

**Bristol City Council
Minutes of the Licensing Committee**



28 July 2022 at 10.00 am

Members Present:-

Councillors: Marley Bennett (Chair), Sarah Classic, Chris Davies, Richard Eddy, Emma Edwards, Jonathan Hucker, Philippa Hulme, Brenda Massey, Steve Pearce, Guy Poultney, and Chris Windows

Officers in Attendance:-

Abigail Holman – Licensing Policy Advisor, Kate Burnham-Davies – Legal Advisor, Allison Taylor – Democratic Services

1. Welcome, Introductions and Safety Information

The Chair welcomed all parties to the meeting.

2. Apologies for Absence.

Apologies for absence were received from Councillors Grant, Goggin, Hance and Townsend.

3. Declarations of Interest

There were no Declarations of Interest.

4. Minutes of Previous Meeting held on 16 June 22.

RESOLVED – that the minutes of the meeting held on 16 June 22 be confirmed as a correct record and signed by the Chair.

5. Public Forum

Supplementary Questions.

The Chair acknowledged the responses to questions which had been published on the BCC website and invited each submitter in turn to ask a Supplementary Question.



Penny Gane - Why was additional information expected from Avon & Somerset Constabulary when it was the P&CC who developed policy.

Response - The Police normally provide information on crime statistics but this was not provided for this meeting.

Bristol Women's Commission - Educational establishments supported a nil cap. Your response listed services who supported children and young adults on issues in mitigation of a policy BCC had developed. Is this a good advert for BCC?

Response – Our response was not a commentary on our own SE Policy.

There were no further Supplementary Questions.

Statements.

The Chair explained that speakers would be given one minute to summarise their statement and would be asked to stop once the traffic light system turned red. The Public Forum list was used to call upon speakers in turn. At the end of hearing statements the Chair took the opportunity to thank speakers for their time and courage in speaking.

The Committee adjourned for a 15 minute comfort break and resumed at 11.45am.

6. Sex Establishment Policy Review.

The Chair reminded all those present that the Committee would need to resolve to move into private session if it wished to ask any questions in relation to the exempt appendices. However, the debate would be public and transparent.

The Licensing Policy Advisor introduced the report and the following points were highlighted:-

1. The Local Government (Miscellaneous Provisions) Act 1982 allowed the Council, as the Licensing Authority, to develop and implement a policy in respect of exercising its functions under the Act. The Council adopted additional provisions in respect of Sexual Entertainment Venues in 2011;
2. At that time the Licensing Committee determined that 2 SE venues were appropriate in the city centre locality and 1 SE venue in the Old Market locality;
3. A Working Group was set up in 2016 to review the policy and submissions were received from relevant stakeholders and previous commenters and a wide range of information was considered. The Working Group met 8 times until 2018;
4. There were no requirements as to who should be consulted in respect of a policy under the Act and officers consulted a broad range of persons and bodies;
5. A questionnaire was developed which sought the views of the wider public on the types of venues regulated under the Act. The questions related to whether people thought the venues were



appropriate in particular types of areas, as well as giving examples of specific areas within Bristol. The questionnaire did not seek views on the draft or current policy. The questionnaire received 1430 responses from a range of people but primarily members of the public. There was no definitive split between those who believed sex establishments should be permitted in Bristol and those who did not. The questionnaire was also distributed to the Citizen Panel;

6. The results of the consultation showed that the majority of members of the public agreed with the proposed numbers in the localities. However, responses were received from a number of groups stating that permitting SE venues undermined the public sector equality duty and the Council's commitment to ensuring the safety of women in public spaces;

7. As a result of the consultation responses the Licensing Committee approved a consultation on a policy with revised numbers of nil for SE venues in the three defined localities;

8. There have been a number of other submissions made to the Council outside of the consultation process as well as a number of published documents such as open letters and statements;

9. In 2018 the Women and Equalities Select Committee heard from a range of experts and commenters in relation to sexual harassment of women and girls in public places and the report was published in October 2018;

10. A number of Public Forum Statements was made to the Licensing Committee on 8 March 2021 and a statement was made to the Bristol Women's Commission on 6 July 2021. The Bristol Sex Workers Alliance wrote an open letter to the Council on 8 March 2021 and the Police and Crime Commissioner published a statement in support of a nil cap;

11. The Committee was asked to approve the draft policy, determine what numbers of SE venues in the defined localities and publish the approved policy.

The Legal Advisor provided the Committee with the following advice:-

1. Local Authorities were not bound to have an SE Policy and the existence of a policy did not prevent an application being considered on its merits and members would afford factors the weight they found appropriate;
2. There was caselaw guidance on what constituted lawful consultation. The material on which the decision would be made must be provided to consultees and sufficient time to carefully consider it and respond to it must be given;
3. The Committee must have due regard to the Public Service Equalities Duties Act 2010 but did not have to draw one conclusion or another but must give proportionate weight given the impact on equalities. The Equalities Impact Assessment should not be solely relied on but a considered and engaged approach should be adopted;
4. There was generally a wide discretion regarding licences granted but moral judgements should not be part of that process;
5. The Committee was asked to consider the three recommendations in turn with debate and a vote;
6. There were no questions from the Committee.

The following points arose from debate:-

1. Councillor Eddy wished to thank all those who had contributed to the public consultation exercise. This had involved a significant amount of information gathering and officer work. The SE working group had considered in detail all the issues and its findings were reflected in the report;
2. The Chair echoed Councillor Eddy's comments. Regarding the draft policy he believed that the activity should be regulated with the adoption of policy;



3. Councillor Pearce supported the adoption of a policy in order to provide regulation;
4. Councillor Eddy had been involved in the regulation of SE venues for 6 years and a policy allowed enforcement and the ability to act on complaints. The policy had been informed by a huge public consultation exercise and he endorsed it;
5. Councillor Classick supported a policy as it provided a clear framework for monitoring and by which renewals could be considered objectively;
6. There were no more comments and the Chair moved Recommendation 1 and this was seconded by Councillor Poultney and on being put to the vote it was:-

Resolved – (Unanimous) That the amended Sex Establishment Policy annexed as Appendix 1 and Standard Conditions attached as Appendix 17 be adopted and their effect be approved from 1 August 2022.

1. The Chair reminded all those present of the 2 options in Recommendation 2 – Option A being a nil cap of SE venues in the currently defined localities or Option B being a 3 number of SE venues in the City Centre locality and nil in Old Market/West Street locality and nil in Bishopston/Redland/Cotham and Ashley locality. The meeting would proceed with an exchange of views before a motion;
2. The Chair spoke at length and his comments were summarised as follows:
 - a. SE venues was not a subject he had much considered before he served on this Committee. Having carefully considered all the facts and contents of the report he concluded that the numbers of SE venues in the currently identified localities should remain as currently i.e. Option B;
 - b. He had not reached the conclusion lightly and noted there were compelling arguments regarding issues caused by the presence of SE venues and particularly how they could lead to sexist views towards women which he did not discount and should be weighed up against other factors;
 - c. Many people argued the case against SE venues as suitable regulated entertainment but parliament had deemed the activity lawful and this was set clear in national regulations. BCC had responsibility for determining localities as a means of interpreting the issue;
 - d. The two current SE venues were well run and had a high degree of regulation. He had been involved with renewal hearings for the venues which involved members visiting the venue and undertaking a deep dive of the regulations. He had been very impressed with regulation compliance and that performers felt safe;
 - e. Public Health had declared that there was no explicit correlation with SE venues and crime and disorder and sexual violence. The Police did not have concerns regarding instances of sexual assault at the two venues which differed from clubs and bars where such assaults did occur and it could therefore be argued that these venues were safer;
 - f. The report's Equalities Impact Assessment at Appendix 20 stated that there was no evidence to indicate that any particular crime or increased incidence of crime could be directly associated with the two SE venues;
 - g. In respect of localities it could be argued that the City Centre was the most appropriate location as it was busy and was the hub of the night-time economy. With huge crowds on a Friday and Saturday night he was surprised how much the venues blended in although he appreciated that this was not everyone's experience, particularly women who were aware of these venues. There was also CCTV in the City Centre which provided a higher degree of safety;
 - h. Over 1000 responders to the consultation believed that the activity would go underground if stopped. Responses to consultations referred to need for statistics on this but the very nature of underground activity meant that it was not possible to provide statistics. He noted the



contrast with massage parlours which were outside the regulations scope and therefore it was not known what happened in them and SE venues with their comprehensive conditions and severe penalties for breaches;

- i. He accepted that the demand for this activity was led by the fact that the Council had a policy permitting SE venues but was not convinced that a nil cap would bring about less risky activities as it might put women in precarious positions and pressurised to offer services they did not wish to and he therefore believed that harm would be reduced if regulated premises existed;
 - j. Of the 6000 responses to consultation the huge majority were women and from Bristol which he gave weight to;
 - k. 86% of respondents were opposed to a nil cap in Old Market and the city centre although the majority of women respondents stated that the presence of SE venues made them feel less safe which was a significant number. However, this was significantly outweighed by the respondents concerned about job losses, good places to work and benefits for the workforce. BCC's equalities policy allowed socio/economic factors to be considered as part of the decision making framework;
 - l. He was concerned that performers would lose their means of making a living during a cost of living crisis;
3. The Chair hoped that those who had not reached the same conclusion were able to see how much he had engaged with the subject. He had not previously canvassed members on their opinions and now welcomed them;
 4. Councillor Eddy stated that this matter had been under review for 6 years and he was pleased that it was finally being addressed. He expressed concern that the Fawcett Society sought to stamp down on activities they disliked. It was impossible not to take into account the moral issue of stopping workers in the city from making a living after a pandemic and during a cost of living crisis and there was a danger of pushing the activity underground. He highlighted the Public Health statement on correlation of sexual violence and SE venues and the Police who had no evidence of an increase in disorder locally to the SE venues. He would vote for empirical evidence and for Option B;
 5. Councillor Classick had spent some time considering the evidence. She believed that setting a nil cap would not stop the activity and there was clear evidence that the current SE venues were safe and the frontages were discreet. She did not believe that the activity put women at risk. The existing SE venues' licences were reviewed by hearing annually and the Licensing Authority had the power to close a venue if it could not demonstrate that it was a safe environment. It was not for the Licensing Committee to judge if this was morally right or wrong as parliament had deemed it a lawful activity;
 6. Councillor Edwards had listened intently to Public Forum statements and the valid concerns to curb violence against women and girls. This was a global issue which needed to be addressed and it would require incredibly specific evidence to show there was a direct link to SE venues in the city centre. She noted that Iceland had introduced a nil cap and there had been an increase in violence against women. She fully understood that some women felt unsafe but she gave more weight to the women who worked at the venues and it would be a disservice to them if their needs were not addressed. She noted there was no evidence of crime relating to the venues and there had been no breaches of conditions. Finally, she noted that 16% of respondents did not feel safe as a result of these venues which was not to be ignored but was not significant;
 7. Councillor Hulme thanked everyone who had taken part in the consultation and who had contributed to Public Forum in what was a very emotional subject. Her understanding was that performers had to pay to work at these venues without guarantee of getting their money back. This did not present the best employment opportunity when there were so many vacancies in other work currently. She had a duty as a Councillor to have regard to the citizens of Bristol as a whole and not just the performers. There was evidence that SE venues led to customers objectifying women, to misogamy and



perpetuated a sense of entitlement and that men were more important. She could not see how such venues could promote mutual respect. Just because the venues were well run did not mean that they were not causing harm elsewhere in the city. She noted that the data on causation was not great and that there were countless papers citing a link to objectification of women and violence against them. There was also documented evidence of former performers who had now realised the psychological harm caused by the work. The location in the city centre seemed ok but increasingly students and young people were influenced by what they saw and it was damaging to them to perpetuate this activity as acceptable. Bristol was an open and equal city and licensing SE venues did not fit in with Bristol's image;

8. Councillor Massey had spent a long time considering this matter and had not reached a conclusion lightly. She had been involved in the Working Group and the renewals process and believed it was better to regulate the venues than have them go underground. She noted that comments arising from members inspecting the venues as part of the renewal process were acted on immediately and the issue resolved before the renewal hearing. She also highlighted the amount of time the WG had spent ensuring that the questionnaire was unbiased. Many of the performers were funding their life and caring arrangements and she wished to protect these workers;
9. Councillor Pearce acknowledged the comprehensive work done in the WG and in the production of the report and thanked officers and members of the WG for their work on it. He also thanked the public for their engagement through the policy review process. There were differing views regarding SE venues – one being that violence against women was a result of the existence of SE venues and the other being that society was broken in respect of treatment of women and so we have SE venues. Both points of view were legitimate and sincerely held. He would be minded to ban other things in society but the position of a bus stop next to an SE venue was not a reason to refuse a licence. Evidence suggested that you were more at risk of violence in a city centre pub or club than an SE venue;
10. Councillor Window's sole concern was for the safety of people in this City. He had read the comprehensive report and heard the statements at Public Forum and concluded that demand would remain if the venues were closed and he did not wish to risk underground, unregulated venues;
11. Councillor Poultney thanked the public for attending, in particular those whose jobs were at risk and officers for all their work. He found that there was little evidence of the negative impact of SE venues in this locality. It was clear that some voices who called for a nil cap were advancing views of women in order to empower them by taking jobs from them for their own good as they were not trusted to make choices for themselves. He cited empirical evidence that a nil cap would disproportionately impact on the livelihood of the performers and gave that great weight. He was persuaded that a nil cap would dramatically cause greater harm to the performers;
12. Councillor Hucker acknowledged the sincerely held views and the public consultation had been clear and unambiguous i.e. that a safe and regulated venue was preferred. He did not wish to stop people carrying out a lawful employment of their choice and he found there was no evidence of a correlation between these venues and violence against women.

The Committee adjourned and the meeting resumed at 1.25pm;

13. Councillor Davies echoed the views set out by the Chair.

The Chair having confirmed that there were no further comments to come from the Committee asked the Committee if a member wished to move a motion and Councillor Eddy moved Option B and this was seconded by Councillor Classick and on being put to the vote it was:-

Resolved – (10 for - Councillors Bennett, Classick, Davies, Eddy, Edwards, Hucker, Massey, Pearce,



Poultney and Chris Windows, 1 Against – Councillor Hulme) That the number of premises of each type in the currently defined localities should be Option B – 3 SE Venues within the currently defined localities.

Prior to considering Recommendation 3 the Licensing Policy Advisor requested that it be amended so that the policy be published on the Council's website on 3 August.

The revised recommendation was moved by the Chair and seconded by Councillor Poultney and on being put to the vote it was:-

Resolved – (10 for Councillors Bennett, Classick, Davies, Eddy, Edwards, Hucker, Massey, Pearce, Poultney and Chris Windows, 1 Abstention – Councillor Hulme) That the policy be published on the Council's website on 3 August 2022

The meeting ended at 1.30pm.

CHAIR

