

Bristol City Council
Minutes of the Licensing (Hearings) Sub-Committee
3rd February 2020 at 12.30pm (Urban Tiger SEV)



Members Present:

Councillors Chris Davies, Fi Hance and Chris Windows (Chair).

Officers in Attendance:

Ashley Clark – Legal Adviser, Abigail Holman – Licensing Policy Advisor, Norman Cornthwaite – 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 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 the objector present who addressed the Committee. All other objectors were not in attendance.

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 issues raised during the site visit as follows:-

1. Private dance area
2. "How things work"
3. CCTV coverage and the monitoring of the CCTV footage

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 Rules were circulated to Members of the Committee.

It was noted that neither the Police nor BCC had made any objections to 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 representatives of Urban Tiger present at the Meeting.
2. The premises have been licensed since 2005 and since 2012 under SEV Legislation.
3. It is the ninth time that the premises have been considered by the Committee.
4. The family has a considerable amount of experience in running this type of business and are well known to the Licensing Authority; they are responsible operators. All Conditions are strictly observed.
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.
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. The premises are used for some private events at weekends and during the day. None of these events are governed by SEV Legislation so there is no breach of the SEV Licence.
10. He referred to the site visit and in particular the question of “How things work” – customers pay to get in; the Rules are on the wall and these are explained to customers; topless dancers are at poles; customers are asked if they want a private dance; these take place in the private dance area and are monitored by CCTV and security staff; customers pay for the dance; these last three minutes and the dancers go from clothed to fully nude.
11. On a busy night there are four security staff on duty. They keep the dancers safe and ensure that the rules are strictly adhered to.
12. The applicants had operated the other SEV, Central Chamber, for 16 years and have operated Urban Tiger since 2015; page 196 of the bundle provided for Members provides further information.
13. House rules were understood by management and dancers and there were posters in place to ensure customers were clear; they are always strictly adhered to.
14. Dancers felt valued and respected and were an integral part of the team.
15. There were female employees within the management team; 2 of the 3 directors are women and all of the bar staff are female.
16. The venue is being improved each year.
17. All security staff are ISO 9000 registered and have cameras.
18. The exterior impact of the venue is positive and there is no sex signage.
19. There is no evidence of misbehaviour by customers outside the premises.
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. There are no grounds to merit refusal of the application. 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; he drew Members attention to pages 261, 296, 297 and 298 of the bundle as evidence.
22. He drew Members attention to pages 264, 267, 269 and 271 of the bundle as evidence of support from the dancers for the applicants.
23. Ground C – the Council’s policy is 2 SEV’s; this venue is 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; he drew Members attention to page 262 paragraph 5 of the bundle to support this.
25. He drew Members attention to page 279 of the bundle – a report by an Independent Licensing Consultant of a recent visit to the club.
26. He stated that the premises are in good condition, well controlled and managed.
27. The Equalities Impact assessment is covered in the report at paragraphs 8 and 9.
28. The premises are attracting an increasing number of women customers.

The question of ejecting customers was raised and it was explained that this happens on around two occasions per month if the rules are not adhered to. They are recorded in a log.

Applicant Sum up.

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



The applicants and members of the public left the room while the Committee made its decision.

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:

- a) The committee found that it is well managed, and that the applicants experience of running this business stood them in good stead to ensure conditions and rules were followed. The committee noted the absence of a police representation and no reports of incidents related to the venue from them, and were reassured that no breaches were found in relation to the visit undertaken by the NET officer and the dip samples 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. The committee queried what changes had taken place in the area and noted that there was an anecdotal increase in residential accommodation, which were mainly students. The Committee noted there was no Police representation, and no other authorities had highlighted nuisance relating to the premises. The Committee was not presented with evidence to suggest that people using the area would be impacted by the premises. The Committee felt there was insufficient reason to refuse on that ground.
 - ii. The committee noted that there were a number of different types of uses of premises and open spaces in the area with a mixture of late night, alcohol led, and daytime family friendly uses, and changes to the city centre area, including the increase in student accommodation. The Committee noted the discreet operation of the premises and that the night time operation of the premises would mitigate concerns around impact on the other uses in the area. They also had regard to a number of statements from organisations who worked within the night time economy, including a statement from the Chair of 24 Hour Bristol, who said that the applicant was an active and engaged participant with meetings, and engaged with regulators. 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, on an ongoing basis 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.

The committee noted that no evidence had been presented to suggest there was any harassment of the performers at this venue, and that Bristol applied extensive licensing conditions to venues of this type. They noted that the experience and standing of the premises licence holder and management team ensured an ability to enforce codes of conduct, house rules, and conditions which was supported by the statement of the neighbourhood enforcement team. 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 was convinced by the statements that the environment was safe, friendly and promoted a good working environment. The committee had to have regard to this premises specifically and any evidence relating to it in making their decision.

Summary:

The Committee considered carefully all the submissions on the day and all the written submissions from the applicant, and the objectors. It had regard 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 2020.

Everyone returned to hear the decision.

Resolved – (voting 3 for, 0 against) 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 2019, with the Licence expiring on 30 September 2020.

The meeting finished at 2.45pm.

Chair _____

