

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



**17 January 2019 at 12.30 pm**

**Members Present:-**

**Councillors:** Harriet Clough, Mike Langley and Eleanor Combley

**Officers in Attendance:-**

Abigail Holman (Licensing Policy Advisor) and Ashley Clark (Legal Advisor)

**1. Welcome, Introductions and Safety Information**

Councillor Clough was elected Chair for the meeting.

**2. Apologies for Absence and Substitutions**

Apologies were received from Councillor O'Rourke. Councillor Langley substituted.

**3. Declarations of Interest**

None declared.

**4. Public Forum**

None received.

**5. Procedure for a hearing**

The procedure was noted.



## 6. Renewal of the Sexual Entertainment Venue Licence for Central Chambers

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 6, 7, 9, 10, 12 and 13 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. There had not been any significant changes to the dance areas.
2. A problem with dazzle on one of the cameras noted last year, had been resolved.
3. The CCTV system was considered and there were no blind spots.
4. Plans needed to be updated to reflect the removal of the 'dumb waiters'.
5. A query arose about the frequency of maintenance of the panic alarm.

It was confirmed that a substitution plan was required for the SEV licence. For the Licensing Act, a minor variation would be required if the SEV licence was approved.

### 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.

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.



There followed a short comfort break.

### **Applicant's submission**

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

1. He introduced the owners and management team at Central Chambers
2. He thanked the Sub Committee for inspecting and exploring the venue.
3. With reference to the question raised on the site visit regarding the panic alarm within the staff area, he confirmed that it was maintained on the same service contract as applied to the CCTV and building alarm. Sound and lights were activated and it was tested monthly.
4. He introduced the Hale Family who had owned the venue since 2002, licensed through the Licensing Act since 2005 and as introduced through the Police and Crime Act 2009 had its license renewed each year under the SEV Legislation since 2012.
5. 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;
6. There were no objections received from the Police or Community Safety, Health or Planning teams. There were no objections on child protection grounds.
7. The family was local and had also run Urban Tiger since 2015. They had been found suitable by the Licensing Committee on a number of previous occasions. They were practical and plain speaking, creating a family atmosphere between the workers.
8. House rules were clearly understood and applied with posters visible throughout the club as well as on the menus. Management and door staff were vigilant.
9. It was a friendly and well managed environment with a strong female presence as two of the three directors were women, three bar staff and about 40 dancers.
10. The interior door supervisor had a tablet on their wrist which showed them the indoor dance areas.
11. Security was provided by the same organisation that controlled Urban Tiger and was registered with appropriate bodies.
12. There were 14 witness statements from dancers in their own words.
13. There was improved office space and a new carpet within the venue.
14. There was no impact on the exterior environment such as through sexual language, leafleting or sleazy lighting. They traded discretely with no impact on those that walk by in the locality.
15. Tests and checks took place and the venue and management do all that is asked of them.
16. In terms of the history of legislation, a Select Committee had considered the matter and parliament had the option to criminalise the activity. It was decided to leave the discretion to the Local Authority to set the standards of the objectives of the legislation. They also had the discretion to refuse on the grounds of the character and suitability of the manager, the impact of the venue on its locality and the suitability, character and layout of the premises. The presumption was in favour of grant.
17. In respect of the discretionary grounds for refusal – ground A - the whole family were considered suitable operators. There were no elements of disqualification but a track record of compliance.



There was great experience in the running of SEV's with the manager having been an assistant at Urban Tigers prior to the last five years at Central Chambers.

18. He highlighted the statements from dancers within the paperwork at pages 172, 174, 176 and 178 which reported the reality and operation of the clubs.
19. With reference to Ground C – the Council's policy provided for 2 venues in the City Centre, this venue was one of those premises;
20. With reference to Ground D – last year the Committee gave consideration to the accommodation and transport links and were satisfied that the venue was discrete with no advertising or impact on the locality. The Committee last year mentioned the increase in student accommodation alongside the mix of office and businesses and the Church. There was no evidence of impact on crime and disorder and it was concluded that regeneration was not affected by the presence of the premises;
21. He highlighted the impact statement evidence provided by Mr Bamber at page 191 who with independence and experience had reported no impact on the street traffic and operation within the local night time economy;
22. He referenced the Statement of Mr De Burka – Nightwatch Co-Chair which stated that the quality of the venue was compliant and exemplar. He had commented on the topic of equality.
23. The objectors were thanked for their submissions and the following comments were made regarding the statutory grounds before the Committee. It was noted that lapdancing was a lawful activity and that Parliament had set out the statutory reasons for refusal. The merits and demerits were not relevant to the work of the Committee. He was disappointed that some objections carried allegations without any merit or evidence that appeared now in the public domain. This had consequences for the law abiding members of the community. There was no evidence of harm. Other objections were underpinned by the view that lapdancing clubs demeaned and objectified women, normalising their commoditisation. The client and dancers take the opposite view, considering themselves strong independent women capable of choice. They regard themselves equally as feminists.
24. With reference to the Equalities Act, he highlighted the importance of the applicants' equalities duties and the statements from the dancers themselves. The venue had shown commitments to women's equality with Nightwatch accreditation and being a signatory to Bristol's Equality Charter. Customers were reportedly at least 15% female;
25. In conclusion, he acknowledged that the Council's policy had struck a fair balance for an activity Parliament had declared lawful and legitimate for the benefit of those that work in or enjoy it but with protection for those that did not wish to be involved. It was a highly regulated environment which requested a licence for another year.

The following points arose from questions:-

1. No relevant entertainment took place until 9pm. The times on the licence were due to the conversion of the licence when the new Act was adopted, but the licence was not used for licensable activity between 12pm and 9pm. Activities during the day such as tutorials and life drawing were not considered activities that would fall under an SEV licence.



2. Exemptions for other venues in Bristol provided 'occasional entertainment' of no more than eleven occasions per year.

### **Applicant Sum up.**

The applicants' representative declined to sum up and asked that the licence be granted as applied for.

Following an adjournment, parties re-entered the room.

### **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 that the transport links had moved further away from the premises and the Job Centre opposite had closed down. They also noted that there was a nightclub almost opposite the premises which operated primarily in the night time economy. 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. Use to which premises in the vicinity are put – The committee had regard to the considerations of the decision of the last committee in respect of this ground. They noted that the issues considered then were similar to their considerations this year. That committee had noted the significant regeneration and redevelopment of the areas surrounding the premises, and also the increase in residential and student accommodation in the area, the church on St Stephens Street, and the open spaces on the central area as well as the mix of office and business uses in the area, and a number of premises which operate at different hours to these premises. Additionally this year members noted that there were also 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, and that it appears that regeneration has not been affected by the presence of the premises. Members noted that it 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 applicants had made 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 16 September 2019.

**Resolved – That the renewal of the Sexual Entertainment Licence for Nightlife Clubs Limited in respect of a premises trading as Central Chambers be granted for 12 months from the expiry of the last licence in September 2018, with the licence expiring on 16 September 2019.**

Meeting ended at 3.25 pm

**CHAIR** \_\_\_\_\_

