

Bristol City Council
Minutes of the Licensing (Hearings) Sub-Committee
26 April 2017 at 12.30pm



Members Present:-

Councillors Langley, Massey, Windows

Officers in Attendance:-

Ashley Clark – Legal Adviser, Michael Bonnick – Legal officer, Abigail Holman – Licensing Policy Advisor, Steve Gregory – 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 Members of the Committee noted the objections received. Objectors Nos. 4, 5, and 6 were in attendance. Each of the objectors summarised the objections that they had previously submitted.

Site Visit



It was noted that the Members of the Committee had made a site visit to the premises earlier in day. The Licensing Officer summarised the findings of the site visit and asked that the Applicants address these findings during their presentation.

Report

The Licensing Policy Advisor introduced the report and summarised it for everyone. The Sub-Committee was also informed that the Applicant had withdrawn their application for a variation to the licence, in respect of extension of opening hours, and was advised that this part of the Application must be formally refused.

- 6 objections had been received on time and 2 received late. All were accepted and noted by the Sub-Committee. It was noted that the applicant had no objection to the late objections being considered by the Committee. The Committee therefore agreed to include the two late representations in their considerations.

The following representatives of the applicant were in attendance:

Bob Hale – Nightlife Limited
Carrie Hale – Nightlife Limited
Tracey Hall – Nightlife Limited
David Jones – Manager, Urban Tiger
James Treherne – Manager, Urban Tiger
Matthew Thomas – Urban Tiger
John Morse – Solicitor representing Urban Tiger
Philip Kolvin QC/Andrew Sivertson – Barrister representing Urban Tiger

Applicant's submission

The Applicant's legal representative addressed the Sub-Committee and made/clarified the following points:-

- The cleaning door was left open for the site visit, and the benefit of members, but was otherwise kept locked at all times;
- The loose balustrade would be fixed in the next day or two;
- The Disabled access door would be replaced with a motorised door although the Sub-Committee noted that many disabled people attended with their carers which was possibly why this issue had not been raised before;
- Mobile phones were turned off on entry to the premises, if clients were found taking photos it was deleted and they were removed from the premises;
- TV screens were used for promotions or sport entertainment and not for sex videos or equivalent;
- Every customer had the rules of the club explained to them and the rules were displayed in the foyer and on the back of menus. Anyone intentionally breaking the rules would be required to leave. Incidents were picked up by dancers, security and management;
- Dancers were routinely surveyed by management to ensure that they felt safe;



- The Club could also be used for daytime events, burlesque/pole dancing classes, life drawing, cocktail making classes. Premises were never used for lap-dancing during the day, only as a night time economy provision;
- This application the fourth renewal and previous Licensing Sub-Committees had on each occasion seen fit to renew the Licence;
- Nothing had changed since the previous application in the area/locality around the club and nothing had changed inside the club;
- No objections or comments had been received from the police, planning authority, pollution control team, child protection agencies, tourist industry or local businesses;
- There had been a positive inspection in October and which some improvements asked for had been done and which related to the changing area and refurbishment of the main area;
- The Club was run by 3 family members and was trading was always discreet;
- The 6 objections were mostly identical to those heard in previous years;
- Objectors largely objected to the concept of lap dancing itself although the Government had found it to be a lawful activity as long as any provider held an appropriate licence;
- The owners were sensitive to the fact that lap dancing was not universally popular but emphasised that only 6 objections had been received out of a population of approximately 450,000 people in Bristol;
- An objector had referred to some negative advertising but this was from the previous owner, the current owner believed it to be distasteful and had never done anything like it;
- The current owner had also ran a sister club at central chambers for 14 years and there had never been anything to suggest that their management was a problem;
- Regarding rules and code of conduct, performers signed up to the rules and management enforced them. There was a comfortable and friendly working environment, alcohol was expensive and customers attended in the knowledge that they were expected to behave and they did;
- With regard to exterior impact, the club opened at 9pm on weekends, and 10pm all other nights and there was no impact. The external façade did not have any sexual language or writing. There was no leafleting or touting and dancers did not wait around outside the premises. Maximum of 6 smokers allowed out the front at any one time and no evidence of misbehaviour outside the premises. Police had not objected. Zero evidence of customers coming out of the premises and harassing people in relation to these premises;
- The venue was appropriate and there was no basis for refusal as nothing had changed in the last year;
- If the licence was renewed the owner would be happy to accept all conditions that had been put in place by previous committees and was also compliant under LA03 Equalities Act regarding the need to assess equality namely, the Club provided a living for around 40 dancers (CC and UT) and 5 bar staff who would lose their incomes if the licence was not renewed;
- The Club also provided proper disabled facilities and there would be further improvements;
- Some women were attracted to the Lap dancing club as it was a place in which women would not be harassed because of the quantity of supervision which took place within them;
- Parliament had decided that this was a legitimate and lawful activity and it did not consider that it should be banned, rather that it should be regulated. The Council had up to now drawn a fair balance between those who want it and those who didn't want an overprovision of it.

The Applicant's representative thanked the Sub-Committee for listening.



As there were no further questions all parties withdrew for the Sub-Committee to deliberate. In reaching their decision the Sub Committee considered all representations made and all documentation submitted.

The Members noted that this type of activity had been determined lawful by parliament and that the mandatory grounds for refusal do not apply to this application. Members also had regard to their obligations to consider the Equalities Act

The members considered each of the discretionary grounds in turn.

Discretionary grounds:

- a) Found that it was well managed and convinced by the submissions of the Applicant that rules were followed and those breaking the rules were removed from the premises. Weight was given to the fact that there were no objections from the police or other regulatory authorities. The Members noted that the areas for performers were of a sufficient quality to promote the wellbeing of the performers when not performing. The Committee found no cause to refuse on this ground.
- b) The Members were satisfied that this was a family run business and it was run for the benefit of the applicant. This ground does not therefore arise.
- c) Members determined to follow the policy in this respect and therefore the ground did not arise.
- d) Ground D
 - i. Character locality – Members were satisfied that the premises has 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, members determined that the premises were unlikely to had an impact on the other factors which could be considered under this ground. No issues had been raised by the police in respect of the premises or incidents with the clientele who used the premises as far as members were aware.
 - ii. Use of premises in vicinity – Members were satisfied that it was a discreet operation and that it was a night time only operation. Members noted that there had been an increase in the residential accommodation in the city as a whole but that this would not necessarily be impacted by the premises for the reasons above
 - iii. Layout of premises – Members were satisfied that it is appropriate for the use to which it is put. They noted the applicants undertaking to address the issues raised in the hearing, in particular the safety issues and access to disabled toilets.

Members were satisfied that there was not sufficient reason not to grant, therefore the Application for renewal was granted. Members refused the Application for variation and granted the Application for renewal to maintain the renewal date. The Licence would therefore expire on 30 September 2017.

Resolved –

1. 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 2016, with the Licence expiring on 30 September 2017;



2. That the variation to the licence, in respect of extension of opening hours, be refused.

The meeting finished at 2.15 pm

CHAIR _____

