

Licensing (Hearings) Sub-Committee

28 February 2018

Councillors:

Barry Clark, Brenda Massey and Steve Pearce

Officers:

Abigail Holman (Licensing Policy Advisor), Ashley Clark (Legal Advisor) and Allison Taylor (Democratic Services Officer)



1. Welcome, Introductions and Safety Information

These were done.

2. Apologies for Absence and Substitutions

There were none.

3. Declarations of Interest

There were none.

4. Public Forum

There was none.

5. Report on renewal and variation of a Sexual Entertainment Venue licence made by Nightlife Bristol LTD 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. The objectors had no automatic right to address the hearing but the Committee was minded to allow them to briefly speak. The Committee also heard that a late objection had been received. The applicant was asked if he wished to accept the late objection and informed the Committee that although he had been content in the past to accept late objections, in this case he asked the Committee not to accept it as it was directed at conditions which were not the Council's standard conditions for SEV's. The Committee conferred and agreed not to accept the late objection. Objectors No's 1, 3, 5, 8 were in attendance and 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 the day. The Licensing Policy Advisor summarised the findings of the site visit as follows:-

1. The Ladies ground floor WC, staff WC on first floor, dancers WC on 2nd floor were all due for refurbishment;
2. The exterior damage on the outside of the door had been like that since client had had the venue and would be refurbished;
3. The dancer's smoking area would be screened off so that they could not be seen. A CCTV camera would also be installed for added security. The cigarette ends would be cleaned up.
4. All security staff had bodycams and radios at all times they were on duty. They could be instantly activated if needed.
5. First aid kits would be on every floor.

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 have to consider the discretionary grounds only. The Committee would have regard to the Police objection and to the objections it had previously heard when retiring to deliberate.

Applicant's submission

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

1. He introduced the owners and management team at Urban Tiger;
2. He also reported that several of the dancers were in attendance in the public gallery and noted they had submitted testimonies at pages 162, 166, 169 and 175 of the Committee's papers alongside other testimonies of dancers not in attendance;
3. Finally he reported that an independent compliance consultant had been employed by the operators in respect of this application and was in attendance;
4. He noted the Committee's inspection of the premises and that this was a useful means of highlighting issues. He confirmed that there was a programme for refurbishment for WC's as some of them had become shabby. He also confirmed that the smoking area would be screened off so that there was no overlooking and CCTV would cover the area. Security staff had body cams providing audio and visual footage and provided a positive effect on individual's behaviour;
5. This was the sixth time the premises was before the Committee under this legislation and the fifth time for a renewal application which had been granted on each occasion;
6. Urban Tiger was a longstanding club in the City Centre run by a local family and traded only at night. The City Council had previously considered the legislation and public consultation and determined that



two SEV establishments was appropriate for the City Centre. High standards of conduct and management were expected in order to minimise the impact on the neighbourhood and to protect dancers. The Council had not failed to take draconian action when these standards were not observed. This premises had 64 conditions on its licence and management were clear that the premises would be visited and carefully observed;

7. Reference was made to the objection on page 38 of the papers. This had nothing to do with the current operator who was of good character;

8. In order to operate compliantly the dancers needed to be an integral part of the team and this operator achieved this. Customers also needed to understand the rules not occasionally or eventually but immediately;

9. Reference was made to the testimony from a dancer at page 162 which stated that she had danced in many venues but Urban Tiger was the best she had worked in;

10. A sustainable business had to be compliant and profits were reinvested to keep the premises up to standard. The owners were committed to the club and were exemplary providers of lawful entertainment;

11. He referred to the testimonies in the papers and reported that 75% of dancers who had worked there for more than a year felt content and safe;

12. He then referred to the independent compliance report and highlighted that the compliance consultant had tested the rules by asking for a dancer's telephone number and she had refused;

13. The Neighbourhood Enforcement Team inspection had also shown the venue as compliant, and the policy had done what it set out to do. These were discreet safe, compliant clubs which met the demand for what Parliament had said were lawful activities.

14. Noting the mandatory grounds to refuse were not relevant, he focussed on the discretionary reasons stating that the owners and staff were of good character, highly experienced with a 16 year compliance in the City Centre and had looked after the welfare of dancers over many years;

Proper policies were in place and there was a good record regarding incidents with only one minor incident since April 2017;

15. The distasteful adverts for schoolgirls and university students referred to by objectors had nothing to do with the current ownership. This ownership had diversified from merely sexual entertainment with life drawing classes and cocktail making classes;

16. He listed the features relating to the character and nature of the venue that would be legitimate reasons to refuse but none of them applied to Urban Tiger. The premises was discreet with 1 door supervisor and this was only during the night time economy. The layout of the premises was conditioned and the owners were committed to continual upgrade as befitted a venue in a major city centre;

17. The objectors' reason for wanting the premises shut was that sexual entertainment was commercial exploitation and fed into inequalities. However, Parliament had determined it to be a lawful activity. He referred to the objection at page 32 which argued against SEVs as a whole and referenced a report on male rapists from several countries including Papua New Guinea but not from the UK. He asserted that this was the wrong forum for that argument as this was not a moral or political exercise but an evidential forum based on good regulatory practice. Dancers at Urban Tiger wished to speak out against the myth that they were exploited and vulnerable but that they were independent women who wished to make their own choices;



18. The owners had co-operated well with the Police and were therefore disappointed with their views this year. However, it was clear that the Inspector had not visited the premises, met the owners or was suggesting that customers were going out and committing offences after having visited the premises. Of the 20 recorded sex offences in the area, 6 were serious but had not been investigated to see if they were linked to an SEV. There had been only one minor incident recorded in relation to this premises since the last renewal;

19. The current 'Me Too' Campaign was not served well by closing businesses that don't cause sexual assaults which happened routinely in Clubs and Pubs. Re-education was needed;

20. The Police objection did not acknowledge that the premises did not trade in the day and therefore had no impact on the City Centre then. It was unfair, irrational and disproportionate to close a premises based on unrelated sex crimes;

21. He referred to equalities impacts and highlighted the Hotak (Supreme Court) ruling that Committee's must have regard to it but it doesn't have to achieve a particular result. Urban Tiger provided a living for 30 dancers and 5 bar staff in clean conditions. If closed, their jobs would be lost. It provided proper disabled facilities. 15% of its customer base were women, some because they wanted to enjoy the entertainment, some as couples and some out of curiosity. The website emphasised that women were welcome. Through the Council's policy and compliance with conditions the premises had little or no impact from the outside on people in the locality. The policy was equalities assessed and this therefore carried through;

22. In summary, the Council has drawn a fair balance for the City Centre, two was not over provision. Parliament had decided that this was a lawful activity, and reference was made to the select committee report from the bundle. There was a presumption to grant and there was no evidence to depart from that position.

The following points arose from questions:-

1. There were on average 2 stag parties daytime activities per weekend and 4 to 8 hen parties per weekend, some of them off site;
2. The life drawing activity was for both stag and hen parties.

The Police set out their objection as follows:-

1. The Police worked in partnership with the Council and other agencies to promote the city as a family friendly safe environment for all;
2. There had been an increase in sexual offences and a 30% increase in recorded incidents in the wider city centre at a time when voices were being heard in media campaigns and the Police were working to increase confidence of women in reporting;
3. The Police were very aware of the research regarding the drivers of sexual offences and supported that view. The Constabulary was nationally recognised for its sexual touching surveys conducted in nightclubs. The last survey outcome was that 80% had experienced it and 3% had reported it. This was a challenge as it appeared almost normalised. Internationally recognised peer reviewed research found that attitudes in SEVs added to that normalising;



4. There had been 12 incidents in the reporting period, none of which were serious or major incidents. There had been 3 more since then. Some related to incidents involving staff and there was no suggestion that they hadn't acted properly. The incident related to men being removed for attempting to touch dancers. This suggested there were men who felt entitled to touch and who visited SEVs to objectify women. Women needed to be protected from such attitudes which appeared prevalent in City Centre venues. The nature of SEVs made them more vulnerable to such attitudes;
5. Security staff were doing what they should by removing them from the premises but they were then in the family centric, communal and residential City Centre. That area attracted high tourism for events such as the Harbour Festival so the public needed to feel safe;
6. The correct number of sexual offences was 35, 29 of which were recorded crimes, 13 sex assault of men on women, 2 of men on men, 8 rapes, 1 outraging public decency, 1 distribution of films, 1 indecent exposure and 3 violence. This changing nature of crime was concerning. There was no evidence that it was a result of Urban Tiger but the premises did sit in an area with such challenges;
7. It was not the Police's role to have a view on this but the Police and Crime Commissioner had made her view very clear that she saw a link between attitudes and these types of premises and had made this a policing priority;
8. Urban Tiger was not a problem premises from a policing perspective, but was a premises in the wrong place. The location was suffering from significant issues and academic research suggested that there was a link between attitudes and these venues. The Committee needed to have regard to understaffed Police resources and the discretionary ground of locality which stated that some places were unsuitable and this was one of them.

The following points arose from questions:-

1. The Inspector had not visited the premises but a colleague had and there was no direct criticism of management. A few minor issues were raised and there was always satisfactory engagement;
2. In addition to the 2 SEVs in the area, there was a sex shop and massage parlour;
3. All premises were assessed in tasking on the RAG scale. Of the 7/800 premises across the city, only 9 were 'red'. This premises was neither 'red nor amber';
3. It was noted that there was a matter of degree relating to the incident to trigger a call to the Police ie. if a male touched the shoulder of a dancer in the bar, a call would not be made.

Applicant Sum up.

1. SEVs were the most highly regulated of licenced premises and this premises was rated as 'green';
2. The statistics quoted by the Police have nothing to do with this premises. Any pattern of men being thrown out and behaving savagely would be picked up. The Police have not taken the time to speak to the club about these incidents. The most frequent reason given was that customers got their phone out to take a picture of the dancer. A customer touching a dancer was an assault and a crime and would be treated the same as anyone who committed a crime;
3. Notices were on the back of doors of Urban Tiger about the 'White Ribbon' campaign for men and boys standing up against sexual violence to women and girls. Management of Urban Tiger would support that type of campaign for Bristol.



All parties withdrew for the Committee to deliberate. 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 regard to its own SEV policy.

The Committee considered each of the discretionary grounds in turn.

Discretionary grounds of refusal:

- a) Found that it is well managed, and convinced by the submissions of the applicant that rules were followed and those breaking the rules were removed from the premises. The Committee noted the applicants' undertakings to continue to upgrade the premises in the areas where it noted there could be updates. 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. Whilst it was noted that there was residential accommodation and transport links within the locality, the Committee was not presented with evidence to suggest that these would be impacted by this premises. The Committee noted that the Police stated this was not a problematic premises, and were unable to demonstrate any link between the sexual offences perpetrated in the City Centre area, referenced in the police comments and this premises and so the Committee felt there was insufficient reason to refuse on that ground.
 - ii. Whilst it was noted that there were a number of premises and open spaces in the area with mixed and family friendly uses the Committee noted the discreet operation of the premises. They also noted that the night time operation of the premises would mitigate some of the issues that were raised around the crossover between these premises and the other premises in the area, and so 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. It noted the applicants' undertaking to address the issues raised in the hearing, in particular the ladies toilets on both the ground and first floors, and issues in the smoking area.



Summary:

The Committee listened carefully to all the submissions on the day and all the written submissions from the applicant, objectors and police. 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 30 September 2018.

Resolved – 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 2017, with the Licence expiring on 30 September 2018.

The meeting ended at 4pm.

Chair.

