed, 326 (23%) agreed, 87 (6%) disagreed, 76 (5%) neither agreed nor disagreed, and 14 (1%) did not know. 32 (2%) did not respond.

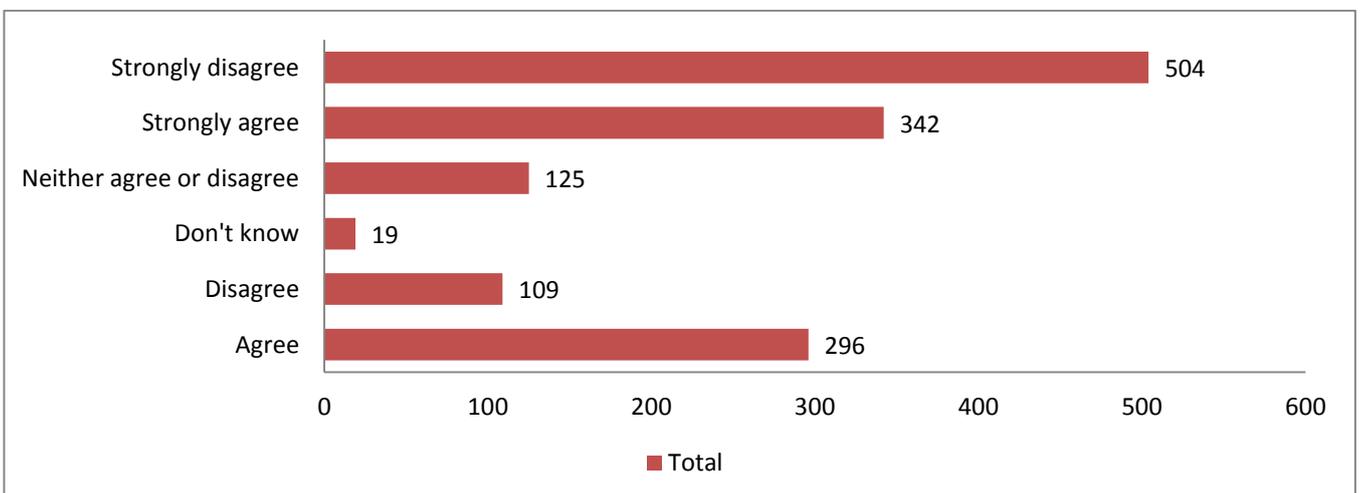
Overall 52% of people agreed or disagreed with the statement and 40% disagreed or strongly disagreed.



### 4.3.9 The area west of Lewins Mead including University, Hospital and Bus Station areas

504 (35%) respondents strongly disagreed that it would be acceptable to locate a sexual entertainment venue near the area west of Lewins Mead, 342 (24%) strongly agreed, 296 (21%) agreed, 125 (9%) neither agreed nor disagreed, 109 (8%) disagreed, and 19 (1%) did not know. 35 (2%) did not respond.

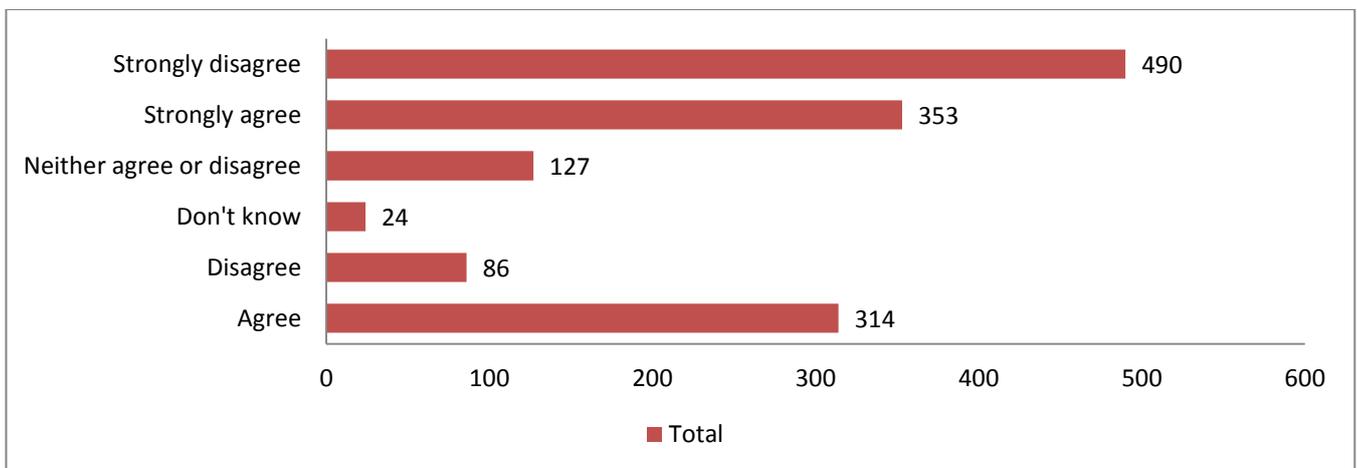
Overall 45% of people agreed or strongly agreed with the statement and 43% disagreed or strongly disagreed.



#### 4.3.10 Area surrounding Feeder Road including the proposed arena area, Temple Meads area and the Dings and St Philips Marsh areas

490 (34%) respondents strongly disagreed that it would be acceptable to locate a sexual entertainment venue near the Feeder Road, Dings and St Philips Marsh areas, 353 (25%) strongly agreed, 314 (22%) agreed, 127 (9%) neither agreed nor disagreed, 86 (6%) disagreed, and 24 (2%) did not know. 36 (3%) did not respond.

Overall 47% of people agreed or strongly agreed with the statement, and 40% disagreed or strongly disagreed.



#### 4.4 It would not be acceptable to locate a sexual entertainment near to?

Respondents were asked whether they agreed with the statement that it would not be acceptable to locate a sexual entertainment venue on or near to the following types of premises or locations:

- Schools and other places of education
- Residential areas
- Play areas or parks
- Youth Facilities
- Women’s refuge facilities
- Family leisure facilities such as cinemas, theatres and concert halls
- Places of worship
- Places used for celebration or commemoration
- Cultural leisure facilities such as libraries, museums
- Retail shopping areas
- Historic buildings
- Sports centres/facilities
- Transport Hub (bus or train stations etc)

- Financial institutions such as banks
- Late night entertainment areas
- Other

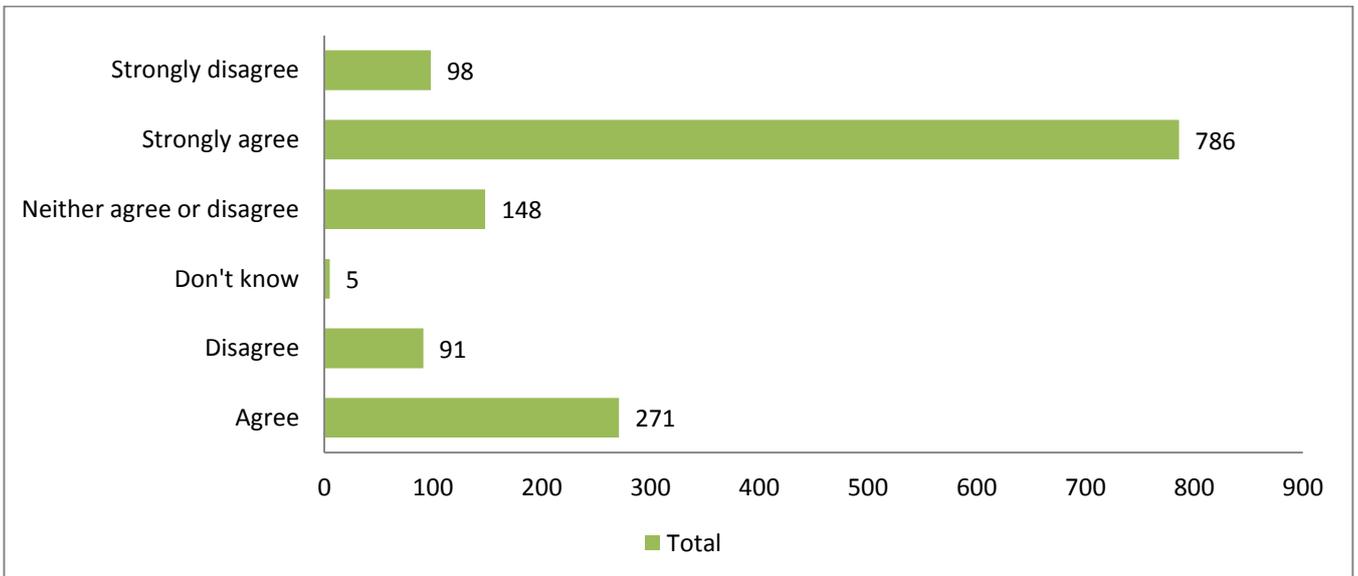
They were given were given the options below:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know

#### 4.4.1 Schools and other places of education

786 (55%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue near to schools or other places of education, 271 (19%) agreed, 148 (10%) neither agreed nor disagreed, 98 (7%) strongly disagreed, 91 (6%) disagreed, and 5 (less than 1%) did not know. 31 (2%) did not respond.

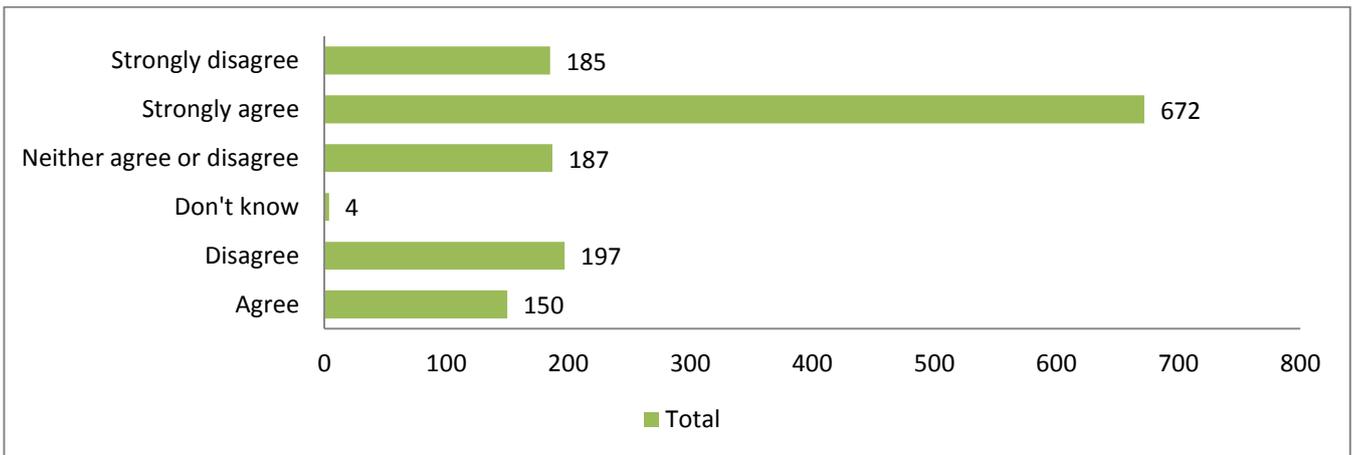
Overall 74% of people agreed or strongly agreed with the statement, and 13% disagreed or strongly disagreed.



#### 4.4.2 Residential areas

672 (47%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue near a residential area, 197 (14%) disagreed, 187 (13%) neither agreed nor disagreed, 185 (13%) strongly disagreed, 150 (10%) agreed, and 4 (less than 1%) did not know. 35 (2%) did not respond.

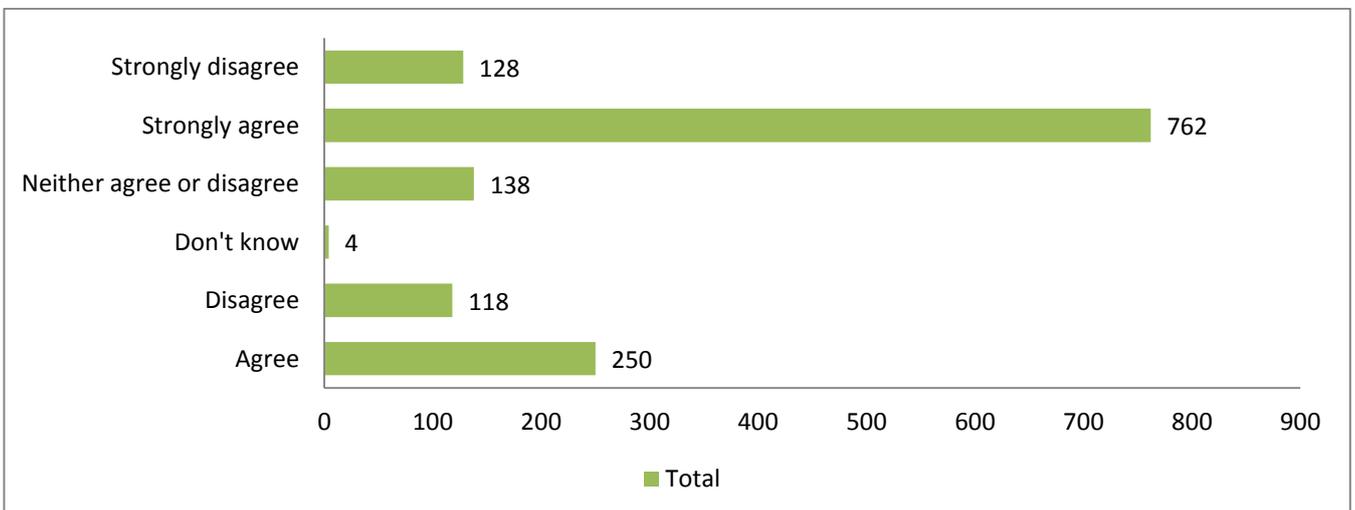
Overall 57% of people agreed or strongly agreed with the statement and 27% disagreed or strongly disagreed.



#### 4.4.3 Play areas or parks

762 (53%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near to play areas or parks, 250 (17%) agreed, 138 (10%) neither agreed nor disagreed, 128 (9%) strongly disagreed, 118 (8%) disagreed, and 4 (less than 1%) did not know. 30 (2%) did not respond.

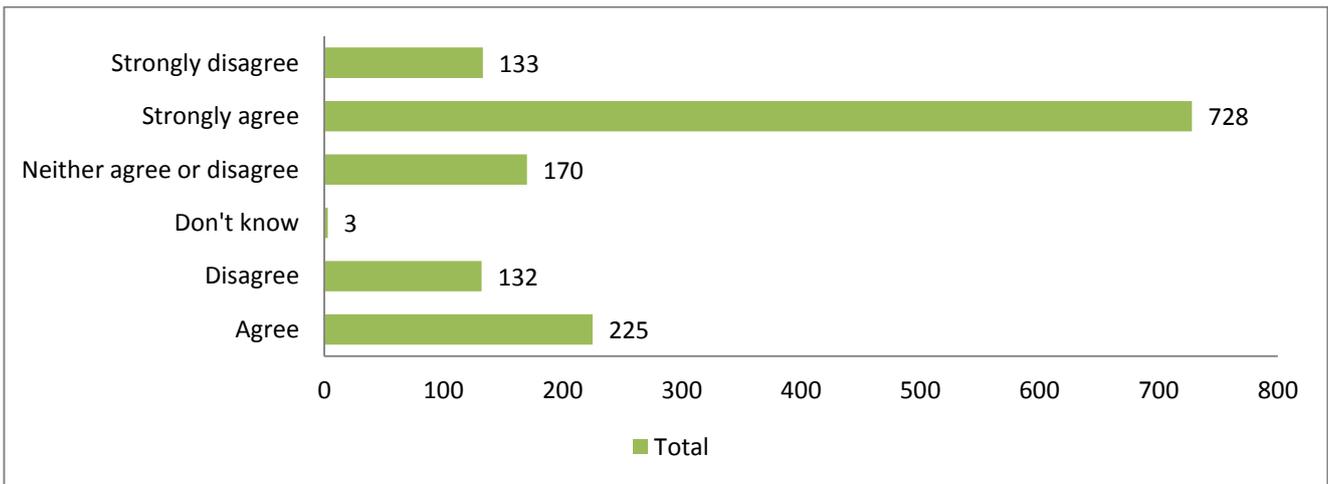
Overall 70% of people agreed or strongly agreed with the statement, and 17% disagreed or strongly disagreed.



#### 4.4.4 Youth Facilities

728 (51%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near to youth facilities, 225 (16%) agreed, 170 (12%) neither agreed nor disagreed, 133 (9%) strongly disagreed, 132 (9%) disagreed, and 3 (less than 1%) did not know. 39 (3%) did not respond.

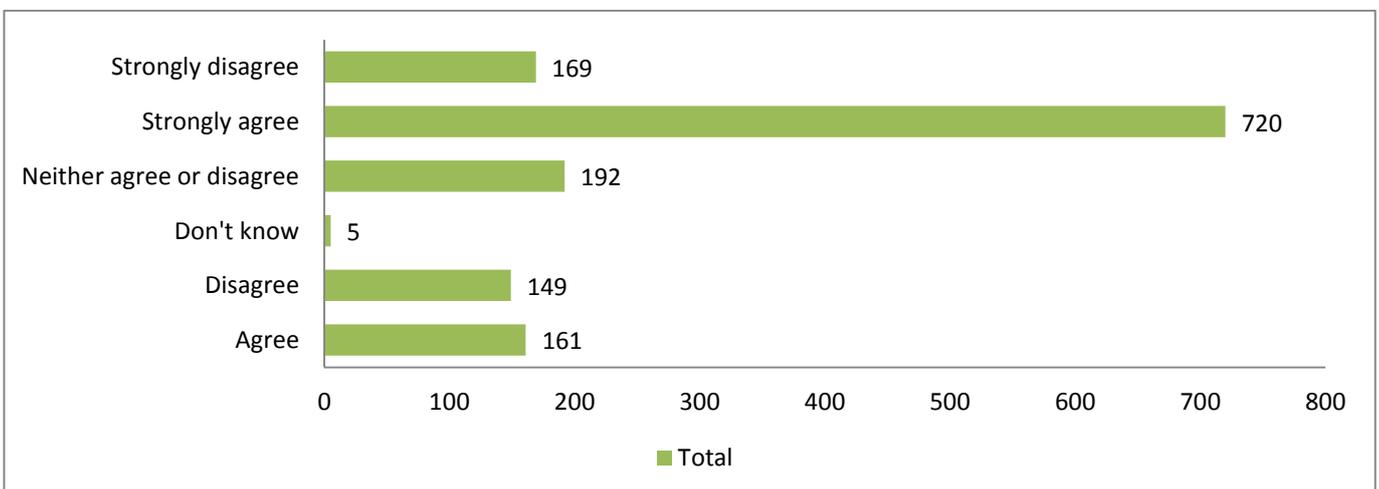
Overall 67% of people agreed or strongly agreed with the statement, and 18% disagreed or strongly disagreed.



#### 4.4.5 Women’s refuge facilities

720 (50%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near to women’s refuge facilities, 192 (13%) neither agreed nor disagreed, 169 (12%) strongly disagreed, 161 (11%) agreed, 149 (10%) disagreed, and 5 (less than 1%) did not know. 34 (2%) did not respond.

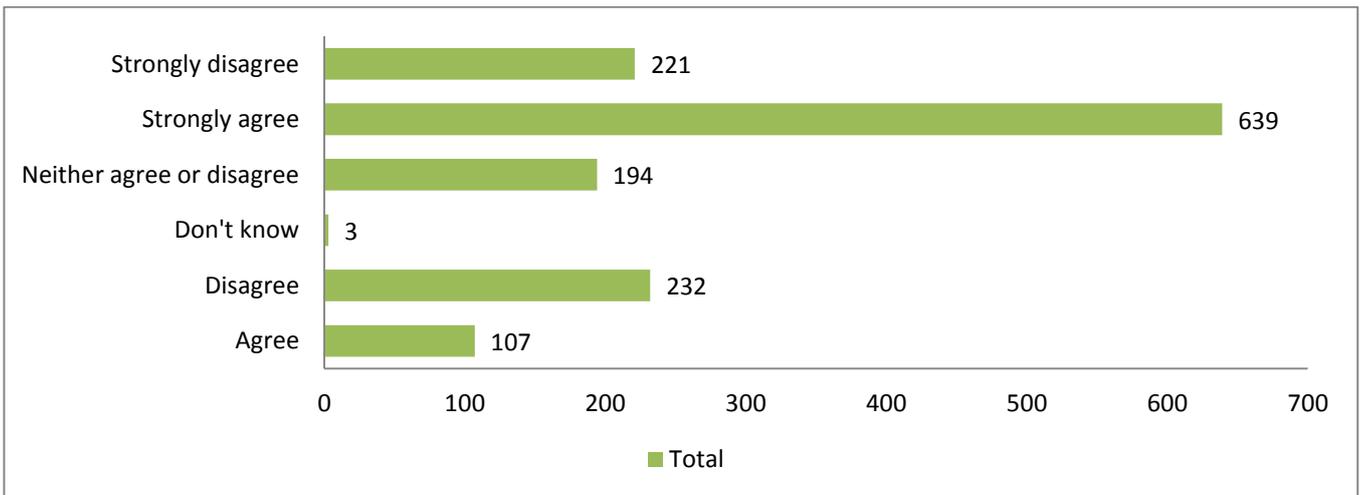
Overall 61% agreed or strongly agreed with the statement, and 22% disagreed or strongly disagreed.



#### 4.4.6 Family leisure facilities such as cinemas, theatres and concert halls

639 (45%) strongly agreed that it would not be appropriate to locate a sexual entertainment venue near to family leisure facilities, 232 (16%) disagreed, 221 (15%) strongly disagreed, 194 (14% neither agreed nor disagreed, 107 (7%) agreed, and 3 (less than 1%) did not know. 34 (2%) did not respond.

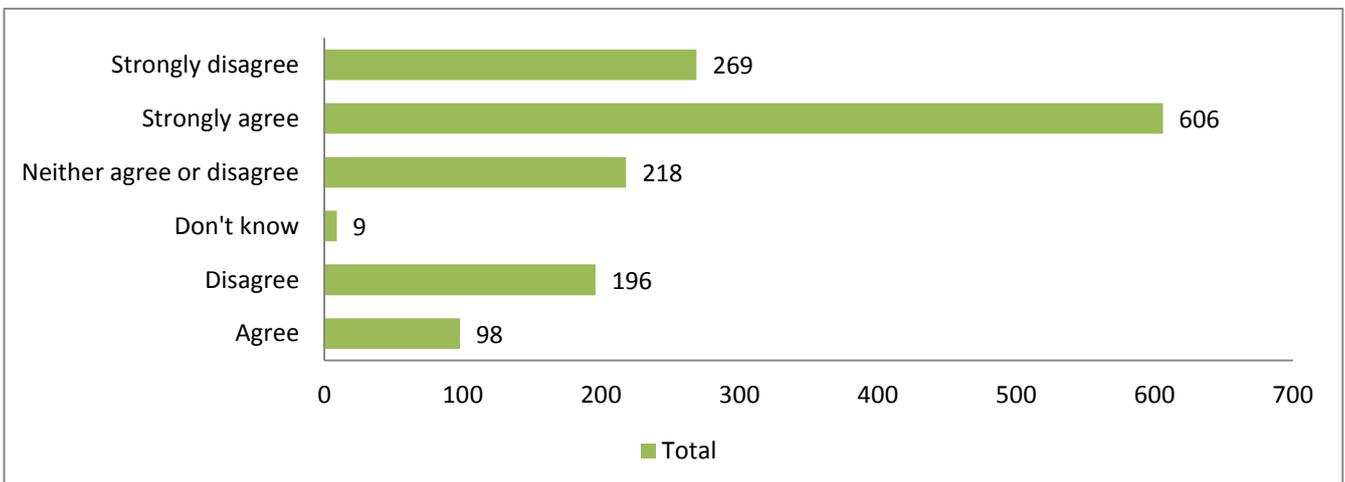
Overall 52% of people agreed or strongly agreed with the statement, and 31% disagreed or strongly disagreed.



#### 4.4.7 Places of worship

606 (42%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near to places of worship, 269 (19%) strongly disagreed, 218 (15%) neither agreed nor disagreed, 196 (14%) disagreed, 98 (7%) agreed, and 9 (1%) did not know. 34 (2%) did not respond.

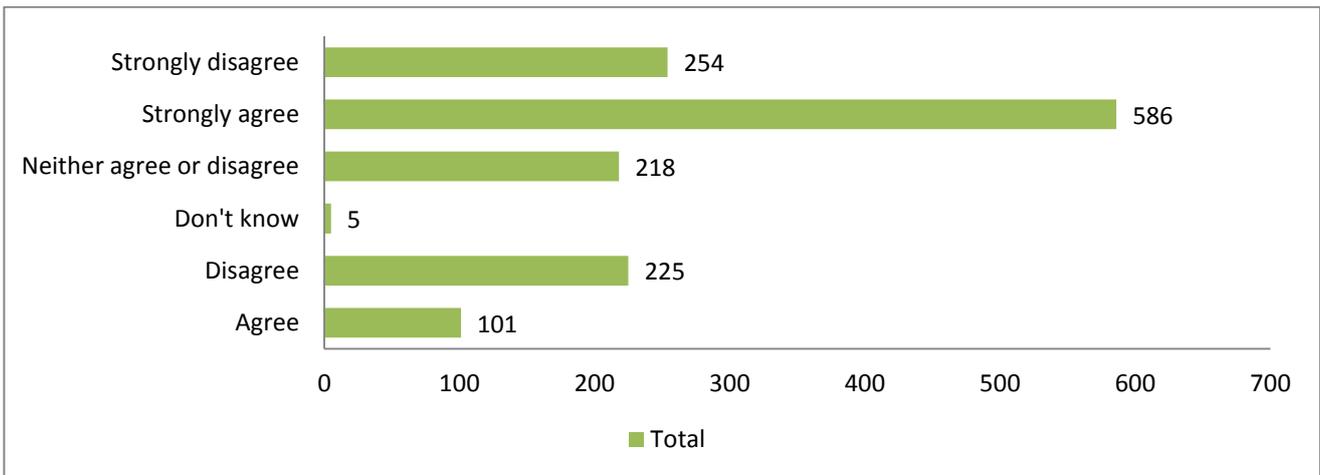
Overall 49% of people agreed or strongly agreed with the statement and 33% disagreed or strongly disagreed.



#### 4.4.8 Places used for celebration or commemoration

586 (41%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near places used for celebration or commemoration, 254 (18%) strongly disagreed, 225 (16%) disagreed, 218 (15%) neither agreed nor disagreed, 101 (7%) agreed, and 5 (less than 1%) did not know. 41 (3%) did not respond.

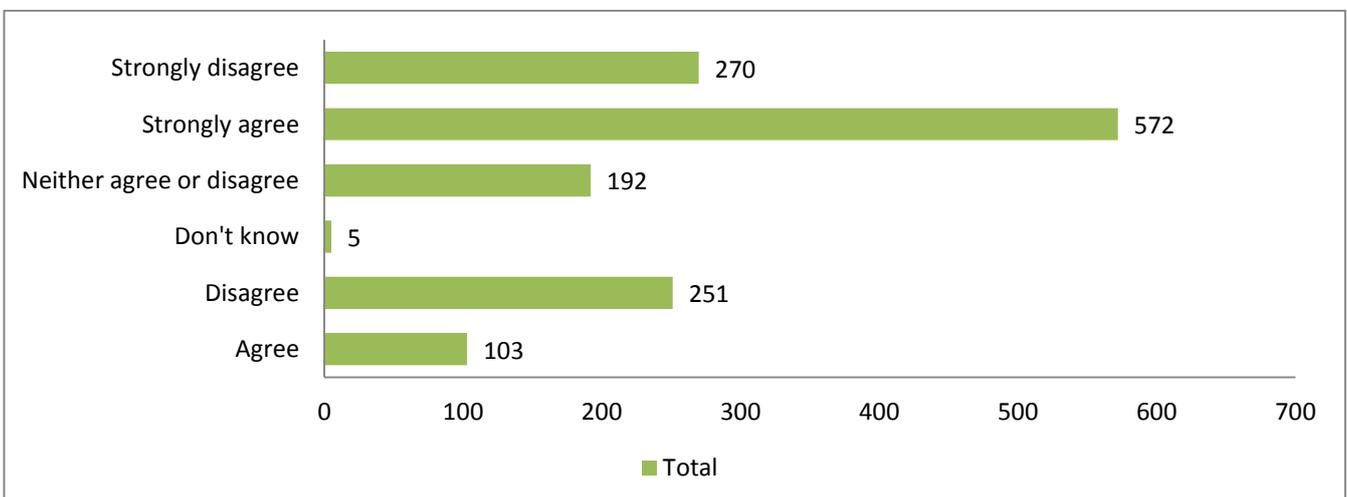
Overall 48% agreed or strongly agreed with the statement and 34% disagreed or strongly disagreed.



#### 4.4.9 Cultural leisure facilities such as libraries, museums

570 (40%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near to cultural leisure facilities, 270 (19%) strongly disagreed, 251 (18%) disagreed, 192 (13%) neither agreed nor disagreed, 103 (7%) agreed, 5 (less than 1%) did not know. 37 (3%) did not respond.

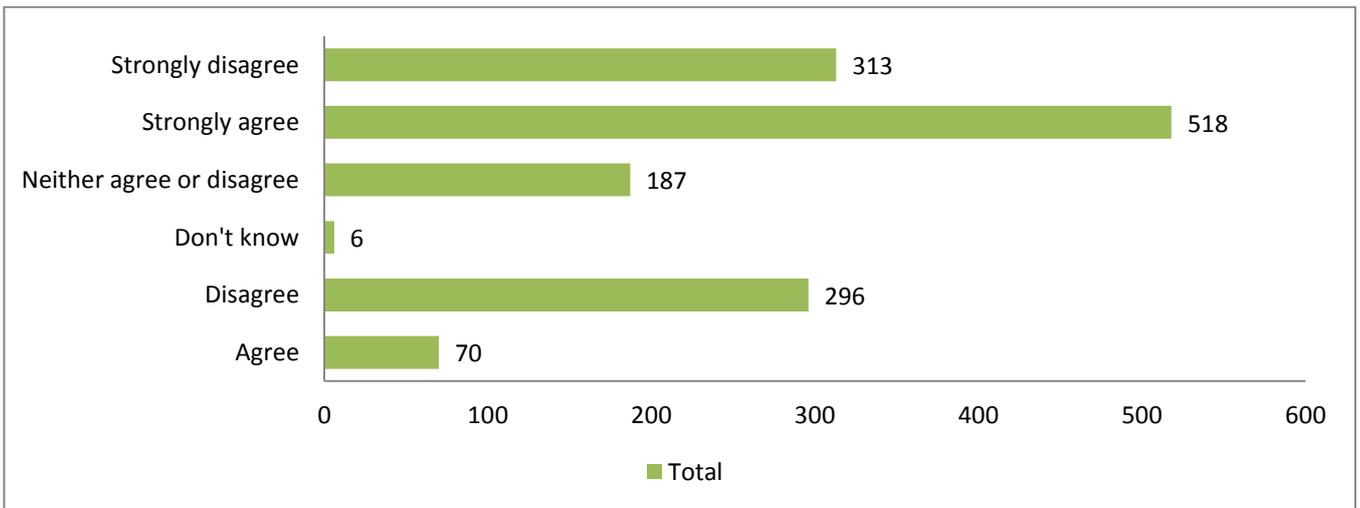
Overall 47% agreed or strongly agreed with the statement, and 37% disagreed or strongly disagreed.



#### 4.4.10 Retail shopping areas

518 (36%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue near retail shopping areas, 313 (22%) strongly disagreed, 296 (21%) disagreed, 187 (13%) neither agreed nor disagreed, 70 (5%) agreed, and 6 (less than 1%) did not know. 40 (3%) did not respond.

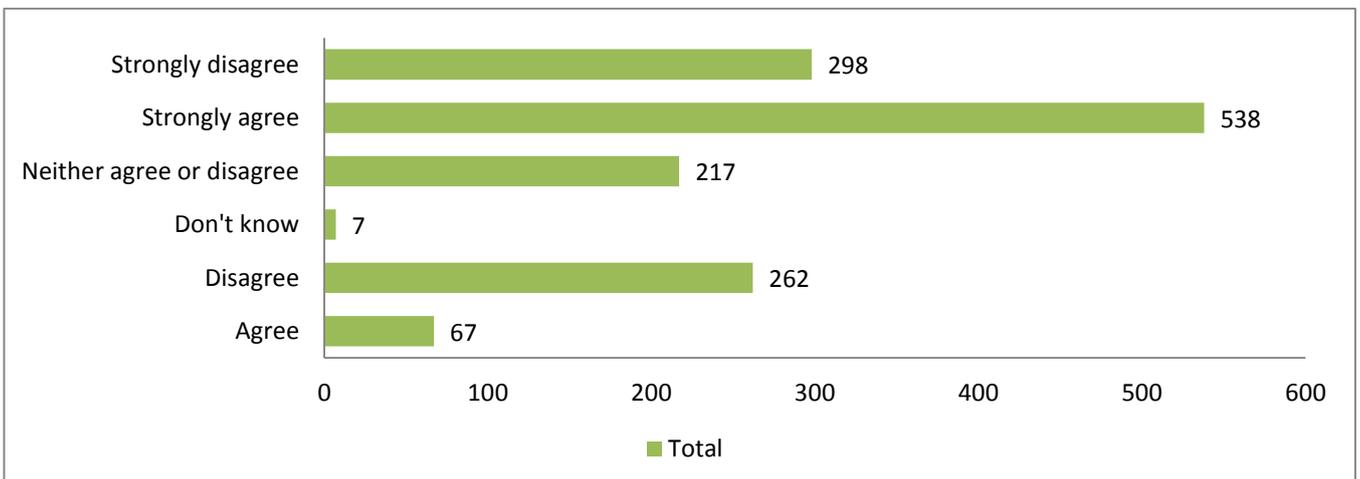
Overall 43% disagreed or strongly disagreed with the statement, and 41% agreed or strongly agreed.



#### 4.4.11 Historic buildings

538 (38%) respondents strongly agreed that it would not be acceptable to locate a sexual entertainment venue near historic buildings, 298 (21%) strongly disagreed, 262 (18%) disagreed, 217 (15%) neither agreed nor disagreed, 67 (5%) agreed, and 7 (less than 1%) did not know. 41 (3%) did not respond.

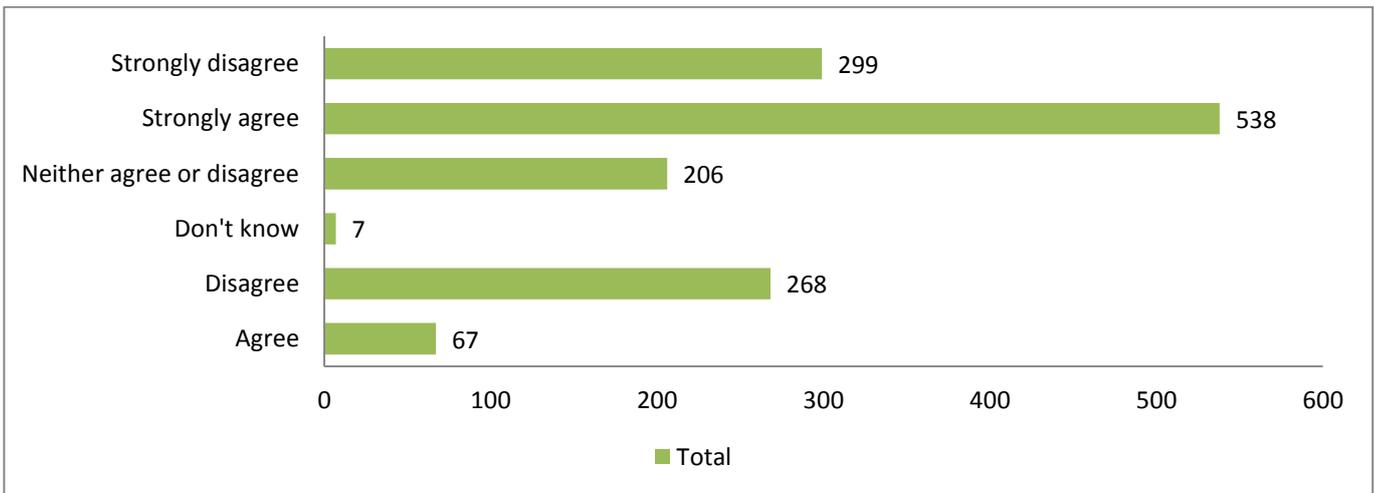
Overall 43% of people agreed or strongly agreed with the statement, and 39% disagreed or strongly disagreed.



#### 4.4.12 Sports centres/facilities

538 (37%) strongly agreed that it would not be appropriate to locate a sexual entertainment venue near sports centres/facilities, 299 (21%) strongly disagreed, 268 (19%) disagreed, 206 (14%) neither agreed nor disagreed, 67 (5%) agreed, and 7 (less than 1%) did not know. 45 (3%) did not respond.

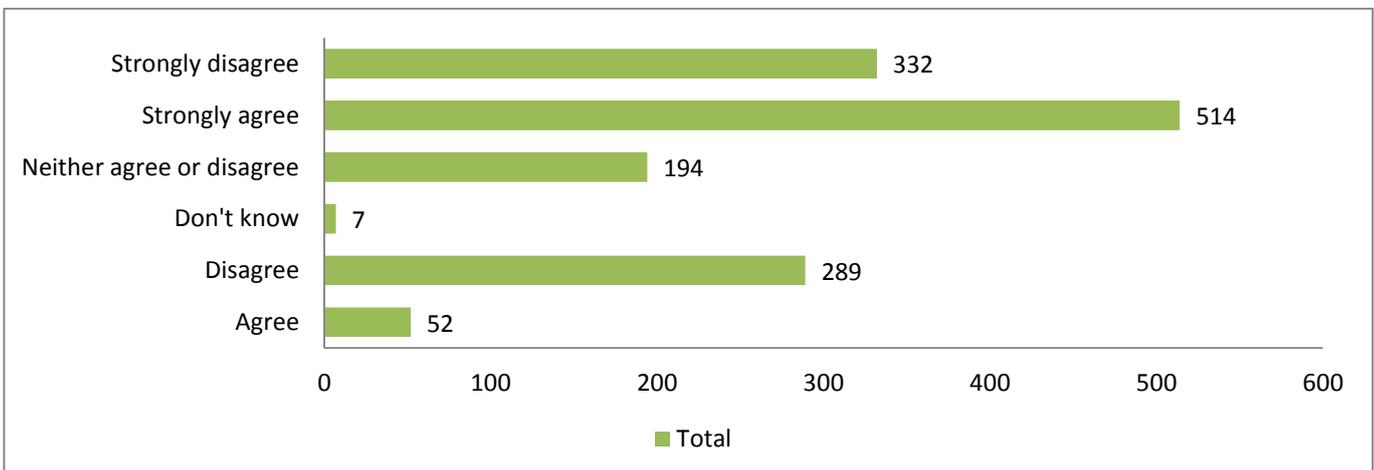
Overall 42% of people agreed or strongly agreed with the statement, and 40% disagreed or strongly disagreed.



#### 4.4.13 Transport Hub (bus or train stations etc)

514 (36%) strongly agreed that it would not be appropriate to locate a sexual entertainment venue near transport hubs, 332 (23%) strongly disagreed, 289 (20%) disagreed, 194 (14%) neither agreed nor disagreed, 52 (4%) agreed, and 7 (less than 1%) did not know. 42 (3%) did not respond.

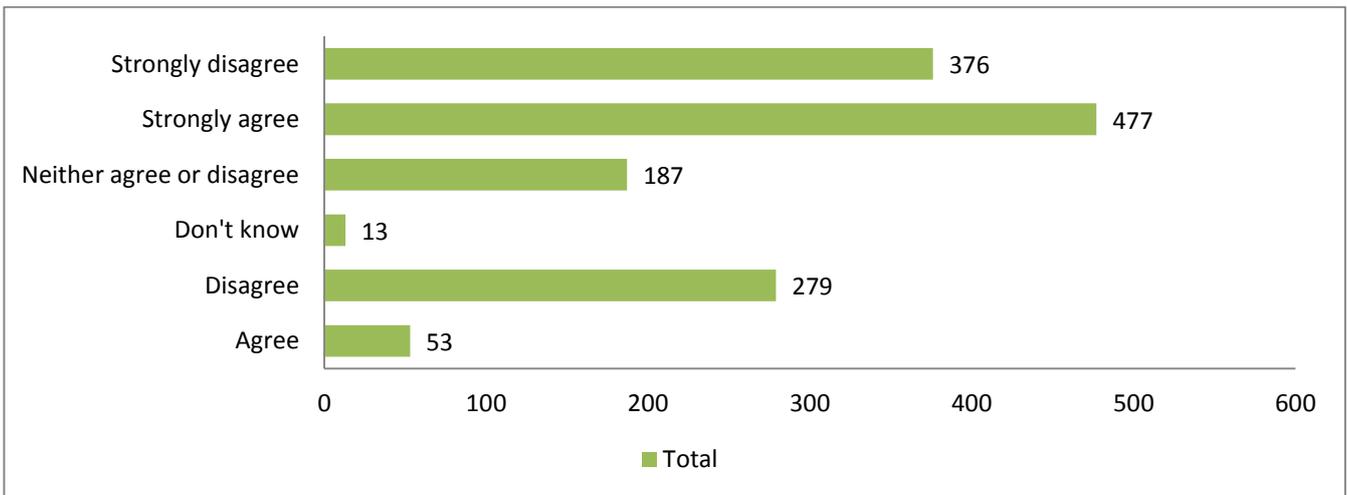
Overall 43% disagreed or strongly disagreed with the statement, 40% agreed or strongly disagreed.



#### 4.4.14 Financial institutions such as banks

477 (33%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue near financial institutions, 376 (26%) strongly disagreed, 279 (20%) disagreed, 187 (13%) neither agreed nor disagreed, 53 (4%) agreed, and 13 (1%) did not know. 45 (3%) did not respond.

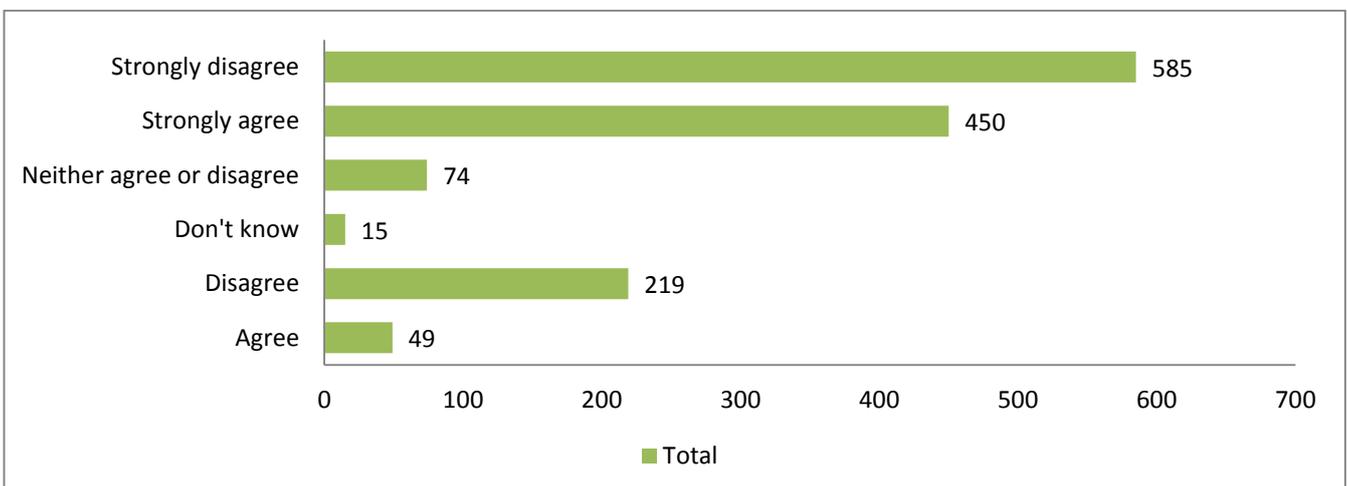
Overall 46% disagreed or strongly disagreed with the statement and 37% agreed or strongly agreed.



#### 4.4.15 Late night entertainment areas

585 (41%) respondents strongly disagreed that it would not be appropriate to locate a sexual entertainment venue near a late night entertainment area, 450 (31%) strongly agreed, 219 (15%) disagreed, 74 (5%) neither agreed nor disagreed, 49 (3%) agreed, and 15 (1%) did not know. 38 (3%) did not respond.

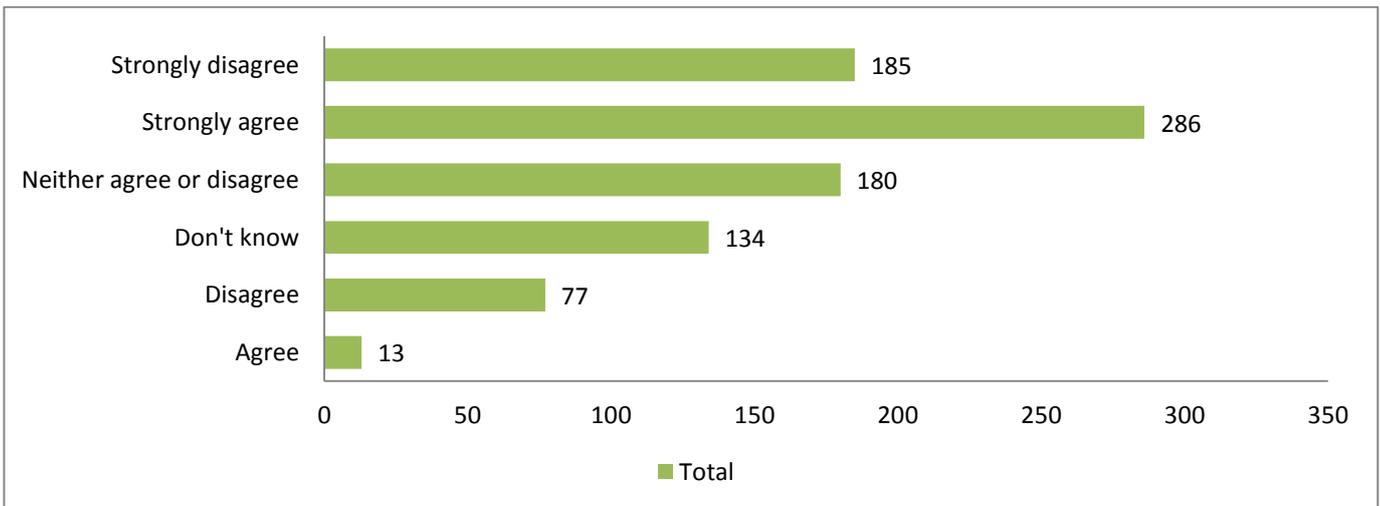
Overall 56% disagreed or strongly disagreed with the statement, and 34% agreed or strongly agreed.



#### 4.4.16 Other

286 (20%) respondents strongly agreed that it would not be appropriate to locate a sexual entertainment venue in a place not listed above, 185 (13%) strongly disagreed, 180 (13%) neither agreed nor disagreed, 134 (9%) did not know, 77 (5%) disagreed, and 13 (1%) agreed. 555 (39%) did not respond.

79 other options and comments were given by respondents alongside this question. A summary of the responses has been included in **Appendix B** to this report.



## 5. Survey responses to the questions – Sex Cinemas

### 5.1 Bristol does not currently have any sex cinemas. It would be acceptable to have sex cinemas in Bristol?

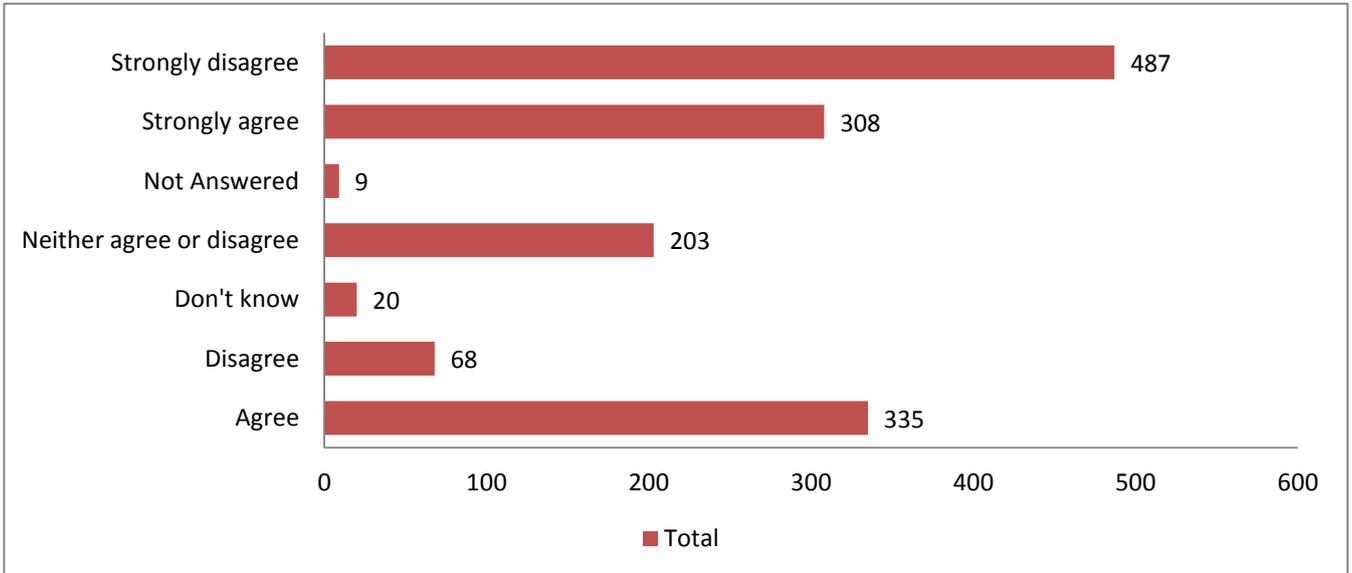
Respondents were asked whether they agreed with the statement that it would be acceptable to have sex cinema in Bristol

They were given were given the options below:

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly Disagree
- Don't know

487 (34%) respondents strongly disagreed that it would be appropriate to have sex cinemas in Bristol, 335 (23%) agreed, 308 (22%) strongly agreed, 203 (14%) neither agreed nor disagreed, 68 (5%) disagreed, and 20 (1%) did not know. 9 (1%) did not respond.

Overall 45% of people agreed or strongly agreed with the statement and 39% disagreed or strongly disagreed.



## 6. How will this report be used?

This report will be used by the working group to assist them in producing a draft of the sex establishment policy. The draft policy will then be published for consultation to further inform the final policy.

The latest consultations can be found online at [www.bristol.gov.uk/consultationhub](http://www.bristol.gov.uk/consultationhub), where you can also sign up to receive automated email notifications about consultations.

## Appendix A

..I don't use sex shops and am not personally keen on them..so I don'tsee the use of them
almost completed this and found nowhere to put comments -why not? what about zero tolerance, bcc signed up didn't they? see BWV
Although I do not disagree with sex shops in principle I feel it is important to regulate these shops to ensure they are selling products for all genders and sexualities and that they do not focus solely on heterosexual pornography that exploits women.
Anwhere at all
Anywhere
Anywhere
Anywhere is fine, discretion is key. If venues such as these arent in Bristol, Bristol will just lose the revenue and income and cause further unemployment as these places will definitely open else where. Sex shops, sex workers, and the demand for anything sex related is human nature, we are born to mate as all mammals are. To try and condemn people or ban people for wanting to partake in any kind of sex related activity be it a strip club, a brothel or a sex shop it is an outrage. I find it hard to believe that not a single member of any bristol council members have any interest or joy in sex or sex related activities. It seems to just be women in the council against it, which screams jealousy rather than pity.
Anywhere there are alleyways and enclosed paths
anywhere, sex shops currently available encourage rape culture & are inherently sexist, including using objectifying images on their packaging and shop fronts
Areas of deprivation. Areas where poorer/uneducated/ vulnerable people could be influenced by presence of sex places& those who work in them or use them.
Areas of concentrated social housing with related socioeconomic issues
As a woman I do not feel sex shops have a place on the streets. IF they sell items that are not degrading or physically harming then someone can purchase the items online
Bars and off licences , supermarkets and shops where alcohol is sold .
Booking shops
Businesses should be located in areas where they will reach the most customers, no matter what they sell.

Council chamber
Everywhere.
Food shop
For me a catagorical difference between selling sex toys (very little to object to) and sellung pornography (typically misogynistic)
Hospitals, care facilities, rehab centres and homeless shelters
Hotels and Accommodation
I am starting to feel that perhaps they should be banned
I think they're acceptable everywhere.
If Ann Summers is ok, why not a local business?
in any area of the city
Industrail areas
Industrial Area
Industrial area away from all schools shops bars residential areas but only in the evening. Not during the working day.
Industrial Areas
'It all depends'.... The above questions are impossible to respond to without knowing more about the establishments, and the restrictions placed on them. At the moment, I know of no problems or issues caused by thesespremises. The first section, asking for numbers, is poor. There should be more room here for comment.
It depends on the opening times and access crossing over to the area itself
It is never acceptable to promote the exploitation & objectification of women and girls
It should not be acceptable to Have sex shops anywhere!
It should not be acceptable to locate these anywhere. They feed into the narrative that this is ok when in fact all forms of the sex trade disadvantage women and girls.
It's fine anywhere.
Just needs to be in a sensible place and not advertised in a way that children would find out what the venue is

Lawrence weston, shirehampton, sea mill, avonmouth, henbury, southmead
Nature reserves, city farms.
Near high streets, or night club areas
NEVER appropriate ANYWHERE
next to council offices
No Sex shops anywhere. It allows an illegality to persist and the Council policy should not condone this in any way!
no sex trade in bristol
NOT Acceptable near other Community Centres, drop-in centres etc...
Off licences or any shop or bar where alcohol is sold.
People can feel vulnerable in late night / entertainment areas - the addition of a sex shop only adds to the percieved 'seediness' of an area and makes it worse
Places frequented by the public
Places of education should be split into ages, under 16 areas Agree, over 16 areas Disagree.
Properly run sex shops would be unobtrusive and acceptable anywhere.
Questions are not specific enough
Regardless of location, such shops should be discreet and have blacked out windows
Residential areas which border trading estates
Sex is a fact of life, people need to learn that it is not wrong to indulge in sex within a loving couple
Sex is natural; there are therefore no places it is inappropriate to have a sex shop.
Sex shops anywhere are unacceptable. They normalise abusé and prop up rape culture
Sex shops are horrible things to look at and walk past where ever they are located. It is ridiculous to say that because they would seem out of place in one part of the city where you would not want to see them that they would be better suited being somewhere else where other people who also loathe them will have to endure seeing and being around them. The window displays are often sexualised mannequins of women. This objectifies women and makes us feel uncomfortable. Every day I have to walk past the one on Colston Street on my way to and from work. As do the many women and school children who walk that way. The one on Bond Street right by the Megabus stop also makes for a really uncomfortable

experience, having to stand there waiting for your bus while men walk past and stop to leer in the windows and then at you. I don't want to have to deal with this sexism while I am waiting for the bus or walking to work. Men don't have to! I don't think the solution is moving them out of my own sight so I don't have to see them anymore either because then some other poor women will have to. Why are women put in the situation of feeling objectified and uncomfortable in public spaces in 2018? Because of men's desires to make us feel that way? It is unacceptable.

Sex shops are no different to any other retail, and should be allowed to establish wherever market forces allow. It is not for the council to dictate how the market should operate.

Sex shops are not inappropriate. You don't protect anyone by pretending they don't exist.

Shops devoted to pornography/sexual abuse/rape culture have no place in our society

Shops like Ann Summers which are targeting both genders are acceptable in shopping areas.

Should be allowed ANYWHERE

The hours these places are open , wouldn't make no difference to them if a sex shop ect was next door

There should be a zero tolerance approach to sex shops in Bristol

They should be allowed wherever they want.

We've got enpugh..we dont need any more..and we don't need any lapdancing/stripclubs

You can't ring fence it needs to be decided on a application process . We are not a nanny state

## Appendix B

<p>Again, Anywhere is fine, discretion is key. If venues such as these arent in Bristol, Bristol will just lose the revenue and income and cause further unemployment as these places will definitely open else where. Sex shops, sex workers, and the demand for anything sex related is human nature, we are born to mate as all mammals are. To try and condemn people or ban people for wanting to partake in any kind of sex related activity be it a strip club, a brothel or a sex shop it is an outrage. I find it hard to believe that not a single member of any bristol council members have any interest or joy in sex or sex related activities. It seems to just be women in the council against it, which screams jealousy rather than pity.</p>
<p>Again, I dont see how it is possible to place limits without some further detail on the premises, their hours of operation, oversight etc. etc. . Oversight is essential., especially where employees welfare is concerned. I do not want exploitation of employees in my city. Or anywhere else.</p>
<p>Any Community centres, drop-in centres, play activities, like Boing, Playspace etc...</p>
<p>Any place</p>
<p>Anywhere</p>
<p>Anywhere</p>
<p>Anywhere people go for any other reason</p>
<p>Anywhere where it makes sense to have them. Busy late night areas seem sensible</p>
<p>Anywhere, they encourage sexual harassment of women. Studies show women in the industry and near the vicinity of the venue are much more likely to be raped or sexually harassed near a venue of objectification by the customers of the venue than a street without such a venue..</p>
<p>ANYWHERE</p>
<p>As previous other (education).</p>
<p>Best place for them is with the other bars and clubs in the city centre</p>
<p>Bristol</p>
<p>bristol should not facilitate sex trade</p>
<p>city centre is a good location</p>
<p>Comments as above</p>
<p>Council offices</p>
<p>Everywhere else</p>
<p>Flower market late at night</p>
<p>Hospitals, care facilities, rehab centres, homeless shelters, animal shelters, zoo</p>
<p>How can u judge the 1-8+ depends on size of area</p>
<p>I am raising a daughter and I do not want her to grow up in this city believing women are sex objects. I want her to see a positive view of women all around her in pur lovely city.</p>
<p>I don't believe these venues are acceptable in the city at all. They are exploitative and encourage sexual violence.</p>
<p>I would like to see a zero cap on SEVs. They are contrary to gender equality, contribute to sexual assault and harassment of women outside as well as inside venues. You may quote me if you wish - Thangam Debbonaire MP</p>
<p>If you attempt to hide this industry you are saying it is dirty, it is not dirty people with small minds make it dirty.</p>
<p>I'm old enough to remember when, in the late 1980s, some women leaving The Scarlet Coat Lesbian nightclub were subjected to an unprovoked physical attack by straight men leaving</p>

the She strip club next door in Fairfax St. At least two of the women were hospitalised & The Scarlet Coat (our one and only club) never re-opened.
in any place in the city
Industrial
It depends how the opening hours and access impinge on the locality. Also there should be equality but I have huge concerns as a gay man that many older men visit the monthly fetish night (which operate just under the SEV radar) are predatory on younger men/models that advertise the nights. I don't imagine it's any different for men who seek younger women.
It is never acceptable to normalise women as disposable objects to be abused & purveyed for the pleasure and profit of men.
It is unacceptable to locate a 'sexual entertainment venue' anywhere in a city that values and seeks to promote equality between women and men
It should not be acceptable to locate these anywhere. They feed into the narrative that this is ok when in fact all forms of the sex trade disadvantage women and girls disproportionately. By normalising these activities and behaviours we teaching our young boys that women are objects - THIS IS NOT OK.
LET SEX ENTERTAINMENT WORKERS DO THEIR JOBS SOMEWHERE SAFE AND CLEAN
Major routes where women may need to walk to, to get home and areas that are isolated for workers when they leave.
nature reserves, city farms
Near alleyways or enclosed paths
Needs to be in a sensible place and not advertised in a way that would be noticeable to children
no appropriate location for a sexual entertainment venue
No SEVs anywhere - they exploit women and encourage objectification of women leaving to VAWG
Not near Lawrence Weston, Avonmouth, Henbury, Southmead, Shirehampton.
Not suitable in deprived areas or near any charity/addiction centre/place working with any vulnerable people
Of this type of venue is not appropriate next to a school or a church or a women's refuge, what makes it APPROPRIATE to have it anywhere??
Once again the hours they are open would not interfere with anyone
Other?
Paying for access to women's bodies is not acceptable anywhere in Bristol
Places of work .
Places where alcohol is bought and sold
Questions are not specific enough regards what is meant by sexual venue?
see also <a href="https://www.fawcettsociety.org.uk/sex-power-2018">https://www.fawcettsociety.org.uk/sex-power-2018</a>
Sex entertainment just encourages people to feel that their unwanted sexual advances are ok because it has been authorised by the local authority. all of these areas have families who would prefer this sort of "entertainment" to be anywhere. I take exception to the view that it would in any way be acceptable in a poor area of the city. The questionnaire does not suggest it would be acceptable in a wealthy residential area, I assume because those wealthy people would not like it. Guess what, the less wealthy don't like it either!
Sex entertainment venues are not acceptable anywhere. They normalise abuse and prop up rape culture
Sex is natural; there are therefore no areas it is inherently inappropriate to have consensual sexual venues

Sexual entertainment venues are a gross violation of women's rights, and are not acceptable in any location. They encourage human trafficking and degrading behaviour towards women.
Sexual entertainment venues legitimise objectification of women in a way which normalises sexual harassment and abuse
Shops, Local high streets
The number option at the start of this is unfair as there is no example to give you reference and feels like a leading question or badly thought out at the least
The paid rape of women is never appropriate. Johns do not care if women are coerced/trafficked or not.
The presence of sexual entertainment venues is not a threat or a problem, anywhere
The right place for these venues are obviously in the city centre.
There should be a zero tolerance approach to sexual entertainment venues in Bristol
These establishments only make the world more toxic for women. They objectify women and have no place in our society
These should not acceptae anywhere.
These venues contribute to sexism in society and research shows more rapes and sexual assaults occur near them
These venues exist to serve men. Men's desires to objectify, demean and sexualise women. How are other women meant to be OK with this? I have lived in and around the Bristol area for four years now. The first time I walked through Old Market I cried knowing that women were being bought and sold like pieces of meat to men who have no respect for them whatsoever in a city I live in. A city that some people would say is on the more 'progressive' side at that. One place was advertising 'two girls' for £75. I felt physically sick and ended up just going home instead of to the gig I was planning on attending because I was so upset. It ruined my night knowing that my sisters were inside those doors at the mercy of men with a few quid who wanted to rent the inside of their bodies to masturbate into. When I got home I looked up some of the places I saw on google maps and men were leaving reviews about the women they encountered there, rating and comparing them like meals in a restaurant. One man complained that one of the women was not 'compliant' enough in letting him do whatever he wanted to do to her. This is disgraceful and should be stopped. These venues are not helping further women's opportunities in an already difficult life. Thwy are putting them in danger at the hands of abusive men. Men's demand for prostitutes and strippers is the driving force behind sex trafficking.
These venues have no place in our city
They are acceptable anywhere
They should not be located anywhere
This is a very biased survey and a deliberate attempt to trick the public. Shame on you BCC
Town hall
We should not have venues if this sort anywhere in our city. We should be doing everything possible to discourage the objectification of women.
We shouldn't have them. They perpetuate the idea that women exist to entertain / arouse men.
Where the public would like entertainment
Where women are, at any time, vulnerable tp men.
You have not put a comments section. I believe this questionnaire does not take into account the current situation of the number of sex shops and strip clubs in Bristol currently. Right now I believe the locations of the shops and clubs is an ideal balance. The clubs are very well run in Bristol which should be a great reflection for our city. The clubs in particular are discrete and provide good fun for people

## Bristol City Council Equality Impact Assessment Form

(Please refer to the Equality Impact Assessment guidance when completing this form)



Name of proposal	Sex Establishments Policy
Directorate and Service Area	Communities, Regulatory Services
Name of Lead Officer	Nick Carter

### Step 1: What is the proposal?

Please explain your proposal in Plain English, avoiding acronyms and jargon. This section should explain how the proposal will impact service users, staff and/or the wider community.

#### 1.1 What is the proposal?

The Council adopted a policy on the licensing of sexual entertainment venues in 2011. The policy is being reviewed and expanded to deal with all types of sex establishments. It sets out the policy framework to facilitate consideration of applications in respect of these premises and connected matters (such as requests to waive the need for a licence).

The purpose of the policy is to enable Bristol City Council to have clear guidelines in relation to the licensing of sex establishments in its area. The policy will set out the Council's approach to Licensing sex establishments that is clear to residents, applicants and workers and ensures a transparent and consistent approach; that gives direction and focus to the Licensing Committee in determining applications.

There are three types of premises which are covered by the broader definition of sex establishments:

- Sexual Entertainment Venues (SEVs)
- Sex Shops
- Sex Cinemas

There are statutory definitions of what these premises are, but a short description of each is included here:

Sexual Entertainment Venue:

These offer relevant entertainment. Relevant entertainment is a performance

which is intended to sexually stimulate, which may or may not include nudity. Any place where there is a performance primarily intended to sexually stimulate a live audience is likely to require a licence. An audience might be one person. Examples are lap/pole dancing and strip clubs. Conversely a burlesque show might not require a licence, provided its primary purpose is not to sexually stimulate the audience, even if there is nudity. Other examples might include life drawing classes or naked dinner clubs. Any premises which has a licence to sell alcohol on the premises may provide relevant entertainment as defined above up to 11 times in a 12 month period, no more than once a month without an SEV licence. Some premises have a condition stating that this type of entertainment can't take place, and therefore they wouldn't be able to use the exemption. There are currently two licensed SEVs in Bristol.

#### Sex Shop:

Any shop which mainly sells sex articles, including items for sexual stimulation, magazines intended to sexually stimulate, or films intended to sexually stimulate, commonly known as R-Rated films, would need a licence. Shops which sell some sex articles, but primarily sell other items are unlikely to need a licence. For example some high street lingerie stores or health and beauty retailers which sell a small selection of sex articles alongside their main offer would be unlikely to need a licence. There are currently four sex shops in Bristol.

#### Sex Cinema:

Any premises which shows films intended to sexually stimulate, commonly known as R-Rated films, would need a licence. Cinemas which only show films rated U, PG, 12A, 15 or 18 do not require a licence under this regime. There are currently no sex cinemas in Bristol.

Any premises falling into the descriptions above would be likely to require a licence.

The current policy provides a framework for facilitating consideration of applications for licences for sexual entertainment venues. It sets out information about the application process, what is expected of applicants and how people can make objections about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and prescribes what action can be taken if complaints are received.

At a meeting of the Licensing Committee on 21 January 2011 members approved the existing policy, which came into effect in Bristol on 31 January 2011. The Licensing Committee is now being asked to consider a revision of the Council's current policy. It has been over seven years since the Council adopted the ability to licence sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. Although there is no statutory requirement to undertake a review, as a significant amount of time has passed the purpose of the review is to ensure the policy remains up to date and relevant.

## Step 2: What information do we have?

Decisions must be evidence-based, and involve people with protected characteristics that could be affected. Please use this section to demonstrate understanding of who could be affected by the proposal.

### 2.1 What data or evidence is there which tells us who is, or could be affected?

#### Academic Research

In 2015 the School of Sociology and Social Policy at the University of Leeds published an article entitled '*Regulating strip-based entertainment: sexual entertainment venue policy and the ex/inclusion of dancers' perspectives and needs*'. This article showcases a research, dissemination and impact study on the striptease industry that explores why key stakeholders (dancers) are excluded and ways that inclusion in policy development is achievable. Research findings include:

- One in four lap-dancers has a degree. Those dancers with degrees had not chosen dancing in place of a career in their chosen subject after university, but instead were combining it with other forms of employment or education. One third of women interviewed were using dancing to fund new forms of education or training.
- No evidence or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections to organised prostitution.

Some research into Sex Entertainment Venues in particular has highlighted the following,:

- It objectifies the workers.
- The venues attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular

basis, from customers and staff/management.

- Many dancers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment of lap dancers are inadequate.
- Lap dancing clubs have a negative impact on women's safety in the local vicinity
- Lap dancing clubs normalises sexual objectification.

The links between the expansion of lap dancing clubs and an increase in the levels of sexual violence have been raised by organisations who work with victims and perpetrators of gender-based violence.

Whilst crime levels in the area where the two current SEVs are located are consistent within a city centre night time economy locality, there is no evidence to indicate any particular crime, or increased incidents of crime, associated with the two currently licensed premises.

### **Gender Equality**

Bristol is a signatory to the European Charter for Equality of Women and Men in local Life. One of the Principles of the Charter is the elimination of gender stereotypes which is seen as fundamental to achieving equality of women and men. Local and regional authorities must promote the elimination of the stereotypes and obstacles upon which the inequalities in status and condition of women are based, and which give rise to the unequal evaluation of the roles of women and men in political, economic, social and cultural terms. In addition, under Article 22.2 it must recognise that gender-based violence arises from the idea, on the part of the perpetrator, of the superiority of one sex over the other in the context of an unequal relationship of power.

At a Licensing Special Purposes Sub Committee in November 2014, Bristol Women's Commission stated that the continued licensing of Sexual Entertainment Venues by Bristol City Council fails to meet our obligations under the Charter, disregards the safety of women and girls, undermines the dignity of women and girls and diminishes the status of Bristol as a modern European City where both women and men can lead fulfilled lives in a safe and fair society.

It is said by some that the growth of lap dancing clubs nationally in particular has fed into what OBJECT terms 'sex-object' culture – the mainstreaming of the

sex and porn industries and the ever increasing sexual objectification of women and girls. OBJECT are a feminist group who campaign against the sexual objectification of women and the oppression of women as a sex class.

In Bristol the number of SEVs has decreased from five to two since this legislation was adopted by Bristol.

Sex Shops do not receive the same level of complaint or concern as sexual entertainment venues.

### **Complaints**

In November 2014 the chair of Bristol Fawcett complained about Central Chambers. The complainant stated

*"I visited their Facebook page (there is a link to it on their website). They have posted a link to a YouTube video about Lemmy from Motorhead and say that it was filmed in Central Chambers. At 1 minute 14 into the clip we clearly see a woman who is assumed to be an employee at the club, socialising in the bar area with her breast and nipple exposed in direct contravention of the Licence Conditions."*

In December 2014 the chair of Bristol Fawcett complained about Urban Tiger. The complainant states:

*"Following the (no doubt mischievous) coverage in the Bristol Post and on Twitter of Urban Tiger's advertising presence at the boxing match on 5th December ([twitter.com/urbanbristol](https://twitter.com/urbanbristol)) I thought I would just check what the definition of 'locality' is in SEV Conditions Q and whether teeshirts count as externally displayed advertisement? ... My issue is with the normalisation of the sex industry in our culture and our city, which is the effect of this kind of advertising."*

Complaints have not been received in relation to Sex Shops.

### **Public Views**

A pre-consultation questionnaire was undertaken as part of the policy review and reveals a wide range of responses to whether it is appropriate to have sex establishments both generally and in Bristol, providing some insight into the views of the public about these types of venues.

#### **2.2 Who is missing? Are there any gaps in the data?**

Although the policy relates to license holders, it has the potential to affect

anyone living in Bristol who comes into contact with a licensed premise. The Council is mindful of possible concerns of the local community and that there can be conflict between applicants and objectors.

SEVs are required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward. Over the last seven years, objectors have exercised this right and the committee have been able to consider these views along with the applicants. This gives insight into the views of those who object to this type of activity.

Sex shops are also required to renew their licences annually, giving an opportunity for persons affected by them to put their views forward. Objections are rarely received in relation to these applications, and so it is generally concluded that there are no strong objections to them.

Generally objections are received from persons who do not want these types of venues to be licensed and only occasionally do people make representations in support in relation to either sexual entertainment venues or sex shops.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

Comments were invited at an early stage in the review process, and the working group met with a number of individuals, interest groups, regulators and persons involved in the trade to hear their views. These persons and groups also submitted various documents, internet pages, and research to support their views.

A pre-consultation questionnaire was created to assist in drafting the revised policy. It was available for eight weeks on the council's website, and in other formats. It sought responses from the public to questions around the appropriateness of these types of venues in relation to locations, other types of premises, and specific areas of Bristol. Persons who had previously commented on applications, along with regulators such as the Police, persons involved in the trade, and the general public were invited to respond. The questionnaire garnered 1430 responses from a range of people.

The responses were varied and showed that some people thought sex establishments were acceptable within Bristol, and that others disagreed, saying that they were not appropriate.

The draft policy will be released for a full statutory consultation of 12 weeks,

and again the views of previous commenters, regulators, persons involved in the trade, and members of the public will be sought. The council will also seek to involve the Citizen Panel in this consultation.

The responses will help inform the final policy.

### **Step 3: Who might the proposal impact?**

Analysis of impacts on people with protected characteristics must be rigorous. Please demonstrate your analysis of any impacts in this section, referring to all of the equalities groups as defined in the Equality Act 2010.

#### **3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?**

##### **Age**

No negative impact anticipated.

Under 18s are not permitted to enter sex establishment premises, or be employed there.

##### **Disability**

No negative impact anticipated.

##### **Gender Reassignment**

Premises which admit men only or women only are likely to impact on people with this protected characteristic. We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol.

##### **Marriage and civil partnership**

No negative impact anticipated

##### **Pregnancy and maternity**

No negative impact anticipated.

##### **Race**

No negative impact anticipated.

##### **Religion or belief**

Certain religions (Christianity, Islam, Judaism, Hinduism, Buddhism, and Sikh)

may be offended or have moral objections to the presence of a sex establishment.

### **Sex**

The majority of employees working in sexual entertainment venue premises are female whilst the majority of customers are male.

The potential for impact on gender equality stands out as the main issue of concern. In particular, there are concerns that sexual entertainment venues normalise negative attitudes towards women potentially reinforcing the view that women are subservient to men.

The policy includes detailed conditions relating to the venues in respect of advertising, protection of performers, and a range of other issues, with an aim on reducing the impact of the premises on the locality, and protecting those who choose to work there as well as the wider public.

### **Sexual Orientation**

No negative impact anticipated.

### **3.2 Can these impacts be mitigated or justified? If so, how?**

By securing a detailed framework for considering applications, including using information gathering powers, the policy ensures the council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications.

The policy states for example that a license may be refused on various discretionary grounds. These are defined in the legislation, and overall there is a presumption that a licence will be granted unless one of the statutory grounds applies. The grounds include 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

The policy has been designed in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees as well as reducing the impact on the wider public and the wider environment.

### **3.3 Does the proposal create any benefits for people with protected**

characteristics?

### **General**

It is intended that the regulatory controls offer protection to all SEV workers, residents, businesses and visitors in the city. The Council currently has in place a coherent and detailed framework for considering applications. The policy ensures the Council is well placed to identify any adverse impact in respect of all protected groups when it is engaged in considering applications. The current policy states:

*“the Council will take into account all relevant considerations including:-*

*The character of the locality:*

- *residential*
- *leisure*
- *educational establishments*

*Other uses in the locality:*

- *faith / religious institutions*
- *churches*
- *family friendly facilities*

*Impact on regeneration*

*Impact on tourism, including considerations of the perception of the City at gateway locations*

*Impact on retail attraction*

*Risk of public nuisance*

*Whether the locality is subject of stress caused by a cumulative impact of premises authorised to provide licensable activities under the Licensing Act 2003;*

*Impact on crime and disorder*

*Public perception of the safety of the locality and impact on that perception, e.g. typical footfall at material times, level of street lighting, use by lone females*

*Existence of social problems in the locality and impact on any initiatives to tackle them, e.g. kerb crawling, prostitution.*

*Levels of recorded crime*

*Levels of anti social behaviour”.*

These considerations and the impact they may have on communities are likely to be included in the public consultation.

In addition, a number of feminist and women’s organisations suggest that many people, particularly women, have concerns about the presence of Sexual Entertainment Venues in the city. Commenters have suggested that some

operators within the sex industry do not engage performers on reasonable terms or even make clear what the terms are. These concerns are considered relevant to the Council's equalities obligations and the standard conditions seek to control these practices.

The questionnaire undertaken had a response rate of 58% women, and 33% men. The questionnaire suggests that a proportion of respondents thought that it was appropriate to have sex establishments within Bristol, and a proportion disagreed. This suggests there is a wide range of views from both men and women as to whether this type of activity is appropriate and as to how it affects them.

### **Age**

The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. This is seen as beneficial in wider social terms. It is also likely that any premise licensed as a sexual establishment venue will also be licensed under the Licensing Act 2003. This primary legislation provides for various offences and requirements associated with the protection of children from harm and the sale and consumption of alcohol by children.

The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to mitigate the impact upon younger people and children, faith groups and minority faiths groups.

### **Religion or belief**

The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to mitigate the impact upon younger people and children, faith groups and minority faiths groups.

### **Sex**

The policy aims to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that SEVs are permitted to have on their surroundings, e.g. through limiting their numbers.

Some people suggest that the licensing of Sex Entertainment Venues has the

following impact:

- Regulating venues allows people freedom of choice to both work and frequent a SEV.
- Not allowing licensing of SEVs has the potential to push the trade underground, putting workers at risk.

Others have expressed concerns that it has a negative impact with the following issues raised:

- It objectifies the workers.
- The venues attract and generate prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many dancers begin working in lap dance clubs through lack of real choice.
- Working conditions and terms of employment of lap dancers are inadequate.
- Lap dancing clubs have a negative impact on women’s safety in the local vicinity
- Lap dancing clubs normalises sexual objectification.

The policy has been designed in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees and ensure that concerns about prostitution, and sexual harassment do not occur in premises licences in Bristol. In addition they ensure that the impact of the premises on the locality is minimised and other persons using, working and living in the vicinity are protected.

A table has been included below with the risks and mitigations side by side to ensure the considerations are clearly and easily identifiable.

<b>Characteristic</b>	<b>Potential Impact</b>	<b>Possible mitigation</b>
Age	<p><u>Older people:</u> No negative impact anticipated.</p> <p><u>Young people:</u> No negative impact anticipated.</p>	The legislation prohibits persons under the age of 18 being admitted to or employed on licensed premises. This is seen as beneficial in wider social terms. It is also likely that any premise licensed as a sexual

	<p>No negative impact anticipated.</p> <p>Under 18s are not permitted to enter sex establishment premises, or be employed there.</p>	<p>establishment venue will already be licensed under the Licensing Act 2003. This primary legislation provides for various offences and requirements associated with the protection of children and the sale and consumption of alcohol by children.</p> <p>The policy holds that sex establishments may be inappropriate near to particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon younger people and children, faith groups and minority faiths groups.</p>
Disability	No negative impact anticipated	No negative impact anticipated
Sex	<p>Premises which admit men only or women only are likely to impact on people with this protected characteristic. We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol.</p>	<p>The policy aims to protect women living or working in or visiting the vicinity of sex establishments by diminishing the impact that SEVs are permitted to have on their surroundings, e.g. through limiting their numbers.</p> <p>Some people suggest that the licensing of Sex Entertainment Venues has the following impact:</p>

	<p>The majority of employees working in sexual entertainment venue premises are female whilst the majority of customers are male.</p> <p>The potential for impact on gender equality stands out as the main anecdotal issue of concern. In particular, there are concerns that sexual entertainment venues normalise negative attitudes towards women and reinforce power imbalances between men and women.</p> <p>The policy includes highly detailed conditions relating to the venues in respect of advertising, protection of performers and a range of other issues, with an aim on reducing the impact of the premises, and protecting those who choose to work there as well as the wider public.</p>	<ul style="list-style-type: none"> <li>• Regulating venues allows people freedom of choice to both work and frequent a SEV.</li> <li>• Not allowing licensing of SEVs has the potential to push the trade underground, putting workers at risk.</li> </ul> <p>Others have expressed concerns that it has a negative impact with the following issues raised:</p> <ul style="list-style-type: none"> <li>• It objectifies the workers.</li> <li>• The venues attract and generate prostitution.</li> <li>• Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.</li> <li>• Many dancers begin working in lap dance clubs through lack of real choice.</li> <li>• Working conditions and terms of employment of lap dancers are inadequate.</li> <li>• Lap dancing clubs have a negative impact on women's safety in the local vicinity</li> <li>• Lap dancing clubs normalises sexual objectification.</li> </ul> <p>The policy has been designed</p>
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		in part with the protection of performers in mind and conditions, although specific to each venue, aim to ensure the protection of specified employees and ensure that concerns about prostitution, and sexual harassment do not occur in premises licences in Bristol. In addition they ensure that the impact of impact of the premises on the locality is minimised and other persons using, working and living in the vicinity are protected.
Sexual Orientation	No negative impact anticipated.	No negative impact anticipated
Pregnancy/Maternity	No negative impact anticipated.	No negative impact anticipated
Gender reassignment	Premises which admit men only or women only are likely to impact on people with this protected characteristic. We are not aware of any licensed premises which do not permit persons of a particular gender entering or being employed within Bristol.	No current negative impact anticipated.
Race	No negative impact anticipated.	No negative impact anticipated
Religion or Belief	Certain religions (Christianity, Islam, Judaism, Hinduism,	The policy holds that sex establishments may be inappropriate near to

	Buddhism, and Sikh) may be offended or have moral objections to the presence of a sex establishment	particular sensitive uses, including schools, places of worship, family leisure facilities, residential dwellings, historic buildings, youth facilities and cultural facilities. For this reason the policy is deemed to have a positive impact upon younger people and children, faith groups and minority faiths groups
Marriage and Civil Partnership	No negative impact anticipated	No negative impact anticipated

### 3.4 Can they be maximised? If so, how?

In adopting this licensing policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. The aim of licensing sexual entertainment venues is to protect and safeguard the public. The policy does not seek to undermine the rights of any person to apply under the policy for a variety of permissions, or have their application considered on its individual merits.

### Step 4: So what?

The Equality Impact Assessment must be able to influence the proposal and decision. This section asks how your understanding of impacts on people with protected characteristics has influenced your proposal, and how the findings of your Equality Impact Assessment can be measured going forward.

#### 4.1 How has the equality impact assessment informed or changed the proposal?

The council's duty is to give due regard to the need to promote equality of opportunity, eliminate unlawful discrimination and promote good relations in the discharge of its licensing functions, principally the consideration and determination of applications for sexual entertainment venue licences and the consideration of requests that the requirement for a licence be waived.

In the consideration of this revised policy we do not think that the proposal will

lead to unequal access to applicants with protected characteristics. Whilst those aged under 18, or not resident in the UK are unable to apply for a sex establishment license, these exclusions are legally justified and included in the statutory provisions.

It is the impact on equalities groups that may be relevant to the duty in consequence of applications being granted or refused that is more challenging to identify and quantify. Relevant entertainment is a highly controversial activity about which many hold very strong opinions as is apparent from previous consultation responses.

The policy provides a detailed framework that should facilitate the decision makers in carefully scrutinising applications and applying their minds conscientiously to all relevant factors within the statutory framework that lays down how these decisions might be made. The policy includes a clear and unequivocal commitment to meeting the equalities duty in the exercise of all of the functions under the Act. The policy and the documentation flowing from it are intended to be a key means of facilitating compliance with all of the council's obligations.

4.2 What actions have been identified going forward?

12 Week consultation on the draft policy and reassessment of policy and EQIA after that time.

4.3 How will the impact of your proposal and actions be measured moving forward?

- We will publish a summary of consultation feedback
- Ongoing review of successful and unsuccessful licensing applications

<p>Service Director Sign-Off:</p> 	<p>Equalities Officer Sign Off:</p>
<p>Date: 30 January 2019</p>	<p>Date:</p>

## BRISTOL CITY COUNCIL

### LICENSING COMMITTEE

7 FEBRUARY 2019

**Report of:** Strategic Director, Growth and Regeneration

**Title:** Review of the Council's Statement of Licensing Policy

**Ward:** Citywide

**Officer Presenting Report:** Jonathan Martin

**Contact Telephone Number:** 0117 357 4900

#### RECOMMENDATION

The committee are recommended to:

- (1) Establish a member /officer working group to commence a review of the Council's Statement of Licensing Policy in order to assist full Council in connection with the discharge of its' functions under section 5 of the Licensing Act 2003, with the following terms of reference:
- (2) To consider current policy and engage with stakeholders in line with the directions of the Council's licensing committee and produce a draft policy for Full Council consideration by 21 May 2019.
- (3) Subject to Full Council approval, carry out full public consultation on the draft policy. The results of the consultation to be brought back before the member/officer working group for consideration prior to a final policy being presented to Full Council on 11 February 2020, with implementation in August 2020.

## **Summary**

The Council is required to determine and publish its' Statement of Licensing Policy every five years. The next policy must be published by 1 August 2020.

Determination and publication of the policy and consultation upon the policy are functions that can only be carried out by Full Council. In previous years a draft policy has been taken to Full Council in order for the consultation to be approved. The work flow for this was managed by a Licensing Policy Scrutiny Board. In line with recent reviews of other licensing policies officers propose to establish an officer/member working group.

### **The significant issues in the report are:**

The report sets out a proposed work programme for carrying out the review and includes details of consultation arrangements and stakeholder engagement.

## **Policy**

The Licensing Authority must, in respect of each five year period, determine and publish a Statement of Licensing Policy. Before determining such a policy section 5(3) of the Licensing Act 2003 places a statutory duty on the Authority to consult. The Licensing Authority is under a duty to keep its policy under review and make such revisions as it considers appropriate during each five-year period. Section 5(3) applies in relation to any review of an Authority's policy as it applies in relation to the determination of that policy. Where a new policy is made the Authority must state the date the five year period begins with.

## **Consultation/Advice**

### **1. Internal**

Legal Services

### **2. External**

None

### **3. Context**

In July 2015 Full Council approved the Council's current Statement of Licensing Policy. The policy provides guidance to the Licensing Committee

to assist them when considering applications for authorisations under the Licensing Act 2003. It also provides guidance to those wishing to make applications to the Council, in particular with regard to the steps the Council expects applicants to take with regard to promoting the licensing objectives in their operating schedule.

#### **4. Decision Making Process**

The decision to publish a Statement of Licensing Policy under section 5 of the Licensing Act 2003 must be taken by Full Council. As detailed above before determining such a policy section 5(3) of the Licensing Act 2003 places a statutory duty on the Authority to consult. Consultation must be carried out with the following parties;

- (a) the chief officer of police for the licensing authority's area,
- (b) the fire and rescue authority for that area,
- (c) each Local Health Board for an area any part of which is in the licensing authority's area,
- (d) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
- (e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
- (f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
- (g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
- (h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

#### **5. Proposal**

It is recommended that the Licensing Committee establish a member/officer working group to review the policy to ensure it meets Bristol's needs and takes into account the experience of operating under the policy since its adoption in 2015.

It is anticipated that the working group will hold information gathering sessions with key stakeholders, for example the Police, licence holders, industry representatives and interested organisations, as well as researching good practice and evaluating how the current policy has operated.

The Working Group could be tasked with preparing a draft policy for consultation which would need to be agreed by Full Council. Once agreed formal consultation would take place on the draft policy with a view to bringing back to Full Council a revised policy informed by the consultation process. The table below sets out a possible timescale. Members will note it is

proposed the final policy is taken for approval at Full Council on 11 February 2020 despite the new policy not needing to be published until August 2020. This timescale is necessary as a result of the Mayoral election taking place on 7 May 2020.

<b>Activity</b>	<b>Date</b>
Licensing Committee – Agree review process and establish working group membership	February 2019
Working group established and first meeting held in order for officers to start drafting amended policy	February 2019
Policy and model operating schedules drafted by Licensing Team	February/March 2019
Working group meeting to discuss draft policy	March 2019
EDM and member briefings	April/May 2019
Full Council	21 May 2019
Full public consultation	July – September 2019
Working group – consultation and final report presented to group	November 2019
EDM and member briefings	December 2019/January 2020
Full Council	11 February 2020

## **6. Other Options Considered**

The policy must be reviewed and published by August 2020. As Scrutiny boards no longer exist, officers consider the establishment of an officer/member working group as the only viable option.

## **7. Risk Assessment**

The risk of not proceeding with the recommendation is that it may not be possible to review the Council’s Statement of Licensing Policy within the required legislative time frame.

## **Public Sector Equality Duties**

8a) Before making a decision, section 149 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 who 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.

8b) A full equalities impact assessment will support any proposals arising from the review.

## **Legal and Resource Implications**

### **Legal**

The proposals set out in the report are lawful. The proposed working group will mirror the work that was previously undertaken by the Licensing Scrutiny Board, namely to undertake a review of the Council's Statement of Licensing Policy in order to assist full Council in the development of the policy.

In accordance with section 5 of the Licensing Act 2003 Determination and publication of the Statement of Licensing Policy, following consultation are functions that are reserved to full Council. These functions cannot be delegated to committee or officers

Similar principles should be applied as those that relate to the scrutiny board under the Council's constitution in that membership of the proposed officer/working group should not comprise Councillors who are on the Executive.

## **Financial**

This report requests approval to commence the process of review of the Council's Statement of Licensing Policy. This review is required to take place every 5 years and the next policy is due to be published by 1 August 2020.

Regulatory Services have confirmed that this review will be undertaken within existing resources per the current MTFP. Consequently no additional financial implications – either to Revenue or Capital – are expected to arise from this review process.

*Jemma Prince – Finance Business Partner 29/01/19*

**(a) Revenue – no impact**

**b) Capital – no impact**

## **Land**

Not applicable

## **Personnel**

Not applicable

## **Appendices:**

Appendix A – Current Statement of Licensing Policy

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### **Background Papers:**

1. Licensing Act 2003.



## **BRISTOL CITY COUNCIL**

### **LICENSING ACT 2003 (THE ACT)**

### **STATEMENT OF LICENSING POLICY**

**To have effect for the five year period beginning  
with 1 August 2015**

## Contents

1. Introduction .....	3
2. Purpose and Scope.....	5
3. The Four Licensing Objectives.....	12
3.1 Prevention of Crime and Disorder.....	12
3.2 Public Safety .....	15
3.3 Prevention of Public Nuisance.....	17
3.4 Protection of children from harm.....	22
4. Administration, exercise and delegation of functions.....	23
5. The Film Classification Body.....	26
6.1 Licensing of Premises and Places.....	27
6.2 Flyposting and nuisance advertising .....	29
6.3 Cumulative Impact.....	30
6.4 Content of Regulated Entertainment.....	36
6.5 Licensing Hours.....	38
6.6 Young People and alcohol.....	40
6.7 Young people and films .....	43
6.8 Restricted 18 category films .....	43
7. The Licensing Authority as a responsible authority .....	44
8. Licensing and planning permission .....	46
9. Enforcement.....	46

## APPENDICES

- A List of persons who made representations to the Council in its consultation exercise prior to determination of this policy;(To follow on completion of consultation)
- B Film Classification Policy
- C Model Operating Schedules
- D Maps of Cumulative Impact Areas –

City Centre, Gloucester Road, Clifton,  
Whiteladies Road, Bedminster &  
Southville.

## Introduction

- 1.1 The Licensing Act gained Royal Assent on 10 July 2003 and replaced regimes previously administered by either the Licensing Justices or the local authority with a unified system of licensing under the control of the local authority. The new regime came into effect on 24 November 2005. The council set up a Licensing Committee as part of these changes.
- 1.2 The licensing regime is “applicant led”. When a proper application is made the Licensing Authority is obliged to grant permission for what is sought unless satisfied, after considering “relevant representations”, that it is appropriate for the achievement of the licensing objectives that steps should be taken that fall short of what the applicant wanted. For example modification of conditions, exclusion of activities or rejection of the application. Relevant representations are representations made by ‘responsible authorities’ or other person that are received within fixed timescales and which concern the likely effect of granting the application on the promotion of the licensing objectives
- 1.3 The licensing regime places a great responsibility on applicants themselves. Application forms need to be completed and advertised properly. Failure may result in an application not being one that the authority must determine. The legislation also places responsibilities on those permitted to make representations to do so in a timely fashion. Late representations are not permitted. If there are no relevant representations about an application that has been properly made and advertised etc, the Council will have no option in law but to grant it in line with what was applied for.
- 1.4 By way of example, where no relevant representations are made on an application for a premises authorisation, the Council may only attach conditions that are in line with the applicant’s operating schedule. Those conditions can only be modified where relevant representations are received and where the council deems it appropriate to modify them to promote the licensing objectives. The test of relevance includes that the representations are received within the time allowed by statute.
- 1.5 It will therefore be appreciated that the regime can only work effectively if, among other things, applicants adopt a responsible approach in the way they complete and advertise their applications and that any relevant representations upon applications are received on time.
- 1.6 The Act requires the Council to carry out its licensing functions with a view to promoting the following specific objectives – called “the licensing objectives”:
  - The prevention of crime and disorder;
  - Public safety;

- The prevention of public nuisance; and
  - The protection of children from harm.
- 1.7 The Council must also have regard to guidance issued by the Secretary of State and must also have regard to its own statement of licensing policy.
- 1.8 The importance of Bristol's statement of Licensing Policy, in ensuring that local circumstances are taken into account in the decision making process of the Council (and by the courts in any appeal), should not be underestimated.
- 1.9 Through this policy the Council hopes that residents and visitors to Bristol will be able to enjoy their leisure time safely without fear of violence, intimidation or disorder while at licensed premises. In addition, and in response to concerns about the impact of longer trading hours on behaviour and disturbance at night, we give the protection of local residents a central place in our strategy.
- 1.10 In terms of enforcement our aim is to target those premises which are causing problems within our communities and to apply a lighter touch for the majority of businesses and community activities, which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises where inspections identify conditions are not being observed, that produce disorder, or threaten public safety, or generate public nuisance, or threaten the well being of young people will be targeted for enforcement action.
- 1.11 An effective Licensing Policy, alongside other initiatives, works to promote the positive aspects of the flexibility afforded to applicants under the Act, such as promotion of tourism, increased leisure provision and encouraging the regeneration of both the city centre and local centres. It also facilitates control of the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.12 Bristol is a major regional entertainment centre and regularly attracts in excess of 30,000 people into its city centre at weekends. The main entertainment areas are located within Harbourside, the Old City, Whiteladies Road and Gloucester Road. There are also local entertainment centres within areas such as Bedminster, Shirehampton and Westbury on Trym and there are many licensed premises situated in predominantly residential areas. A key issue for the Council is to achieve a balance that ensures the promotion of the licensing objectives across a variety of urban settings. Bristol has a rich mix of cultural diversity, epitomised by events such as the Bristol Harbour Festival, which is the largest free event in the South West and attracts over 250,000 visitors, St Pauls Carnival and Bristol Pride which all contribute to a vibrant leisure scene and night time economy. The Council is keen to promote the cultural life of Bristol and so licensing is approached with a view to encouraging forms of licensable activity consistent with the licensing objectives.

- 1.13 This policy builds on the work carried out by the Council to maintain Bristol as a dynamic, innovative and attractive place to live, work and relax. The policy has been prepared to promote the four licensing objectives and to be consistent with other local relevant policies and strategies developed by the Council. The Council wishes to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies by ensuring the licensing statement is consistent with the aims and objectives of these strategies. The Council is proud of how the night time economy is managed and in 2010 was one of the first cities to be awarded a Purple Flag by the Association of Town Centre Managers in recognition of this work. This award has been retained following reassessments.
- 1.14 The Act requires the Council to consult upon and determine a statement of licensing policy for every 5 year period and to keep it under review in the interim. All reviews will be subject to prior consultation with stakeholders and any revised policy will be published.

## 2. Purpose and Scope

- 2.1 The Licensing Authority for Bristol ('the Council') makes this Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003. ("The Act")
- 2.2 The policy sets out how Bristol will exercise its licensing functions. Licensing functions are the duties and powers of the Council in its capacity as "the Licensing Authority". No licensing functions may be discharged by the council's executive (the elected mayor and his cabinet) .The vast majority of licensing functions cannot be undertaken by the Council itself, but are the responsibility of a special Licensing Committee which has been established by the Council. The responsibilities and powers are detailed in the Act. Bristol's statutory Licensing Committee comprises between ten and fifteen councillors appointed by the whole Licensing Authority, that is, the Full Council.
- 2.3 The law does not allow the Licensing Committee or Council officers to be responsible for consulting upon and determining this statement of licensing policy or keeping it under review. The Council's Scrutiny function plays a key role in keeping the policy under review and exercising statutory powers that enable scrutiny members to make recommendations to the full council.
- 2.4 The Licensing Committee is directly responsible for most Licensing Functions. These include the following activities that are required to be authorised under The Act ("licensable activities"):
- **The retail sale of alcohol:**  
including licensing of individuals (personal licences) and licensing of premises including wholesale of alcohol to members of the public and purchases via the internet or mail order.

- **The supply of alcohol to members of registered clubs**
- **The provision of regulated entertainment in the presence of an audience:**

(Regulated entertainment includes film exhibitions; performances of a play; indoor sporting events; boxing or wrestling events; live music performances; playing of recorded music and dance performances – unless criteria for various exemptions that are available is met))

- **The provision of late night refreshment:**

(Supply of hot food or drink from premises from 23.00 to 5.00 hours the following day).

2.5 These licensable activities typically require authorisation. The word “authorisation” in this policy includes all licences, certificates, temporary event notices and any other permission that can be given under the Act. In practice most business relates to the type of authorisation called a premises licence and examples given in this policy usually reflect that fact. However, the principles and purposes reflected in the policy should be applied to all types of authorisation where relevant.

All references to “The Licensing Committee” in this document mean the Committee established under section 6 of the Act, but also where the context permits it includes the sub committees and officers who are authorised by that Committee to exercise licensing functions. (From time to time other Council bodies may be able to exercise licensing functions and this policy also applies when those bodies are making licensing decisions)

2.6 The Act requires the Council to actively seek the views of the following persons upon the proposals contained in this policy:

- The chief officer of police;
- The Fire and Rescue Authority;
- The Director of Public Health
- each Local Health Board
- such persons as the licensing authority considers to be representative of holders of premises licences, club premises certificates and personal licences issued by that authority;
- such other persons as the licensing authority considers to be representative of businesses and residents in Bristol.

2.7 The Act requires the Council to consult with those persons or their representatives who have a special interest in the licensing policy. In this policy those with a special interest are sometimes referred to as “stakeholders”

- 2.8 The Council is able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.
- 2.9 The Council extends its thanks to all of those who took the time to make their views known on its proposed statement of licensing policy and the revisions to it. A full list of all of those who did so is attached at Appendix A

### **The Council's legal obligations**

- 2.10 There are a number of statutory provisions that apply to every action the Council takes as a public authority. These include, for example:
- its duty to have regard to the interest of Bristol's council tax payers;
  - its obligations to act compatibly with rights conferred under the European Convention of Human Rights
  - its general and specific duties under Equalities Law
  - its obligations under Crime and Disorder legislation
- 2.11 The Licensing Act itself places an obligation on the Council to carry out its licensing functions with a view to promoting the four licensing objectives, namely:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.
- 2.12 The Council is committed to fulfilling all of its obligations when exercising Licensing Functions.

### **Summary of the decision making process on applications for authorisations**

- 2.14 Most applications need to be supported by an operating schedule. The schedule must specify (among other things) the steps the applicant proposes to promote each of the licensing objectives.

#### Uncontested applications

If no responsible authority or other person makes a relevant representation then, providing the application has been validly made and the applicant shows it has been advertised as required by law, the licensing authority must grant the

application as set out in the operating schedule and the only conditions that can be imposed are the mandatory conditions under the Licensing Act 2003 and those conditions that are consistent with the operating schedule. The Act still requires that the Licensing Authority have regard to relevant policy and guidance and act with a view to promoting the four licensing objectives when it is dealing with uncontested applications, just as is the case where relevant representations are in play; but the Authority cannot, in the absence of relevant representations, exercise substantial discretion. The judgment of what conditions, consistent with the operating schedule, should be imposed on the authorisation falls to be made by duly authorised officers in such cases.

Apart from the mandatory conditions, which are standard conditions applying to all relevant applications and are to be found in the Act or in Ministerial Orders, there is no obligation under The Act to impose any conditions. In cases where no relevant representations are received the licensing authority has power to impose conditions but only ones that are consistent with the steps advanced in the operating schedule. There is no legal obligation to impose a condition in respect of each and every step that may be contained in the operating schedule in such a case; there is simply a power to do so and that power must be exercised having regard to national guidance and local policy and acting with a view to promoting the four licensing objectives. That is:-

- only conditions that are consistent with the operating schedule may be imposed (but they do not have to be imposed);
- regard must be had to the Ministerial guidance and to local policy when deciding whether any conditions need to be imposed and if so what should be imposed;
- when considering these matters and making decisions the Authority must act with a view to promoting the Licensing objectives

It is a matter for applicants to decide how to set out the steps they propose to take to promote the licensing objectives when they complete their operating schedules, providing they act in accordance with their statutory obligations and do not make any false or misleading statements.

In order for this policy to be effective it is especially important that applicants comply with their obligation to provide the information prescribed on the form. This can be particularly important when providing a description of the premises, when providing information to describe the activities applied for or when responding to questions intended to ensure the protection of children from harm.

For example, the Authority expects applicants to accurately describe the type of premises, their general situation and layout and any other information which could be relevant to the promotion of the licensing objectives. What is relevant will vary from case to case but the following can reasonably be expected to be relevant to

the consideration and evaluation of the licensing objectives and to therefore form part of the prescribed information required to make a compliant application:

- any proposed use that is contrary to existing planning consents;
- where the planned operation of the premises changes through the proposed licensed period. For example some licensed premises provide a food led offer during the day and early evening before changing to a drink led offer during later hours
- the proximity of the premises to residential accommodation, schools etc
- any features that might pose special risks such as ornate suspended ceilings

Through this policy, the council aims to set out its minimum expectations of the steps it hopes will be advanced by applicants seeking authorisation for certain types of premises, locations and activities. The policy indicates the conditions that it would usually expect to be imposed by officers when they are in line with such steps and no relevant representations have been received.

Annexed to this policy are a number of appendixes that set out these policy expectations and summary reasons (in italics) why the conditions there referred to are generally considered to be ones that are appropriate for the promotion of the licensing objectives. More detailed reasons for many such conditions are contained in the main body of this policy.

Some applicants may offer steps beyond the ones usually expected through this policy. That is their right. It is for applicants to decide what steps to put forward in their operating schedule. However, it does not follow that, where no relevant representations have been received, the licensing authority must impose conditions to reflect all of the steps that have been advanced. In some cases to do so could result in onerous conditions being imposed on the licence. The delegated officer determining an application where there are no relevant representations does enjoy limited discretion about which conditions should be imposed that are in line with the steps advanced. The officer should only impose steps beyond what is generally anticipated under this policy when it is considered appropriate to do so having regard to the Secretary of State's guidance, to this policy and acting with a view to promoting the four licensing objectives.

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The annexed minimum steps/ conditions have been developed in consultation with responsible authorities and have been subject to statutory consultation. This policy does not aim to tell applicants what steps they should advance (other than expecting adherence to the legal obligation on applicants laid down in and under the Act) and nor does it seek to control the content of any relevant representations that any person or body may choose to make. However it is hoped that the schedules will be of assistance to applicants and responsible authorities alike, when making applications or evaluating them, by making clear the minimum policy

expectation of the Licensing Authority as to what will usually promote the licensing objectives.

It should be made clear that the individual model operating schedules cannot cover all eventualities. For example there may be premises that operate as a restaurant for most of the time but that cease serving food at some point during the night and then function as an alcohol led late night bar or entertainment venue. In such cases, under this policy, the minimum steps for each type of venue, taken together, would be relevant policy provisions to guide in the processing of applications. The appendixes will be kept under review and further developed in the light of experience of their operation.

### **Contested applications**

Where relevant representations are made the application must be determined by either the full Licensing Committee or one of its duly authorised sub committees. In Bristol it is usually a sub-committee that determines such applications and this determination will usually take place at a hearing. The sub-committee in such cases has full discretion to take such steps that are set out in the Act as it considers appropriate to promote the licensing objectives. These steps may include modifying the conditions that are in line with those proposed in the operating schedule (see preceding paragraph) (or in the case of variations, on the existing authorisation) and/or rejecting the application in part, and/or excluding a licensable activity; or wholly rejecting the application.

In exercising its discretion, the licensing sub-committee must have regard (amongst other things) to this licensing policy. Therefore, in drawing up their operating schedule, applicants should find it helpful to read this policy carefully and to understand what is expected by the licensing authority in order to promote the licensing objectives. As stated previously in this statement of policy, this does not mean an applicant has to apply in line with this policy. However it will enable applicants to decide if their prospective application might benefit from discussion with responsible authorities, for example to assuage any concerns that might otherwise result in relevant representations being made on the application.

### **When agreement is reached after relevant representations are received**

In some cases agreement is reached between applicants and those who have made relevant representations as to how the licensing objectives may be promoted in the particular case. Three things need to be borne in mind in this situation:

- (i) the Act does not give applicants a power to amend their applications;

- (ii) if all relevant representations are withdrawn then the position is that there are no relevant representations and the Authority may only grant the application in line with what was applied for;
- (iii) if relevant representations are not withdrawn the application would usually have to proceed to a full hearing.

In Bristol a process has been established to deal with this situation that is in accordance with the provisions of the Act, as follows:

If all parties state in writing that they consider a hearing can be dispensed with then the sub committee has a discretion (which cannot lawfully be delegated to officers) to dispense with a hearing. In deciding whether or not to dispense with a hearing the sub committee is exercising a licensing function. As such it is required to have regard to any relevant guidance as well as to this policy and it must act with a view to promoting the licensing objectives.

The sub committee receives a verbal report from a licensing officer who will provide any information needed to enable the committee to evaluate the agreement against the licensing objectives. If the sub committee agrees that what has been agreed will promote the four licensing objectives then it will exercise its discretion to dispense with a hearing. If it does not agree, or if further clarification is required, an early date will be fixed for the parties to attend. It is rare for the committee to expect the attendance of parties in such cases.

**Where relevant representations have been made and are not withdrawn or no agreement to dispense with a hearing is reached**

It does not follow that an application that complies with the policy will necessarily be granted or that an application that does not comply with it will necessarily be rejected. Where there have been relevant representations, the licensing authority will always consider the merits of the case, acting within the statutory constraints.

Where a relevant representation refers to the absence of minimum expected steps as set out in this policy then in any hearing the applicant will be expected to rebut the policy presumption that the corresponding conditions should be imposed. In the absence of a clear case for an exception in the particular case the Authority intends the policy to be strictly applied in order to achieve the purpose for which the particular policy provision concerned has been made.

Not all premises types and activities are covered in the annexed schedules and the following policy on the promotion of the four licensing objectives remains relevant:

### **3. The Four Licensing Objectives**

#### **3.1 Prevention of Crime and Disorder**

- 3.1.1 Applicants are required by law to set out in their operating schedule the steps they propose to promote the prevention of crime and disorder. Responsible applicants will ensure proper regard in their operating schedule to the location, character and condition of the premises, the nature and extent of the proposed use and the persons likely to be attracted to the premises.
- 3.1.2 The Council expects the authorisation holder to take steps to control excessive consumption and drunkenness on relevant premises. This will reduce the risk of anti-social behaviour occurring both on the premises and elsewhere after customers have departed. Authorisation holders are expected to be able to demonstrate a general duty of care to customers using their premises and others affected by their activities this may include developing a policy to prevent the sale of alcohol to drunk customers.
- 3.1.3 The Secretary of State's guidance sets out measures that applicants, responsible authorities and licensing authorities could consider to further the promotion of the licensing objectives. Examples include the use of toughened glass and restrictions preventing the sale of drinks in bottles for consumption on the premises. When determining an application that is subject of relevant representations the Licensing Committee would need to give careful consideration to the location and style of the venue when assessing whether any such condition was appropriate. In Bristol there have been a number of serious glass related injuries in and around licensed premises such as may make the imposition of such a condition appropriate for the promotion of the public safety objective.

#### **Toughened/safety glass policy**

Licensed venues that provide the sale of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

For example in facilities for hotel residents and their guests it is not expected that a toughened/safety glass policy need operate and nor would it be appropriate in premises which operate as a restaurant where the bar is mainly provided for restaurant customers. The policy also applies where outside areas are provided for consumption of alcohol, particularly where the area is constructed of hard material and also where the outside area is in or adjacent to a public place.

## **Glass Bottle Policy**

The Council considers it appropriate for the promotion of the licensing objectives to prevent the passing of a glass bottle over the bar of premises licensed to supply alcohol for consumption on the premises where there is a poor history of crime and disorder where this is deemed sufficient to address the crime and disorder concerns. In some such cases rejection or revocation may be the most appropriate response. This expectation may fall to be considered as a result of relevant representations having been received on an application. Like other conditions set out in this policy it may also be considered at a hearing following an application for review of an authorisation.

3.1.4 The Council's previous licensing policy referred to the Government's 2004 Alcohol Harm Reduction Strategy. Alcohol misuse continues to be an issue and it is clear following the Government's Alcohol Strategy published in March 2012 that proposals are or are likely to be revised in due course however it is not known to what extent this strategy will be implemented. The Council will continue to work within the legislative framework. The 2012 strategy recognises the issues arising from binge drinking. They propose, amongst other measures:

- Encourage greater use of existing powers to stop serving alcohol to people who have consumed too much.
- Give more powers for Licensing Authorities to restrict opening and closing times through the use of Early Morning Restriction Orders.
- Encourage local health bodies to share non confidential information with the police and to exercise their new powers as a Responsible Authority to make representations on licence applications and submit licence reviews.
- Restrict the supply of cheap alcohol with the introduction of a minimum unit price for alcohol.
- To work in partnership with business to drive down alcohol misuse and to encourage a culture of responsible drinking.

The Council will work with the police and other relevant Responsible Authorities and licensees to encourage good practice in this area . In considering authorisation applications that have attracted relevant representations, the Council will also have regard to the following, where relevant:

- Any representations made by the Police, or other relevant agency about the training given to staff in crime prevention measures appropriate to those premises. This could include training in specific areas such as recognising drunkenness, use of illegal substances and the assessment of drinks promotions.

- The physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in 'off-licences', the standard of CCTV that is installed, adequate lighting, metal detection and search facilities or the use of plastic bottles in pubs and clubs.
- Procedures for risk assessing promotions such as 'happy hours' which may contribute to the impact on crime and disorder, and plans for minimising such risks.
- The measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies.
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks.
- The likelihood of any violence, public order or policing problem if the authorisation is granted.
- Whether the design of the premises has been considered having regard to reducing conflict and minimising opportunities for crime.
- Whether steps are proposed to avoid the adverse impact of the promotion of the licensing objectives which result from high strength alcohol being sold at a low price.
- The measures taken to control admission to the premises and the use of and number of Security Industry Authority licensed door supervisors employed at the premises.
- Measures taken to ensure that no public nuisance or other crime results from customers seeking to smoke tobacco and related products at or in the vicinity of the premises, and the extent to which these measures are likely to be effective.
- Other appropriate measures, such as participation in a local pub watch scheme or other body designed to ensure effective liaison with the local community, subscription to dedicated security radio circuits and other examples of industry best practice.

3.1.5 It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority officers and the police before submitting their application.

3.1.6 Where the law permits, authorisations for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which is likely to lead to disorder, stir up hatred or incite violence towards any section of the

public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

## **3.2 Public Safety**

3.2.1 Applicants must by law detail in their operating schedule steps they propose to ensure public safety. This should include a fire risk assessment. The need to do so has been highlighted by Avon Fire and Rescue in the light of the enactment of the Regulatory Reform (Fire Safety) Order.

3.2.2 Subject to certain provisos, at any time when this Order applies in relation to licensed premises, any term, condition or restriction imposed by the Licensing Authority has no effect in so far as it relates to any matter in relation to which requirements or prohibitions are or could be imposed by or under that Fire Safety Order. In other words many fire safety concerns that need to be addressed following receipt of written representations on an application will not be capable of being addressed by means of a condition. This does not remove the Licensing Authority's duty to act with a view to promote the licensing objectives. If following the receipt of relevant representations it was judged at a hearing that premises represented a fire risk because of the absence of proper fire safety measures having already been undertaken then it would not be consistent with the duty to promote the licensing objectives to grant an authorisation permitting those premises, or if applicable the affected part, to be used for licensable activities. In the absence of being able to address that issue by means of condition the likelihood increases that the sub committee would judge it appropriate to take the step of rejecting the application in whole or in part.

Therefore through this policy the Licensing Authority emphasises to applicants the benefit to them (and to the promotion of the licensing objectives) of ensuring that steps sufficient to satisfy the appropriate responsible authorities are advanced for the promotion of public safety in their applications. Applicants are expected to make it clear on their application forms that suitable and sufficient assessments of risks to health and safety, including fire safety, are in place before trading begins under any authorisation and can be provided to the relevant responsible authorities upon request. This is especially appropriate in connection with those applications where the premises are not already known to the responsible authorities, perhaps not even yet constructed. In such cases scrutiny of what is proposed could help to avoid a situation where the Licensing Authority inadvertently authorises the carrying on of licensable activities in dangerous premises with potentially catastrophic outcomes that are inimical to the promotion of the licensing objectives.

3.2.3 In considering what steps may be appropriate, applicants will be expected to have particular regard to:

- The premises itself (are there for example any inherent hazards such as steps, open fires, use of shared areas, etc).
- The neighbouring area (are there for example particular problems with crime and disorder, is it a primarily residential area, etc).
- The types of regulated entertainment they wish to provide and any hazards.
- The type of persons that may be using the premises or place (for example persons who are particularly vulnerable in some way such as the very old or very young, disabled, possibly impaired through drink or drugs, etc).
- The situation and circumstances of use (for example low lighting levels, loud noise, crowds, use of special effects, etc).

The Act requires that applicants set out the steps they propose to promote public safety. The following are examples of the adequate steps regarding this that the Licensing Authority expects in premises where particular risks may arise:

Where public safety may be compromised by an excessive number of customers, applicants are expected to propose capacity limits. This is especially important for premises where regulated entertainment (within the meaning of the Act) is being provided at nightclubs, cinemas and theatres. Other appropriate measures may include the use of door staff, CCTV, staff training, etc.

3.2.4 Where the public needs to be protected from potentially dangerous sources of electricity expected measures may include:

- An assurance that any alterations to the existing system will be made in line with the Electrical Equipment of Buildings issued by the Institution of Electrical Engineers (BS 7671) or as amended.
- The use of residual current devices (RCDs) on high-risk circuits, such as those which may be used by entertainers for plugging in musical equipment or used for plugging in equipment to be used outdoors.
- Other appropriate measures may include portable appliance and fixed appliance testing.

3.2.5 The physical layout of the premises may present particular risks and in some situations (such as those in which vulnerable persons may be especially at risk) applicants will be expected to advance steps accordingly. For example:

- For premises that have stairs, whether it is appropriate for appropriate handrails to be fitted together with contrasting nosings to the steps.

- In respect of premises which have uneven flooring, how to minimise risks.
- In respect of premises with outdoor areas that may be accessed by customers or the public (whether or not those areas form part of the place that is licensed) whether it is appropriate to provide appropriate lighting of these areas, use of toughened glasses and the provision of customer bins.
- Steps expected for premises with working fireplaces include guarding or similar; this is especially important where children may be permitted on the premises.
- Applicants with premises which will be relying on the usage of shared areas, such as escape routes, are expected to advance measures that will ensure the usage of these areas will not create any risks to the public.

Applicants are also expected to consider how the proposed activities may impact upon public safety/public nuisance and put forward steps accordingly. For example:

- Applicants for authorisation of premises that are of high capacity or whose regulated entertainment may give rise to an increased risk of injuries occurring are expected to advance steps regarding first aid provision.
- Applicants for authorisation of premises where special effects (such as fireworks/ foam/ lasers/ etc) are planned will be expected to propose measures that will ensure this will not create any safety risks.

Where proposed licensable activity includes the consumption of alcohol or provision of late night refreshments on the premises, it is expected that applicants should advance steps regarding the provision of adequate and well-managed toilet and hand washing facilities.

### **3.3 Prevention of Public Nuisance**

“A person is guilty of a public nuisance (also known as common nuisance), who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to endanger the life, health, property,..... or comfort of the public, or to obstruct the public in the exercise or enjoyment of rights common to all Her Majesty’s subjects.”(Archbold)

In the House of Lords case of Rimmington, Lord Rodger said:

“A core element of the crime of public nuisance is that the defendant’s act should affect the community, a section of the public, rather than simply individuals. Obvious examples would be the release of smoke or fumes which affect a village or neighbourhood or the emission of loud noises which disturb the neighbourhood.”

- 3.3.1 The Act requires and the Council expects applicants to demonstrate within their operating schedule how they intend to prevent public nuisance arising in the nature of noise or other disturbance. This will be of particular importance where there are

residential properties in the vicinity of the licensed premises. It should be noted that there is now residential accommodation in most parts of the city, including an increasing number of properties in the city centre that are being, or have already been, converted for residential use.

- 3.3.2 When appropriate on application or review the Council will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance, anti-social behaviour and other crime which may impact on the promotion of the licensing objectives.
- 3.3.3 When an operating schedule does not sufficiently address the prevention of public nuisance and relevant representations are made in that regard the Licensing Authority will consider those representations and identify how to prevent public nuisance. In some locations it may be appropriate to limit opening hours or the times of other licensable activities.
- 3.3.4 The factors that the Council will particularly consider when determining an application or undertaking a review include:

#### **Noise from Entertainment**

Steps taken or proposed to be taken to prevent noise and vibration from entertainment causing nuisance and damage to residents hearing. This may include noise from music, human voices and other forms of entertainment whether amplified or not.

Measures to prevent nuisance may include, where appropriate to the promotion of the licensing objectives:

- The Installation of soundproofing.
- Sound limitation devices.
- Acoustic lobbies.
- The prevention of music being played out of doors.
- The restriction of times or types of entertainment.
- Positioning of speakers.

#### **Noise & Disturbance from Customers**

Steps taken or proposed to be taken to prevent noise and disturbance from customers causing nuisance. This may include noise and disturbance from customers on the premises and customers in outdoor areas such as terraces, beer gardens and smoking areas. It will also include noise, disturbance and obstruction

from customers in the vicinity of the premises including customers congregating outside a premises to smoke or drink, customers arriving, leaving or queuing outside a premises.

Applicants are expected to give particular consideration to the potential for public nuisance to occur from the use of any outside areas where customers are permitted to smoke. There is no legal requirement for licensed premises to provide an outdoor smoking area. The Licensing Authority does not consider the expressed need or wish for a smoking area can justify public nuisance. There is no licensing objective in favour of smoking; the Authority is under a duty to promote the prevention of public nuisance.

Noise and disturbance from people outside and leaving premises can cause public nuisance even when those people are not behaving badly. This will be of more significance in areas with residential accommodation and will usually, but not exclusively, be of greater importance between 10 pm and 7 am . However it must be noted that noise and disturbance from customers in outside areas can cause public nuisance outside of these times.

Measures to prevent nuisance may include the:

- Use of time restrictions on certain areas.
- Cessation of the use of certain areas.
- Supervision of outdoor areas.
- Suitable signage.
- Restriction of seating or heating in outdoor areas.
- Restriction on the times that food or drinks can be consumed or sold to be consumed outside the premises.
- Limiting the hours at which premises are open to the public or during which outside areas may be used.

### **Noise from Plant and Equipment**

Steps taken or proposed to be taken to prevent noise and vibration from plant or equipment causing nuisance. This includes noise and vibration from ventilation, air conditioning, refrigeration equipment, outlet pipes.

Measures to prevent nuisance may include the:

- Installation of acoustic enclosures.
- Sound proofing, timing devices

- Relocation or replacing equipment.

### **Noise from Servicing**

Steps taken or proposed to be taken to prevent noise from servicing of the premises causing nuisance. This may include noise from deliveries, collections and the on-site disposal of bottles and other waste or recyclable materials.

Measures to prevent nuisance may include the:

- Restrictions on times of activities near to noise sensitive premises
- the prevention of activities on certain parts of the premises.

### **Odour**

Steps taken or proposed to be taken by the applicant to prevent odour from the premises causing nuisance. This can include the generation of odour from food preparation, refuse storage and or from smoking areas.

### **Lighting**

Steps taken or proposed to be taken by the applicant to prevent artificial light from causing nuisance. This includes the siting of external lighting, security lighting and advertising lighting displays.

### **Waste**

Steps taken or proposed to be taken to prevent nuisance being caused from the storage of refuse on or in the vicinity of the premises, measures may include:-

- All waste and refuse to be contained in appropriate lockable containers.
- Adequate off street storage for refuse bins between collections.
- Refuse only to be placed out for collection at a specified time.
- Cleansing regimes to ensure for the immediate clearing up of any waste spillages.
- Implementation of a signed Trade Waste Agreement.

## **Litter**

Steps taken or proposed to be taken to prevent public nuisance from customers depositing litter without due care in the vicinity of the premises. Measures may include the:

- Provision and regular emptying of litter bins.
- Provision for the disposal of cigarette litter at entrances as well as where people are most likely to congregate.
- Regular monitoring and cleaning of areas.
- Reduction in the amount of packaging passed on to customers.
- Provision of posters asking customers not to drop litter.

## **Fly posting, Fliers and Graffiti**

- Steps taken to prevent fly posting and the distribution of fliers advertising the premises or events at the premises.
- Steps taken by the applicant to remove graffiti and fly posting from their surfaces as soon as practicable after it appears.
- Maintenance of a register of promoters in order to promote the prevention of crime and public nuisance objectives .

## **Parking and Transport**

- The availability of public and other transport provision in the locality (including taxis and private hire vehicles) for patrons.
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents (including motorised vehicles and cycles).
- The level of likely disturbance from associated vehicular movement.
- Steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic) or to manage queues.

## **General**

- Any other relevant activity likely to give rise to nuisance.
- The history of the applicant in controlling anti-social behaviour and preventing nuisance.
- Any representations made by the Police, or other relevant agency or representative.
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

### **3.4 Protection of Children from Harm**

3.4.1 A number of specified "responsible authorities" will be notified of all authorisation variations and new applications. These responsible bodies include the Police and Avon Fire and Rescue. They also include:

3.4.2 "A body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters"

3.4.3 Full Council recommends that the Licensing Committee continue to ask the Council (in its capacity as Social Services Authority) to undertake this responsibility.

3.4.4 The Council expects that, whether or not alcohol is supplied or proposed to be supplied on or in the vicinity of the premises, operating schedules will identify:

- The extent to which it is proposed that children be admitted to the premises.
- Whether it is proposed that unaccompanied children will be admitted.
- If they are, the type of regulated entertainment provided whilst children are present.
- The specific steps undertaken to ensure the safety of children and to further ensure that no products or services are sold to children that are not appropriate for their use or consumption.
- In respect of alcohol delivery services steps taken to ensure alcohol is not sold or, delivered to children (that is, people under the age of 18).

3.4.5 Applicants who propose to admit children, particularly where they would not require them to be accompanied by a responsible adult, should be especially careful in ensuring they meet the statutory requirement that their schedule fully and clearly

sets out the nature of the activities for which permission is sought. In such cases the Council expects the operating schedule to specify in sufficient detail the measures and management controls proposed to protect children from harm.

- 3.4.6 Nothing in the Council's policy seeks to interfere with the right of an authorisation holder to preclude children from entry to their premises.

## **4. Administration, exercise and delegation of functions**

### **4.1 Guidance**

- 4.1.1 Guidance issued by the Secretary of state recommends that statements of licensing policy should indicate how the licensing authority intends to approach its various functions. As far as functions which are not the responsibility of the Licensing Committee are concerned, the Council has published its constitution which includes detailed and comprehensive information about how the Council and its Executive approach the discharge of their functions. This Constitution accords with the relevant statutory provisions which deal with the discharge of functions, in particular the Local Government Acts of 1972 and 2000.
- 4.1.2 The discharge of functions by the Licensing Committee, however, is not primarily governed by the Council's constitution and the legislation referred to above. The proceedings of the Licensing Committee and its ability to delegate its functions to sub committees and officers are contained in the Licensing Act itself; for example at sections 7, 9 and 10.

### **4.2 Functions related to licensing functions**

- 4.2.1 The Licensing Authority is allowed to arrange for "related functions" to be carried out by its Licensing Committee (section 7(3) of the 2003 Act). A related function is one which relates to a matter which stands referred to the Licensing Committee but is not itself a licensing function. The Council has made arrangements in its constitution for the Licensing Committee to exercise functions related to the licensing of sex establishments. Through this policy the Council states its agreement that those empowered to discharge non-executive functions, be they Committees, sub committees or officers, should utilise this provision where they judge it appropriate. Through this policy the Council further requests that the Elected Mayor consider making the same arrangements in respect of any of the functions for which he is responsible and which may fall into this category. This may be considered particularly relevant in respect of those functions of the Weights and Measures Authority concerned with enforcement of under age sales on licensed premises.

4.2.2 Section 7 (5) allows for the licensing authority to arrange for related functions to be considered together either by the Licensing Committee or by “another of its committees”. This provision appears to assume that all related matters would fall within the responsibility of a Council committee. In Bristol this is unlikely to be the case. This is because, firstly, in accordance with Executive arrangements made under the provisions of the Local Government Act 2000, many functions are no longer legally capable of being decided by traditional Council committees. Secondly, even where a matter is one which is legally capable of being the responsibility of a council committee, in practice most of the Council’s functions are discharged by officers and not by committees, in accordance with official guidance issued under the 2000 Act which anticipated an increase in decision making by officers acting under delegated powers.

4.2.3 Even where the provision may be of relevance there are likely to be practical obstacles to invoking these arrangements. For example the time limits imposed in the Licensing Act in respect of determination of various applications may render it impractical to achieve the making of such arrangements. This is particularly so in respect of the requirement that there be reports passing between the two committees concerned before decisions can be reached.

4.2.4 It is therefore unlikely that Bristol will be well placed to take advantage of this provision on a regular basis. However through this policy statement the Council makes clear that, where it is judged that the provision would aid effective decision-making, then its officers are authorised to make the arrangements to put it into effect. Applicants who are aware of related matters are requested to draw this to the attention of the Licensing officers, preferably before their application is lodged, so as to facilitate consideration of the decision making process in respect of all related matters at a sufficiently early stage to facilitate this provision being utilised where it would be of benefit to effective administration.

An example would be where a fresh application, or variation of an existing authorisation, necessitates planning application e.g. for longer hours than the current planning permission permits, or for a change of use, or perhaps other permissions in addition to the authorisation being applied for.

### **4.3 Sub delegation of functions by the Licensing Committee**

4.3.1 The Council considers that the Licensing Committee is best placed to determine how its functions should be discharged within the constraints of the Licensing Act provisions. The Council notes the committee has exercised its Section 10 powers to make arrangements and recommends that the committee continues to review their effectiveness from time to time and at least at each annual meeting.

#### **4.4 Frivolous and vexatious representations**

- 4.4.1 The secretary of state has provided a table in her guidance which the committee may find a useful starting point in its considerations. However the Council would not recommend that the Licensing Committee follow the recommendation regarding the decision on whether a matter is “frivolous or vexatious”. The secretary of state suggests this decision should be made by officers “in all cases”. The Council considers this is not appropriate.
- 4.4.2 This provision of the Act is unusual in a local authority context since it requires that the Licensing Authority form an opinion about representations received from interested persons who are not “responsible authorities” regarding whether or not those representations are “frivolous or vexatious”.
- 4.4.3 However deciding that interested citizens cannot be heard is a serious step to take, involving as it must judgments of the Council’s human rights obligations together with other considerations. This is a process from which elected politicians should not be excluded. The Council agrees with the secretary of state that in a finely balanced case the maker of the representations should be given the benefit of the doubt.
- 4.4.4 It may well be appropriate to make this judgment in the context of the application as a whole in order to properly understand the nature of the representations of the interested party. In the council’s experience to date, representations may turn out to be poorly expressed rather than frivolous or vexatious. The Licensing Authority should not lose sight of the fact that many people are not experienced in making a case to a decision making body and it is not unknown for the full meaning of their concern to emerge during a hearing when the representations are clarified.
- 4.4.5 The Council therefore recommends to the Licensing Committee that it continues to effect its delegations such that officers can only make this decision in those cases where officers would be empowered to go on to make the decision themselves if they judged the particular representations to fall into this category. In all other cases it should be the body which will ultimately make the decision which should make this judgment.
- 4.4.6 Whichever person or body makes the decision it is particularly important that appropriate legal advice is sought before a final decision is made that a person’s views will not be heard or taken into account, as they are judged to be frivolous or vexatious.

## **5. The Film Classification Body**

- 5.1 Section 20 of the Act enables the Council to specify the film classification body in the authorisation. The film classification body means the person designated under section 4 of the Video Recordings Act 1984 as the authority to determine suitability of video works for classification; this is the British Board of Film Classification (the BBFC).
- 5.2 Where the authorisation specifies the BBFC then admission of children must be restricted in accordance with any recommendations made by it.
- 5.3 Where the BBFC is not so specified, or where the licensing authority has notified the holder of the authorisation that subsection 3(b) of section 20 of the Act applies, then admission of children must be restricted in accordance with any recommendation made by the licensing authority.
- 5.4 The guidance issued by the Secretary of State (Paragraph 10.54) supports the specification of the BBFC on the basis of that organisation's expertise.
- 5.5 The Council agrees with the Secretary of State with regard to the expertise of the BBFC. The Council also agrees that the Board's classifications should be those which normally apply. However the Council considers there is good local reason for not specifying the board in Bristol authorisations. Bristol is an area with an active and innovative arts and cultural scene. There are many examples of films exhibited in Bristol which do not have a BBFC classification and which are not intended to be exhibited widely or even beyond the Bristol area; in such cases the film maker may not judge it to be economic to seek classification from the Board. In such cases it has been the practice in Bristol for the Council itself to view the material and indicate the appropriate classification having regard to the BBFC guidelines. The Council considers this practice to be of benefit to the arts in the local area. It does not undermine the licensing objectives to allow it to continue.
- 5.6 In Bristol the BBFC has not therefore been specified as the film classification body. Instead the Licensing Committee should enable its sub committees and/or officers to recommend classification and should publish its classification policy. The classification policy should include the general application of the classification recommended by the BBFC where films have been submitted for classification. Where the Council is asked to consider classifying films which have not been submitted to the BBFC then the council can if it wishes to do so consider issuing its own classification in respect of which regard should be had to the BBFC guidelines. The Licensing Authority wishes to retain the discretion to depart from the BBFC although it expects this discretion to be exercised sparingly. As this is a discretionary service and having regard to the cost to the Council tax payer which would otherwise arise, any such request should be processed only on payment of a suitable fee. A discretion should be retained under the classification regime of the council enabling it to refuse to consider an application for classification itself but instead recommending the film for submission to the BBFC. This should be done in

cases where the summary of the film suggests that it may be considered for a Restricted 18 classification. A suggested film classification policy for Bristol is included at Appendix B.

- 5.7 All premises authorisations permitting the exhibition of film should contain a condition permitting non classified films to be exhibited at the premises for the purpose of a private viewing by the Licensing Authority in its role as the classification body (but for no other purpose) in order to facilitate the effective implementation of this policy.

## **6.1 Licensing of Premises and Places**

- 6.1.1 As emphasised throughout this policy, where there are no relevant representations, the Council may only impose conditions in line with the operating schedule submitted by the applicant. Having considered relevant representations and determining to grant the application (in whole or in part), the council may impose conditions which modify the conditions that are consistent with the applicant's operating schedule to the extent that the Committee considers appropriate for the promotion of the licensing objectives.
- 6.1.2 The Policy is not intended to encourage the duplication of existing legislation and regulatory regimes which place obligations on employers and premises owners seeking authorisations under the Act. The Council would therefore not encourage the imposition of conditions which serve no purpose other than to replicate existing controls.
- 6.1.3 However, where such controls do not exist, or where they fall short of what is reasonably required to promote the licensing objectives, it is proposed that the Licensing Committee should, where the law permits it to do so, impose conditions which do promote the achievement of those objectives.
- 6.1.4 Where there are relevant representations which persuade the Licensing Committee that the application cannot proceed as proposed, then the committee should consider if the problems identified can be overcome by means of imposing appropriate conditions in accordance with the statutory provisions.
- 6.1.5 If the committee is satisfied that implementing the permissions contained in the proposed authorisation would result in the commission of a criminal offence, the Council may think it appropriate to reject the application in order to promote the Licensing Objectives.

One example of when this may occur is where there is a dispute about whether or not an authorisation can be relied upon in particular circumstances.

In the Licensing Authority's experience, this can occur in respect of premises where petrol is sold and an applicant seeks authority to supply alcohol. Section 176 of the

Act provides that premises used primarily as a garage or which form part of premises which are primarily so used are 'excluded premises'. No authorisation has effect to permit the sale by retail or supply of alcohol on or from excluded premises.

The question whether or not the premises are indeed excluded premises can be controversial; there may be a genuine dispute between the Authority and an applicant about whether or not supplies of alcohol could take place without an offence being committed.

The Licensing Authority will take care to secure all relevant information that is reasonably available to it to enable it to judge whether or not the premises for which authorisation is sought are excluded premises. If the Authority reasonably believes that the premises are excluded premises then rejection of an application (or revocation on a review) is an appropriate and proportionate step given that the sale of alcohol in reliance upon such an authorisation from excluded premises would involve the commission of a crime. The Authority should bear in mind that its role is to act with a view to preventing crime; it should not therefore allow a situation to develop where crime is likely to be committed.

A further example of the risk of crime being committed in reliance on an authorisation can be found in the provisions, which enable the Council to regulate 'sexual entertainment venues'. The Council adopted these provisions in January 2011 and has developed policy in respect of the regulation of sexual entertainment venues, which it would not be appropriate to replicate in this policy but which can be viewed here:-

[http://www.bristol.gov.uk/sites/default/files/documents/business\\_in\\_bristol/licences\\_and\\_street\\_trading/19.01.12%20SEV%20Policy%20Amended%20for%20web%20v1.2EL.pdf](http://www.bristol.gov.uk/sites/default/files/documents/business_in_bristol/licences_and_street_trading/19.01.12%20SEV%20Policy%20Amended%20for%20web%20v1.2EL.pdf)

Those who hold a Licensing Act authorisation under which 'relevant entertainment' within the meaning of the sexual entertainment venue provisions may be provided will be able to claim an exemption from the need to secure a sexual entertainment venue licence if they fall within certain categories, one such is an occasional use exemption.

The definition of relevant entertainment is such that whether or not premises are being used for its provision may be an issue on which disagreement could arise. The Council considers that certain measures are appropriate in order to prevent the commission of the crime of providing relevant entertainment without a Sexual Entertainment Venue Licence. First, authorisations issued under the 2003 Act should clearly state whether or not adult entertainment/services etc are permitted.

Second, where adult entertainment is permitted, then a condition requiring the authority to be notified of those occasions when adult entertainment is proposed to take place under the occasional exemption is a reasonably appropriate step to ensure the promotion of the crime prevention objective.

- 6.1.6 In addition to mandatory conditions (as specified in the Act or by Order), other conditions may be tailored to the individual style and characteristics of the premises and events concerned.
- 6.1.7 Where following receipt of relevant representations the Licensing Authority considers that to grant the authorisation, whether as sought, or with additional conditions, would result in a real risk of harm of the type that the licensing objectives seek to prevent then refusal (in whole or in part) should be considered. The health, safety and well being of the public in the context of the duty to promote the four licensing objectives should be of paramount importance.
- 6.1.8 The Pools of Conditions which have been developed by the Licensing Committee and can be found at [www.bristol.gov.uk/licensingpolicy](http://www.bristol.gov.uk/licensingpolicy) are considered by the Council to be a useful resource to the Licensing Committee in attaching conditions that are appropriate in the particular circumstances of the case. However, the Council supports the Licensing Committee in utilising other conditions where they are judged reasonable and in particular where it is judged to be conducive to facilitate the promotion of a relevant statutory obligation. The local pools of conditions are contained in Appendix C.

## **6.2 Flyposting and nuisance advertising**

- 6.2.1 In Bristol there is a particular and widespread problem with illegal and nuisance advertising. There are limited controls in place under planning law which make “flyposting” an offence; however those controls are inadequate as far as much nuisance advertising is concerned. This is because the relevant planning regulations do not cover much of the activity which causes nuisance to residents and visitors alike, such as the flyers which litter our streets and the evidence on our City’s streets make plain that the existing legislation is not achieving the prevention of this criminal and nuisance activity. Also some licensees leave the advertising of regulated entertainment in the hands of others, (e.g. events promoters), which can result in the licensees themselves not being answerable for crime which relates to activity on their premises.
- 6.2.2 The Licensing Act is based upon an expectation of most licensees being responsible and law abiding.
- 6.2.3 The Council expects licensees will ensure that the licensing objectives (particularly those relating to crime and disorder and public nuisance) are promoted by ensuring entertainment at their premises is not advertised in a manner which causes nuisance or which results in the commission of offences. To this end, a responsible licensee is expected to take all reasonable steps and exercise due diligence to ensure advertising of licensable activities does not cause nuisance or annoyance or which results in a criminal offence. Those steps should include the maintenance of a register of promoters that can be inspected by authorised officers or constables

on request. This should help to deter irresponsible promoters from allowing events to be unlawfully advertised and thereby serves to promote the licensing objectives.

- 6.2.4 The Council therefore proposes that the Licensing Committee be encouraged to impose conditions to that effect in every case where the permitted regulated entertainment involves music/dance or similar entertainment and where such a condition would be consistent with the applicant's operating schedule.
- 6.2.5 The council hopes that responsible applicants will want to work with the Council in tackling nuisance and criminal advertising and will play their part by submitting operating schedules that are consistent with this objective. Applicants are referred to the model operating schedules to assist in this regard.
- 6.2.6 Where the council believes the applicant's operating schedule is not consistent with tackling nuisance and criminal advertising and where relevant representations have been made conditions to control fly posting, in line with this policy, should usually be considered to be appropriate to promote the Licensing Objectives.

### **6.3 Cumulative Impact**

- 6.3.1 The cumulative impact of the number, type and density of premises in particular areas, such as the city centre, may lead to them becoming saturated with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance and anti- social behaviour. The licensing authority may consider the adoption of a **cumulative impact policy** of refusing new premises authorisations within a defined area or areas if it is satisfied that it is appropriate to include an approach to cumulative impact in its Licensing Policy Statement. It will take the decision only after it is satisfied that there is evidence to support such a decision.
- 6.3.2 The effect of adopting a cumulative impact policy of this kind is to create a rebuttable presumption if relevant representations to that effect are received, that applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will be unlikely to add to the cumulative impact already being experienced. What constitutes a material variation will depend upon the policy in place and the reasons for the area being designated as suitable for adoption of a special policy.
- 6.3.3 The Secretary of State's guidance encourages applicants to address the cumulative impact policy in their Operating Schedules in order to rebut such a presumption. Any cumulative impact policy will stress that the presumption does not relieve responsible authorities or other persons of the need to make a relevant representation before the local authority may lawfully consider giving effect to its cumulative impact policy.

- 6.3.4 The Licensing Authority recognises that many different kinds and styles of premises sell alcohol, serve food and provide entertainment. It recognises that some applications in cumulative impact areas will be unlikely to add to the problems arising from saturation. Where it can exercise discretion in determining applications in cumulative impact areas, that is, where relevant representations have been received, it will have full regard to the impact different premises may have on the local community.
- 6.3.5 The Licensing Authority must grant any application in a cumulative impact policy area subject only to conditions that are consistent with the operating schedule submitted by the applicant if it receives no relevant representation.
- 6.3.6 The Licensing Authority will keep cumulative impact policies under review
- 6.3.7 The absence of a special saturation/cumulative impact policy does not prevent any responsible authority or other person making evidence based relevant representations on a new application for the grant of an authorisation on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 6.3.8 Cumulative impact policies are intended to be strictly applied. Applications which would seek to be allowed as an exception to a special cumulative impact policy will generally be favourably considered if they are judged to encourage a greater variety of types of entertainment than currently exists in these areas. It is important to be clear that this does not mean that an applicant who believes their offer is different to what already exists in the area can assume a favourable outcome. “Greater variety” must be understood in the context of the licensing objectives. In particular, the Licensing Authority welcomes those proposals which can be viewed as more family friendly and which offer a wider range of entertainment than that which is currently available because it is considered that such proposals will not usually add to the stress in the area and undermine the licensing objectives.

However matters such as for example,

- the premises will not add people to the area;
- longer hours will create slower dispersal;
- history of good management;
- premises are well run;
- premises application is small in nature
- alcohol is not sold;
- clientele are a cut above the usual;

will not be considered exceptional circumstances, as the issue is crime and disorder/public nuisance in the area as a whole rather than that associated with individual premises and the promotion of the licensing objectives.

Existing licensees who wish to materially alter and/or extend the premises to which the authorisation relates are required to seek a new authorisation. This is because the Act prohibits the use of a variation application to substantially alter the premises to which the authorisation relates. Where the only change is to the physical extent or material layout of the premises themselves (i.e. in the absence of additional features such as change in style of operation, capacity etc) it is highly unlikely this would trigger the special policy. Of course this policy cannot restrict the right of any responsible authority or other person to make relevant representations in that regard and if such are forthcoming they will be diligently considered, but the policy expectation is that the application should be granted unless the relevant representations demonstrate the change will be likely to add to the cumulative impact being experienced. Where other change is envisaged then the presumption may arise.

Applicants are reminded that they are entitled to seek a provisional statement in such circumstances.

Applicants who have the benefit of a provisional statement and who have completed their works substantially in line with that statement should not have the policy applied to them. This is because the cumulative impact policy could (indeed may) have been raised and considered prior to the provisional statement having been granted.

- 6.3.9 Having had regard to the guidance referred to above, consulted upon the issue, taken into account the views of respondents and considered the evidence the council has adopted a cumulative impact policy in respect of five areas of Bristol, namely:

### **City Centre CIA**

The central area within the Cabot Sector as identified by Avon and Somerset Police and as extended to include the Welsh Back area, Stokes Croft and Cabot Circus (Map at Appendix D)

### **Reason for Policy**

The Avon and Somerset Police produced evidence to support their request that the central area of Bristol be designated a CIA. It remains at saturation point and the Police produced evidence for extending the area to which the special policy should apply so as to include Stokes Croft and Cabot Circus. In particular the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public nuisance and risk to public safety. The policy will apply to further applications for the grant of

new licenses or significant variations of existing licenses in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the policy is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging (for example late night refreshment from “fast food” outlets).

### **Gloucester Road CIA**

The area covers a stretch of Gloucester Road from its junction with Pitt Road and Rudthorpe Road to the Arches on Cheltenham Road and also includes a section of Zetland Road (Map at Appendix D).

#### **Reason for Policy**

This stretch of Gloucester Road, which is a major transport route in and out of the city, features a mix of retail and leisure uses with primarily residential areas behind the frontages. The request for a CIA to be introduced was made by the Police and supported by local residential amenity groups. The potential for increased public nuisance and crime and disorder arising from further licenses being granted is a major concern for local residents in this area and the Police. In particular the area, which has a significant concentration of alcohol led late night venues, witnesses a high number of assaults and other related crime and disorder including public nuisance and risk to public safety.

The ability to prevent further encroachment into the normal sleeping times of local residents is also a key aspect of this policy. The policy will apply to further applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets. The main focus of the policy is likely to be on alcohol led establishments and premises that keep customers in the area at times when the promotion of the licensing objectives is most challenging (for example late night refreshment from “fast food” outlets)

### **Whiteladies Road CIA**

The area bounded by West Park and that length of Whiteladies Road which extends from its junction with West Park to its junction with Imperial Road and that length of Cotham Hill extending from its junction with Whiteladies Road to its junction with West Park (Map at Appendix D)

#### **Reason for Policy**

This stretch of Whiteladies Road is predominantly characterised by properties with A3 leisure uses behind which are sited residential areas. The request for the CIA to

be implemented was made by local amenity groups and supported by the Redland Sector of Avon and Somerset Police. This area differs from the city centre in that there is a greater emphasis on the need to promote the prevention of public nuisance objective. The ability to prevent further encroachment into the normal sleeping times of local residents is a key aspect of this policy. The policy will apply to the consideration of applications for the grant of new authorisations or for significant variations of existing authorisations in respect of premises that primarily sell alcohol for consumption on the premises, other late night uses, restaurants and take away outlets.

### **Clifton CIA**

An area comprising of Clifton Village and extending to Queens Road and Whiteladies Road (Map at Appendix D)

#### **Reason for Policy**

Clifton Village and the surrounding area has seen a rapid growth in restaurants, bars and cafes. These A3 uses are mixed with residential areas and have led to an increase in public nuisance. The request for the CIA was made by the Clifton and Hotwells Improvement Society and is supported by local residents and Avon and Somerset Constabulary. Clifton Village is a popular destination with a vibrant day and night time economy. The CIA policy will help to protect the residential amenity and ensure that further expansion with licensed premises is not to the detriment of this important and iconic part of Bristol. The policy, when triggered, will apply to applications for the grant of new licenses or significant variations of existing licenses in respect of premises that primarily provide alcohol for supply on the premises, restaurants and takeaway outlets. Applicants for licenses in the CIA area will need to be able to demonstrate that they can offer something different from what is currently available without adding to the impact already being experienced.

### **Bedminster and Southville CIA**

The CIA comprises of two adjacent areas that have different characteristics. The North Street section places a greater emphasis on seeking to prevent public nuisance whilst the Cannon street area has more of an emphasis on preventing crime and disorder (Map at Appendix D)

#### **North Street (From the junction with Ashton Road to the junction with Greville Street)**

#### **Reason for Policy**

This stretch of North Street is characterised by a varied range of food, drink and entertainment offers leading to a busy area, which has resulted in anti- social behaviour and loss of amenity for local residents. The policy will help to protect

residential amenity from being harmed by public nuisance and will, when triggered by the receipt of relevant representations, give rise to a presumption of refusal of applications for the grant of new premises licences or for significant variation of existing licenses particularly where such proposals could increase anti-social behaviour. The policy is not designed to preclude high-quality food-led developments that are commensurate with the community's longer term ambitions for the area.

**Cannon Street Area ( Cannon Street, North Street (from junction of Grenville Street to junction with Cannon Street), East Street (from junction with Little Paradise to junction with West Street/Sheene Road and West Street (from junction with East Street to junction with Victor Road)**

#### **Reason for Policy**

The Cannon Street locality comprises of a close concentration of late night 'destination' bars, take away food outlets and premises supplying alcohol for consumption away from the premises (off-licences) that has resulted in a cumulative adverse impact on the promotion of the licensing objectives, in particular those concerning the prevention of crime and disorder and the prevention of public nuisance. The policy, when triggered by the receipt of relevant representations, will apply to applications for the grant of new premises licences or for significant variation of existing licenses and is intended to prevent the further proliferation of the type of premises on offer in this locality. In order to rebut the presumption of refusal applicants for licences will be expected to demonstrate through the operating schedule accompanying the application that what they propose is a significantly different type of operation than that which is currently on offer; a proposal that will result in a greater variety of range of venues and that it is demonstrated will not add to the problems currently being experienced which this policy aims to address. The policy is intended to be strictly applied, i.e. to refuse applications with operating schedules that could enable a venue to operate as an additional late night alcohol led venue, or as a late night food take away outlet, or as an "off-licence".

- 6.3.10 The adoption of such policies should not be understood to be an absolute bar to new authorisations being issued or granting significant variations to existing licenses. Applicants are entitled to seek any of the permissions available to them in the Act and the Council does not in this policy intend to prevent applicants from exercising their statutory rights. Each application will be considered on its own merits, within the constraints of the legislation and having due regard to the relevant guidance and policy.

## **Interpreting the extent of a Cumulative Impact Policy**

6.3.11 In respect of past policy, issues have occasionally arisen with regard to whether or not a particular premises that is located abutting or just outside of the indicated boundary for each CIA should be considered as being covered by the policy. Through this policy the council seeks to clarify that each CIA boundary line is intended to be indicative of the area that is affected by the stress underpinning the cumulative impact policy for the area concerned. The policy purpose is to prevent that stress from worsening and to reduce it over time. That policy purpose is frustrated if premises such as those referred to above are automatically considered as being outside of the policy.

It is intended that the wording of the cumulative impact policies should be understood by the decision taker in a way that best ensures the purpose of the policy is achieved. This is sometimes called a purposive interpretation. Each application that falls to be considered at a hearing will be assessed on its own individual facts and merit. Where relevant representations are received in respect of an application for any premises that is adjoining or is in close proximity to (but not within) the CIA defined boundary and where those representations raise a material impact on the CIA then the CIA policy may be triggered if the sub committee reasonably judges that to grant the particular application would add to the cumulative impact being suffered in the defined area.

## **6.4 Content of Regulated Entertainment**

6.4.1 The Act prohibits the council from seeking to regulate the content of the performance of a play (Section 22). This is the case whether or not there are relevant representations.

6.4.2 However no such prohibition is contained in the Act in relation to other forms of regulated entertainment. This does not mean that the Council has a free hand to control the content of regulated entertainment. As previously stated the Council is not able to impose conditions that are not consistent with the applicant's operating schedule unless relevant representations have been made. Even where such representations are made and the Licensing Committee is satisfied they are well founded, due regard would need to be had to the Secretary of State's guidance. Through this policy the council supports the Licensing Committee in deciding to depart from that guidance where there is good reason to do so.

6.4.3 Under the previous public entertainment licensing regime the Council did restrict the content of entertainment in some respects. For example the council controlled the use of pyrotechnics and none of its licensed cinemas was authorised to exhibit R18 rated films. Such restrictions now fall to be considered in the context of the

Licensing Act. Restrictions may be applied where they are consistent with the applicant's operating schedule if there are no relevant representations.

In respect of some forms of adult entertainment, it is a fact that there are people who find this unacceptable and who have a moral opposition to it being permitted.

Licensing Authorities cannot approach the issue in that way and cannot lawfully seek to prevent Applicants from exercising their right to submit any applications that they are entitled to make under the Act.

Insofar as any particular form of regulated entertainment is not prohibited under the general law then it can be made subject of an application for authorisation.

When a valid application is made and properly advertised then, in the absence of relevant representations being received, it must be granted subject only to conditions that are consistent with the operating schedule that must accompany the application. If relevant representations are received then this will trigger notice of a hearing. Relevant representations are defined in the Act by reference to the persons who are entitled to make them, the time and manner in which they must be made and the necessity that they are about the likely effect of the grant of the authorisation/variation as appropriate on the promotion of the licensing objectives.

As Bristol has adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) the position regarding the provision of many forms of what would be classified as adult entertainment e.g. strip tease style entertainment now falls under those provisions and Licensing Act authorisations can only be relied upon for the provision of 'relevant entertainment' in certain circumstances, i.e. where an exemption applies.

Because of the potential for adult entertainment or services to impact on the promotion of the licensing objectives the Secretary of State has ensured that prescribed information is forthcoming that will enable the impact on the objectives, in particular that concerned with protecting children from harm, to be assessed.

Applicants are required to:

"highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children".

The prescribed forms of application for authorisations and variations direct applicants to a guidance note which states that in providing this prescribed information, which forms part of the operating schedule, they should:

"give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi nudity, films for restricted age groups, the presence of gaming machines"

If in response to this question an applicant makes no disclosure of such activity then a condition may be imposed on the authorisation to ensure that nothing may occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether or not children have access to the premises, for example (but not exclusively relevant entertainment within the meaning of the 1982 Act) nudity or semi nudity, films for restricted age groups, provision of relevant entertainment within the meaning of the 1982 Act etc.

Such a condition is consistent with an operating schedule completed in that manner and ensures the promotion of the licensing objectives, for example by ensuring that a licensee who wishes to use the premises for such activity in the future would need to seek to vary the authorisation so as to modify that condition, thus ensuring future impact on the promotion of the licensing objectives is afforded due scrutiny and, if representations are received, active consideration by the licensing authority.

- 6.4.4 Authorisation holders will be expected to ensure that they and their premises comply at all times with any conditions attached to an authorisation. The Licensing Authority has developed pools of conditions which seek to promote the four licensing objectives, including restricting the content of regulated entertainment with a view to promoting the prevention of crime and disorder; and of public nuisance and to securing public safety and protecting children from harm.

## **Equalities Obligations**

- 6.4.5 In view of the Councils duties under equalities legislation and its general strong commitment to equalities issues, the Council supports a robust approach to ensuring, so far as the law permits it to do so, that entertainment in the Bristol area should not include content which would be in conflict with its legal obligations and policy commitments in the area of Equalities.

- 6.4.6 The introduction to this policy, including the section on how this policy applies, summarises the circumstances in which the Council can exercise substantial discretion when determining applications and indicates the constraints imposed by the statute governing the exercise of that discretion when it is engaged.

## **6.5 Licensing Hours**

- 6.5.1 There are no fixed hours for trading under the Licensing Act. Applicants are required to identify the hours they propose to operate.
- 6.5.2 The applicant needs to demonstrate in their operating schedule what steps they would take to promote the four licensing objectives.

It is suggested that the Licensing Committee, when considering each application on its merits following receipt of relevant representations, should have particular regard to the following factors when trading hours are an issue before the committee at a hearing:

- Whether the licensed activities are likely to cause an adverse impact, especially on local residents, and what, if any, appropriate measures are proposed to prevent it;
- Whether there will be a substantial increase in the cumulative adverse impact on an adjacent residential area;
- Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- Whether the activity will be likely to lead to a harmful and unmanageable increase in the demand for car parking in any surrounding residential streets suffering from high levels of parking stress;
- Whether the premises have an authorised or lawful use for the permissions sought under Town and Country planning legislation.

6.5.3 The Council's policy will not seek to prevent shops, stores and supermarkets providing sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless satisfied, following the statutory process prompted by the receipt of relevant representations, that there are good reasons based on evidence for restricting those hours with a view to promoting the licensing objective

### **Early Morning Restriction Orders (EMROs)**

6.5.4 The Police Reform and Social Responsibility Act enables licensing authorities to restrict the sale of alcohol in the whole or a part of their area for any specified time between 12 midnight and 6 am through the application of an Early Morning Restriction Order. The Council recognises that this may be a useful tool to help address specific, alcohol related problems in local communities, particularly where it is difficult to attribute the cause of the associated problems to any particular premises. This could be particularly relevant where there is a concentration of late night activity in one area.

By virtue of section 7 of the act, the function of making, and varying or revoking, an early morning restriction order, or any matter relating to the discharge of such function, is not the responsibility of the licensing committee and under current law must be decided by the full council.

## 6.6 Young People and alcohol

6.6.1 An unaccompanied young person (i.e. somebody under the age of sixteen who is not accompanied by a person over the age of eighteen) must not be allowed into any premises which are "exclusively or primarily used for the supply of alcohol for consumption on the premises".

6.6.2 Whether or not premises with a mixed use are "exclusively or primarily used" is a matter of judgment and will depend upon the particular circumstances of the case. The guidance makes it clear that this does not mean that where the supply of alcohol is not the exclusive or primary use then young people should automatically be given access.

6.6.3 Where it is appropriate and permissible within the law (i.e. where it is in line with the application or where relevant representations have been received enabling a hearing to take place) the Licensing Committee should impose conditions that restrict young people from entering all or part of any premises licensed to supply alcohol:

- at certain times of the day and/or;
- when certain licensable activities are taking place and/or;
- where there is an age limitation (over 18);
- unless accompanied by an adult.

6.6.4 Examples of premises where this policy expectation applies include premises where:

- there is entertainment of an adult nature provided;
- the premises have a reputation for under-age drinking and/or there have been convictions for age related alcohol offences;
- there is a known association with drug taking or dealing;
- there is a significant element of gambling on the premises;
- there is a presumption that young people under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
- there are licensable activities appealing to young people under 16 taking place during times when they may be expected to be attending compulsory full-time education.

Save for mandatory conditions imposed by the Licensing Act itself, there are no standard conditions that automatically apply and this policy should be understood

within that context. The introduction to this policy, including the section on how this policy applies summarise the circumstances in which the Council can exercise substantial discretion when determining applications and indicates the constraints imposed by the statute governing the exercise of that discretion when it is engaged.

- 6.6.5 The Licensing Authority expects an adequate number of staff to be provided at premises specifically to ensure young people's safety and to control their entrance and exit.
- 6.6.6 Conditions may be imposed on authorisations for premises where young people will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the entrance and exit (including safe transport home) and to ensure the safety of young people in the premises.
- 6.6.7 The Council will expect operating schedules to specify the measures and management controls in place to prevent alcohol being served to young people, other than in those limited circumstances where such service is permitted under the Act.
- 6.6.8 In 2010 a report by the Health and Social Care Information Centre into smoking, drinking and drug use among young people in England collected information in respect of children at secondary schools aged between 11 and 15 drinking alcohol. Results were that 13% of pupils had drunk alcohol in the previous week and the proportion of girls to boys was similar. This figure is lower when compared to 26% in 2001 and 18% in 2009. Of these young people (13%) the report highlights that they drank a mean amount of 12.9 units and median amount of 8.5 units. 36% of the pupils that reported to have obtained alcohol in the last 4 weeks 23% from friends, 20% from parents, 15% asked someone to buy it, 48% had bought the alcohol themselves. Of those that bought the alcohol themselves 26% purchased alcohol from friends/relatives, 18% from someone else, 16% from off licences, 12% from shops/supermarkets. When compared to 1996 figures the percentage of pupils purchasing from retail outlets has reduced.
- 6.6.9 A major problem of underage drinking connected to disorder and crime in the city is from the purchasing of alcohol and drinking of it off site, mainly in parks and open spaces.
- 6.6.10 It is consistent with the duty to promote the four licensing objectives for the Council to aim to ensure access to alcohol for consumption by young people is restricted.
- 6.6.11 The Licensing Authority expects that staff responsible for ensuring that customers are old enough to purchase alcohol are fully trained in this respect. This is particularly relevant for bar staff working at premises where door supervisors control entry to premises. Experience has shown that on occasions where door supervisors are employed there can be less vigilance shown by bar staff with regard to refusing the sale of alcohol to under age customers, perhaps due to an assumption that all identification has been verified. Particular care and appropriate

measures should be in place for venues that, due to the nature of the events, attract both over and under 18 year old patrons.

6.6.12 This statement of licensing policy therefore includes specific measures aimed at promoting the four licensing objectives in certain types of premises, especially off licences, located in areas where there are issues of social disorder, under age drinking etc. Such measures include a general expectation that Applicants propose certain steps in their operating schedules (or, following relevant representations, conditions the committee is expected to impose where the applicant has not offered the appropriate step in their application).

### **Proposed measures to reduce underage drinking**

6.6.13 Examples of steps/conditions that the council expects in such cases include:

- Implementation of the “Challenge 25” scheme (challenging anyone who looks under 25 to prove their age by use of an approved means of identification); for this to be advertised and enforced on the premises and to be a condition of the authorisation.
- The premises to have working CCTV in fixed locations (identified by reference to the plan) which is able to clearly capture, record and store images of customers with that information to be retained (for a minimum of 28 days) and made available to the police or the licensing Authority on request. This is proposed for the purposes of identifying underage purchases or purchases by adults on behalf of underage individuals. It should be a condition of the license that this equipment be kept in working order at all times.
- Participation in any labelling (or similar sales identification process) scheme in operation in the area within which the premises are situated. ( where alcohol is permanently marked by the seller with a unique identifier for the premises where it is purchased, so better enabling authorities to investigate the source of alcohol when seized from underage drinkers).
- That a refused sales log is maintained and kept available for inspection by a constable or authorised officer of the Council;
- That, in respect of retail premises where the supply of alcohol is not the primary business, applicants be expected to specify in their operating schedules (by reference to the plan of the premises) the area or areas within the premises where it is intended that alcohol can be displayed and that consideration should be given to placing displays in less prominent areas;
- Details of training provided to members of staff to prevent underage sales to be maintained in a register and kept available for inspection by a constable or authorized officer of the Council.

Save for mandatory conditions imposed directly through the Licensing Act itself, there are no standard conditions that automatically apply and this policy should be understood within that context. The introduction to this policy including the section on how this policy applies summarise the circumstances in which the Council can exercise substantial discretion when determining applications and indicates the constraints imposed by the statute governing the exercise of that discretion when it is engaged.

## **6.7 Young people and films**

6.7.1 The Council expects the operating schedule for premises with film exhibition to include a stipulation that young people will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority as appropriate.

## **6.7 Restricted 18 category films**

6.8.1 The British Board of Film classification guidelines for awarding an R18 certificate can be viewed here ([www.bbfc.co.uk](http://www.bbfc.co.uk) and select the R18 logo).

6.8.2 The BBFC has statutory powers to designate videos so as to ensure that those rated R18 may only be sold through licensed sex shops.

6.8.3 Under the previous licensing regime official guidance was issued that encouraged Councils to impose conditions which strictly regulate the circumstances in which R18 films can be viewed. The provisions under which this guidance was issued were repealed when the Licensing Act came into force and the council will need to have regard to the Secretary of State's guidance under the Licensing Act 2003 when determining applications concerned with the exhibition of films.

6.8.4 Whilst the Council does not seek to encourage applications seeking permission to show R18 rated films, it recognises the right of any applicant to make any application allowed under the Licensing Act 2003. It is therefore appropriate for the Council to state in this policy its approach to such applications.

6.8.5 Given the explicit nature of the content of films classified as R18 the council considers that they are suitable for showing only in suitable premises and under restricted "club" conditions. In order to give effect to this, the Council has included a set of conditions based upon those contained in the guidance issued under the previous regime, namely Annex B to Home Office circular 98 of 1982, in the relevant model operating schedule.

6.8.6 These conditions ensure that where R18 films are permitted they can only be shown when the cinema has, in effect, turned itself into a "club" for the purpose of

restricting admission to members only, who must have enrolled at least 24 hours in advance of the exhibition. Membership must be restricted to those aged over 18 and a film in the Restricted 18 category may not be shown in a multi screen complex at any time when people under the Age of eighteen are being admitted to other exhibitions at the premises unless an entirely separate entrance is provided and other facilities are completely segregated. Persons aged under 18 would not be permitted to be employed in any capacity in the premises and membership rules would have to include matters specified in the conditions. The content of advertising should also be subject of an appropriate condition.

- 6.8.7 The Council considers the above approach serves to promote the licensing objectives.
- 6.8.8 Any applicant seeking to be permitted to exhibit films in the Restricted 18 category is therefore encouraged to discuss their proposed application at an early stage with the responsible authorities, in particular the Chief Constable and the body responsible for advising the Licensing Committee about the protection of children from harm. Where representations are received in respect of an application to exhibit films in the Restricted 18 category then the application will be subject to anxious scrutiny, in particular where the operating schedule does not include the steps reflected in the conditions outlined above or where it is proposed that the supply of alcohol should also be permitted.

## **7. The Licensing Authority as a Responsible Authority**

Recent changes in legislation mean that the licensing authority is now able to act as a responsible authority and so can make relevant representations on applications or seek reviews of existing authorisations. This means that Bristol City council can now bring to bear on the decision making process another area of expertise - that of the professional licensing officer - in addition to the other areas of expertise it brings to the process in its various capacities as, for example, local planning authority, statutory nuisance authority, child protection body, Director of Public Health, health & safety inspectors and weights & measures authority. Although the council operates these functions separately there is only one council engaged in an administrative decision making process.

- 7.1 The statutory purpose of the duty to adopt this policy (and indeed for the Secretary of State to issue guidance) is specific to the council in its capacity as the licensing authority and then only in respect of the exercise of licensing functions, that is the powers and duties of the licensing authority under the Licensing Act 2003. Therefore it is not usually the role of a statement of licensing policy to guide the making of relevant representations by any of the responsible authorities. The only exception being when the licensing authority itself is acting as a responsible authority.

7.2 The Secretary of State's guidance raises a potential "conflict of interest" and concerns about procedural fairness. The Licensing Act itself ensures a fair process however; firstly by ensuring that officers simply cannot determine applications where relevant representations have been made and secondly by providing a right of appeal to a tribunal that is both independent and impartial. In Bristol's experience the elected members have proved themselves very capable of acting independently and impartially notwithstanding officers from the council itself are parties before it. There is no reason to suppose that will change when a licensing officer is in attendance as a party. There are however some practical measures that are recommended to the Licensing committee:

- the Licensing Committee ought not exercise its statutory right to delegate the making of relevant representations to one of its own sub committees; this role should be delegated to those officers the committee considers best placed to provide expert licensing advice since that will best serve to promote the licensing objectives;
- The Licensing Committee should make it a rule that no officer who has been directly involved in the making of relevant representations on a particular application may make any decisions in relation to the fixing of a hearing, or act as policy advisor to the decision making sub committee during a hearing, or remain with the sub committee when they are deliberating (unless all other parties are also permitted to remain);
- Insofar as any member scrutiny of the exercise of this new function is required the Licensing Committee should request this be undertaken by the Council scrutiny function.

7.3 These measures should ensure the effective separation of those in the licensing authority entitled to determine applications where a hearing is triggered (elected members who are bound to act in the interests of the public) and those in the council whose professional judgment may cause them to act so as to trigger a hearing (officers of the council acting in various capacities, including but not exclusively as the licensing authority).

7.4 In regard to the content of the representations and when they should be made, the Secretary of State appears to suggest that the Licensing Authority ought to avoid making representations they think another responsible authority may raise and only speak to limited matters seen as within the scope of the Licensing Authority. This approach is not without risk to the promotion of the licensing objectives in particular

if engaging in second guessing results in representations not being made that ought to have been forthcoming. The council's expectation is that the Licensing Authority responsible authority will give due priority to the following:

- issues arising out of the Licensing authorities role in regulating and enforcement;
- the role as “gate keeper” of this statement of licensing policy

## **8 Licensing and Planning Permission**

8.1 The Secretary of State has provided guidance on the relationship between planning and licensing stating that they are separate regimes (Para 13.55). Where the Licensing Authority receives relevant representations that a licensing proposal is contrary to a planning consent and that to grant a licence for such activity would be likely to affect the licensing objectives then a refusal, or the attaching of conditions to prevent such a use until the position has been regularised may be appropriate. In appropriate situations a hearing could be deferred until planning consent has been obtained, or arrangements made for the applications to be considered together. A responsible and prudent applicant would ensure that an appropriate planning consent was in place before submitting a licence application or choose to submit both at the same time.

## **9 Enforcement**

9.1 All enforcement carried out under the Licensing Act should be undertaken having regard to Bristol City Council enforcement policies, the Secretary of State's guidance and this policy. The exercise of all other licensing functions, and enforcement functions under the act that are the responsibility of the Licensing Authority must be undertaken with a view to promoting the four licensing objectives.

### List of persons who responded to the consultation

N Pirie	Bishopston Resident
S Davies	Premises Licence Holder
Anon	BS8 resident
Bristol Fawcett	
B Hirt	Personal Licence Holder
L Hay	Cabot Resident
S Loder	Cabot Resident
Anon	BS3 Resident (x2)
J Miller	Cabot Resident
A Crabb	Filwood Resident
B Coleman	Public Health – Bristol City Council
A Ivory	BS7 resident
S Mistry	Public Protection – Bristol City Council
R North	Bristol Cruising Club
Anon	BS6 resident
E Wolfe & S Margetts	Cotham Residents
J Nicholls	Windmill Hill Resident
K Porter	Public Health – Bristol City Council
R Boswell	Bishopston Society
B Higgins	Clifton Down Community Association
R Musgrave	Clifton & Hotwells Improvement Society
A Bond	Bristol Safeguarding Children Board, Bristol City Council
Ins Keith Rundle	Avon and Somerset Constabulary
J Bradfield	Hotwells & Cliftonwood Community Association
P Wheeler	Stockwood Resident
J Skinner	Premises Licence Holder
P Warne	TLT Solicitors

#### CIA evidence:

E Wolfe, S Margetts, J White, R Mortimer - Redland and Cotham Amenities Society (RCAS) and Hampton Park and Cotham Hill Community Group (HPCHCG).

P Smith	Richmond Hill Area Residents' Association (RHARA)
E Kew	Bishopston Cotham and Redland Neighbourhood Partnership Street Scene Group
R Bosewell	Bishopston Society
Inspector Keith Rundle	Avon and Somerset Constabulary
B Biggs	Planning and Licensing Group, Clifton Down Community Association

## APPENDIX B

### FILM CLASSIFICATION POLICY

1. Subject to any decision made under par 3 below, any classification of the BBFC shall be deemed to be a classification of the Licensing Authority;
2. No film classified by the BBFC as "R18" may be exhibited in any premises unless that exhibition is specifically and explicitly permitted under an authorisation (within the meaning of Section 136 of the 2003 Act);
3. (a) Any person may request that the Council either:
  - (i) determine the appropriate classification of any film which has not been subject of classification by the BBFC;
  - (ii) determine a different classification to that determined by the BBFC to apply generally in Bristol and/or to apply to specific performance of the film in question.
- (b) a request under 3 (i) or (ii) above should be made in the first instance to the Licensing manager and the applicant should enclose the following:
  - (i) synopsis of film
  - (ii) length of film
  - (iii) appropriate fee being a sum the licensing authority considers to be reasonable compensation to it for considering the initial application
- (c) the licensing manager (or deputy in his absence) will respond in one of the following ways:
  - (i) S/he will indicate if the application will be considered and if so will indicate what arrangements are required for the exhibition of the film for the purpose of determining its classification, whether that determination will be made by officers, the Licensing committee or one of its sub committee and the further fee payable which is calculated having regard to the costs incurred by the Licensing Authority in considering the application; or
  - (ii) The Licensing Manager will respond that the council is not inclined to consider the application and will indicate the reason for that decision as follows:
    - (a) that in respect the synopsis indicates a classification of R18 falls to be considered;

- (b) that the applicant seeks a more restrictive classification than that recommended by the BBFC and has not made a clear and convincing case that the BBFC guideline have been incorrectly applied;