

Supplementary Papers for Licensing Sub-Committee

Date: Wednesday, 20 July 2022



5. Temptation 1 Yelverton Road Bournemouth

Further correspondence received from objector 1.
Correspondence received from objectors 2-5.

This matter is brought before the Sub-committee for consideration.

3 - 12

Published: 13 July 2022

This page is intentionally left blank

FURTHER CORRESPONDENCE FROM OBJECTOR #1 IN SUPPORT OF THEIR OBJECTION

Email Received 09.07.22

Another piece of legislation which may be relevant to this licensing has come to my attention. Under the Mental Health Act 2007 mental disorder now means any disorder (or disability) of the mind, so I say could include being drunk through alcohol and/or prescription drugs.

Under the Sexual Offences Act 2003 s31 causing or inciting another person with a mental disorder to engage in sexual activity is an offence. I attended some training provided by Poole, Bournemouth and Dorset councils when mental health/capacity law was reviewed around 2007, but am by no means an expert on any changes since then, so open to correction.

I suggest the licensing committee alters the licensing conditions to include the CCTV being angled to enable an assessment to be made both on entering the venue and at the time of the Sexual Entertainment being provided as to whether the customer was suffering mental disorder, whether through being drunk or any other reason. This could protect performers, the operator, anyone else working in the club and indeed the customers' companions from allegations of this offence being committed. I don't say any offence has been committed, but that there is a risk of allegations being made if people in the club are not protected in this way.

You may hear that receiving sexual entertainment is not sexual activity, which is not the case, as the eyes can be expected to be active. I don't know whether any other physical response to modern sexual entertainment is usual such as sweating and accelerated heart beat/breathing, but if the committee has any knowledge of this perhaps they could take it into account.

In addition, could the licensing conditions be made clear that touching of customers and performers through clothing is also forbidden, and ideally extended to all people present at the premises to cover intentional touching of and by any part of the body including through clothing.

I would also like to add to the complaint about whether the applicant is a suitable person to be licensed, the advertising which encourages lying to other people about attending the club. The words "sorry baby the car broke down", "we're still on the boat", "dinner was longer than scheduled" and "still stuck in the office darling" are used on the website of the applicant, clearly inciting potential customers to lie to sexual partners about buying Sexual Entertainment provided by the applicant. Lying is immoral under the accepted moral standards of this country so encouraging lying is a characteristic making the applicant unsuitable. This is the case whether or not the committee accepts that Sexual Entertainment is inherently immoral or that objections to licensing can be made on the basis Sexual Entertainment is immoral.

It is also an offence under s16 of the Theft Act 1968 to lie to obtain a pecuniary advantage, which I say includes avoiding having to make financial payments either under divorce law or

child support obligations, which could arise if the customer were discovered to have bought Sexual Entertainment from the applicant. Encouraging this lying through advertising in this way appears to fit the definition of what used to be called incitement to commit a crime, and is now covered by part 2 of the Serious Crime Act 2007.

I don't say that the applicant has committed any offences, but quote these legal references to support my saying that lying or encouraging others to lie is considered a serious enough matter in this country as to be "immoral". Attitudes to whether lying is immoral appear to vary between cultures, but I say that in ours, in the UK, it is.

Email Received 11.07.22

Just to let you know that I heard from a friend today that she is unable to visit her daughter and new grandchild in a London hospital because of restrictions on visitors. I've done a quick check of a few hospitals' details to see if this is likely to be because of rise in covid cases. My husband visited Poole Hospital last week and they were back to masking. I don't intend giving you unnecessarily frequent updates on this, but they did both say that this was in response to a rise in Covid cases.

I appreciate that a hospital and an SEV are not the same thing. However, I would expect to check the situation shortly before the hearing and raise this if things have worsened as it could be relevant to what is an appropriate "layout" or "condition" of the building, or what would be a safe enough workplace to make the applicant "suitable".

ps I made a report to Trading Standards regarding the need to display the company name and registered address on temptation's website. On revisiting the website today I can see that the terms and conditions and the contact page now show the company name as being Cucumber Bars Hampshire Ltd whereas the applicant for the SEV licence is, as I understand it, Admiral Bars Hampshire Ltd. I appreciate this may seem like legal nit picking, but I would have expected the legal person, ie company, running the club and the person licensed to provide Sexual Entertainment to be the same legal person. The person providing sexual entertainment needs, I presume, to be in a position to control what happens at the premises.

Email Received 11.07.22

re "Acquired Rights" 10.4 of the BCP Sex Establishment Policy

10.4 It has been determined that these existing licences will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is not material

change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute. This essentially provides acquired rights to these existing operators for the current time.

Could the licensing committee please state in their decision making that they have no power to grant acquired rights so that 10.4 (text above) of their policy is unlawful and will be disregarded by them.

Whilst they may make policy which lasts for the duration of the policy as to how many sex establishments is appropriate they may not, in advance of any applications, prejudge any by giving them any "acquired rights". It is quite feasible that another applicant may make a new application during the time when an existing operator is in the process of applying for annual renewal, at which point the committee will have to decide which of the two or more to license.

The statement in 10.4 that the committee will consider each application under statute contradicts the statement in 10.4 that existing operators will have acquired rights.

On my understanding the legislation allowing a license previously held before adoption of a Sex Establishment Policy allows that existing license to carry over until a new application is made, which must happen within a set time period much shorter than the lifetime of the policy.

This page is intentionally left blank

Objections received to Temptation Renewal # 2- 5

2

To whom it may concern,

I am writing to categorically state my objection, as the Imam of Bournemouth Islamic Centre representing the local Muslim community, to renewing the licence of the entertainment venue 'Temptations' in Yelverton Rd.

The location is unsuitable as it is near to our place of worship, we have a growing population with over 500 people attending for prayers during the weekday and an established Saturday school and out of school activities at weekends, weekday evenings and school holidays for primary and secondary school age children. Please formally note this objection as this venue is in an unsuitable location as there are worshippers and children nearby.

3

Temptation Club, Yelverton Road, Bournemouth.

I write to object to the renewal of the sexual entertainment licence for the above premises on the basis that this area of the town is not a suitable location for a sexual entertainment venue, given the changes to the resident profile and the significant cultural change that has place in this area. Furthermore the activities of this club are not compatible with the core values of BCP's big plan - Community, Children and Culture.

Since this venue became Club Temptation we have seen an extraordinary campaign by the club to encourage men to engage with a variety of sexual services. Distributed leaflets are strewn across the streets, pornography and sex services promoted, a window display that shows women in compromising positions, topped off with reports of a scantily dressed female shouting across the street to men passing by asking if they want to come inside and see some pussy.

To say this isn't acceptable is an understatement. It would not be acceptable anywhere, but this is right the heart of Bournemouth town centre; an area where new families are living with children, where female students are residing, where professional couples are moving in and an area that is undergoing a cultural metamorphosis.

These new residents are moving here because its convenient, there is a growing café culture and the adjacent Beale Place is now a performance and event space for shoppers and families.

There is a growing demand from new residents to live in the town centre with its access to the beach, gardens, shops, festivals and events. In this locality culture is right outside their door, as are restaurants and café's. Imagine their surprise when they discover, just round the corner, (or even worse opposite) there is a venue that trades sexual services.

Members of the licensing committee, who must do the right thing for nearby residents, should ask themselves if they would be happy living in this locality with a strip club on their doorstep, having moved to what they believe to be is culturally vibrant, safe and welcoming town centre? Would any parent want their child kept awake by someone yelling about pussy to passers by, or to find out that their daughter who has gone to University in the area has found herself living in the locality of a strip club. What might go through one's head in terms of her safety? What does it say about the area?

Just three years ago this Council invested £600K in the redevelopment of Beale Place. The area is now pedestrianized, with seating and attractive foliage to transform the area into a welcoming space for shoppers, businesses, visitors and workers to enjoy.

In July 2019 BCP Council celebrated with a two days festival of entertainment, suitable for families, which included music, performance and award winning children's entertainment. It was a very clear message that the vision for this location, which has no nightclubs, was to develop the area as a destination underpinned by the creation of public space.

Of course just a short while later the world was hit with a pandemic, where businesses had to close their doors and everyone had to stay indoors for safety. However, in May last year we were able to continue the journey, pursuing what was originally Bournemouth Council's aspiration of developing this locality as a destination for retail, dining and events.

During the summer of 2021 this area hosted Marvellous Markets - traditional artisan style, themed with entertainment. Festival Coast Live, which is BCP's new big summer events programme, had regular events here and the Christmas Tree Wonderland experience was extended from the lower gardens and Bournemouth Square up Christchurch Road and through Beale Place.

And that will happen this year and next and the year after that because this is a place to enjoy, to dwell, to shop, to eat and to enjoy culture. But it will be bigger with new attractions and events. This location is part of the growing cultural ecosystem of the heart of Bournemouth.

In this heart we have a world class contemporary art gallery run by an international artist, the prestigious Ivy restaurant is moving into the former New look site, AUB have purchased the Palace Theatre in nearby Hinton Road and are planning further cultural development to complete the circle and the new vision for the former Beales store is currently in pre application, attracting more new residents to the area.

I can also reveal that a major art installation that has never been to Europe is coming later this year as the central theme of the soon to be launched Art Month, with an expanded Arts by the Sea as the grand finale. There will be cultural activities and performances throughout the heart of the town and in this locality.

This area has been completely reshaped with a new identity as a destination where workers, residents and visitors can enjoy spending time and families can dine in restaurants and enjoy events daytime through to evening.

The tangible change of this location has also inspired new hospitality to move in, creating local jobs and visitor experiences. Five new café's have opened in the area, with a new restaurant and food outlet in Yelverton Road.

Club Temptation and the lad culture it represents and attracts is now completely out of place in an area that has undergoing such a dramatic transformation that its very existence is

undermining the cultural ambition and investment we have made in this location and it is incompatible in such close proximity to children.

I am therefore asking the committee to acknowledge the significant change to this area and recognise that this type of venue is completely unsuitable for this location and to not renew their SEV license.

Objection

I wish to object to the SEV license renewal Temptation Reference: 197212

Changes to the area.

Many new cafés and eateries have opened in close proximity to the venue, creating a more family geared atmosphere

New local cafés



There has been a determined effort to bring **student housing** away from family housing in the suburbs and instead to purpose-built Student accommodation. These include the following built in recent years In addition to many already in existence.

Skyline 430 beds
 Belaton 403 beds
 Bailey point 550 beds
 Oxrord point 468 beds
 Cranborne House 500 beds
 Purbeck House 500 beds
 Chresil house 200 beds
 St Peters hall 102 beds

Students have told me how they hate walking past SEV's at night as they are intimidated. Bournemouth Central ward has the highest number of Violence and sexual offences in BCP, and also the highest number of antisocial behaviour. Both of these rates are twice the level of the next highest ward. A quarter of the population of the ward are young women

A concerned teacher has told me that increasingly **many children from the local primary school live above shops in close proximity to this venue** and therefore have seen the window display including sexualised poses of women, links to porn sites and can hear the lewd language shouted at night and see flyer litter in the mornings.

Fitness of applicant

The applicant has shown their inability to be a fit person to run such a club as they have not had any regard for safeguarding. Examples are that they decorated the window with sexualised subservient images of women, they advertised porn sites in their window at eye level, they have given out flyers in the area with such material too. They have had their dancers outside touting shouting lewd propositions.

For each of these issues it has taken a resident complaint for the club to act and stop or remove material. This shows that the operator has a poor understanding of what is appropriate and needs constant monitoring.



Sex discrimination

The club states that women cannot enter the club unless accompanied by a male or in a group. I ask the committee to be curious about why this is the case. Is it not safe? I suspect that it is not lawful to exclude women in this way – what is the justification?

Toilets

I have been informed by a dancer at the club that the toilets have no doors.

Other notes

It is not easy to find details of SEV renewals. I suggest to the committee they try this for themselves via the website. Even when the application is found, and an interested party must email licensing to see the original license.

It is very difficult to find out from the notice if the applicant has other venues and if these have had issues. I suggest that the committee need full transparency with SEV applications.

5

To whom it may concern

Due to the number of young families living in very close proximity to this venue I object to the renewal of this license.

It is extremely easy to shut an SEV on the grounds of INAPPROPRIATE LOCALITY which the committee has full discretion to do. This SEV, like all your others, is in an inappropriate locality, according to your own policy. SEVs have no legal recourse to challenge such a decision except via the High Court which is extremely difficult to do (closure on these grounds has, I understand, never been successfully challenged by an SEV).

All the committee need do is 'give due regard' to the fact that the club currently holds a license and then clearly state its reasons for not licensing this year. This reason can simply be that the committee has looked with 'fresh eyes' (as it is charged to do under SEV legislation) and no longer believes the locality is appropriate.

I would further remind the committee that:

- There does not need to have been any CHANGE in locality in order to refuse to relicense
- There does not need to be any EVIDENCE of harm/impact or anything else in order to refuse to relicense

For all these reasons, I ask you NOT to relicense this strip club. And ensure all its lap dancers are supported out of the sex industry practically and emotionally – including in finding safe, alternative work. The council has an absolute duty to do this