

1. Response 1

Thank you for inviting me to respond to Bristol City Council's SEV policy review.

I urge the council in the strongest possible terms to implement a nil-cap on SEVs in all areas of Bristol with immediate effect. This would be in accordance with the council's repeated claims to be committed to gender equality.

Implementing a nil-cap would send a very strong message to all Bristol residents, and to other towns and cities across the UK, that SEVs have no place in contemporary societies that are moving with the times and recognising that sexism and violence against women is completely unacceptable, and absolutely should not be licensed and therefore endorsed by councils. Going into 2017, we should not be putting out the message that women's bodies are available to be bought on the high street by men with the money and power to do so.

As a journalist of 15+ years, I can appreciate that the council may be reluctant to incite the predictable, hyperbolic stories that the Bristol Post, Bristol 24/7 and other local media may sink to in response to you implementing a nil-cap. These news outlets are all edited by men whose businesses thrive not on the reporting of news but on generating website hits to keep their advertisers happy. And inevitably any story that can be illustrated with a photograph of a young woman in scant clothing will generate the hits these websites want.

These news outlets also have a long history of pitting one type of woman against another (eg women who campaign for gender equality against SEV workers). And despite the scuffles generated by the local papers, these stories also blow over very quickly to be replaced by tomorrow's news stories. So any negativity the council might experience from the local media in response to you implementing the nil-cap Bristol needs would be very short-lived, and the benefits to Bristol and to the council would be seen for decades to come and would be much more far-reaching and influential.

Additionally, Bristol would be cited as a good example of a city that took the brave and courageous step of standing up to pressure, and implemented a nil-cap. This has been evidenced in other local authorities where nil-caps are already in effect and the cities and councils are already enjoying the plentiful benefits.

2. Response 2

Thank you for your letter regarding the above review. I welcome your asking for feedback at this early stage in preparing a draft policy for consultation and am pleased to offer my thoughts.

I have general rather than specific comments on sections of the policy as my view is that the policy should be completely revised to state that there should be no SEVs in Bristol. There should not be any SEVs and those that currently operate should no longer be granted a licence so that none remain.

My main reason for proposing that there be no SEVs in Bristol is that having SEVs in the city runs directly counter to promoting equality between men and women. SEVs reinforce in men (and also in women) the attitude that women and men are unequal in that access to women can be bought by men and that men are entitled to treat women as they wish. Women are thus treated as objects, dehumanised and seen as lesser to men. This extends to women as a group and not just the specific women that men meet in the SEVs.

The Council must consider the aims of the public sector equality duty (PSED) when formulating the new policy on sexual establishments. Where the aims of the PSED are to advance equality of opportunity and to foster good relations between men and women then there can be no other conclusion than to have a policy of no SEVs in Bristol.

The Council must seek views from experts in the field of gender equality such as academics and public health specialists and must understand the evidence for the negative impacts of SEVs on gender equality in order to properly research the PSED implications of this policy review. I hope that you will now do this next step in developing your thinking on the new draft policy.

A further reason for revising the policy at this time to not have any SEVs in Bristol is the distinct change in the character of the city centre this year since the conversion of so many city centre buildings to residential property. There are several thousand more residents in new building conversions such as Electricity House and the nearby new student accommodation. SEVs have never been seen as appropriate in residential areas and as the city centre has now become very much a residential area it is no longer appropriate for SEVs to be present there.

3. Response 3

Thank you for the opportunity to comment at an early stage as you prepare a draft policy for approval by the Licensing Committee.

About me and my work

My name is (redacted), I am a Bristolian and a gender equality consultant. I have a PhD in Psychology from the University of Bristol, on how and why sexual harassment happens to women. I work in the fields of gender equality, and the psychology of social change. I have worked at the Universities of Bristol, Lancaster and most recently UWE where I spent two years developing an evidence-based programme to change social norms at English universities, in order to prevent rape, sexual assault and sexual harassment. My work on the programme was commissioned by Public Health England. I am a member of the national End Violence Against Women Coalition and was appointed in 2015 to the national High-Level Task Force on violence against women in universities commissioned by Sajid Javid MP and Jo Johnson MP. For 6 years I was on the board of directors of The Fawcett Society, the UK's national campaign for equality between women and men. My most recent publication, with colleagues, was an evaluation of how the UK nations are performing in legislation, policy and practice, against the United Nations Sustainable Development Goal for gender equality. In that comprehensive [report](#), available from the British Council website, over 30 gender equality specialists and experts were interviewed in depth and over 400 research reports were digested by the research team. A headline conclusion was: "Like all countries, there is still more work to do in the UK: for example, to change sexist cultural norms about gender that demean women, that are supportive of male violence and that act to limit the horizons of women and girls" (p5).

My response to the policy review

I advise the working group to set a cap of zero in each locality of Bristol for Sexual Entertainment Venues. This will promote equality between women and men in the city and

it will contribute to a change in culture – a culture that is currently supportive of discrimination, harassment and violence against women and girls as data show. Such violence is currently the largest human rights abuse worldwide, and it is not inevitable. It is preventable. The culture is not solely influenced by what goes on inside SEVs but also by the message sent by the local authority that until now has permitted the licensing of SEVs and their presence on the high street.

It seems obvious but it is a distinction worth repeating that:

- inequality between men and women is not fuelled by sex difference, sexual attraction or sexual activity engaged in by individual, consenting, equal adults for the purpose of pleasure for both parties

But:

- inequality between men and women, that includes men's social norms of disrespect, harassment and violence towards women as a group, **is** fuelled by sexual activity that is in the public domain of society, involving (almost always) men paying to have access to, objectify and dictate the performance of the bodies of (almost always) young women where the customer alone is expected and entitled to obtain pleasure.

The history of Bristol's policy is not an impressive one. At the time the last policy was written, gender equality stakeholders (including but not limited to people whose work is to understand how and why violence against women is so common in our culture) contacted the chair of the Licensing Committee with requests to **set a nil cap for SEVs**, as is perfectly allowable under the law. The University of Bristol's Centre for Gender and Violence Research very kindly arranged an information seminar at which several such knowledgeable persons gave presentations explaining how the existence of SEVs in itself is a powerful cultural signal in support of sexism. In this short submission I will not attempt to give a long description of how and why this is judged to be the case but I will be glad to do this if the working group would find it helpful. I refer you also to the longer submission by Bristol Fawcett which provides some research references and which should be useful in drawing up an Equality Impact Assessment. At the time of the last review, one single member of the Committee (who then supported a nil cap) attended the information seminar. No other members, nor the chair, nor any officers, attended - although the chair had been offered three alternative dates - and an opportunity was lost. Members of the Public Health team in Bristol, whose role was to help prevent violence against women, were told they were unable to offer their view as trained specialists in prevention *because of* their role as public servants. Later, the policy was decided and a cap was set at 3 SEVs. At the meeting in November 2011 where this policy was decided, there were concerning comments made, resulting in a letter to the then chair of the Committee, from the Chair of Bristol's Strategic Partnership for the Prevention of Violence Against Women and Girls (a copy of this letter is attached for information).

It is therefore with great feeling that I welcome the opportunity to advise the working group at this stage, in the 2016/17 policy review. In short:

- The working group may set policy taking into account representations from local residents and representative groups

- The working group may take advice on the potential adverse or positive impact of policy upon specific groups (in this case, a particularly large group – women and girls) from those who are most familiar with the challenges faced by that group.
- The working group may reflect on the degree of care taken by numbers of experts in the area to contribute to its deliberation on this particular policy area: care taken because it is judged in their view to be a meaningful, important issue in the field and whose resolution represents a significant shift in promoting equality and preventing violence.
- I hope that the working group will decide that a weight of objective, credible, authoritative information (as opposed to simply ‘opinion’) has been provided, which explains that SEVs make a negative impact upon the chances that Bristol’s women and girls have for making progress towards equality with men and boys, equal enjoyment of the city and safer lives.
- I hope that the working group and the Licensing Committee share the vision for a 21st-century city where women and girls are the equal of men and boys in every way and that they seek to prioritise this vision.
- I trust that the working group will therefore produce a draft policy reflecting this process, that will set a cap of zero SEVs in each locality.
- I will be pleased to assist with providing evidence, for example from peer-reviewed academic journals, to assist in any decision making and in any Equality Impact Assessment. The Equality Impact Assessment from 2011/12 appears to indicate that further Equality Impact Assessments would be made with each application but this has not happened in practice.

Please do not hesitate to contact me for any further information.

“The right to equality is not subject to progressive realization, it is an immediate obligation ... to ensure that women are able to enjoy their right to equality” Mayra Gómez, Co-Executive Director of the Global Initiative for Economic, Social and Cultural Rights

4. Response 4

Thank you for giving me the opportunity to respond to the preliminary consultation on the Sex Establishment Policy Review, 2016-17. As someone who has been concerned about SEVs for many years, I am grateful for the invitation to comment on what might be included in the new policy.

It is my hope that the Licensing Committee will take this opportunity to include a nil cap in its revised SEV policy. Bristol City Council, along with many other cities, now has the chance to bring its SEV policy in line with its obligations under the White Ribbon Status which it was awarded in 2013. The White Ribbon Status marks a commitment to ending violence against women.

There are numerous reasons why a nil cap is desirable, many of which no doubt will be covered in other consultation responses. In my response, I would like to concentrate on the benefits to the local economy of refusing SEV licences.

During licence applications and policy reviews, it is posited by those with a vested interest that SEVs contribute to the local economy and that the performers will lose their employment if a licence is refused. I would suggest the opposite; that a different kind of establishment would contribute more to the local economy and that a performer would arguably have better employment opportunities and rights if a premises and alcohol licence alone were granted.

The reasons for this are as follows:

- The performers are not employed by the club, but are self-employed. Work is ad-hoc and performers pay a house fee to work in the club.
- If refused a SEV licence, a club would still retain its alcohol/premises licence. It could therefore operate as a restaurant and/or bar and offer the performers more regular employment with associated rights that they do not currently enjoy. The argument that performers would automatically lose their jobs is therefore false. The loss of one type of ad-hoc, often inadequately recompensed work could be substituted for more regular employment.
- Because the premises licence is retained, a new business could open that doesn't effectively exclude 50% of the population. Pata Negra on Corn Street is a highly successful tapas bar that was once Lounge@30, a sex entertainment venue. It is no doubt more lucrative and contributes more to the local economy than a SEV which caters for a very niche market.
- Market trends are showing that the demand for lap dancing clubs is decreasing. Despite many clubs' attempt to normalise their existence and market themselves to couples, their main clientele are men. Research is showing that members of stag parties – the staple market for lap dancing clubs - are moving away from spending time in lap dancing clubs to other doing other less “seedy” activities . It has also become unacceptable for most companies to use lap dancing clubs for corporate entertainment because it is seen as unethical and discriminatory.
- Policing SEVs consumes police resources. Even if the clubs claim to be 'well run', they have to be monitored on a regular basis for licence breaches, links to people trafficking, drugs etc. In 2012, Newquay Town Council reported that one reason why crime in the town had reduced by a quarter was that a lap dancing club which had continually breached its licence conditions had had its licence revoked . It must be weighed up as to whether the little that the clubs contribute to the local economy offsets the disproportionate amount of policing required to ensure compliance with licence conditions. Research in America has shown that sexually oriented businesses (strip clubs and sex shops) are clearly associated with increased rates of all types of crime in their immediate vicinity.

In 2011, to a huge outcry, the Licensing Committee missed the opportunity to turn down a premises licence applied for by 'Hooters', a 'sports bar'. This semi-SEV thankfully did not last very long in the city and, like Pata Negra, is now also a popular restaurant and bar (The Cuban). It is unthinkable now that such a licence would be granted again and it is hoped that the city has moved on from endorsing this type of establishment. The Committee will

remember receiving a letter from the Chair of the Safeguarding Children Board in Bristol about "sexy schoolgirl" promotions in Urban Tiger recently. Years ago, this type of sexualisation was a routine part of our culture and may not have even raised an eyebrow but it is now recognised as wrong and harmful. I think Bristol is now ready to recognise that endorsing SEVs is also wrong and harmful, and that our city does not want to be associated with practices that were once accepted as normal even though they demeaned women and men.

5. Response 5

In the last review of this policy in 2010/2011 I made a personal representation and the Centre which I currently head, also made written representations to the council to have a policy that the appropriate number of sexual entertainment venue's in each locality of Bristol is zero.

I hope that my own personal expertise on the prevention of violence against women, as well as the considerable expertise of my colleagues in the Centre for Gender and Violence Research might be of assistance to you as you fulfil your Council obligations to consult under the Equalities Act 2010.

We believe that in order for the city of Bristol to address inequality and violence against women, that the working group draft a policy setting a cap of zero SEVs as an appropriate number for each locality of Bristol.

6. Response 6

I am a Bristol GP and gender violence researcher based in the School of Social and Community Medicine at the University of Bristol. I chaired the NICE DVA and the WHO intimate partner and sexual violence guidelines.

During your last review (2010/11) I supported a policy of zero sexual "entertainment" venues in Bristol.

As a locally based expert on gender violence (with an international research and policy profile), I would like to make the case that a policy of 0 SEVs would make a substantial contribution to Bristol Council's duty to reduce inequality and violence against women.

7. Response 7

Thank you for the opportunity to be consulted on the review. I have written to you previously of my objections to the granting of a SEV licence to Urban Tiger.

I urge the council to set a cap of zero as the appropriate number of SEVs in each locality of Bristol, in order to promote gender equality and to do everything in its power to change the sadly dominant culture of men's violence against women in Bristol, which is fuelled by SEVs.

I am aware that during the history of many of the SEVs in Bristol, breaches of licence policy and poor practice have repeatedly been identified. For example, advertisements for "sexy schoolgirl" nights sexualising children, advertisements encouraging men to lie to their wives about going to SEVs, constructing and permitting private booths, failing to ensure appropriate levels of CCTV coverage, failing to stop touching between dancers and customers during dances, failing to ensure privacy for performers. During hearings, lawyers for the clubs routinely apologise on their behalf and promise that this kind of thing will not happen again. However, this is a pattern. It shows that as long as the council continues to issue licenses, it is likely that there will continue to be breaches and poor risk management. This is the nature of the SEV trade and our city will be much better off replacing the SEVs with businesses that do not trade on men's use of women's bodies for paid entertainment.

Briefing for Bristol City Council's Sex Establishment Policy Review 2016/2017, presented by Bristol Women's Voice

Introduction

Bristol Women's Voice (BWV) welcomes this opportunity to respond to the council's review of Sexual Entertainment Venues (SEVs) and we are pleased to be able to share our specialist expertise. We call unequivocally for a nil-cap on SEVs in Bristol.

Bristol Women's Voice was established in 2011 to represent the women of Bristol, to promote women's equality and to work with Bristol City Council to support it in its mission for gender equality.

The inequality between women and men, boys and girls, in Bristol has many aspects that are all related to one another. As gender specialists in Bristol, it is our view that the women of this city stand no chance of gaining equality with men while the council continues to licence sexism via SEVs. We recognise this policy review also covers sex cinemas and sex shops, but due to time constraints we are restricting our response to SEVs (business which promote the financial and social inequality between women and men, and the assumption that women's bodies are objects which men can buy).

In the past 12 months, Bristol City Council has consulted us on numerous policies with regards to the impact of those policies on women. We now present our views on the impact for women as a consequence of SEVs existing in Bristol: a topic that is 100% about women.

BWV is pleased to read that Bristol City Council's website states that the council is committed to advancing gender equality in the city, specifically stating that: "We will improve the safety of women and men by measuring street sexual harassment and follow up action and we will increase the uptake of specialist sexual violence services."¹

We highlight the facts that Bristol:

1. was the first city to sign up to the European Convention against Trafficking,
2. was the first UK city to sign up to the European Charter for Equality of Women and Men in Local Life,
3. was the first city to create a mayoral Women's Commission,
4. was one of the first UK cities to have a violence against women strategy,
5. was awarded White Ribbon status, showing the city's commitment to eliminating violence against women and girls,

¹ <https://www.bristol.gov.uk/people-communities/gender-equality>

6. has the 'This Is Not An Excuse' programme of public advertising across the city to challenge ideas of sexual entitlement,
7. has a programme of education available to all of Bristol's early years, primary and secondary schools via the Bristol Ideal,
8. offers workplace DV training sessions being developed by Public Health Bristol; and
9. Bristol is host to the widely acclaimed Zero Tolerance initiative, working towards a city that is free from gender-based violence, abuse, harassment and exploitation.

Given all of this, it is incomprehensible that Bristol City Council should still licence SEVs to operate in the city. Bristol more than any other city should be nil-cap and should be proud to be so.

However, the very existence of SEVs licensed by the Council poses a risk to the wider society in Bristol and has a detrimental impact on the vast majority of people in Bristol who choose not to work in or frequent these establishments. Indeed, the existence of SEVs is the polar opposite of a city that celebrates equality and offers a sanctuary for all who need it. This is why we strongly call for Bristol to have a nil-cap on all SEVs with no exceptions.

Since the austerity cuts that began in 2010, BWV has seen an unacceptable number of women lose their jobs from specialist services working to prevent men's violence against women. These job losses are a direct result of funding cuts and the impact of their work has been felt acutely as the city struggles with increasing levels of violence towards women and decreased capacity to respond to these women. These job losses significantly outweigh the number of women who are self-employed in SEVs and who may lose their temporary, un-contracted zero-hours work when you implement a nil-cap.

Questions for the Council

Can Bristol City Council definitively say with 100% certainty that no SEV workers in Bristol are trafficked, have complex needs or are controlled and pimped by men?

Can Bristol City Council ensure the safety of all women and girls in the vicinity of these establishments and in the wider city?

How can Bristol City Council square its support for the Bristol Ideal school programme while supporting the objectification of women for the purpose of male gratification in SEVs?

How can boys in the city grow up to respect women as their equals, and how can girls grow up to have equal aspirations? Clear evidence exists that this equality does not extend to the adult world given that outdated performances of outdated sex roles persist. Bristol City Council has the opportunity to change this right now.

Existing Examples of Successful Nil-Cap Cities

There is already evidence of a nil-cap being successful elsewhere in the UK and we call on Bristol City Council to join other cities and be clear about your commitment to gender equality. Nil caps exist in similar forward-thinking university cities such as Swansea, Exeter, Coventry, North Tyneside and Warwick. Bristol must be next.

We invite Bristol City Council to make the links between its numerous pledges to gender equality and its licensing of establishments that exploit women, and to implement a nil-cap on all SEVs.

Impact on Bristol

Bristol city centre is rapidly changing, and since the council's last SEV policy review there has been a dramatic rise in residential housing in the city centre, particularly around Old Market and the Hippodrome where two of the city's current SEVs operate. As such, it is even less appropriate now than it ever was for SEVs to remain in these residential areas.

With this in mind, we invite the council to consider how two former Bristol SEVs have seen their premises become much more inclusive businesses.

1. Pata Negra (formerly Lounge @ 33) is now a thriving and respected tapas restaurant in the city centre. With rave reviews from more than 210 happy customers on TripAdvisor, the restaurant is rated the 92nd best in the city (out of 1,219)².
2. The Platinum Club on Denmark Street was more recently the Kush nightclub, and is now planned to be a café opening in January 2017³.

Both of these examples show that there is no shortage of entrepreneurs in Bristol who would welcome these central sites that SEVs currently occupy in which to set up successful, gender inclusive and popular businesses, and which would offer employment to many.

Conclusions

We ask that Bristol City Council takes heed of the points raised in this response and instils a nil-cap in Bristol, ensuring that this city truly is a safe and welcoming space for all women and girls, and demonstrating that sexism and gender inequality will not be tolerated any longer in Bristol.

² https://www.tripadvisor.co.uk/Restaurant_Review-g186220-d7147357-Reviews-Pata_Negra-Bristol_England.html

³ <http://www.bristol247.com/channel/news-comment/daily/animals/bristol-cat-cafe-to-open-in-january>

Bristol City Council has been claiming for many years that it is a city striving for gender equality, we urge it to take action to ensure this becomes a reality.

A nil-cap is the only option.

Bristol Women’s Commission and Bristol Zero Tolerance Initiative response to preliminary consultation on the Bristol City Council Sex Establishment Policy Review 2016/17

January 2017

Bristol Women’s Commission supports a nil cap policy on Sexual Entertainment Venues (SEVs) within the local authority of Bristol. The Commission believes that the granting of licences to these establishments contradicts the policies and obligations the City Council has in tackling exploitation and violence against women. The Commission trusts that the Licensing Committee will adopt a policy that no SEV licenses will be granted within the local authority area in the future. This will enable the Council to meet many of its obligations and legal objectives in terms of equality and human rights and wider government policy.

Our focus is on supporting a nil cap on SEVs in Bristol because of the incompatibility of the current policy with a city that is equal and safe for all.

As a key signatory to the European Charter for Equality of Women and Men in Local Life¹ Bristol City Council must recognise that “*gender-based violence arises from the idea, on the part of the perpetrator, of the superiority of one sex over the other in... an unequal relationship of power*” (Article 22.2). SEVs can be seen to contribute to a popular culture whereby women’s bodies are objectified. This culture perpetuates the notion of “*the superiority of one sex over the other*” as identified in the Charter.² The Council’s duty under the Equality Act 2010 and the Public Sector Equality Duty (PSED) includes the need to have ‘due regard’ to the need to eliminate discrimination and harassment of women and advance equality of opportunity for women, as well as foster good relations between men and women which arguably the presence of SEVs does not do. In fact, research³ demonstrates that the sexual objectification of women, which can be seen to be encouraged and practiced within SEVs, acts to reinforce gender inequality.

¹ Council of European Municipalities and Regions, The European Charter of Equality for Women and Men in Local Life http://www.ccre.org/docs/charte_egalite_en.pdf

² Bristol Women’s Commission, Sexual Entertainment Venue Policy Statement, Licensing Special Purposes Sub Committee, 6th November 2014

³ See for example Home Office Sexualisation Review 2010 <http://webarchive.nationalarchives.gov.uk/20100418065544/http://homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>

Therefore, continued licensing of SEVs by Bristol City Council fails to meet obligations under the Charter and national equalities legislation and diminishes the status of Bristol as a modern European City where both women and men can lead fulfilled lives in a safe and fair society.

Bristol as a city is committed to the eradication of violence and abuse of women and girls. In 2012 the city was awarded White Ribbon City status which requires cities to work towards a status of zero SEVs.

Bristol City Council has taken on and is supportive of the Women's Commission's Bristol Zero Tolerance initiative and both previous and current Mayors have pledged their support.⁴ The Bristol Zero Tolerance initiative⁵ seeks to address all forms of gender-based violence, abuse, harassment and exploitation in the city and a nil cap policy on SEVs is a part of this work. So far over 40 high profile organisations and businesses in Bristol have signed up to the Bristol Zero Tolerance pledge and are taking action on gender-based violence in the city.⁶

Other current approaches to addressing violence and abuse in the city include:

- www.thisisnotanexcuse.org
- www.bristolideal.org.uk
- UWE Intervention Initiative⁷
- Bristol Against Violence and Abuse Strategy 2015-2020⁸ includes an aim to challenge the sexualisation and subordination of women and children.

These projects are supported by or run by Bristol City Council therefore the Commission believes that the continued licensing of SEVs directly undermines the council's own work and is not compatible with the wider outcomes and aims that the city hopes to achieve in terms of gender equality and the eradication of gender-based violence. These local policies and strategies highlight the importance of equality, safety and addressing gender-based violence, however, there are no local policies which see the presence of SEVs in the city as positive.

Research published in 2014 shows that sexual objectification has a key role in the link between men's alcohol use and sexual violence perpetration.⁹

⁴ <http://www.bristolzerotolerance.com/our-partners-2/bristol-city-council-2/>

⁵ <http://www.bristolzerotolerance.com/>

⁶ <http://www.bristolzerotolerance.com/our-partners-2/>

⁷ <http://www1.uwe.ac.uk/bl/research/interventioninitiative.aspx>

⁸ <http://www.bava.org.uk/wp-content/uploads/Bristol-Against-Violence-and-Abuse-Strategy-2015-2020.pdf>

Therefore, the presence of SEVs in Bristol can be seen to impact on the safety of women and girls and a local authority policy which permits the licensing of SEVs contributes to the normalisation of exploitation and gender-based violence which initiatives such as Bristol Zero Tolerance are trying to combat.

Good practice on SEVs:

An increasing number of local authorities in the UK are now taking a nil policy approach to SEV licensing and have implemented policy approaches that acknowledge the links between SEVs and gender-based violence and inequality.

The Commission understands that the following local authorities have taken a nil cap approach:

- Coventry
- London – (different licensing regime) Bromley Town, City of London, Enfield, Haringey, Harrow, Hounslow, Richmond, Havering, Camden, Merton
- North Tyneside
- Slough
- Exeter
- Swansea
- Warwick
- Winchester

Others are under consideration. Swansea, Coventry and Winchester local authorities have also developed appropriate wording for their nil cap policies.¹⁰

Home Office Guidance 2010¹¹ states that nil may be an appropriate number of SEVs for a local authority and that licensing authorities may refuse to renew a license even if there is no change in circumstances.

⁹ Gervais et al (2014) Understanding the Link Between Men's Alcohol Use and Sexual Violence Perpetration: The Mediating Role of Sexual Objectification. Psychology of Violence.

¹⁰ See http://www.swansea.gov.uk/media/4651/Sex-Establishment-Policy/pdf/Licensing_of_Sex_Establishments_Policy_2013.pdf ; http://www.coventry.gov.uk/downloads/file/8505/sexual_entertainment_venue_policy and <http://www.winchester.gov.uk/licensing/sex-establishment-licence/>

¹¹

<http://webarchive.nationalarchives.gov.uk/20100413151441/http://crimereduction.homeoffice.gov.uk/crimereduction057a.pdf>

The Air Weapons and Licensing (Scotland) Act 2015¹² also includes ‘reducing violence against women’ as a consideration for local authorities when preparing an SEV policy statement and considering the local impact. The Commission would urge Bristol City Council to adopt a similar position.

The Commission is also concerned about some areas of the existing policy and issues these raise for those working within SEVs as well as the general public. These issues would be resolved if a nil cap were to be put in place. The Commission is also concerned about the ability of the general public to respond to the Licensing Committee processes as outlined below.

Concerns with the Regulations prescribing standard conditions applicable to licenses for sexual entertainment venues:

Section D - Code of Conduct

There is currently no standard Code of Conduct that performers or audience members should comply with to protect the rights and safety of performers and enforce a Zero Tolerance approach to any form of violence or harassment.

Section F (a) – contact between performers and customers

The Commission is concerned that there is evidence that this aspect of the policy has not been complied with¹³ and is another reason for a nil cap on SEVs.

Section O – facilities for performers

Given the strong anecdotal evidence that even with current cap levels in the city the most basic provision of separate toilets, changing facilities, and free information on local gender-based violence services and other support for performers in existing establishments is lacking, it is clear that with stretched resources enforcement visits cannot be made often enough or do not have the effect of eliminating unsafe practices or licence breaches.

The specific reference to literature on sexual problems, family planning and sexually transmitted diseases (i - iii) suggests that performers engage in prostitution, whereas gender-based violence is a more likely occurrence during their work. No establishments in the city should exist which could encourage and enable either prostitution or gender-based violence. The idea that the City

¹² <http://www.legislation.gov.uk/asp/2015/10/section/76/enacted>

¹³ see <http://www.bristolpost.co.uk/bristol-club-fined-lap-dancers-far/story-19690487-detail/story.html>

Council is licensing establishments where these are likely to occur is extraordinary.

Section T (ii) – performers’ documents

There is a constant concern that trafficked or exploited women could end up working in SEVs and that clubs themselves have responsibility for checking documents. Again, the Commission believes that a nil cap policy on SEVs is another way to ensure that human trafficking and other forms of exploitation are eliminated from the city.

Concerns with Bristol City Council Local Government (Miscellaneous Provisions) Act 1982 Control of Sexual Entertainment Venues:

Section 6 – general obligations that apply to the discharge of all the Council’s powers and duties

Council obligations under Equalities Law are outlined above and the Commission believes that the continued licensing of SEVs will not enable the Council to meet these.

Research has also shown that women who work in SEVs can be subject to high levels of abusive behaviour from customers - in a UK study published in 2011 almost half reported frequent verbal harassment and unwanted touching from customers.¹⁴ Again, the Commission believes the council should not be complicit in this type of activity by agreeing licenses when professing to seek a society where women are equal to men.

Section 7 – considering applications and representations

The Commission appreciate being involved in the preliminary consultation process for the policy review and are pleased that other organisations who have made representations in the past have also been invited to be involved in this process. However, the Commission believes that the application process for SEVs and consultation around this lacks transparency and that the information and timetables for these processes must be made more clearly available to members of the public who may wish to comment. The relevant web pages on the Council website cannot be found through searches and the application process and information about this is not clearly available. The timetable for establishments to make an application, representations to be

¹⁴ University of Leeds Faculty of Education, Social Sciences and Law, The Regulatory Dance
<http://www.sociology.leeds.ac.uk/research/projects/regulatory-dance>

submitted and dates of hearings should be available to ensure accessibility and participation. This process should also be more focused, for example, hearings taking place within a time limit such as 3 weeks after the end of the application and consultation process.

The Commission is also not aware of information on applications being available on street furniture and community notice boards and being made available to Ward Members and Neighbourhood Forum Coordinators as the policy states. The Commission would therefore like to see a more robust consultation process built into the policy and included in future application cycles. This process should also be accessible including the consultation and papers being advertised clearly online as well as being available in different languages and formats if requested. Responses should also be able to be made online or through electronic and paper copies. A draft Equality Impact Assessment of any draft Council policies should also be made available.

For example, the change in conditions applied for by one of Bristol's SEVs directly contravenes section F (b) of the Regulations prescribing standard conditions applicable to licenses for sexual entertainment venues.¹⁵ However, the application for a proposed change in conditions was not advertised and so local people who it may impact on did not make objections.

Section 8 – discretionary grounds for refusal

The Commission broadly support the grounds for refusal outlined by the policy. However, the Commission believes that the policy has not been followed in terms of the appropriateness of venues considering the character and use of the locality. The proximity to bus stops, residences and public spaces as well as public perception has not been taken into consideration with the current SEVs in Bristol City Centre.

The Council have received a number of objections in the past to the renewal of SEV licenses including details of sexual harassment that some women have experienced in the vicinity of SEVs. Women also report feeling unsafe, unwelcome and intimidated when near these establishments. As Philip Kolvin QC notes¹⁶ “the fears of women using the vicinity of premises may be reflected in decisions as to the location of such facilities... These concerns are directly reflected in the Royal Town Planning Institute’s Gender and Spatial Planning

¹⁵ see <http://www.bristolpost.co.uk/reaction-your-views-on-bristol-s-first-topless-bar/story-29776106-detail/story.html>

¹⁶ Sex Licensing p86-87 <http://kolvin.co.uk/areas-of-licensing-law/sex-licensing/>

Good Practice Note, which states: ‘...ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing clubs make women feel threatened or uncomfortable.’” When will the Licensing Committee have due and demonstrable regard to these concerns?

Bristol is at the forefront of national thinking in promoting women’s equality and addressing gender-based violence by signing the European Charter of Equality of Women and Men in Local Life, setting up Bristol Women’s Commission and supporting the Commission’s Bristol Zero Tolerance initiative to drive the agenda forward. The Commission now urges Bristol City Council Licensing Committee to give utmost consideration to the issues raised in our response when reviewing the overall policy of whether the presence of SEVs within the city of Bristol is appropriate or desirable and that the outcome of the updated policy will be for a nil cap.

Signed by Bristol Women’s Commission members:

(Redacted)



Avon and Somerset Police and Crime Commissioner Response (January 2017)

Preliminary consultation on the Bristol City Council Sex Establishment Policy Review 2016/17

Submitted by email by Inspector Martin Rowlands on behalf of the Office of the Police and Crime Commissioner

Contact email: PCC@avonandsomerset.police.uk

Introduction

The Police and Crime Commissioner (PCC) for Avon and Somerset, Sue Mountstevens supports a nil cap policy on Sexual Entertainment Venues (SEVs) within the local authority of Bristol. This view is based on the PCC's commitment to *Protect the Most Vulnerable From Harm* as set out in the Avon and Somerset Police and Crime Plan.¹ As PCC, Sue Mountstevens is determined to take up every opportunity to reduce and tackle crime in Avon and Somerset. In terms of protecting the most vulnerable from harm, this is relevant to SEVs when it comes to tackling in particular, violence against women and girls (VAWG).

Prevention

The Police and Crime Plan sets out the PCC's ambition to *Protect the Most Vulnerable From Harm* which covers a range of crime types including domestic and sexual abuse and exploitation. This priority includes the objective to 'take a preventative approach and raise awareness of these crimes to challenge perpetrators and give victims confidence to report'.² The Constabulary and other agencies are seeing significant increases in reporting both in Bristol and Avon and Somerset. While this is positive, showing increased confidence in statutory and support agencies, we must not be complacent in our ambition to prevent future harm.

This focus on prevention is in line with the Home Office 2016 VAWG Strategy which states:

¹ <http://www.avonandsomerset-pcc.gov.uk/Your-PCC/Police-Crime-Plan-2016.aspx> p.8

² *Ibid* p.10

Preventing violence and abuse from happening in the first place will make a significant difference to overall prevalence of these crimes. We will continue to challenge the **deep-rooted social norms, attitudes and behaviours that discriminate against and limit women and girls** across all communities. [emphasis added] ³

This is of significance when looking at SEV policy as it is the PCC's view that SEVs, by offering paid performances by women contribute to social norms, attitudes and behaviours that discriminate against women and girls by objectifying them and placing them as a commodity. Indeed, the Home Office states that violence against women and girls is 'both a cause and consequence of gender inequality' which is an important statement to consider when the Licensing Committee is reviewing its policy on SEVs. ⁴

Bristol's commitments

As a signatory to the **European Charter for Equality of Women and Men in Local Life**, Bristol City Council recognises that "*gender-based violence arises from the idea, on the part of the perpetrator, of the superiority of one sex over the other in... an unequal relationship of power*".⁵ SEVs can be seen to contribute to a popular culture whereby women's bodies are objectified. This culture perpetuates the notion of "*the superiority of one sex over the other*" as identified in the Charter.⁶ Similarly, the Council's duty under the Equality Act 2010 and the Public Sector Equality Duty includes the need to have due regard to the need to eliminate discrimination and harassment of women and advance equality of opportunity for women, as well as foster good relations between men and women which arguably the presence of SEVs does not do. In fact, research demonstrates that the sexual objectification of women, which can be seen to be encouraged and practiced within SEVs, acts to reinforce gender inequality.⁷

The PCC is proud of the **Bristol Zero Tolerance** initiative and is a signatory.⁸ This is important in the context of SEVs given that research published in 2014 shows that sexual objectification has a key role in the link between men's alcohol use and perpetration of sexual violence.⁹ Therefore, the presence of SEVs in Bristol can be seen to impact on the safety of women and girls. The licensing of SEVs contributes to the normalisation of exploitation and gender-based violence which initiatives such as Bristol Zero Tolerance are trying to combat.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF p.9

⁴ *ibid* p.16

⁵ Council of European Municipalities and Regions, The European Charter of Equality for Women and Men in Local Life http://www.ccre.org/docs/charte_egalite_en.pdf Article 22.2

⁶ Bristol Women's Commission, Sexual Entertainment Venue Policy Statement, Licensing Special Purposes Sub Committee, 6th November 2014

⁷ See for example Home Office Sexualisation Review 2010 <http://webarchive.nationalarchives.gov.uk/20100418065544/http://homeoffice.gov.uk/documents/Sexualisation-of-young-people.html>

⁸ <http://www.bristolzerotolerance.com/our-partners-2/police-and-crime-commissioner/>

⁹ Gervais et al (2014) Understanding the Link Between Men's Alcohol Use and Sexual Violence Perpetration: The Mediating Role of Sexual Objectification. *Psychology of Violence*.

The PCC has also been pleased to work jointly with **Safer Bristol** and **Bristol Public Health** on campaigns, services and initiatives aimed at tackling domestic and sexual abuse during her time in office. As such, the PCC cannot support the continuation of a licensing position which contravenes these efforts.

Concluding Remarks

Both in terms of the safety of performers at the venues and more globally in terms of preventing violence against women and girls, it is clear that Bristol has an opportunity to support the ambitions in the PCC's Police and Crime Plan in considering its policy on SEVs.

If Bristol is to take its commitment to tackling these crimes and gender equality seriously, then it should take the bold step of setting a nil cap for SEVs in Bristol.

Nice'n'Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Nick Carter
Regulatory Services Manager
Licensing Team (Temple Street)
PO Box 3176
Bristol
BS3 9FS



16th December 2016

Dear Mr Carter,

RE: SEX ESTABLISHMENT POLICY REVIEW 2016/2017

Thank you for your letter of the 11th November 2016 requesting comments on the sex establishment policy review 2016/2017

I would like to refer to the many letters I have sent to Bristol Council questioning the policy and charges associated with the sex establishment licensing (please find enclosed)

Many of these letters have gone unanswered and to date I do not feel that the fees charged are justified.

I have requested meetings to discuss this further in person all of which have been ignored.

I wish to be able to make full representation to any committee that will be reviewing the Sex Establishment policy 2016/2017

I request that this review include the fees associated with the licensing reviews for sex shops.

Bristol Council is one of the highest in the UK and has not justified the fees although we have continually requested this.

Other councils that Nice 'n' Naughty deal with charge the following:

Liverpool	£190.96
Warrington	£457.00
Wigan	£610.00
Southport	£600.00

I look forward to hearing from you in due course.

Yours sincerely

Trish Murray

Trish Murray
Operations Manager
T: 0844 88 44 784
E: operations@nicennaughty.co.uk



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice'n'Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Licensing Team (Temple Street)
PO Box 3176
Bristol
BS3 9FS

13th September 2016

Dear Sirs,

RE: LICENCE RENEWAL – NICE 'N' NAUGHTY, 45 COLSTON STREET, BRISTOL, BS1 5AX

With reference to the above, we have written to you on the following dates with no response:

5th July 2016
16th June 2016
16th May 2016

The letter from the 16th May 2016 enclosed our Licence renewal application without the fee as we advised that we were awaiting a response from Jonathan Martin regarding fees.

We have had no response from Mr. Martin or any of the licensing team regarding the fees or our licence renewal.

I would be grateful therefore if a member of the licensing team would acknowledge receipt of this letter and advise on the situation of the fees at this time.

Yours sincerely

Emma Humphreys
Nice N Naughty
Senior Executive Administrator
T: 0844 88 44 784
E: accounts2@nicennaughty.co.uk



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice'n'Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Licensing Team (Temple Street)
PO Box 3176
Bristol
BS3 9FS

5th July 2016

Dear Sirs,

RE: LICENCE RENEWAL – NICE 'N' NAUGHTY, 45 COLSTON STREET, BRISTOL, BS1 5AX

With reference to the above, we sent our licence renewal paperwork to you on the 16th May 2016 and subsequently sent copies of the public notice published in the Western Daily Press on the 18th May 2016 and the Window notice following the 21 day period.

No fee was sent with the renewal as we had written to Jonathan Martin under the Freedom Of Information act asking for information regarding how the fees were set to which he responded on the 13th June 2016.

We sent a further letter which I have attached regarding the fees for 2016/2017 as Mr Martin advised that the last time the fees were set was 2013/2014.

There was no response received from this letter so I would be grateful if you could please arrange for this to be responded too as I am conscious that we have not made payment for the licence or received the licence renewal documents.

Yours sincerely

Emma Humphreys

Nice N Naughty

Senior Executive Administrator

T: 0844 88 44 784

E: accounts2@nicennaughty.co.uk



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE

T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice'n'Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Licensing Team (Temple Street)
PO Box 3176
Bristol
BS3 9FS

16th May 2016

Dear Sirs,

RE: LICENCE RENEWAL – NICE 'N' NAUGHTY, 45 COLSTON STREET, BRISTOL, BS1 5AX

With reference to the above, please find enclosed the completed paperwork for the renewal of our licence at Nice N Naughty Leisurewear Ltd, 45 Colston Street, Bristol, BS1 5AX.

Further to our letter to Jonathan Martin regarding fees and our FOI request, once we have had a response to these, the fee for the licence will be sent separately.

A copy of the completed documentation has also been sent to Chief Constable, Avon & Somerset Constabulary, New Bridewell (6th Floor), Bristol, BS1 2QH.

If you have any queries regarding the application, please do not hesitate to contact me

Yours sincerely

Emma Humphreys
Nice N Naughty
Senior Executive Administrator
T: 0844 88 44 784
E: accounts2@nicennaughty.co.uk



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice 'n' Naughty

nicennaughty.co.uk

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Jonathan Martin
Trading Standards & Licensing Manager
Trading Standards Section
Brunel House
St Georges Road
Bristol
BS1 5UY

RECORDED DELIVERY

12th May 2016

Dear Jonathan,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX

Please find enclosed a copy of my letter to you dated the 10th November 2015, which was signed for on the 13th November 2015 (copy of the proof of delivery is also enclosed) to which I have had no response.

We have also received no final response to our Freedom of Information request that was sent to Bristol City Council on the 2nd February 2016.

You did respond to the FOI with a query on the 4th March 2016 which was received by us on the 10th March 2016.

We responded to you on the 11th March 2016 providing the further details you had requested, again copies of this correspondence is enclosed, but we have received no further details from you regarding this request.

As we are about to start the 2016/2017 licence renewal process I would be grateful if you could provide the information requested by return.

I look forward to hearing from you in due course.

Yours Sincerely

Trish Murray
Operation Manager
Nice n Naughty Ltd
07890758627



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk



Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Jonathan Martin
Regulatory Compliance Unit Manager
Bristol City Council
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

RECORDED DELIVERY

10th November 2015

Dear Jonathan,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX

Thank you for your time on the telephone today and the chance to discuss my issues with the current renewal fee for a Sex Establishment Licence in Bristol.

As I am sure you are aware, I have been campaigning for a fair and reasonable licensing renewal fee for all the Nice 'n' Naughty shops across the UK and Bristol in particular due to its high fees when we took the store from Clonezone in 2009. This was prior to the Hemming vs. Westminster Council court case.

Although we have seen a significant drop in the fees since 2009, we find it difficult to understand how Bristol fees are so much higher than other local councils we deal with, when the process is identical across the country. Having looked at other Councils near to Bristol City, Bath is £1,680, Newport £378, Cardiff is £804 and although these are higher than some of our other stores, they are a lot less than Bristol City Council.

Below are six examples of councils that Nice 'n' Naughty have applied for licenses with that have applied significant reductions to their licence fees.

- Chester reduced fees from £3,800 to £900
- Warrington reduced fees over a period of 3 years from £3,800 to £451
- Liverpool city council reduced fees from £1,600 to £192
- Wigan Borough Council reduced fees over 3 years from £3,600 to £571
- Manchester Council reduced fees from £5,412 to £398
- Leeds Council reduced fees from £8,000 to £700

The reductions were a result of the Councils actual costing of the renewal process for a sex establishment many of which supplied a breakdown of the cost and how they arrived at the new fees. We understand every council sets fees independently but I am sure you can appreciate the £5,000 we pay Bristol Council seems excessive when looking at other councils.



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk



I would be grateful if you could send me the cost breakdown for Bristol City Council sex shop renewal process and would like the opportunity to meet to discuss when I visit Bristol in December.

We have worked very closely with other councils to help reduce costs of the renewal process and would like to think this is possible with yourselves over the coming months.

Thank you again for your time on the phone today and look forward to hearing from you.

Yours Sincerely

Trish Murray
Operation Manager
Nice n Naughty Ltd
07890758627



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice'n'Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Sarah Flower
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

WITHOUT PREJUDICE

18th February 2015

Dear Sarah,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, Avon, BS1 5AX

Further to our telephone conversation today, Nice 'N' Naughty has been kept aware of Westminster Council being granted leave to appeal to the Supreme Court from Philip Kolvin and Tim Hemming. Whilst we understand the basis of this decision, we are advised that it is unlikely the Supreme Court will arrive at a different verdict and as a result several councils we work with are offering a full and final settlement to prevent larger sums being claimed at a later date.

Since 2009, we have paid £33,767.00, based on an approximate renewal fee of £500.00 going forward based on other local Councils we have finalised this issue with, we calculate a refund request of £27,119.00, our workings out are detailed below. This figure does not include any element of interest to date.

The figures for 2009/2010 have been worked out as a pro rata figure for January to June 2010 due to the EU Directive coming into place in December 2009 and what we believe to be a fair transfer fee.

Transfer Fee	£150.00
2009/2010	£250.00
2011/2010	£500.00
2012/2011	£500.00
2013/2012	£500.00
2013/2014	£500.00
2014/2015	£500.00
	<u>£2,900.00</u>



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice'n'Naughty

If we are unable to resolve the issue now it is likely the future figure would be significantly higher, including interest charges as specified by the courts going back to 2009. In addition the legal team have estimated additional costs of up to £10,000.00 per sex shop which will be charged to the relevant Council as I mentioned on the phone I would like to avoid involving Lawyers if at all possible.

As with other Councils I have agreed full and final settlements with we will sign a confidentiality agreement and will not make any future claims against the Council irrelevant of the ruling outcome and additional interest that will accrue.

Having spent 6 years working with Bristol City Council arguing the fees I am sure you appreciate that the fact it was only ever addressed was when the Westminster case came to Court is frustration for me personally as I feel I was ignored for many years by the licensing team.

If in the very unlikely event the Supreme Court go against the ruling of the Court of Appeal Nice n Naughty would reimburse the £27,119.00 and this can be written into any confidentiality agreement or contract you wish for us to sign.

I appreciate the time and effort from yourself in trying to resolve this issue and would appreciate a further chance to meet and finalise the matter as I know that you have much more pressing issues to deal with and I would like to finalise this matter as I am sure you would, rather than us to proceed with an information access request to submit to our legal team as this will only add to costs and more importantly time taken up in gathering the information, I would like to think having worked closely with the Council to get to this stage we can agree to finalise the matter without legal involvement.

The Lawyers dealing with this have now requested a list of councils that we currently deal with that a final settlement has not been agreed so that they can prepare the legal papers, I would therefore appreciate a response by return so I can take the necessary action.

I can be contacted on 07890 758 627 to discuss further or arrange a meeting at your convenience

Yours Sincerely

Trish Murray
Nice n Naughty Ltd



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Nice 'n' Naughty

Bangor | Bolton | Brighton | Bristol | Chester | Leeds | Liverpool | Newcastle | Southport | Warrington | Wigan

Jonathan Martin
Regulatory Compliance Unit Manager
Bristol City Council
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

RECORDED DELIVERY

13th January 2015

Dear Mr Martin,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX
Your Ref: JPM/Licensing/Sex Shop

Further to our letter of the 17th March 2014 and your response letter of the 31st March 2014, copies of which I enclose, we have received no further correspondence regarding the issues raised.

Our original letter to you regarding the fees for Sex Shop Licence renewals was sent back in April 2013, since this time all the Councils that Nice 'n' Naughty deal with have reduced their fees and in most cases refunded the overpayment paid by Nice 'n' Naughty.

Councils' such as Manchester City Council have reduced their fees to £348, Warrington Borough Council have reduced their fee to £457.00 and Wigan Council have reduced their fees to £591. Liverpool City Council has also confirmed by phone that they will be reducing their fees to less than £300.

In your last letter, you advised that the fee setting process was being dealt with during the months of April and May with a view to being implemented from July. However, your website shows that the fee still appears to be set at £5,000.00 and we have had no correspondence to detail any further changes from you.

I will be visiting our Bristol store on the 20th and 21st January, if you would like to arrange a meeting.

I look forward to hearing from you in due course but should you need to discuss this further please do not hesitate to contact me on the number below.

Yours sincerely

Trish Murray
Nice 'n' Naughty Ltd
07890 758627



Head Office, Unit 5 Crown Parade, Warrington, Cheshire, WA1 2AE
T: 0844 88 44 784

enquiries@nicennaughty.co.uk | www.nicennaughty.co.uk

Jonathan Martin
Regulatory Compliance Unit Manager
Bristol City Council
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

17th March 2014

Dear Mr Martin,

RE: Nice 'n' Naughty, 45 Colston Street, Bristol, BS1 5AX
Your Ref: JPM/Licensing/Sex Shop

Thank you for your letter of 8th January regarding the proposed license fee for the current year. As you are aware Nice 'n' Naughty have been paying £5,050 in previous years and are looking to see a substantial reduction in the light of the Westminster ruling.

Your letter states that you will revert back to us at the earliest opportunity but more than two months have elapsed since that communication. You will appreciate that we operate in a difficult market due to increased internet competition, and an even more difficult economy. It is vital that all costs are controlled and monitored in order that detailed financial planning can be effective but in the absence of clarification of such a key cost to the business, financial prudence is proving difficult.

I would be grateful if you would please clarify both the proposed level of fee and the justification behind it within the next twenty eight days. To be clear we are expecting a material reduction in license fees since virtually every other Council with whom we interact, have reduced fees to less than £1,000, by way of example Manchester Council is £348.

I look forward to hearing from you in due course but should you need to discuss this further please do not hesitate to contact me on the number below.

Yours sincerely

Trish Murray
Nice 'n' Naughty Ltd
07890 758627

Jonathon Martin
Licensing Services
Princes House
Princess Street
Bedminster
Bristol
BS3 4AG

6th January 2014

Dear Mr Martin,

RE: NICE N NAUGHTY, 45 COLSTON STREET, BRISTOL

Further to the letter sent to you dated 22nd November 2013, to which I haven't received a reply, I am currently working with all my local councils regarding the licensing renewal fees.

As you indicated in your letter dated 6th November 2013, Bristol City Council believe the fees charged are justified and not inflated to cover any cost other than those directly associated with the administration and enforcement of the licensed sex shop I request a breakdown of how the fee of £5,000.00 is calculated.

Many of the councils I am working with have carried out a detailed analysis of direct costs and the licensing renewal fees have been reduced to less than £600 in several cases.

It is Nice 'n' Naughty's intention to work directly with the councils to reach a satisfactory resolution on the issue where possible. However, as you are aware Darker Enterprises have two stores in Bristol and I am unable to accept any offer without liaising with them.

Please provide details of the costings, to enable us to determine the next course of action in this matter.

Yours Sincerely

Patricia Murray



JOHN MORSE

— SOLICITORS —

Licensing Team (Temple Street)
Bristol City Council
P O Box 3176
Bristol
BS3 9FS

Our Ref: AS/MB/HAL012/0009
Your Ref:
Date: 21st December 2016

licensing@bristol.gov.uk

Dear Mr Carter

Sex Establishment Policy Review 2016/2017

We act on behalf of Reedbed Limited and Nightlife Bristol Limited who operate, respectively, Central Chambers at 9-11 St Stephens Street and Urban Tiger at 4 Broad Quay.

We are grateful to be given an opportunity to make a contribution, and hope that the following, brief, remarks assist the Council in its initial work on this topic.

The regulation of sexual entertainment

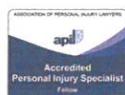
As the Council will know, prior to 2009 sexual entertainment was governed by the Licensing Act 2003, and therefore by the licensing objectives under that legislation. There was concern that those objectives did not cover the field in terms of the issues which have to be considered in relation to sex establishments. The resolution adopted by Parliament was to bring sexual entertainment venues within the same regime as applied to sex shops and sex cinemas. This has been a positive solution for local communities for reasons we set out below.

It is, perhaps, important to emphasise that the Act does not permit refusal on moral grounds or values. In legislating for the licensing of sexual entertainment venues, Parliament has made it

John Morse Solicitors St. Helen's House, 156 St. Helens Road, Swansea SA1 4DG

T 01792 648111 F 01792 648028 DX 39598 Swansea E mail@johnmorse.co.uk W www.johnmorsesolicitors.co.uk

Directors: John F. Morse, Andrew P. Sivertsen LLB (Hons), Laura Johnson LLB (Hons), Michelle Valerio BA Hons, Sonia McGarrigle LLB (Hons)



John Morse Solicitors incorporating Michelle Valerio and McGarrigle-Jones Ltd is a trading name of Morse Law Limited Co. Reg. No. 07917274. Morse Law Limited is authorised and regulated by the Solicitors Regulation Authority SRA No 569494

abundantly clear that sexual entertainment is a lawful activity. This is further borne out by paragraph 3.23 of the Home Office Guidance on sexual entertainment venues.

It is fair to say that, in Bristol, there have been objections to our clients' licences and renewals which are, when properly understood, inadmissible objections to the nature of the activity.

It would certainly assist the efficient determination of applications for licence renewals if licensing officers could consider objections to renewal and advise whether individual objections are in fact relevant to the objectives of the legislation. Where they are not relevant, they ought to be discounted. In those cases where the only objections are on the basis of grounds which are not relevant to the legislation, there ought to be no need for a public hearing of the application for renewal. If this approach is taken, it will save legal costs for our clients and administrative costs for the Council.

The Council is also asked to make it clear in the policy that objections cannot be made on moral grounds and that any such objections will be discounted.

Standards for sexual entertainment

The regulation of sex establishments through the Local Government (Miscellaneous Provisions) Act 1982 has brought about a series of benefits for communities, as well as performers and customers. Each of these benefits can and, it is submitted, should, be reflected in a modern sexual entertainment venue policy.

The suitability test for licensees, owners and managers creates the opportunity to establish protective policies, since having such policies may be considered an incident or indicator of propriety:

- Codes of conduct for dancers. These may include rules such as no touching policies, standards of dress, exchanging details, reporting of misconduct and so forth.
- Codes of conduct for customers. These are generally the correlative of codes of conduct for dancers and ensure that customers know exactly what conduct is and is not permitted in the venue.
- Welfare policies for dancers. These may include the privacy of dressing rooms, private toilet facilities, the employment of a "house mother", protection of performers, accompanied exit arrangements and so forth.

The test for suitability of premises enables standards to be laid down in the Council's policy concerning CCTV coverage, ability to supervise premises (e.g. prevention of wholly enclosed booths), provision of proper facilities for performers, standard of toilet facilities etc.

The "locality" grounds in the Act enable Council's to impose a series of controls which minimise or even obviate any impact of the sexual entertainment use on the locality. These controls may include:

- A ban on logoed limousines.
- A ban on leafleting, advertising or other forms of touting in the public realm.
- Prevention of use of sexual imagery or language outside the premises.
- Controls on the nature of lighting to ensure that it is discrete and unobtrusive.
- Prevention of views inside the premises.
- Control of smoking areas, including supervision of smoking areas used by customers and, if performers smoke at the front of the venue, ensuring that they are segregated, discreetly dressed, and in strictly limited numbers.

The appropriate number of SEVS

The Council's current policy suggests that the appropriate number of SEVs for the city centre is two. It is submitted that there is no good ground to decrease that number. The following points are made:

1. The fact that the Council's Licensing Committee has repeatedly renewed the licences of our clients' venues demonstrates that they are not considered to have a detrimental impact on the city centre.
2. After many years of these venues trading in Bristol, the numbers of people actually objecting to renewal is extremely modest, particularly in comparison with the size of the Bristol population. Even then, a significant portion of the objections are based on moral grounds.
3. Moreover, to provide for two SEVs is certainly not excessive for a city with a population of 450,000. It cannot be said that there is over-provision.

4. The two venues provide jobs for 20 staff, 14 SIA-licensed security operatives and 40 performers, nearly all of whom are local to Bristol.

5. The venues contribute significantly to the local economy. For example:

- They pay £32,496.80 in rates.
- They pay £146,969.03 in VAT.
- They pay £60,491.38 in PAYE & NI.
- They pay £82,180.10 in corporation tax.

NB the above figures are commercially confidential and should not be publicly disclosed.

6. Moreover, the venues are subject to large investments which are dependent on the continuation of their licences. For example:

- The lease for Urban Tiger is for 10 years at an annual rent of £60,000 and the lease for Central Chambers is for 10 years at an annual rent of £42,000.
- In addition £25,000 has recently been spent at Urban Tiger upgrading the front of house facilities and a further £20,000 will be spent on the back of house facilities including toilet areas and changing rooms for the dancers and also putting in a shower for the dancers' sole use.
- £32,000 has also been spent at Central Chambers on new seating areas, upgrading the dancing facilities and installing new fire doors, windows and mirrors.

NB the above investments are commercially confidential and should not be publicly disclosed.

7. The businesses are entitled to protection under Article 1 of the First Protocol of the European Convention on Human Rights.

8. Further, the performers themselves are entitled to protection under section 149 of the Equality Act 2010. Closure of SEVs in Bristol would involve them losing their livelihoods as sexual entertainment performers in the city.

For the above reasons, it is suggested that there are strong, positive grounds not to remove the right of our client's businesses to continue to operate.

If, however, the Council has it in mind to make a provision in its policy to reduce the appropriate number of SEVs in the city centre, it may be aware that, in some other council

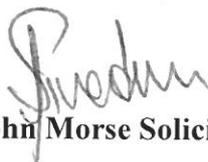
areas, policy provision is made for the preservation of existing business as an exception to the policy provided they are well-run, so as to avoid arguments that their closure involves a breach of Convention and legal rights. A form of wording which has been used elsewhere is:

“The Council recognises that there are established operators who have traded for a long period of time. In deciding whether to make an exception to any provision within this Sex Establishment policy, including the nil policy and any other policy consideration within this policy, the Council will give due weight to the fact, if proved, that the applicant is an established operator whose establishment is a long-standing, well-run sex establishment which has not generated significant levels of concern among the community or statutory authorities.”

In this way, while existing rights are preserved, the Council is enabled to make a policy which indicates that no further licences are likely to be granted and that closure of the existing premises will not be treated as making way for a newcomer to take its place.

It is hoped that these observations are found to be of assistance.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'John Morse', written in a cursive style.

John Morse Solicitors