

Licensing Committee

Agenda



Date: Thursday, 28 May 2020

Time: 10.00 am

Venue: Virtual Meeting - Zoom Committee Meeting
with Public Access via YouTube

Distribution:

Councillors: Afzal Shah, Peter Abraham, Tom Brook, Barry Clark, Harriet Clough, Eleanor Combley, Chris Davies, Richard Eddy, Paul Goggin, Fi Hance, Hibaq Jama, Brenda Massey, Paula O'Rourke, Lucy Whittle and Chris Windows

Copies to: Claudette Campbell (Democratic Services Officer), Sarah Flower (Licensing Policy Advisor), Shreena Parmar (Legal Advisor), Lynne Harvey (Legal Advisor), Nick Carter, Emma Lake, Carl Knights (Licensing Policy Advisor), Ashley Clark (Legal Advisor) and Abigail Holman (Licensing Policy Advisor)

Issued by: Claudette Campbell, Democratic Services

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Date: Tuesday, 19 May 2020



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. Minutes of Previous Meeting

To agree the following minutes:-

(Pages 6 - 22)

1. 29th May 2019
2. 19th December 2019
3. 3rd February 2020
4. 6th Febraury 2020

5. 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 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 22nd May 2020**.

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 Wednesday 27th May 2020.**

6. Annual Business Report.

Report of Interim Service Director – Legal and Democratic Services.

(Pages 23 - 35)

- a) Membership of Committee**
- b) Election of Chair - Municipal Year 20/21**
- c) Election of Vice Chair - Municipal Year 2020/21**
- d) Dates and Times of Meetings.**
- e) Establishment of Special Purposes Sub-Committee**
- f) Delegations to Sub-Committees and Officers**

7. Announcements from the Chair

8. Licensing Policy Statement

Oral Report of Manager, Regulatory Services.



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.

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.

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 email address: Licensing@bristol.gov.uk or from Democratic Services.

Please see www.bristol.gov.uk and <https://www.bristol.gov.uk/licences-permits/premises-licence-appeals-and-review>

Public Forum process relating to matters not being heard at this hearing:

- 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**.

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 to the Committee, published on the website and within the minutes. Your statement or question will also be made available to the public via publication on the Council's website and may be provided upon request in response to Freedom of Information Act requests in the future.

We will try to remove personal and identifiable information. 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. Other committee papers may be placed on the council's website and information within them may be searchable on the internet.

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.
- Public Forum will be circulated to the Committee members prior to the meeting and published on the website.
- If you have arranged with Democratic Services to attend the meeting to present your statement or ask a question(s), you should log into Zoom and use the meeting link provided which will admit you to the waiting room.
- The Chair will call each submission in turn and you will be invited into the meeting. 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. **This may be as short as one minute, and you may need to be muted if you exceed your allotted time.**
- If there are a large number of submissions on one matter, a representative may be requested to speak on the group's behalf.
- If you do not attend 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 on YouTube 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. 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).

Bristol City Council Minutes of the Licensing Committee

29 May 2019 at 10.30 am



Members Present:-

Councillors: Peter Abraham, Barry Clark, Harriet Clough, Eleanor Combley, Richard Eddy, Paul Goggin, Mike Langley, Brenda Massey, Paula O'Rourke, Afzal Shah and Chris Windows

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer)

1. Welcome, Introductions and Safety Information

These were made

2. Apologies for Absence.

Apologies received from Councillor Davies, Hance

3. Declarations of Interest

There were none

4. Minutes of Previous Meeting

The Minutes of:

1. 15th June 2018 AGM
2. 16th January 2019
3. 17th January 2019
4. 7th February 2019
5. 8th May 2019

Resolved: that the minutes, listed above, be agreed as correct record and signed by the Chair



5. Public Forum

None

6. Annual Business Report.

The Democratic Services Officer introduced the report and moved directly to the election of the Chair and Vice Chair.

At the point handed proceedings to the Chair to facilitate the remainder of the meeting.

7. Membership of Committee

Resolved – that the membership of the Licensing Committee for the 2019/20 Municipal Year be noted as follows:

Councillor Abraham
Councillor B Clark
Councillor Clough
Councillor Combley
Councillor C Davies
Councillor Eddy
Councillor Goggin
Councillor Hance
Councillor Jama
Councillor Langley
Councillor Massey
Councillor O'Rourke
Councillor Shah
Councillor Windows
Councillor Whittle

8. Election of Chair - Municipal Year 19/20

Councillor Langley was nominated and seconded for the Chair of the Licensing Committee for the 2019/20 Municipal Year. There were no further nominations.

Resolved – that Councillor Langley be elected Chair of the Licensing Committee for the 2019/20 Municipal Year.

9. Election of Vice Chair - Municipal Year 2019/20



Councillor Clough was nominated and seconded for the Vice Chair of the Licensing Committee for the 2019/20 Municipal year. There were no further nominations.

Resolved – that Councillor Clough be elected Vice Chair of the Licensing Committee for the 2019/20 Municipal Year.

10 Dates and Times of Meetings.

Emma Lake, Licensing Manager, informed Committee that there had been a steady increase in the numbers of TENs application peaking in November 2018. This reflected the general increase in applications during the summer festival season; prior to Christmas and finally into the New Year.

Committee were requested to note that Sub-Committee's would convene on a weekly basis during these periods.

Resolved – that

- a) **The move to weekly meetings during the summer and Christmas period be agreed.**
- b) **That the proposed meeting dates and times be noted.**

11 Establishment of Special Purposes Sub-Committee

The Committee noted that this Sub-Committee was able to deal with matters that would normally be considered at a Full Committee but which needed to be dealt with urgently. The Sub-Committee comprised the Chair, Vice Chair and a third member.

Resolved –

1. **That a Special Purposes Sub-Committee be established with the terms of reference as set out in Appendix A to the report**
2. **That Councillor Eddy be the third member to sit on the Sub-Committee**

Establishment of other Sub-Committees

Resolved:

1. **That the Licensing Committee establish Licensing (Hearings) Sub-Committees comprising any three members of the Licensing Committee and that each member of the Licensing committee be appointed to serve on any such Sub-Committee which is convened so as to include him or her in its membership;**

And



2. That each of the Sub-Committees so established shall have the terms of reference as set out in Appendix A of the report.

12 Delegations to Sub-Committees and Officers

The Licensing Manager reported that Authorisation in respect of the Bristol International Balloon Fiesta, named officers have yet to be identified by North Somerset Council and therefore not named in the report.

Resolved:

1. That all sub committees established by the Licensing Committee shall have delegated authority to discharge all functions falling within their terms of reference;
2. That the Committee approves delegations to officers as recommended in paragraph H of this report (including North Somerset Officers) and
3. That for the avoidance of doubt any authority conferred upon a sub committee or an officer in connection with the discharge of any function includes the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the function concerned.
4. Noted the Public Sector Equality Duties

13 Announcements from the Chair

None

14 Licensing Policy Statement

The Licensing Manager made the following comments:-

1. The Licensing policy review working group were on target to enable the completion of the consultation document. The consultation was necessary to give an opportunity for residents to provide evidence in support the existing CIA zones. The proposed changes in legislation now requires substantive evidence in support of an area being designated 'CIA'.
2. The Trading Standards and Licensing Manager provided a report detailing the stats on TENs application for 2018, (will be shared as a supplementary document)
3. The cost of a TENs application remained at £21, a fee set by government but not a true reflection of the actual cost for processing and setting up the hearing, when and if necessary.
4. Members were in support of a letter being sent to the appropriate LGA group advising them that there is a discrepancy between the fee and actual cost for managing these applications.
5. Members moved and seconded and when put to the vote;



Resolved: that the Chair on behalf of the Committee send a letter to the LGA to express Committee's concern about the fee rates for TENs.

6. Members were advised a series of refreshing training sessions would be introduced in the coming weeks, to assist new members and refresh existing.

Resolved:

That the statement of policy be noted

Meeting ended at 11.00 am

CHAIR _____



Bristol City Council

Minutes of the Licensing Committee

19 December 2019 at 10.30 am



Members Present:-

Councillors: Peter Abraham, Barry Clark, Eleanor Combley, Fi Hance, Brenda Massey, Chris Windows and Afzal Shah

Officers in Attendance:-

Claudette Campbell (Democratic Services Officer)

1. Welcome, Introductions and Safety Information

Members of the Committee were welcomed.

2. Apologies for Absence.

The following apologies:

- Cllr O'Rourke
- Cllr Eddy
- Cllr Harriet
- Cllr Davies

3. Declarations of Interest

None

4. Public Forum

None

5. Election of a Chair for the remainder of the 2019/20 Municipal Year



Councillor Shah was nominated by Councillor Massey seconded by Councillor Hance and when put to the vote:

Resolved: Unanimous (6 For: 0 Against: 0 Abstention) that Councillor Shah be Chair of Licensing Committee

Meeting ended at 10.53 am

CHAIR _____



Bristol City Council
Minutes of the Licensing (Hearings) Sub-Committee
3rd February 2020 at 12.30pm (Urban Tiger SEV)



Members Present:

Councillors Chris Davies, Fi Hance and Chris Windows (Chair).

Officers in Attendance:

Ashley Clark – Legal Adviser, Abigail Holman – Licensing Policy Advisor, Norman Cornthwaite – Democratic Services

1. Election of Chair

Councillor Windows was elected Chair for the meeting.

2. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the hearing and requested that all parties introduce themselves.

3. Apologies for Absence

None received.

4. Declarations of Interest

None declared.

5. Public Forum

None received.

6. Local Government (Miscellaneous Provisions) Act 1982 Application For The Renewal of a Sexual Entertainment Venue Licence made by Nightlife Clubs Limited in respect of a premises trading as Urban Tiger, 4 Broad Quay, Bristol BS1 4DA.

Objections.

The Committee's Legal Advisor informed the meeting that under the Openness of Local Government Bodies Regulations 2014 Act any person attending a meeting had a statutory right to report on it with the use of audio or video recordings. Objectors in attendance had been notified of this in advance and it was their decision if they wished to speak. It was noted that the objectors' ability to speak at the



meeting was discretionary and their right to anonymity did not overcome the right to record the meeting.

The Committee noted the objections set out in the report and was minded to hear briefly from the objectors. The Licensing Policy Advisor called each the objector present who addressed the Committee. All other objectors were not in attendance.

Site Visit

It was noted that the Members of the Committee had made a site visit to the premises earlier in the day. The Licensing Policy Advisor summarised the issues raised during the site visit as follows:-

1. Private dance area
2. "How things work"
3. CCTV coverage and the monitoring of the CCTV footage

Report

The Licensing Policy Advisor introduced the report stating that there was a presumption to grant unless there were statutory grounds for refusal as set out in the report. The applicant had not made an application to exclude the standard conditions imposed. It was noted that the mandatory grounds for refusal did not apply in this case and so the Committee would consider the discretionary grounds only.

The Rules were circulated to Members of the Committee.

It was noted that neither the Police nor BCC had made any objections to the application.

Finally, the Licensing Policy Advisor reminded the Committee of the requirement to have regard to the Section 149 of the Equalities Act 2010 and the mandatory and discretionary grounds for refusal as set out in the report.

Applicant's submission

The Applicant's legal representative addressed the Committee as follows:

1. He introduced the representatives of Urban Tiger present at the Meeting.
2. The premises have been licensed since 2005 and since 2012 under SEV Legislation.
3. It is the ninth time that the premises have been considered by the Committee.
4. The family has a considerable amount of experience in running this type of business and are well known to the Licensing Authority; they are responsible operators. All Conditions are strictly observed.
5. It was noted that there were no objections from Responsible Authorities, and in particular from the Police who are the main advisor regarding community safety.
7. He explained that no objections had been received from the Responsible Authorities because the applicants were experienced at operating the business and compliant with conditions. In addition the venue was well kept, with a discreet exterior.
8. There was no evidence that the venue caused Crime and Disorder in the vicinity, in the locality or more widely.

9. It was confirmed that the venue did not open during the day but traded in the night time economy. The premises are used for some private events at weekends and during the day. None of these events are governed by SEV Legislation so there is no breach of the SEV Licence.
10. He referred to the site visit and in particular the question of “How things work” – customers pay to get in; the Rules are on the wall and these are explained to customers; topless dancers are at poles; customers are asked if they want a private dance; these take place in the private dance area and are monitored by CCTV and security staff; customers pay for the dance; these last three minutes and the dancers go from clothed to fully nude.
11. On a busy night there are four security staff on duty. They keep the dancers safe and ensure that the rules are strictly adhered to.
12. The applicants had operated the other SEV, Central Chamber, for 16 years and have operated Urban Tiger since 2015; page 196 of the bundle provided for Members provides further information.
13. House rules were understood by management and dancers and there were posters in place to ensure customers were clear; they are always strictly adhered to.
14. Dancers felt valued and respected and were an integral part of the team.
15. There were female employees within the management team; 2 of the 3 directors are women and all of the bar staff are female.
16. The venue is being improved each year.
17. All security staff are ISO 9000 registered and have cameras.
18. The exterior impact of the venue is positive and there is no sex signage.
19. There is no evidence of misbehaviour by customers outside the premises.
20. The City Council’s policy provided for 2 venues in the City Centre. It expected high standards of conduct and for management to protect the public, customers and dancers. The applicants were clear that they were accountable to the Committee and wished to operate a sustainable business which was compliant and had an excellent reputation as an exemplary provider of sexual entertainment.
21. There are no grounds to merit refusal of the application. In respect of the discretionary grounds for refusal – ground A - the whole family were considered suitable operators. In evidence, there was a compliant track record, great experience in the running of SEV’s and a proper set of venue policies; he drew Members attention to pages 261, 296, 297 and 298 of the bundle as evidence.
22. He drew Members attention to pages 264, 267, 269 and 271 of the bundle as evidence of support from the dancers for the applicants.
23. Ground C – the Council’s policy is 2 SEV’s; this venue is one of those premises
24. Ground D – last year the Committee resolved that the venue was appropriate for the character and locality. There was no evidence to now draw a different conclusion; he drew Members attention to page 262 paragraph 5 of the bundle to support this.
25. He drew Members attention to page 279 of the bundle – a report by an Independent Licensing Consultant of a recent visit to the club.
26. He stated that the premises are in good condition, well controlled and managed.
27. The Equalities Impact assessment is covered in the report at paragraphs 8 and 9.
28. The premises are attracting an increasing number of women customers.

The question of ejecting customers was raised and it was explained that this happens on around two occasions per month if the rules are not adhered to. They are recorded in a log.

Applicant Sum up.

The applicants’ representative asked that the licence be granted as applied for.



The applicants and members of the public left the room while the Committee made its decision.

Determination

In reaching their decision the Committee considered all representations made and all documentation submitted. The Committee noted that this type of activity had been determined lawful by parliament, and that the mandatory grounds for refusal did not apply to this application. It also had regard to its obligations to consider the Equalities Act and Public Sector Equality Duty, and regard to its own SEV policy. The members considered each of the discretionary grounds in turn.

Discretionary grounds of refusal:

- a) The committee found that it is well managed, and that the applicants experience of running this business stood them in good stead to ensure conditions and rules were followed. The committee noted the absence of a police representation and no reports of incidents related to the venue from them, and were reassured that no breaches were found in relation to the visit undertaken by the NET officer and the dip samples of the CCTV. The committee found no cause to refuse on this ground.
- b) The Committee was satisfied that this was a family run business and it was run for the benefit of the applicant. This ground did not therefore arise.
- c) The Committee determined to follow the policy in this respect and therefore the ground did not arise.
- d) Ground d
 - i. Character locality - The Committee was satisfied that the premises had a discreet exterior, and had little or no impact on the locality itself. Since the operation of the relevant entertainment was limited to night time only, and was contained within a discreet premises, it determined that the premises was unlikely to have an impact on the other factors which could be considered under this ground. The committee queried what changes had taken place in the area and noted that there was an anecdotal increase in residential accommodation, which were mainly students. The Committee noted there was no Police representation, and no other authorities had highlighted nuisance relating to the premises. The Committee was not presented with evidence to suggest that people using the area would be impacted by the premises. The Committee felt there was insufficient reason to refuse on that ground.
 - ii. The committee noted that there were a number of different types of uses of premises and open spaces in the area with a mixture of late night, alcohol led, and daytime family friendly uses, and changes to the city centre area, including the increase in student accommodation. The Committee noted the discreet operation of the premises and that the night time operation of the premises would mitigate concerns around impact on the other uses in the area. They also had regard to a number of statements from organisations who worked within the night time economy, including a statement from the Chair of 24 Hour Bristol, who said that the applicant was an active and engaged participant with meetings, and engaged with regulators. They therefore found there was insufficient reason to refuse on that ground.

- iii. Layout of premises – The Committee was satisfied that it was appropriate for the use to which it was put. The Committee noted that the applicants had made a number of improvements, on an ongoing basis and was generally kept in a good state of repair. The committee therefore found insufficient cause to refuse on this ground.

The committee had regard to the Equality Act 2010, the Public Sector Equality Duty and all the issues raised within the objections and the meeting. The public sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

The committee noted that no evidence had been presented to suggest there was any harassment of the performers at this venue, and that Bristol applied extensive licensing conditions to venues of this type. They noted that the experience and standing of the premises licence holder and management team ensured an ability to enforce codes of conduct, house rules, and conditions which was supported by the statement of the neighbourhood enforcement team. They also had regard to the statements from the dancers which stated that they felt safe and secure at the premises, and had an opportunity to earn a living from their jobs, and it was noted that the majority of staff employed were women. They also noted that the premises operated in a discreet manner and there was no evidence the premises had a significant negative impact on the surrounding area for the reasons given above. The committee was convinced by the statements that the environment was safe, friendly and promoted a good working environment. The committee had to have regard to this premises specifically and any evidence relating to it in making their decision.

Summary:

The Committee considered carefully all the submissions on the day and all the written submissions from the applicant, and the objectors. It had regard to all the submissions, but found that there was insufficient reason not to grant. Therefore the application for renewal was granted. The renewal date would be maintained and the licence would therefore expire on 30 September 2020.

Everyone returned to hear the decision.

Resolved – (voting 3 for, 0 against) that the renewal of the Sexual Entertainment Licence for Nightlife Clubs Limited in respect of a premises trading as Urban Tiger be granted for 12 months from the expiry of the last licence in September 2019, with the Licence expiring on 30 September 2020.

The meeting finished at 2.45pm.

Chair _____



Bristol City Council
Minutes of the Licensing (Hearings) Sub-Committee
6 February at 12.30pm



Members Present:-

Councillors – Massey (Chair) and O'Rourke.

Officers in Attendance:-

Ashley Clark – Legal Adviser, Abigail Holman – Licensing Policy Advisor, Allison Taylor – Democratic Services

1. Election of Chair

Councillor Massey was elected Chair.

2. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the hearing and requested that all parties introduce themselves.

3. Apologies for Absence

Apologies received from Councillor Shah. The Legal Advisor informed the meeting that the meeting was quorate with two members.

4. Declarations of Interest

None declared.

5. Public Forum

None received.

6. Local Government (Miscellaneous Provisions) Act 1982 Application for the Renewal of a Sexual Entertainment Venue Licence made by Reedbed Limited in respect of a premises trading as Central Chambers, 9-11, St Stephens Street, BRISTOL, BS1 1EE.

Objections.

It was noted that no objectors had attended but that the Committee would have regard to the written objections as set out in the report when making their determination. Eighty Nine objections had been received from the public and the Police had not objected.



Report

The Licensing Policy Advisor introduced the report stating that there was a presumption to grant unless there were statutory grounds for refusal as set out in the report. The applicant had not made an application to exclude the standard conditions imposed. It was noted that the mandatory grounds for refusal did not apply in this case and so the Committee would consider the discretionary grounds only.

The Council's Enforcement Team had visited the venue and found no breaches. They had also 'dip sampled' CCTV footage and found no breaches. It was noted that neither the Police or the Police and Crime Commissioner had made any comments on the application.

Finally, the Legal Advisor reminded the Committee of the requirement to have regard to the Section 149 of the Equalities Act 2010 and the mandatory and discretionary grounds for refusal as set out in the report.

Site Visit.

The following points arose from the Site Visit:-

1. Members had requested to see the House Rules and this was provided;
2. Life drawing was not a licensable activity under the definition of relevant entertainment;
3. They questioned the capacity for staff and customers;
4. Disabled access;
5. How many dancers on any one night?
6. The fire escape flooring was raised;
7. Who managed the content of the Notice Board;
8. There was no handrail at the bottom of the stairs;
9. Did the in-house TV's show any sexual imagery.

Applicant's submission

The Applicant's legal representative addressed the site visit points:

1. The capacity for Fire Risk Assessments was 150 but the maximum on any busy night would be 70;
2. The Notice Board displayed information as per Condition R – contact names and numbers for family planning, rape and sexual assault, dancer welfare, alcohol and drugs, modern slavery organisations. It also included newsletters, sexual health and hair and beauty notices;
3. The ramp access had been considered but making it accessible would be a challenge and would require it extending into the middle of the road. If a person wished to visit with accessibility requirements they were informed that Urban Tiger was fully accessible and therefore a better option. Under the building regulations and EHRC guidance this was felt to be a reasonable adjustment. A Councillor suggested that the accessibility issue could be highlighted on their website so that potential customers were informed before attending. This was agreed;
4. The lack of hand rail would be attended to immediately;



5. The life drawing classes on Saturdays were legitimate classes with a tutor always in place. They had proved popular and might be extended to Mondays. There was nudity but it was not for sexual stimulation so could not be considered relevant entertainment. There were proper changing facilities for models within a controlled environment.

The following points arose from questions:-

1. A Councillor accepted the alternative venue as a reasonable adjustment. Having read the papers she had a good understanding of how regulated the service was and was given further confidence having visited the site. She was reassured that the Notice Board was properly used;
2. The applicant's representative observed that it was a good example of how a sexual entertainment venue could work within a discreet and highly regulated way. The operators worked very hard to do this properly;
3. It was noted that the venue signage was discreet and the Church was on the other side of the street.

The applicant's representative addressed the Committee on the representations received, the discretionary grounds and equalities aspect of the applications and the following points arose:-

1. Discretionary Ground A & B – Suitability of the applicant. All the members of the management team had impeccable characters and had no convictions. The dancers were well protected, provided with decent facilities and their welfare was at the heart of management considerations;
2. Discretionary Ground C – Locality – The Council had determined that there was a demand for this regulated entertainment and set a policy number of 2 in the locality. This was one of those two venues. The external appearance was discreet – there was no tacky lighting, sexual language, touting, ability to see inside the venue from outside, limos with advertising. The impact of the footprint was therefore minimised as much as possible. The layout of the premises provided a secure area for dancers with all necessary facilities, there was comprehensive surveillance and good sight lines;
3. Equality Act 2010 – It was necessary to have regard to Section 149 of the Act but this did not trump the legislation this premises operated under as determined by Parliament as lawful.

There was no sum up.

Determination.

In reaching their decision the Committee considered all representations made and all documentation submitted. The Committee noted that this type of activity had been determined lawful by parliament, and that the mandatory grounds for refusal did not apply to this application. It also had regard to its obligations to consider the Equalities Act and Public Sector Equality Duty, and regard to its own SEV policy. The members considered each of the discretionary grounds in turn.

Discretionary grounds of refusal:

Suitability of the Applicant:

- a) The committee found that the premise is well managed, and convinced by the submissions of the applicant that rules were followed. The committee noted the absence of a police representation and therefore no reports of incidents related to the venue, and were reassured



that no breaches were found in relation to the visit undertaken by the NET officer and the dip samples done on the CCTV. The committee found no cause to refuse on this ground.

- b) The Committee was satisfied that this was a family run business and it was run for the benefit of the applicant. This ground did not therefore arise.
- c) The Committee determined to follow the policy in this respect and therefore the ground did not arise.
- d) Ground d
 - i. Character locality - The Committee was satisfied that the premises had a discreet exterior, and had little or no impact on the locality itself. Since the operation of the relevant entertainment was limited to night time only, and was contained within a discreet premises, it determined that the premises was unlikely to have an impact on the other factors which could be considered under this ground. The committee also noted that there was a nightclub almost opposite the premises which operated primarily in the night time economy and that the area was used throughout the day and night. The Committee noted there was no Police representation, or specific nuisance highlighted relating to the premises. The Committee felt there was insufficient reason to refuse on that ground.
 - ii. Use to which premises in the vicinity are put – Members noted that there were premises nearby operating in the night time economy and so the area remained a mix of both residential and daytime and night time business uses. Members did not find that there was any evidence of significant impact on crime and disorder resulting from these premises. They noted that the entrance to the nearby church was not located on St Stephens Street, as well as the Taxi Rank being located further down the centre area. Members noted that the premises remained a discreet operation, self-contained and operated in the night time economy. Members felt there was insufficient reason to refuse on this ground.
 - iii. Layout of premises – The Committee was satisfied that it was appropriate for the use to which it was put. The Committee noted that the premises was subject to ongoing improvements and maintenance and was generally kept in a good state of repair. The committee therefore found insufficient cause to refuse on this ground.

The committee had regard to the Equality Act 2010, the Public Sector Equality Duty and all the issues raised within the objections and the meeting. The public sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

The committee noted that no evidence had been presented with regard to nuisance or crime and disorder related to this premises. They noted that the experience and standing of the premises licence holder and management team ensured an ability to enforce codes of conduct, house rules, and conditions which was supported by the statement of the neighbourhood enforcement team. They also had regard to the statements from the dancers which stated that they felt safe and secure at the premises, and had an opportunity to earn a living from their jobs, and it was noted that the majority of staff employed were women. The committee also noted the provision of a facility for performers to be



escorted to their vehicles or public transport supporting the assertion that the premises was safe and secure for performers.

They also noted that the premises operated in a discreet manner and there was no evidence the premises had a significant negative impact on the surrounding area for the reasons given above. The committee was convinced by the statements that the environment was safe, friendly and promoted a good working environment. The committee had to have regard to this premises specifically and any evidence relating to it in making their decision.

Summary:

The Committee listened carefully to all the submissions on the day and all the written submissions from the applicant, and the objectors. It gave consideration to all the submissions, but found that there was insufficient reason not to grant. Therefore the application for renewal was granted. The renewal date would be maintained and the licence would therefore expire on 16 September 2020 and it was:-

Resolved (unanimously) – That the renewal of the Sexual Entertainment Licence for Reedbed Limited in respect of a premises trading as Central Chambers be granted for 12 months from the expiry of the last licence in September 2019, with the Licence expiring on 16 September 2020;

The meeting finished at 3pm.

CHAIR _____



Annual Licensing Committee



Report of: Service Director – Legal & Democratic Services.

Title: Annual Business Report 2020/21

Ward: N/A

Officer Presenting Report: Claudette Campbell, Democratic Services

Contact Telephone Number: 0117 92 22342

Recommendation

See Recommendations as set out in each paragraph.

Summary

To agree the Annual Business for Municipal Year 2020/21.



A. Membership of Committee.

- To note the following members appointed by Full Council to serve on the Committee:-

Councillor Abraham
Councillor Brook
Councillor B Clark
Councillor Clough
Councillor Combley
Councillor C Davies
Councillor Eddy
Councillor Goggin
Councillor Hance
Councillor Jama
Councillor Massey
Councillor O'Rourke
Councillor Shah
Councillor Windows
Councillor Whittle

B. Election of Chair – Municipal Year

- To elect the Chair of the Committee for the Municipal Year

C. Election of Vice - Chair – Municipal Year

- To elect the Vice - Chair of the Committee for the Municipal Year

D. Terms of Reference.

- As set out in Appendices A & B.

E. Dates and Times of Meetings.

- To note that meetings of the Licensing Committee and its Sub Committees will be held weekly or two weekly depending on demand throughout the forthcoming municipal year, all scheduled for a 10am start.

F. Establishment of Special Purposes-Sub Committee.

- In accordance with Licensing committee Procedure Rule (LCR) 1(iii) the annual meeting needs to establish a special purposes sub-committee comprising the Chair of the Licensing committee, its Vice chair and one other committee member. Its terms of reference must enable it to deal with any matters of business which would ordinarily be referred to the next ordinary meeting of the committee but which are, in the opinion of the Licensing Manager (in consultation with the Chair) of such urgency that they cannot await the date of the next ordinary meeting.

Recommended.

- That the Licensing committee establish a Licensing (Special Purposes) Sub-Committee with the terms of reference set out in Appendix B;
- that the membership of the special purposes sub-committee comprise the Chair, the Vice Chair and one other member;
- that the committee appoint from amongst its number, one other member to serve on the sub-committee.

G. Establishment of other Sub-Committees.

LCR1(iv) requires that the annual meeting establish any other sub committees considered necessary and in respect of each of them

- (a) agree the membership;
- (b) agree the terms of reference.

In accordance with the Licensing Act 2003 sub committees may be established but they must comprise no more and no less than three members each.

At its meeting on 9 February 2005 the Licensing Committee established Licensing (Hearings) sub committees comprising any three members of the Licensing committee. That meeting appointed each member of the Licensing Committee to serve on any such sub-committee (of three) which is convened so as to include him/her in its membership.

It is recommended that this year the Licensing committee continue with this approach.

The recommended terms of reference are set out in Appendix B.

Recommended

- (a) that the Licensing committee establish Licensing (Hearings) sub committees comprising any three members of the Licensing committee and that each member of the licensing committee be appointed to serve on any such sub-committee which is convened so as to include him or her in its membership; and
- (b) that each of the sub committees so established shall have the terms of reference as set out in Appendix A

H. Delegations to Sub-Committees and Officers.

Section 10 of the Licensing Act 2003 allows the Licensing committee to arrange for the discharge of any functions exercised by it –

- a) by a sub-committee established by it, or
- b) subject to certain statutory limitations, by an officer of the licensing authority

Section 10 of the Licensing Act 2003 also applies to certain Gambling Act 2005 functions that fall within this Committee's terms of reference, that is, those gambling functions that are referred to in paragraph 3 of the Committee's terms of reference.

In previous years the Committee conferred delegated power on each of the sub committees it established to discharge all functions falling within their terms of reference (which for the avoidance of doubt includes all matters ancillary thereto). It is recommended the annual meeting do the same in respect of any sub committees it decides to establish having considered this report.

The functions referred to in paragraphs 2 and 4 of the committee's terms of reference are governed by different law as far as the ability to delegate the decision making process is concerned. Those matters are delegated to the Committee by the full council in exercise of its powers of delegation under section 101 of the Local Government Act 1972. Under that section the Committee itself enjoys the power to delegate those matters to one or more of its sub committees and/or to an officer of the council.

It is anticipated that some applications made under the paragraph 2 and 4 functions may prompt the right to be heard. Therefore, whilst it is anticipated that most decisions connected with the discharge of these functions will fall to be made by a delegated officer, provision has been made in the recommended Terms of Reference of the hearings sub committees for applications to be referred to such a sub-committee by a delegated officer. This particular provision also enables applications under the Licensing or Gambling Act to be decided by a sub-committee notwithstanding the law does not absolutely require this (e.g. because there are no representations). Whilst it is not expected this will often be utilised it does enable matters to be given a public airing where that is judged to be reasonable and appropriate.

Officer delegations.

In accordance with LCR1 the annual meeting should review the delegations to officers. The Committee's responsibilities have greatly expanded since its first annual meeting and this report recommends comprehensive delegations to sub committees and officers covering the vast majority of the Committee's responsibilities whilst continuing to ensure that:

- i. Officers are not authorised to make any decision which by law may only be made by Members meeting as a Committee or duly authorized sub-committee; and
- ii. The delegations reflect the policy of Bristol City Council with regard to the decision whether certain representations are to be disregarded by virtue of being judged to be frivolous or vexatious.

Licensing Act 2003 and Gambling Act 2005

In the discharge of its licensing functions the committee must have regard to the guidance issued by the Secretary of State or the Gambling Commission (as appropriate) and to the Council's own adopted statements of policy. The recommendations in such national guidance reflect the fact that there are many decisions which the law simply does not allow an officer to take. For example an officer cannot determine an application for a premises licence under either Act where relevant representations have been made.

The Council's published statements of licensing policy recommend that the Licensing Committee follow the delegations recommended in national guidance but that, for the reasons set out in the Council's policy statements, the committee should depart from that guidance in respect of decisions about whether or not representations are frivolous or vexatious.

In previous years the committee has effected its delegations in accordance with the Council's adopted statement of licensing policy and it is recommended that this practice should continue for Gambling Act functions as well as for the Licensing Act functions. This is covered in recommendation 1 below.

In respect of the functions referred to in paragraphs 2 and 4 of the Committee's Terms of Reference the Committee will know that the full council has itself effected delegations to the relevant Director in Part 3 of its constitution. The Committee is informed that the relevant Directors have, in line with what is recommended in that constitution, made arrangements under which appropriate subordinate officers assist them in the discharge of these tasks on behalf of the Council as a whole. It is recommended that the Committee note and approve these arrangements.

It is therefore recommended that:

In respect of the functions referred to in paragraphs 1 and 3 of its Terms of Reference the Committee makes the following arrangements:

Subject to the limitations set out in (a) and (b) below officers occupying the following posts:-

Regulatory Services Manager
Licensing & Trading Standards Manager
Licensing Team Leader
Senior Licensing Officer
Licensing Officer
Licensing Technician

Trading Standards Team Leader
Senior Trading Standards Officer
Trading Standards Officer
Trading Standards Investigator
Senior Environmental Health Officer (Regulatory Services)
Environmental Health Officer (Regulatory Services)
Principal/Team Leader Environmental Health Officer (Regulatory Services)
Assistant Environmental Health Officer (Regulatory Services)
Senior Pollution Control Officer
Pollution Control Officer
Public Health Services Manager
Neighbourhood Services Manager
Team Leader Neighbourhood Enforcement
Senior Neighbourhood Enforcement Officer
Neighbourhood Enforcement Officer

are authorised to discharge any function which in law may be discharged by an officer of the licensing authority.

Limitations

(a) The power to decide whether representations are frivolous or vexatious may only be made in respect of applications that officers would be empowered to proceed to determine themselves should it be decided that the representation under consideration is either frivolous or vexatious.

(b) An Officer may not decide whether to grant or refuse an application under the Licensing Act 2003 for a personal license in any case where there are unspent convictions.

- In respect of the functions referred to in paragraphs 2 (a) and (b), 4(a) – (f) and 4(g) to (i) inclusive of the Committee's Terms of Reference the committee notes the arrangements made by the full council and the delegated Director under which his subordinate officers assist him in discharging functions on behalf of the Council. The Committee approves the continuation of such arrangements as if they had been made directly and particularly by this committee
- For the avoidance of doubt the Service Director - Legal Services and officers within his team who assist him in this task shall continue to be authorised to institute and defend legal proceedings of any kind falling within this Committee's terms of reference.
- The possession of delegated powers shall not prevent a delegated officer bringing a matter before an appropriate body of Members but this should only be done following consultation with the Chair of the Licensing committee.

Authorisations in respect of Bristol International Balloon Fiesta 2020.

The Balloon Fiesta takes place annually in Ashton Court. This is in the jurisdictional district of North Somerset. One of the key entry points is via Kennel Lodge Road. This road and the surrounding network is in the jurisdictional area of Bristol City Council.

Each year there are a number of relatively minor enforcement problems associated with the event within the Bristol City boundary such as illegal street trading and on one occasion the illegal sale of alcohol from a van.

Whilst Bristol City Council do have an enforcement presence throughout the event, to increase regulatory capacity and deployment, over recent years officers from North Somerset have been authorised by Bristol City Council to act on its behalf for the duration of the event.

At this point in time, there has been no formal decision regarding the event in 2020 and in what form due to the ongoing Corona Virus crisis, therefore this is a precautionary authorisation taking advantage of the full committee process.

Further, at this point in time it is not known which officers will be deployed by North Somerset Council for the event. Therefore for the purpose of the authorization, these will be determined in accordance with the provisions of S.113 of the Local Government Act 1972 enabling staff from one authority to be placed at the disposal of another is in place for this purpose.

Authorisations in respect of other Licensing functions such as Street Trading fall outside the scope of the Licensing Committee but will be secured if and when necessary.

RECOMMENDED:

1. That all sub committees established by the Licensing Committee shall have delegated authority to discharge all functions falling within their terms of reference;
2. That the Committee approves delegations to officers as recommended in paragraph H of this report (including North Somerset Officers); and
3. That for the avoidance of doubt any authority conferred upon a sub committee or an officer in connection with the discharge of any function includes the power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of the function concerned.

Public Sector Equality Duties

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.

Legal and Resource Implications

Legal

Not applicable

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

Appendices:

Appendix A – Terms of Reference - Licensing Committee.

Appendix B – Terms of Reference – Licensing Sub-Committees.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None.

Terms of Reference – Licensing Committee.**Appendix A****Overview**

Functions relating to licensing and gambling as set out below.

Licensing Act 2003 (“the 2003 Act”)

1. All those matters relating to the discharge of licensing functions that are referred to the committee by virtue of section 7(1) of the 2003 Act;
2. Other functions which full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Power to grant permission for provision etc of services, amenities, recreation and refreshment facilities on the highway and related powers (sections 115E, 115F & 115K of the Highways Act 1980);
 - b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption (section 13(2) of the Criminal Justice and Police Act 2001 (c.16));
 - c) Power to make or revoke an order designating a locality as an alcohol disorder zone (Section 16 Violent Crime Reduction Act 2006);
 - d) The Council’s functions under the third schedule to the Local Government (Miscellaneous Provisions) Act 1982 (as amended); and
 - e) Powers to make and cancel closure notices; make applications for closure orders; issue certificates of termination of closure orders; defend applications for the discharge of closure orders; appeal against the refusal to make closure orders; enforce closure orders; and prosecute for obstruction of authorised officers or for offences in connection with closure orders (sections 19 to 28) of the Criminal Justice and Police Act 2001);

Gambling Act 2005 (“the 2005 Act”)

3. All of those functions under Part 8 of the 2005 Act that are delegated to the Committee by virtue of section 154 of the 2005 Act;
4. Other gambling functions which the full Council has arranged for the Licensing Committee to discharge, namely:
 - a) Duty to comply with requirements to provide information to the Gambling Commission
 - i. (s.29 of the 2005 Act);
 - b) Functions relating to exchange of information (s.30 of the 2005 Act);
 - c) Functions relating to occasional use notices (s.39 of the 2005 Act);
 - d) Power to designate officer of a licensing authority as an Authorised Person for a purpose relating to premises (section 304 of the 2005 Act);
 - e) Power to make order disapplying section 279 or 282(1) of the Act in relation to specified premises (s. 284 of the 2005 Act);

- f) Power to exchange information (section 350 of the 2005 Act);
- g) Power to institute criminal proceedings (section 346 of the 2005 Act);
- h) Functions relating to the determination of fees for premises licences (the Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.I. 2007/479));
- i) Functions relating to the registration and regulation of small society lotteries (Part 5 of Sch 11 to the 2005 Act);

Appendix B

TERMS OF REFERENCE - Licensing (Hearings) Sub-Committees

Any three members of the Licensing committee may constitute a Licensing (Hearings) Sub-Committee having the following terms of reference:

To discharge the following functions:-
Under the Licensing Act 2003:

1. Determination of application for premises licence where representations have been made;
2. Determination of application for provisional statement where presentations have been made;
3. Determination of application for variation of premises licence where representations have been made;
4. Determination of application to vary designated premises supervisor following police objections;
5. Determination of application for transfer of premises licence following police objections;
6. Consideration of police objection made to interim authority notice;
7. Determination of application for club premises certificate where representations have been made;
8. Determination of application to vary club premises certificate where representations have been made;
9. Decision to give counter-notice following police objection to temporary event notice;
10. Determination of application for grant of personal licence following police objections;
11. Determination of application for renewal of personal licence following police objections;

12. Revocation of personal licence where convictions come to light after grant etc;
13. Determination of application for review of premises licence in a case where relevant representations (within the meaning of Section 52 (7) of the Act) have been made;
14. Determination of application for review of club premises certificate in a case where relevant representations (within the meaning of Section 88 (7)) have been made;