

Notice of Licensing Committee

Date: Wednesday, 19 May 2021 at 10.00 am

Venue: Civic Centre, Poole, BH15 2RU



Membership:

Chairman:

Cllr J J Butt

Vice Chairman:

Cllr J Bagwell

Cllr S C Anderson
Cllr D Brown
Cllr R Burton
Cllr N Decent
Cllr B Dion

Cllr B Dove
Cllr G Farquhar
Cllr D Farr
Cllr D A Flagg
Cllr A Hadley

Cllr T Johnson
Cllr D Kelsey
Cllr L Williams

All Members of the Licensing Committee are summoned to attend this meeting to consider the items of business set out on the agenda below. Please note that this meeting is scheduled to take place following the Annual Council Meeting on 11 May and therefore the membership as detailed above is subject to change.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MId=4714>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services by email at democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: by email at press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

11 May 2021



Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests

Do any matters being discussed at the meeting relate to your registered interests?

Disclosable Pecuniary Interest

Yes

Declare the nature of the interest

Do NOT participate in the item at the meeting. Do NOT speak or vote on the item EXCEPT where you hold a dispensation

You are advised to leave the room during the debate

Local Interest

Yes

Declare the nature of the interest

Applying the bias and pre-determination tests means you may need to refrain from speaking and voting

You may also need to leave the meeting. Please seek advice from the Monitoring Officer

No

Do you have a personal interest in the matter?

Yes

Consider the bias and pre-determination tests

You may need to refrain from speaking & voting

You may also need to leave the meeting. Please seek advice

No

You can take part in the meeting speak and vote

What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. **Apologies**

To receive any apologies for absence from Councillors.

2. **Substitute Members**

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. **Election of Chairman**

Councillors are asked to elect a Chairman of the Licensing Committee for the 2021/2022 Municipal Year.

4. **Election of Vice-Chairman**

Councillors are asked to elect a Vice-Chairman of the Licensing Committee for the 2021/2022 Municipal Year.

5. **Declarations of Interests**

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

6. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Meetings held on 20 April and 21 April 2021 (to follow) and the Licensing Sub Committees held on 15 April 2021 and 29 April 2021 (as attached).

5 - 16

7. **Public Issues**

To receive any public questions, statements or petitions submitted in accordance with the Constitution, which is available to view at the following link:

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

The deadline for the submission of a public question is 4 clear working days before the meeting.

The deadline for the submission of a public statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

8. Harmonisation of Taxi and Private Hire Licensing Fees for BCP Council

17 - 26

The Licensing Committee, on 4th March, agreed to a single set of fees for the provision of taxi and private hire functions.

In accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 once agreed the fees are subject to a 28 day period of consultation and must be advertised in a local paper.

If there are any objections to the fees received in the consultation period, then these must then be discussed by the Licensing Committee and if appropriate any changes to the fees as proposed can be made.

9. Sex Establishment Policy update

27 - 118

To consider an update on the draft Sex Establishment Policy for BCP Council, following the establishment of a Licensing Committee working group to consider the responses to the public consultation.

10. Licensing Sub Committees - trial of two reserve members

To determine whether to continue with the use of a second reserve for Sub Committees, as agreed by the Committee on a trial basis from December 2020 until May 2021.

11. Committee's Forward Plan

119 - 122

To consider the Committee's Forward Plan and receive any updates, as appropriate.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 15 April 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr R Burton and Cllr N Decent

67. HRH The Prince Philip, The Duke of Edinburgh

The Chair referred to the death of His Royal Highness The Prince Philip, The Duke of Edinburgh on 9 April 2021. She reported that The Duke had been an important figure in all our lives and asked Councillors and all parties present to take a short period of contemplation before starting the business of the meeting.

68. Election of Chairman

RESOLVED that Councillor Judes Butt be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

69. Apologies

There were no apologies for this meeting. The Chair thanked Cllrs D Kelsey and L Williams for attending before the start of the meeting in their role as reserves.

70. Declarations of Interests

There were no declarations of interest on agenda items for this meeting.

71. Licensing Act - New premises licence application - Southbourne Snooker Bar, Bournemouth

Attendance:

From BCP Council:

Nananka Randle, Licensing Manager

Johanne McNamara, Legal Advisor to the Sub Committee

Jill Holyoake, Clerk to the Sub Committee

David Ramsay – Applicant's representative

Huseyin Kocabay - Applicant

Cllr Andy Jones – Other Person, representing himself and one 'other person'.

The Chairman made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Manager presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book together with a Supplementary Pack which contained the Club Premises Certificate referenced in the report.

The Sub Committee was asked to consider an application for a new premises licence for the premises known as Southbourne Snooker Bar, 8 Deans Road, Southbourne, Bournemouth, BH5 2DA for the following licensable activities and times:

- Indoor Sporting Events: Monday to Sunday – 10:00 to 00:00
- Sale of alcohol on the premises: Monday to Saturday- 10:00 to 00:00, Sunday -10:00 to 23:00

The application had resulted in eight representations being received from 'Other Persons' under all four licensing objectives.

Following mediation with Dorset Police the applicant had agreed that the terminal hour for the sale of alcohol, should the licence be granted, be reduced to 23:30 Monday to Saturday and 22:30 on a Sunday. The Police and the applicant had also agreed a condition in relation to door supervision to be attached to the premises licence if granted, as set out in Appendix 5 of the report.

The following persons attended the hearing and addressed the Sub Committee to expand on the points made in their written submissions:

David Ramsay – Applicant's representative

Huceyin Kocabay – Applicant

Cllr Andy Jones - Other Person, presenting his own objection and that of one 'other person'.

During the hearing the applicant's representative reported on the additional offered conditions which the applicant had submitted to the Licensing Authority in response to the representations received.

The Sub Committee asked various questions of all parties present and were grateful for responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the hearing the Legal Advisor advised all parties of the right of appeal.

RESOLVED:- That the application for a new premises licence for the premises known as Southbourne Snooker Bar, 8 Deans Road, Southbourne, Bournemouth, BH5 2DA, for the provision of Indoor Sporting Events on Monday to Sunday from 10:00 to 00:00hrs, and for the sale of alcohol on the premises on Monday to Sunday from 10:00 to 00:00hrs* (terminal hours as amended below) be GRANTED, subject

to the conditions offered by the applicant to promote the licensing objectives as detailed in Section 18 of the application form, and the following additional conditions:

Additional conditions agreed with the applicant by Dorset Police:

- ***The terminal hour for the sale of alcohol on Monday to Saturday will be 23:30hrs and on Sunday 22:30hrs.**
- **If it is intended to show any major sporting event on a television within the premises (other than Snooker or Pool tournaments, golf, motor racing events, athletics competitions or tennis or cricket matches), or to hold any function, the Premises will conduct a written risk assessment to determine whether it is appropriate to deploy door supervisors for a period of time before the event is scheduled to start, during the event and for a period of time after the event is scheduled to end and will deploy door supervisors in accordance with the outcome of the risk assessment. Such risk assessments will also be conducted at the request of the police in respect of any other event scheduled to take place at the premises. Copies of all risk assessments shall be retained on the premises for a minimum period of 6 months and shall be made available for inspection by police and other authorised officers on request.**

Additional conditions offered by the applicant in response to representations received:

- **At least 75% of the floor space shall be taken up by 3 snooker tables at all times. This limits the numbers of customers who can be on the premises at any one time.**
- **Any provision of poker will be restricted to 'low level' as defined by the Gambling Commission guidance.**
- **A double door policy so that one inner door is closed when the outer door is open will be retained to limit noise emanating from the entrance.**
- **A contact Mobile Phone number for the person in charge of the premises shall be provided to the residents of Deans Road and Parkwood Road for the purposes of reporting concerns or complaints.**
- **No more than 4 persons at any one time will be permitted outside the premises for smoking. This area will be monitored by staff when in use.**

In addition, at the hearing the applicant's representative confirmed a typographical error in the application form: where the date of 2 January is referred to as part of the non-standard timings, this should read 1 January.

Reasons for Decision:

The Sub Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5 and the Supplement, in particular the eight written representations made by 'other persons' living in the locality, along with the verbal submissions made at the hearing by the Licensing Manager, the applicant's representative and the applicant and the Ward Councillor representing himself and one 'other person'. The Sub Committee also considered the responses given to questions asked at the hearing.

While the Sub Committee acknowledged the concerns expressed in each of the representations, including those around the potential increase in noise, disturbance and anti-social behaviour, these concerns appeared to be based on a fear of what may happen should the licence be granted and although understandable, did not provide any substantial evidence of public nuisance or crime and disorder that could be taken into account when determining the application. The Sub Committee was mindful of the spirit of the Licensing Act 2003 and the case of *Thwaites PLC v Wirral Borough Magistrates' Court* 2008. The Sub-Committee noted that there were no representations made by any of the Responsible Authorities, in particular Dorset Police and Environmental Health, who the Licensing Committee looked to as a key source of information regarding issues of crime and disorder and public nuisance in an area.

Some issues raised such as parking problems and the playing of poker on the premises were outside of the scope of the licensing objectives. The Sub Committee was grateful to the applicant's representative for his clarification on the operation of 'low level' poker in accordance with Gambling Commission requirements.

The Sub Committee noted that the premises was used primarily for the playing of snooker and had a maximum capacity of 45 customers. It had operated for many years with a Club Premises Certificate with no previous issues reported. The applicant's representative had explained that switching to a Premises Licence would enable the premises to respond to changing customer demands to allow for more occasional use rather than the commitment of a club membership fee. A premises licence also provided greater controls to promote the licensing objectives by way of conditions attached to the licence.

In addition to the conditions included in Section 18 of the application form, the Sub Committee considered that the additional conditions agreed with Dorset Police and the additional conditions offered by the applicant in response to the written representations would mitigate the concerns raised

by local residents, particularly those in relation to control and monitoring of the external area of the premises.

The Sub Committee was satisfied that the premises should not undermine the licensing objectives if operated in accordance with the conditions offered by the applicant and agreed with Dorset Police. It was noted that a review of the premises licence could be applied for at any time by the Responsible Authorities or any other person should any problems associated with the licensing objectives in relation to the premises occur once the licence was granted.

Voting – Unanimous

72. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

73. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Trudi Barlow – Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

Jill Holyoake – Democratic Services Clerk to the Sub-Committee

The Applicant and his representative were also present.

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book. The Sub Committee was asked to consider whether the applicant was considered a 'fit and proper person' to hold a Hackney Carriage and/or Private Hire driver's licence.

The applicant and his representative addressed the Sub Committee to explain in more detail the circumstances of his case and why he should be permitted to proceed with his application.

The Sub Committee asked various questions of the applicant and his representative. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub Committee retired to make its decision. Before concluding the hearing the Legal Advisor advised all parties of the right of appeal.

RESOLVED:- That the Sub-Committee is satisfied that the applicant named in the report is considered to meet the fit and proper person criteria to continue with his application to become a licensed Hackney Carriage and/or Private Hire Driver's Licence in the Christchurch Zone, in accordance with Section 51 and 59 of Local Government (Miscellaneous Provisions) Act 1976.

Voting – Unanimous

74. Review of Public Carriage Driver's Licence

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

RESOLVED – That consideration of this item be deferred to a future Sub Committee meeting to enable the driver a further opportunity to attend the hearing in person to present his case.

Voting - Unanimous

The meeting ended at 11.57 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 29 April 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr A Hadley and Cllr L Williams

1. Election of Chairman

RESOLVED that Councillor Jude Butt be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

The Chair advised that Councillor Julie Bagwell had submitted apologies for this meeting and that Councillor Lawrence Williams in his capacity as a reserve member would therefore be taking on the role of one of the Licensing Sub Committee members.

3. Declarations of Interests

There were no declarations of interest.

4. Application for Variation of Premises Licence - More The Merrier, 68 Kimberley Road, Bournemouth BH6 5BY

The Sub-Committee was advised that an application had been received to vary the licence of the premises known as 'More the Merrier', 68 Kimberley Road, Bournemouth, and that the Sub-Committee was being requested to open and adjourn consideration of this application until the Licensing Sub Committee meeting on 12 May 2021, in order to comply with the timescales of the Hearing Regulations.

RESOLVED that consideration of the application was opened and that it be adjourned until the Licensing Committee meeting scheduled for the 12 May 2021.

Voting: Unanimous

5. Application for Variation of Premises Licence - Urban Reef, Undercliff Drive, Bournemouth

The Sub-Committee was advised that an application had been received to vary the licence of the premises known as 'Urban Reef', Undercliff Drive, Bournemouth, and that the Sub-Committee was being requested to open and adjourn consideration of this application until the Licensing Sub Committee meeting on 12 May 2021, in order to comply with the timescales of the Hearing Regulations.

RESOLVED that consideration of the application was opened and that it be adjourned until the Licensing Committee meeting scheduled for the 12 May 2021.

Voting: Unanimous

6. Application for a New Premises Licence for Anemos 15 The Quay Poole BH15 1HS

The Sub-Committee were advised that the hearing on this application was no longer required as the applicant and objectors had now come to an agreement and the objection had been withdrawn.

RESOLVED that the Sub-Committee noted the hearing was no longer required.

7. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

8. Review of Public Carriage Driver's Licence

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt Information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of individual) and 7 (information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime).

Attendance:

From BCP Council:

Michelle Fletcher – Licensing Officer

Nananka Randle – Licensing Manager

Linda Cole – Legal Advisor to the Sub-Committee

Sarah Culwick – Senior Democratic Services Officer and Clerk to the Sub-Committee

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to consider whether the driver remained a 'fit and proper' person to hold a Public Carriage licence (Christchurch Zone).

The meeting ended at 10.30 am

CHAIRMAN

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LICENSING COMMITTEE



Report subject	Harmonisation of Taxi and Private Hire Licensing Fees for BCP Council
Meeting date	19 May 2021
Status	Public Report
Executive summary	<p>The Licensing Committee, on 4th March, agreed to a single set of fees for the provision of taxi and private hire functions.</p> <p>In accordance with the requirements of the Local Government (Miscellaneous Provisions) Act 1976 once agreed the fees are subject to a 28 day period of consultation and must be advertised in a local paper.</p> <p>If there are any objections to the fees received in the consultation period, then these must then be discussed by the Licensing Committee and if appropriate any changes to the fees as proposed can be made.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the proposed fees and either</p> <ul style="list-style-type: none"> a) Confirm agreement with the proposed taxi and private hire fees b) Agree amended fees following consideration of consultation feedback
Reason for recommendations	<p>The now dissolved boroughs of Bournemouth, Christchurch and Poole have all previously published individual non statutory fees.</p> <p>The Local Government (Structural Changes) (General)(Amendment) Regulations 2018 provides that the Licensing Authority has 24 months from the date of reorganisation to prepare and publish fees for the new local government area.</p>

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Nananka Randle, Licensing Manager, Communities
Wards	Council-wide
Classification	

Background

1. Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Licensing Authority to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles, and operators.
2. Section 70 specifies that for vehicle and operators licences, if the cost of fees is varied and this exceeds £25.00, then the council must publish a notice in at least one local paper which sets out how objections can be made, for a period of not less than 28 days. A copy of the notice must also be displayed at the council offices for this period.
3. The Licensing Committee agreed a harmonised set of taxi and private hire fees at its meeting on the 4th March 2021. These fees have been set, based on estimated officer time and including any direct costs such as purchase of badges, plate templates and door insignias etc for vehicles. The proposed fees are set out in Appendix 1
4. A copy of the notice published in the Dorset Echo on 18th March 2021 is shown in Appendix 2. I can also confirm the notice was displayed in the town hall annexe and on main town hall reception notice board for a 28-day period following the publication..

Objections

5. On the 4th March 2021 Mr Kevin Diffey submitted an objection to the proposed fee variations as presented to the Licensing Committee on the 4th March 2021, but this was received too late to be included within that meeting. As such it was agreed that that this would be put forward as an objection within the 28 day consultation period. This objection is attached at Appendix 3.
6. I can confirm there have been no other formal objections to the proposed fees.

Options Appraisal

7. Members are asked to
 - a) Confirm agreement with the proposed fees as presented at the Committee meeting on 4th March 2021
 - b) Agree any amendment to the proposed fees

Summary of financial implications

8. The fees as proposed and agreed on the 4th March 2021 were calculated on a cost recovery basis in agreement with the finance officer.

Summary of legal implications

9. The fees are required to meet the costs of the services and must be set in accordance with the legislation on a cost recovery basis. If the fees are set incorrectly this can result in judicial review.

Summary of human resources implications

10. The service will be delivered by existing staff.

Summary of sustainability impact

11. Not applicable

Summary of public health implications

12. Not applicable

Summary of equality implications

13. Not applicable

Summary of risk assessment

14. Not applicable

Background papers

Local Government (Miscellaneous Provisions) Act 1976

<https://www.legislation.gov.uk/ukpga/1976/57>

Appendices

Appendix 1 – proposed fees

Appendix 2 – Notice which appeared in the Echo

Appendix 3 – Objection from Mr Diffey

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	B	C	P	Proposed BCP Fees						
VEHICLES										
New/Replacement Private Hire Vehicle Application Fee	£ 60.00	£ 340.00		£ 85.00		Christchurch - Single Fee not separate application fee				
New/Replacement Hackney Carriage Vehicle Application Fee	£ 60.00	£ 340.00		£ 110.00		Bournemouth - Application Fee + Licence Fee				
Private Hire Vehicle Licence (1 year)	£ 150.00	£ 130.00	£ 153.00	£ 160.00						
Hackney Carriage Vehicle Licence (1 year)	£ 180.00	£ 130.00	£ 153.00	£ 200.00						
Dual Licence	£ 75.00			£ 50.00						
Transfer of vehicle licence	£ 60.00	£ 50.00	£ 47.00	£ 65.00						
Temporary Replacement authorisation and plate	£ 80.00	£ 15.00	£ 47.00	£ 75.00						
Replacement plate	£ 50.00	£ 20.00	£ 10.00	£ 50.00						
Replacement door insignia	£ 60.00		£ 10.00	£ 30.00						
DRIVERS										
New drivers application inc knowledge test and DVLA check	£ 180.00	£ 162.00	£ 95.00	£ 160.00						
Knowledge test resit	£ 60.00	£ 21.00	£ 37.50	£ 70.00						
Safeguarding course	incl in app fee	N/A	£ 45.00	paid to provider						
Driver Issue/reissue of licence 3 year	£ 290.00	£ 162.00	£ 182.00	£ 335.00						
Dual Licence additonal fee	£ 75.00									
Change of details/replace licence	£ 15.00	£ 10.50	£ 10.00	£ 15.00						
OPERATORS										
Application for new operators licence (non-returnable)	£ 50.00			£ 65.00						
Issue/reissue application for up to 10 vehicles (5 year)	Min £105/Max £515 1 year)	£ 216.00	£75 (1 year) 207 (5 year)	£ 285.00						
For each additional 10 vehicle	per vehicle £30			£ 22.00						

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Tenders and Contracts | Goods Vehicle Operator Licences

Other Notices

FIRING ON LULWORTH RANGES
Notice is hereby given pursuant to the Lulworth Ranges Byelaws 1978 that there will be live firing on Lulworth Ranges between 0930hrs and 1700hrs on Monday 22 March 2021, Tuesday 23 March 2021, Wednesday 24 March 2021, Thursday 25 March 2021 and between 0930hrs and 1230hrs on Friday 26 March 2021.

There will be night firing between 2000hrs and 2359hrs on Tuesday 23 March 2021 and Thursday 25 March 2021.

Other Notices

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL

The BCP Council has approved the proposed variations of Fees charged for Taxi and Private Hire Licensing functions. It is proposed that the fees will be varied as follows:

VEHICLES	
New/Replacement Private Hire Vehicle Application Fee	£85.00
New/Replacement Hackney Carriage Vehicle Application Fee	£110.00
Private Hire Vehicle Licence (1 year)	£160.00
Hackney Carriage Vehicle Licence (1 year)	£200.00
Transfer of vehicle licence	£65.00
Temporary Replacement authorisation and plate	£75.00
Replacement plate	£50.00
Replacement door insignia	£30.00
DRIVERS	
New drivers application inc knowledge test and DVLA check	£160.00
Knowledge test resit	£70.00
Driver Issue/reissue of licence (3 year)	£335.00
Dual Licence Additional fee	£50.00
Change of details/replace licence	£15.00
OPERATORS	
Application for new operators licence (non-returnable)	£65.00
Issue/reissue application for up to 10 vehicles (5 year)	£285.00
For each additional 10 vehicles	£22.00

A copy of this notice will be available for inspection between the hours of 9am and 4.30pm Monday to Friday at the Town Hall Annexe, St Stephens Road, Bournemouth BH2 6LL.

Any objections to the proposed fees must be made in writing and sent to the Licensing Manager, Regulatory Services, Town Hall, St Stephens Road, Bournemouth, BH2 6LL or via email to Taxi.Privatehire@bournemouth.gov.uk by the 16 April 2021.

The varied fees as proposed will come into force on 1 June 2021 subject to any further modification made by the Council after consideration of any objections raised.

Probate Notices

TERENCE PETER BEST (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of 105 Portway, Winfrith Newburgh, Dorchester DT2 8LA, who died on 10/12/2020, are required to send written particulars thereof to the undersigned on or before 19/05/2021, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

Ellis Jones Solicitors LLP, 14a Haven Road, Canford Cliffs, Poole BH13 7LP.

Legal Notices

Application for a Premises Licence Licensing Act 2003

Notice is hereby given that, we, Lidl Great Britain Limited have made an application under Section 17 of Part 3 of the Licensing Act 2003 to Dorset Council for a Premises Licence for Lidl Great Britain Limited, 76-78 Ringwood Road, Verwood, Dorset, BH31 7AJ for sale of alcohol by retail for consumption off the premises during the hours 07:00-23:00 Monday to Sunday. A copy of this application can be viewed at www.dorsetcouncil.gov.uk. Any person wishing to make representations to this application may do so by writing to Licensing, Dorset Council, South Walks House, South Walks Road, Dorchester DT1 1UZ or email licensingteam@dorsetcouncil.gov.uk. Representations must be received no later than 13/04/2021. It is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is level 5 on the Standard Scale.



Exchange and Mart

Planning Notices

Dorset Council has received the following applications:

6/2020/0640 Refurbishment of Barnston Manor Farm House & ancillary buildings Barnston Manor Farm House, Steeple, Wareham, BH20 5NX Householder Application

6/2020/0641 Refurbishment of Barnston Manor Farm House & ancillary buildings Barnston Manor Farm House, Steeple, Wareham, BH20 5NX

6/2020/0636 Erect veranda and replace rear balcony with porch with balcony over. Replace kitchen window, remove rooflight, and other internal and external alterations. Rebuilding of boundary wall. The Old Rectory, 19 Pound Lane, Wareham, BH20 4LQ Householder Application

6/2020/0637 Erect veranda and replace rear balcony with porch with balcony over. Replace kitchen window, remove rooflight, and other internal and external alterations. Rebuilding of boundary wall. The Old Rectory, 19 Pound Lane, Wareham, BH20 4LQ

You can see the application online by visiting the Council's website www.dorsetcouncil.gov.uk/planning

To make comments about this application you can use the online link on the above web page, or write to the Council at Westport House, Worgret Road, Wareham, BH20 4PP Your comments must be received within 24 days of the date of this advert, quoting the application number.

We will publish your comments on the Council's website.

Please note: It is not normally possible to respond to specific points raised in any comments you make.

In the event of a planning appeal any comments will be copied to the Planning Inspectorate. There may not be a chance to make further comments at the appeal stage so you should make any comments by the expiry date.

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Objection

Dear councillor

At your meeting today please consider the following points on the proposed new licensing fees.

Why is licensing asking for any increase in their licensing budget?

The creation of the BCP unitary authority was supposed to result in greater efficiency and reducing costs. Licensing have also said that by not doing unmet need surveys in future will be saving £23,000 every three years and they have reduced the number of staff also reducing their costs.

If the number of cars and drivers remain at their current number this would increase the revenue by approximately £40,000 per year.

We would like the accounts for the last three years to be taken into consideration to establish what the money has been spent on so that we can compare it with the future spending plans.

The drivers have suffered very badly through the Covid-19 pandemic and are unable to meet any extra costs. Last year the licensing committee approved an increase in the fare chart which licensing have not yet been able to implement meaning that we are losing income on everyone of the very small number of fares that we do get.

Taxis will still be in the three zones and the earnings potential is very different in each one particularly at night but this has not been taken into consideration in the licence fees I think that they should remain as they are until they have equal opportunities across the BCP area.

Yours sincerely

Kevin Diffey

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LICENSING COMMITTEE



Report subject	Sex Establishment Policy update
Meeting date	19 May 2021
Status	Public Report
Executive summary	This paper updates the Licensing Committee on progress made to date and the proposed next steps in developing the new BCP Council Sex Establishment Policy, that is required following local government reorganisation.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider options for further public consultation</p> <p>Any further amendments to the draft policy prior to further consultation</p>
Reason for recommendations	The now dissolved Bournemouth Borough Council and Borough of Poole have both previously published individual policies. As a result of Local Government Reorganisation the Licensing Authority wishes to adopt and publish a Sex Establishment Policy for the new local government area.
Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Corporate Director for Environment & Community
Report Authors	Nananka Randle -Licensing Manager
Wards	Council-wide
Classification	For Update

Background

1. Sex Establishment premises are regulated and licensed under Schedule 3 of the Local Government (Miscellaneous) Provisions Act 1982. This legislation originally provided for the licensing of sex shops and sex cinemas before being amended by section 27 of the Policing and Crime Act 2009 to extend the scope of the schedule to include sexual entertainment venues.

2. By adopting the legislation and agreeing a policy BCP Council will be able to control and regulate the operation of Sex Establishments within the conurbation.
3. Sex Establishments falls into three categories: sex shops, sexual entertainment venues and sex cinemas
4. No sex establishment can operate unless it has obtained a licence from the Council – any such licence will contain conditions that will regulate how that individual and category of sexual establishment may trade from the prospective premises.
5. Licences for sexual entertainment venues (SEV) are required for “any premise at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer”. Relevant entertainment is defined under the Act.
6. In deciding whether entertainment is “relevant entertainment” we will consider the content of the entertainment to be provided at the premises before determining whether a sexual entertainment licence is required, but generally this will apply to:
 - a. lap dancing
 - b. pole dancing
 - c. table dancing
 - d. strip shows
 - e. peep shows
 - f. live sex shows
7. Under Section 17 of the Crime and Disorder Act 1998, local authorities must exercise its functions with due regard to the likely effect on, and of the need to do all it reasonably can, to prevent crime and disorder in their area. This draft policy has due regard to the likely impact of such licences on related crime and disorder in the conurbation.
8. On the 10th December 2020 the Licensing Committee agreed a draft policy which was then subject to public consultation. The draft Policy as agreed is attached at Appendix 1.

Consultation

9. Public consultation was open for 4 weeks, from 4 January – 1 February 2021. An online survey was made available, alongside links to the draft policy document. In total there were 206 responses to the survey. The consultation report is attached at Appendix 2.
10. On the 4th March 2021 the Licensing Committee members agreed that due to the sensitivity of the policy, and large number of responses received via the consultation, that a working group of five members would be set up and provide an update to this meeting.
11. The working group met on 29th March 2021 the notes from this meeting are at Appendix 3.
12. The working group carefully considered the consultation responses as well as the wider policy implications of the Public Sector Equality Duty. Members recommended that although many consultees disagreed with not setting any permitted number of SEV's within the BCP area, given the strict locality characteristics set out in the policy which will be considered when determining any application, the number and location of any future premises could be adequately controlled.

13. Consultation response received via Julia Palmer (legal representative of For Your Eyes Only) requested some amendments to conditions to be attached to any licences issued and also sought clarification for the position of existing licenced premises. The members of the workshop agreed that existing licenced premises and operators be given grandfather rights for renewal applications as they have existed under previous policies which deemed them to be situated in an appropriate locality. These rights will be further reviewed when the policy is reviewed again.
14. Amendments as suggested by the workshop members have been added and the updated draft policy is attached at Appendix 4.
15. Workshop members were aware of the strength of feeling regarding this topic particularly due to recent high-profile crimes against women. As such members have agreed that an all member briefing meeting should take place regarding the proposals for this policy.
16. The workshop also considered engagement with local SEV's and also identified a lack of balance in opinions sought. The consultation responses focused on the perceived negative impacts of these venues and concerns raised about the working conditions experienced by performers, but no performers have had direct input into the consultation. Following the meeting, officers have made contact with the operators of local Sexual Entertainment Venues and also the Sex Shops and have requested feedback from performers. The results of this will be available at a later meeting.

Options Appraisal

17. Members are asked to consider the following
 - Agree amendments to the Draft Policy as suggested in Version 2 of the policy.
 - Suggest further amendments to Version 2 of the policy
 - Agree to further public consultation and ask members to suggest any questions they would like to propose as part of this consultation
 - Support a full member briefing session to explain the proposed policy and answer any questions

Summary of financial implications

18. Not Applicable

Summary of legal implications

19. The policy is subject to Judicial Review if challenged.

Summary of human resources implications

20. Not Applicable

Summary of sustainability impact

21. Not Applicable

Summary of public health implications

22. Not Applicable

Summary of equality implications

23. An Equalities Impact Assessment is being drafted during the course of this process. I can confirm that the Public Sector Equality has been considered as part of this ongoing process.

Summary of risk assessment

24. Not Applicable

Background papers

Local Government (Miscellaneous Provisions) Act 1982

<https://www.legislation.gov.uk/ukpga/1982/30> Policing and Crime Act 2009

<https://www.legislation.gov.uk/ukpga/2009/26/section/27> Appendices

Appendices

Appendix 1 – Draft Policy Version 1

Appendix 2 – Consultation Report

Appendix 3 – Members workshop notes

Appendix 4 – Draft Policy Version 2 with suggested amendments

Sex Establishment Policy

Incorporating Sexual Entertainment Venues, Sex Shops and Sex Cinemas

Date November 2020

DRAFT

Licensing

Author: Nananka Randle
Version: 1
Review Date: 2025



CHAPTER		PAGE NO
1	Purpose statement	2
2	Who the Policy applies to	2
3	This Policy replaces	2
4	Approval process	2
5	Links to Council strategies	3
6	Background information	3
7	Policy consultation	3
8	Definitions	4
9	Other relevant legislation	5
10	Location of licensed premises	7
11	The character of the relevant location	8
12	Layout character and condition	9
13	Applications process	9
14	Refusal of applications	10
15	Objections Hearings	11
16	Hearings	12
17	Right of appeal	13
18	Period of Licence	13
19	Conditions	14
20	Revocation	14
21	Waiver	14
22	Compliance	14
23	Further information	15
	Appendix A	16

1. Purpose Statement

- 1.1 This document sets out BCP Councils policy regarding the regulation of sex shop, sex cinemas and sexual entertainment venue licensing.
- 1.2 The Policy provides advice to applicants about the procedure and approach to take when making an application and aims to ensure that sex establishments in the BCP Council area operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated.
- 1.3 The policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.4 Section 2 of The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new classification of sex establishment, namely sexual entertainment venues.
- 1.5 BCP Council approved the policy relating to sex establishments on ~~xx-xx-xxxx~~ and delegated its statutory functions in full to the Licensing Committee and Licensing Sub-Committee as directed.
- 1.6 BCP Council does not take a moral stand in adopting this policy; it recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. BCP Council will, as a licensing authority, administer the licensing regime in accordance with the law.

2. Who the policy applies to

- 2.1 BCP Council has adopted the amended provisions of Schedule 3 to regulate the number of sexual entertainment venues and address any local concerns about this kind of entertainment. Section 27 enables the BCP Licensing Authority to consider a wide range of community interests in determining whether to grant a licence and to manage more effectively those premises that are licensed.
- 2.2 BCP Licensing Authority expects the manager, owner or other person who is responsible for the organisation or management of the sexual entertainment, or the premises, to manage and regulate the operation of such entertainment and venues properly.

3. This policy replaces

- 3.1 This policy replaces the previous Sex Establishment Policies that covered Bournemouth Borough Council and The Borough of Poole.

4. Approval process

- 4.1 BCP Council as Licensing Authority delegated the Licensing Committee to oversee the development and review of its Sex Establishment Policy. Once finalised the policy was presented to the Full Council for adoption.
- 4.2 The Sex Establishment Policy will be kept under review and the Licensing Committee may make any revisions to it as it considers appropriate. A full review will be carried out every 5 years.

5. Links to Council Strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
- Corporate Strategy and Delivery Plan
 - Digital Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. Background information

- 6.1 BCP Council area includes the Bournemouth, Christchurch and Poole area, is located in Dorset on the Jurassic Coast. It is the 12th largest council in England with a population of approximately 400,000 residents. It is predominantly urban with associated suburban areas and open spaces, parks and gardens.
- 6.2 It has long established road and rail links to London, the Midlands and the South West and benefits from an international airport. It has three Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 6.3 It is one of the country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, historic quays, music and arts festivals and its annual air festival which attracts over a million people a year to the event.
- 6.4 The area offers a vibrant mix of entertainment facilities for residents and visitors alike with established theatres, restaurants, cinemas, concert venues, museums and historic sites. The entertainment economy is well served with a wide variety of restaurants, pubs, bars and clubs.

7. Policy Consultation

- 7.1 In preparing this policy BCP Licensing Authority has consulted with and considered the views of the following range of people and organisations and has regard to the guidance issued by the Home Office.
- 7.2 Consultation on this policy took place with:
- the Chief Constable of Dorset Police
 - one or more persons who appear to BCP Council to represent the interests of persons carrying on or proposing to carry on the business of a sex establishment in the Council area
 - one or more persons who appear to BCP Council to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment in the Council area

- one or more persons who appear to BCP Council to represent the interests of persons likely to be affected by or otherwise have an interest in the policy, including the Planning Authority, Fire and Rescue Authority, Community Safety, Dorset Public Health, Environmental Protection and Child Protection
- interested parties such as resident associations, trade associations and others as considered appropriate
- town and parish councils

8. Definitions

8.1 For the purposes of this policy, the following definitions will apply, provided that any subsequent amendments to the 1982 Act will also be taken into account:

- **The 1982 Act** refers to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- **The Policy** refers to the BCP Council Sex Establishments Policy.
- **Authorised officer** means an officer employed by BCP Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- **The premises** means the premises, vehicle, vessel or stall that are the subject of the sex establishment licence or of the application for a sex establishment licence.
- **Sex cinema** means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures related to, or intended to stimulate or encourage, sexual activity, acts of force or restraint associated with sexual activity, or concerned primarily with the portrayal of or primarily deal with, or relate to, genital organs or excretory or urinary functions, but does not include a dwelling house to which the public is not admitted.
- **Sex shop** means any premises, vehicle, vessel or stall used for a business consisting to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:
 - (a) sex articles; or
 - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - i. sexual activity; or
 - ii. acts of force or restraint which are associated with sexual activity.
- **Sex articles** include written or visual material such as sex magazines, books, or visual or audio recordings concerned with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage, sexual activity or acts of force and restraint associated with sexual activity, or which are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.
- **Sexual entertainment premises** – fall into one of three categories:
 - Sexual entertainment venues
 - sex shops
 - sex cinemas
- **Sexual entertainment venue** is defined in Paragraph 2A of Schedule 3 (as inserted by section 27) as ‘any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer’. ‘Relevant entertainment’ is defined as ‘any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)’. An audience can consist of just

one person, e.g. in a private booth. The category 'sexual entertainment venues' includes the following forms of entertainment as they are commonly understood:

- lap dancing;
- pole dancing;
- table dancing;
- strip shows
- peep shows;
- live sex shows;

This entertainment is defined as 'relevant entertainment'.

- **Relevant entertainment** means any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. Where the entertainment takes place in private booths).
- **Display of nudity** means, in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.
- **The organiser** means any person involved in the organisation or management of relevant entertainment.
- **Advertisement** means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.
- **Entertainer** means dancer, performer or other such person employed, or otherwise, to provide relevant entertainment.
- **Licence** means any sex establishment licence that the council can grant under the 1982 Act.
- **Licence holder** means the holder of a sex establishment licence.
- **Licensed area** means the part of the premises marked on the plan where licensable activities are to take place.
- **Responsible person** means the person nominated by the licence holder who has personal responsibility for and be present on the premises whilst the premises are open to the public. This may be the manager or the relief manager.

9. Other relevant legislation

- 9.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this Policy and the guidance issued by the Home Office (Include link to website). Where it is necessary to depart from the guidance or this Policy the BCP Licensing Authority council will give clear reasons for doing so.
- 9.2 BCP Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes. The granting of a Sex Establishment Licence does not infringe or impact on the requirement of Licensees to comply with other relevant legislation.
- 9.3 The role of the Licensing Authority under the 1982 Act is to maintain a balance between the needs of the sexual entertainment industry and the needs of residents and others within of the Council area.

European Convention on Human Rights

9.4 The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. BCP Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his or her home and private life, including, for example, the right to a “good night’s sleep”;
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person’s possession;
- Article 10 the right to freedom of expression.

The Provision of Services Regulations

9.6 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

- non-discriminatory in regard to nationality
- necessary for reasons of public policy, public security, public health or the protection of the environment and
- proportionate with regard to the objective pursued by the legislation.

BCP Licensing Authority will consider these three issues in relation to the refusal of licence applications.

Crime and Disorder Act 1998

9.7 The Crime and Disorder Act 1998 places a duty on the Council to exercise its functions with due regard to:

- crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)
- the misuse of drugs, alcohol and other substances
- re-offending in its area.

BCP Licensing Authority will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that is reasonable to prevent them.

Equality Act 2010

9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including licensing functions. BCP Licensing Authority will be mindful of this duty when determining all licensing applications, in due regard will be given to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Planning

- 9.9 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation.
- 9.10 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
- 9.11 In addition, all new developments and premises which have been subject to structural alterations since 1994 should have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.
- 9.12 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Modern Slavery Act 2015

- 9.13 The Modern Slavery Act 2015 puts a duty on the Council to notify the secretary of state, or where stated in regulations, another public authority, where there are reasonable grounds to believe that a person may be the victim of slavery or human trafficking.
- 9.14 BCP Licensing Authority will where incidence of slavery or human trafficking are found to be related to a sexual entertainment licensed premise will have particular regard to the severity of the offence when determining a licence application or request for the revocation of such licence.

10. Location of licensed premises

- 10.1 BCP Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. However, BCP Licensing Authority are aware of the necessity to balance the needs of the community against the amenities of the local area.
- 10.2 Notwithstanding 10.1 above, while the BCP Licensing Authority have not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application on its own merits, BCP Licensing Authority will, with each application, consider the characteristics of the locality and consider whether the grant of the application would be inappropriate having regard to its proximity to:
- Residential premises
 - Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments, nurseries, playgroups, playgrounds, youth clubs and youth hostels
 - Shops used by or directed at families or children

- Premises sensitive for religious purposes for example, churches, mosques and temples
- Places and/or buildings of historical/cultural interest and tourist attractions
- Cultural facilities such as museums, theatres and cinemas
- Public leisure facilities such as leisure centres, parks and open spaces
- Community buildings such as community centres, libraries and drop in centres
- Places used by vulnerable persons such as day centres, hostels and other adult social care facilities
- Hospitals and other medical facilities
- Other sex establishments

10.3 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

10.4 BCP Licensing Authority acknowledges that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. Its decision on an application will be based on its assessment of the character of a locality at the time an application is determined. BCP Licensing Authority take the view that 'locality' is where the premises that are the subject of the application are situated, including, but not beyond, their immediate vicinity.

AND/OR Licensing Committee to decide

Limiting the Number of Sex Establishments in Pre-Defined Localities

10.5 BCP Licensing Authority has decided to use its powers under Paragraph 12(3)(c) of Schedule 3 to define several 'relevant localities', and to establish how many sex establishments, or sex establishments of a particular kind, it considers appropriate in each such relevant locality. BCP Licensing Authority will determine each application in the context of the limit that it has set.

10.6 There are currently 2 licensed sex shops in Holdenhurst Road, north of Bournemouth Station, and BCP Licensing Authority considers that Holdenhurst Road from the junction with Northcote Road to the Richmond Park Road/Curzon Road junction is an appropriate location for no more than 2 sex establishments, being sex shops only.

10.7 There is currently 1 licensed sex shop in The Triangle. BCP Licensing Authority considers this area to be an appropriate location for no more than 1 sex establishment. This locality has become a more family orientated area, and BCP Licensing Authority does not consider this area to be appropriate for the location of any sexual entertainment venue.

10.8 There are currently 3 sexual entertainment venues in the Horseshoe Common area. BCP Licensing Authority considers that the appropriate number of such venues is no more than 3. BCP Licensing Authority does not consider this area to be an appropriate locality for any sex shop.

10.9 The horseshoe Common area is defined as:

- the north side of Old Christchurch Road from its junction with Yelverton Road to the west side of Lorne Park Road, and;
- the south side of Old Christchurch Road from its junction with Yelverton Road to the north side of Glen Fern Road;

- 10.10 BCP Licensing Authority does not consider any other area within the Borough an appropriate location for any sex establishment

11. The Character of the Relevant Locality

- 11.1 BCP Licensing Authority acknowledges that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. Its decision on an application will be based on its assessment of the character of a locality at the time an application is determined. BCP Licensing Authority take the view that 'locality' is where the premises that are the subject of the application are situated, including, but not beyond, their immediate vicinity.
- 11.2 As a general rule, a locality whose character falls predominantly into one or more of the following categories will generally be considered inappropriate for the grant or renewal of a sex establishment licence:
- family and child oriented leisure or shopping areas, including the Pier Approach and seafront;
 - predominantly family residential areas, with or without retail, fast food etc outlets serving the local population;
- 11.3 In considering applications for the grant of a new licence, BCP Licensing Authority will also take account of the potential impact of the licensed activity on crime and disorder; and where there is already one or more sex establishment premises in the locality, the cumulative impact of an additional licensed sex establishment premises.

12. Layout Character and Condition

- 12.1 With regard to an application for the grant or renewal of a licence, BCP Licensing Authority will also take into account the layout, character or condition of the premises, vehicle, vessel or store in respect of which the application is made.
- 12.2 BCP Licensing Authority will, in considering applications for renewal, take into account past demonstrable adverse impact from the activity; and whether appropriate measures have been agreed and properly implemented by the applicant to mitigate any adverse impacts.

13. Application Process

- 13.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to BCP Licensing Authority on the prescribed application form. This includes electronic applications submitted by email.
- 13.2 Application forms, application guidance notes, and notices for public advertisement are available upon request from the Licensing Team at Licensing@bcpcouncil.gov.uk or on the Council website at www.bcpcouncil.gov.uk.

The address for applications is:

The Licensing Manager
Licensing Team
BCP Council ,Town Hall, Bourne Ave,
Bournemouth, BH2 6EB or via email licensing@bcpcouncil.gov.uk

- 13.3 Applicants for sex establishment licenses must give public notice of the application by publishing an advertisement in a local newspaper no later than 7 days after the date the application is made. A notice must also be displayed on or near the premises in a place

where members of the public can conveniently read it for a period of 21 days beginning with the date the application is made.

13.4 Where an application is made other than by means of a relevant electronic facility, the applicant must send a copy to Dorset Police within 7 days of the application being made.

13.5 Where an application is made by means of a relevant electronic facility, BCP Licensing Authority shall send a copy of the application to Dorset Police, no later than 7 days after the date the application is received.

Exemptions

13.6 Under the Local Government (Miscellaneous Provisions) Act 1982 there is an exemption for sexual entertainment venue premises which provide relevant entertainment on an infrequent basis. These are defined within paragraph 2A of Schedule 3 as inserted by section 27 of the Police and Crime Act 2009 as premises where –

- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State

Notices

13.7 The applicant must advertise the application in three ways:

- Advertisement in a local newspaper within 7 days of the application
- Advertise at the premises by way of a site notice for 21 consecutive days
- Notice of the application to be sent to the Chief Constable of Dorset Police within 7 days of the application

13.8 Proof that the applicant has advertised the application will be required as part of the application process.

Applicant suitability

13.9 BCP Licensing Authority will need to be satisfied that the applicant for a sex establishment licence is suitable to operate the business.

13.10 Applicants will be required to submit application forms which include a personal information form and a Disclosure and Barring Service (Standard DBS disclosure) issued within the last month. If an applicant is a company all directors will be required to submit a personal information form and a standard DBS disclosure. The cost of any criminal record checks will be paid by the applicant.

13.11 The applicants suitability will be checked using the above documentation and in consultation with Dorset Police. Applicants may also be asked to attend an interview to support their application.

13.12 The suitability of the applicant is important to ensure that the interests of the public are protected. BCP Licensing Authority will use the methods described above to ensure that the proposed operator:

- is honest

- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions
- has no unspent conviction of a nature that deem him/her unsuitable

13.13 Applications for a sex establishment licence for a sexual entertainment venue will also show they have:

- a clear code of conduct for customers
- a clear code of conduct for performers and
- a clear policy on pricing

13.14 BCP Licensing Authority will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to BCP Licensing Authority that the interest of the public is protected.

14. Refusal of Application

14.1 There are 4 types of application available to the applicant:

- New
- Renewal
- Transfer
- Variation (full or minor)

14.2 There are a number of mandatory grounds for refusing applications and these are set out in paragraph 12 (1) of Schedule 3. A licence must not be granted:

- to a person under the age of 18;
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- to a body corporate which is not incorporated in an EEA State; or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

14.3 The only discretionary grounds upon which BCP Licensing Authority may refuse an application are that the applicant for a new, renewal or transfer of a licence is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;

- that if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- for new or renewal applications only, that the number of sex establishments or of sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which BCP Licensing Authority considers is appropriate for that locality (Paragraph 12 (3)(c) of Schedule 3);
- for new or renewal applications only, that the grant of the licence would be inappropriate, having regard to:
 - the character of the relevant locality; or

- the use to which any premises in the vicinity are put; or
- the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made (Paragraph 12 (3)(d) of Schedule 3).

14.4 BCP Licensing Authority recognises that questions about the character of a locality and/or the use of a premises in the vicinity (when considering whether the grant or refusal of a licence would be inappropriate with reference to paragraph 12 (3)(d) of Schedule 3), must be decided on the facts and merits of the individual application at the time the application is determined.

14.5 The holder of a Licence may at any time apply for a variation of the terms, conditions or restrictions imposed on the licence. BCP Licensing Authority may make the variation specified in the application, or make any such variations as it thinks fit, or refuse the variation application.

15. Objections

15.1 Objectors can include individual residents, and/or residents' associations, community and/or trade associations. Councillors may also raise objections on their own behalf or can represent objectors. If the Councillor is also a member of the Licensing Committee, and either objects on his/her own behalf or represents an objector, he/she will not be allowed to determine the application.

15.2 Persons wishing to object to the application must submit a written representation (this can be by means of an electronic facility) of the general terms of the objection not later than 28 days after the date of the application.

15.3 Persons objecting should have regard to the statutory grounds for refusal, as set out in paragraph 6. BCP Licensing Authority does not have the right to, and will not, consider any morality issues relating to sex establishments. Consequently, objections stating that sex establishments should not be allowed on moral grounds will not be considered. Nor will objections that are frivolous or vexatious be considered. Where objections are rejected, the objector will be given a written reason.

15.4 Decisions on whether objections are on moral grounds, frivolous or vexatious will be made objectively by officers of the Council.

15.5 The names and address of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to members of the Licensing Committee. Objectors will be invited to speak at the hearing, where their identity will be known to the applicant. Alternatively, they may choose to elect a spokesperson to speak on their behalf, such as their local ward Councillor.

15.6 Objections should:

- be made in writing (preferably in duplicate, unless submitted electronically);
- be in black ink on single sides of A4 paper;
- indicate the name and address of the person or organisation making the representation;
- indicate the premises to which the objection relates;
- indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this;
- clearly set out the reasons for making the objection.

15.7 BCP Licensing Authority will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application.

15.8 BCP Licensing Authority will facilitate mediation between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.

16. Hearings

16.1 Applications for will be referred to the Licensing Committee or Licensing Sub-Committee for determination where objections have been received. In addition, at the discretion of a Council officer, any application may be referred to the Licensing Committee or Licensing Sub-Committee for determination.

16.2 The hearing shall be conducted in accordance with the Councils Hearings Procedure. The procedure may change at the discretion of the Chairman of the Licensing Committee.

16.3 Those who have made comments on an application shall be invited to attend a hearing and state their case to the Licensing Committee but will only be permitted to speak on matters relevant to their written representation to BCP Licensing Authority.

Determining an application

16.4 In determining licence applications under the 1982 Act BCP Licensing Authority will take into consideration the application before it, any comments made by the Chief Constable of Police and any objections received as well as local knowledge including local issues and cultural sensitivities.

16.5 In all cases the Licensing Committee reserves the right to consider each application on its own merit.

16.6 Every decision to refuse a licence made by the Licensing Committee or sub- committee will be accompanied by clear reasons for the decision.

Right of appeal

16.7 There are no rights of appeal for statutory authorities or persons who have objected to the grant of a sex establishment licence.

16.8 There is a right of appeal for applicants/licence holders in the following circumstances:

- refusal to grant a new sex establishment licence
- refusal to renew an existing sex establishment licence
- refusal to transfer an existing sex establishment licence
- refusal to vary an existing sex establishment licence
- imposition of conditions on a sex establishment licence
- revocation of a sex establishment licence

16.9 However, an appeal may not be lodged where the decision made by BCP Licensing Authority has been made on the basis that:

- the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality

- the grant is inappropriate, having regard:
 - a) to the character of the relevant locality
 - b) to the use to which any premises in the vicinity are put
 - c) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

16.10 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

17. Period of Licence

17.1 A sex establishment licence will remain in force for up to one year, or for a shorter period as determined by BCP Licensing Authority .

18. Conditions

18.1 In granting an application, BCP Licensing Authority may attach such specific conditions as it considers appropriate, in accordance with paragraph 8 of schedule 3 of the 1982 Act, and standard terms and conditions in accordance with paragraph 13 of the 1982 Act.

18.2 BCP Licensing Authority will impose standard conditions on all licences. These conditions are attached at Appendix A.

18.3 Where it is reasonable and necessary to do so, the Licensing Committee or Sub Committee may impose additional conditions on a sex establishment licence or alter or omit some of the standard conditions from the sex establishment licence.

18.4 Any breaches of the conditions attached to the licence may result in the revocation of that licence.

19. Revocation

19.1 Should information be received by BCP Licensing Authority that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, BCP Licensing Authority may revoke the sex establishment licence.

19.2 BCP Licensing Authority will not revoke a licence without first giving the holder of the licence the opportunity to make representation before a licensing sub-committee.

19.3 The licensee will be given a statement in writing of the reasons for revocation within 7 days of the requirement being made.

19.4 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

20. Waiver

20.1 Should BCP Licensing Authority decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.

20.2 BCP Licensing Authority would only waive the need for a licence where the activity is low risk and/or temporary. However a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.

20.3 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

21. Compliance

21.1 BCP Licensing Authority is responsible for the administration, compliance and enforcement of the licensing regime. The main enforcement role for BCP Licensing Authority in terms of the 1982 Act as amended will be to ensure compliance with the conditions placed upon the licence.

21.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act BCP Licensing Authority will endeavour to be:

- proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly; and
- targeted: regulation should be focused on the problem, and minimise side effects.

21.3 BCP Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

21.4 BCP Licensing Authority recognises the interest of both residents and business and will work closely with partners to assist licence holders to comply with the law and the conditions attached to the licence. However proportionate and firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.

21.5 BCP Licensing Authority has set clear standards of service and performance that the public and business can expect. In particular an enforcement policy has been created that explains how the council will undertake its role and how the principles of effective enforcement will be achieved.

22. Further information

22.1 Further information relating to this policy can be found at the following sites:

- <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>
- <https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?CommitteeId=288>
- <https://www.bcpCouncil.gov.uk/About-the-council/Equality-diversity-and-inclusion/Our-commitment-to-equality-diversity-and-inclusion.aspx>

Bournemouth Christchurch and Poole Council

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 as amended by the Policing and Crime Act 2009

Regulations made under Paragraph 13 of Schedule 3 to the 1982 Act prescribing standard conditions applicable to licences for sex establishments effective from the appointed day.

Section A

General condition for Sexual Establishments

1. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
3. A refusals register shall be kept and made available for inspection by an authorised officer of the Council or Police Officer.
4. The Premises shall be maintained in good repair and condition.
5. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.
6. The licence holder shall ensure a copy of the licence and of these Regulations are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended and shall be reproduced to the same scale as those issued by the Council.
7. The copy of the licence required to be displayed shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Section B

Sexual Entertainment Venues – Standard Conditions

Conduct and Management

1. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
2. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.

3. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
4. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.
5. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
6. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
7. Door supervisors registered with the Security Industry Authority shall be provided at the premises in sufficient numbers to ensure that:
 - each entrance and exit at the premises used by the public are manned by at least two door supervisors
 - all public areas of the premises are continually monitored to ensure the Dancers and Customers Codes of Conduct and any licence conditions are being complied with
 - persons breaching the Customers Code of Conduct or otherwise behaving in a disorderly manner can be safely ejected from the premises
8. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
9. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
10. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
11. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
 - Any complaints made by customers, dancers or staff
12. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved / name of dancer or staff member where appropriate and brief description of the incident and any action taken by staff.
13. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.

14. The licence holder and/or Duty Manager shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
15. The incident / refusal log shall be made available for inspection to the Police and or an authorised officer of the council on request.
16. The licence holder and/or Duty Manager shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
17. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
18. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation. All advertising must comply with condition 24 below.

Advertising, Premises Appearance and Layout

19. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
20. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
 - any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
 - unless the Council has given its prior consent in writing that such display or advertisement may be used.
21. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
22. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
23. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.
24. The layout of the premises shall be such that performers cannot be seen from outside the premises.
25. Performers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

CCTV

26. A suitable CCTV system shall be installed and maintained at the premises in accordance with the requirements of Dorset Police.

27. The system shall be operational at all times the premises is open to members of the public and will cover all public areas including booths and VIP areas.
28. The positioning of the CCTV cameras will be agreed with Dorset Police prior to installation and will comply with that agreement at all times. Changes to the CCTV system and / or positioning of the cameras may only be made with the written consent of Dorset Police.
29. The licence holder shall retain recordings for 28 days, which will be delivered to the Police on request (subject to Data Protection Act 2018).
30. At all times that the premises are open to the public there will be a member of staff on duty who is conversant with the operating of the CCTV system and who is able to download immediately any footage requested by the Police, an officer from the Licensing Authority or an authorised agent.

Requirements for a code of Conduct for Dancers

31. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the licence holder and the Council.
32. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Dancers".
33. No change shall be made to the Dancer's Code of Conduct without the prior written consent of the Council.
34. The Dancers Code of Conduct must state that dancers who do not comply with the Code of Conduct will face disciplinary proceedings.
35. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer's Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.
36. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer's Code of Conduct.
37. The premises management and staff (including security staff) shall be aware of the content of the Dancer's Code of Conduct and shall ensure it is complied with.

Requirements for a Code of Conduct for Customers

38. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder and the Council.
39. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Customers".
40. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.
41. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council.

42. The Customer's Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.
43. The premises management and staff (including security staff) shall be aware of the content of the Customer's Code of Conduct and shall ensure it is complied with.
44. Where a customer breaches the Customers Code of Conduct, this shall be recorded in the incident / refusals log.

Disciplinary Procedure

45. A disciplinary procedure shall be in place to deal with dancers who breach the Dancer's Code of Conduct. The disciplinary procedure shall be detailed in writing and a copy of it provided to each dancer who works at the premises.
46. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the house Disciplinary Procedure and have read and understood its contents.

Code of Conduct for Dancers

47. The Dancer's Code of Conduct shall include the following conditions as a minimum:
 - a. Dancers may not intentionally touch a customer during a performance
 - b. Dancers may not permit a customer to touch them during a performance
 - c. Dancers may not straddle the customer
 - d. If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer continues with their inappropriate behaviour, the dancer shall stop the performance and inform the management
 - e. If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.
 - f. Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue
 - g. Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts
 - h. Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina
 - i. Dancers shall not solicit for gratuities or payment for sexual favours
 - j. Dancers shall not engage in any act of prostitution
 - k. Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public
 - l. Dancers shall not perform if under the influence of alcohol or drugs.
 - m. Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.
 - n. Dancers shall only use the smoking area provided specifically for their use.
 - o. Dancers shall only use the sanitary facilities specifically provided for their use.
 - p. Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire
 - q. All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the house Disciplinary Rules, a copy of which has been provided to each dancer.

Code of Conduct for Customers

48. The Customers Code of Conduct shall include the following conditions as a minimum:
- Customers may not touch dancers during a performance
 - Customers may not make lewd or offensive remarks to dancers
 - Customers may not harass or intimidate dancers
 - Customers may not ask dancers to perform any sexual favour
 - Customers may not perform acts of masturbation or indulge in other sexual behaviour
 - Any customer failing to adhere to the Customers Code of Conduct will be ejected from the premises

Staff welfare

49. Dancers under the age of 18 will not be permitted to work at the premises. All reasonable steps shall be taken to verify the age of the dancer such as the production of photo identification.
50. The licence holder shall ensure dancers have secure dressing rooms and facilities to secure valuables.
51. The licence holder shall ensure that there are sanitation facilities for the use solely of the dancers and other employees of the premises.
52. Each dancer shall be provided with an information pack which will include the following:
- A copy of relevant conditions attached to the Sex Establishment Licence
 - Details of any other conditions applied by the management of the premises
 - A copy of the Dancers Code of conduct
 - A copy of the Customers Code of Conduct
 - The premises Disciplinary Procedure Policy including any fining policy
 - Pricing policy
 - Details of HM Revenue and Customs, unions, trade organisations or other bodies that represent the interest of the dancers
57. The licence holder shall maintain written records of all dancers working at the premises. The records shall show the full name of the dancer, home address, date of birth and the date the dancer was provided with the information pack as stated above.
58. Such records shall be kept on the licensed premises and produced for inspection by the Police or an authorised council officer on request.
59. Any instances of the dancer breaching the Dancers Code of Conduct and any instances of discipline and fines imposed will be recorded on their record. The record shall include the date and time of the incident and the breach that occurred.
60. All booths/areas for VIP's used for private dances must be visible to supervision and must not have closing doors or curtains that prevent performances from being observed.
61. All booths/areas for VIP's used for private dances must be directly supervised by either an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
62. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

Section C

Special Conditions for Sex Shops

Hours of opening

1. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 06.00pm.
2. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

3. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
4. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the Public.
5. The Licensee shall maintain a register in which he shall record the name and address of any person approved under Regulations 8 or 9 hereof by the Council who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. Any change in the particulars shall be recorded forthwith in the register and the register shall be kept available for inspection by the Police and by authorised officers of the Council.
6. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.
7. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
8. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment (whether the licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
10. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
11. The Licensee shall maintain good order in the Premises.

12. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
13. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
14. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
15. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
16. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
17. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
18. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.
19. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
20. The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
21. The incident / refusal log shall be made available for inspection to the Police and or authorised officer of the council on request.
22. The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
23. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
24. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation outside or in the vicinity of the Premises.
25. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.

Advertising, Premises Appearance and Layout

26. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
27. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
- any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
 - unless the Council has given its prior consent in writing that such display or advertisement may be used.
27. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
- (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
- (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
28. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
29. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
30. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
31. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulations shall not be construed as lessening the obligation of the licensee under Regulation 28 hereof.
32. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee)be present in any such booth or cubicle at any time, unless by reason of disability.
33. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
34. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".

- (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
- (iii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

- 35. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.
- 36. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting to the Sex Establishment who are disabled where applicable and accordance with the Equalities Act 2010.

Use

- 37. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
- 38. No change of use of any portion of the premises from that approved by the Council as a Sex Shop shall be made until the consent of the Council has been obtained thereto.
- 39. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
- 40. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods available in Sex Establishments

- 41. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
- 42. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the Sex Establishment.
- 43. No sexually explicit film (including DVD or video) shall be sold, supplied or exhibited unless it has been passed by the British Board of Film Classification as R18 or such other classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film, DVD or video film so certified.
- 44. No film or video/DVD/Blu-ray film or computer game/memory stick or compact disc shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification, or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video/DVD/Blu-ray film or computer game/memory stick or compact disc, so certified.
- 45. The Licensee shall without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as

may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

Safety

46. The licensee shall take all reasonable precautions for the safety of the public and employees.
47. The licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.
48. The premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

Notification of Changes

49. Where the consent of the Council is required to a change under Regulations 21, 22 or 37 hereof, the application for consent shall be accompanied by such specifications, including plans, of the proposed changes as the Council shall require in respect of their consideration of the application.
50. Where there is a material change in the particulars given or referred to in the application for the grant or, where the licence has been renewed, in the most recent application for the renewal of the licence, the licensee shall notify the Council of the change as soon as reasonably practicable after it has taken place PROVIDED THAT it shall be necessary for the licensee to notify the Council of that change under this Regulation where the Council have given their consent under Regulation 21, 22 or 37, or where the Council have been notified of that change under Regulation 7.

Section D

Sex Cinemas – Standard Conditions

Hours of opening

1. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 23:00 hours.
2. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

3. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
4. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.

5. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
6. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
7. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
8. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
9. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
10. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
11. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
12. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
13. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
14. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.
15. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
16. The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
17. The incident / refusal log shall be made available for inspection to the Police and or authorised officers of the council on request.
18. The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
19. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

20. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation.

Advertising, Premises Appearance and Layout

21. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
22. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
- any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
 - unless the Council has given its prior consent in writing that such display or advertisement may be used.
23. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
24. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
25. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
26. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person be present in any such booth or cubicle at any time.
27. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.

Exhibition of film

28. No film shall be exhibited unless:
- a. it has been passed by the British Board of Film Classification as U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
 - b. the film has been passed by the Council for showing within its authority
29. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
30. Not less than 28 days notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.

31. When the programme includes a film in the 12, 15 or 18 category no person under the age of 18 shall be admitted to any part of the programme (see condition 14).
32. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
33. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.
34. Immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
35. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

BCP Council

(Here insert title of film)
has been passed by the BCP Council as
(here insert the category assigned and the definition of the category)

36. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

BCP Council

*.....trailer advertising +.....film
(*Here insert the category of the trailer)
(+Here insert the category of the film)

37. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises, shall indicate clearly the category of the film.

Section E

Requirements for Applications

Grant or Renewal of a licence

1. To apply for the grant of a Sex Establishment Licence an applicant must: -
 - a) Send to the council: -
 - i) a completed application form;

- ii) a plan to the scale of 1:100 of the premises to which the application relates unless the application is for renewal with no alteration to the approved plan.
- iii) a non-returnable application fee of £2615.00 for a Sexual Entertainment Venue, £2615.00 for a Sex Shop or £2615.00 for a Sex Cinema
- iv) upon grant of the application the remaining fee of £990.00 for a Sexual Entertainment Venue, £990.00 for a Sex Shop or £990.00 for a Sex Cinemas
- b) display a notice on or near the premises;
- c) advertise the application in a local newspaper;
- d) supply a copy of the public notice and newspaper advertisement;
- e) send a copy of the application and plan to Dorset Police within 7 days of making the application to the council.

Variation or Transfer of a Licence

2. To apply for the variation or transfer of a Sex Establishment Licence an applicant must:-
 - a) send to the council:-
 - i) a completed application form;
 - ii) where the application relates to structural amendments or amendment to that approved, e.g. appearance of the facade a plan of the premises to the scale of 1:100
 - iii) a non-returnable application fee of £760.00
 - b) display a notice on or near the premises;
 - c) advertise the application in a local newspaper;
 - d) supply a copy of the public notice and newspaper advertisement;
 - e) send a copy of the application and plan to Dorset Police within 7 days of making the application to the council.

Plan requirements

3. The plan shall show: -
 - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) the location of points of access to and egress from the premises;
 - c) the location of escape routes from the premises;
 - d) in a case where the premises is to be used for more than one activity, the area within the premises to be used for each activity;
 - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
 - j) the location of a kitchen, if any, on the premises.
4. The plan may include a legend or key through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

5. A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
6. The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
7. The notice must state: -
 - a) details of the application and activities that it is proposed will be carried on or from the premises, for a new application or of the amendments proposed to the Licence or plan, if for a variation in respect of a Transfer of a licence, only the nature of the Sex Establishment licence will need to be stated.
 - b) the full name of the applicant,
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the council and that representations should be made in writing,
 - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.
8. Save in respect of a Minor Variation a similar notice must be published in a local newspaper or similar publication circulating in the BCP Council area within 7 days of giving the application to the council.

Variation of a licence

9. The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
10. The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.
11. The fee for variation of a Licence is **£760.00**

Renewal of a licence

12. The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
13. The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.
14. The fee for renewal of a licence is the same as that for the initial grant.

Transfer of a licence

15. A person may apply for transfer of a licence at any time.
16. The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.
17. The fee for transfer of a licence is **£760.00**.

Minor Variation to a Licence

18. A full variation application shall not be required by the Council in respect of any alteration to layout or change of term or condition that has no adverse implications for the Council's Policy and which is of a minor nature (a Minor Variation) in the view of the Council's Licensing Manager.
19. An application for Minor Variation shall be sent to the Council where the Licensing Manager will first determine if the variation is of a minor nature.
20. The application should comprise of:-
 - a) a completed application form
 - b) where the application relates to plan amendments, a plan complying with the plan requirements
 - c) a non-returnable application fee of **£235.00**
(Note-if the Licensing Manager determines that the variation is not of a minor nature the application and fee will be returned)
21. Once determined the variation is of a minor nature the applicant shall:-
 - a) display a notice on or near the premises on white paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
 - b) The notice must be displayed for a period of 14 clear days starting with the day on which the Licensing Manager communicates their decision that they have accepted the application as a Minor Variation
 - c) send a copy of the application to Dorset Police, Dorset Fire and Rescue Service within 7 days starting with the day on which the Licensing Manager communicates their decision that they have accepted the application as a Minor Variation
21. The Licensing Manager shall authorise the Minor Variation within 28 days of receipt of the application unless:-
 - a) the Licensing Manager (whose decision shall be final) does not regard the proposals as a Minor Variation and/or
 - b) a valid objection is received to the application, in which case the matter shall be listed for hearing by the next available subcommittee convened for such purposes.

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Sex Establishments Licensing Policy Consultation

Report February 2021

Insight Team
BCP Council

Table of Contents

Consultation report.....	1
Methodology.....	1
Results.....	1
Residential premises	3
Premises frequented by children, young persons or families (Schools, playgrounds, etc) .	4
Shops used by or directed at families or children.....	4
Premises sensitive for religious purposes.....	4
Places and/or buildings of historical/cultural interest and tourist attractions	4
Cultural facilities	4
Parks and leisure.....	5
Community buildings	5
Social care facilities	5
Medical facilities	5
Other sex establishments	6
Comments	6
Other locality considerations.....	6
Other comments.....	7
Appendix 1: Respondent profile	11

BCP Council Sex Establishments Policy 2021

Consultation report

This is the first Sex Establishment Policy for BCP Council since the establishment, on the 1st April 2019, of a single local government area for the now dissolved boroughs of Bournemouth, Christchurch and Poole.

This Policy will allow BCP Council to control and regulate the operation of Sex Establishments within the whole conurbation. The draft policy sets out the licence application process, and the grounds for refusing an application, these do not include refusal on the grounds of moral/values objections as the activities are permitted by the legislation.

Sex Establishments falls into three categories; sex shops, sexual entertainment venues and sex cinemas.

The new policy does not propose to set any limits on the number or location of sex establishments unlike previous policies. Views were sought on the proposed policy and in particular the character and locality of licenced premises.

Methodology

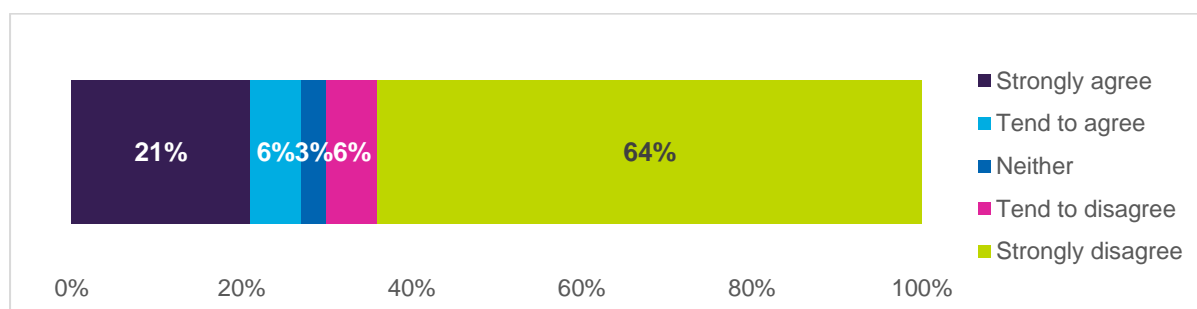
The consultation was open for 4 weeks, from 4 January – 1 February 2021. An online survey was made available, alongside links to the draft policy document. In total there were 206 responses to the survey.

This report shows the responses to each of the questions in the survey and will highlight if there were any demographic groups who expressed different opinions to others; these differences are tested for statistical significance and only significant differences are highlighted. Groups more likely to agree are highlighted in blue and those less likely to agree (or more likely to disagree) are highlighted in purple.

Results

The first point for consideration was whether or not the policy should seek to limit the number of sex establishments in particular localities. While the number of establishments in an area will be considered as one of the criteria for granting or refusing a license, it is proposed that the policy will not set specific limits.

Figure 1: BCP Council should not seek to limit the number of sex establishments in any given area



Base: 203 responses

When asked to what extent they agreed or disagreed that BCP Council should not limit the number of sex establishments in any given area, seven in ten respondents disagreed; most of these disagreed strongly.

People **aged 65+** were more likely to disagree (94%) than any other age group.

Females were more likely to disagree (80%) than males (57%)

Heterosexual respondents were more likely to disagree (75%) than those from the LGBT community.

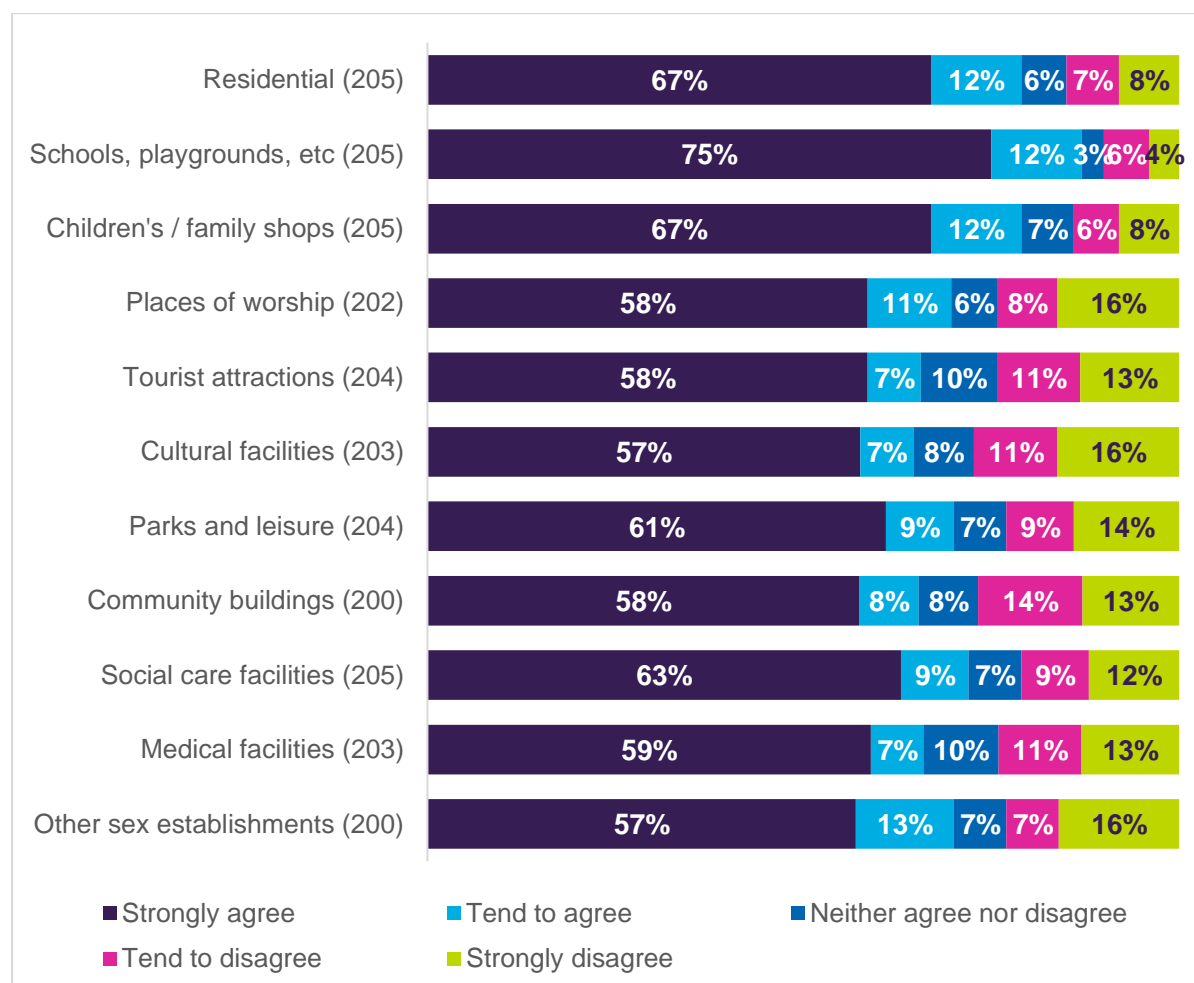
There were no significant differences by disability, ethnicity or religion

The second element for consideration was the character of the locality and whether the proximity of certain types of premises should be considered when deciding whether a licence application is in an appropriate locality. The list of locality characteristics to be considered is shown below. (Note that some of these will be abbreviated in the results for ease of presentation – where used, the abbreviation is shown in brackets)

- Residential premises
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments, nurseries, playgroups, playgrounds, youth clubs and youth hostels (Schools, playgrounds, etc)
- Shops used by or directed at families or children (Children's / family shops)
- Premises sensitive for religious purposes for example, churches, mosques and temples (Places of worship)
- Places and/or buildings of historical/cultural interest and tourist attractions (Tourist attractions)
- Cultural facilities such as museums, theatres and cinemas (Cultural facilities)
- Public leisure facilities such as leisure centres, parks and open spaces (Parks and leisure)
- Community buildings such as community centres, libraries and drop in centres (Community buildings)
- Places used by vulnerable persons such as day centres, hostels and other adult social care facilities (Social care facilities)
- Hospitals and other medical facilities (Medical facilities)
- The number, type and concentration of other sex establishments already licenced within the locality (Other sex establishments)

Respondents were asked to what extent they agree or disagree that the proximity of the types of premises listed should be taken into account when considering a licence application.

Figure 2: The proximity of the following types of premises should be taken into account when considering a licence application.



(Base: varied as shown)

A majority of respondents strongly agreed with all of the criteria for consideration. Residential premises, children's facilities such as schools and playgrounds, and shops aimed at children and families saw the strongest level of agreement. There was a sizeable minority that disagreed with many of the criteria. Between a quarter and a fifth of respondents disagreed or strongly disagreed with all except the first three criteria.

Residential premises

Overall, 79% of respondents agreed that the proximity of residential premises should be taken into account when considering licensing applications for sex establishments and 16% disagreed.

- Respondents **aged 65+ (100%) and 55-64 (90%)** were the **most** likely to agree, especially compared to those **aged 35-44 (62%)** who were **least** likely to agree.
- **89% of females** agreed compared to 63% of males. 28% of males disagreed.
- Respondents from a **BAME community** were more likely to **disagree** (31%) than respondents from white British or other white backgrounds.

Premises frequented by children, young persons or families (Schools, playgrounds, etc)

There was strong agreement that these premises should be considered when deciding whether to issue a licence for a sex establishment, with 87% of respondents agreeing and only 10% disagreeing. Since so many respondents agree, there are very few differences by protected characteristics. Respondents from a **BAME background** were more likely to disagree (31%) than other ethnic backgrounds.

Shops used by or directed at families or children

There was 79% agreement with this consideration and 14% disagreement.

- Respondents **aged 55-64** (90%) and **aged 65+** (100%) were more likely to agree than those **aged 35-44** (63%)
- **Female respondents** were more likely to agree (85%) than **males** (66%)

Premises sensitive for religious purposes

There was 69% agreement that places of worship should be considered and 24% disagreement.

- Respondents **aged 65+** (94%) were more likely to agree compared to those **aged 35-44** (50%) and **aged 55-64** (63%)
- **Females** were more likely to agree (82%) than **males** (48%)

Places and/or buildings of historical/cultural interest and tourist attractions

Overall, 65% of respondents agreed that historical / cultural buildings and tourist attractions should be considered while 25% disagreed.

- **Female** respondents were much more likely to agree (79%) than **males** (41%)
- Respondents **aged 65+** were much more likely to agree (88%) compared to those **aged 35-44** (49%)
- Respondents from an **other white ethnic background** (89%) were more likely to agree than those from a **white British background** (60%)

Cultural facilities

There was 65% agreement that the proximity of cultural facilities such as museums, theatres and cinemas should be considered and 27% disagreement.

- **Female** respondents were much more likely to agree (81%) than **males** (37%)
- Respondents **aged 65+** were much more likely to agree (88%) compared to those **aged 35-44** (49%)

- Respondents from an **other white ethnic background** (89%) were more likely to agree than those from a **white British background** (59%)

Parks and leisure

There was 70% agreement that public leisure facilities such as leisure centres, parks and open spaces should be considered and 23% disagreement

- **Female** respondents were much more likely to agree (85%) than **males** (46%)
- Respondents **aged 65+** (88%) and **aged 55-64** (79%) were much more likely to agree compared to those **aged 35-44** (53%)
- Respondents from an **other white ethnic background** (94%) were more likely to agree than those from a **white British background** (66%) or a **BAME background** (62%)

Community buildings

Two thirds (66%) of respondents agreed that community buildings such as community centres, libraries and drop in centres should be considered.

- **Female** respondents were much more likely to agree (81%) than **males** (43%)
- Respondents **aged 65+** (88%) were much more likely to agree compared to those **aged 35-44** (51%)
- **Heterosexual respondents** (69%) were more likely to agree than those who are **bisexual, gay, lesbian or other sexual orientation** (46%)

Social care facilities

72% of respondents agreed that places used by vulnerable persons such as day centres, hostels and other adult social care facilities should be considered and 23% disagreed.

- **Female** respondents were much more likely to agree (85%) than **males** (52%)
- Respondents **aged 65+** (94%) and **aged 55-64** (79%) were much more likely to agree compared to those **aged 35-44** (53%)

Medical facilities

66% of respondents agreed that hospitals and other medical facilities should be considered and 24% disagreed.

- **Female** respondents were much more likely to agree (81%) than **males** (40%)
- Respondents **aged 65+** (88%) were much more likely to agree compared to those **aged 35-44** (53%)
- Respondents from an **other white ethnic background** (89%) were more likely to agree than those from a **white British background** (62%)

Other sex establishments

Seven in ten respondents (70%) agreed that the number, type and concentration of other sex establishments already licenced within the locality should be considered and 24% disagreed.

- **Female** respondents were much more likely to agree (80%) than **males** (51%)
- Respondents **aged 65+** (94%), **aged 55-64** (79%) and **aged 45-54** (74%) were more likely to agree compared to those **aged 35-44** (47%).

Comments

There were two open questions on the survey where respondents could leave comments. The first asked if there were any other locality characteristics that should be considered and the second asked for any other comments on the policy. It was made clear that sex establishments are permitted by national legislation, so moral objections are not grounds for refusing a license. The draft policy covers both sex entertainment venues and sex shops. Many of the comments refer to entertainment venues rather shops.

Other locality considerations

This question sought to identify other characteristics of localities that should be taken into account when considering licenses for sex establishments. 82 respondents provided answers to this question and the majority of them (46) stated that no locality is suitable and sex establishments shouldn't be allowed anywhere.

A small number of comments (6) spoke about the establishments themselves, stating that discreet exteriors together with late night opening times would limit the impact on users of the kinds of facilities listed e.g. shops, schools, etc.

Some re-iterated considerations already listed, particularly residential areas and places frequented by families and children. Three mentioned the number of other sex establishments – one of these said that the number should be limited, another said that they should be spread out to minimise any related disruption while the other suggested that concentrating all such establishments in one area would make them easier to regulate, and easier to avoid for those who don't want to see them. Two mentioned facilities for vulnerable adults – one of these mentioned drug / rehab facilities and the other spoke of services for women including counselling and crisis services for gender-based violence.

Twelve comments addressed locality characteristics. The most common related to personal safety i.e. avoiding areas with poor lighting, dark alleyways and anywhere where staff, customers and passers-by might feel unsafe.

Restaurants frequented by families and children was suggested by two respondents.

The level of crime and anti-social behaviour in the area was also a mentioned. In particular, one respondent mentioned other types of licensed premises while another said we should consider if an area already has a reputation for prostitution.

Other comments

There were 101 other comments made. Most of these were comments made either in support of or opposition to sex entertainment venues (SEVs). While the consultation did not seek opinions on whether sex establishments should be allowed or banned (since they are permitted by national legislation), some examples of these comments are included for completeness of reporting. Again, many of the comments focused on SEVs rather than shops.

Below are some examples of the points made. Where numbers of comments are shown, this is to indicate the volume of comments in a particular theme.

Moving beyond the debate around whether SEVs should be allowed or not, there were a few comments which suggested changes or additions to the policy.

These suggestions include:

- Regulations to protect performers from exploitation or abuse by management or customers.
- Measures to regulate working conditions for staff and performers in SEVs
- Details of support groups to help women who wish to leave the industry to be displayed in performers' changing and/or rest areas.
- Details of how SEV staff can report problems or concerns about venues to the council, to be displayed in changing and/or rest areas.
- That licensees should have considerable experience in the industry.
- That designating appropriate localities and an appropriate limit on the number of venues to be permitted within them would provide more clarity and reassurance to both potential licensees and local communities.
- Regulations covering the external appearance of venues.
- Better public consultation when an application is made, not just a notice in the newspaper.

One respondent questioned why the policy states that a councillor cannot vote on an application if they object or represent an objector, but no such exclusions are in place where a councillor supports or represents a supporter of the application.

There were 19 comments in support of sex establishments. Some of those who commented in support of SEVs or sex shops commented that they have been operating for some time with little or no trouble.

"My understanding is these types of establishments have far less disorderly behaviour, policing issues, etc. than places such as bars and nightclubs!"

“There was a sex shop at the end of Morley road and another round the corner on Christchurch road, there were NEVER any issues and never any odd or dangerous looking men... never anyone loitering or hanging around. no noise and no problems. I would rather have sex establishments that cater to those who want it, than have frustrated men potentially committing a crime to quell their urges.”

“SEVs normally operate at night, cause very little trouble as opposed to some night clubs. Signage is generally discreet as per licensing conditions. They also increase the security presence within the immediate vicinity and have been known to help out where needed with the police and any presence alone tends to reduce any potential crime”

Others commented that SEVs operate late at night and therefore would not impact on premises used by families and children.

“I disagree that surrounding premises near to a sexual entertainment venue should be taken into consideration, simply because they tend to be open during hours when family style premises are closed. And during the day, most are discreet so it is unknown what services they offer”

Some supporters believe that SEVs are an important contributor to the local economy

“Please respect that the adult industry, be this live entertainment venues, sex shops or private premises, provide a massive amount of people with a livelihood. The adult industry can be a massive economic tool to BCP, if used correctly, but the over policing of the adult industry that BCP is guilty of is dangerous. Whilst the adult industry should not be enabled to infringe on the safety and well-being of the community and in particular, vulnerable members of said community; it must be recognised as a powerful economic tool, a valid profession and industry, and a regulated industry, not one of loose morals and no rules. The sex industry can be regulated and safe and overall positive, please do not remove any more freedom of expression from the adults of BCP and beyond.”

“Sexual entertainment venues, specifically the lap dancing clubs, have brought much income and tourism to Bournemouth over many years. I do think that the clubs also bring employment to the area. [...] and [...] have been a part of Bournemouth nightlife for many years and I would like to see them continue too.”

There was a high volume of comments opposing the licensing of SEVs (60 comments). Many of these comments were identical, or contained lengthy passages that were identical to others, seemingly copied from a common source. This does not mean that these comments are not legitimate – they still reflect the views of the respondents – but it does mean that including a number of them in the report would be repetitive.

Those opposed to SEVs described the venues and the activities within them as degrading and abusive to women. As such, many felt that the council would be failing in its equalities duty if such venues were permitted.

“I believe that supporting gender equality is seriously undermined by allowing these places, as they objectify women, normalise the commodification of women, exploit women who are poor or disadvantaged, and push the notion that men have the upper hand over women.”

“Bournemouth is a top destination for families, older people, couples and students. The council should seek to implement a zero cap on any type of sex establishment, recognise the harm caused to women both inside and outside the industry, help women exit this industry, and fulfil its legal obligations to promote equality between the sexes under the gender equality duty/ Equality Act 2010. Young female students are vulnerable to recruitment by pimps that run lap dancing clubs and sex establishments create no go zones for the vast majority of visitors to Bournemouth. The seaside town is not an attractive destination when it is filled with groups of men late at night trying to procure women's bodies.”

“The draft policy seems to be going in an opposite direction from that indicated by developments in public policy, public health research and research into the causes and consequences of sex discrimination and violence against women. In the last decade all these areas have seen a strengthening of the links between SEVs and the continued scourge of violence against women and girls, in the context of gender inequality. Public health (which includes the prevention of violence against women and girls) is now a matter for local authorities: the same local authorities who are responsible for SE licensing policy. Therefore in order to have a joined up approach to its obligations on equality and on public health, the authority should move to a nil cap policy not a policy for unlimited SEVs. The absence of an Equalities Impact Assessment may lie behind this - an Equalities Impact Assessment considering the evidence of the negative impact upon women and girls of the presence of SEVs would have led to a different policy proposal.”

“Considering the public sector equality duty, there is NO locality where strip clubs are appropriate, you must adopt a Policy for ZERO clubs, stop licensing clubs currently operating and support all women out. This is absolutely critical now because of the mass expansion the industry will be pushing for post Covid, and the massive increase in abuse that will be seen (desperate women, strip club operators and local brothels they feed eager to claw back funds, and demand from punters).”

Others highlighted research linking SEVs to criminal activity such as trafficking and prostitution.

“Strip clubs often serve as fronts for brothel operation and the horrible abuse associated with it. Any expansion of the sex trade creates enormous demand for commercialized sexual acts. However, it does not lead to the same increase in supply of women and children to meet the demands of abusive buyers, thus leaving a gap between supply (people being sold) and demand (people buying other humans for pleasure). This

gap is filled with human sex trafficking, this poses enormous threat to the community the expansion takes place in, leading to a decrease in safety and the dignity and wellbeing of women and girls.”

“Please consider a Zero limit on sex establishments in the area and close down any existing establishments. I have experienced harassment simply having to walk past these establishments in other areas. I know women who have worked in strip clubs including [...] and they have suffered terrible working conditions, contracts, they have been sexually harassed and raped by both punters and management. They have been expected to sell sex to punters, turning the clubs into illegal brothels, drugs and other crimes are committed in these venues and some of my ex stripper friends have been trafficked into prostitution as pimps look for women in these establishments. Don't let Bournemouth accommodate these abuses, exploitations and crimes. Give women the support they need when they want to exit the sex trade instead and help them find less exploitative jobs.”

Appendix 1: Respondent profile

Age

16 - 24 years	18	9%
25 - 34 years	40	20%
35 - 44 years	38	19%
45 - 54 years	47	23%
55 - 64 years	29	14%
65+ years	18	9%
Prefer not to say	14	7%

Gender

Female	123	60%
Male	66	32%
Other	1	0%
Prefer not to say	15	7%

Transgender

Yes	2	1%
No	179	90%
Prefer not to say	18	9%

Sexual orientation

Heterosexual / straight	127	63%
Asexual	0	0%
Bisexual	17	8%
Gay man	11	5%
Lesbian / gay woman	8	4%
Other (specify below if you wish)	1	0%
Prefer not to say	39	19%

Disability

Yes - limited a lot	12	6%
Yes - limited a little	27	13%
No	143	70%
Prefer not to say	21	10%

Ethnicity

White British	148	73%
Other white	18	9%
BAME	13	6%
Prefer not to say	25	12%

Religion

No religion	106	52%
Christian	63	31%
Any other religion or belief (please specify below if you wish)	11	5%
Prefer not to say	23	11%

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Members workshop 29th March 2021 – notes and actions

Attendance

Chair – Cllr Judes Butt

Members - Cllr Julie Bagwell, Cllr David Kelsey, Cllr Toby Johnson, Cllr Lawrence Williams

Officers – Nananka Randle, Sarah Rogers, Linda Cole, Andy Williams and Sam Johnson

Legal Framework

Linda Cole gave an overview of the legislative framework under the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3.

We can if we wish to produce a policy which sets out how we deal with applications for licences, renewal applications etc.

The process of policy development requires that we are reasonable, consider the Public Sector Equality Duty, consultation responses and make any amendments are appropriate to produce a final document which is then presented to Full Council for ratification.

Community Sector Agenda

Andy Williams advised that as some of the comments provided as part of the public consultation suggested that SEV's lead to sexual violent and have an impact of community safety.

Research within the BCP area and reference to police crime statistics shows 1 recent case within a local SEV which related to an altercation between 2 former dancers who argued. There is currently no evidence of other specific crimes linked to currently licenced venues.

It was also confirmed that prior to lockdown engagement with Shores the sexual assault support centre never disclosed any reports of sexual assault linked to any of the licenced venues.

A query was raised about feedback from the Police to the consultation, no direct feedback was provided. Other Responsible Authorities were also queried but unlike Licensing Act applications the only RA for Sexual Establishment applications is the police.

ACTION – Nananka Randle will engage with Dorset Police Licensing and the town centre Inspector to chase up their opinions and feedback.

Public Sector Equality Duty (PSED)

Sam Johnson provided an overview of the duty and where we are with our actions to date.

The Licensing Committee need to be confident that the PSED has been considered.

Religious establishments such as church and mosque was included in the direct consultation list however they synagogue was not included so this will need to added to the list for next time – not detrimental to this consultation.

The policy and associated EINA consider age, locality, religious beliefs are being considered so having reviewed the documents to date there was no indication that we have not met the duty.

Equality Impact Needs Assessment (EINA)

Nananka Randle gave an update on the actions to date which include engagement with Sam Johnson.

The EINA is a working document which is being added to as further consultation such as this meeting takes place.

Anthi Minhinnick Community Safety Partnership Manager has also been consulted, currently no direct police data to support to anecdotal evidence from the consultation feedback of fear (real or imagined) of violence and harassment within vicinity of SEV's. Police analyst is looking into this further.

It was suggested both via consultation comments and by Anthi that we address concerns about human trafficking and exploitation of dancers via conditions relating to recruitment and information provision within venues about where help is available for anyone needing it. Sarah Rogers advised this is something that venues to provide but good idea to formalise the requirement.

RECOMMENDATION – add condition for SEV's regarding recruitment and information provision.

Further information provided regarding the experience of Bristol City following conversations with their officers. Risk of Judicial Review either way the policy goes so we need to ensure we are as fair and transparent as possible. Sheffield CC lost a Judicial Review on two grounds – they did not adequately consider the PSED and also when they reviewed consultation feedback, they significantly amended their policy which was not then subject to further consultation.

Consultation Results and the policy

General discussion took place relating to the current draft and removal of numbers. Nananka Randle advised that currently when applications are received, we will need to define the locality around the application site and then identify any characteristics as stated within the policy. Its not appropriate to define BCP or even individual wards as localities given differences in areas throughout the conurbation and even within wards.

Regarding existing licenced premises changes in the town centre have been noted and does this/should this result in long standing licenced venues losing their licence due to planning and other decisions being made, also recognised that these are also LA03 licenced venues which could then revert to 24 hour drinking establishments which can cause more ASB and disturbance to neighbours than the licenced SEV's.

RECOMMENDATION: To amend the policy to provide grandfather rights to the existing licenced premises of three SEV's and 3 Sex Shops for the period of this policy as these have proven to be well run.

The consultation questions did not differ between the different types of premises – sex shops/sex cinemas/sexual entertainment. However responses do indicate that it is SEV's rather than sex shops or cinemas that generated comments.

The consultation results were then discussed.

Julia Palmer on behalf of For Your Eyes Only

Main policy 10.1 – although similar to LA03 licenced premises it is also valid of this policy and members agreed to leave this wording unchanged.

Main policy 10.2 which relates to tourist attractions, hospitals and the number of other licenced sex establishments. Suggestion to add clarity regarding children does not recognise wider protected characteristics and as each application is taken on its own merits it was felt that these do not need any further drilling down.

Conditions Section B

Condition 7 the first bullet point has a requirement to have 2 door supervisors. This would be dependant on the premises risk assessment for the night.

RECOMMENDATION: amend this condition to read

- each entrance/exit will be manned by an adequate number of door supervisors as indicated in the risk assessment.

Condition 18 leafleting was implied to be permissible, but members questioned if this is appropriate. Licensing Officers to look into and clarify.

Conditions 20 and 22 no amendments required as we have already clarified grandfather rights will apply and existing premises already have approved signage.

Condition 25 comments made relate specifically to their premises and the policy seeks to be applicable to all establishments. If a basement area customers are already within the venue and therefore the condition is not breached if dancers are within this from time to time.

Condition 45 and 46 self employed dancers would not be subject to a disciplinary procedure per se and as such amended wording suggested. Members agreed

RECOMMENATION: amend to read

45. The Code of Conduct for Dancers shall be detailed in writing and a copy of it provided to each dancer prior to their taking up their first shift at the premises together with a copy of the licence holder's Policy on breach of such Code.

46. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the Code of Conduct for Dancers and the Policy on breach and have read and understood its contents

Condition 47 need to clarify this only relates whist at work so amend wording

RECOMMENDATION: amend to read

47. The Dancer's Code of Conduct shall apply whist the Dancer is working, or on shift at the premises and include the following conditions as a minimum

Condition 47i sexual favours may be misleading.

RECOMMENDATION: amend to read

- i. Dancers shall not solicit for gratuities or payment for sexual act

Condition 47q amend this to reflect changes to wording of conditions 45 and 46

RECOMMENDATION: amend to read

- q. All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the Policy on breach, a copy of which has been provided to each dancer.

Condition 52 – bullet point relating to the breach Policy and unions etc. is reworded to read

- The premises Disciplinary Procedure Policy including breach of Dancers Code of Conduct.
- Nationally recognised unions, trade organisations or other bodies that represent the interest of the dancers.

Condition 60 – to avoid doubt add word closed before doors and windows

RECOMMENDATION: amend condition

60. All booths/areas for VIP's used for private dances must be visible to supervision and must not have closed doors or closed curtains that prevent performances from being observed

Councillor May Haines

Members discussed each point made in turn.

1. It was not agreed that imposing a limit would result in high standards of venues in order to keep licences. Strict conditions are imposed and breach of these conditions results in revocation of licence.
2. Concern that by not having any limits we would see more applications. With the very strict characteristics of locality set out within the policy and each application dealt with on its own merits members disagreed with this observation.
3. Concern about less control. Again, each application on its merits and the list of characteristics rules out suitability in most of the conurbation.

Members concluded no need to amend the policy further as it is deemed suitable to address these concerns.

Generally these comments prompted members to discuss the input of wider members into the Policy and what level of knowledge currently exists. Concerns were raised that Ward Cllrs may not have responded if they thought that it did not concern them as the premises are not in their areas – further engagement would be useful training briefing so that when the matter comes to Full Council nobody can say that they were ignorant of the facts and everybody is fully informed

RECOMMENDATION: Nananka Randle to liaise with Democratic Services to arrange an all member engagement meeting to provide Full Council with a briefing before the policy is finalised and presented.

Dr Lassiter

The contents of the letter were noted but felt that the issues raised are addressed by the Policy.

Consultation Report

Question 1 BCP Council should not seek to limit the number of sex establishments in any given area.

It was acknowledged that most responses 64% disagreed with this. Most respondents were female with an older age demographic.

Members consider the setting of numbers in anyone area unnecessary as discussed at length at the original meeting on 10th December 2020 where the previous limits were removed.

Question 2 considerations of the character of the locality which were individually listed.

The majority of respondents strongly agreed with these between 57 – 75%. There was a sizable minority that did not.

Members felt this was enough to support the current policy.

Question 3 asked for feedback other locality considerations

There were 82 comments and the majority stated no locality was suitable and that sex establishments shouldn't be allowed.

Sex establishments are legally permitted and as such members felt these opinions were not in line with the objectives of the policy which is to control the location and operation of any of these premises,

Concerns raised personal safety and avoiding areas of poor lighting were considered and as each application is dealt with on its own merits should any new applications be received these wider considerations would be looked at. Currently the three SEV and sex shops are within busy NTE or main roads with good lighting and there has not been any reported issues of safety.

Question 4 asked for any other comments.

There were 101 other comments, there were some suggestions as outlined within the report and these were considered and recommendations have been made as many already considered throughout the meeting.

Members recognised a high number of comments opposing the licensing of SEVs but on examination the majority of these are on moralistic grounds which are not for consideration within this policy guidelines.

Sex Establishment Policy

Incorporating Sexual Entertainment Venues, Sex Shops and Sex Cinemas

Date November 2020

Licensing

Author: Nananka Randle
Version: 2
Review Date: 2025



CHAPTER		PAGE NO
1	Purpose statement	2
2	Who the Policy applies to	2
3	This Policy replaces	2
4	Approval process	2
5	Links to Council strategies	3
6	Background information	3
7	Policy consultation	3
8	Definitions	4
9	Other relevant legislation	5
10	Location of licensed premises	7
11	The character of the relevant location	8
12	Layout character and condition	9
13	Applications process	9
14	Refusal of applications	10
15	Objections Hearings	11
16	Hearings	12
17	Right of appeal	13
18	Period of Licence	13
19	Conditions	14
20	Revocation	14
21	Waiver	14
22	Compliance	14
23	Further information	15
	Appendix A	16

1. Purpose Statement

- 1.1 This document sets out BCP Councils policy regarding the regulation of sex shop, sex cinemas and sexual entertainment venue licensing.
- 1.2 The Policy provides advice to applicants about the procedure and approach to take when making an application and aims to ensure that sex establishments in the BCP Council area operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated.
- 1.3 The policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.4 Section 27 of The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 to introduce a new classification of sex establishment, namely sexual entertainment venues.
- 1.5 BCP Council approved the policy relating to sex establishments on ~~xx-xx-xxxx~~ and delegated its statutory functions in full to the Licensing Committee and Licensing Sub-Committee as directed.
- 1.6 BCP Council does not take a moral stand in adopting this policy; it recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. BCP Council will, as a licensing authority, administer the licensing regime in accordance with the law.

2. Who the policy applies to

- 2.1 BCP Council has adopted the amended provisions of Schedule 3 to regulate the number of sexual entertainment venues and address any local concerns about this kind of entertainment. Section 27 enables the BCP Licensing Authority to consider a wide range of community interests in determining whether to grant a licence and to manage more effectively those premises that are licensed.
- 2.2 BCP Licensing Authority expects the manager, owner or other person who is responsible for the organisation or management of the sexual entertainment, or the premises, to manage and regulate the operation of such entertainment and venues properly.

3. This policy replaces

- 3.1 This policy replaces the previous Sex Establishment Policies that covered Bournemouth Borough Council and The Borough of Poole.

4. Approval process

- 4.1 BCP Council as Licensing Authority delegated the Licensing Committee to oversee the development and review of its Sex Establishment Policy. Once finalised the policy was presented to the Full Council for adoption.
- 4.2 The Sex Establishment Policy will be kept under review and the Licensing Committee may make any revisions to it as it considers appropriate. A full review will be carried out every 5 years.

5. Links to Council Strategies

- 5.1 This policy supports the BCP Council Core Strategy.
- 5.2 During the preparation of this policy document due consideration has been given to the following Key Council Strategies:
- Corporate Strategy and Delivery Plan
 - Digital Strategy
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

6. Background information

- 6.1 BCP Council area includes the Bournemouth, Christchurch and Poole area, is located in Dorset on the Jurassic Coast. It is the 12th largest council in England with a population of approximately 400,000 residents. It is predominantly urban with associated suburban areas and open spaces, parks and gardens.
- 6.2 It has long established road and rail links to London, the Midlands and the South West and benefits from an international airport. It has three Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 6.3 It is one of the country's main holiday destinations and benefits from 15 miles of coastline with world recognised Blue Flag beaches. It is renowned for its water sports, historic quays, music and arts festivals and its annual air festival which attracts over a million people a year to the event.
- 6.4 The area offers a vibrant mix of entertainment facilities for residents and visitors alike with established theatres, restaurants, cinemas, concert venues, museums and historic sites. The entertainment economy is well served with a wide variety of restaurants, pubs, bars and clubs.

7. Policy Consultation

- 7.1 In preparing this policy BCP Licensing Authority has consulted with and considered the views of the following range of people and organisations and has regard to the guidance issued by the Home Office.
- 7.2 Consultation on this policy took place with:
- the Chief Constable of Dorset Police
 - one or more persons who appear to BCP Council to represent the interests of persons carrying on or proposing to carry on the business of a sex establishment in the Council area
 - one or more persons who appear to BCP Council to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment in the Council area

- one or more persons who appear to BCP Council to represent the interests of persons likely to be affected by or otherwise have an interest in the policy, including the Planning Authority, Fire and Rescue Authority, Community Safety, Dorset Public Health, Environmental Protection and Child Protection
- interested parties such as resident associations, trade associations and others as considered appropriate
- town and parish councils

8. Definitions

8.1 For the purposes of this policy, the following definitions will apply, provided that any subsequent amendments to the 1982 Act will also be taken into account:

- **The 1982 Act** refers to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- **The Policy** refers to the BCP Council Sex Establishments Policy.
- **Authorised officer** means an officer employed by BCP Council and authorised by the council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- **The premises** means the premises, vehicle, vessel or stall that are the subject of the sex establishment licence or of the application for a sex establishment licence.
- **Sex cinema** means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures related to, or intended to stimulate or encourage, sexual activity, acts of force or restraint associated with sexual activity, or concerned primarily with the portrayal of or primarily deal with, or relate to, genital organs or excretory or urinary functions, but does not include a dwelling house to which the public is not admitted.
- **Sex shop** means any premises, vehicle, vessel or stall used for a business consisting to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:
 - (a) sex articles; or
 - (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - i. sexual activity; or
 - ii. acts of force or restraint which are associated with sexual activity.
- **Sex articles** include written or visual material such as sex magazines, books, or visual or audio recordings concerned with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage, sexual activity or acts of force and restraint associated with sexual activity, or which are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.
- **Sexual entertainment premises** – fall into one of three categories:
 - Sexual entertainment venues
 - sex shops
 - sex cinemas
- **Sexual entertainment venue** is defined in Paragraph 2A of Schedule 3 (as inserted by section 27) as ‘any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer’. ‘Relevant entertainment’ is defined as ‘any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)’. An audience can consist of just

one person, e.g. in a private booth. The category 'sexual entertainment venues' includes the following forms of entertainment as they are commonly understood:

- lap dancing;
- pole dancing;
- table dancing;
- strip shows
- peep shows;
- live sex shows;

This entertainment is defined as 'relevant entertainment'.

- **Relevant entertainment** means any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. Where the entertainment takes place in private booths).
- **Display of nudity** means, in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.
- **The organiser** means any person involved in the organisation or management of relevant entertainment.
- **Advertisement** means any word, letter, image, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement or announcement.
- **Entertainer** means dancer, performer or other such person employed, or otherwise, to provide relevant entertainment.
- **Licence** means any sex establishment licence that the council can grant under the 1982 Act.
- **Licence holder** means the holder of a sex establishment licence.
- **Licensed area** means the part of the premises marked on the plan where licensable activities are to take place.
- **Responsible person** means the person nominated by the licence holder who has personal responsibility for and be present on the premises whilst the premises are open to the public. This may be the manager or the relief manager.

9. Other relevant legislation

- 9.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this Policy and the guidance issued by the Home Office (Include link to website). Where it is necessary to depart from the guidance or this Policy the BCP Licensing Authority council will give clear reasons for doing so.
- 9.2 BCP Licensing Authority recognises the need to avoid so far as possible duplication with other regulatory regimes. The granting of a Sex Establishment Licence does not infringe or impact on the requirement of Licensees to comply with other relevant legislation.
- 9.3 The role of the Licensing Authority under the 1982 Act is to maintain a balance between the needs of the sexual entertainment industry and the needs of residents and others within of the Council area.

European Convention on Human Rights

9.4 The Human Rights Act 1998, incorporates the European Convention on Human Rights, and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. BCP Licensing Authority will have particular regard to the following relevant provisions of the European Convention on Human Rights: -

- Article 6 that in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
- Article 8 that everyone has the right to respect for his or her home and private life, including, for example, the right to a “good night’s sleep”;
- Article 1 of the first protocol that every person is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person’s possession;
- Article 10 the right to freedom of expression.

The Provision of Services Regulations

9.6 The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:

- non-discriminatory in regard to nationality
- necessary for reasons of public policy, public security, public health or the protection of the environment and
- proportionate with regard to the objective pursued by the legislation.

BCP Licensing Authority will consider these three issues in relation to the refusal of licence applications.

Crime and Disorder Act 1998

9.7 The Crime and Disorder Act 1998 places a duty on the Council to exercise its functions with due regard to:

- crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)
- the misuse of drugs, alcohol and other substances
- re-offending in its area.

BCP Licensing Authority will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that is reasonable to prevent them.

Equality Act 2010

9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers, including licensing functions. BCP Licensing Authority will be mindful of this duty when determining all licensing applications, in due regard will be given to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

Planning

- 9.9 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation.
- 9.10 In general, all premises which are the subject of an application, should have the benefit of planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
- 9.11 In addition, all new developments and premises which have been subject to structural alterations since 1994 should have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.
- 9.12 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful and correct.

Modern Slavery Act 2015

- 9.13 The Modern Slavery Act 2015 puts a duty on the Council to notify the secretary of state, or where stated in regulations, another public authority, where there are reasonable grounds to believe that a person may be the victim of slavery or human trafficking.
- 9.14 BCP Licensing Authority will where incidence of slavery or human trafficking are found to be related to a sexual entertainment licensed premise will have particular regard to the severity of the offence when determining a licence application or request for the revocation of such licence.

10. Existing Licenced Premises

10.1 It is acknowledged that there are currently three licenced Sexual Entertainment Venues within the Old Christchurch Road and Yelverton Road areas of Bournemouth Town Centre. These are *For Your Eyes Only*, *Wiggle* and *Spearmint Rhino* and that these venues have been licenced for a number of years.

10.2 There are also currently three licenced Sex Shops in the Bournemouth area, two on Holdenhurst Road and one in the Triangle.

10.3 The locations of these existing venues had previously been determined by Bournemouth Borough Council as appropriate for this number of venues. However the character of the locality in which some of these venues are situated has changed in more recent years and more residential and student accommodation is available. Any new applications will be considered in accordance with section 11 of this policy - Character and locality of licensed premises

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 are any objections to an application it

will be considered by the Licensing Committee in accordance with the relevant statute. This essentially provides grandfather rights to these existing operators for the current time.

11. Character and locality of licensed premises

11.1 BCP Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. However, BCP Licensing Authority are aware of the necessity to balance the needs of the community against the amenities of the local area.

11.2 Notwithstanding 10.1 above, while the BCP Licensing Authority have not imposed a limit on the number of premises that may be licensed in any area, and whilst treating each application on its own merits, BCP Licensing Authority will, with each application, consider the character of the locality and consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential premises
- Premises which are sensitive because they are frequented by children, young persons or families including, but not limited to educational establishments, nurseries, playgroups, playgrounds, youth clubs and youth hostels
- Shops used by or directed at families or children
- Premises sensitive for religious purposes for example, churches, mosques and temples
- Places and/or buildings of historical/cultural interest and tourist attractions
- Cultural facilities such as museums, theatres and cinemas
- Public leisure facilities such as leisure centres, parks and open spaces
- Community buildings such as community centres, libraries and drop in centres
- Places used by vulnerable persons such as day centres, hostels and other adult social care facilities
- Hospitals and other medical facilities
- The number, type and concentration of other sex establishments already licenced within the locality.

11.3 It is not considered appropriate to define a precise distance from any of the above premises as sufficiently far enough away to make a sex establishment suitable and each case will be considered on its own merits and in light of any consultation undertaken.

11.4 BCP Licensing Authority acknowledges that the character of a locality is not something that remains static, but which can alter at any time or over a period of time. Its decision on an application will be based on its assessment of the character of a locality at the time an application is determined. BCP Licensing Authority take the view that 'locality' is where the premises that are the subject of the application are situated, including, but not beyond, their immediate vicinity.

11.5 As a general rule, a locality whose character falls predominantly into one or more of the following categories will generally be considered inappropriate for the grant or renewal of a sex establishment licence:

- family and child-oriented leisure or shopping areas, including the Pier Approach and seafront
- predominantly family residential areas, with or without retail, fast food etc outlets serving the local population.

- 11.6 In considering applications for the grant of a new licence, BCP Licensing Authority will also take account of the potential impact of the licensed activity on crime and disorder; and where there is already one or more sex establishment premises in the locality, the impact of an additional licensed sex establishment premises.

12. Layout Character and Condition

- 12.1 With regard to an application for the grant or renewal of a licence, BCP Licensing Authority will also take into account the layout, character or condition of the premises, vehicle, vessel or store in respect of which the application is made.
- 12.2 BCP Licensing Authority will, in considering applications for renewal, take into account past demonstrable adverse impact from the activity; and whether appropriate measures have been agreed and properly implemented by the applicant to mitigate any adverse impacts.

13. Application Process

- 13.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to BCP Licensing Authority on the prescribed application form. This includes electronic applications submitted by email.
- 13.2 Application forms, application guidance notes, and notices for public advertisement are available upon request from the Licensing Team at Licensing@bcpcouncil.gov.uk or on the Council website at www.bcpCouncil.gov.uk.

The address for applications is:

The Licensing Manager
Licensing Team
BCP Council, Town Hall, Bourne Ave,
Bournemouth, BH2 6EB or via email licensing@bcpcouncil.gov.uk

- 13.3 Applicants for sex establishment licenses must give public notice of the application by publishing an advertisement in a local newspaper no later than 7 days after the date the application is made. A notice must also be displayed on or near the premises in a place where members of the public can conveniently read it for a period of 21 days beginning with the date the application is made.
- 13.4 Where an application is made other than by means of a relevant electronic facility, the applicant must send a copy to Dorset Police within 7 days of the application being made.
- 13.5 Where an application is made by means of a relevant electronic facility, BCP Licensing Authority shall send a copy of the application to Dorset Police, no later than 7 days after the date the application is received.

Exemptions

- 13.6 Under the Local Government (Miscellaneous Provisions) Act 1982 there is an exemption for sexual entertainment venue premises which provide relevant entertainment on an infrequent basis. These are defined within paragraph 2A of Schedule 3 as inserted by section 27 of the Police and Crime Act 2009 as premises where –
- no relevant entertainment has been provided on no more than 11 occasions within a 12 month period;

- no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
- no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State

Notices

13.7 The applicant must advertise the application in three ways:

- Advertisement in a local newspaper within 7 days of the application
- Advertise at the premises by way of a site notice for 21 consecutive days
- Notice of the application to be sent to the Chief Constable of Dorset Police within 7 days of the application

13.8 Proof that the applicant has advertised the application will be required as part of the application process.

Applicant suitability

13.9 BCP Licensing Authority will need to be satisfied that the applicant for a sex establishment licence is suitable to operate the business.

13.10 Applicants will be required to submit application forms which include a personal information form and a Disclosure and Barring Service (Standard DBS disclosure) issued within the last month. If an applicant is a company all directors will be required to submit a personal information form and a standard DBS disclosure. The cost of any criminal record checks will be paid by the applicant.

13.11 The applicant's suitability will be checked using the above documentation and in consultation with Dorset Police. Applicants may also be asked to attend an interview to support their application.

13.12 The suitability of the applicant is important to ensure that the interests of the public are protected. BCP Licensing Authority will use the methods described above to ensure that the proposed operator:

- is honest
- has a clear understanding of the conditions that may be attached to the licence
- has a suitable business plan which will deliver compliance of the standard conditions
- has no unspent conviction of a nature that deem him/her unsuitable

13.13 Applications for a sex establishment licence for a sexual entertainment venue will also show they have:

- a clear code of conduct for customers
- a clear code of conduct for performers and
- a clear policy on pricing

13.14 BCP Licensing Authority will take all of these criteria into account when determining the licence. Non-compliance of one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence providing the applicant is able to prove to BCP Licensing Authority that the interest of the public is protected.

14. Refusal of Application

14.1 There are 4 types of application available to the applicant:

- New
- Renewal
- Transfer
- Variation (full or minor)

14.2 There are a number of mandatory grounds for refusing applications and these are set out in paragraph 12 (1) of Schedule 3. A licence must not be granted:

- to a person under the age of 18
- to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months
- to a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made, or
- to a body corporate which is not incorporated in an EEA State, or
- to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal

14.3 The only discretionary grounds upon which BCP Licensing Authority may refuse an application are that the applicant for a new, renewal or transfer of a licence is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;

- that if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
- for new or renewal applications only, that the number of sex establishments or of sex establishments of a particular kind in the relevant locality at the time the application is determined is equal to or exceeds the number which BCP Licensing Authority considers is appropriate for that locality (Paragraph 12 (3)(c) of Schedule 3)
- for new or renewal applications only, that the grant of the licence would be inappropriate, having regard to:
 - the character of the relevant locality, or
 - the use to which any premises in the vicinity are put, or
 - the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made (Paragraph 12 (3)(d) of Schedule 3)

14.4 BCP Licensing Authority recognises that questions about the character of a locality and/or the use of a premises in the vicinity (when considering whether the grant or refusal of a licence would be inappropriate with reference to paragraph 12 (3)(d) of Schedule 3), must be decided on the facts and merits of the individual application at the time the application is determined.

14.5 The holder of a Licence may at any time apply for a variation of the terms, conditions or restrictions imposed on the licence. BCP Licensing Authority may make the variation specified in the application, or make any such variations as it thinks fit, or refuse the variation application.

15. Objections

- 15.1 Objectors can include individual residents, and/or residents' associations, community and/or trade associations. Councillors may also raise objections on their own behalf or can represent objectors. If the Councillor is also a member of the Licensing Committee, and either objects on his/her own behalf or represents an objector, he/she will not be allowed to determine the application.
- 15.2 Persons wishing to object to the application must submit a written representation (this can be by means of an electronic facility) of the general terms of the objection not later than 28 days after the date of the application.
- 15.3 Persons objecting should have regard to the statutory grounds for refusal, as set out in paragraph 6. BCP Licensing Authority does not have the right to, and will not, consider any morality issues relating to sex establishments. Consequently, objections stating that sex establishments should not be allowed on moral grounds will not be considered. Nor will objections that are frivolous or vexatious be considered. Where objections are rejected, the objector will be given a written reason.
- 15.4 Decisions on whether objections are on moral grounds, frivolous or vexatious will be made objectively by officers of the Council.
- 15.5 The names and address of objectors will not be disclosed to applicants or published in public reports in accordance with the Local Government (Miscellaneous Provisions) Act 1982. Such details will be made available to members of the Licensing Committee. Objectors will be invited to speak at the hearing, where their identity will be known to the applicant. Alternatively, they may choose to elect a spokesperson to speak on their behalf, such as their local ward Councillor.
- 15.6 Objections should:
- be made in writing (preferably in duplicate, unless submitted electronically)
 - be in black ink on single sides of A4 paper
 - indicate the name and address of the person or organisation making the representation
 - indicate the premises to which the objection relates
 - indicate the proximity of the premises to the person making the objection. A sketch map or plan may be helpful to show this
 - clearly set out the reasons for making the objection
- 15.7 BCP Licensing Authority will notify the applicant in writing of the general terms of any objection it receives within 28 days of the application.
- 15.8 BCP Licensing Authority will facilitate mediation between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.

16. Hearings

- 16.1 All new applications for any sex establishment will be referred to the Licensing Committee for determination. In addition, any application for renewal of such an application will be referred to the Licensing Committee in cases where a representation has been received and not withdrawn.
- 16.2 The hearing shall be conducted in accordance with the Councils Hearings Procedure. The procedure may change at the discretion of the Chairman of the Licensing Committee.

16.3 Those who have made an objection to an application shall be invited to attend a hearing and state their case to the Licensing Committee but will only be permitted to speak on matters relevant to their written representation to BCP Licensing Authority.

Determining an application

16.4 In determining licence applications under the 1982 Act BCP Licensing Authority will take into consideration the application before it, any comments made by the Chief Constable of Police and any objections received as well as local knowledge including local issues and cultural sensitivities.

16.5 In all cases the Licensing Committee reserves the right to consider each application on its own merit.

16.6 Every decision to refuse a licence made by the Licensing Committee or sub- committee will be accompanied by clear reasons for the decision.

Right of appeal

16.7 There are no rights of appeal for statutory authorities or persons who have objected to the grant of a sex establishment licence.

16.8 There is a right of appeal for applicants/licence holders in the following circumstances:

- refusal to grant a new sex establishment licence
- refusal to renew an existing sex establishment licence
- refusal to transfer an existing sex establishment licence
- refusal to vary an existing sex establishment licence
- imposition of conditions on a sex establishment licence
- revocation of a sex establishment licence

16.9 However, an appeal may not be lodged where the decision made by BCP Licensing Authority has been made on the basis that:

- the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality
- the grant is inappropriate, having regard:
 - a) to the character of the relevant locality
 - b) to the use to which any premises in the vicinity are put
 - c) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

16.10 Any appeal to the Magistrates' Court must be made within 21 days from the date on which the person is notified of the decision or became aware of the condition.

17. Period of Licence

17.1 A sex establishment licence will remain in force for up to one year, or for a shorter period as determined by BCP Licensing Authority.

18. Conditions

18.1 In granting an application, BCP Licensing Authority may attach such specific conditions as it considers appropriate, in accordance with paragraph 8 of schedule 3 of the 1982 Act, and standard terms and conditions in accordance with paragraph 13 of the 1982 Act.

- 18.2 BCP Licensing Authority will impose standard conditions on all licences. These conditions are attached at Appendix A.
- 18.3 Where it is reasonable and necessary to do so, the Licensing Committee or Sub Committee may impose additional conditions on a sex establishment licence or alter or omit some of the standard conditions from the sex establishment licence.
- 18.4 Any breaches of the conditions attached to the licence may result in the revocation of that licence.

19. Revocation

- 19.1 Should information be received by BCP Licensing Authority that circumstances have changed in such a way that the applicant would be deemed unsuitable or that the manager or beneficiary would be unsuitable should they be applying for a new licence, BCP Licensing Authority may revoke the sex establishment licence.
- 19.2 BCP Licensing Authority will not revoke a licence without first giving the holder of the licence the opportunity to make representation before a licensing sub-committee.
- 19.3 The licensee will be given a statement in writing of the reasons for revocation within 7 days of the requirement being made.
- 19.4 The revocation will take effect once the appeal period has expired, or if an appeal is lodged after the determination or abandonment of the appeal.

20. Waiver

- 20.1 Should BCP Licensing Authority decide that a licence would be unreasonable or inappropriate, it may waive the need for a licence, for example in the case of a medical book shop, sex clinic, in borderline cases, to correct errors or for minor or temporary events.
- 20.2 BCP Licensing Authority would only waive the need for a licence where the activity is low risk and/or temporary. However, a waiver will not be considered in cases where a licence is reasonable and appropriate or where there is public interest.
- 20.3 Unsuccessful applications for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

21. Compliance

- 21.1 BCP Licensing Authority is responsible for the administration, compliance and enforcement of the licensing regime. The main enforcement role for BCP Licensing Authority in terms of the 1982 Act as amended will be to ensure compliance with the conditions placed upon the licence.
- 21.2 In carrying out its enforcement duties with regards to the inspection of premises; and the powers to institute criminal proceedings in respect of certain offences under the Act BCP Licensing Authority will endeavour to be:
- proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised

- accountable: regulators must be able to justify decisions, and be subject to public scrutiny
- consistent: rules and standards must be joined up and implemented fairly
- transparent: regulators should be open, and keep regulations simple and user friendly and
- targeted: regulation should be focused on the problem and minimise side effects.

21.3 BCP Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

21.4 BCP Licensing Authority recognises the interest of both residents and business and will work closely with partners to assist licence holders to comply with the law and the conditions attached to the licence. However proportionate and firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.

21.5 BCP Licensing Authority has set clear standards of service and performance that the public and business can expect. In particular an enforcement policy has been created that explains how the council will undertake its role and how the principles of effective enforcement will be achieved.

22. Further information

22.1 Further information relating to this policy can be found at the following sites:

- <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>
- <https://democracy.bcpCouncil.gov.uk/ieListMeetings.aspx?Committeeld=288>
- <https://www.bcpCouncil.gov.uk/About-the-council/Equality-diversity-and-inclusion/Our-commitment-to-equality-diversity-and-inclusion.aspx>

Appendix A

Bournemouth Christchurch and Poole Council

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 as amended by the Policing and Crime Act 2009

Regulations made under Paragraph 13 of Schedule 3 to the 1982 Act prescribing standard conditions applicable to licences for sex establishments effective from the appointed day.

Section A

General condition for Sexual Establishments

1. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
3. A refusals register shall be kept and made available for inspection by an authorised officer of the Council or Police Officer.
4. The Premises shall be maintained in good repair and condition.
5. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.
6. The licence holder shall ensure a copy of the licence and of these Regulations are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended and shall be reproduced to the same scale as those issued by the Council.
7. The copy of the licence required to be displayed shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Section B

Sexual Entertainment Venues – Standard Conditions

Conduct and Management

1. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.

2. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
3. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
4. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.
5. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
6. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
7. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the premises ("floor supervisors") whilst performances are given under this licence.
8. The Licensee must ensure that a sufficient number of floor supervisors are employed in the premises to supervise customers and performers whilst sexual entertainment is provided.
9. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
10. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
11. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
12. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder
 - Any complaints made by customers, dancers or staff
13. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved / name of dancer or staff member where appropriate and brief description of the incident and any action taken by staff.
14. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.

15. The licence holder and/or Duty Manager shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
16. The incident / refusal log shall be made available for inspection to the Police and or an authorised officer of the council on request.
17. The licence holder and/or Duty Manager shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
18. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

Advertising, Premises Appearance and Layout

19. There shall be no touting for business in any area outside of the premises by but not limited to persons holding advertising boards, leafleting, advertising on branded vehicles or personal solicitation.
20. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
21. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
 - any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
 - unless the Council has given its prior consent in writing that such display or advertisement may be used.
22. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
23. The premises shall not contain any sign, advertising material, goods or display without the written consent of the Council.
24. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.
25. The layout of the premises shall be such that performers cannot be seen from outside the premises.
26. Performers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

CCTV

27. A suitable CCTV system shall be installed and maintained at the premises in accordance with the requirements of Dorset Police.
28. The system shall be operational at all times the premises is open to members of the public and will cover all public areas including booths and VIP areas.
29. The positioning of the CCTV cameras will be agreed with Dorset Police prior to installation and will comply with that agreement at all times. Changes to the CCTV system and / or positioning of the cameras may only be made with the written consent of Dorset Police.
30. The licence holder shall retain recordings for 31 days, which will be delivered to the Police on request (subject to Data Protection legislation as appropriate).
31. At all times that the premises are open to the public there will be a member of staff on duty who is conversant with the operating of the CCTV system and who is able to download immediately any footage requested by the Police, an officer from the Licensing Authority or an authorised agent.

Requirements for a code of Conduct for Dancers

32. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the licence holder and the Council.
33. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Dancers".
34. No change shall be made to the Dancer's Code of Conduct without the prior written consent of the Council.
35. The Dancers Code of Conduct must state that dancers who do not comply with the Code of Conduct will face disciplinary proceedings.
36. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer's Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.
37. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer's Code of Conduct.
38. The premises management and staff (including security staff) shall be aware of the content of the Dancer's Code of Conduct and shall ensure it is complied with.

Requirements for a Code of Conduct for Customers

39. There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder and the Council.
40. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Customers".

41. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.
42. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council.
43. The Customer's Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.
44. The premises management and staff (including security staff) shall be aware of the content of the Customer's Code of Conduct and shall ensure it is complied with.
45. Where a customer breaches the Customers Code of Conduct, this shall be recorded in the incident / refusals log.

Disciplinary Procedure

46. The Code of Conduct for Dancers shall be detailed in writing and a copy of it provided to each dancer prior to their taking up their first shift at the premises together with a copy of the licence holder's Policy on breach of such Code.
47. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the Code of Conduct for Dancers and the Policy on breach and have read and understood its contents

Code of Conduct for Dancers

48. The Dancer's Code of Conduct shall apply whilst the Dancer is working or on shift at the premises and include the following conditions as a minimum:
 - a) Dancers shall only perform on the stage(s), to a seated audience or in other such other areas of the licensed premises as may be agreed in writing with the Council. ("the performance areas")
Dancers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.
 - b) Dancers may not permit a customer to touch them during a performance
Dancers must not when performing, intentionally touch a customer at any time during the performance unless accidentally or due to a third party or for the purpose of restraint. For the avoidance of doubt if a performer has to intentionally touch a customer for the purpose of restraint, the touch should only be made above the customer's chest or on their limbs and only with the performer's hands
 - c) Dancers may not straddle the customer
 - d) If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer continues with their inappropriate behaviour, the dancer shall stop the performance and inform the management
 - e) If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.
 - f) Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue
 - g) Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts

- h) Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina
 - i) **Dancers shall not solicit for gratuities or for payment of any sexual act.** Dancers shall not engage in any act of prostitution
 - j) Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public
 - k) Dancers shall not perform if under the influence of alcohol or drugs.
 - l) Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.
 - m) Dancers shall only use the smoking area provided specifically for their use.
 - n) Dancers shall only use the sanitary facilities specifically provided for their use.
 - o) Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire
 - p) **All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the premises' Disciplinary Procedure Policy, a copy of which must be provided to each dancer.**
 - q) Customers must be seated in an upright position against the back of the booth or seat with their hands by their sides or on their knees before a dancer can start a table dance
49. Customers must remain seated during the entire performance of a private dance.
50. During times when performances of sexual entertainment are taking place, customers may only dance in areas specifically designated by the Council as being separate from the areas for performance of sexual entertainment.
51. Customers must remain fully dressed at all times.
52. Customers may not touch dancers during a performance.
53. Customers may not make lewd or offensive remarks to dancers.
54. Customers may not harass or intimidate dancer.
55. Customers may not ask dancers to perform any sexual favour.
56. Customers may not perform acts of masturbation or indulge in other sexual behaviour

Staff welfare

57. Dancers under the age of 18 will not be permitted to work at the premises. All reasonable steps shall be taken to verify the age of the dancer such as the production of photo identification.
58. The licence holder shall ensure dancers have secure dressing rooms and facilities to secure valuables.
59. The licence holder shall ensure that there are sanitation facilities for the use solely of the dancers and other employees of the premises.
60. Each dancer shall be provided with an information pack which will include the following:
- A copy of relevant conditions attached to the Sex Establishment Licence
 - Details of any other conditions applied by the management of the premises
 - A copy of the Dancers Code of conduct

- A copy of the Customers Code of Conduct
 - The premises Disciplinary Procedure Policy including breach of Dancers Code of Conduct
 - Pricing policy
 - Nationally recognised unions, trade organisations or other bodies that represent the interest of the dancers
61. The licence holder shall maintain written records of all dancers working at the premises. The records shall show the full name of the dancer, home address, date of birth and the date the dancer was provided with the information pack as stated above.
 62. Such records shall be kept on the licensed premises and produced for inspection by the Police or an authorised council officer on request.
 63. Any instances of the dancer breaching the Dancers Code of Conduct and any instances of discipline and fines imposed will be recorded on their record. The record shall include the date and time of the incident and the breach that occurred.
 64. All booths/areas for VIP's used for private dances must be visible to supervision and must not have closed doors or closed curtains that prevent performances from being observed.
 65. All booths/areas for VIP's used for private dances must be directly supervised by either an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.
 66. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

Section C

Special Conditions for Sex Shops

Hours of opening

1. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 06.00pm.
2. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

3. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
4. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the Public.

5. The Licensee shall maintain a register in which he shall record the name and address of any person approved under Regulations 8 or 9 hereof by the Council who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. Any change in the particulars shall be recorded forthwith in the register and the register shall be kept available for inspection by the Police and by authorised officers of the Council.
6. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.
7. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
8. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment (whether the licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
10. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
11. The Licensee shall maintain good order in the Premises.
12. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
13. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
14. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
15. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
16. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
17. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers
 - Any incidents of crime or disorder

18. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.
19. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
20. The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
21. The incident / refusal log shall be made available for inspection to the Police and or authorised officer of the council on request.
22. The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
23. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
24. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation outside or in the vicinity of the Premises.
25. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.

Advertising, Premises Appearance and Layout

26. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
27. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
 - any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
 - unless the Council has given its prior consent in writing that such display or advertisement may be used.
28. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-
 - (i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
 - (ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

29. 29 All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
30. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
31. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
32. 31 Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulations shall not be construed as lessening the obligation of the licensee under Regulation 28 hereof.
33. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee)be present in any such booth or cubicle at any time, unless by reason of disability.
34. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.
35. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :-
- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
 - (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
 - (iii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.
36. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.
37. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting to the Sex Establishment who are disabled where applicable and accordance with the Equalities Act 2010.

Use

38. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.
39. No change of use of any portion of the premises from that approved by the Council as a Sex Shop shall be made until the consent of the Council has been obtained thereto.
40. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
41. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are

associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods available in Sex Establishments

42. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
43. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the Sex Establishment.
44. No film or video shall be exhibited, sold or supplied in digital, physical and virtual media unless it has been passed by the British Board of Film Classification, or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video/DVD/Blu-ray film or computer game/memory stick, compact disc, or other relevant media so certified.
45. The Licensee shall without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

Safety

46. The licensee shall take all reasonable precautions for the safety of the public and employees.
47. The premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

Notification of Changes

48. Where the consent of the Council is required to a change under Regulations 21, 22 or 37 hereof, the application for consent shall be accompanied by such specifications, including plans, of the proposed changes as the Council shall require in respect of their consideration of the application.
49. Where there is a material change in the particulars given or referred to in the application for the grant or, where the licence has been renewed, in the most recent application for the renewal of the licence, the licensee shall notify the Council of the change as soon as reasonably practicable after it has taken place PROVIDED THAT it shall be necessary for the licensee to notify the Council of that change under this Regulation where the Council have given their consent under Regulation 21, 22 or 37, or where the Council have been notified of that change under Regulation 7.

Section D

Sex Cinemas – Standard Conditions

Hours of opening

1. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 23:00 hours.
2. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

Conduct and Management

3. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
4. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.
5. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
6. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
7. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
8. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
9. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
10. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
11. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.
12. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport or a PASS ID.
13. An incident / refusal log book shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:
 - Any persons refused entry to the premises and the reason for refusal
 - Any persons ejected from the premises and the reason for ejection
 - Any inappropriate behaviour by customers

- Any incidents of crime or disorder
14. The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.
 15. The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.
 16. The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.
 17. The incident / refusal log shall be made available for inspection to the Police and or authorised officers of the council on request.
 18. The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.
 19. No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.
 20. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation.

Advertising, Premises Appearance and Layout

21. The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.
22. No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:
 - any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
 - unless the Council has given its prior consent in writing that such display or advertisement may be used.
23. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
24. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.
25. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.
26. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person be present in any such booth or cubicle at any time.

27. No alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall be made except with the prior approval of the Council.

Exhibition of film

28. No film shall be exhibited unless:
- it has been passed by the British Board of Film Classification as U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council, or
 - the film has been passed by the Council for showing within its authority
29. If the licence holder is notified by the Council in writing that it objects to the exhibition of a film specifying the grounds of objection, such film shall not be exhibited.
30. Not less than 28 days notice in writing shall be given to the Council of any proposal to exhibit any film which has not been classified as specified above. Such a film may only be exhibited if consent has been obtained from the Council in writing and in accordance with the terms of any such written consent.
31. When the programme includes a film in the 12, 15 or 18 category no person under the age of 18 shall be admitted to any part of the programme (see condition 14).
32. If the Council does not agree with the category of any film as passed by the British Board of Film Classification, it may alter the category or prohibit the showing of the film.
33. On notice of alteration of category being given by the Council to the licence holder, the film shall thereafter be treated as being in the altered category and the conditions applicable to the exhibition of films in the altered category shall be observed.
34. Immediately before each exhibition at the premises of a film (other than a current newsreel) passed by the British Board of Film Classification there shall be exhibited on the screen for at least 10 seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer, of the statement approved by the Board indicating the category of the film.
35. For a film passed by the Council, notices shall be conspicuously displayed both inside and outside the premises so patrons entering can easily read them. The notices shall state without the addition of any other words:

BCP Council

(Here insert title of film)

has been passed by the BCP Council as

(here insert the category assigned and the definition of the category)

36. Where a trailer is to be exhibited advertising a film passed by the Council, the notice shall state:

BCP Council

*.....trailer advertising +.....film
(*Here insert the category of the trailer)
(+Here insert the category of the film)

37. Every poster, advertisement, photograph, sketch, synopsis or programme relating to a film (other than a current news-reel) exhibited, or to be exhibited at the premises, shall indicate clearly the category of the film.

Section E

Requirements for Applications

Grant or Renewal of a licence

1. To apply for the grant of a Sex Establishment Licence an applicant must: -
- a) Send to the council: -
 - i) a completed application form;
 - ii) a plan to the scale of 1:100 of the premises to which the application relates unless the application is for renewal with no alteration to the approved plan.
 - iii) a non-returnable application fee
 - iv) upon grant of the application the remaining fee
 - b) display a notice on or near the premises;
 - c) advertise the application in a local newspaper;
 - d) supply a copy of the public notice and newspaper advertisement;
 - e) send a copy of the application and plan to Dorset Police within 7 days of making the application to the council.

Variation or Transfer of a Licence

2. To apply for the variation or transfer of a Sex Establishment Licence an applicant must:-
- a) send to the council:-
 - i) a completed application form;
 - ii) where the application relates to structural amendments or amendment to that approved, e.g. appearance of the facade a plan of the premises to the scale of 1:100
 - iii) a non-returnable application fee
 - b) display a notice on or near the premises;
 - c) advertise the application in a local newspaper;
 - d) supply a copy of the public notice and newspaper advertisement;
 - e) send a copy of the application and plan to Dorset Police within 7 days of making the application to the council.

Plan requirements

3. The plan shall show: -
- a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) the location of points of access to and egress from the premises;
 - c) the location of escape routes from the premises;
 - d) in a case where the premises is to be used for more than one activity, the area within the premises to be used for each activity;

- e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- j) the location of a kitchen, if any, on the premises.

4. The plan may include a legend or key through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

5. A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
6. The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
7. The notice must state: -
 - a) details of the application and activities that it is proposed will be carried on or from the premises, for a new application or of the amendments proposed to the Licence or plan, if for a variation in respect of a Transfer of a licence, only the nature of the Sex Establishment licence will need to be stated.
 - b) the full name of the applicant,
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the council and that representations should be made in writing,
 - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.
8. Save in respect of a Minor Variation a similar notice must be published in a local newspaper or similar publication circulating in the BCP Council area within 7 days of giving the application to the council.

Variation of a licence

9. The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.

10. The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

Renewal of a licence

12. The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.
13. The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.
14. The fee for renewal of a licence is the same as that for the initial grant.

Transfer of a licence

15. A person may apply for transfer of a licence at any time.
16. The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Minor Variation to a Licence

18. A full variation application shall not be required by the Council in respect of any alteration to layout or change of term or condition that has no adverse implications for the Council's Policy and which is of a minor nature (a Minor Variation) in the view of the Council's Licensing Manager.
19. An application for Minor Variation shall be sent to the Council where the Licensing Manager will first determine if the variation is of a minor nature.
20. The application should comprise of:-
 - a) a completed application form
 - b) where the application relates to plan amendments, a plan complying with the plan requirements
 - c) a non-returnable application fee(Note-if the Licensing Manager determines that the variation is not of a minor nature the application and fee will be returned)
21. Once determined the variation is of a minor nature the applicant shall:-
 - a) display a notice on or near the premises on white paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
 - b) The notice must be displayed for a period of 14 clear days starting with the day on which the Licensing Manager communicates their decision that they have accepted the application as a Minor Variation
 - c) send a copy of the application to Dorset Police, Dorset Fire and Rescue Service within 7 days starting with the day on which the Licensing Manager communicates their decision that they have accepted the application as a Minor Variation

22. The Licensing Manager shall authorise the Minor Variation within 28 days of receipt of the application unless:-

- a) the Licensing Manager (whose decision shall be final) does not regard the proposals as a Minor Variation and/or
- b) a valid objection is received to the application, in which case the matter shall be listed for hearing by the next available subcommittee convened for such purposes.

DRAFT

Forward Plan – Licensing Committee

Publication date: 11 May 2021

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1.	Harmonisation of Licensing Fees – Taxi and Private Hire Fees	To consider any objections received during the statutory notice period to the proposed fees for taxi and private hire licences which were agreed by the Committee on 4 March 2021.	There is a statutory minimum notice period of 28 days following advertisement of fees variations, in which objections may be submitted for further consideration by the Licensing Committee.	Nananka Randle, Licensing Manager	19 May 2021
2.	Update on new BCP Sex Establishment Policy	To consider an update on the draft Sex Establishment Policy for BCP Council, following the establishment of a Licensing Committee working group to consider the responses to the public consultation.	List of consultees included in Committee report of 10 December 2020. Formal Public Consultation undertaken on draft policy in January 2021.	Nananka Randle, Licensing Manager	19 May 2021

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
3.	Licensing Sub Committees – trial of two reserve members	To determine whether to continue with the use of a second reserve for Sub Committees, as agreed by the Committee on a trial basis from December 2020 until May 2021.	Not applicable.	Not applicable.	19 May 2021
4.	Draft Gambling Policy	To consider a draft Gambling Policy for BCP Council, amend as required and approve for public consultation.	Formal full consultation to take place during 2021.	Nananka Randle, Licensing Manager	16 September 2021
5.	New BCP Sex Establishment Policy	To consider the final draft version of the new Sex Establishment Policy for BCP Council, amend as required, and recommend to full Council for adoption.	List of consultees included in Committee report of 10 December 2020. Formal Public Consultation undertaken between # and #. Licensing Committee working group.	Nananka Randle, Licensing Manager	16 September 2021

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
6	Update on Taxi and Private Hire Policies, 2021 - 2025	The Committee has requested that this item be retained on the Forward Plan to enable the newly adopted BCP Taxi and Private Hire policies to be monitored up until the next review in 2025.	To be advised.	Nananka Randle, Licensing Manager	To be advised.

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