

Bristol City Council
Minutes of the Licensing (Hearings)
Sub-Committee
1 March 2018 at 12.30pm



Members Present:

Councillors Clough (Chair), Combley, Hiscott

Officers in Attendance:-

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

Others

Applicants

Police Representative

Objectors

1. Chairing Arrangements

Resolved – that Councillor Clough be elected Chair for the duration of the Meeting.

2. Apologies for Absence and Substitutions

Apologies were received from Councillors Abraham and Davies; they were replaced by Councillors Combley and Hiscott.

3. Declarations of Interest

None were received.

4. Public Forum

A statement objecting to the renewal of the SEV Licence for Central Chambers was received and noted by Members.

5. Procedure, and Introductions



The Chair explained the procedure that would be followed and Members, Officers, Applicants and the Police Representative introduced themselves.

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

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 two late objections had been received. The Sub Committee agreed that it would hear all of the Objections received within the time limit.

The question of the late Objections received was then considered.

Philip Kolvin QC, representing the Applicants, stated that one objection was the same as received the previous day and quoted Standard Conditions imposed by Swindon Borough council; it was not therefore relevant to this Hearing. The other had been received several months late with no explanation and had been put on Twitter 5 years previously. Neither objection should be heard.

The Members considered the issue and agreed that neither Objection should be heard.

The following Objections were then heard by the Sub Committee:

- No. 1 – noted
- No. 2 – noted
- No. 3 – noted
- No. 4 – noted
- No. 5 – noted
- No. 6 – noted
- No. 7 – noted
- No. 8 – in attendance; noted
- No. 9 – in attendance; noted
- No. 10 – in attendance; noted
- No. 11 – in attendance; noted
- No. 12 – noted
- No. 13 – noted
- No. 14 – noted
- No. 15 – in attendance; noted
- No. 16 – in attendance; noted

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:-

- The paper on the camera was noted, but it does not interfere with coverage of all areas
- The CCTV covers all booths
- Security staff have cameras and radios
- Booth curtains are closed during dances but booths can be checked
- CCTV images are retained for 31 days
- The Fire Exit is alarmed
- A camera has been added at the bottom of the stairs
- Tiles have been repaired
- The dancers' area has been refurbished
- First aid kits are provided and there are trained first aiders
- Fire Exit is locked when the club is closed and alarmed when it is open
- Dumb waiters are to be removed
- There is a panic button in the staff area
- Smoking areas are provided for up to 6 customers and 1 dancer at a time outside; no interaction is permitted and security is present

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.

Central Chambers Application

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

The legal description was not contested.

There was no application to vary or exclude any of the standard conditions.

Referring to the site visit he advised that in relation to SIA supervisors, conditions require 2 during week and 3 on a weekend. WC attendants are on duty on Fridays and Saturdays, but there is no security downstairs normally.



Referring to the Dancers, he explained that there are 9 during week, 12 on Friday, 14 Saturday, often staggered. They have mostly their done make up etc. before they arrive and usually it is a matter of just changing into their clothing for the evening.

He confirmed that this is the 6th year the matter has been before the Committee.

He explained that everyone has had heard wide ranging objections, sincerely held and deeply researched. He would have to stick to the legal grounds and not engage in the wider socio-political aspects as they are not relevant to the consideration.

In 2005 it was decided that the venues should be regulated only under LA03 –the Government deciding to bring it under same legislation as other sex venues. It was debated in Parliament who determined it should be regulated rather than prohibited. It subjected the legislation to EQIA and left it to authorities to determine. BCC adopted the legislation although it was not bound to.

BCC policy was subject to consultation, and EQIA. It was determined to have 2 in city centre, there were 5 in total at the time the legislation was adopted.

Councils can take a strong view about the standards by which these venues are regulated. To ensure the performers are not trafficked or exploited, are safe and protected when they do so, and to ensure the customers know what the rules are, and to ensure the environmental footprint is minimised.

BCC got rid of a number of other things which some other cities do still allow, to ensure that activity was contained within the premises. It has been the same management for the last 16 years. Run by Hale family, it is a venue run by women for women. The dancers want to work there, they say they feel safe and protected. After 16 years the applicant can say the venue is performing well. Tasking rating these premises is green. Level of offending in the premises is low.

The Police regard these as low offending premises.

The thesis that the people who attend these premises will then go out and commit sexual offences is not borne out, as there are 16 years of evidence. In relation to the stats put forward by the Police, the Applicants are not directly or indirectly responsible for.

No incidents are related to these premises. There is a lot of sexual touching in pubs and clubs and it shouldn't happen, it simply can't happen at this venue as the rules are enforced. If there were evidence to say that this was happening the evidence would have been presented.

Clientele tends to be older, people don't go there to get drunk, they enjoy the night, and then go home.

St Stephens Street is quite quiet.



Statements for dancers are in the bundle, this is a choice they have made, Fawcett use 'beacon of disempowerment'. The statements suggest the opposite.

Management, dancers and security company.

Tab 16 – Vanguard Security. Three directors are here. They have an internationally recognised quality mark (ISO 9001). This is fairly unusual for a UK company to have achieved.

There is evidence that this is a well run club and committed to your regulatory principles. There are Testimonials from customers and landlord. The landlord states that there is excellent compliance with the leasehold. They have no trouble from the premises regarding nuisance and trouble in the area/premises.

There are dancers witness statements and a dancers' survey.

With regard to Local Authority inspections, officers can enter the premises whenever they want to check compliance. They can dip sample the CCTV and are able to check compliance. This club is compliant.

In relation to complaints made this year, an independent consultant was engaged to undertake a compliance check, details of which are in the bundle.

Turning to the Grounds for Refusal, the applicants representative stated that the starting point is to grant unless it can be established that there are grounds to refuse.

He commented as follows on the Discretionary Grounds for Refusal as follows:

A: The Hales run the business and are all of good character, and highly experienced. They are consistently compliant, with a proper set of policies.

B: as above

C: The number in the Policy is set at 2, therefore this doesn't arise

D1, 2, 3

1 and 2:

Last year it was found that it was discreet with a discreet exterior, night time, little or no impact on the character of the locality. The applicant stated they feel it applies again. There is no impact in the day as it is closed.

Several of the objections look like they didn't know the venue was here, that suggests impact is minimal.

3:

The layout of venue has continued to improve, constrained in what changes can be made, all sightlines and surveillance are good; he did not believe there was a ground to refuse here.



In relation to the wider arguments, much of the objection is an objection to SEVs as a phenomenon. These need to be addressed to Parliament, rather than this Committee. Discretionary grounds are there for Members to consider. Need good regulatory reason to refuse.

Referring to the Police Submission he commented as follows:

He had already spoken about the general case. Support the white ribbon campaign, Carrie Hale is looking to become a trainer on the 'better night out campaign'

When the stats are considered, there is no evidence to suggest that the venue is responsible for these. He addressed some incidents as follows:

21/08/16 – proactively enforcing the rules.

16/10/16 – two dancers got into a disagreement, victim didn't want to proceed with the police, but the assailant was not permitted to continue at the venue.

21/05/17 – venue called to advise the police. Proactive from the PLH

01/07/17 – not sure why this is in as there was seemingly no incident.

15/07/17 – customer placed hands on dancer's hips. He was ejected from the premises. Doorstaff assaulted customer after altercation increased. Client has cooperated with the CPS regarding these incidents. The doorstaff were immediately suspended. Once investigated, actions were not in line with guidelines and the staff in question were dismissed from the company. These individuals' behaviour was not acceptable and appropriate action taken.

Equalities impact: There is a requirement to carry out an EQIA, and have regard to the Equalities Act.

Reference was made to the case of Hotak at Supreme Court – There is not a requirement to achieve a particular result, but you must have regard to and apply the statutory test. Believe Members should take account of the following factors:

- The business provides a living for 30 performers and three female bar staff. Dancers feel supported and happy in the environment.
- It does attract women, more women than Urban Tiger, approx. 1 in 4, they come in for a variety of reasons.
- Non customers: some people do not like these in their city centre, Members can recognise that they don't like it and reduce the footprint and ensure that it is kept within that environment.
- 2 venues in the City Centre, has been adopted by BCC, not overprovision.

It achieves a fair balance for what Parliament has decided is lawful. It must be run well and without bothering people within the city. The Committee has not heard sufficient to refuse this.

Questions:



Cllr Combley: How was the survey conducted? Through an app entirely anonymous.

Cllr Combley: P252 of the bundle – you mentioned events, what does this consist of? We help out, donate prizes, and staff etc.

Cllr Combley: You mentioned the 'Good Night Out' campaign, is there any connection with zero tolerance? Yes good night out campaign does all the training for zero tolerance.

Members mentioned Google images as they were concerned that the first photo that comes up is women in lingerie. This issue would be looked into with a view to resolving it.

Police Submission:

Inspector Martin Rowland was in attendance as the Police Representative.

He thanked the objectors for their contributions. He felt it was inspiring to hear. He noted that Bristol holds the Purple Flag certification and was a safe vibrant diverse family friendly city.

There has been a 30% increase in sexual assaults in the city centre. Some of this is due to a different method of recording and some is due to women being encouraged to report incidents. To try to tackle that increase, the Police have tried to engage and discourage sexual touching in nightclubs, and have a survey that goes out to people.

Last survey was completed last week. 30-40 people were surveyed per night. 80% people had been a victim of sexual touching. It is massively underreported, but it is real. The Police have to deal with this issue, and this is therefore not a moral objection. The link to the crimes has to be investigated.

There is no evidence to suggest that this venue causes problems for the Police. There are a small number of calls to the police, one call from the venue. The Police do not designate premises as green premises, although they do designate them as red or amber if they cause problems. These premises are not designated as either red or amber.

They have concerns about male attitudes as well as concerns that problem males who are ejected and will then be put into the heart of the city centre.

He does not consider that the SEVs are discreet in that they are well known in the city centre. People who use the city centre know that there are SEVs in the centre.

The area is becoming increasingly residential. The Police are currently engaged in a review of structure of the team. Historically the area has been driven by commercial premises, but it is now changing and becoming increasingly residential.

Areas outside the club have been redeveloped and are communal and pedestrianised areas. The Harbour Festival and other large events take place in what is becoming a densely populated area used throughout



the day and night. There are lots of people in these areas and this will only increase. There are public transport links and hubs there, taxi rank there, lots of people will congregate there to get buses home. The City Centre area includes the Cenotaph to Electricity House, Park Row, Park Street, College Green etc.

There have been 35 reports of sexual offences in the city centre area.

He agreed that the premises are well run and that the standards of management are high. There is good engagement with operators. However the location is unsuitable, and it shouldn't be in this location, which is an increasingly residential area. The premises may be well run with no problems encountered, but is not in the right place. He has not visited the premises, but his officers have and have compiled the reports.

The Police and Crime Commissioner supports the stance taken.

Referring to the Incident on 15/07/17, he stated that the Individual was charged with GBH. The call came from an ambulance, not the venue. It came about because a person was touched on the hips. This would be considered a sexual assault but the Police were not called from the venue. This raises the question of whether there is a situation where touching is happening on a regular basis and the police are not called. It might result in a much longer list if all incidents being reported.

St Stephens Street is not that quiet – it is well traversed between Corn Street and City Centre.

The venues are well run and there is nothing to suggest that they haven't engaged with Police visits. The changing nature of Police work means a lot of their time is spent on sex related crimes, and women are overrepresented in this area. Demand outstrips resources and the Police have to risk assess calls. Types of offences talked about are serious.

Refusal will assist in tackling violence against women.

Cllr Hiscott asked if refusing would assist, of the 35 reports are there any figures of whether people were visiting establishments in the area? No and he could not say any had been near Central Chambers. There is nothing to suggest there is any link to the SEV.

In response to another question, he confirmed that there are no green premises; there are amber or red and these premises are neither.

He confirmed that the operators always are co-operative with the Police and when they visit the premises.

He confirmed that this is comparable to the nightclubs in the area.

In response to a question concerning what is 300m from the venue, he explained that the actual circle for the stats takes in the area described - Corn Street to Electricity House, up to Colston Hall, Park Row, College Green, Marsh Street.



He supports a zero cap for SEVs.

There are no red premises in that area at the moment. Members noted that they were not clear therefore why this venue was being associated with assaults.

The Police have a few visits with satisfactory results but for a few minor issues on the night but there has always been good engagement.

In response to a question concerning whether there was evidence that the premises was involved with trafficking, he stated he could not answer in detail, but there was nothing to suggest that there is anything relating to these premises specifically, but that there were issues in Bristol with regard to this.

Applicants' Sum Up

Philip Kolvin summed up on behalf the Applicants.

He wanted it to be clear that there is no issue of trafficking at the premises. Any Police Officer or Licensing Officer can examine the CCTV and documents at any time, and there is no link to trafficking.

Inspector Rowland stated that the premises are in the wrong place given the impact they have; this is for the Committee to consider.

Police work is evidential, and supposed to be objective.

Club is not going anywhere. It has been there for 16 years, if there was any evidence of a link between it and sex related crimes it would have revealed itself.

Figures presented by the Police show no link to this premises, or the type of premises.

He referred to DCMS select committee report from 2008 in bundle. An independent report comes to same view.

Police may not like sex venues but don't have evidence to support this.

The Police suggested that if the figures were low this was because of non reporting. On the contrary it would suggest that it is because it is well run and there are few incidents. It is felt strongly that the safety and wellbeing of performers and staff is a priority. An independent security company is employed.

If there is a concern that the venue is not engaging there is a way of dealing with this, and the Police can address the issue with the venue to explain their expectations.

The operators are happy to engage with the Police. The Independent inspector came on a busy Saturday night, he was the only pedestrian there, it is a quiet street.



It was confirmed that an Incident book door and management book are available for inspection.

The Applicants, Police Representative and Objectors left the room.

Decision

The Members considered very carefully all of the written and verbal evidence that they had heard.

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, and regard to their own SEV policy.

The Members considered each of the discretionary grounds in turn.

- a) They found that it was well managed, and were convinced by the submissions of the Applicant with regard to the management of the premises, and submissions from the Police that they have no issues with the management of the venue. The Committee had no concerns with the management and control of the premises and noted that actions had been taken by the appropriate persons in relation to incidents. 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 did 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 of locality – Members gave consideration to the elements of this ground, in particular the increase in residential accommodation, nearby transport links, and the proposed hours of operation. Members were satisfied that it was discreet operation, with a discreet exterior and no advertising. It was agreed that because of operation of the venue for relevant entertainment in the night time economy, it would have little or no impact on the character of the locality. Members felt there was insufficient reason to refuse on this ground.
 - ii. Use to which premises in the vicinity are put – Members noted the significant regeneration and redevelopment of the areas surrounding the premises, and also noted the increase in residential and student accommodation in the area. They noted the church on St Stephens Street, and the open spaces on the central area. They also noted that there are a mix of office and business uses in the area, and a number of premises which operate at different hours to these premises. Members did not find that there was any evidence of significant impact on crime and disorder resulting from these premises, and that it appears that regeneration has not been affected by the presence of the premises. Members noted that it was a discreet operation, self-contained and operates in the night time economy. Members felt there was insufficient reason to refuse on this ground.



- iii. Layout and suitability of premises – Members were satisfied that the issues raised last year had been sufficiently addressed, that the premises are in good condition and the premises are appropriate for the use to which they are being put. Members felt there was insufficient reason to refuse on this ground.

Summary:

Members considered carefully to all the written and oral submissions from the applicant, objectors and police. Members 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 will be maintained and licence will therefore expire on 16 September 2018.

Everyone returned to the room to hear the decision announced by the Chair.

Resolved – that the application by Reedbed Ltd for the renewal of Sexual Entertainment Venue Licence in respect of premises trading as Central Chambers, 9-11 St Stephens Street, Bristol, BS1 1EE be granted. The renewal date will be maintained and the licence will therefore expire on 16 September 2018.

