

Bristol City Council
Minutes of the Licensing (Hearings) Sub-Committee



16 January 2019 at 12.30 pm

Members Present:-

Councillors: Harriet Clough, Brenda Massey and Mike Langley

Officers in Attendance:-

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

1. Welcome, Introductions and Safety Information

It was noted that Councillor Clough had been elected Chair for the meeting. The Chair welcomed all parties to the hearing and requested that all parties introduce themselves.

2. Apologies for Absence and Substitutions

It was noted that Councillor Langley was present as substitute for Councillor O'Rourke.

3. Declarations of Interest

There were none.

4. Public Forum

There was none.

5. Procedure for a hearing

This was noted.



6. Renewal of Sexual Entertainment Venue Licence for Urban Tiger

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 objector and Objectors 12, 9, 6 and 11 addressed the Committee. All other objectors were not in attendance. The Licensing Policy Advisor reported the receipt of a late objection. The applicant's representative confirmed that they were content to allow the objection, noting that it was in support of the licence.

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. A CCTV camera had been installed outside the premises since the last visit;
2. The curtains on the booths now had tassels which improved visibility into the area;
3. The ladies' toilets had been improved since the last visit;
4. There was a safety issue noted regarding steps which were due to be repaired;
5. A screen had been added to the Smoking Area;
6. Significant refurbishment was taking place in the staff toilets and the men's toilets on the 1st floor;
7. Work was taking place to move the fire escape above the 1st floor dressing room;
8. A question was raised regarding first aid provision and it was noted there were 3 qualified First Aiders on site;
9. There was a query regarding the provision of a defibrillator on site.

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 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 owners and management team at Urban Tiger;
2. He introduced Andy Bamber – an independent environmental auditor and Becky Wilks – Life Drawing Artist in attendance as a supporter and he reported that four dancers were in attendance in support of the application;
3. In response to the Site Visit, he commented as follows:-
 - The step had already been repaired;
 - The First Aid kits were replenished constantly;
 - He would seek advice regarding the requirement for a defibrillator. Currently it was quicker to visit the hospital than going to the nearest defibrillator. The premises would engage with the responsible authorities and Nitewatch to see if it was worth considering installing a defibrillator in the area so accessible to all.
4. This was the 7th renewal application for the venue and the applicant's had managed the premises since 2015. Last year's decision was set out in the report and nothing had changed since that application. The Committee must have due regard to the decision of their colleagues last year;
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. It was reported that the Police and Crime Commissioner had held a useful meeting with dancers;
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;
10. He highlighted that 'dip samples' of CCTV footage had found compliance;
11. The applicants had operated the other SEV, Central Chamber, for 16 years and had traded compliantly in that time;
12. The applicants were a practical, plain speaking family unit and there was a family atmosphere amongst all the staff;
13. House rules were understood by management and dancers and there were posters in place to ensure customers were clear;
14. Dancers felt valued and respected and were an integral part of the team;
15. There were female employees within the management team and all the bar staff were female;
16. The layout of the venue allowed good supervisory control and the lighting was reasonable;



17. The exterior did not impact on the vicinity at all. There was no sexual language, sleazy lighting, leafleting or touting outside;
18. The inside of the venue was not visible from the outside. During the day there were private functions, cocktail classes, life drawing classes and burlesque. Sexual entertainment did not commence until 9pm;
19. There was a maximum of 6 customers allowed in the outside smoking area, without their drinks. This was supervised;
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. 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;
22. He quoted from the dancers' submissions in support of the applicants;
23. Ground C – the Council's policy was 2 SEV's. This venue was 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;
25. He highlighted the evidence of Mr Bamber who had observed a vibrant night time economy and a well-managed and discreet venue operating within that night time economy;
25. He referenced the Statement of Mr De Burka – Nightwatch Co-Chair which stated that the venue was well managed and operated and that the applicants had signed up to the accredited Nightwatch scheme and the BCC Equalities Charter;
26. The layout and condition of the venue was compliant. The applicants were committed to continual upgrade to ensure a safe and welcoming environment;
27. He respected the rights of objectors to state their views on the merits of SEV's but this Committee was not the correct forum for this type of debate. Parliament had stated the activity was lawful, there was a presumption to grant the application and there were limited reasons to refuse it. This was an evidenced based hearing concerning a specific premises and specific applicants in a specific locality. Some objections referred to traffic, modern slavery, intimidation, customer assaults in a general way without evidence on this particular premises. This was disturbing for the applicants as it questioned their reputation. The objectors believed that SEV's represented a disempowerment of women and served to objectify them. However, the dancers at this venue held the opposite view – that they were strong, independent women who made their own choices and were protected in their work;
28. He highlighted the importance of the applicants' equalities duties, stating that they were committed to women's equality and indeed many of the staff were women. Also 15% of customers were women;
29. The venue also welcomed disabled customers and a level entrance and disabled toilets were provided;
30. With reference to two Judicial Reviews (JR) of Sheffield City Council, he stated that this was not a relevant consideration for this Committee;
31. In Summary, he acknowledged that the Council's policy had struck a fair balance for an activity Parliament had declared lawful with well run, highly regulated venues that were a low impact in their locality. He requested the Committee to grant the application on that basis.



The following points arose from questions:-

1. The pricing structure would not attract students to the venue;
2. Dancers rotated at both venues operated by the applicants.

Applicant Sum up.

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

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) Found that it 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 later examination 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. 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 there was no Police representation, or specific nuisance highlighted relating to the premises. They also noted that the Environmental Impact Assessment submitted by the applicant took place at a normally busy time and date, on a weekend night, which also found the premises had little impact on the surroundings. The Committee felt there was insufficient reason to refuse on that ground.



- ii. The committee noted that there were a number of premises and open spaces in the area with mixed and family friendly uses, and changes to the city centre area, including the increase in student accommodation, and retention of the transport hub on the main promenade. The Committee noted the discreet operation of the premises and 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. They also noted that the chair of the local Nite Watch had submitted a statement in support of the venue, which detailed the positive impact on the Nite Watch meetings, and the high level of engagement of the licence holder. 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, including improvements which increased the visibility to booths, and improvements to CCTV coverage. It also 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.

It was noted that the stringent licensing conditions applied to venues of this type, along with responsible attitudes of the premises licence holder and management team to adherence to those conditions, and the enforced codes of conduct and house rules ensured that this venue was in compliance with the requirements set out by the council. 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 noted that the applicant was a signatory of the Equality Charter and were convinced by the statements that the environment was safe, friendly and promoted a good working environment. The committee did not believe that renewing the licence for this venue was in conflict with Bristol being a White ribbon City as the stringent conditions protect the performers from assault and violence in the premises, and the license holder offered steps to ensure that performers were safe when leaving the venue to return home.

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 30 September 2019.

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 2018, with the Licence expiring on 30 September 2019;

The meeting finished at 3pm.

CHAIR _____

Meeting ended at Time Not Specified

CHAIR _____

