

Notice of Licensing Committee

Date: Thursday, 16 September 2021 at 10.00 am

Venue: Committee Suite, 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.

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=4715>

If you would like any further information on the items to be considered at the meeting please contact: Democratic Services on 01202 096660 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email 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

8 September 2021



Available online and
on the Modern.gov
app



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 directly 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 must leave
the room
during the
debate unless
you hold a
dispensation

Other Registerable
Interest

Yes

Declare the
nature of the
interest

You may speak
on the matter
ONLY if
members of the
public are also
allowed to
speak at the
meeting

Otherwise, do
NOT speak or
vote on the
matter and
leave the room
during the
debate unless
you hold a
dispensation

No

Does the matter **directly** relate to your
financial interest or well-being or those
of a relative or close associate?

Yes

You must disclose the interest.

Does the matter affect your financial
interest or well-being:
(a) to a greater extent than it affects the
financial interests of the majority of
inhabitants of the ward affected by
the decision and;
(b) a reasonable member of the public
knowing all the facts would believe
that it would affect your view of the
wider public interest

Yes

You may speak on the matter ONLY
if members of the public are also
allowed to speak at the meeting

Otherwise, do NOT speak or vote on
the matter and leave the room during
the debate unless you hold a
dispensation

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. **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.

4. **Confirmation of Minutes**

To confirm and sign as a correct record the minutes of the Licensing Committee meeting held on 19 May 2021 and the Licensing Sub Committee meetings held on 12, 13, and 27 May, 7 and 9 June, 21 July, and 4 August 2021.

Note: The full minutes of the Sub Committees held on 27 May and 4 August 2021 are restricted documents as at each of these meetings the Sub Committee resolved that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for an item of business on the grounds that it involved 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.

5. **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.

6. BCP Council Gambling Act – Statement of Licensing Principles

57 - 188

The Council is required to publish a Statement of Licensing Principles under section 349 of the Gambling Act 2005 (the Act) every three years. The purpose of the Statement is to define how the Licensing Authority will exercise its responsibilities under the Act. This is will be the first Statement of Licensing Principles to be published by BCP Council since its creation in April 2019. The draft policy has been prepared by officers for consideration and amendment by the Licensing Committee ahead of required public consultation for 12 weeks.

7. Sex Establishment Policy

189 - 326

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.

Prior to Local Government Reorganisation, Bournemouth Borough Council and the Borough of Poole had existing Sex Establishment Policies.

On the 5 January 2021 BCP Council passed a resolution that this legislation should apply within the BCP Council area, allowing the council to control and regulate the operation of sex establishments within the conurbation assisted by way of the Sexual Establishment Policy once finalised and agreed by Full Council.

The BCP Council Sex Establishment Policy has now been subject to a second round of public consultation following recommended changes to the draft policy presented to the Licensing Committee on 19th May 2021.

The Policy sets out how BCP Council will control the type and number of sexual establishments within its area. These establishments include Sex Shops, Sexual Entertainment Venues (SEV's) and Sex Cinemas. It sets out the Conditions to be applied to any such licences granted and there are clear requirements set out for applicants when they are seeking to apply for a licence. The policy states that the character of the locality and its proximity to different types of premises as set out in the policy, will be considered in respect of each application.

The policy does not impose a limit to the number of sexual entertainment licences permitted within the BCP area. However, any proposed location will be considered on the basis of the character of the locality and whether the grant of the application would be inappropriate having regard to the proximity of the location to the local characteristics listed within the policy. Each application will be considered on its own merits. The characteristics include proximity to residential premises, cultural facilities, public leisure facilities, premises used by children, hospitals, and tourist attractions.

During the second consultation period, a Councillors' briefing took place on

29th June 2021 to ensure all BCP Councillors had the opportunity to ask questions of officers and discuss the rationale behind the proposed policy.

The views of workers within the local SEV's were sought and in the majority of cases the feedback was that they feel safe and secure in their chosen work environment and they did not feel exploited but empowered. They are self-employed with their choice of venues and working shifts, and venues invest in facilities and security to attract the better dancers.

Equalities issues were addressed via the EIA and approved by the EIA panel.

Overall, the impact of the policy is positive, strict licence conditions should ensure safe well managed venues for both patrons and dancers. There is no indication of crime associated with local venues therefore, there is no negative proven impact on the safety of dancers, patrons or members of public in the vicinity.

Local research by the Community Safety team analyst has found no evidence to link licensed SEVs and violent crime. Research shows only one reported violent crime linked to these establishments within the BCP area during the period 2018 to March 2020 when they had to close as a result of the pandemic. Analysis of reported sexual violence across Bournemouth & Poole suggests that only 15% of all such reports were in any way linked to Bournemouth's night-time economy and none linked to SEV's.

A Licensing Committee Member workshop took place on 10th August to consider the results of the further consultation. All consultation feedback was considered, and members felt that the views of local dancers and the lack of evidence connecting the SEVs to crime, give positive weight to the policy. It was considered that the majority of consultation comments were outside the scope of the licensing framework and as such cannot carry weight in the decision-making process.

Members are now asked to further consider the consultation responses and to agree the final wording of the policy which will then be recommended to full council for approval.

8. Forward Plan

To consider the latest version of the Committee's Forward Plan.

327 - 328

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.

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING COMMITTEE

Minutes of the Meeting held on 19 May 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Cllr J Bagwell – Vice-Chairman

Present: Cllr S C Anderson, Cllr D Brown, Cllr R Burton, Cllr B Dion,
Cllr B Dove, Cllr G Farquhar, Cllr D A Flagg, Cllr T Johnson,
Cllr D Kelsey, Cllr L Williams and Cllr A Jones

1. Apologies

Apologies for absence were received from Councillors D Farr and N Decent.

2. Substitute Members

Notification was received from the nominated representative of the relevant Political Group Leader that Cllr A Jones would substitute for Cllr N Decent.

3. Election of Chairman

RESOLVED that Cllr J J Butt be elected Chairman of the Licensing Committee for the 2021/22 Municipal Year.

Voting: Unanimous

4. Election of Vice-Chairman

RESOLVED that Cllr J Bagwell be elected Vice Chairman of the Licensing Committee for the 2021/22 Municipal Year.

Voting: 8:5

5. Declarations of Interests

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

6. Confirmation of Minutes

RESOLVED that the minutes of the Licensing Committees held on 20 April 2021 and 21 April 2021, and the minutes of the Licensing Sub Committees held on be confirmed as a correct record and signed.

7. Public Issues

The Chairman reported that a public statement had been received from Susan Stockwell, and read the following statement out to the Committee on Susan Stockwells behalf:

Statement submitted from Susan Stockwell

Could the legal identity of any application for a license of any sort for premises to BCP be included as well as evidence that the individual or company is legally able to control the premises, eg entry from the Land Registry, lease or commercial license. In the case of a company a named director should apply with an entry from Companies House. The identity could then be verified through eg passport, driving license etc in the usual way for anything involving property. The current practice of allowing trading names only to be stated is not satisfactory.

The Chairman thanked Susan Stockwell for her statement and advised that it would be forwarded to officers for a formal response to be prepared.

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

The Licensing Manager 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.

The Committee was reminded that on 4 March the Committee had agreed to a single set of fees for the provision of taxi and private hire functions.

In relation to this the Committee was informed that 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.

Further to this the Committee was advised that 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. In respect of this the Committee was informed that one objection to the proposed fee variations had been received.

The Committee discussed the objection and felt that there were no new factors

RESOLVED that Members confirm agreement with the proposed taxi and private hire fees.

Voting: Unanimous

9. Sex Establishment Policy update

The Licensing Manager 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 report provided the Committee with an update on the 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.

The Committee was advised that the working group had met to deal with the results of the public consultation which had been open for 4 weeks from 4 January to 1 February. Further to this the Committee was informed that there had been 206 responses to the survey.

The Chairman advised that the intention was to hold a full member briefing on this policy.

The Chairman took the committee through each amendment to the policy in detail and the committee agreed them in turn.

Further to this the Committee agreed that the policy would go out to further consultation and members were asked to advise democratic services if there were any questions they wished to propose to be part of the consultation exercise.

In addition the committee was advised that Licensing officers were consulting with those working in the industry as to their views.

RESOLVED that the amendments to the policy be incorporated as set out within the report and that the amended policy go out for further consultation.

Voting: Nem.Con. (2 Abstentions)

(Councillor G Farquhar requested that his abstention be recorded)
(Councillor D Brown left the room between 10.33am and 10.52am and therefore abstained from the vote thereon).

10. Licensing Sub Committees - trial of two reserve members

The Licensing Committee was asked to consider 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.

In relation to this the Committee felt that the introduction of the extra reserve had been a valuable addition.

RESOLVED that the use of a second reserve for Sub-Committees be continued.

Voting: Unanimous

11. Committee's Forward Plan

Members considered the Committees Forward Plan for the forthcoming year.

The meeting ended at 11.00 am

CHAIRMAN

LICENSING SUB-COMMITTEE

WEDNESDAY, 12TH MAY, 2021

Present:

**Councillors Cllr S C Anderson, Cllr R Burton and
Cllr J Butt**

9 Election of Chairman

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

Voting: Unanimous

10 Apologies

The Chair advised that Councillor Julie Bagwell had submitted apologies and that Councillor Richard Burton would be taking on the role of one of the Licensing Sub Committee members, in his capacity as a reserve member.

11 Declarations of Interests

There were no declarations of interest.

12 Application for a new Premises Licence - BH1 Stop Mini Market, Old Christchurch Road, Bournemouth

The Chairman announced that the objector had withdrawn their representation and, as such, a hearing no longer required.

13 Application for a Variation of a Premises Licence, More the Merrier, 68 Kimberley Road

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. The Sub-Committee was requested to adjourn consideration of this application until a later date, at the request of the Applicant's Legal Representative.

RESOLVED that consideration of the application be adjourned until the Licensing Sub-Committee meeting scheduled for the 9 June 2021.

Voting: Unanimous

14 Application for a Variation of a Premises Licence, Urban Reef, Undercliff Drive, Bournemouth

Attendance:

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Tanya Coulter Legal Advisor to the Sub Committee
Michelle Cutler, Clerk to the Sub Committee

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

The Senior Licensing Officer 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.

The Sub Committee was asked to consider an application made by Licensing Lawyers, on behalf of the licence holders Urban Reef Restaurant Limited, for their restaurant to include the beach deck area. An Application was made for regulated entertainment, late night refreshment and the supply of alcohol, both on and off the premises, 24 hours a day each day of the week, with the following exceptions:- No sale of alcohol for consumption in the external areas of the premises would take place between the hours of 23:00 and 08:00 the following day. Regulated entertainment would not take place between the hours of 22:00 and 08:00 the following day. Late night refreshment, after 23:00, would not apply to the beach deck area.

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

Jon Payne, Licensing Lawyers - Solicitor for Applicant
Mark Cribb, Applicant

Sergeant Gareth Gosling, Dorset Police – Responsible Authority, objecting

The Chairman sought clarification of the Application and the Applicant confirmed that it was new application to cover the existing licence and outside decking area between 20:00hrs and 23:00hrs.

The Sub Committee asked various questions of all parties present and were grateful for the responses received.

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.

It was RESOLVED that the application for a new premises licence of the premises known as 'Urban Reef', Undercliff Drive, BH5 1BN, dated 11 March 2021, to include the external beach decked area with a connecting area for transit be GRANTED, subject to the inclusion of the conditions proposed by Dorset Police and Environmental Health and agreed with the Applicant, as set out in the papers published with the Sub-Committee Report along with other conditions consistent with the Operating Schedule within the application and additional conditions further to discussion at the Hearing, to enable:

- **the performance of plays, both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**
- **live and recorded music, both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**
- **the exhibition of films, both indoors and outdoors, daily**
- **live music both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**
- **the performance of dance both indoors and outdoors, daily, between 08:00hrs and 22:00hrs**

The terms and conditions of the current licence are replicated, with the exception of the beach decked area, where the following additional conditions shall apply. In addition, Late Night Refreshment shall not apply to the beach decked area and there shall be no

sale for consumption in external areas of the premises between 23:00 and 08:00 on the following day.

1. The premises shall operate and maintain a text, radio or pager link system (whichever is used by Townwatch), to be activated, made available to and monitored by the DPS or their authorised agent.
2. The premises shall maintain membership of the Townwatch scheme (or any successor scheme); a senior member of staff shall attend Townwatch meetings during the period when the deck is in use for licensable activities.
3. All staff involved in the sale of alcohol shall receive training on the law relating to prohibited sales, the age verification policy adopted by the premises and the conditions attaching to the premises licence. Refresher training shall be provided at least once every 6 months. A record shall be maintained of all staff training and that record shall be signed by the person receiving the training and the trainer. The records shall be kept for a minimum of 12 months and made available for inspection by police, licensing or other authorised officers. Training that is nonspecific to the premises must be delivered by or on behalf of an accredited training provider.
4. The holder of the licence shall undertake a risk assessment regarding; the deployment of SIA Door Supervisors at different times of the day and on different days of the week to determine whether it is appropriate to deploy door staff on those days and/or at any other time(s) and to then implement the outcome of the risk assessment. A copy of the risk assessment should be made available immediately to an authorised officer of the Licensing Authority or Dorset Police upon request. 5. In the event that there is a formal multi-agency 'stepped process' for escalation of resources operating in the vicinity of the licensed premises the licence holder must ensure that they increase the levels of resources in line with the reasonable recommendations of Dorset Police and their partners. To ensure consistency, any requests for increase in resources shall be authorised by an officer holding the rank of Inspector or above. The risk assessment referred to in condition 4 will be reviewed and updated to include the level of resources required for each of the 'stepped process' levels in the event of such a formal process being activated.
6. The licence holder shall ensure that the operator of the premises has an Evacuation Plan which enables the safe evacuation and movement of staff and customers in the event of an incident. This plan will include provision for movement of persons within the premises when the space outside of the curtilage of the premises is occupied.
7. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, a description of the person refused, why they were refused (e.g. no ID, fake ID) and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of a Responsible Authority (Licensing Act 2003).
8. There shall be a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances with the premises. Training of staff in relation to this policy shall be recorded and available for inspection by an authorised officer at all reasonable times. Records shall be retained for at least 12 months.
9. No drinks shall be served in open glass containers at any time.

10. The Applicant shall commission a survey by a qualified engineer to ensure that CCTV at the premises effectively covers the area of decking and CCTV to be installed to in line with recommendations of the engineer. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. The CCTV system should be updated and maintained according to police recommendations.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises. The log should include the date and time of the incident and the name of the member of staff involved. The log to be made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
13. Outside of the hours that the decking area is used for the sale of alcohol, all alcohol within the location of the decking area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by both customers or staff.
14. The number of persons permitted in the premises at any one time (including staff) shall not exceed the number as stated within the Premises Management Plan.
15. 'Challenge 25', shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport / Holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall prominently displayed in the premises.
16. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold on the main premises.
17. The supply of alcohol at the premises shall only be to a person seated taking a table meal there for consumption by such a person as ancillary to their meal, and to persons attending to have a meal who wish to have a pre or post meal drink.

18. A procedure for supporting and dealing with unwell members of the public will be in place including those who appear to be affected by alcohol or drugs. Staff will be appropriately trained in such procedures.
19. There shall be no sales of alcohol from the facility located on the decking area for consumption off the premises.
20. There shall always be a personal licence holder on duty on the premises when the premises are open for the sale alcohol.
21. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the sale of alcohol from the decked area of the premises shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
22. The PLH/DPS will operate to a written dispersal policy which ensures the safe and gradual dispersal of customers from the premises. The policy will be agreed with Dorset Police. The PLH/DPS will ensure that staff receive training on the policy and a record of training shall be kept/made available to an authorised officer upon request.
23. Where licensable live or recorded music is planned to be held on the beach deck, a Noise Management Plan (NMP) must be submitted at least 28 days before the event. The NMP must include schedule, breaks, details on any amplification, sound levels and the processes in place to minimise disruption to residents including contact telephone numbers of the responsible person on-site during the event with which noise complaints can be addressed if they arise. The plan shall include the methodology to achieve that Music noise levels do not exceed 65dB(A) over a 15 minute period when measured at the boundary of any noise sensitive premises and that low frequency noise shall be controlled at the 63Hz and 125Hz octaves, so as not to exceed 70dB(A) at any time when measured at the boundary of any noise sensitive premises.
24. The premises licence holder shall require that any patrons drinking and/or smoking immediately outside the premises do so in an orderly manner and are supervised by staff.

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 7,' and the Representation made by Dorset Police.

The Sub-Committee noted that 3 'other persons' had withdrawn their written representations. It also noted that 2 conditions had been agreed between the Applicant and Environmental Health.

The Sub-Committee also considered the verbal representations of Mrs Rogers, Licensing Officer, BCP Council; Jon Payne, Licensing Lawyers, representing the Applicant; Mark Cribb, the Applicant and Sergeant Gosling, Dorset Police.

The Sub Committee acknowledged the concerns raised in the written and verbal representations of Dorset Police and considered the detailed responses of Sergeant Gosling to the representations made about the proposed conditions by the Applicant and his solicitor. It noted the reasons submitted by the Police for the proposed conditions and listened to the views of the Applicant.

In summary, the Sub-Committee did not consider that there were sufficient reasons to justify a refusal of the application. It did however consider that there was justification for the conditions proposed by the Police in the main, although did amend some of the proposed conditions following representations made by the Applicant. In particular it considered the condition relating to off-sales from the decked area and condition relating to the locking up and securing of alcohol when the decked area was not in use were reasonable and proportionate to support the licensing objectives and attach these conditions along with the conditions as agreed and amended during the hearing. The Sub-Committee was satisfied that if operated in accordance with the conditions both offered in the application and agreed with the Police and Environmental Health, and set by the Sub-Committee that the premises licence should not undermine the licensing objectives.

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.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

Decision: Unanimous

The Legal Advisor to the Sub-Committee and clerk were present during the decision making process but did not participate in the decision.

Note: At the start of the hearing the Chair set out the procedure to be followed at the hearing and obtained the agreement of all parties present.

15 Application for a Variation of a Premises Licence , Noisy Lobster, Avon, Christchurch

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Tanya Coulter, Legal Advisor to the Sub Committee
Michelle Cutler, Clerk to the Sub Committee

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

The Senior Licensing Officer 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.

The Sub-Committee was asked to consider an application to vary the current premises licence to include the supply of alcohol for off sales from a hatch attached to the current premises. The hours for the off sales from this hatch would be 11:00hrs to 21:00hrs daily.

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

Peter Hayward, Applicant

Cllr Paul Hilliard, Objecting

Joanne Rimmer , Objecting

Cllr Paul Hilliard also read out a statement on behalf of Mr Pollard (objector), as Mr Pollard was unable to attend the Hearing.

The Sub Committee asked various questions of all parties present and were grateful for the responses received.

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.

It was RESOLVED that the application to vary the premises licence of the premises known as 'Noisy Lobster', Avon Beach, Christchurch, dated 18 March 2021, to include the off sale of alcohol Monday to Sunday from 11:00 hrs to 21:00hrs from a takeaway food hatch at the premises, be GRANTED. The off sales of alcohol will be subject to the current licence conditions and subject to the inclusion of the conditions proposed by Dorset Police and agreed with the Applicant, as set out in the papers published with the Sub-Committee Report and listed below:

- **A CCTV system, shall be installed to cover all entry and exit points of the premises enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record and cover areas where alcohol is kept for selection and purchase by the public, whilst the premises is open for licensable activities. It shall operate during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with correct date and time stamping. Recordings shall be made available immediately upon the request of Police or an authorised officer of the council throughout the preceding 31 day period. The CCTV system shall be updated and maintained according to police recommendations.**
- **CCTV shall be installed above the bar in the take away outlet enabling frontal identification of customers when placing their order.**
- **A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.**
- **CCTV shall be downloaded on request of the Police or authorised officer of the council. Appropriate signage advising customers of CCTV being in operation, shall be prominently displayed in the premises.**
- **A documented check of the CCTV shall be completed weekly to ensure all cameras remain operational and the 31 days storage for recordings is being maintained.**
- **All staff working at the premises concerned with the sale of alcohol shall be trained in accordance with an accredited training scheme from time to time and shall receive refresher training at least every 6 months. A record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.**
- **An incident log shall be kept at the premises. The log shall include the date and time of the incident and the name of the member of staff who has been involved. and made available on request to an authorised officer of the Council or the Police, which shall record the following: (a) any complaints received (b) any incidents of disorder (c) any faults in the CCTV system / or searching equipment /or scanning equipment (d) any refusal of the sale of alcohol (e) any visit by a**

relevant authority or emergency service (f) all crimes reported to the venue (g) all ejections of patrons (h) all seizures of drugs or offensive weapons

This log to be checked on a weekly basis by the DPS of the premises.

- Challenge 25, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport I Holographically marked PASS scheme identification cards. Appropriate signage advising customers of the policy shall be prominently displayed at the premises.
- Staff will control the queues to ensure there is no congregation or anti-social behaviour in the vicinity of the takeaway area.
- Condition 22 to be varied to ensure it includes both on sales and off-sales – the condition provides that alcohol shall only be consumed by those persons that are consuming food purchased from the premises.

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 8', in particular the 44 written representations made by 'other persons', who are local residents living close to the 'Noisy Lobster'. The Sub-Committee also considered the verbal representations of Trudi Barlow, Licensing Officer, BCP Council; the Applicant, Peter Hayward and the 'other persons' who had made verbal representations, namely Joanne Rimmer, Chris Lake and Cllr Hilliard (also representing Robert Pollard).

The Sub-Committee noted that during the consultation period in response to the application, Dorset Police had undertaken mediation with the Applicant and agreement had been reached that should the application to vary the premises licence be granted then 10 further conditions should be attached to the licence with the agreement of the Applicant. It further noted that as a result of this agreement in regard to conditions Dorset Police withdrew its representation in respect of the application.

The Sub-Committee noted and acknowledged the concerns raised in the written and verbal representations of the 44 'other persons'. It gave careful consideration to the concerns raised. It noted that some of the concerns related to matters which were outside of the control of the Applicant, for example the concerns raised about the dangers of swimming whilst intoxicated and some of the litter that affected the beach area and car park area. It noted that the Applicant employed staff to empty the bins it provided at the premises and to monitor and clear tables located outside. It also noted that there was no evidence of concerns raised by any of the responsible authorities during the periods the premises had operated as proposed in previous years utilising temporary event notices and considered the advantage of additional control provided by the proposed conditions attached to the licence as opposed to relying on temporary event notices. All in all, when considering the representations made by all parties and the conditions agreed with Dorset Police it did not consider that there were sufficient reasons to justify a refusal of the application. It was satisfied that if operated in accordance with the conditions both offered in the application and agreed with the Police, that the variation to the premises licence should not undermine the licensing objectives.

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.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

Decision: Unanimous

The Legal Advisor to the Sub-Committee and clerk were present during the decision making process but did not participate in the decision.

Note: At the start of the hearing the Chair set out the procedure to be followed at the hearing and obtained the agreement of all parties present.

Duration of the meeting: 10.00 am - 1.07 pm

Chairman at the meeting on
Wednesday, 12 May 2021

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 13 May 2021 at 10.00 am

Present:-

Present: Cllr D Brown, Cllr J Butt and Cllr L Williams.

Officers in
attendance: Joseph Tyler – Democratic Services Officer
Linda Cole – Senior Solicitor

Also in
attendance: Cllr R Burton (Reserve), Cllr R Burton (Reserve)

1. Election of Chair

RESOLVED that Cllr J Butt be elected Chair of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

2. Apologies

There were none.

3. Declarations of Interests

There were none.

4. Application for a New Premises Licence, Chunkzz Fried Chicken & Pizza, 683 Christchurch Road, Bournemouth

The Sub-Committee was advised that an application for a new Premises Licence at the premises known as 'Chunkzz Fried Chicken & Pizza', 683 Christchurch Road, Bournemouth had been received, and that the Sub-Committee was being requested to open and adjourn consideration of this application until the Licensing Sub-Committee meeting on 9 June 2021, at the request of the applicant's legal representative.

RESOLVED that consideration of the application was opened and that it be adjourned until the Licensing Committee meeting scheduled for the 9 June 2021.

Voting: Unanimous

5. Application for a new Premises Licence, BH1 Stop Mini Market, 222 Old Christchurch Road

The Sub-Committee were informed that the application for a for a new Premises Licence at the premises known as 'BH1 Stop Mini Market', 222 Old Christchurch Road had been withdrawn by the applicant. No further action was therefore needed.

6. Application for a New Premises Licence - One Escapism Ltd, 102 Commercial Road, Bournemouth, BH2 5LR

The Sub-Committee were informed that the application for a for a new Premises Licence at the premises known as 'One Escapism Ltd, 102 Commercial Road, Bournemouth, BH2 5LR had been withdrawn by the applicant. No further action was therefore needed.

The meeting ended at 10:10.

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 27 May 2021 at 10.00 am

Present: Cllr J Bagwell, Cllr J J Butt and Cllr T Johnson

7. Election of Chairman

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

Voting: Unanimous

8. Apologies

The Chairman advised that Councillor David Brown had submitted apologies and that Councillor Julie Bagwell would be taking on the role of one of the Licensing Sub Committee members, in her capacity as a reserve member.

9. Declarations of Interests

There were no declarations of interest.

10. 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.

11. Review of Private Hire 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).

Attendance:

From BCP Council:

Wesley Freeman – Passenger Transport Co-ordinator

Tanya Coulter – Legal Advisor to the Sub-Committee

Michelle Cutler – Democratic Services Officer and Clerk to the Sub - Committee

The Driver was also in attendance.

The Passenger Transport Co-ordinator 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 decide whether the driver remained a 'fit and proper' person to hold a Private Hire Driver's licence in the Bournemouth Zone.

The Sub Committee asked various questions of all parties present and were grateful for the responses received.

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.

It was RESOLVED that having considered the written report at Agenda Item 5 and the verbal submissions of Wesley Freeman, Passenger Transport Co-ordinator, and the Driver, together with all responses to the questions asked of both parties, the Sub-Committee is satisfied that the Driver remains a 'fit and proper' person to continue to hold a Private Hire Driver's Licence in the Bournemouth Zone, however, the Sub-Committee resolved to issue the Driver a strict warning to remind him of the seriousness of the matter brought before them.

The Sub-Committee took into consideration the written documents and information contained in Agenda Item 5; the Bournemouth Public Carriage Conditions, Bylaws and Guidance, the Bournemouth Taxi Policy, the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

Voting - Unanimous

The meeting ended at 11.10 am

CHAIRMAN

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

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 07 June 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr R Burton and Cllr L Williams

1. Election of Chairman

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

Voting: Unanimous

2. Apologies

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

3. Declarations of Interests

There were no declarations of interest submitted on this occasion.

4. Application for a new Premises Licence, Juniper Tree Catering Ltd, 38 Salterns Way, Poole

Attendance:

From BCP Council:

Nananka Randle, Licensing Manager

Linda Cole, Legal Advisor to the Sub Committee

Sarah Culwick, Clerk to the Sub Committee

Philip Day – Applicants representative - Lacey Solicitors

Norman Gomes – Proposed DPS

Nick Smith – Managing Director Salterns Marina

Lucy Etches – PA to Managing Director

Jon Exton – Other person, representing Dr and Mrs Matthews

Patrick Mulligan – Other person

Judy Cimdins – 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 to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The sub-committee was asked to consider an application for a new premises licence for Juniper Tree Catering Ltd, 38 Salterns Way, Poole for

the supply of alcohol on and off the premises between the hours of 08:00 – 23:00 Monday to Sunday.

The sub-committee was advised that the application had resulted in four representations being received from 'Other Persons' on the grounds that if this application were granted it would undermine the licensing objectives.

Following mediation, the sub-committee were informed that Mr Day representing the applicant had sent an email on the 24 May 2021 offering reduced hours of operating on Sundays to Thursdays by way of mediation to the 4 'other persons' who have made representation. In relation to this the Sub Committee were advised that the proposal is that the application be amended so that the permitted hours for the sale of alcohol both on and off the premises be varied to:

From 8am until 10pm on Sundays to Thursdays and from 8am until 11pm on Fridays, Saturdays, days that are Bank Holidays and on Sundays immediately preceding a Bank Holiday.

Further to this the sub-committee was advised that as a result of the mediation achieved Mr Donnelly had withdrawn his objection.

The following persons attended the hearing and addressed the sub-committee to expand on the points made in their written submissions:

Philip Day – Applicants representative – Lacey's Solicitors

Norman Gomes- Proposed DPS

Nick Smith – Managing Director Salterns Marina

Jon Exton – 'other person' (Representing Dr and Mrs Matthews as objectors)

Patrick Mulligan - 'other person' objecting

Judy Cimdins - 'other person' objecting

During the hearing Mr Day advised of the amendment to the original application for the hours being applied for, for the supply of alcohol, made in response to the representations made to the application and in an attempt to mediate. The Sub Committee were grateful for the attempts already undertaken between the parties to mediate this application.

The sub-committee asked various questions of all parties present and were grateful for responses received. 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 dated 19 April 2021, for Juniper Tree Catering Ltd at 38 Salterns Way, Poole be GRANTED for the supply of alcohol on and off the premises from 08:00 – 22:00 Sundays to Thursdays and from 08:00 to 23:00 on Fridays, Saturdays, days that are Bank Holidays and on Sundays immediately preceding a Bank Holiday.

This premises licence is granted subject to all of the conditions offered in the operating schedule in part M of the application.

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, in particular the written representations made by ‘other persons’ and the verbal submissions made at the hearing by the Licensing Manager, Mr Day, the applicants representative, Mr Gomes, Mr Smith, Miss Cimdins, Mr Mulligan and Mr Exton who represented and spoke on behalf of Dr and Mrs Matthews but not in his own right as Mr Exton’s submission was not received within the required time.

The sub-committee also considered the revised Licensing Plan which had been submitted with the agenda papers and copies of emails between Mr Day and the ‘other persons’ objecting, which showed the mediation being attempted between the parties in respect of this application. They also noted the email from Mr Donnelly withdrawing his representation as a result of the mediation achieved. The sub-committee also considered the responses given to all of the questions asked at the hearing by members of the sub-committee.

While the sub-committee acknowledged the concerns expressed in each of the representations, in regards to the potential increase in noise, it appeared that as a result of the mediation and the variation to the hours now being applied for, for the sale of alcohol, what remained of most concern to those ‘other person’s objecting, was the 8am opening time and the potential for noise and disturbance at the location, particularly if the premises was operating at full capacity. These concerns appeared to be based on a fear of what may happen in the future should the licence be granted and did not provide any substantial evidence of public nuisance 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 were reassured that the primary purpose of the application was to provide food and drink for owners of boats and yachts docked in Salterns Marina, and local residents living near the vicinity; and not necessarily to attract patrons from outside this area. They noted the applicant is being funded by Salterns Marina Ltd, that it is very expensive to berth in this marina and those operating the premises would not want to jeopardise the loss of these customers, by allowing noise to emanate from this premises that would disturb those using the marina. The sub-committee noted the measures being put in place, such as premium pricing, new toilet blocks and the additional CCTV covering the pop-up bar area and noted that the entire marina has 24 hour security. They also noted that despite currently having 25 tables within this outdoor area, which would seat approximately 100 patrons, the limited size of the bar and kitchen area would not be conducive to the premises operating at this capacity. The sub-committee noted that Mr Gomes was an experienced operator, it was felt his experience, and that there was no plan to run events from the premises and no application had been made for regulated entertainment, that this would all assist in managing noise escaping from the area.

The sub-committee were satisfied that if the premises operated in accordance with both the conditions offered in the operating schedule of the application and as described at the hearing, that the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by a Responsible

Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives

Voting: Unanimous

The meeting ended at 11.21 am

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 09 June 2021 at 10.00 am

Present: Cllr J Butt, Cllr N Decent and Cllr B Dion

5. Election of Chairman

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

Voting: Unanimous

6. Apologies

No apologies for absence were received.

7. Declarations of Interests

No declarations of interest were received.

8. Application for a Variation of a Premises Licence, More the Merrier, 68 Kimberley Road

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee
Sarah Rogers, Senior Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee

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

The Senior 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.

The Sub-Committee was asked to consider an application for a variation of the premises licence in respect of the the premise known as 'More the Merrier', 68 Kimberley Road, Bournemouth, BH6 5BY. The Application had been made by David Ramsey, Licensing Consultant, on behalf of the

premises licence holder Esra Oksuz, to remove condition 2.11 imposed on the licence which stated that “Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises.”

The Sub-Committee was advised that a representation had been received from Dorset Police objecting to the removal of this condition as they remained concerned that Mr Oksuz was unable to commit to the promotion of the licensing objectives and would therefore undermine them.

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

David Ramsey, Licensing Consultant, representing the Applicant
Esra Oksuz, Applicant and current Premises Licence Holder and DPS of the premises
Azra Oksuz, Owner of the Premises
Louise Busfield, Licensing Officer, Dorset Police

The Chairman noted that Azra Oksuz did not speak fluent English, however, his daughter, Esra Oksuz, and David Ramsey, Licensing Consultant would be speaking on his behalf. Azra Oksuz confirmed that he had a good understanding of the English language.

The Sub-Committee asked various questions of all parties present and were grateful for the responses received. 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.

It was RESOLVED that the application to vary the premises licence of the premises known as ‘More the Merrier’, 68 Kimberley Road, Bournemouth, BH6 5BY, to remove condition 2.11 imposed on the licence which states:- “Muzaffer Oksuz shall not be responsible for, or authorise, any sale of alcohol at the premises.” be GRANTED.

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 5’, in particular the written and verbal representations made by Dorset Police, objecting to the application as a Responsible Authority. The Sub-Committee also considered the verbal representations of Sarah Rogers, Senior Licensing Officer, BCP Council; David Ramsey, Licensing Consultant, on behalf of the Applicant; Esra Oksuz the Applicant and current Premises Licence Holder and DPS of the premises and Muzaffer Oksuz, the owner of the premises.

The Sub-Committee acknowledged the concerns raised both in the written representation and verbal submissions of Dorset Police over Mr Oksuz’s commitment to promoting and upholding the licensing objectives, as he had not been wearing a face covering as required under *The Health Protection (Coronavirus, Wearing of Face Coverings*

in a Relevant Place) (England) Regulations 2020, when Dorset Police had conducted a visit to the premises on 16 March 2021. The written representation made by Dorset Police stated that this visit had been conducted because of reports regarding the lack of enforcement of wearing of face masks at the premises, but Ms Busfield, at the hearing confirmed that it was primarily a curtesy visit made to discuss the variation application.

Ms Busfield confirmed that Dorset Police had no recent concerns prior to this visit about any breach of licence condition or that the licensing objectives were being undermined, but they were not confident that Muzaffer Oksuz would not disregard licensing law should the condition be removed and he was once again able to authorise and take responsibility for the sale of alcohol at the premises.

The Sub-Committee was disappointed that during this visit, Mr Oksuz had been advised twice by Ms Busfield about wearing a face mask, but he still did not put one on, despite a customer entering the shop. The Sub-Committee was very clear that the issue of wearing a face covering and complying with the current Covid regulations was not a matter to be taken lightly and would not expect those working within licenced premises to disregard Covid regulations.

The Sub-Committee noted that there had been an assessment of the premises by Mr Ramsey who advised them that the conditions now attached to the licence had been described by Dorset Police as robust. 18 months had elapsed from the review of the premises, which took place in November 2019, with no breach of these conditions having been reported. Mr Ramsey also reported that Mr Oksuz had recently resat his APLH and had been granted a personal licence by BCP Council.

The Sub-Committee was of the view that sufficient time had passed for condition 2.11 to be removed from the licence and was satisfied that if the premises continued to operate in accordance with the remaining conditions on the licence, this variation to the premises licence should not lead to the licensing objectives being undermined at the premises. Despite being concerned about Mr Oksuz's lack of compliance with the Covid regulations, the Sub-Committee was of the view that it would not be a proportionate reason to refuse the variation application.

The Sub-Committee noted that no other persons or other Responsible Authorities had objected to the application to vary the licence.

In reaching its decision the Sub-Committee did not take into consideration the financial hardship outlined to them during the hearing that was said to have been suffered by Mr Oksuz and his family as a result of condition 2.11 being imposed on the premises licence, as this was not within the remit of the Sub-Committee.

The Sub-Committee wished to remind both the Premises Licence Holder and DPS, Esra Oksuz and Muzaffer Oksuz of their responsibility to manage the premises responsibly, in order to promote all of the licensing objectives and they expect the premises to be kept under scrutiny by the Licensing Section and be subject to enforcement visits from the Council or Dorset Police as necessary.

It was noted that a further review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

9. Application for a New Premises Licence for Chunkzz Fried Chicken & Pizza, 683 Christchurch Road, BH7 6AA

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee
Tania Jardim, Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee

The Chairman 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 'A' to these Minutes in the Minute Book. The Licensing Officer drew attention to an error in the report on page 32 and advised that paragraph 5, line 5, in relation to home deliveries, should have been deleted.

The Sub-Committee was asked to consider an application for a variation of the premises licence in respect of the premise known as 'Chunkzz Fried Chicken and Pizza', 683 Christchurch Road, BH7 6AA. The Application had been made by David Ramsey, Licensing Consultant, on behalf of the premises licence holder, Mr Chicken Club Limited, for a new restaurant and takeaway to provide Late Night Refreshment between the hours of 23:00 to 04:00 Monday to Sunday (indoors and outdoors) and on and off sales of alcohol, between the hours of 12:00 and 04:00 Monday to Sunday. The applicant had explained that although the terminal hour requested was 04:00, the premises would close its doors to the public at 00:00 Sunday to Thursday and 02:00 on Friday and Saturday. Only home deliveries will take place between 00:00 and 04:00 on Sunday to Thursday and 02:00 to 04:00 on Friday and Saturday.

The Licensing Sub-Committee was advised that one representation had been received from 1 other person on the grounds that the application would undermine the prevention of public nuisance licensing objective.

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

David Ramsey, Licensing Consultant, representing the Applicant
George Mgeladze – Company Director, Chicken Club Limited
Abdullah Ebrahim – proposed Designated Supervisor, Chicken Club Limited
Mr Raufi – Objector

The Sub-Committee asked various questions of all parties present and were grateful for the responses received.

The Licensing Sub-Committee adjourned for a period of ten minutes for Mr Ramsey to confer in private with his client. On returning, Mr Ramsey advised that his client was willing to limit alcohol sales after 23:00hrs to home deliveries only.

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.

It was RESOLVED that the application for a new premises licence for the premises known as 'Chunkzz Fried Chicken & Pizza', 683 Christchurch Road, BH7 6AA, be GRANTED for:

Supply of alcohol both on and off the premises to include home deliveries 12:00 hours to 23:00 hours each day of the week,

Supply of alcohol off the premises for home delivery only 23:00 hours to 01:00 hours Sunday to Thursday and 23:00 hours to 02:00 hours Friday and Saturday; and

Late Night Refreshment 23:00 hours to 01:00 hours Sunday to Thursday and 23:00 hours to 02:00 hours Friday and Saturday

This premises licence is granted subject to the reduction in hours for home delivery and the inclusion of the conditions proposed by Environmental Health and agreed with the Applicant in advance of the hearing; all of the conditions offered in the Operating Schedule at section 18 of the application and additional conditions offered further to discussion at the hearing, to enable:

- **A reduction to the terminal hour for home delivery to 01:00 Sunday to Thursday and 02:00 Friday and Saturday.**
- **The closing time of the premises to the public is to remain 00:00 Sunday to Thursday and 02:00 on Friday and Saturday but the sale of alcohol will be limited to home deliver only from 23:00hrs each day.**
- **At New Year the times are from the start of permitted hours on 31st December to the end of permitted hours on 1st January.**

- Staff will encourage customers and delivery drivers to leave quietly, not loiter outside or in the vicinity of the premises and always have regard for residents.
- All staff including delivery drivers will be trained (and the training signed by employees) making them aware that they must be considerate of neighbouring premises; a sign requiring this will also be placed on the back door at all times.
- The contact details of the director of Chicken Club Limited and the DPS will be displayed prominently within the premises and given to the occupier of the flat above the premises so that they can be contacted by neighbouring residents should any issues arise in connection with the management of the business which undermine the licensing objectives.

Reasons for the Decision

The Sub-Committee gave detailed consideration to the report presented by Tanja Jardim, Licensing Officer, BCP Council, all the information that had been submitted before the meeting and contained in Agenda Item 6, including the written and verbal Representation made by the 1 'other person', Mr Raufi.

The Sub-Committee noted the reduction in trading hours and the 2 conditions that had been agreed between the Applicant and Environmental Health and that no other Responsible Authorities had made a representation.

The Sub-Committee also considered the verbal representations of David Ramsey, Licensing Consultant, on behalf of the Applicant and George Mgeladze, the Applicant and Company Director of Chicken Club Ltd and the answers to all questions posed.

The Sub-Committee acknowledged the concerns raised in the written and verbal representations of Mr Raufi, who lived above this premises; in respect of potential noise and disturbance that would affect his family; regarding fights and anti-social behaviour which occurred on Christchurch Road, close to where this premises is situated and his particular concern about the sale of alcohol directly to customers from the premises after 23:00 hours, which would encourage trade from customers leaving nearby bars who may already be under the influence of alcohol.

During the hearing the Sub-Committee asked Mr Ramsey if he would like the opportunity to confer with his client, to consider if he was prepared to offer to only supply alcohol with home delivery after 23:00 hours, as Mr Mgeladze had already indicated at the hearing he had no desire to deal with drunk people and mainly wanted to deliver alcohol. The Sub-Committee welcomed the Applicant's offer to only offer the sale of alcohol with home deliveries after 23:00hrs each day.

They noted Mr George Mgeladze's varied experience in the industry and his understanding of the area in which the premises, is situated. They were confident in his ability and desire to manage the premises

responsibly, together with an experienced DPS, so as not to undermine the licensing objectives.

The Sub-Committee also considered the proposed conditions contained in the Operating Schedule at section 18 of the application; those agreed by Environmental Health and the Applicant and the agreed reduction in hours. They thought it was proportionate to add a further condition that contact details be displayed in the premises and given to the occupier of the flat above the premises to encourage any noise issues caused by delivery drivers and from within the premises to be dealt with swiftly. The Sub-Committee was satisfied that if the business operated in accordance with all of these conditions, then the premises should not undermine the licensing objectives.

The Sub-Committee did not consider that there were sufficient reasons to justify a refusal of the application. This premises is situated on a busy main road in an urban area, and the concerns raised by Mr Raufi were generally about the behaviour and noise of the general public in the street near to this premises and after leaving other licensed premises, which is outside of the control of these premises. His concerns appeared to be based on a fear of what may happen in the future should the licence be granted, and his representations did not provide any substantial evidence of public nuisance that could be taken into account when determining the application. Although sympathetic to his concerns, 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. They are hopeful that Mr Mgeladze will try and engage with Mr Raufi to minimise any noise nuisance within his control.

It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person, should there be any issues associated with the premises in the future that undermine the licensing objectives.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 12.07 pm

CHAIRMAN

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BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 21 July 2021 at 10.00 am

Present: Cllr J Butt, Cllr A Hadley and Cllr T Johnson

7. Election of Chairman

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

Voting: Unanimous

8. Apologies

No apologies for absence were received.

9. Declarations of Interests

No declarations of interest were received.

10. 137 Redhill Drive, Bournemouth

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee
Sarah Rogers, Senior Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee

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

The Senior Licensing Officer presented the report at Agenda Item 5, a copy of which had been circulated to all parties prior to the meeting and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Sub-Committee was asked to consider an application for a premises licence to facilitate a cocktail delivery service at the premises known as '137 Redhill Drive', Bournemouth. The provision of off sales of alcohol only was requested from 11:00 hours to 23:00 hours each day of the week.

The Sub-Committee was advised that a representation had been received from Councillor Jackie Edwards on the grounds that to grant the application would undermine the prevention of public nuisance and the protection of children from harm. Councillor Jackie Edwards was unable to attend the Hearing and asked that her written representation be considered by the Sub-Committee.

The Applicant, Ms Hannah Skelsey, attended the Hearing and addressed the Sub-Committee to expand on the points made in her application. Ms Skelsey explained how she proposed to operate her business and the Sub-Committee asked various questions of her before being given the opportunity 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 dated 28 May 2021, for the premises known as '137 Redhill Drive, Bournemouth, BH10 6AH' be GRANTED for the provision of off sales of alcohol between 11:00hrs and 23:00hrs seven days a week.

This premises licence is granted subject to all of the conditions offered in the operating schedule in part M of the application and the conditions listed below, which have been agreed by Dorset Police and incorporate the conditions which are recommended by Public Health and Trading Standards as well as those imposed by the Licensing Sub-Committee:-

- 1. No customers shall be permitted on the premises. The premises shall only be used for the making and collection of cocktails for delivery. Customers shall not be permitted to collect from the premises.**
- 2. Deliveries shall only be allowed to business and residential addresses.**
- 3. Challenge 25 shall be operated by the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport I holographically marked PASS scheme identification cards.**
- 4. All staff working at the premises concerned with the sale of alcohol, including delivery drivers, shall be trained with regard to the law on restricted sales (to persons under the age of 18 and/or who are intoxicated) and with regard to the terms and conditions of the premises licence. A written record of all staff training shall be maintained and kept on the premises and made available on request to an authorised officer of the Council or the Police.**

5. Delivery drivers shall make ID checks to any person they believe to be under the age of 25 to make sure the person who receives the delivery reflects the same name/age on the order.
6. Refused deliveries shall be brought back to the premises and details recorded.
7. All deliveries shall be authorised by the DPS.
8. A maximum limit of 3 orders per day per customer. Up to 4 drinks would equate to 1 order and each drink will only contain 1 25ml shot of alcohol, the strength of the alcohol is to be agreed with Trading Standards.
9. All alcohol relating to the business is to be stored in a locked and secure area outside of business hours and when not being used for the preparation of an ordered cocktail.
10. The Premises Licence Holder to contact Dorset Police to request their assistance in reviewing the security at the premises, including whether the installation of a form of CCTV may be appropriate before the licence will take effect. The premises licence holder to advise the licensing authority when that review has taken place.

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which has been submitted before the Hearing and contained in the report for Agenda Item 5, in particular the written representations made by 1 other person, Councillor Jackie Edwards and the verbal submissions made at the Hearing by the Licensing Officer, Sarah Rogers, and the Applicant, Ms Hannah Skelsey. The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

Whilst the Sub-Committee acknowledged the concerns expressed in Councillor Jackie Edwards representation in regard to the prevention of public nuisance and the protection of children from harm, it was noted that these concerns appeared to be based on a fear of what might happen in the future should the licence be granted and did not provide any substantial evidence of public nuisance 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 commended the applicant's enthusiasm to start up a new business and was confident that Ms Hannah Skelsey had the ability to operate her business responsibly and in accordance with the conditions offered and imposed on the Premises Licence. They acknowledged the Challenge 25 training in underage sales that she had already undertaken and her plan that all family members who will be assisting her in the operation of the business will also undertake such training. They welcomed that her priority was to limit any

nuisance to local residents and her plan to move the business to a non-residential premise when it became viable

The Sub-Committee was satisfied that if the premises operated in accordance with both the conditions offered in the operating schedule of the application and as described at the Hearing, that the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues associated with the premises in the future that undermine the licensing objectives.

Voting: Unanimous

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

The Legal Advisor to the Sub-Committee and clerk were present during the decision making process but did not participate in the decision.

11. The Boathouse, 9 Quay Road, Christchurch

Attendance:

From BCP Council:

Linda Cole, Legal Advisor to the Sub-Committee
Sarah Rogers, Senior Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee

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

The Senior Licensing Officer presented the report at Agenda Item 6, a copy of which had been circulated to all parties prior to the meeting and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

The Sub-Committee was asked to consider an application to vary the Premises Licence for 'The Boathouse', 9 Quay Road, Christchurch BH23 1BU to remove condition 2.10 imposed on the licence which stated:- "This variation will only have effect during the imposition of restrictions under the Coronavirus Act 2020 prohibiting or rendering unviable the normal use of the premises under the Premises Licence."

The Licensing Sub-Committee was advised that representations had been received from 20 other persons, which included a representations from

Councillor Coulton of Christchurch Town Council and one from Christchurch Town Council as a whole, to the removal of this condition on the grounds that to grant the application would undermine all four licensing objectives.

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

Sandra Graham, Solicitor - Trethowans LLP representing Macemade Ltd

Mr Richard Slater – Manager of The Boathouse

Mr Kim Slater – Director of Macemade Ltd

Mrs Sarah King – ‘Other Person’

Mr Adrian and Mrs Ruth Dwyer – ‘Other Person’

Councillor Avril Coulton - Christchurch Town Council – ‘Other Person’

Mr Daniel Lucas - Town Clerk, Christchurch Town Council – ‘Other Person’

Mrs Graham addressed the Sub-Committee on behalf of the applicant and explained how the business had developed at the Boathouse since the premises was purchased in 1998 and the changes that were required to trade through the pandemic. She advised that customers who had enjoyed these changes wished to continue to eat outside and enjoy the limited and less expensive offering from the airbus, which made it cheaper for families. Mrs Graham advised that her clients were a high-end responsible operator, that they liked to create a family environment and were constantly improving and investing in the premises to attract the right cliental. She produced some photographs of the outdoor area where the takeaway function was operated from.

Mrs Graham reminded the Sub-Committee that the ‘Quomps’ was a large public open space, which was intended to be used by local residents and visitors. She acknowledged some of the complaints that local residents had raised in their representations, such as dumped litter, glass and about groups of youths who congregated in the ‘Quomps’ but stated that all of those issues could not be attributed to the Boathouse. The Boathouse funded litter pickers to pick up all of the litter in the area and it was clear from the packaging of what was picked, it had not emanated from the Boathouse but other takeaways and shops; no drinks to takeaway were supplied in glass receptacles; the premises had become aware of youths who congregated and would not serve them; and their prices were relatively high to discourage binge drinking.

Mrs Graham advised the Sub-Committee that the premises worked closely with the Police and would call the Police to report issues on the ‘Quomps’ and were willing to assist and co-operate with the Police as necessary. Feedback from the Police had acknowledged it was helpful to have people on site in this area, not to control but to supervise and call them as appropriate.

The ‘Other Person’s’ listed above made submissions to the Sub-Committee, the detail of which was set out in their relative representations.

The Sub-Committee asked questions of the applicant and all parties were given the opportunity to ask questions of each other. Mr Lucas sought clarification about the continuing offer to pick litter and Mrs Dwyer about the apparent conflict of the current application to vary and the reasons given for granting the minor variation in 2020. All parties were given the opportunity 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.

It was RESOLVED that the application to vary the premises licence of the premises known as ‘The Boathouse’, 9 Quay Road, Christchurch, to remove condition 2.10 imposed on the licence which states:- *“This variation will only have effect during the imposition of restrictions under the Coronavirus Act 2020 prohibiting or rendering unviable the normal use of the premises under the Premises Licence.”* be GRANTED subject to the following conditions offered by the applicant during the course of the Hearing:-

- 1. That off sales cease at 22:00 hrs seven days a week**
- 2. That the premises provide a contact telephone number for residents to enable them to report noise nuisance emanating from the Boathouse as it occurs.**

Reasons for the Decision

The Sub-Committee gave detailed consideration to all the information that had been submitted before the meeting and contained in Agenda Item 6, in particular the written representations made by 20 ‘other persons’ on the grounds that to grant the application would undermine all four licensing objectives. The Sub-Committee also considered the verbal representations of Sarah Rogers, Senior Licensing Officer; Sandra Graham, Solicitor, on behalf of the Applicants, Mr Richard Slater and Mr Kim Slater, and the following ‘other persons’ that had submitted written representations:- Mrs Sarah King; Mr and Mrs Dwyer; Councillor Avril Coulton, Christchurch Town Council and Mr Daniel Lucas, Town Clerk, Christchurch Town Council. The Sub-Committee also considered the responses given to all of the questions asked at the Hearing.

Whilst the Sub-Committee acknowledged the concerns expressed by residents and Christchurch Town Council as a whole, it was noted that these concerns appeared to be based on a fear of what might happen in the future should condition 2.10 be removed from the licence and did not provide any substantial evidence to justify refusing 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 was of the view that many of the issues being complained about could not be attributed to the Boathouse and some were not relevant considerations that could be considered when determining this application.

The Sub-Committee noted that in the 12 months since the premises had operated a takeaway service there had been no complaints made about the premises and that no Responsible Authorities had objected to this application to vary.

The Sub-Committee acknowledged the arrangements that the premises have in place to clear all litter in the area; not just that generated by the Boathouse and that they provided temporary toilets for use by all visitors to the 'Quomps' when the BCP public toilets were closed during the Pandemic. They were pleased that the premises wanted to be involved with the community and wanted to work with Mr Lucas of Christchurch Town Council and commended their willingness to co-operate and assist the Police. The Sub-Committee welcomed the applicants offer to reduce the closing time of their takeaway operation from 23:00hrs to 22:00hrs, to reduce any potential noise at a later hour and to provide a contact telephone number where noise complaints could be reported by local residents as they occur.

The Sub-Committee noted that the applicants had a vast amount of experience in managing licensed premises in Christchurch and have developed and improved The Boathouse since it opened in 1998. They were impressed with how the premises was presented in the photographs produced and were confident that Mr Richard and Mr Kim Slater would continue to run the premises and the newer takeaway operation in a responsible manner.

The Sub-Committee noted that from 1st July 2021 a Public Space Protection Order had been put into place by BCP Council which includes the 'Quomps' area. This order does not ban alcohol or make it an offence to drink alcohol in the area; but does allow authorised officers and the Police to ask those causing anti-social behaviour, to stop drinking and to confiscate any alcohol. The Sub-Committee was mindful that this order should assist in the prevention of anti-social behaviour in the area and should alleviate some residents' concerns about noise nuisance caused by excess alcohol.

The Sub-Committee was satisfied that if the premises continued to operate in the responsible way they appeared to and in accordance with the conditions on the premises licence, then the premises should not undermine the licensing objectives. It was noted that a review of the premises licence could be applied for at any time by a Responsible Authority or any other person should there be any issues

associated with the premises in the future that undermine the licensing objectives.

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of this decision in writing.

The meeting ended at 1.10 pm

CHAIRMAN

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 04 August 2021 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr D Kelsey and Cllr L Williams

12. Election of Chairman

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

Voting: Unanimous

13. Apologies

There were no apologies for absence.

14. Declarations of Interests

There were no declarations of interest.

15. 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.

16. 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 individual).

Attendance:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Johanne McNamara – Legal Advisor to the Sub-Committee

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

The Applicant and their representative were also in attendance.

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 applicant was a 'fit and proper' person to hold a Hackney Carriage and/or Private Hire Driver's Licence.

The meeting ended at 10.45 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	BCP Council Gambling Act – Statement of Licensing Principles
Meeting date	16 September 2021
Status	Public Report
Executive summary	The Council is required to publish a Statement of Licensing Principles under section 349 of the Gambling Act 2005 (the Act) every three years. The purpose of the Statement is to define how the Licensing Authority will exercise its responsibilities under the Act. This will be the first Statement of Licensing Principles to be published by BCP Council since its creation in April 2019. The draft policy has been prepared by officers for consideration and amendment by the Licensing Committee ahead of required public consultation for 12 weeks.
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members consider the draft policy as presented, make any amendments they consider appropriate and then agree for the 12 week required public consultation to begin as soon as is practicable.</p>
Reason for recommendations	Section 349 of the Gambling Act 2005 requires Licensing Authorities to prepare and publish a Statement of Licensing Principles that they propose to apply in exercising their functions under the Act. The Statement of Licensing Principles is reviewed every three years and reflects the expectations placed on local operators by the Licensing Authority in making applications and maintaining licences.

Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan- Chief of Operations
Report Authors	Nananka Randle, Licensing Manager
Wards	Council-wide
Classification	For Recommendation and Decision

Background

1. The Gambling Act 2005 (the Act) requires Licensing Authorities to prepare and publish a Statement of Licensing Principles (Statement of Gambling Policy) which is reflective of local issues, local data, local risk and the expectations that the Licensing Authority has of operators.
2. The Statement of Gambling Policy is one means, by which the Licensing Authority can make clear their expectations of gambling operators and pubs and clubs who site gaming machines, so they can proactively mitigate risks to the licensing objections, namely
 - a. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - b. ensuring that gambling is conducted in a fair and open way; and
 - c. protecting children and other vulnerable persons from being harmed or exploited by gambling.
3. The purpose of the Statement of Gambling Policy is to reflect the local gambling concerns and circumstances, set out the Council's wider strategic objectives and provide a point of reference for gambling activity.
4. In addition to setting out how the Licensing Authority intends to promote the licensing objectives, and the Authority's expectations of licensed premises operators and applicants, the Authority is also able to direct licence holders and applicants to conduct Local Area Risk Assessments based on the risks present within the locality of the premises.
5. As required by the Act and guidance issued by the Gambling Commission, the Council, in carrying out its licensing functions under the Act will aim to permit the use of premises for gambling as long as it is considered to be:
 - In accordance with any relevant code of practice issued by the Gambling Commission,
 - in accordance with any relevant guidance issued by the Commission,
 - reasonably consistent with the licensing objectives and
 - in accordance with this Policy Statement published under section 349 of the Act.

6. Nothing in the Statement of Principles will override the right of any person to make an application under the Act and have that application considered on its individual merits. Equally, nothing in the draft Statement of Principles will undermine the right of any person to make representations to an application or seek a review of a licence where there is a legal power to do so.
7. Historically there have been separate Policies published by the legacy councils of Bournemouth Borough Council, Christchurch Borough Council and Borough of Poole Council.
8. Appendix 1 has the most recent version of the legacy Bournemouth Borough Council policy dated 2019
9. Appendix 2 has the most up to most recent version of the legacy Borough of Poole policy dated 2016
10. Appendix 3 has the most recent draft version of the legacy Christchurch Borough Council Policy dated 2016.
11. These policy documents were referred to when compiling the proposed draft BCP council Policy

Consultation

12. The consultation process is set out clearly in the Act, *The Gambling Act (Licensing Authority Policy Statement) England and Wales Regulations 2006* and the Guidance for Licensing Authorities issued by the Gambling Commission which was last updated on 13th May 2021
13. The consultation will be hosted by the Performance team and direct consultation, to obtain a range of views from people and organisations including
 - The Gambling Commission
 - Representatives of local businesses
 - Local residents and their representatives
 - Local Councillors • Parish and town councils • Local members of parliament
 - Representatives of existing licence holders including Trade representatives and Licensing Solicitors
 - Dorset Police
 - Dorset Police and Crime Commissioner
 - Dorset & Wiltshire Fire and Rescue Service
 - Public Health Dorset
 - Charitable organisations that deal with the social impact of gambling addiction
 - Gambling Support Services
 - Other charitable organisations
 - Adjoining Councils
 - HMRC
 - BCP Council - Environmental Health, Planning Authority, Children's Services, and Trading Standards

14. Appendix 5 has an up-to-date list of the proposed direct consultees, officers have consulted previous consultee lists and reviewed these to ensure up to date contact addresses and organisations.
15. Once consultation is complete the responses will be analysed and amendments to the policy will be considered by the Licensing Committee ahead of agreeing the final version to be recommended to full Council

Options appraisal

16. Members are asked to consider the draft policy and
 - a. Agree the draft policy and direct consultee list as presented **or**
 - b. Agree any amendments to the draft policy and consultee list **and**
 - c. Agree to public consultation for 12 weeks of the agreed draft policy.
 - d. Agree to the formation of a member working party to discuss consultation feedback ahead of reporting back to Licensing Committee to agree a final version of the policy.

Summary of financial implications

17. The funding for the preparation and consultation of this policy will come from within existing budgets and there are no financial implications arising from this report.

Summary of legal implications

18. It is a legal requirement to produce and reissue the policy every three years. The Legal advisor has reviewed the draft policy. Failure to produce a new policy can put the council at risk of judicial review.

Summary of human resources implications

19. Not applicable

Summary of sustainability impact

20. Not applicable

Summary of public health implications

21. One of the licensing objectives is to protect children and vulnerable adults from harm or exploitation from gambling. Public Health will be consulted for their views ahead of the final version of the policy being agreed.

Summary of equality implications

22. A full EIA is being drafted as part of this process. It will be submitted to the EIA panel in due course.

Summary of risk assessment

23. Not applicable

Background papers

- Gambling Act 2006

<https://www.legislation.gov.uk/ukpga/2005/19/contents>

The Gambling Act (Licensing Authority Policy Statement) England and Wales
Regulations 2006

<https://www.legislation.gov.uk/uksi/2006/636/contents/made>

Guidance for Licensing Authorities

<https://www.gamblingcommission.gov.uk/guidance/guidance-to-licensing-authorities>

BCP Council – Local Area Profile

<https://www.bcpCouncil.gov.uk/Business/Licences-and-permits/Documents/Gambling/Local-Area-Profile-LAP.pdf>

Appendices

Appendix 1 – Bournemouth Borough Council Policy 2019

Appendix 2 – Borough of Poole Policy 2016

Appendix 3 – Christchurch Borough Council Policy 2016

Appendix 4- Draft BCP Council – Gambling Act 2005 – Statement of Licensing Principles

Appendix 5 – Consultee List

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Building a Better Bournemouth

Statement of Gambling Policy

Final Version

Document published 31st January 2019
Document due to be reviewed January 2022

Gambling Act 2005

Statement of Policy

Index

	Item	Page
Part A General Principles		
1.	Licensing Objectives	4
2.	Introduction	4
	2.1 Duration of Statement	4
	2.2 Content of Statement	5
	2.3 Geographical Application of Statement	5
	2.4 Consultation Process	6
	2.5 Declaration	7
	2.6 Fundamental Principles	7
3.	Responsible Authorities	8
	3.1 Responsible Authorities – General	8
	3.2 Responsible Authorities – Protection of Children from Harm	8
4.	Interested Parties	9
	4.1 Interested parties – general	9
	4.2 Interested parties – principles relating to determination	9
5.	Responsible Authorities and Interested Parties	10
	5.1 Representations	10
6.	Disclosure/Exchange of Information	11
	6.1 Exchange of information – general	11
	6.2 Exchange of information – principles	11
7.	Enforcement	12
	7.1 Enforcement – general	12
	7.2 Inspections and instituting criminal proceedings – principles	12
	7.3 Carrying out enforcement responsibilities – risk	13
Part B Specific Functions		
8.	Premises Licences	
	8.1 Fundamental principles applying to premises licences	14
	8.2 Premises Licences – general	14
	8.3 Premises Licences – decision making	15
	8.4 Premises Licences – conditions	16
	8.5 Premises Licences – reviews	16
	8.6 Adult Gaming Centres – general	17
	8.7 Adult Gaming Centres – miscellaneous	17

8.8	Adult Gaming Centres – decision making	17
8.9	Licensed Family Entertainment Centres – general	18
8.10	Licensed Family Entertainment Centres – decision making	18
8.11	Casino Resolution	19
8.12	Bingo Premises Licence – general	19
8.13	Bingo Premises Licence – decision making	19
8.14	Betting Premises – general	20
8.15	Betting Premises – miscellaneous	20
8.16	Betting Premises – decision making	21
8.17	Tracks – general	21
8.18	Tracks – miscellaneous	21
8.19	Tracks – decision making	22
8.20	Travelling Fairs – general	23
8.21	Travelling Fairs – miscellaneous	23
8.22	Provisional statements	23
9.	Permits/Temporary and Occasional Use Notices	24
9.1	Unlicensed family entertainment centre gaming machine permits - general	24
9.2	Unlicensed family entertainment centre gaming machine permits - miscellaneous	24
9.3	Unlicensed family entertainment centre gaming machine permits – statement of principles	24
9.4	Unlicensed family entertainment centre gaming machine permits – decision making	25
9.5	Alcohol Licensed Premises Gaming Machine Permits - General	25
9.6	Alcohol Licensed Premises Gaming Machine Permits – miscellaneous	25
9.7	Alcohol Licensed Premises Gaming Machine Permits – decision making	25
9.8	Prize gaming permits - general	26
9.9	Prize gaming permits – miscellaneous	26
9.10	Prize gaming permits – statement of principles	26
9.11	Prize gaming permits – decision making	26
9.12	Club gaming permits – general	27
9.13	Club gaming permits – miscellaneous	27
9.14	Club gaming machine permits – general	27
9.15	Club gaming machine permits – decision making	27
9.16	Temporary use notices - general	28
9.17	Temporary use notices - miscellaneous	28
9.18	Temporary use notices – decision making	28
9.19	Occasional use notices - general	28
9.20	Occasional use notices – miscellaneous	29
10.	Gaming Machine Stakes and Prizes	29
11.	Local Risk Assessments (LRA)	29
12.	Local Area Profile (LAP)	30
	Appendix 1 – Ward Areas	33
	Appendix 2 – Map of Gambling Act premises by Type	34

PART A – GENERAL PRINCIPLES

1. Licensing Objectives

1.1 When dealing with licensing matters Bournemouth Borough Council (“the Licensing Authority”) will promote the three licensing objectives set out in the Gambling Act 2005 (“the Act”). These licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling (“the Licensing Objectives”).

1.2 For the purposes of interpreting these objectives:

- the term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
- reference to “vulnerable persons” includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs; and
- the phrase “harmed or exploited by gambling” includes preventing children, young persons and other vulnerable people from taking part in or being in close proximity to gambling and controlling advertising so that gambling products are not aimed at children and vulnerable people or advertised in such a way that makes them particularly attractive to such people.

2. Introduction

2.1 Duration of Statement

2.1.1 This statement of principles is the Licensing Authority’s published policy for the purposes of the Act. It will run for the period of three years.

2.1.2 This policy will be applied in the exercise of the Licensing Authority’s functions under the Act during that period.

2.1.3 The policy may be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be subject to consultation and publication before it takes effect.

2.1.4 Should you have any comments about this policy statement please send them via email or letter to the following contact:

Regulatory Services, Town Hall Annexe, St Stephen’s Road, Bournemouth, BH2 6LL
Email: licensing@bournemouth.gov.uk

2.1.5 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.2 Content of Statement

2.2.1 A summary of information contained within this statement is attached as an index at the front of this document.

2.2.2 The licensable activities covered by this statement are:

Premises Licences

- Adult gaming centres
- Licensed family entertainment centres;
- Casinos;
- Bingo;
- Betting premises;
- Tracks;
- Travelling fairs; and
- Provisional statements.

Permits and Temporary and Occasional Use Notices

- unlicensed family entertainment centres;
- gaming machines on alcohol licensed premises;
- prize gaming;
- club gaming and club machine permits.
- temporary use notices; and
- occasional use notices.

2.2.3 The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.

2.2.4 This statement is published on the Licensing Authority's website and is available at the offices of the Licensing Authority during normal working hours.

2.2.5 The address of the Licensing Authority's website is www.bournemouth.gov.uk

2.3 Geographical Application of Statement

2.3.1 Bournemouth Borough Council is situated in the County of Dorset and forms part of a larger conurbation with Poole, Christchurch and Wimborne with a population of nearly half a million people.

2.3.2 As an internationally renowned tourist resort and conference centre, Bournemouth attracts over 5 million visitors each year, with a well deserved

reputation as the 'South Coast's leading tourist resort'. The town centre is vibrant and cosmopolitan with diverse shopping, street entertainment and award winning gardens and beaches. In time Bournemouth will look to work with councillors from Christchurch and Poole to develop a common Statement of Gambling Policy for the new BCP Unitary Authority.

Students attending the local university and colleges increase the resident population throughout the year.

2.3.4 The Borough provides a range of attractions and activities for both residents and visitors to suit all tastes. These attractions and activities include theatres, concert halls, cinemas, nightclubs, casinos and a variety of restaurants and take-away facilities.

2.3.5 A map showing the extent of the Borough is produced at Appendix 1.

2.3.6 Bournemouth Borough Council also owns and operates amusement arcades including gaming facilities.

2.4 Consultation Process

2.4.1 Before publishing this policy statement the Licensing Authority has consulted with and given appropriate weight to the views and comments received from the following organisations and others, not listed, but who have made unsolicited comments:

- The Chief Officer of Police for the Licensing Authority's area
- Police and Crime Commissioner in Dorset;

One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses and persons who are likely to be affected by the exercise of the authority's functions under the Act, namely:

- Association of British Bookmakers
- British Holiday and Home Parks Association
- The Bingo Association
- The British Casino Association
- Licensing Justices (Betting and Gaming)
- Crime and Disorder Reduction Partnership
- Education Services
- Bournemouth Area Hospitality Association
- Bournemouth Chamber of Trade and Commerce
- Social Services
- The Chamber of Commerce and Industry
- Citizens Advice Bureau
- GambleAware
- Gamblers Anonymous
- The Licensed Victuallers Association
- Town and Pub Watch Groups

- Local Community Groups e.g. Citizens Panel, Residents Association
- British Amusement, Catering and Trades Association
- Places of Worship
- Bournemouth Borough Council - Planning Authority
- Bournemouth Borough Council - Leisure and Tourism
- Education Establishments
- Town Centre BID
- Salvation Army
- Samaritans
- Adult Safeguarding Board
- Young People Safeguarding Board
- Youth Services
- Public Health
- Health, Child Services and Community Scrutiny Panels
- Women's Institute
- NatCen Social Research
- Libraries within the Borough
- Home Office (Immigration)
- HMRC Revenue and Customs (National Registration Unit)
- Bournemouth Borough Council – Environmental Health (pollution to the environment or harm to human health)
- Bournemouth Borough Council – Trading Standards (protection of children from harm)
- National Casino Forum
- Wiltshire and Dorset Fire and Rescue Service
- Trade bodies within the Borough

2.4.4 A full list of comments made is available by request to The Licensing Team, Regulatory Services, Town Hall Annexe, St Stephen's Road, Bournemouth, BH2 6LL

2.5 Declaration

2.5.1 In producing this licensing policy statement, the Licensing Authority declares that it has had regard to the Licensing Objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and any responses received from those consulted on the policy statement.

2.6 Fundamental Principles

2.6.1 In carrying out its functions the Licensing Authority will regulate gambling in the public interest.

2.6.2 Any application received will be considered on its individual merits and in accordance with the requirements of the Act.

2.6.3 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.

- 2.6.4 The Licensing Authority recognises that there is a clear separation between the Gambling Act, the Licensing Act 2003 and planning legislation and that licensing applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 2.6.5 The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.
- 2.6.6 The Licensing Authority recognises the statutory limitations relating to fixed odds betting terminals. (FOBT); these are electronic machines sited in betting shops. These contain a variety of games including roulette. Each machine accepts bets and then pays out to fixed odds on the simulated outcome of the game. The FOBT statutory limitations are an automatic entitlement for up to 4 machines being allowed on a premises within categories B, C and D. We note that there are current proposals from Government to cut the maximum FOBT stake to address issues of problem gaming and addiction.
- 2.6.7 The Licensing Authority is well aware of online gambling but accepts that it has no direct enforcement powers for this.

3. Responsible Authorities

3.1 Responsible Authorities - General

- 3.1.1 The Act specifies various bodies as Responsible Authorities (RA). The contact details of all the RA for the area of the Licensing Authority can be found on the Council's website at www.bournemouth.gov.uk
- 3.1.2 The RA must be notified of applications in relation to Premises Licences and is entitled to make representations in relation to them.

3.2 Responsible Authority - Protection of Children from harm

- 3.2.1 In exercising the Licensing Authority's powers under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm, the following principles are applied:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.
- 3.2.2 The Licensing Authority designates the Child Care and Family Support Unit of Bournemouth Borough Council for the purpose of providing advice about protection of children from harm.

4. Interested parties

4.1 Interested Parties – General

4.1.1 The Act identifies various categories of person who may be Interested Parties (“Interested Parties”) in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Licensing Authority:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy either of the two sub-paragraphs above.

4.1.2 Interested parties can make representations about licence applications or apply for a review of an existing licence.

4.2 Interested Parties – Principles Relating to Determination

4.2.1 The Licensing Authority will apply its powers under S.158 of the Act to determine whether a person is an Interested Party in relation to a premises licence, or an application for or in respect of a premises licence.

4.2.2 The Licensing Authority will consider each situation on its merits.

4.2.3 In determining whether a person lives “sufficiently close to the premises”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the presence of FOBTs on the premises;
- what might, in the opinion of the Licensing Authority, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc);
- the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Licensing Authority is likely to apply a wider interpretation to the meaning of “sufficiently close” where the complainant provides services attended by children or vulnerable adults; and
- such other factors as it considers are relevant.

4.2.4 In determining whether a business interest is “likely to be affected”, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:

- the size of the premises;
- the “catchment” area of the premises (i.e. how far people travel to visit);
- the nature of the business that it is suggested might be affected; and
- such other factors as it considers are relevant.

4.2.5 In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:

- Members of Parliament or Elected Councillors;
- Residents’ and tenants’ associations; and
- Trade unions and trade associations

4.2.6 The Licensing Authority will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:

- that they have specifically been requested in writing to represent that person and / or business in relation to the submission of the representation; and / or
- that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

Other persons, such as Councillors, MPs etc, may also represent interested parties. However, care should be taken when approaching Councillors to ensure that they are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team on 01202 451180 for advice.

5. Responsible Authorities and Interested Parties

5.1 Responsible Authorities and Interested Parties - Representations

5.1.1 Representation made by a Responsible Authority or Interested Party, which is not withdrawn, will normally result in a hearing taking place.

5.1.2 In certain circumstances, however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:

- is vexatious;
- is frivolous; or
- will certainly not influence the Authority’s determination of the application.

6. Disclosure / Exchange of Information

6.1 Exchange of Information – General

- 6.1.1 The Licensing Authority will apply its functions under S.29 and S.30 of the Act with respect to exchanges of information between it and the Commission, and the functions under S.350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.
- 6.1.2 The Act, and other legislation such as the Data Protection Act 2018, the Freedom of Information Act 2000 and General Data Protection Regulations (GDPR), place various statutory duties and responsibilities upon operators and the Licensing Authority in relation to the exchange and disclosure of information that is available to it.

6.2 Exchange / Disclosure of Information – Principles

- 6.2.1 The Licensing Authority will comply with all statutory duties imposed upon it, which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 6.2.2 Where the Licensing Authority has discretion as to whether or not information may be disclosed/exchanged it will in particular normally have regard to the following principles:
- any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
 - upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and
 - the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.
- 6.2.3 Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. In particular, in making this assessment, the Licensing Authority will have regard to the interests of natural justice and Article 6 of the Convention on Human Rights. Information will not be disclosed where statute expressly prevents its disclosure.
- 6.2.4 In so far as the law allows, the Licensing Authority generally favours full disclosure of all relevant representations made in relation to an application that it is considering under the Act.

6.2.5 The Licensing Authority in carrying out its duties will have full regard to the provisions of the Data Protection Act 2018, the Freedom of Information Act 2000 and General Data Protection Regulations (GDPR).

6.2.6 Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some of this information may be accessible via the Licensing Authority's website and registers that the Licensing Authority is obliged to keep under the Act. Where this is not the case, then a request for such data should be made in writing addressed to the Licensing Team of the Licensing Authority.

7. Enforcement

7.1 Enforcement – General

7.1.1 The Licensing Authority will apply its functions under Part 15 of the Act with respect to the inspection of premises and the power under S.346 of the Act to instigate criminal proceedings in respect of the offences that are specified in that Section.

7.1.2 To undertake random and routine inspections of premises for a variety of reasons.

7.2 Inspections and instituting criminal proceedings – Principles

7.2.1 In considering whether to undertake an inspection of premises, the Licensing Authority will in particular have regard to the following principles:

- When considering whether to undertake any inspection, each situation will be considered on its merits;
- that the Licensing Authority will undertake inspections when it is considered relevant for the purposes of an application or actual or potential enforcement issue as well as for routine and random inspections as necessary;
- in the case of enforcement action generally, the Licensing Authority will act having given due consideration to any enforcement policy adopted by Bournemouth Borough Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
- that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.

7.2.2 The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

7.2.3 In considering whether to exercise its powers in relation to the institution of criminal proceedings under the Act, the Licensing Authority will in particular normally have regard to the following principles:

- each case will be considered on merits;
- in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with any enforcement policy of Bournemouth Borough Council and the Regulatory Compliance Code referred to above;
- whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
- in so far as it may be relevant to the assessment, that it will undertake proceedings in accordance with the principles set out below.

7.2.4 The principles referred to in the paragraphs are that the Licensing Authority will, in so far as it is appropriate, be:

- proportionate;
- accountable;
- consistent;
- transparent; and
- targeted.

7.3 Carrying out Enforcement Responsibilities – Risk

7.3.1 In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk based approach.

7.3.2 Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- the size of the premises;
- the proximity of the premises to identified children and/or vulnerable persons;
- whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant;
- information submitted from relevant persons or bodies; and
- such other factors as the particular circumstances of the individual situation warrant.

PART B – SPECIFIC FUNCTIONS

8. Premises Licences

8.1 Fundamental Principles Applying to Premises Licences

8.1.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and Regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

8.1.2 In considering an application for a premises licence no regard will be had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.

8.1.3 In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority thinks it:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
- in accordance with this Statement (subject to the three sub-paragraphs above).

8.1.14 It is appreciated that as per the Gambling Commission's Guidance for local authorities 'moral and ethical' objections to gambling are not a valid reason to reject applications for premises licenses (except as regards to any 'no casino' resolution') and also that unmet demand is not a criterion of a licensing authority.

8.2 Premises Licence – General

8.2.1 For the purposes of the Act, the term "premises" is defined as including any place and in particular a vessel and a vehicle.

8.2.2 The Act provides that different premises licences cannot apply in respect of single premises at different times. e.g. premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.

8.2.3 Whilst premises are defined in the Act as "any place" it is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises. In considering applications for multiple licences for a building or those for a specific part of the building to be licensed the Licensing Authority will take particular note of the following:

- the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe or hear gambling activities; and
- entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

8.3 Premises Licence - Decision Making

8.3.1 In making a determination in respect of a Premises Licence, the Licensing Authority cannot have regard to irrelevant matters i.e. those that do not relate to gambling and the Licensing Objectives. Therefore issues relating to whether a planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.

8.3.2 The Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible.

8.3.3 Whilst each application will be considered on its merits, factors to which the Licensing Authority may, in particular, have regard to when determining an application include:

- proximity of gambling premises to properties regularly frequented by vulnerable persons;
- the suitability of the premises for gambling in the context of the licensing objectives;
- the type of gambling that is proposed at the premises;
- any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns;
- any information provided by the applicant showing how industry best practice as set out in Social Responsibility(SR) mandatory code of practice issued by the Gambling Commission is being met. This will include the provision of the SR to require operators of premises based businesses to conduct a local risk assessment, and
- whether any relevant objections to an application could be addressed by the use of one or more conditions.

8.3.4 In circumstances where the Licensing Authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Licensing Authority determines to reject an application.

8.4 Premises Licence – Conditions

- 8.4.1 The Act, associated regulations and guidance enable mandatory conditions to be attached to such Premises Licences as may be specified.
- 8.4.2 Furthermore, the Act also provides the power for default conditions to be attached to such Premises Licences as may be specified in regulations unless the Licensing Authority excludes any of them.
- 8.4.3 Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises.
- 8.4.4 Where discretion exists, the Licensing Authority will not impose its own conditions on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.
- 8.4.5 In exercising discretion as to whether to impose any further condition, the Licensing Authority will act proportionately to the circumstances being considered.
- 8.4.6 It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:
- any condition on the premises licence which make it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

8.5 Premises Licence – Reviews

- 8.5.1 Interested parties or responsible authorities can make requests for a review of a premises licence. However, it is for the Licensing Authority to decide whether the review is to be carried out. The review will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is-
- i. frivolous
 - ii. vexatious
 - iii. will certainly not cause this authority to wish to alter / revoke / suspend the licence, or
 - iv. whether it is substantially the same as previous representations or requests for review:

- whether the request for the review is relevant to the matters listed below, and/or
- consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, and/or
- whether it is substantially the same as previous representations or requests for review:
- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy.

8.5.2 Whilst the Licensing Authority recognises the importance of the right of 'responsible authorities' and 'interested parties' to request reviews of premises licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.

8.5.3 The Licensing Authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

Adult Gaming Centre Premises Licences

8.6 Adult Gaming Centres - General

8.6.1 An Adult Gaming Centre is a premises for which a Premises Licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over.

8.7 Adult Gaming Centre Premises Licence – Miscellaneous

8.7.1 An Adult Gaming Centre Premises Licence can authorise the holder to offer an unlimited number of category C and D gaming machines and up to 20% of the total number of machines can be of category B3 or B4.

8.8 Adult Gaming Centre Premises Licence – decision making

8.8.1 The Licensing Authority will particularly have regard to the need to protect persons under eighteen and other vulnerable persons from harm or being exploited by gambling. The Licensing Authority will expect the applicant to satisfy them, for example, that there will be sufficient measures to ensure that those under eighteen years old do not have access to the premises and that there will be sufficient measures in place to protect vulnerable persons from harm as far as is possible including details of sources of advice and support such as GambleAware.

8.8.2 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- physical separation of different areas within the premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the location of adult gaming machines;
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- proof of age schemes.

8.8.3 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Licensed Family Entertainment Centres

8.9 Licensed Family Entertainment Centres – General

8.9.1 A Licensed Family Entertainment Centre is a premises for which a Premises Licence is granted to provide, subject to certain restrictions, gaming machines. Persons under eighteen years old will not be permitted to use a certain category of gaming machine that the Premises Licence may authorise and there will be need for segregation between the different gaming machine types

8.10 Licensed Family Entertainment Centres – Decision Making

8.10.1 The Licensing Authority will particularly have regard to the need to protect children and young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under eighteen year olds do not have access, whether physical or visual, to the adult only gaming machine areas.

8.10.2 The Licensing Authority will expect the applicant to offer their own measures/licence conditions, which may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- physical separation of different areas within the premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the location of adult gaming machines;

- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- proof of age schemes.

8.10.3 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Casino Premises Licence

8.11 Casino Resolution

8.11.1 At the date of adoption of this Policy, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in line with Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution.

Bingo Premises Licence

8.12 Bingo Premises Licence - General

8.12.1 Bingo does not have a statutory definition.

8.12.2 The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore, the holder of the licence may make available for use:

- Category B gaming machines (B3 or B4) not exceeding 20% of the total number of gaming machines which are available for use on the premises ;
- any number of category C machines; and
- any number of category D machines.

8.13 Bingo Premises Licence – Decision Making

8.13.1 It is important that if children are allowed to enter premises licenced for bingo that they do not participate in gambling, other than on category D machines.

8.13.2 The Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under eighteen years olds do not have access to adult only gaming machines.

8.13.3 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions may cover issues such as:

- provision of CCTV;

- supervision of entrances / gaming machine areas;
- physical separation of different areas within the premises;
- location of entry to premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the location of adult gaming machines;
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- proof of age schemes.

8.13.4 It should be noted that the above list is not mandatory, nor exhaustive, and is merely indicative of example measures

8.13.5 The Licensing Authority normally expects the applicant to identify the types of gaming machine that will be placed on the premises.

8.13.6 Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.

Betting Premises

8.14 Betting Premises - General

8.14.1 A Betting Premises Licence is usually required to enable betting to take place on premises, see also Tracks. The regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.

8.15 Betting Premises - Miscellaneous

8.15.1 By virtue of a Betting Premises Licence the holder may, subject to certain restrictions, make available for use up to four gaming machines.

8.15.2 Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence.

8.15.3 There is an expectation that licence holders will keep a record of any damage caused to FOBTs by patrons; this report shall be made available to Council officers or the police on request. In cases of damage which result in the police being called to the premises, we expect this to be reported to the appropriate authority within 48 hours; notwithstanding the premises obligations of data collection for the annual regulatory return to the Gambling Commission.

8.16 Betting Premises – Decision Making

8.16.1 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives. However, appropriate measures / licence conditions may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- location of entry to premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- the number and location of gaming and betting machines; and
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;
- proof of age schemes.

8.16.2 It should be noted that this list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.16.3 In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm, will normally, when making a decision, have regard to the size of the premises, the counter positions available for person to person transactions and the ability of staff to monitor the use of machines.

8.16.4 As part of the powers available to the Licensing Authority in relation to the imposition of conditions, the Licensing Authority may attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available.

Tracks

8.17 Tracks - General

8.17.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.

8.18 Tracks - Miscellaneous

8.18.1 For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.

8.18.2 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.

8.18.3 Children, young persons and other vulnerable persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horseracing takes place. But having regard to the need to protect persons under eighteen from harm they should still be prevented from entering areas where gaming machines (other than category D machines) are provided.

8.19 Tracks – Decision Making

8.19.1 In recognition of the current guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:

- location of gaming machines;
- location of betting machines;
- location of any race track;
- the location of any on-course betting facilities;
- the location of any off-course betting facilities;
- the location of any areas to be the subject of additional Premises Licence applications.
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed / distributed;

8.19.2 The Licensing Authority will expect the applicant to offer their own measures to meet the licensing objectives. However, appropriate measures /licence conditions may cover issues such as:

- provision of CCTV;
- supervision of entrances / gaming machine areas;
- physical separation of different areas;
- location of entry to premises;
- numbers, locations and wording of signage / notices / rules;
- self barring schemes;
- specific opening hours;
- provision of information leaflets / help line numbers for organizations such as GambleAware and the manner in which such information should be displayed and distributed;
- the number and location of gaming and betting machines; and
- proof of age schemes.

8.19.3 In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person-to-person transactions and the ability of staff to monitor the use of machines.

Travelling Fairs

8.20 Travelling Fairs - General

8.20.1 A Travelling Fair “wholly or principally” provides amusements.

8.21 Travelling Fairs - Miscellaneous

8.21.1 A Travelling Fair can only take place on a site that has not been used for fairs for more than 27 days per calendar year.

8.21.2 Travelling Fairs do not require a permit or licence to provide gaming machines provided that these are only category D gaming machines. There is no limit to the number of such category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

8.22 Provisional statements

8.22.1 The Licensing Authority will consider the issue of a premises licence for buildings completed to the satisfaction of the Licensing Authority who will take into account the guidance from the Commission when deciding if premises are finished.

8.22.2 A provisional statement may be applied for where the Licensing Authority has deemed the premises incomplete or, it has not been completed to the satisfaction of the Licensing Authority.

8.22.3 Following the grant of a provisional statement and on application for a premises licence, no further representations from relevant authorities or interested parties can be taken into account:

- unless they concern matters which could not have been addressed at the provisional statement stage; or
- in the authority’s opinion, they reflect a change in the applicant’s circumstances.

8.22.4 The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage; or
- which in the authority’s opinion reflect a change in the operator’s circumstances.

9. Permits/Temporary and Occasional Use Notices

Unlicensed Family Entertainment Centre Gaming Machine Permits

9.1 Unlicensed Family Entertainment Centre Gaming Machine Permits – General

- 9.1.1 This permit authorises the provision of specified low category gaming machines only.

9.2 Unlicensed Family Entertainment Centre Gaming Machine Permits – Miscellaneous

- 9.2.1 In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:

- an up to date enhanced Criminal Record Bureau check;
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- details of any other permit held by the applicant in respect of other premises;
- the nature of the prizes;
- the proposed frequency of prize gaming at the premises;
- details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

- 9.2.2 Applications for this permit cannot be made if a Premises licence has been granted under this Act.

9.3 Unlicensed Family Entertainment Centre Gaming Machine Permits – Statement of Principles

- 9.3.1 In considering any application the Licensing Authority will normally have regard to the following:

- each case will be considered on its merits
- any information received as part of the application process;
- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- such other factors as the Licensing Authority considers relevant.

9.4 Unlicensed Family Entertainment Centre Gaming Machine Permits – Decision Making

- 9.4.1 The Act imposes mandatory conditions on an Unlicensed Family Entertainment Centre Gaming Machine Permit. The Licensing Authority cannot impose any other conditions.
- 9.4.2 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised officer has been refused access to the premises without reasonable cause; or that the renewal would not be reasonably consistent with pursuit of the licensing objectives.

Alcohol Licensed Premises Gaming Machine Permits

9.5 Alcohol Licensed Premises Gaming Machine Permits - General

- 9.5.1 On notifying the Licensing Authority, a premises licensed to sell alcohol for consumption on the premises can subject to certain restrictions have two gaming machines.
- 9.5.2 In certain circumstances the Licensing Authority has the power to remove this right.
- 9.5.3 An Alcohol Licensed Premises Gaming Machine Permit is required if more than two gaming machines are sought.
- 9.5.4 The issue of such a permit replaces the automatic entitlement identified above.

9.6 Alcohol Licensed Premises Gaming Machine Permits - Miscellaneous

- 9.6.1 In addition to the statutory requirements, as part of any application for an Alcohol Licensed Premises Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
- a plan showing the location and category of gaming machine being sought; and
 - details of any proposed precaution for preventing persons under eighteen from using any category of gaming machine being sought and how it would be implemented.

9.7 Alcohol Licensed Premises Gaming Machine Permits – Decision Making

- 9.7.1 The Licensing Authority will consider applications taking into account the Licensing Objectives, Guidance issued by the Gambling Commission and such other matters, as it considers relevant on a case by case by case basis.

- 9.7.2 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machine but cannot attach any other conditions.

Prize Gaming Permits

9.8 Prize Gaming Permits – General

- 9.8.1 A prize gaming permit is a permit issued by the licensing authority to authorise the provision of facilities for gaming with prizes on specified premises.

9.9 Prize Gaming Permits - Miscellaneous

- 9.9.1 In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following, in writing, in order to ensure that adequate information is provided to enable a proper assessment to be made:

- an up to date enhanced Criminal Records Bureau check;
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- details of any other permit held by the applicant in respect of other premises;
- the nature of the prizes;
- the proposed frequency of prize gaming at the premises;
- details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same.

9.10 Prize Gaming Permits – Statement of Principles

- 9.10.1 In considering any application the Licensing Authority will normally have regard to the following:

- each case will be considered on its merits
- any information received as part of the application process;
- the licensing objectives, any guidance and this statement, and will give particular weight to the protection of children and young persons; and
- such other factors as the Licensing Authority considers relevant.

9.11 Prize Gaming Permits – Decision Making

- 9.11.1 The Act imposes mandatory conditions on a Prize Gaming Permit. The Licensing Authority cannot impose any other conditions.

Club Gaming

9.12 Club Gaming Permits – General

- 9.12.1 A Club Gaming Permit authorises establishments to provide, subject to certain restrictions, no more than three gaming machines, equal chance gaming and other games of chance as prescribed in regulations

9.13 Club Gaming Permits – Miscellaneous

- 9.13.1 Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.

9.14 Club Gaming Machines - General

- 9.14.1 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a Club Gaming Machine Permit authorises establishments to provide gaming machines where the establishment is a members club as referred to above.

9.15 Club Gaming Permits/Club Gaming Machines - Decision Making

- 9.15.1 The Licensing Authority cannot attach conditions to either of these permits.

- 9.15.2 Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements of a member's or commercial club;
- the applicant's premises are used wholly or mainly by persons under the age of eighteen;
- an offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on
- a permit held by the applicant has been cancelled in the last ten years; or
- an objection to the application has been made by the Gambling Commission or the Police.

- 9.15.3 In the case of a club which holds a club premises certificate under the Licensing Act 2003, the Licensing Authority may only refuse an application on the grounds that:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Neither the Gambling Commission nor the Police may object to applications in these circumstances.

Temporary Use Notices

9.16 Temporary Use Notices - General

- 9.16.1 A Temporary Use Notice may be used where a gambling operator wishes to use premises (as identified in the Act) where there is no Premises Licence for temporarily providing facilities for gambling.

9.17 Temporary Use Notices - Miscellaneous

- 9.17.1 A Temporary Use Notice may only be granted to a person or a company holding a relevant operating licence.
- 9.17.2 The same set of premises may not be the subject of a temporary use notice for more than twenty-one days in any twelve month period, but may be the subject of several notices provided the total does not exceed 21 days.
- 9.17.3 It is for the Licensing Authority to determine in each case what constitutes a set of premises.

9.18 Temporary Use Notices – Decision Making

- 9.18.1 Where an objection has been received in relation to a Temporary Use Notice, if the Licensing Authority considers that it should not have effect or should have effect only with modification, the Licensing Authority may give a counter-notice.
- 9.18.2 A counter notice providing that a Temporary Use Notice will not take effect will be given by the Licensing Authority where the notice would contravene the maximum number of days available for a set of premises.
- 9.18.3 The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.
- 9.18.4 The principles that the Licensing Authority applies in deciding whether to issue a counter-notice are the same as those in determining Premises Licence applications.

Occasional Use Notices

9.19 Occasional Use Notices - General

- 9.19.1 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.

9.20 Occasional Use Notices - Miscellaneous

9.20.1 Occasional Use Notices may not be relied upon for more than eight days in a calendar year.

9.20.2 The Act prescribes the requirements and process for using such Notices; this includes giving notice to the Licensing Authority and copying it to prescribed parties.

10.1 **Gaming Machine Stakes and Prizes**

10.1.1 <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx>

11.1 **Local Risk Assessments (“LRA”)**

11.1.1 The Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) (Social Responsibility Code 10.1.1 require all premises providing gambling facilities to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. In undertaking risk assessments licensees will be expected to take into account relevant matters identified in this policy.

11.1.2 The LCCP goes on to say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this Policy;
- when there are significant changes at a licensee’s premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

11.1.3 The Licensing Authority will expect the local risk assessment to consider as a minimum:

- whether the premises are in an area of deprivation;
- whether the premises are in an area subject to high levels of crime and/or disorder;
- the demographics of the area in relation to vulnerable groups;
- the location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather;
- significant presence of young children, both residents and visitors;
- high unemployment areas;
- nearby homeless/rough sleeper areas;
- nearby gambling, alcohol, drug or mental health support facilities;
- other gambling premises in the vicinity.

11.1.4 Information around these groups is available in the Licensing Authority's Local Area Profile (LAP) (see paragraph 2.1 below). In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

11.1.5 Other matters that the assessment may include:

- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer rapid intervention and how the manning of premises affects this.
- Details of location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters, self-exclusion schemes, window displays and advertisements not to entice passers-by, etc.
- The provision of signage and documents relating to games rules, gambling care providers and other relevant information provided in both English and the other prominent first language for that locality.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.

11.1.6 Information provided may be used to inform the decision the Licensing Authority makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

11.1.7 This policy does not preclude any application being made and each application will be decided on its merits, with the onus being upon the applicant to show how the concerns can be overcome.

12.1 **Local Area Profile ("LAP")**

12.1.1 Each locality has its own character and challenges. To assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a Local Area Profile. Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers sensitive, these include:

- Educational facilities
- Community centres

- Vulnerable groups or venues relating to vulnerable groups i.e. homeless or rough sleeper shelters
- Hospitals
- Mental health care providers
- Gambling care providers
- Religious establishments

12.1.2 The LAP provides a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby considering possible future emerging risks, rather than reflecting current risks only.

12.1.3 Current information already available on the Council's website www.bournemouth.gov.uk and can be obtained from the following links:-

Index of Multiple Deprivation 2015

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/IndexofMultipleDeprivation2015.aspx>

Deprivation with particular attention to Crimes

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/Crimedomain.pdf>

Low Income

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/Income%20Domain%202015.pdf>

Employment Deprivation

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/Employment%20Domain%202015.pdf>

Affecting Children

<https://www.bournemouth.gov.uk/councildemocratic/Statistics/Documents/IndicesofDeprivation/IMD-2015/IDACI%202015.pdf>

Location of Schools

<https://www.bournemouth.gov.uk/childreducation/Schools/Schools.aspx>

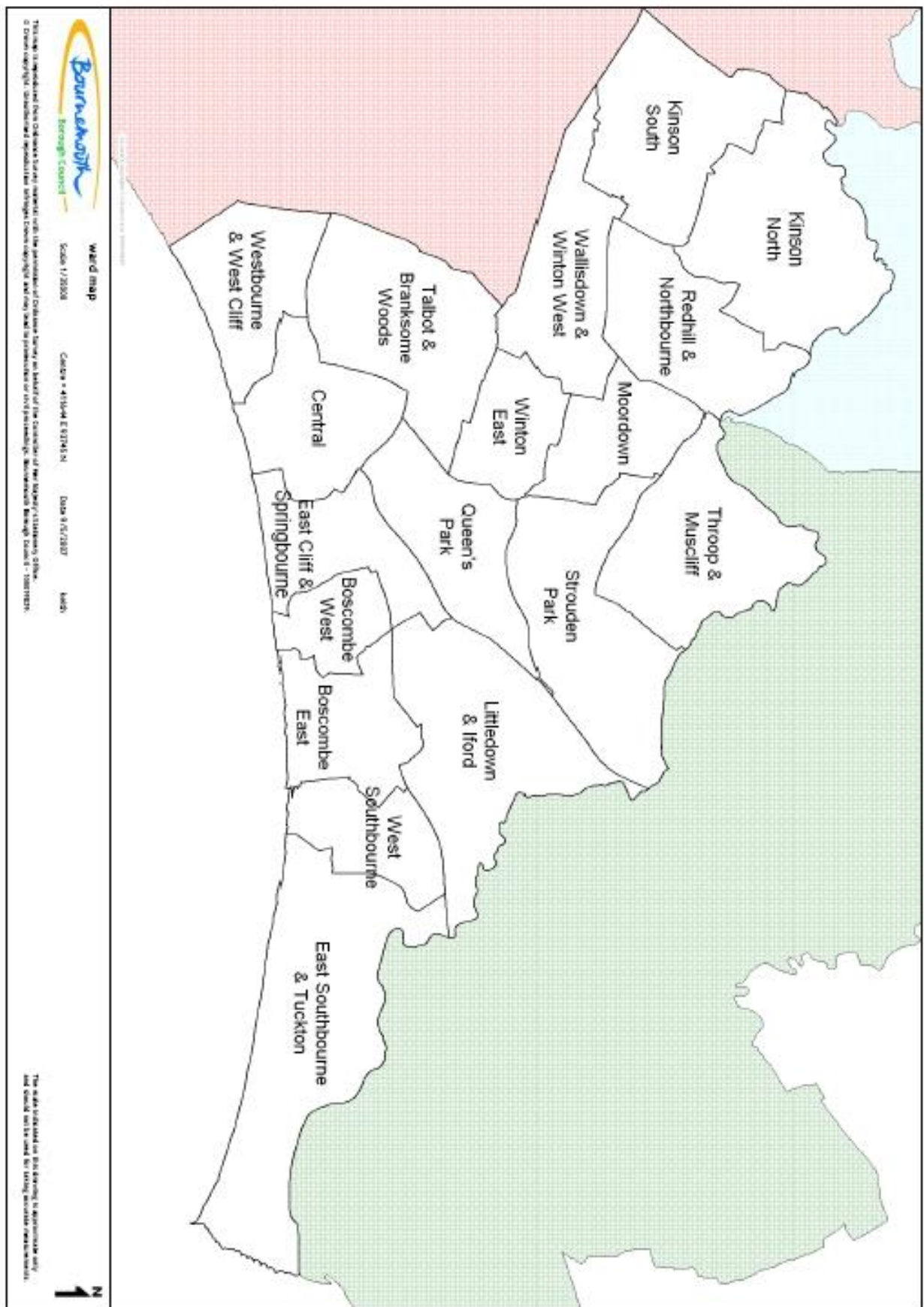
12.1.4 A map showing the location of all current Gambling Act premises and type is attached as Appendix 2 of this Policy.

12.1.5 The Local Area Profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers and representatives of Responsible Authorities to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be

relevant to their application. The Local Area Profile will be presented to any subsequent licensing sub-committee when it determines an application that has received representations.

- 12.1.6 The Licensing Authority notes that it is not a mandatory requirement to have a LAP but recognise the benefits of having one. The Licensing Authority cannot insist on applicants using the local area profile when completing their risk assessments, however, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

APPENDIX 1



APPENDIX 2 MAP SHOWING GAMBLING ACT PREMISES BY TYPE



Borough of Poole Gambling Act 2005 Statement of
Gambling Policy



BOROUGH OF POOLE

**STATEMENT OF GAMBLING
POLICY**

2016 - 2019

Borough of Poole Gambling Act 2005 Statement of Gambling Policy

INDEX

ITEM	PAGE
PART A GENERAL PRINCIPLES	
1. Licensing Objectives	3
2. Licensing Statement	4
2.1 Duration of Statement	4
2.2 Content of Statement	4
2.3 Geographical Application of Statement	5
2.4 Consultation Process	5
2.5 Declaration	6
2.6 Fundamental Principles	6
2.7 The Licensing Process	7
3. Responsible Authorities	8
3.1 Responsible Authorities – General	8
3.2 Responsible Authorities – Protection of Children from Harm	8
4. Interested Parties	9
4.1 Interested parties – General	9
4.2 Interested parties – Principles relating to determination	9
5. Responsible Authorities and Interested Parties	11
5.1 Representations	11
6. Disclosure/Exchange of Information	11
6.1 Exchange of information – General	11
6.2 Exchange/Disclosure of information – Principles	11
7. Enforcement	12
7.1 Enforcement – General	12
7.2 Inspections and instituting criminal proceedings – Principles	13
7.3 Carrying out enforcement responsibilities – Risk	14

Borough of Poole Gambling Act 2005 Statement of Gambling Policy

ITEM	PAGE
PART B SPECIFIC FUNCTIONS	
8. Gambling Premises Licences	15
8.1 Fundamental principles applying to premises licences	15
8.2 Gambling Premises licences – General	16
8.3 Gambling Premises licences – Decision making	16
8.4 Gambling Premises licences – Conditions	18
8.5 Casinos Resolution	20
8.6 Bingo Premises Licence	20
8.7 Betting Premises Licence	22
8.8 Betting Premises Licence - Tracks	23
8.9 Adult Gaming Centres	25
8.10 Licensed Family Entertainment Centres	26
8.11 Travelling fairs	27
8.12 Provisional Statement	27
8.13 Premises licences – Reviews	28
9. Permits	29
9.1 Club Gaming and Club Gaming Machine Permits	29
9.2 Alcohol Licensed Premises Gaming Machine Permits	30
9.3 Prize Gaming Permits	32
9.4 Unlicensed Family Entertainment Centre Gaming Machine Permits	32
9.5 Unlicensed Family Entertainment Centre Gaming Machine Permits - Renewals	
10. Notices	34
10.1 Temporary Use Notices	34
10.2 Occasional Use Notices	35
Appendix	
A Map Showing the Borough of Poole	36
B Summary of Licensing Authority Delegations permitted under the Gambling Act 2005	39

Borough of Poole Gambling Act 2005 Statement of Gambling Policy

1

2 **Part A – General Principle**

3 **1.Licensing Objectives**

4 **1.1 When dealing with licensing matters the Borough of Poole is the Licensing Authority (“The Licensing Authority”) under the Gambling Act 2005 (“the Act”) and will promote the three licensing objectives set out in the Act. These licensing objectives are:**

- 5 • **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 6 • **Ensuring that gambling is conducted in a fair and open way and**
- 7 • **Protecting children and other vulnerable persons from being harmed or exploited by gambling (“the Licensing Objectives”).**

8 **1.2 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy**

**to permit the use of premises for gambling in so far
as it thinks it is:**

- 9 • In accordance with any relevant code of practice issued by the Gambling Commission**
- 10 • In accordance with any relevant guidance issued by the Gambling Commission**
- 11 • Reasonably consistent with the licensing objectives and**
- 12 • In accordance with the authority's statement of licensing policy**
- 13 1.3 For the purposes of interpreting these objectives:**
- 14 • the term “disorder” is interpreted as meaning an activity that is more serious and disruptive than mere nuisance**
- 15 • reference to “vulnerable persons” includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs and**
- 16 • the phrase “harmed or exploited by gambling” can mean children and vulnerable people taking part in or being in close proximity to gambling, or**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
advertising gambling in such a way that it makes
gambling particularly attractive to such individuals.**

17 2. Licensing Statement

18 2.1 Duration of Statement

19 2.1.1 This statement of principles is the Licensing Authority's published policy for the purposes of the Act. It was approved by the Licensing Authority and will run for the period of three years starting from the XX XX 201X.

20 2.1.2 This policy will be applied in the exercise of the Licensing Authority's functions under the Act during that period.

21 2.1.3 The policy may be reviewed from time to time, and in the light of any such review, it may be revised. The Licensing Authority will publish any amended parts for re-consultation before approval.

22 2.1.4 Should you have any comments as regards this policy statement please send them via e-mail or letter with your contact details to:

23 Name: The Head of Environmental Services

**24 Address: Unit 1, New Fields Business Park,
Stinsford Road, Poole, BH17 0NF.**

25 E-mail: environment@poole.gov.uk

26 2.1.5 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
each will be considered on its own merits and
according to the statutory requirements of the Act.**

27 2.2 Content of Statement

**28 2.2.1 A summary of information contained within
this statement is attached as an index at the front
of this document.**

**29 2.2.2 The licensable activities covered by this
statement are:**

30 Premises Licenses

31 • Adult gaming centres

32 • Bingo premises

33 • Betting premises

34 • Tracks

35 • Licensed family entertainment centres

36 • Casinos

37 • Travelling fairs

38 • Provisional statement

39 Permits

40 • Club gaming

41 • Club gaming machines

42 • Gaming machines on alcohol licensed premises

43 • Prize gaming

44 • Unlicensed family entertainment centres

45 Notices

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy

46 • Temporary Use and Occasional Use.

47 2.2.3 The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.

48 2.2.4 This statement is published on the Licensing Authority's web-site and is available at the offices of the Licensing Authority, during normal working hours. The address of the Licensing Authority's web-site is

49 www.poole.gov.uk

50 2.3 Geographical Application of Statement

51 2.3.1 The Borough of Poole is a unitary authority situated on Poole Bay, just off the eastern end of the East Devon and Dorset World Heritage Site, with one of the largest harbours in Europe and fine blue flag beaches. It borders Bournemouth to the east, East Dorset District Council to the north and Purbeck District Council to the west.

52 2.3.2 Poole has a population of 147,600 (2011 census) making it the second largest settlement in Dorset. It is predominantly urban in character covering an area of 29 square miles with a buoyant and diverse economy. Further information and statistics relating to Poole can be found via the following link:

53 <http://www.poole.gov.uk/your-council/how-the-council-works/research/>

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy

54 2.3.3 A map showing the extent of the Borough is produced at Appendix A

55 2.4 Consultation Process

56 2.4.1 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcement agencies, all of which have views and concerns that require consideration as part of the licensing function.

57 2.4.2 The Licensing Authority consulted widely upon this policy statement before finalising and publishing it. It has consulted with and taken into account comments received from relevant organisations and others not listed but who have made individual requests to be consulted.

58 2.4.3 Our consultation took place between xx/xx/xxxx and xx/xx/xxxx and followed the

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
Government Consultation Principles Guidance
(published 17th July 2012), which is available at:

59 <https://www.gov.uk/government/publications/consultation-principles-guidance>

60 **2.4.4 A full list of comments received relating to the policy will be made available on the council's website:**

61 www.poole.gov.uk

62 or by request from:

63 **Name: The Head of Environmental Services**

64 **Address: Unit 1, New Fields Business Park,
Stinsford Road, Poole, BH17 0NF.**

65 **E-mail: environment@poole.gov.uk**

66 **2.5 Declaration**

67 **2.5.1 In producing this statement of principles, the Licensing Authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission and**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
responses received from those consulted on the
policy statement.**

68 2.6 Fundamental principles

69 2.6.1 In carrying out its functions the Licensing Authority will regulate gambling in the public interest.

70 2.6.2 Any application received will be considered on its own merits and in accordance with the requirements of the Act.

71 2.6.3 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.

72 2.6.4 The Licensing Authority recognises that there is a clear separation between the licensing legislation and planning legislation and that licensing applications will be viewed independently of planning applications.

73 2.6.5 The Licensing Authority will in particular when considering its functions in relation to applications and enforcement have regard to the Human Rights Act 1998.

74 2.6.6 The Equality Act 2010 obliges the Licensing Authority to do all it can to eliminate unlawful discrimination, and to promote equality of opportunity. Due regard has been given to this legislation whilst undertaking this policy and its licensing function.

75 2.7 The Licensing Process

76 2.7.1 The Licensing Authorities Licensing Functions under the Act will be carried out by the Licensing Committee, supported by a number of

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy

**Sub-Committees and by officers acting under the
delegated authority of the committee.**

- 77 2.7.2** Where there is no area of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness officers will for the most part carry out these functions.
- 78 2.7.3** Where there is relevant representation in respect of an application the matter will be determined by the Licensing Committee or one of its sub-committees, as will any application for the review of a licence. The sub-committee will consist of 3 members of the Licensing Committee.
- 79 2.7.4** In dealing with each case the decision made by the Licensing Authority will be transparent and consistent.
- 80 2.7.5** This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its own merits. Equally, this Statement is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.
- 81 2.7.6** A full list of the delegated functions can be seen in Appendix B.
- 82 3. Responsible Authorities**
- 83 3.1 Responsible Authorities – General**
- 84 3.1.1** The Act specifies various bodies as Responsible Authorities (“Responsible Authorities”). These are public bodies that must be

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy**

notified of all applications and who are entitled to make representations to the Licensing Authority, if they are relevant to the licensing objectives.

Section 157 of the Act defines those authorities as:

-

- 85 • The Gambling Commission**
- 86 • The Chief Officer of Dorset Police**
- 87 • Dorset & Wiltshire Fire & Rescue**
- 88 • The Local Planning Authority**
- 89 • An authority which has functions in relation to pollution to the environment and human health**
- 90 • HM Revenue and Customs**
- 91 • Maritime and Coastguard Agency**
- 92 • Anyone authorised in writing by the Licensing Authority as competent to advise about the protection of children from harm and**
- 93 • The Licensing Authority in whose area the premises is situated**
- 94 3.1.2 The contact details of the Responsible Authorities for the area of the Licensing Authority can be found on the Council's website at www.poole.gov.uk**
- 95 3.1.3 The Responsible Authorities must be notified of applications in relation to Premises Licenses and are entitled to make representations in relation to them.**
- 96 3.1.4 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy**

the application itself and the Licensing Objectives. In this regard the Licensing Authority will not generally take into account representations, which were deemed to be irrelevant e.g.

97 • The number of gambling premises in the locality

98 • The fire risks within the premises

99 • The traffic congestion resulting from the premises location.

100 3.1.5 Each representation will, however, be considered on its own individual merits

101 3.2 Responsible Authority - Protection of Children from Harm

102 3.2.1 In exercising the Licensing Authority's powers under Section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm the following principles are applied:

103 • the need for the body to be responsible for an area covering the whole of the Licensing Authority's area

104 • the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group and

105 • whether the body has experience in relation to protection of children issues.

106 3.2.2 The Licensing Authority designates the Borough of Poole Children and Young Peoples

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
**Services for the purpose of providing advice about
protection of children from harm.**

107 3.2.3The Licensing Authority designates the
Borough of Poole Regulatory Services for the
purpose of providing advice in relation to pollution,
the environment and human health.

108 3.2.4The contact details for the Children and
Young Peoples Services and Regulatory Services
can be found on the Borough of Poole website:

109 www.poole.gov.uk

110 4. Interested Parties

111 4.1 Interested Parties – General

112 4.1.1The Act identifies various categories of
person who may be Interested Parties in relation to
an application for or in respect of a Premises

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy**

**Licence, namely a person who in the opinion of the
Licensing Authority:**

- 113 • lives sufficiently close to the premises and likely to be affected by the authorised activities**
 - 114 • has business interests that might be affected by the authorised activities or**
 - 115 • represents persons who satisfy either of the two sub-paragraphs above.**
- 116 4.1.2 Interested parties can make representations about licence applications or apply for a review of an existing licence.**
- 117 4.2 Interested Parties – Principles relating to determination**
- 118 4.2.1 The Licensing Authority will apply various principles to determine whether a person is an Interested Party and will generally require written evidence that a person or body represents someone who complies with 4.1.1 above.**
- 119 4.2.2 The Licensing Authority will consider each situation on its own merits.**
- 120 4.2.3 In determining whether a person lives “sufficiently close to the premises”, the Licensing Authority will have regard to such of the following**

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
**factors as it considers appropriate to the
circumstances:**

- 121 • the size of the premises**
- 122 • the nature of the premises**
- 123 • the distance of the premises from the
location of the person making the representation**
- 124 • what might, in the opinion of the Licensing
Authority, be reasonably regarded as a potential
impact of the premises (this might for example be
influenced by the anticipated number of customers,
routes likely to be taken by those visiting the
premises etc.)**
- 125 • the nature of the complainant. This is not
meant to cover the personal characteristics of the
complainant, but the interest of the complainant
where they may be relevant to the distance from
the premises. For example, the Licensing Authority
is likely to apply a wider interpretation to the
meaning of “sufficiently close” where the
complainant provides services attended by
children or vulnerable adults and**
- 126 • such other factors as it considers are
relevant.**
- 127 4.2.4 In determining whether a business interest is
“likely to be affected”, the Licensing Authority will**

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy

**have regard to such of the following factors as it
considers appropriate to the circumstances:**

128 the size of the premises

**129 the “catchment” area of the premises (i.e. how far
people travel to visit)**

**130 • the nature of the business that is suggested
might be affected and**

**131 • such other factors as it considers are
relevant.**

**132 4.2.5 In determining whether a person is regarded
as representing a person in either of the other two
Interested Party categories, the Licensing Authority
in particular considers that the following may fall
within this category:**

**133 • Members of Parliament or Elected
Councillors**

134 • Residents’ and tenants’ associations and

135 • Trade unions and trade associations

**136 4.2.6 The Licensing Authority will not necessarily
consider a person as representing one of the other
categories of Interested Party unless the person
can demonstrate:**

**137 • that they have specifically been requested in
writing to represent that person and / or business**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
in relation to the submission of the representation
and / or**

138 • that, in the case of a body, it represents a significant number of persons that have made submission with regards to the representation.

139 4.2.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Borough of Poole Legal and Democratic Services for advice.

140 5. Responsible Authorities and Interested Parties

141 5.1 Representations

142 5.1.1 A representation made by a Responsible Authority or Interested Party that is not withdrawn following mediation or dispute resolution will normally result in a hearing.

143 5.1.2 In certain circumstances however, a hearing need not take place. For example, where the

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy**

**Licensing Authority considers that the
representation:**

144 • is vexatious

145 • is frivolous

**146 • will certainly not influence the authority's
determination of the application**

147 6. Disclosure/Exchange of Information

148 6.1 Exchange of Information – General

**149 6.1.1 The Act, and other legislation such as the
Data Protection Act 1998 and the Freedom of
Information Act 2000, places various statutory
duties and responsibilities upon the Licensing
Authority in relation to the exchange and
disclosure of information that is available to it.**

**150 6.1.2 The Licensing Authority in carrying out its
duties will have full regard to the provisions of the
Data Protection Act 1998 and the Freedom of
Information Act 2000. A guide to information held
by the Borough of Poole and freedom of
information requests can be found via the following
link:**

**151 [http://www.poole.gov.uk/your-council/data-
protection-and-information-requests/guide-to-
information-we-publish/](http://www.poole.gov.uk/your-council/data-protection-and-information-requests/guide-to-information-we-publish/)**

**152 6.2 Exchange / Disclosure of Information –
Principles**

**153 6.2.1 The principle that the Licensing Authority
applies is that it will act in accordance with the
provisions of the Gambling Act 2005 in its
exchange of information. It will have regards to**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy**

Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided within the Act.

- 154 6.2.2**Where the Licensing Authority has discretion as to whether or not information may be disclosed / exchanged it will in particular normally have regard to the following principles:
- 155 •** any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply
 - 156 •** upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it and
 - 157 •** the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.
- 158 6.2.3**Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. Information will

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
**not be disclosed where statute expressly prevents
its disclosure.**

159 7. Enforcement

160 7.1 Enforcement – General

161 7.1.1 The Act provides various bodies including the Licensing Authority with power to authorise persons to undertake inspections for a variety of purposes. Furthermore the Licensing Authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act.

162 7.2 Inspections and instituting criminal proceedings – Principles

163 7.2.1 In considering whether to undertake an inspection of a premise, the Licensing Authority will be guided by the Gambling Commission's Guidance and will endeavour to be:

- 164 • Proportionate: regulators should only intervene when necessary: remedies should be**

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
**appropriate to the risk posed, and costs identified
and minimised**

- 165 • Accountable: regulators must be able to justify decisions, and be subject to public scrutiny**
- 166 • Consistent: rules and standards must be joined up and implemented fairly**
- 167 • Transparent: regulators should be open, and keep regulations simple and user friendly and**
- 168 • Targeted: regulation should be focused on the problem, and minimise side effects.**
- 169 7.2.2 This licensing authority has adopted and implemented a risk-based inspection programme, based on:**
 - 170 • The licensing objectives**
 - 171 • Relevant codes of practice**
 - 172 • Guidance issued by the Gambling Commission, in particular at Part 36 and**
 - 173 • The principles set out in this statement of licensing policy**
- 174 7.2.3 In considering whether to undertake an inspection of a premises, the Licensing Authorities will in particular have regard to the following principles:**
 - 175 • When considering whether to undertake any inspection each situation will be considered on its own merits;**
 - 176 • An inspection will not normally be undertaken unless it is considered relevant for the**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
purposes of an application or actual or potential
enforcement issue;**

- 177 • will exercise its responsibilities in relation to inspections having regard to the further principles set out below.**
- 178 • Promoting efficient and effective regulatory approaches which improve outcomes without imposing unnecessary burdens on businesses.**
- 179 7.2.4 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities the licensing authority will undertake to liaise with the Gambling Commission to determine what, if any, test purchasing schemes may already be in place. Irrespective of the actions of the operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.**
- 180 7.2.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions, which it authorises**
- 181 7.2.6 As per the current Gambling Commission's Guidance to Licensing Authorities it will endeavour to avoid duplication with other regulatory regimes so far as possible**
- 182 7.2.7 In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will**

**Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
in particular have regard to the following
principles:**

- 183 • each case will be considered on its own merits**
- 184 • in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with the enforcement policy of the Borough of Poole (as may be amended from time to time) and the Regulatory Code of Conduct that is current at that time (if any)**
- 185 • whether the instigation of criminal proceedings accords with the Code for Crown Prosecution Service current at that time (if any) and**
- 186 • in so far as it may be relevant to the assessment, that it will undertake proceedings in**

Borough of Poole Gambling Act 2005 Statement of
Gambling Policy
**accordance with the principles set out in 7.2.1
above.**

**187 7.3 Carrying out enforcement responsibilities –
Risk**

**188 7.3.1 Criteria that may normally contribute to an
assessment to determine the level of risk that
applies to a premise are:**

- 189 • the size of the premises**
- 190 • the proximity of the premises to identified
vulnerable persons**
- 191 • whether any complaints are received in
relation to the premises and, if so, the nature and
number of complaints that are considered relevant**
- 192 • the history of the premises**
- 193 • information submitted from relevant persons
or bodies and**
- 194 • such other factors as the particular
circumstances of the individual situation warrant.**

195 Notices

195.1 Temporary Use Notices

- 195.1.1 A Temporary Use Notice may be used where a gambling
operator wishes to use premises (as identified in the Act) where
there is no premises licence for temporarily providing facilities
for gambling.**
- 195.1.2 Temporary Use Notices – Miscellaneous**
- 195.1.3 A Temporary Use Notice may only be granted to a person or
a company holding a relevant operating licence.**
- 195.1.4 The same set of premises may not be the subject of a
temporary use notice for more than twenty-one days in any**

Borough of Poole Gambling Act 2005 Statement of Gambling Policy

twelve month period, but may be the subject of several notices provided the total does not exceed twenty-one days.

195.1.5 It is for the Licensing Authority to determine in each case as to what constitutes a set of premises.

195.1.6 Temporary Use Notices – Decision Making

195.1.7 Where an objection has been received in relation to a Temporary Use Notice, and then if the Licensing Authority considers that it should not have effect or should have effect only with modification, the Licensing Authority may give a counter-notice.

195.1.8 A counter notice providing that a Temporary Use Notice will not take effect will be given by the Licensing Authority where the notice would contravene the maximum number of days available for a set of premises.

195.1.9 The counter-notice can prevent the Temporary Use Notice from having effect or may limit the Notice in other various prescribed ways.

195.1.10 The principles that the Licensing Authority applies in deciding whether to issue a counter-notice are the same as those in determining Premises Licence applications.

195.2 Occasional Use Notices

195.2.1 Occasional Use Notices - General

195.2.2 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.

195.2.3 Occasional Use Notices – Miscellaneous

195.2.4 Occasional Use Notices may not be relied upon for more than eight days in a calendar year.

195.2.5 The Act prescribes the requirements and process for using such notices; this includes giving Notice to the Licensing Authority and copying it to prescribed parties.

Borough of Poole Gambling Act 2005 Statement of Gambling Policy

Appendix

APPENDIX A Map showing the Borough of Poole

Borough of Poole Gambling Act 2005 Statement of Gambling Policy



Borough of Poole Gambling Act 2005 Statement of Gambling Policy

APPENDIX B

195.2.6 Summary of Licensing Authority delegations permitted under the Gambling Act 2005

Matters To Be Dealt With	Full Council	Licensing Authority Sub-Committee	Officers (As set out in Standing Orders)
Three year Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received and not withdrawn	Where no representations received from the Commission.
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permit		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn.
Cancellation of club gaming/club		X	

Borough of Poole Gambling Act 2005 Statement of Gambling Policy

machine permits			
Application for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

Full details on the different types of licences/notices, application processes, fees, and the requirements with regard to submission of plans are available on the Council's website - www.poole.gov.uk

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Christchurch Borough Council

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**Statement of
Licensing Policy**

2016-2019

Gambling Act 2005

CONTENTS

PART A GENERAL PRINCIPLES

1. Licensing Objectives
2. Introduction
 - 2.1 Duration of Statement
 - 2.2 Content of Statement
 - 2.3 Geographical Application of Statement
 - 2.4 Consultation Process
 - 2.5 Declaration
 - 2.6 Fundamental Principles
3. Responsible Authorities
4. Interested Parties
 - 4.1 General
 - 4.2 Principles Relating to Determination
5. Representations
6. Disclosure/Exchange of Information
 - 6.1 Exchange of information – General
 - 6.2 Exchange/Disclosure of information - Principles
7. Enforcement
 - 7.1 General
 - 7.2 Inspections and Instituting of Criminal Proceedings
 - 7.3 Enforcement Responsibilities

PART B SPECIFIC FUNCTIONS

8. Premises Licences
 - 8.1 Fundamental Principles
 - 8.2 General
 - 8.3 Adult Gaming Centre Premises Licence
 - 8.4 Licensed Family Entertainment Centres
 - 8.5 Bingo Premises Licence
 - 8.6 Betting Premises
 - 8.7 Tracks
 - 8.8 Decision making
 - 8.9 Conditions
 - 8.10 Reviews
 - 8.11 Casino Resolution
9. Permits
 - 9.1 Club Gaming Machine
 - 9.2 Club Gaming Permits
 - 9.3 Club Gaming Permits/Club Gaming Machines – Decision Making

- 9.4 Alcohol Licensed Premises – Gaming Machine Permits
 - 9.5 Prize Gaming Permits
 - 9.6 Unlicensed Family Entertainment Centre Gaming Machine Permits
- 10. Notices
 - 10.1 Temporary Use Notices
 - 10.2 Occasional Use Notices
- 11 Miscellaneous
 - 11.1 Travelling Fair
- 12 Registrations
 - 12.1 Small Society Lotteries
 - 12.2 Enforcement Principles

PART A - GENERAL PRINCIPALS

1. Licensing Objectives

- 1.1 When dealing with licensing matters Christchurch Borough Council (*“the Licensing Authority”*) will promote the three licensing objectives set out in the Gambling Act 2005 (*“the Act”*). These licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way; and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling (*“the Licensing Objectives”*).
- 1.2 For the purposes of interpreting these objectives:
- The term *“disorder”* is interpreted as meaning an activity that is more serious and disruptive than mere nuisance;
- Reference to *“vulnerable persons”* includes people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol and/or drugs;
- The phrase *“harmed or exploited by gambling”* can mean preventing children and vulnerable people from taking part in or being in close proximity to gambling, and controlling advertising so that gambling products are not aimed at vulnerable people or advertised in such a way that makes them particularly attractive to such people.
- 1.3 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 1.3.1 If the Licensing Authority considers an application for a premises licence in an area that is noted for particular problems with organised crime, it shall first consider what controls might prevent the premises from becoming a source of crime. This could include conditions being put on the licence, such as a requirement for door supervisors.
- 1.4 **Ensuring that Gambling is Conducted in a Fair and Open Way**
- 1.4.1 Generally, the Gambling Commission addresses this Objective.
- 1.4.2 However, Licensing Authorities’ role in this respect will differ when considering the licensing of tracks, in that track owners will not necessarily have an operating licence from the Gambling Commission.
- 1.4.3 On receipt of an application for a track betting premises licence, the Licensing Authority would therefore seek advice from the Gambling Commission in respect of the likelihood of compliance with this Objective.
- 1.5 **Protecting Children and Other Vulnerable Persons from Being Harmed or Exploited by Gambling**
- 1.5.1 The general principle applied in respect of this Objective is to ensure that children are prevented from taking part in gambling in licensed premises.
- 1.5.2 The Licensing Authority will therefore take steps to ensure that any advertising of the gambling activities within its control are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 1.5.3 The Licensing Authority will balance its duties to protect vulnerable persons against the fundamental principle to allow the use of premises for gambling.
- 1.5.4 However, regulatory action would be taken against licensees of premises that were considered to purposely exploit persons who are under the influence of substance misuse, have learning disabilities, or mental health illnesses, for example.

2. Introduction

2.1 Duration of Statement

- 2.1.1 This statement of principles is the Licensing Authority's published policy for the purposes of the Act. It will run for a period of three years commencing 31st January 2016.
- 2.1.2 This policy will be applied in the exercise of the Licensing Authority's functions under the Act during that period.
- 2.1.3 The policy will be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be published before it takes effect.

2.2 Content of Statement

- 2.2.1 A summary of information contained within this statement is attached as an index at the front of this document.
- 2.2.2 The licensable activities covered by this statement are:

Premises Licences

- Adult gaming centres
- Bingo premises;
- Betting offices, including tracks;
- Casinos; and
- Licensed family entertainment centres;

Permits

- Club gaming;
- Club gaming machines;
- Gaming machines on alcohol licensed premises;
- Prize gaming; and
- Unlicensed family entertainment centres;

Notices

- Temporary use; and
- Occasional use.

Miscellaneous

- Travelling fairs

Registrations

- Small society lottery registrations

- 2.2.3 The contents of this document are not a full or authoritative statement of the law or statutory guidance and do not constitute professional or legal advice.
- 2.2.4 This statement is published on the Licensing Authority's website and is available at the offices of the Licensing Authority during normal working hours.
- 2.2.5 The Licensing Authority's website is **www.dorsetforyou.com**

2.3 Geographical Application of Statement

- 2.3.1 The Borough of Christchurch is situated on the south coast of England in the south-east region of the County of Dorset. It abuts the Unitary Borough of Bournemouth to the west, the District of East Dorset to the north and the New Forest District of Hampshire to the east. Christchurch has a population of nearly 45,000, the ninth smallest District in England. The Borough covers an area of 50 square kilometres and has a population density of 891 people per square kilometre, four times higher than the south-west regional average and over twice the density for England.

2.4 Consultation Process

2.4.1 In developing this statement, the Licensing Authority consulted with:

- Police & Crime Commissioner
- The chief officer of Police in Dorset;
- Bookmaking Businesses
- The British Casino Association
- Dorset Fire and Rescue
- Parish Councils
- Chambers of Commerce within the Borough
- Dorset Chamber of Commerce and Industry
- Federation of Small Businesses (Wessex Region)
- Citizens Advice Bureau
- Dorset County Council
- Representatives of local residents

2.5 Declaration

2.5.1 In producing this licensing policy statement, the Licensing Authority has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and responses received from those consulted on the policy statement.

2.6. Fundamental Principles

2.6.1 In carrying out its functions the Licensing Authority will regulate gambling in the public interest.

2.6.2 Any application received will be considered on its merits and in accordance with the requirements of the Act.

2.6.3 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible.

2.6.4 The Licensing Authority will, in particular when considering its functions in relation to applications and enforcement, have regard to the Human Rights Act 1998.

3. Responsible Authorities

3.1 Responsible Authorities - General

- 3.1.1 The Act specifies various bodies as Responsible Authorities. A list of the Responsible Authorities for the area of the Licensing Authority can be found on the Council's website at **www.dorsetforyou.com**
- 3.1.2 The Responsible Authorities must be notified of applications in relation to Premises Licences and are entitled to make representations in relation to them.

3.2 Responsible Authority - Protection of Children from Harm

- 3.2.1 When exercising the Licensing Authority's powers under section 157(h) of the Act in designating a body competent to advise the Licensing Authority about protection of children from harm, the following principles are applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.
- 3.2.2 Taking the above matters into account, the Licensing Authority designates Dorset County Council Child Services for the purpose of providing advice about protection of children from harm.

4. Interested parties

4.1 Interested Parties - General

4.1.1 The Act identifies various categories of persons who may be Interested Parties (*"Interested Parties"*) in relation to an application for or in respect of a Premises Licence, namely a person who in the opinion of the Licensing Authority:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- has business interests that might be affected by the authorised activities; or
- represents persons who satisfy either of the two sub-paragraphs above.

4.1.2 Interested parties can make representations about licence applications or apply for a review of an existing licence.

4.1.3 All interested parties (which may include representations from within the trade) must ensure that their comments are directly linked to one of the Licensing Objectives.

4.2 Interested Parties - Principles Relating to Determination

4.2.1 The Licensing Authority will apply various principles to determine whether a person is an Interested Party.

4.2.2 The Licensing Authority will consider each situation on its own merits.

4.2.3 In determining whether a person lives *"sufficiently close to the premises"*, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- what might, in the opinion of the Licensing Authority, be reasonably regarded as a potential impact of the premises (this might for example be influenced by the anticipated number of customers, routes likely to be taken by those visiting the premises etc);
- the nature of the complainant. This is not meant to cover the personal characteristics of the complainant, but the interest of the complainant where they may be relevant to the distance from the premises. For example, the Licensing Authority is likely to apply a wider interpretation to the meaning of *"sufficiently close"* where the complainant provides services attended by children or vulnerable adults; and
- such other factors as it considers are relevant.

4.2.4 In determining whether a business interest is *"likely to be affected"*, the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:

- the size of the premises;
- the "catchment" area of the premises (i.e. how far people travel to visit);
- the nature of the business that it is suggested might be affected; and
- such other factors as it considers are relevant.

4.2.5 In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:

- Parish Councils;
- Residents' and tenants' associations; and
- Trade unions and trade associations

4.2.6 However, the Licensing Authority will not necessarily consider a person as

representing one of the other categories of Interested Party unless the body can demonstrate:

- that they have specifically been requested in writing to represent that person and/or business in relation to the submission of the representation; and / or
- that, in the case of a body, it represents at least ten persons.

4.2.7 Interested parties can also be represented by other persons such as Councillors, MPs etc. Care should be taken when approaching Councillors that they are not part of the Licensing Committee dealing with the licence. If there are any doubts then please contact the Licensing Department.

5. Representations

5.1 Responsible Authorities and Interested Parties - Representations

5.1.1 A representation made by a Responsible Authority or Interested Party which is not withdrawn will normally result in a hearing taking place.

5.1.2 In certain circumstances however, a hearing need not take place. For example, where the Licensing Authority consider that the representation:

- is vexatious;
- is frivolous; or
- will certainly not influence the authority's determination of the application.

6. Disclosure/Exchange of Information

6.1 Exchange of Information - General

- 6.1.1 The Act, and other legislation such as the Data Protection Act 1998 and the Freedom of Information Act 2000, places various statutory duties and responsibilities upon the Licensing Authority in relation to the exchange and disclosure of information that is available to it. In this context, specific reference has been made to Sections 29,30 and 350 of the Gambling Act 2005, and the required exchange of information with the Gambling Commission

6.2 Exchange / Disclosure of Information - Principles

- 6.2.1 The Licensing Authority will comply with all statutory duties imposed upon it which require it to disclose information, subject always to any legislative restrictions that impact upon any such requirement.
- 6.2.2 Where the Licensing Authority has to exercise discretion as to whether or not information may be disclosed / exchanged it will in particular normally have regard to the following principles:
- any request that is received for the disclosure of information will be considered on its merits having regard to any general statutory principles that might apply;
 - upon receipt of a request for any exchange or disclosure, information will not normally be withheld where it is considered by the Licensing Authority that this may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors which the Licensing Authority considers as being of relevance to it; and
 - the Licensing Authority may also provide information available to it, whether a request has been received or not, if it considers it may aid in the promotion of the licensing objectives, and does not unacceptably conflict with other factors as identified above.
- 6.2.3 Where representations are received in relation to any function being exercised by the Licensing Authority under the Act, those representations will normally be disclosed to an extent that the Licensing Authority considers reasonable in the circumstances. In particular, in making this assessment, the Licensing Authority will have regard to the interests of natural justice and Article 6 of the Convention on Human Rights. Information will not be disclosed where statute expressly prevents its disclosure.
- 6.2.4 In so far as the law allows, the Licensing Authority generally favours full disclosure of all relevant representations made in relation to an application that it is considering under the Act.
- 6.2.5 The Licensing Authority in carrying out its duties will have full regard to the provisions of the Data Protection Act 1998 and the Freedom Of Information Act 2000.
- 6.2.6 Where the law allows, a data subject for the purposes of the above legislation may require and be entitled to information that is held by the Licensing Authority. Some information may be accessible via the Licensing Authority's website and registers that the Licensing Authority is obliged to keep under the Act. Where this is not the case, then a request for such data should be made in writing addressed to the Licensing Section of the Licensing Authority.

7. Enforcement

7.1 Enforcement - General

- 7.1.1 The Act provides various bodies, including the Licensing Authority, with power to authorise persons to undertake inspections for a variety of purposes. Furthermore, the Licensing Authority has the capacity to instigate criminal proceedings for various offences that are specified within the Act.

7.2 Inspections and Instituting Criminal Proceedings - Principles

- 7.2.1 In considering whether to undertake an inspection of a premises, the Licensing Authority will in particular normally have regard to the following principles:

- When considering whether to undertake any inspection each situation will be considered on its merits;
- that the Licensing Authority will not usually undertake an inspection unless it is considered relevant for the purposes of an application or actual or potential enforcement issue;
- in the case of enforcement action generally, will act having given due consideration to the enforcement policy adopted by East Dorset District Council (as may be amended from time to time) and the Regulatory Compliance Code that is current at that time (if any); and
- that it will exercise its responsibilities in relation to inspections having regard to the further principles set out below.

- 7.2.2 In considering whether to exercise its powers in relation to the institution of criminal proceedings in the Act, the Licensing Authority will in particular normally have regard to the following principles:

- each case will be considered on its merits;
- in so far as it may be relevant to the assessment, whether the Licensing Authority has acted in accordance with the enforcement policy of Christchurch Borough Council and the Regulatory Compliance Code referred to above;
- whether the instigation of criminal proceedings accords with the Code for Crown Prosecutors current at that time (if any); and
- in so far as it may be relevant to the assessment, that it will undertake proceedings in accordance with the principles set out below.

- 7.2.3 The principles referred to in the paragraphs are that the Licensing Authority will, in so far as it is appropriate, be:

- proportionate;
- accountable;
- consistent;
- transparent; and
- targeted.

7.3 Carrying out Enforcement Responsibilities - Risk

- 7.3.1 In carrying out its enforcement responsibilities, the Licensing Authority will normally adopt a risk based approach.

- 7.3.2 Criteria that may normally contribute to an assessment to determine the level of risk that applies to a premises are:

- the size of the premises;
- the proximity of the premises to identified vulnerable persons;
- whether any complaints are received in relation to the premises and, if so, the nature and number of complaints that are considered relevant; and
- such other factors as the particular individual circumstances warrant

PART B - SPECIFIC FUNCTIONS

8. Premises Licences

8.1 Fundamental Principles Applying to Premises Licences

- 8.1.1 In considering an application for a premises licence no regard will be had as to whether there is unfulfilled demand for the facilities for the premises licence that is sought.
- 8.1.2 As it does not relate to a licensing objective, moral objections to gambling will not be regarded as a valid reason to reject an application for a premises licence.
- 8.1.3 In exercising its functions in relation to Premises Licences, the Licensing Authority will aim to permit the use of premises for gambling in so far as the Licensing Authority think it:
 - in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant Guidance issued by the Gambling Commission;
 - reasonably consistent with the Licensing Objectives (subject to the two sub-paragraphs above); and
 - in accordance with this Statement (*subject to the three sub-paragraphs above*).

8.2 Premises Licence - General

- 8.2.1 For the purposes of the Act, the term “premises” is defined as including any place and in particular a vessel and a vehicle.
- 8.2.2 The Act provides that different premises licences cannot apply in respect of single premises at different times. eg. A premises could not be licensed as a bingo hall on weekdays and a betting shop at weekends.
- 8.2.3 Whilst premises is defined in the Act as “any place” it is for the Licensing Authority to decide whether different parts of a building can be properly regarded as being separate premises.
- 8.2.4 In considering applications for multiple licences for a building or those for a specific part of the building to be licensed the Licensing Authority will take particular note of the following:
 - the third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also that they are not permitted to be in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or closely observe gambling; and
 - entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.

8.3 Adult Gaming Centre Premises Licence

- 8.3.1 An Adult Gaming Centre is a premises for which a Premises Licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over.
- 8.3.2 An Adult Gaming Centre Premises Licence can authorise the holder:
 - to make up to four category B gaming machines;
 - to make any number category C gaming machines; and
 - to make any number of category D gaming machines.

- 8.3.3 The licensing authority will particularly have regard to the need to protect persons under 18 and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.
- 8.4 Licensed Family Entertainment Centres**
- 8.4.1 A Licensed Family Entertainment Centre is a premise for which a Premises Licence is granted to provide, subject to certain restrictions, gaming machines. Persons under eighteen years old will not be permitted to use certain gaming machine categories that the Premises License might authorise and there will need to be segregation between the different gaming machine types.
- 8.4.2 The Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 8.5 Bingo Premises Licence**
- 8.5.1 Bingo does not have a statutory definition
- 8.5.2 The holder of a Bingo Premises Licence will be able to offer any type of bingo game, whether cash or prize. Furthermore the holder of the licence may also make available for use:
- up to four category B gaming machines (B3 or B4);
 - any number of Category C machines;
 - any number of Category D machines.
- 8.5.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on Category D machines.
- 8.5.4 The Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machines.
- 8.5.5 Whilst each application will be considered on its merits, factors to which the Licensing Authority may in particular have regard when determining an application of this nature include the suitability and layout of bingo premises.
- 8.6 Betting Premises**
- 8.6.1 A Betting Premises Licence is usually required to enable betting to take place on premises, (mostly known as bookies). However, the regional, large and small categories of new casinos permitted under the Act will be entitled to provide facilities for betting without a separate Betting Premises Licence.
- 8.6.2 By virtue of a Betting Premises Licence the holder may, subject to certain restrictions, make available for use up to four gaming machines.
- 8.6.3 Other than in the case of tracks, for which special rules apply, children and young persons will not be able to enter premises with a Betting Premises Licence.
- 8.6.4 In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person to person transactions and the ability of staff to monitor use of machines.
- 8.6.5 As part of the powers available to the Licensing Authority in relation to the imposition of conditions, the Licensing Authority may attach conditions restricting the number of betting machines, their nature and circumstances in which they are made available. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives.

- 8.6.6 This authority will give sympathetic consideration to re-sites within the same locality and extensions in order to enhance the qualities of the betting premises.
- 8.7 Tracks**
- 8.7.1 Tracks are sited (including racecourses and dog tracks) where races or other sporting events take place.
- 8.7.2 For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place
- 8.7.3 Tracks may be subject to more than one Premises Licence, provided each Licence relates to a specific area of the track without overlap.
- 8.7.4 Children and young persons are permitted to enter track area where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but having regard to the need to protect persons under 18 years of age from harm they should be prevented from entering areas where gaming machines (other than category D machines) are provided.
- 8.7.5 In recognition of the extant guidance on this matter, the Licensing Authority will normally require detailed plans of the premises showing the following information:
- location of gaming machines;
 - location of betting machines;
 - location of any racetrack;
 - location of any on-course betting facilities;
 - location of any off-course betting facilities;
 - location of any areas to be the subject of additional Premises Licence application
- 8.8 Premises Licence - Decision Making**
- 8.8.1 In making a determination in respect of a Premises Licence, the Licensing Authority cannot have regard to irrelevant matters i.e. those that do not relate to gambling and the Licensing Objectives.
- 8.8.2 Therefore issues relating to whether a planning permission or building regulations may or may not be granted are not relevant to the determination. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.
- 8.8.3 Whilst each application will be considered on its own merits, factors to which the Licensing Authority may in particular have regard when determining an application include:
- proximity of gambling premises to properties regularly frequented by vulnerable persons;
 - the suitability of the premises for gambling in the context of the licensing objectives;
 - the type of gambling that is proposed at the premises;
 - any information provided by the applicant showing how it is proposed to overcome any licensing objective concerns; and
 - whether any relevant objections to an application could be addressed by the use of one or more conditions.
- 8.8.4 In circumstances where the Licensing Authority proposes to attach or reject conditions as part of a decision it will give reasons as required by the Act. Reasons will also be given if the Licensing Authority determines to reject an application.
- 8.9 Premises Licence - Conditions**
- 8.9.1 The Act and associated provisions enables mandatory conditions to be attached to

- such Premises Licences as may be specified.
- 8.9.2 Furthermore, the Act also provides the power for default conditions to be attached to such Premises Licences as may be specified in regulations unless the Licensing Authority exclude any of them.
- 8.9.3 Subject to certain legislative exceptions, power is also available to a Licensing Authority to attach further conditions in addition to those identified above. Such conditions may apply in relation to a premises generally or only in relation to a specified part of the premises.
- 8.9.4 Where a discretion exists, the Licensing Authority will not impose its own Condition on a Premises Licence unless it relates to an issue arising in respect of the gambling proposal.
- 8.9.5 In exercising a discretion as to whether to impose any further condition, the Licensing Authority will be proportionate to the circumstances being considered.
- 8.9.6 The Licensing Authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 8.9.7 The Licensing Authority will consider limiting the number of betting machines in betting offices only where there is clear evidence that such machines have been, or are likely to be, used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter as part of its deliberations.
- 8.9.8 When considering the need for conditions, the Licensing Authority will particularly have regard to the need to protect children, young persons and other vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to adult only gaming machines.
- 8.9.9 This Licensing Authority will expect applicants/licensees to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- provision of CCTV;
 - supervisions of entrances / gaming machine areas;
 - physical separation of different areas within the premises;
 - location of entry to premises;
 - numbers, locations and wording of signage / notices / rules;
 - self barring schemes;
 - specific opening hours;
 - provision of information leaflets / helpline numbers for organisations, such as GamCare;
 - proof of age schemes.
- 8.9.10 It should be noted that this list is not mandatory, nor exhaustive and is merely indicative of example measures
- 8.10 **Premises Licence - Reviews**
- 8.10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious or will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission

- reasonably consistent with the licensing objectives and
 - in accordance with the authority's statement of licensing policy.
- 8.10.2 Whilst the Licensing Authority recognises the importance of the right of 'responsible authorities' and 'interested parties' to request reviews of premises licences, the Licensing Authority would expect a reasonable interval between hearings for the same premises, and unless exceptional and compelling circumstances existed, would not hold a repeat hearing within 12 months.
- 8.10.3 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.
- 8.11 **Casino Resolution**
- 8.11.1 This Licensing Authority has passed a resolution not to issue Casino Premise Licences under section 166 of the Gambling Act 2005. The reasons being that:
- the scale and use of a casino would be out of character with the Borough of Christchurch; and,
 - that a casino might be located in a neighbouring authority therefore it would not be appropriate to have another casino in such close proximity.

9. Permits

9.1 Club Gaming

9.1.1 A Club Gaming Permit authorises establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations. A 48 hour rule of membership applies in respect of all three types of gaming.

9.1.2 Before granting the permit the Licensing Authority must be satisfied that the premises meet the requirements of a members club and that the majority of members are over 18.

9.2 Club Gaming Machine Permits

9.2.1 A Club Gaming Machine Permit authorises establishments to provide gaming machines where the establishment is a members club as referred to in paragraph 9.1.2 above.

9.3 Club Gaming Permits/Club Gaming Machines – decision making

9.3.1 The Licensing Authority cannot attach conditions to either of these permits.

9.3.2 Subject as provided below, the Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements of a members or commercial club;
- the applicant's premises are used wholly or mainly by persons under the age of eighteen;
- an offence under the Act, or a breach of permit has been committed by the applicant in the course of gaming activities being carried on;
- a permit held by the applicant has been cancelled in the last ten years; or
- an objection to the application has been made by the Gambling Commission or the Police.

9.3.3 In the case of a club which holds a Club Premises Certificate under the Licensing Act 2003, the Licensing Authority may only refuse an application on the grounds that:

- the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

9.3.4 Neither the Gambling Commission nor the Police may object to applications in these circumstances.

9.4 Alcohol Licensed Premises Gaming Machine Permits

9.4.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines of categories C and/or D. The premises merely need to notify the licensing authority.

9.4.2 However, the licensing authority may remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (ie that written notice has been provided and that

any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with).

- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises

9.4.3 If a premises wishes to have more than 2 machines, then it needs to apply for a permit. The issue of such a permit replaces the automatic entitlement.

9.4.4 The Licensing Authority will consider applications taking into account the Licensing Objectives, Guidance issued by the Gambling Commission and such matters as it considers relevant on a case by case basis.

9.4.5 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machine, taking into account the factors referred to in the paragraph above, but cannot attach any other conditions.

9.5 **Prize Gaming Permits**

Prize gaming is defined under section 288 of the Act as gaming in which a prize exists that is not influenced by the number of players or the amount paid to participants.

9.5.1 A Prize Gaming Permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises

9.5.2 The Licensing Authority does not need to have regard to the licensing objectives when considering applications for such permits, but will take into account the Guidance of the Gambling Commission.

9.5.3 It will give particular weight to child protection issues when considering such applications, given that the premises will particularly appeal to children and young persons.

9.5.4 The Licensing Authority cannot attach any additional conditions to those mandatory conditions contained in the Act.

9.5.5 In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following in writing in order to ensure that adequate information is provided to enable a proper assessment to be made:

- an up to date Criminal Record Bureau check;
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
- details of any other permit held by the applicant in respect of other premises;
- the nature of the prizes;
- the proposed frequency of prize gaming at the premises;
- details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
- details of any proposed precaution to secure the protection of harm to persons under the age of eighteen and measures for implementing the same.

9.6 **Unlicensed Family Entertainment Centre Gaming Machine Permits**

9.6.1 Such a permit authorises the provision of the category D gaming machines where no premises licence exists.

9.6.2 The Licensing Authority does not need to have to have regard to the licensing objectives when considering applications for such permits, but will take into account Guidance of the Gambling Commission. It will give particular weight to child protection issues when considering applications given that the premises will

particularly appeal to children and young persons.

- 9.6.3 The Licensing Authority cannot attach any additional conditions to those mandatory conditions contained in the Act.
- 9.6.4 The Licensing Authority may refuse an application for renewal of a permit only on the grounds that an authorised officer has been refused access to the premises without reasonable cause, or that the renewal would not be reasonably consistent with pursuit of the licensing objectives.
- 9.6.5 In addition to the statutory requirements, as part of any application for an Unlicensed Family Entertainment Centre Gaming Machine Permit, the Licensing Authority will require the following in order to ensure that adequate information is provided to enable a proper assessment to be made:
 - an up to date Criminal Record Bureau check;
 - details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited;
 - details of any other permit held by the applicant in respect of other premises;
 - the nature of the prizes;
 - the proposed frequency of prize gaming at the premises;
 - details of any training and training programme on the limits of stakes, prizes and permissible gambling relating to such permits; and
 - details of any proposed precaution to secure the protection of harm to persons under the age of eighteen and measures for implementing the same.
- 9.6.6 Applications for this permit cannot be made if a Premises License has been granted under this Act.

10. Notices

10.1 Temporary Use Notices

- 10.1.1 These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises for providing facilities for gambling.
- 10.1.2 Premises that might be suitable for a temporary use notice may include hotels, conference centres and sporting venues etc.
- 10.1.3 A temporary use notice may only be granted to a person or company holding an operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a sporting event.
- 10.1.4 The same set of premises may not be subject of a temporary use notice for more than 21 days in any 12 month period, but may be the subject of several notices provided that the total does not exceed 21 days.
- 10.1.5 When considering what may be deemed to be a '*set of premises*' the Licensing Authority will consider the management and occupation of such premises.
- 10.1.6 A large exhibition, for example, would be likely to come within the definition of a '*set of premises*' and should not be granted a temporary use notice in respect of each of its separate exhibition halls.
- 10.1.7 However, a shopping centre with a number of different units, occupied and controlled by different persons would most likely be granted separate temporary use notices.
- 10.1.8 If, after proper notice has been given to the Licensing Authority, objections are received within the prescribed timescales, the Licensing Authority will hold a hearing to listen to representations from all parties.
- 10.1.9 Before holding a hearing, the Licensing Section shall mediate between all concerned parties to see if steps could be taken to alleviate the concerns of those making representations.
- 10.1.10 The Licensing Authority will complete all required proceedings on a temporary use notice within 6 weeks. This includes whether to give a notice of objection, holding a hearing, and giving a counter notice or notice dismissing the objections.

10.2 Occasional Use Notices

- 10.2.1 These allow betting on a track on eight days or less in a calendar year, without the need for a full premises licence.
- 10.2.2 A '*track*' covers not just a horse racecourse or dog track, but also any other premises on which a race or other sporting event takes place.
- 10.2.3 This means that land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 10.2.4 There shall be no more than 8 occasional notices used on the same premises in any calendar year.
- 10.2.5 Such Notices will be accepted by the Licensing Authority from persons who are responsible for the administration of events on the track or by an occupier of the track.
- 10.2.6 Provided that the track is not used for more than 8 occasions in a calendar year, there are no provisions for counter notices or objections to be submitted.

11. Miscellaneous

11.1 Travelling Fairs

- 11.1.1 A travelling fair “wholly or principally” provides amusements.
- 11.1.2 A travelling fair must take place on a site that has been used for fairs for no more than 27 days per calendar year.
- 11.1.3 Travelling fairs do not require a permit or a licence to provide gaming machines provided that these are only category D gaming machines.
- 11.1.4 There is no limit to the number of such category D gaming machines provided that facilities for gambling amount to no more than an ancillary amusement at the fair.

12. Registrations

12.1 Small Society Lotteries

12.1.1 Small society lotteries are lotteries of a non-commercial society which is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting sport athletics, or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

12.1.2 A lottery is '*small*' if the total value of tickets put on sale in a single lottery is £20,000 or less, and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. When these amounts are exceeded the lottery is a '*large lottery*' and should be licensed by the Gambling Commission.

12.1.3 The Licensing Authority shall keep the details of every such lottery on a register. Whilst the register is not statutorily public, the Licensing Authority will make the register available to the public on request.

12.1.4 As soon as the society is registered with the Licensing Authority it will notify both the applicant and Gambling Commission of the registration.

12.1.5 The Licensing Authority with which a Small Society Lottery is required to register must be in the area where the principle office is located

12.1.6 The Licensing Authority **shall** refuse applications for registration if:

- An operating licence held by the applicant for registration has been revoked; or
- An application for an operating licence made by the applicant for registration has been refused.

12.1.7 The Licensing Authority **may** refuse an application if it is considered:

- The applicant is not a non-commercial society;
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence, or
- Information provided in or with the application for registration is false or misleading.

12.1.8 The Licensing Authority **may** revoke a registration if it thinks they would have to, or would be entitled to, refuse an application for registration if it were being made at the time.

12.1.9 Before an applicant is refused registration, or their registration is revoked, they shall be afforded the opportunity to make representations to the Licensing Authority after they have informed the society of the reasons why they are minded to refuse the registration.

12.2 Enforcement Principles Specific to Small Society Lotteries

12.2.1 In line with the Gambling Commission's Guidance relating to Small Society Lotteries, the Licensing Authority will generally adopt a light touch to the enforcement of these lotteries..

12.2.2 However, targeted enforcement procedures may include the following:

- Making a late return of a statement or making no returns within a year of registration;
- Failure to pay fees as they become due;
- Reports of sales of the lottery tickets to children;
- Reports of society lotteries being held without registration;
- Indications that the society has breached the lottery limits; and
- Reports of misappropriation of funds

For further information of advice please contact:-

Licensing Department
Christchurch Borough Council
Civic Offices
Bridge Street
Christchurch
BH23 1AZ

TEL: (01202) 795407

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Gambling Act 2005

Statement of Licensing Principles

2022 - 2025

Draft

Licensing

Author: Licensing Manager
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Index

1. Purpose Statement.....	3
2. Who the policy applies to.....	3
3. This policy replaces	4
4. Approval process.....	4
5. Policy Consultation.....	4
6. Links to Council Strategies	5
Part A	6
7. Geographical Area.....	6
8. Licensing Framework	7
9. Declaration	7
10. Responsible Authorities	8
11. Interested parties.....	8
12. Exchange of information.....	9
13. Licensing Authority functions	9
14. Promotion of licensing objectives.....	10
15. Local risk assessments	11
16. Local area profile	13
17. Enforcement.....	14
Part B	15
18. Premises Licenses	15
19. Adult Gaming Centres	17
20. Licensed Family Entertainment Centres	17
21. Casino.....	18
22. Bingo.....	18
23. Betting Premises	18
24. Tracks	19
25. Travelling Fairs.....	19
26. Provisional Statements.....	19
27. Reviews.....	20
Part C.....	21
28. Permits.....	21
29. Unlicensed Family Entertainment Centres.....	21
30. Gaming Machines in premises licenced for the sale of alcohol	22
31. Prize Gaming.....	22
32. Club gaming and club machines.....	24
Part D - Notices	26
33. Temporary Use Notices.....	26
34. Occasional Use Notices.....	26
35. Further information and evidence	26
Appendix A – Glossary of terms	27
Appendix B - Gaming Machines	30
Appendix C – Summary of gaming entitlements for clubs and pubs	32

1. Purpose Statement

- 1.1 Section 349 of the Gambling Act 2005 (the Act) requires the Licensing Authority to prepare a statement of principles that they propose to apply in exercising their functions under this Act.
- 1.2 Any decision taken by the Licensing Authority in regard to the determination of licences, permits and registrations under the Act should aim to permit the use of premises for gambling in so far as it is reasonably consistent with the licensing objectives, which are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling (“the Licensing Objectives”)
- 1.3 The Licensing Authority will follow any regulations and statutory guidance issued in accordance with the Act and will have regard to any codes of practice issued by the national gambling regulator, the Gambling Commission.
- 1.4 In making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it is:
 - In accordance with any relevant code of practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the licensing objectives and
 - In accordance with the authority’s statement of licensing policy
- 1.5 The Policy provides advice to applicants about the procedure and approach to take when making an application and aims to ensure that activities covered under the Gambling Act 2005 operate in a safe and fair manner and are sensitive to the local area in which they are situated.
- 1.6 In producing this licensing policy statement, the Licensing Authority has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and responses received from those consulted on the policy statement.

2. Who the policy applies to

- 2.1 This Statement of Licensing Policy will assist applicants, members of the Licensing Committee, and persons making representations, in the consideration of the relevant issues regarding applications, and ensuring they are dealt with fairly in line with the law.
- 2.2 This Policy also affords members of the Licensing Committee and officers alike, to consider the concerns of the public and other recognised bodies, and to take appropriate measures where the objectives of the Licensing Act 2003 are put in jeopardy after licences have been issued.
- 2.3 The Act requires that BCP Council should aim to permit the use of premises for gambling in so far as it thinks it is:
 - in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives, and

- in accordance with the authority's statement of licensing policy

2.4 Should you have any comments about this policy statement please send them via e-mail to licensing@bcpcouncil.gov.uk or letter to the following contact:

The Licensing Manager
The Licensing Team
Town Hall
Bourne Avenue
Bournemouth
BH2 6EB

3. This policy replaces

3.1 This policy replaces the previous Gambling Act 2005 Statement of Licensing Policies that covered Bournemouth Borough Council, Christchurch Borough Council and The Borough of Poole.

4. Approval process

- 4.1 BCP Council as the Licensing Authority has delegated the Licensing Committee to oversee the development and review of its Gambling Act 2005, Statement of Licensing Policy. Once finalised the policy is presented to the Full Council for ratification.
- 4.2 This policy was approved at a meeting of the full council on XX-XX-XXXX and will run for a period of three years commencing on XX-XX-XXXX.
- 4.3 This policy will be applied in the exercise of the Licensing Authority's functions under the Act during that period.
- 4.4 The policy will be reviewed from time to time, and in the light of any such review, it may be revised. Any such revision will be published before it takes effect.

5. Policy Consultation

- 5.1 Section 249 of the Act requires that licensing authorities consult with the following on their policy statement or any subsequent revision:
- the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005
- 5.2 In developing this statement, the Licensing Authority followed best practice as set by the Code of Practice on Consultation. Full public consultation took place for 12 weeks between XXXX – XXXX and the results of this were considered by the Licensing Committee on XXXX prior to the adoption of this policy.

6. Links to Council Strategies

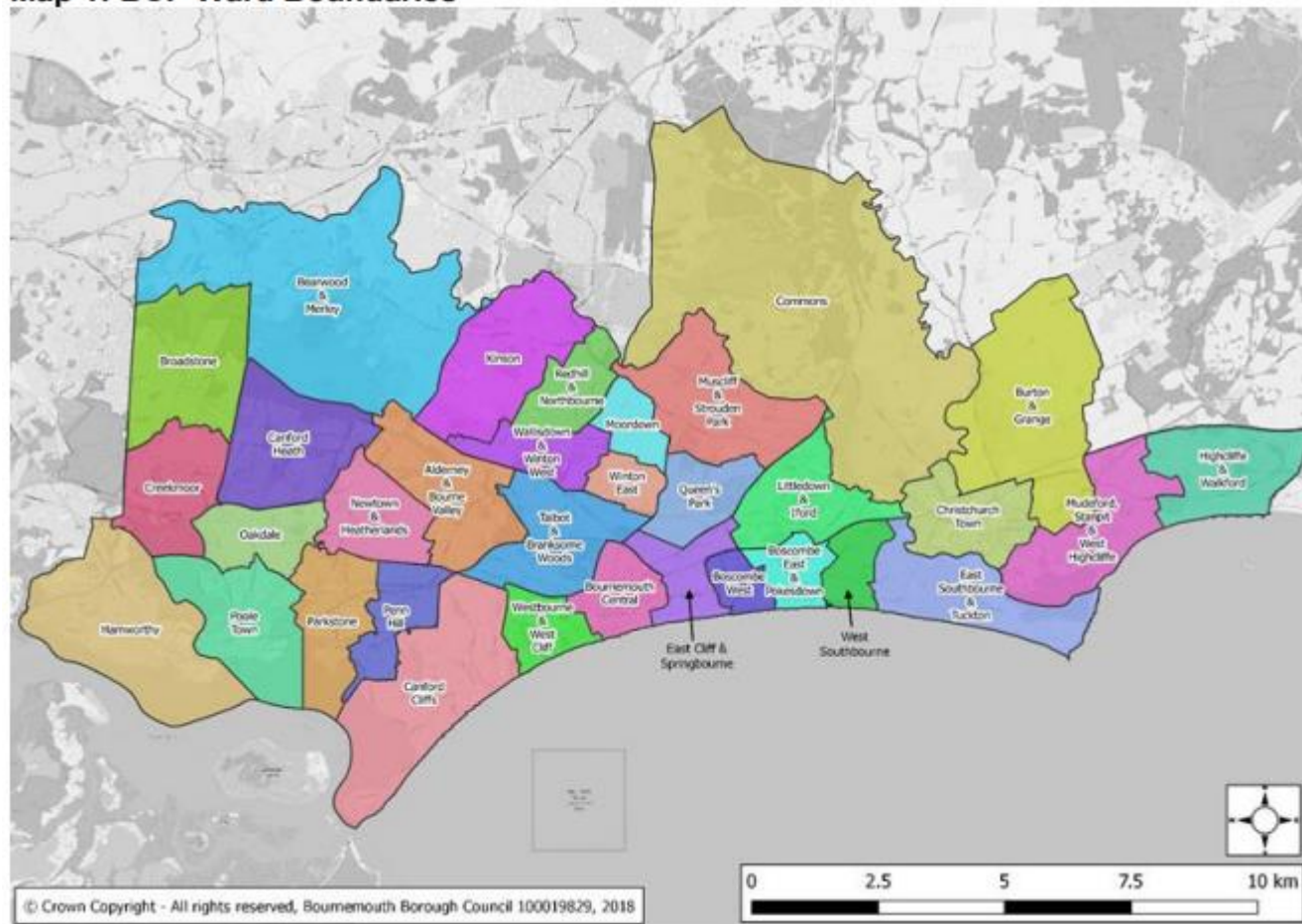
- 6.1 This Policy supports the BCP Council Corporate Strategy
<https://www.bcpCouncil.gov.uk/About-the-council/Strategies-plans-and-policies/CorporateStrategy/Corporate-Strategy.aspx>.
- 6.2 The Council's vision is to create vibrant communities with outstanding quality of life where everyone plays an active role. Effective licensing of controlled premises and activities is key to achieving this strategic vision for our communities.
- 6.3 The Licensing Authority aims to meet the BCP Council Corporate priorities regarding Dynamic Places and Connected Communities by ensuring the licensing process supports local businesses. We aim to help them to meet their statutory obligations and keep residents and visitors to our licensed venues safe, whilst still having an enjoyable leisure experience.
<https://www.bcpCouncil.gov.uk/About-BCP-Council/bcp-council-docs/BCP-Corporate-Strategy.pdf> <https://www.dorset.police.uk/media/2768/bpd-alcohol-drugs-strategy-2016-2020.pdf>
- 6.4 During the preparation of this policy document due consideration has been given to the following key BCP Council Strategies.
- Corporate Plan
 - Health & Wellbeing Strategy
 - Safeguarding Strategy
 - Communities Engagement Strategy
 - Crime & Disorder Reduction Strategy
 - Equality & Diversity

Part A

7. Geographical Area

- 7.1 Bournemouth Christchurch and Poole Council (BCP Council) was formed on 1st April 2019 following a restructure of previous local government arrangements. The council is one of two unitary authorities within Dorset.
- 7.2 Located on the Jurassic Coast, BCP Council covers an area of 161km² with 15 miles of coastline. It is the 12th largest council in England with a population of 395,800 residents. It is predominantly urban with associated suburban areas and 6,200 acres of open spaces parks and gardens.

Map 1: BCP Ward Boundaries



- 7.3 It has long established road and rail links to London, the Midlands and the South West and benefits from an international airport. It has two Universities, an innovative and business focused college and business strengths in the creative, digital, finance, aerospace, marine and environmental technology sectors.
- 7.4 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, music and arts festivals and its annual air festival. Bournemouth's night-time economy has been accredited with the prestigious Purple Flag status for the last 10 years which is awarded to town and city centre's that meet or surpass the standards of excellence in managing the evening and night-time economy.

- 7.5 The area offers a vibrant mix of entertainment facilities for residents and visitors alike with two 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.
- 7.6 Further information and statistics relating to BCP Council can be found via the following link: <https://www.bcpCouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>

8. Licensing Framework

- 8.1 The Gambling Act 2005 brought about changes to the way that gambling is administered in the United Kingdom. The Gambling Commission is the national gambling regulator and has a lead role in working with central government and local authorities to regulate gambling activity.
- 8.2 The Gambling Commission issues operators licences and personal licences. Any operator wishing to provide gambling at a certain premise must have applied for the requisite personal licence and operator licence before they can approach the council for a premises licence. In this way the Gambling Commission can screen applicants and organisations to ensure they have the correct credentials to operate gambling premises.
- 8.3 The Licensing Authorities role is to ensure premises are suitable for providing gambling in line with the three licensing objectives and any codes of practice issued by the Gambling Commission. The Council also issues various permits and notices to regulate smaller scale and or ad hoc gambling in various other locations such as pubs, clubs and hotels.
- 8.4 The Licensing Authority does not licence large society lotteries or remote gambling through websites. These areas fall to the Gambling Commission. The National Lottery is not licensed by the Gambling Act 2005 and is regulated by the Gambling Commission under the National Lottery Act 1993.
- 8.5 In carrying out its functions the Licensing Authority will regulate gambling in the public interest. Any application received will be considered on its individual merits and in accordance with the requirements of the Act.
- 8.6 The Licensing Authority will seek to avoid any duplication with other regulatory regimes so far as possible. There is a clear separation between the Gambling Act, the Licensing Act 2003 and planning legislation and that licensing applications will be viewed independently of applications under the Licensing Act 2003 and planning.
- 8.7 The Licensing Authority will, in particular, when considering its functions in relation to applications and enforcement have regard to the Human Rights Act 1998.
- 8.8 The Licensing Authority is well aware of online gambling but accepts that it has no direct enforcement powers for this.

9. Declaration

- 9.1 This statement of licensing policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

- 9.2 In producing this document, the Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

10. Responsible Authorities

- 10.1 The Act empowers certain agencies to act as Responsible Authorities (RA) so that they can use their expertise in a particular area to help promote the licensing objective. The RA's are able to make representations about licence application or apply for a review of an existing licence, they may also offer advice and guidance to applicants.
- 10.2 The Licensing Authority is required under section 157(h) of the Act to designate, in writing, a body competent to advise the Licensing Authority about protection of children from harm, the following principles are applied:
- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group; and
 - whether the body has experience in relation to protection of children issues.
- 10.3 The Licensing Authority designates the Children's Social Care Services of BCP Council Safeguarding Partnership for the purpose of providing advice about protection of children from harm.

11. Interested parties

- 11.1 Interested parties are people or organisations that have the right to make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as person who
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
 - has business interests that might be affected by the authorised activities; or
 - represents persons who satisfy either of the two sub-paragraphs above.
- 11.2 The Licensing Authority is required to state the principles it will apply to determine whether a person is an interested party. The principles are
- Each case will be decided upon its own merits. The Licensing Authority will not apply a rigid rule to its decision making consider examples provided in the Gambling Commissions Guidance to local authorities;
 - In order to determine if an interested party lives or has business interests, sufficiently close to the premises to be likely to be affected by the gambling activities, the council will consider factors such as the size of the premises and the nature of the activities taking place. distance of the premises from the location of the interested parties;
- 11.3 In determining whether a business interest is "likely to be affected", the Licensing Authority will have regard to such of the following factors as it considers appropriate to the circumstances:
- the size of the premises;
 - the "catchment" area of the premises (i.e. how far people travel to visit);

- the nature of the business that it is suggested might be affected; and
- such other factors as it considers are relevant.

11.4 In determining whether a person is regarded as representing a person in either of the other two Interested Party categories, the Licensing Authority in particular considers that the following may fall within this category:

- Members of Parliament or Elected Councillors;
- Residents' and tenants' associations; and
- Trade unions and trade associations

11.5 The Licensing Authority will not necessarily consider a person as representing one of the other categories of Interested Party unless the person can demonstrate:

- that they have specifically been requested in writing to represent that person and / or business in relation to the submission of the representation; and / or
- that, in the case of a body, it represents a significant number of persons that have made submission with regard to the representation.

12. Exchange of information

12.1 Licensing Authorities are required to include within their policy statement the principles it will use to exchange information between it and the Gambling Commission as well as other parties listed in Schedule 6 of the Act.

12.2 The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provisions that the General Data Protection Regulations and the Data Protection Act 2018 will not be contravened.

12.3 The Licensing Authority will exchange information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will meet the requirements of data protection and freedom of information legislation.

12.4 Any matters of noncompliance will be reported to the Gambling Commission.

13. Licensing Authority functions

13.1 Licensing authorities are responsible under the Act for:

- licensing premises where gambling activities are to take place by issuing premises licences
- issuing provisional statements
- regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issuing Club Machine Permits to commercial clubs
- granting permits for the use of certain lower stake gaming machines at Unlicensed Family Entertainment Centre's
- receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines
- granting Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- registering small society lotteries below prescribed thresholds
- issuing Prize Gaming Permits

- receiving and endorsing Temporary Use Notices
- receiving Occasional Use Notices (for tracks)
- providing information to the Gambling Commission regarding details of licences issued (see section above on 'Exchange of information')
- maintaining registers of the permits and licences that are issued under these functions.

13.2 The Licensing Authority will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operator licences.

14. Promotion of licensing objectives

Preventing gambling from being a source of, or being associated with crime or disorder, or being used to support crime

- 14.1 The Gambling Commission will take a lead role in keeping gambling crime free through its vetting process for applicants for personal and operator licences.
- 14.2 The council's main role is to try and promote this area with regard actual premises. Thus, where an area has known high levels of organised crime the council will consider carefully whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision.
- 14.3 Issues of disorder or anti-social behaviour will be considered as activities that are more serious and disruptive than mere nuisance. In order to make the distinction, when incidents of this nature occur, the Licensing Authority will consider a number of factors such as whether police assistance was required and how threatening the behaviour was to those who heard or saw it.
- 14.4 Issues of nuisance cannot always be specifically addressed by the Gambling Act provisions however problems of this nature can be addressed through other legislation as appropriate.

Ensuring Gambling is conducted in a fair and open way

- 14.5 The Licensing Authority is aware that except in the case of tracks generally, the Gambling Commission does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.
- 14.6 However, the Licensing Authority will communicate any concerns to the Gambling Commission about misleading advertising, or any absence of required game rules or other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

Preventing children and other vulnerable persons from being harmed or exploited by gambling

- 14.7 This licensing objective requires that the Licensing Authorities will ensure that the premises have taken steps to prevent children from accessing most types of gambling. This will include such matters as adequate supervision of entrances or access to machines and the layout of the premises and segregation of areas.
- 14.8 If the operator fails to satisfy the licensing authority that the risks are sufficiently mitigated, it may be appropriate to conduct a review of the premises licence

- 14.9 The Licensing Authority will pay particular attention to the Gambling Commission Code of practice on access to casino premises by children and young persons.
- 14.10 The Act does not seek to prohibit particular groups of adults from gaming in same way as it prohibits children. There is no definition of vulnerable adult but for regulatory purposes the Gambling Commission assumes this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.
- 14.11 In the case of premises licences the Licensing Authority is aware of the extensive requirements set out for operators in the Gambling Commission's Code of Practice regarding social responsibility.
- 14.12 All applicants should familiarise themselves with the operator licence conditions and codes of practice relating to this objective and determine if these policies and procedures are appropriate in their circumstances. The council will communicate any concerns to the Gambling Commission about any absence of this required information.
- 14.13 Applicants should consider the following proposed measures for protecting and supporting vulnerable people, for example:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
 - training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect people who may be vulnerable (see 12.4.1).
 - trained personnel for the purpose of identifying and providing support to vulnerable people
 - self-exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
 - posters with GamCare Helpline and website in prominent locations
 - windows, entrances and advertisements not to be positioned or designed to entice children or vulnerable people.
- 14.14 It should be noted that some of these measures form part of the mandatory conditions placed on premises licences.
- 14.15 The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

15. Local risk assessments

- 15.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) Social Responsibility Code 10.1.1 require all premises providing gambling facilities to assess the local risks to the licensing objectives and have policies, procedures and control measures to reduce those risks. In undertaking risk assessments licensees will be expected to take into account relevant matters identified in this policy.
- 15.2 The LCCP goes on to say that licensees must review (and update as necessary) their local risk assessments:

- to take account of significant changes in local circumstance, including those identified in this Policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
- when applying for a variation of a premises licence; and
- in any case, undertake a local risk assessment when applying for a new premises licence

15.3 The Licensing Authority will expect the local risk assessment to consider as a minimum:

- The proximity of the premises to schools.
- The commercial environment.
- Factors affecting the footfall.
- Whether the premises is in an area of deprivation.
- Whether the premises is in an area subject to high levels of crime and/or disorder.
- The ethnic profile of residents in the area.
- The demographics of the area in relation to vulnerable groups.
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- The range of facilities in the local area such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities.
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activity, etc.
- The proximity of churches, mosques, temples or any other place of worship.

15.4 In any case, the local risk assessment should show how vulnerable people, including people with gambling dependencies, are protected.

- The training of staff in intervention when customers show signs of excessive gambling, the ability of staff to offer intervention and how the manning of premises affects this.
- Information held by the licensee regarding self-exclusion schemes and incidences of underage gambling.
- Arrangements in place for local exchange of anonymised information regarding self-exclusion and gambling trends.
- Gambling trends that may mirror financial payments such as pay days, pay day loans or benefit payments.
- Arrangements for monitoring and dealing with underage people and vulnerable people, which may include:
 - dedicated and trained personnel,
 - leaflets and posters,
 - self-exclusion schemes,
 - window displays and advertisements designed to not entice children and vulnerable people.
- The provision of signage and documents relating to game rules, gambling care providers and other relevant information be provided in both English and the other prominent first language for that locality.
- The proximity of premises that may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor surgeries, council community hubs, addiction clinics or help centres, places where alcohol or drug dependent people may congregate.

15.5 The local risk assessment should show how children are to be protected:

- The proximity of institutions, places or areas where children and young people frequent such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas, etc.
- The proximity of place where children congregate such as bus stops, cafes, shops.
- Areas that are prone to issues of youths participating in anti-social behaviour, including activities such as graffiti, tagging, underage drinking etc.

15.6 Other matters that the assessment may include:

- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of people using the premises and in particular the gaming machines and fixed odds betting terminals.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or distracted from supervising the premises and observing those people using the premises.
- Where the application is for a betting premises licence, other than in respect of a track, the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence.
- Provisions to ensure the health and welfare of staff engaged in lone working.

15.7 Such information may be used to inform the decision the council makes about whether to grant the licence, to grant the licence with special conditions or to refuse the application.

15.8 This policy does not preclude any application being made and each application will be decided on its own merits, with the onus being upon the applicant to show how the concerns can be mitigated.

16. Local area profile

16.1 Each locality has its own character and challenges. To assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Licensing Authority has published a Local Area Profile (LAP). Operators will need to consider the types of premises and their operation in the local area surrounding the premises in relation to the local profile that the Licensing Authority considers sensitive, these include:

- Educational facilities
- Community centres
- Vulnerable groups or venues relating to vulnerable groups i.e. homeless or rough sleeper shelters
- Hospitals
- Mental health care providers
- Gambling care providers
- Religious establishments

16.2 The LAP provides a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risks, thereby considering possible future emerging risks, rather than reflecting current risks only.

- 16.3 Information is already available on the Council's website www.bcpccouncil.gov.uk and can be obtained here <https://www.bcpccouncil.gov.uk/Council-and-Democratic/Consultation-And-Research/Local-Data/Local-Data.aspx>
- 16.4 The Local Area Profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers and representatives of Responsible Authorities to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The Local Area Profile will be presented to any subsequent licensing sub-committee when it determines an application that has received representations.
- 16.5 The Licensing Authority are aware that it is not a mandatory requirement to have a LAP but recognises the benefits of having one. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

17. Enforcement

Enforcement Principles

- 17.1 The Licensing Authority will work closely with the responsible authorities in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation
- 17.2 Any enforcement will be taken having regard to guidance issued by the Gambling Commission and will endeavour follow these principles 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
Targeted	regulation should be focused on the problem, and minimise side effects

- 17.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 17.4 The main enforcement and compliance role for the council in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences.
- 17.5 Concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the council but will be notified to the Gambling Commission.
- 17.6 In circumstances where the council believes a premises requires a premises licence for gambling activities and no such licence is in force, the council will alert the Gambling Commission.

General Requirements

- 18.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in Regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 18.2 Premises licences are issued to allow premises to be used for certain type of gambling. For example, premise licences will be issued to amusement arcades, bingo halls, book makers and casinos.
- 18.3 Applicants should also be aware that the Gambling Commission has issued Codes of Practice for each operational area for which they must have regard. In determining any application, the Licensing Authority will also have regard to these Codes of Practice.
- 18.4 Definition of premises
- 18.5 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances.
- 18.6 Particular care will be taken in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular the entrances and exits from parts of a building covered by one or more licences will need to show that they are separate and identifiable, so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.
- 18.7 The Licensing Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Issues that will be considered before granting such applications include whether children can gain access, compatibility of the two establishments; and the ability to comply with the requirements of the Act. In addition, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.
- 18.8 An applicant cannot obtain a full premises licence until they have the right to occupy the premises to which the application relates.

Premises Licences – conditions

- 18.9 The Act, associated regulations and guidance enable mandatory conditions to be attached to such Premises Licences as may be specified.
- 18.10 Where there are specified risks or problems associated with a particular locality or premises or class of premises the Licensing Authority will attach specific conditions to address this.
- 18.11 Any conditions attached to a licence will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for, and/or related to the area where the premises is based;
- fairly and reasonably related to the scale, type and location of premises;
- consistent with the licensing objectives, and;
- reasonable in all other respects.

18.12 Decisions about individual conditions will be made on a case by case basis, there will be a number of control measures the council will consider using, such as supervision of entrances, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types in this policy. The Licensing Authority will also expect the applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively

18.13 Where certain measures are not already addressed by the mandatory/default conditions or by the applicant, the council may consider licence conditions to cover issues such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances.
- Supervision of machine areas.
- A reduction in the number of betting machines (betting premises).
- The manning of premises.
- Physical separation of areas.
- Location of entrance points.
- Notices/signage.
- Specific opening hours.
- A requirement that children must be accompanied by an adult (in premises where children are allowed).
- Enhanced DBS checks of the applicant and/or staff.
- Staff training in brief intervention, conflict resolution, basic knowledge of mental health, learning disabilities and addiction, including substance misuse.
- Support to people with gambling addiction, including brief intervention.
- Policies to address seasonal periods where children may more frequently attempt to gain access to premises and gamble such as pre and post school hours, half term and school holidays.
- Policies to address the problems associated with truant children who may attempt to gain access to premises and gamble.
- Obscuring windows where appropriate and labelling premises so it's clear that they are gambling premises.

18.14 The list provided above is not mandatory or exhaustive and is merely indicative of examples of certain measures which may satisfy the requirements of the licensing authority and the responsible authorities, depending on the nature and location of the premises and the gambling facilities to be provided.

18.15 It is noted that there are conditions the Licensing Authority cannot attach to premises licences, which are:

- any condition on the premises licence which make it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

Door supervision

- 18.16 The need for door supervision will be assessed in terms of the licensing objectives of protection of children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime.
- 18.17 It is noted though that the Gambling Act 2005 has amended the Private Security Industry Act 2001 and that door supervisors at casinos or bingo premises are not required to be licensed by the Security Industry Authority.
- 18.18 Where door supervisors are provided at these premises the operator should ensure that any people employed in this capacity are fit and proper to carry out such duties. Possible ways to achieve this could be to carry out a criminal records (DBS) check on potential staff and for such personnel to have attended industry recognised training.

19. Adult Gaming Centres

- 19.1 Adult Gaming Centre (AGC) are a category of premises that most are like adult only amusement arcades. The Premises Licence is granted to make certain prescribed gaming machines available only to persons aged eighteen years and over.
- 19.2 Details of the machine categories and number permitted on a Premises License are in [Appendix C](#)
- 19.3 The Licensing Authority will have regard to the licensing objectives relating to children and vulnerable adults, as such it is expected that applicants must set out sufficient measures to ensure that under 18 years olds do not have access to the premises.
- 19.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commission Codes of Practice or by the applicant, the Licensing Authority may consider attaching licence conditions to address such issues.

20. Licensed Family Entertainment Centres

- 20.1 The Act creates two classes for FEC,s. This part deals with Licensed Family Entertainment Centres (FEC's) which provide category C and D machines and require a premises licence.
- 20.2 Licenced FEC's are commonly those premises that provide a range of amusements such as computer games, penny pushers and may have a separate section set aside for adult only gaming machines with higher stakes and prizes.
- 20.3 Licensed FEC's are able to make available unlimited category C and D machines where there is clear segregation in place so children do not access the areas where the category C machines are located (see Appendix C which outlines gaming machine categories).
- 20.4 The Licensing Authority will ensure that premises have suitable levels of staffing and supervision arrangements in place to prevent access and challenge children or young people from using Category C machines.

21. Casino

- 21.1 At the date of adoption of this Policy, the Licensing Authority has not passed a resolution preventing the grant of Casino Premises Licences in line with Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this statement with details of that resolution.

22. Bingo

- 22.1 There is no official definition for bingo in the Gambling Act 2005 however there is a category of premises licence specifically for bingo premises, which is used by traditional commercial bingo halls for both cash and prize bingo.
- 22.2 In addition this premises licence will authorise the provision of a limited number of gaming machines in line with the provisions of the Act (see Appendix C).
- 22.3 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines.

23. Betting Premises

- 23.1 Betting premises are premises such as bookmakers where various types of gambling are authorised to take place. The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self-contained facilities at race courses as well as the general betting premises licences that track operators will require.
- 23.2 The council will specifically have regard to the need to protect children and vulnerable people from harm or being exploited by gambling in these premises. The council will expect applicants to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year old's do not have access to the premises.
- 23.3 There is an expectation that licence holders will keep a record of any damage caused to any Fixed Odds Betting Terminals (FOBTs) by patrons; this report shall be made available to Council officers or the police on request. In cases of damage which result in the police being called to the premises, we expect this to be reported to the appropriate authority within 48 hours; notwithstanding the premises obligations of data collection for the annual regulatory return to the Gambling Commission.

Betting machines

- 23.4 The council is aware that Section 181 of the Act contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of betting machines in particular premises, the council, amongst other factors, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 23.5 Where an applicant for a betting premises licence intends to offer higher stake category B gaming machines (categories B2-B4) including FOBTs, then applicants should consider the control measures related to the protection of vulnerable people.

24. Tracks

- 24.1 Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place.
- 24.2 For betting to take place on a track a Betting Premises Licence will be required unless an Occasional Use Notice or Temporary Use Notice is in place.
- 24.3 Tracks may be subject to more than one Premises Licence, provided each area relates to a specified area of the track without overlap.
- 24.4 Children, young persons and other vulnerable persons are permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horseracing takes place. But having regard to the need to protect persons under eighteen from harm they should still be prevented from entering areas where gaming machines (other than category D machines) are provided.
- 24.5 In addition to the above and other relevant factors, the Licensing Authority in having regard to the need to protect children, young persons and other vulnerable persons from harm will normally, when making a decision, have regard to the size of the premises, the counter positions available for person- to-person transactions and the ability of staff to monitor the use of machines.

25. Travelling Fairs

- 25.1 Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit provided that certain conditions are met and this provision continues in similar fashion under the 2005 Act.
- 25.2 Travelling fairs have the right to provide an unlimited number of category D gaming machines and/or equal chance prize gaming (without the need for a permit) as long as the gambling amounts to no more than an ancillary amusement at the fair (see Appendix C.)

26. Provisional Statements

- 26.1 The Licensing Authority will consider the issue of a premises licence for buildings completed to the satisfaction of the Licensing Authority who will take into account the guidance from the Commission when deciding if premises are finished.
- 26.2 A provisional statement may be applied for where the Licensing Authority has deemed the premises incomplete or, it has not been completed to the satisfaction of the Licensing Authority.
- 26.3 Following the grant of a provisional statement and on application for a premises licence, no further representations from relevant authorities or interested parties can be taken into account:
- unless they concern matters which could not have been addressed at the provisional statement stage; or
 - in the authority's opinion, they reflect a change in the applicant's circumstances.
- 26.4 The Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

27. Reviews

27.1 A review is a process defined in the legislation which ultimately leads to a licence being reassessed by the Licensing Committee with the possibility that the licence may be revoked, suspended or that conditions may amended or new conditions added.

27.2 Requests for review can be made by interested parties or RA;s, however, it is for the Licensing Authority to decide whether the review is to be carried out. The review will be on the basis of whether the request for the review is

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with this Authority's Gambling Act 2005 - Statement of Licensing Policy

27.3 In addition, the council may also reject the application on the grounds that the request is frivolous, vexatious, will certainly not cause this authority to wish to alter, revoke or suspend the licence, or is substantially the same as previous representations or requests for review.

27.4 The Licensing Authority can also initiate a review of a licence on the basis of any reason, which it thinks is appropriate.

Part C

28. Permits

- 28.1 Permits are required when premises provide a gambling facility but either the stakes and prizes are very low or gambling is not the main function of the premises. The permits regulate gambling and the use of gaming machines in a specific premise.
- 28.2 Holders of permits for gaming machines (except unlicensed family entertainment centres) will be required to comply with codes of practice, drawn up by the Commission on the location and operation of machines. Information on these codes can be found on the Commission's website.
- 28.3 Licensing authorities may only grant or reject an application for a permit. No conditions may be attached to a permit.

29. Unlicensed Family Entertainment Centres

- 29.1 The term unlicensed FEC is defined in the Act as a premises which are able to offer category D machines only subject to the issue of a permit.
- 29.2 Applications for this permit cannot be made if a Premises licence has been granted under this Act.

Statement of principles

- 29.3 In considering any application for an unlicensed FEC the Licensing Authority will expect the application to show that there are policies and procedures in place to protect children from harm. Harm is not limited to the harm from gambling but includes wider child protection considerations.
- 29.4 The Licensing Authority will consider each application on its own merits and consideration will be given to the following:
- appropriate measures and training for staff as regards suspected truant children on the premises
 - measures and training covering how staff would deal with unsupervised young children being on the premises
 - measures and training covering how staff would deal with children causing perceived problems on or around the premises
 - the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the latest Home Office and ACPO standards and to the satisfaction of Dorset Police and the licensing authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and licensing authority must be informed as soon as possible, and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation
- 29.5 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.
- 29.6 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That the applicant has no relevant conviction (those that are set out in Schedule 7 of the Act), and
- That staff are trained to have a full understanding of the maximum stakes and prize.

29.7 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.

29.8 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

30. Gaming Machines in premises licenced for the sale of alcohol

30.1 The Act provides an automatic entitlement to alcohol premises licenced holders to make available two gaming machines of category C or D. The premises has to notify the Licensing Authority of this.

30.2 In certain circumstances the Licensing Authority will use its power to remove this right.

30.3 If the premises want more than two machines, an application for a permit will be required and the Licensing Authority will consider the application based on the licensing objectives, the guidance issued by the Gambling Commission and any such matters that are considered relevant to the application.

30.4 The Licensing Authority consider that such matters will be decided on a case by case basis but generally it is expected that the applicant will demonstrate consideration of the need to protect children and vulnerable adults from harm or being exploited by gaming. Policies and procedures for the supervision of machines to ensure children and young people do not have access to adult gaming machines will be required.

30.5 The Licensing Authority can decide to grant the permit with a smaller number of machines and/or a different category of machines than that applied for.

30.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).

30.7 It is recognised that some alcohol licensed premises may apply for a premises licence for their non- alcohol licensed areas. Any such application would need to be dealt with under the relevant provisions of the Act.

30.8 Alcohol licensed premises are able to provide some limited equal chance gaming. Licensees are referred to the advice provided by the Gambling Commission and Appendix D of this document.

31. Prize Gaming

31.1 The Act defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed on the walls.

31.2 In addition to the statutory requirements, as part of any application for a Prize Gaming Permit, the Licensing Authority will require the following, in writing, in order to ensure that adequate information is provided to enable a proper assessment to be made:

- an up to date enhanced Criminal Records Bureau check
- details of any permit granted to the applicant that has previously been refused, lapsed, surrendered or forfeited
- details of any other permit held by the applicant in respect of other premises
- the nature of the prizes
- the proposed frequency of prize gaming at the premises
- details of any training and/or training programme on the limits of stakes, prizes and permissible gambling relating to such permits and
- details of any proposed precaution to secure the prevention of harm to persons under the age of eighteen and measures for implementing the same

Statement of principles

31.3 In considering any application the Licensing Authority will normally have regard to the following:

- each case will be considered on its merits
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises
- the arrangements for supervision of premises either by staff or the use of CCTV. Any CCTV system installed should both the interior and the entrance working to the Home Office and ACPO standards as described PSDB leaflet 09/05 and to the satisfaction of Dorset Police and the local authority. The system must record images clearly and these recordings be retained for a minimum of 31 days. If the equipment is inoperative the police and local authority must be informed as soon as possible and immediate steps taken to make the system operative. Notices must be displayed at the entrances advising that CCTV is in operation

31.4 Due to the nature of these premises, which are attractive to children, applicants who employ staff to supervise the premises should consult with the Disclosure and Barring Service to determine if their staff need to undertake a DBS check.

31.5 The council will also expect, as per the Gambling Commission Guidance, that applicants demonstrate:

- 30 A full understanding of the maximum stakes and prizes of the gambling that is permissible
- 31 That the gaming offered is within the law

31.6 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.

31.7 Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time.

32. Club gaming and club machines

32.1 Members clubs and miners' welfare institutes may apply for a 'club gaming permit' or a 'club machine permit'. The 'club gaming permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D), equal chance gaming. i.e. poker, bingo etc. A 'club machine permit' will enable the premises to provide gaming machines (three machines of categories B4, C or D).

32.2 Commercial clubs may apply for a 'club machine permit' only.

32.3 To qualify for these special club permits a members club must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

32.4 In circumstances where a club is only able or interested in the provision of gaming machines (as opposed to other forms of gaming), a Club Gaming Machine Permit authorises establishments to provide gaming machines where the establishment is a members club as referred to above.

32.5 Clubs must have regard to the protection of children and vulnerable people from harm or being exploited by gambling. They must provide sufficient measures to ensure that under 18-year-olds do not use the adult only gaming machines. These measures may include;

- the machines being in close proximity to the bar, or in any other area where they are capable of being adequately supervised
- notices and signage
- the provision of information leaflets / helpline numbers for organisations such as GamCare

32.6 Before granting the permit the council will need to satisfy itself that the premises meets the requirements of a members' club and that the majority of members are over 18.

32.7 The council may only refuse an application on the grounds that;

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which they have applied
- b) the applicant's premises are used wholly or mainly by children and/or young people
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- d) a permit held by the applicant has been cancelled in the previous ten years or
- e) an objection has been lodged by the Commission or the police

32.8 There is also a 'fast-track' procedure available for premises which hold a club premises certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which the council can refuse a permit is reduced. The grounds on which an application under the process may be refused are;

- a) that the club is established primarily for gaming

- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

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Part D - Notices

33. Temporary Use Notices

- 33.1 Temporary use notices allow the use of premises on not more than 21 days in any 12 month period for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be useful for a temporary use notice would include hotels, conference centres and sporting venues.
- 33.2 Temporary Use Notices allow the use of premises for any form of equal chance gambling where those participating in the gaming are taking part in a competition which is intended to produce a single, overall winner.
- 33.3 Only people or companies holding a relevant operating licence can apply for a temporary use notice to authorise the particular class of gambling permitted by their operating licence.
- 33.4 A temporary use notice must be lodged with the licensing authority not less than three months and one day before the day on which the gambling is due to take place. Detailed information about how to serve a temporary use notice will be available in a separate guidance note.

34. Occasional Use Notices

- 34.1 Where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an Occasional Use Notice without the need for a Premises Licence.
- 34.2 The Act prescribes the requirements and process for using such Notices; this includes giving notice to the Licensing Authority and copying it to prescribed parties.
- 34.3 There is very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However the Licensing Authority will consider the definition of a 'track' and whether the applicant is entitled to benefit from such notice.

35. Further information and evidence

The Gambling Act 2005	http://www.legislation.gov.uk/ukpga/2005/19/contents
Gambling Commission	www.gamblingcommission.gov.uk
The Gambling Commission Licence Conditions and Codes of Practice (LCCP)	www.gamblingcommission.gov.uk/PDF/LCCP/Licence-conditions-and-codes-of-practice.pdf
Dorset Public Health	www.publichealthdorset.org.uk
Gambling Aware	https://www.begambleaware.org/
Gamcare	https://www.gamcare.org.uk/
When the Fun Stops, Stop	http://www.whenthefunstops.co.uk/
Gaming Machine Stakes and Prizes:	http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx

Appendix A – Glossary of terms

Term	Description
ATM	Auto teller machine or cash machine
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Betting machine/Bet receipt terminal	Betting machines can be described as automated betting terminals where people can place bets on sporting events removing the need to queue up and place a bet over the counter
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event. Hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and blackjack etc
Chip	Casinos in the UK require you to use chips to denote money. They are usually purchased and exchanged at a cashier's booth
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the council.
Equal chance gaming	Gaming which does not involve playing or staking against a bank
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds
Fixed odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular
Gaming	Gaming can be defined as 'the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not'.
Gaming Machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery. A simple lottery is one where people are required to pay to participate and one or more prizes are allocated to one or more

Term	Description
	members of a class and the prizes are allocated by a process which relies wholly on chance. A complex lottery is where people are required to pay to participate and one or more members of a class and the prizes are allocated by a series of processes where the first of those processes relies wholly on chance. Prize means money, articles or services provided by the members of the class among whom the prize is allocated. (It should be noted that the National Lottery is not included in this definition of lottery and is regulated by the National Lottery Commission)
Mandatory condition	A condition which will be set by the Secretary of State (some set out in the Act and some to be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The council will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <ul style="list-style-type: none"> (i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or (ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.
Odds	The ratio to which a bet will be paid if the bet wins, e.g. 3-1 means for every £1 bet, a person would receive £3 of winnings.
Off- course betting operator	Off-course betting operators may, in addition to premises away from the track, operate self-contained betting premises within a track premises. Such self-contained premises will provide facilities for betting on both events taking place at the track (on-course betting), as well as other sporting events taking place away from the track (off-course betting). In essence such premises operate like a traditional high street bookmakers. They will however only normally operate on race days.
On-course betting operator	The on-course betting operator is one who comes onto on a track, temporarily, while races are taking place, and operates at the track side. On-course betting operators tend to offer betting only on the events taking place on the track that day (on-course betting).
Poole betting	For the purposes of the Gambling Act, pool betting is made on terms that all or part of the winnings: <ul style="list-style-type: none"> 1) Shall be determined by reference to the aggregate of the stakes paid or agreed to be paid by the people betting 2) Shall be divided among the winners or 3) Shall or may be something other than money. For the purposes of the Gambling Act, pool betting is horse-race pool betting if it relates to horse-racing in Britain.
Representation	In the context of the Gambling Act representations are either positive statements of support or negative objections which are made in relation

Term	Description
	to a licensing application. Representations must be made in time, e.g. during a designated notice period.
Responsible authority (RA)	RA's are agencies which have been appointed by the Gambling Act or regulations to fulfil a designated role during the licensing process. RAs must be sent copies of all licensing applications and have the power to make representations about such applications. RAs also have the power to ask for licences to be reviewed.
Sill machine/ Skill with prizes machine	The Act does not cover machines that give prizes as a result of the application of pure skill by players. A skill with prizes machine is one on which the winning of a prize is determined only by the player's skill – any element of chance imparted by the action of the machine would cause it to be a gaming machine. An example of a skill game would be trivia game machines, popular in pubs and clubs, which require the player to answer general knowledge questions to win cash prizes.
Spread betting	A form of investing which is more akin to betting and can be applied either to sporting events or to the financial markets. Spread betting is regulated by the Financial Services Authority.
Stake	The amount pledged when taking part in gambling activity as either a bet, or deposit to the bank or house where the house could be a gaming machine
Statement of principles document	A document prepared by the council which outlines the areas that applicants need to consider before applying for gaming permits.
Table gaming	Card games played in casinos.
Tote	"Tote" is short for Totaliser, a system introduced to Britain in 1929 to offer pool betting on racecourses.
Track	Tracks are sites (including horse tracks and dog tracks) where races or other sporting events take place.

Appendix B - Gaming Machines

This appendix describes the categories of gaming machine as set out in the Act (and in regulations) and the number of such machines that may be permitted in each type of gambling premises.

- Table 1 below sets out the different categories with the maximum stakes and prizes that apply.
- Table 2 shows the maximum number of machines permitted and in the case of casinos the ratios between tables and machines.

Table 1

Category of machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 (with the option of a max £20,000 linked progressive jackpot on a premises basis only)
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – money prize	10p	£5
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – combined money and non- money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non- money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

Table 2

Premises Type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo Premises¹				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Adult gaming centre²				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4*		No limit C or D machines	
Licensed family entertainment centre³						No limit C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits⁴				Maximum of 3 machines in categories B3A or B4 to D*			
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with licensed premises gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

Appendix C – Summary of gaming entitlements for clubs and pubs

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit	Pubs and other alcohol-licensed premises
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Poker</u> £1000 per week £250 per day £10 per person per game <u>Other gaming</u> No limit	<u>Cribbage & dominoes</u> No limit <u>Poker</u> £100 per premises per day <u>Other gaming</u> £5 per person per game
Limits on prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £250 per game <u>Other gaming</u> No limit	<u>Poker</u> £100 per game <u>Other gaming</u> No limit
Maximum participation fees – per person per day	<u>Bridge and/or whist*</u> £20 <u>Other gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £3 (commercial club) £1 (members club)	<u>Bridge and/or whist*</u> £18 <u>Other gaming</u> £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/ prizes. If more then will need an operating licence.

GAMBLING ACT 2005

CONSULTATION OF GAMBLING ACT POLICY REVIEW 2021

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Bournemouth Town Centre Chaplaincy	chaplain@clubchaplain.com
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Bournemouth University	enquiries@bournemouth.ac.uk
Bournemouth YMCA	enquiries@bournemouthymca.org.uk
British Amusement, Catering and Traders Association	info@bacta.org.uk ;
British Casino Operators Association	gensec@coa-uk.org.uk ;
Burton and Winton Parish Council	burton@dorset-aptc.gov.uk ;
CAMRA (Campaign for Real Ale)	camra@camra.org.uk
Charminster Traders Association	info@experiencecharminster.info
Christchurch Chamber of Commerce	office@christchurchbusiness.co.uk ;

Christchurch Town Council	townclerk@christchurch-tc.gov.uk ;
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HM Revenue & Customs (National Registration Unit)	nrubetting&gaming@hmrc.gsi.gov.uk
Health, Child Services and Community Scrutiny Panels	scrutiny@bournemouth.gov.uk
Highcliffe and Walkford Parish Council	trish.jamieson@highcliffewalkford-pc.gov.uk ;
Hurn Parish Council	hurnparishcouncil@talktalk.net ;
Home Office (Immigration)	alcohol@homeoffice.gsi.gov.uk
Information Governance Manager	Viv.bateman@bournemouth.gov.uk
Innpacked	Info@innpacked.com
Institute of Licensing	info@instituteoflicensing.org
JCP Law, Licensing Solicitor	julia.palmer@jcplaw.co.uk
John Gaunt & Partners, Licensing Solicitors	JWallsgrrove@john-gaunt.co.uk
Kuits Solicitors	anthonylyons@kuits.com
Laceys, Licensing Solicitors	P.Day@laceyssolicitors.co.uk
Lansdowne Baptist Church	office@lansdownebaptistchurch.org.uk
Lotteries Council	frank@lotteriescouncil.org.uk ;
Mental Health – Adult Social Care	Andrew.curry@bournemouth.gov.uk
Throop and Holdenhurst Village Council	townclerk@christchurch-tc.gov.uk ;
NatCen Social Research	Info@natcen.ac.uk
National Organisation of Residents Associations	chairman@nora-uk.co.uk
NTE Strategy Group	Amanda.barrie@bournemouth.gov.uk

Pokesdown Community Forum	Pokesdown.cf@gmail.com
Police and Crime Commissioner	pcc@dorset.pnn.police.uk
Poole Chamber of Commerce	info@poolechamber.org.uk ;
Poole Dolphin Centre Manager	John.grinnell@dolphinshoppingcentre.co.uk ;
Poole Harbour Commissioner	pooleharbourcommissioners@phc.co.uk ;
Poole Town Centre Manager	info@pooletowncentre.com ;
Poppleston Allen, Licensing Solicitors	c.eames@popall.co.uk
Robert Sutherland, Keystone Law	robert.sutherland@keystonelaw.co.uk
Sacred Heart Catholic Church, Bournemouth	office.sacredheart@btinternet.com
Safer & Stronger Communities	Andy.williams@bournemouth.gov.uk
Salvation Army	info@salvationarmy.org.uk
Samaritans	jo@samaritans.org
Seafront and Business Development	Chris.saunders@bournemouth.gov.uk
South Western Ambulance Service	wayne.darch@swast.nhs.uk
St Swithun's Church	tim@stswithuns.me
Steele Raymond, Solicitors	info@steeleraymond.co.uk ;
Stonegate Pub Company Limited, Operations Director	paul.wright@stonegatepubs.com
Town Centre Vision	Martin.tiffin@bournemouth.gov.uk
Throop and Holdenhurst Village Council	townclerk@christchurch-tc.gov.uk ;
Trethowans	Sandra.Graham@trethowans.com ;
UK Youth Parliament	info@ukyouthparliament.org.uk
Wallisdown Info	admin@wallisdown.info
Winton Online	wintoncommunityofficer@bournemouth.gov.uk
Winton Traders Association	execofficer@bournemouthchamber.org.uk
Youth Service	Ryan.murray@bournemouth.gov.uk

IN ADDITION THE FOLLOWING GROUPS HAVE BEEN CONSULTED:-

Adult Safeguarding	bcpsafeguardingadultsboard@bcpcouncil.gov.uk ;
Communities Manager	cat.mcmillan@bcpcouncil.gov.uk ;
Children's Services	child.protection@bcpcouncil.gov.uk ;

Child Safeguarding Partnership	pandorsetsafeguardingchildrenpartnership@bcpcouncil.gov.uk ;
Dorset Police – Drug & Alcohol Harm Reduction, Prevention Department	licensing@dorset.pnn.police.uk
Dorset and Wiltshire Fire Rescue Service	fire.safety@dwfire.org.uk ;
Planning	planning@bcpcouncil.gov.uk ;
Environmental Health	pollution@bcpcouncil.gov.uk ;

LICENSING COMMITTEE



Report subject	Sex Establishment Policy
Meeting date	16 September 2021
Status	Public Report
Executive summary	<p>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.</p> <p>Prior to Local Government Reorganisation, Bournemouth Borough Council and the Borough of Poole had existing Sex Establishment Policies.</p> <p>On the 5 January 2021 BCP Council passed a resolution that this legislation should apply within the BCP Council area, allowing the council to control and regulate the operation of sex establishments within the conurbation assisted by way of the Sexual Establishment Policy once finalised and agreed by Full Council.</p> <p>The BCP Council Sex Establishment Policy has now been subject to a second round of public consultation following recommended changes to the draft policy presented to the Licensing Committee on 19th May 2021.</p> <p>The Policy sets out how BCP Council will control the type and number of sexual establishments within its area. These establishments include Sex Shops, Sexual Entertainment Venues (SEV's) and Sex Cinemas. It sets out the Conditions to be applied to any such licences granted and there are clear requirements set out for applicants when they are seeking to apply for a licence. The policy states that the character of the locality and its proximity to different types of premises as set out in the policy, will be considered in respect of each application.</p> <p>The policy does not impose a limit to the number of sexual entertainment licences permitted within the BCP area. However, any proposed location will be considered on the basis of the character of the locality and whether the grant of the application would be inappropriate having regard to the proximity of the location to the local characteristics listed within the policy. Each application will be considered on its own merits. The characteristics</p>

	<p>include proximity to residential premises, cultural facilities, public leisure facilities, premises used by children, hospitals, and tourist attractions.</p> <p>During the second consultation period, a Councillors' briefing took place on 29th June 2021 to ensure all BCP Councillors had the opportunity to ask questions of officers and discuss the rationale behind the proposed policy.</p> <p>The views of workers within the local SEV's were sought and in the majority of cases the feedback was that they feel safe and secure in their chosen work environment and they did not feel exploited but empowered. They are self-employed with their choice of venues and working shifts, and venues invest in facilities and security to attract the better dancers.</p> <p>Equalities issues were addressed via the EIA and approved by the EIA panel.</p> <p>Overall, the impact of the policy is positive, strict licence conditions should ensure safe well managed venues for both patrons and dancers. There is no indication of crime associated with local venues therefore, there is no negative proven impact on the safety of dancers, patrons or members of public in the vicinity.</p> <p>Local research by the Community Safety team analyst has found no evidence to link licensed SEVs and violent crime. Research shows only one reported violent crime linked to these establishments within the BCP area during the period 2018 to March 2020 when they had to close as a result of the pandemic. Analysis of reported sexual violence across Bournemouth & Poole suggests that only 15% of all such reports were in any way linked to Bournemouth's night-time economy and none linked to SEV's.</p> <p>A Licensing Committee Member workshop took place on 10th August to consider the results of the further consultation. All consultation feedback was considered, and members felt that the views of local dancers and the lack of evidence connecting the SEVs to crime, give positive weight to the policy. It was considered that the majority of consultation comments were outside the scope of the licensing framework and as such cannot carry weight in the decision-making process.</p> <p>Members are now asked to further consider the consultation responses and to agree the final wording of the policy which will then be recommended to full council for approval.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Committee considers the consultation feedback and Councillor recommendations from the workshop and</p> <ul style="list-style-type: none"> a) agree the final version of the policy and b) recommend that final version of the policy to Council

	for approval.
Reason for recommendations	<p>The now dissolved Bournemouth Borough Council and Borough of Poole had both previously published individual policies. These authorities became part of the new local authority known as BCP Council in April 2019. The Local Government (Structural Changes) (General)(Amendment) Regulations 2018 provides that the Licensing Authority of BCP Council has 24 months from the date of reorganisation to prepare adopt and publish a Sex Establishment Policy for the new local government area.</p> <p>The policy sets out how BCP Council will license and regulate sex establishments with the conurbation. Setting out clearly the characteristics of an area or locality that would not be suitable for any new premises. This enables the Licensing Committee to have a consistent and transparent process for dealing with any new applications.</p>
Portfolio Holder(s):	Councillor May Haines – Community Safety
Corporate Director	Kate Ryan – Chief Operating Officer
Report Authors	Nananka Randle – Licensing Manager
Wards	Council-wide
Classification	For Decision

Legislative 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. On the 5 January 2021 BCP Council passed a resolution that this legislation should apply within the BCP Council area, allowing the council to control and regulate the operation of sex establishments within the conurbation assisted by way of the Sexual Establishment Policy once finalised and agreed by Full Council.
3. Sex establishments fall into three categories: sex shops, sex cinemas and sexual entertainment venues.
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 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 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. 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. A venue does not require a licence where they are providing relevant entertainment as long as:
 - a. there are no more than 11 occasions of entertainment within a 12-month period
 - b. each occasion has lasted no more than 24 hours and
 - c. there is at least 1 month between each occasion
8. Under Section 17 of the Crime and Disorder Act 1998, local authorities must exercise its functions with regard to the likely effect on, and the need to do all it reasonably can, to prevent crime and disorder in their area.
9. Licences for sex establishments are issued for 12 months and must be renewed every year. On application for renewal, the premises must display a notice on the premises and put an advert in the Echo. The application details are also published on the council's website under public notices and distributed to all Members. Since 2016 there have been no objections to the renewal of any sex establishment licence.

Policy Development

10. On the 10th December 2020 the Licensing Committee agreed a draft policy which was then subject to public consultation between 4th January 2021 – 1st February 2021. This consultation included an online survey alongside links to the policy document. In total there were 205 responses to the survey.
11. On the 4th March 2021 the Licensing Committee Members agreed that due to the sensitivity of the policy and the large number of consultation responses received, a working party made up of five Members from the committee would be established to provide an update and make recommendations back to the Full Committee.
12. The working party met on 29th March 2021. They carefully considered the consultation responses as well as the wider policy implications of the Public Sector Equality Duty. Members requested that direct contact was made with workers involved in the local licenced sexual entertainment venues to obtain their feedback and thoughts on the policy.

13. The Licensing Committee met again on the 19th May 2021 and considered all the recommendations from the working party as well as all consultation responses. The draft policy was amended to include recommendations regarding the licensing of existing venues and wording of Conditions. Members agreed that the draft policy should be subject to further public consultation, a full Member briefing and that the working party should meet again once this additional consultation was concluded. The Members would then make further recommendations based on the results of this consultation.
14. A Councillor briefing took place on 29th June 2021 where officers presented information to Members and answered questions. The presentation provided is at Appendix 1.
15. Following input by the Chair of the Licensing Committee to agree the wording of the consultation questions, the online consultation survey which included the revised draft policy Version 2 Appendix 2, took place between 14th June – 16th July 2021. In total there were 176 responses to the survey. The report can be viewed at Appendix 3.
16. Overall, 60% of respondents agree with the policy's aim to control and regulate sex establishments. Respondents disagree with not placing a specific limit on any sex establishments and agree with the local characteristics listed.
17. The majority of respondents disagree that SEV's complement the entertainment offer in Bournemouth with 53% of respondents disagreeing with licensing existing establishments.
18. Many consultation responses state anecdotal evidence concerns relating to increased sexual violence around SEV's. Local research by the Community Safety team analyst has demonstrated that there has been only one reported crime linked to these establishments during the period 2018 to March 2020 when they had to close because of the pandemic. Analysis of reported sexual violence across Bournemouth & Poole suggests that only 15% of all reports were in any way linked to Bournemouth's night-time economy and none were linked to SEV's.
19. Several responses to the consultation related to the fear of harassment when walking past SEV's, concerns of violence in and around SEV's potential victimisation of workers within the venues, general violence against women due to the presence of these establishments. Suggestions provided within the public consultation as well as suggestion from the Community Safety Partnership Manager have been taken and included within the policy as a condition of their licence.
20. Concerns and fears expressed by consultation respondents are mitigated locally by the measures put in place to deal with violence in the night-time economy, this includes the provision of a safe bus in place at peak night-time economy times, the area is patrolled by street pastors and there are marshals overseeing general safety of patrons as they leave the area. The Community Safety Partnership has a priority to tackle violent crime, including public space violence.
21. Views have been expressed that link sexual entertainment venues to prostitution, sexual violence and harassment of women. However, there is no local evidence that the existing venues in Bournemouth have such issues.
22. The Licensing Team engaged directly with the locally licensed SEV's and the views of managers and dancers within the venues were provided. The responses

are at Appendix 4. A summary of these responses can be found at Appendix 5. These responses were considered by the Members working group workshop which took place on 10th August 2021.

23. The working group considered all responses as contained with the consultation report the draft policy. No further amendments were suggested to the draft policy.
24. There were a number of emails received directly into the Licensing team, which were received outside of the formal consultation period, they have been included here for Members consideration. All the emails have the same/similar wording. The responses have been collated into one document which shows the two versions of the same email sent by all parties with a numbered index showing which respondent sent which version of the email. See Appendix 6. The granting of grandfather rights was questioned.
25. Within the draft policy and the consultation responses there is reference to the term 'grandfather rights'. This is not a legal term that is used within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the legislation used by Local Authorities to regulate sex establishments, but it is a term which is familiar to those involved with Licensing. This term has been included in the draft policy in paragraph 10 *Existing Licenced Premises* which sets out that existing licences will be continued to be renewed during the life of this policy, despite changes that may already have been made to the character and locality of where these premises are situated. If objections are raised in respect of any renewal application or if the character of the location is further changed during the life of the policy, then that application will come before the Licensing Committee for determination in accordance with paragraph 12 of the Schedule.
26. If this section is removed and no grandfather rights are provided the risk, in addition to potential Judicial Review from the existing venues, is that these large venues could become nightclubs.
27. The emails received directly to the Licensing team do question the contents of paragraph 10 of the policy, but the Committee should be reminded that they are entitled to take a fresh look at the character and location of where a premises is situated when determining any renewal application. There is nothing in the legislation that prevents 'grandfather rights' from being included or excluded from the policy if you choose to do so.

Options Appraisal

28. Licensing Committee is asked to:
 - Agree any amendments to Version 2 of the policy and agree the final version of the policy– if there are no substantial changes there is no further need to consult on the policy.
 - Agree to recommend the final version of the policy for approval by Full Council on 9th November 2021.

Summary of financial implications

29. The Licensing Committee, at its meeting on 10th December 2020 agreed the fee structure for BCP. All costs in the implementation of this policy will be covered by the fees which are set on a cost recovery basis.

Summary of legal implications

30. 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.
31. The committee is not bound by a statutory procedure for formulating the policy or consulting in respect of Sex Establishments.
32. An informed policy will ensure consistency and transparency in relation to all applications received and minimise the risks in relation to any legal challenge around the application process. Depending upon the result of an application, each applicant has the right of appeal to the Magistrates Court. A policy will provide guidance in relation to the application and decision-making process, which in turn should serve to minimise the potential for any challenge.

Summary of human resources implications

33. The policy is delivered within the current resources of the Licensing Team.

Summary of equality implications

34. The EIA panel reviewed the EIA documentation on 5th August 2021. The summary of findings concludes overall the policy will have a positive impact because it enables a safe space for both dancers and patrons of the SEV's. The licence conditions ensure dancers have private dressing rooms and toilet facilities with security in place to protect these spaces. Conditions requiring codes of conduct for both dancers and patrons ensures standards of behaviour on both sides.
35. By regulating the industry and issuing licences BCP Council are having a positive impact on the trade, are not at risk of driving the activities underground whereby they would be unregulated and expose dancers and patrons to risk.
36. Although it is recognised that nationally there may be links between SEV's and the sex trade and sexual assaults; on a local level within BCP there is no such established link. Police crime statistics show no correlation between attendance of these venues and sexual crimes either in the vicinity or wider afield. The EIA is based on local evidence from those within the trade, police and crime statistics and not on assumptions.
37. The venues within BCP area are well run and have not been challenged on reapplication each year. The advertising of renewals is accessible to all via a number of mediums – website, physical copy on the venue and in the local press.
38. These findings and the supporting documents were approved by the EIA panel on 5th August 2021 and a copy of the documents is available at Appendix 7 and 8

Summary of risk assessment

39. As with any policy, this will be open to potential review. A clear and transparent process has been followed to develop the policy. Evidence has been sort from the public, campaign groups, the Police and partners and those working at SEV's. However, this is a contentious issue and following a clear process may not be sufficient to mitigate against a challenge.

Background papers

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

Crime and Disorder Act 1998

Appendices

Appendix 1 - Member briefing presentation

Appendix 2 - Draft Policy Version 2

Appendix 3 – Consultation responses report

Appendix 4 - Feedback and comments by dancers and managers from local SEV's

Appendix 5 – Summary of feedback and comments by dancers and managers from local SEV's

Appendix 6 - Emails directly received by Licensing Team outside of consultation timescales

Appendix 7 - Form 2 EIA Capturing Evidence

Appendix 8 - Form 3 EIA Report and EIA Action Plan

Sex Establishment Policy

April 2021



- Welcome
- Legal Framework
- Policy Development
- Consultation
- Equalities Impact Assessment
- Community Safety Considerations
- Next Steps

Background



- The Sex Establishment Policy ensures compliance with all statutory requirements placed on the council in relation to the licensing of sex establishments
- The policy is being updated to adopt the provisions of relevant legislation to include all the BCP conurbation. The policy sets out the framework to facilitate consideration of applications in respect to these premises.
- The purpose of the policy is to enable BCP Council to have clear guidelines in relation to the licensing of sex establishments in its area for applicants, residents and workers. This policy ensures a transparent consistent approach that gives direction and focus to the Licensing Committee in determining applications.

- The policy is prepared under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 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 (SEV's).
- Sex Establishments include Sexual Entertainment Venues, Sex Shops, Sex Cinemas

- Bournemouth currently has 3 Sexual Entertainment venues and 2 Sex Shops. There are none in Poole or Christchurch.
- The previous Bournemouth policy set a cap on the numbers of venues at this level and for these localities.

- The Licensing Committee were presented with a draft policy for consultation on 10th December 2020.
- After discussion it was agreed that the cap on numbers was historic and not relevant to the new authority, but that any new application be considered on it's own merits considering the character of the locality

Character of the Locality

When considering any new applications the Licensing Committee will consider whether the grant of the application would be inappropriate having regard to its proximity to:

- Residential premises
- Premises which are frequented by children, young persons or families
- 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.
- Other factors relevant to the locality

- 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.
- The majority of respondents disagreed that the cap on numbers of establishments should be removed
- Most respondents strongly agreed with all the criteria for consideration when determining an application

- The Sexual Entertainment Venues were the most controversial aspect in responses, with many respondents suggesting a nil limit on venues
- The Licensing Committee working group considered many of the comments to be objecting to the venues on moral grounds, which cannot be considered
- Removing current licenses could also be challenged in court

Research into the impact of sexual entertainment venues is inconsistent:

- Many dancers have degrees and other use the earnings to fund education
- There is little evidence of links to trafficking or prostitution
- Venues provide employment for a number of female dancers
- There are suggestions that venues normalize the objectification of women and can have an impact on women's safety in the locality
- Also, that dancers can suffer harassment from customers and staff

Community Safety Issues

- There is little evidence of crimes or criminality associated with the current venues in Bournemouth
- Measures will be in place to enhance safety when the night-time economy re-opens – SafeBus, Street Pastors, Taxi Marshalls, CCTV
- Strict conditions are placed on licenses to keep dancers safe whilst working

- Member Engagement session – May?
- Licensing Members Workshop
- Licensing Committee – July
- Full Council – July/September

Sex Establishment Policy

Incorporating Sexual Entertainment Venues, Sex Shops and Sex Cinemas

Date September 2021

DRAFT

Licensing

Author: Nananka Randle
Version: 2
Review Date: 2026



Index

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	6
10	Existing Licensed Premises	8
11	Location of licensed premises	8
12	Layout character and condition	9
14	Applications process	9
14	Refusal of applications	11
15	Objections	12
16	Hearings	13
17	Period of Licence	14
18	Conditions	14
19	Revocation	14
20	Waiver	14
21	Compliance	15
22	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 Strategies.
- 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:

Term	Definition
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	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	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	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	Any premises, vehicle, vessel or stall used for a business consisting to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating: sex articles; or other things intended for use in connection with, or for the purpose of stimulating or encouraging— <ul style="list-style-type: none"> • sexual activity; or • 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: <ul style="list-style-type: none"> • Sexual entertainment venues • sex shops • sex cinemas

Term	Definition
Sexual entertainment venue	<p>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:</p> <ul style="list-style-type: none"> • lap dancing; • pole dancing; • table dancing; • strip shows • peep shows; • live sex shows; <p>This entertainment is defined as 'relevant entertainment'</p>
Relevant entertainment	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	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	Any person involved in the organisation or management of relevant entertainment.
Advertisement	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	Dancer, performer or other such person employed, or otherwise, to provide relevant entertainment
Licence	Any sex establishment licence that the council can grant under the 1982 Act.
Licence holder	The holder of a sex establishment licence
Licensed area	The part of the premises marked on the plan where licensable activities are to take place
Responsible person	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.

9.4	European Convention on Human Rights	<p>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: -</p> <ul style="list-style-type: none"> • 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.
9.5	The Provision of Services Regulations	<p>The Provision of Services Regulations 2009 implements the European Services Directive. These regulations ensure that any refusal of a licence is:</p> <ul style="list-style-type: none"> • 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. <p>BCP Licensing Authority will consider these three issues in relation to the refusal of licence applications.</p>
9.6	Crime and Disorder Act 1998	<p>The Crime and Disorder Act 1998 places a duty on the Council to exercise its functions with due regard to:</p> <ul style="list-style-type: none"> • 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
9.7	Equality Act 2010	<p>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:</p> <ul style="list-style-type: none"> • 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
9.8	Planning	<p>The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation.</p> <p>9.9 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.</p> <p>9.10 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.</p> <p>9.11 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</p>
9.12	Modern Slavery Act 2015	<p>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.</p> <p>9.13 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.</p>

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

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

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

Applicant suitability

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

13.9 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.

13.10 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.

13.11 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

13.12 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

13.13 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>

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 for the premises by but not limited to persons holding advertising boards, leafleting, advertising on branded vehicles or personal solicitation, this includes leafletting.
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 content,

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 intentionally touch a customer during a performance
 - c) 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

d) Dancers may not straddle the customer

e) 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

f) If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.

g) Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue

h) 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

i) 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

j) Dancers shall not solicit for gratuities or payment for sexual act. 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 Policy on breach, a copy of which must be provided to each dancer.

r) 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. 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. 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:
 - 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
 - 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.

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Sex Establishments Policy 2021 (revised)

Consultation Report
August 2021

Insight Team
BCP Council

Contents

Executive Summary	1
Introduction	2
Background	2
Results	3
Policy of no limit on number of establishments	3
Local characteristics	4
Entertainment venues	6
Existing establishments	6
License conditions	7
Comments	9
Appendix – Comments	13

Executive Summary

- 60% of respondents agree with the policy's aim, to control and regulate the operation of sex establishments within Bournemouth, Christchurch and Poole
- When asked about not placing a specific limit on the number of venues
 - 75% disagreed in relation to Sex Entertainment Venues (SEVs)
 - 73% disagreed in relation to sex shops
 - 76% disagreed in relation to sex cinemas
- When asked about the list of local characteristics to be considered when a licence application is made
 - 75% agreed with the list in relation to SEVs
 - 75% agreed in relation to sex shops
 - 74% agreed in relation to sex cinemas
 - A small number of additional characteristics were suggested including bus routes, main thoroughfares / shopping streets, student accommodation, places serving alcohol, safe routes for staff leaving the premises and views of local people.
- 79% of respondents disagree that SEVs complement the entertainment offer in Bournemouth; 74% **strongly** disagree
- 53% disagreed that existing establishments should continue to be licensed.
- 50% disagree with the conditions for SEVs
- 46% disagree with the conditions for sex shops and cinemas
- Comments about the draft policy largely focused on women's concerns around safety and respect.

Introduction

This consultation sought views on 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.

Background

An initial consultation was carried out in January 2021 and received 206 responses. Following this process, some elements of the draft policy were changed and BCP Council were required to consult again on the new draft policy.

The main changes are:

- The inclusion of a section that specifically relates to existing licensed sex establishments
- A number of additional conditions in section B of the Appendix, relating to sex entertainment venues.

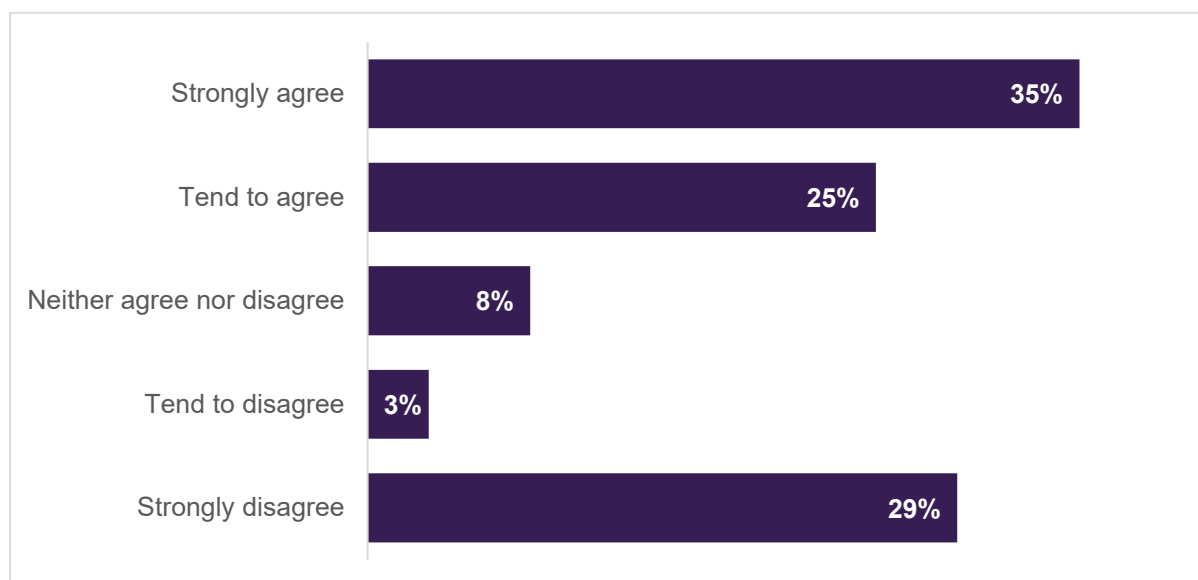
In addition, council members felt that they needed more understanding of views relating to different types of sex establishments before they could make a decision about whether to adopt the proposed Sex Establishments policy.

A second online consultation ran from 13 June to 15 July 2021 and received 176 responses. The consultation was available via BCP Council's 'Have Your Say' consultation site and was promoted on social media. The findings from this consultation are outlined below.

Results

The first question stated that the aim of the draft policy is to control and regulate the operation of sex establishments within Bournemouth, Christchurch and Poole and asked to what extent respondents agree or disagree with this statement.

Figure 1: To what extent do you agree or disagree with the aim of the policy?



Base: 170 respondents

Six in ten respondents said that they agree with the aim of policy while 32% disagree and 8% gave a neutral response.

Respondents **aged 45-54** (49%) are the age group most likely to disagree.

Males (73%) are more likely to agree than **females** (51%).

There were no significant differences by sexual orientation, disability, ethnicity or religion.

Policy of no limit on number of establishments

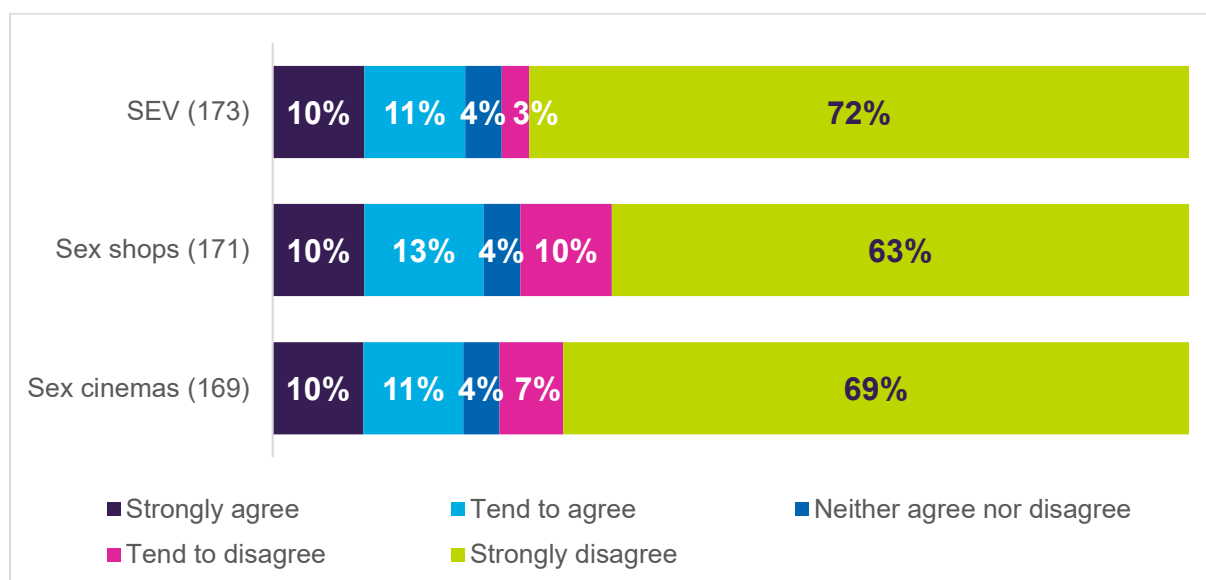
There are currently three sex entertainment venues and three sex shops in and around Bournemouth town centre. The previous policy for Bournemouth Borough Council identified these locations as appropriate for such establishments and set a specific number of premises that would be allowed in the area.

The new draft policy does not set a specific number of premises that are considered to be suitable in a particular area. This does not mean that the number of premises will not be regulated at all. We recognise that the characteristics of an area can change over time, for example if there are new residential developments and the number, and type, of premises that can be appropriately located in an area will be considered at the time that a new application is made.

The January consultation asked a single question as to whether or not respondents agreed or disagreed with the approach to not set a specific number of premises in a

particular area. Council members felt that it would help their decision to understand whether different views were held for different types of establishments. The question was therefore split into three parts for this consultation: sex entertainment venues (SEVs), sex shops and sex cinemas.

Figure 2: To what extent do you agree or disagree with this approach for each of the categories of establishments?



Bases as labelled

There was a very strong level of disagreement with this policy approach for all types of venues, though respondents disagreed slightly less strongly in regard to sex shops than SEVs and cinemas. Three quarters of respondents (75%) disagree with this approach for SEVs, 73% for sex shops and 76% for sex cinemas.

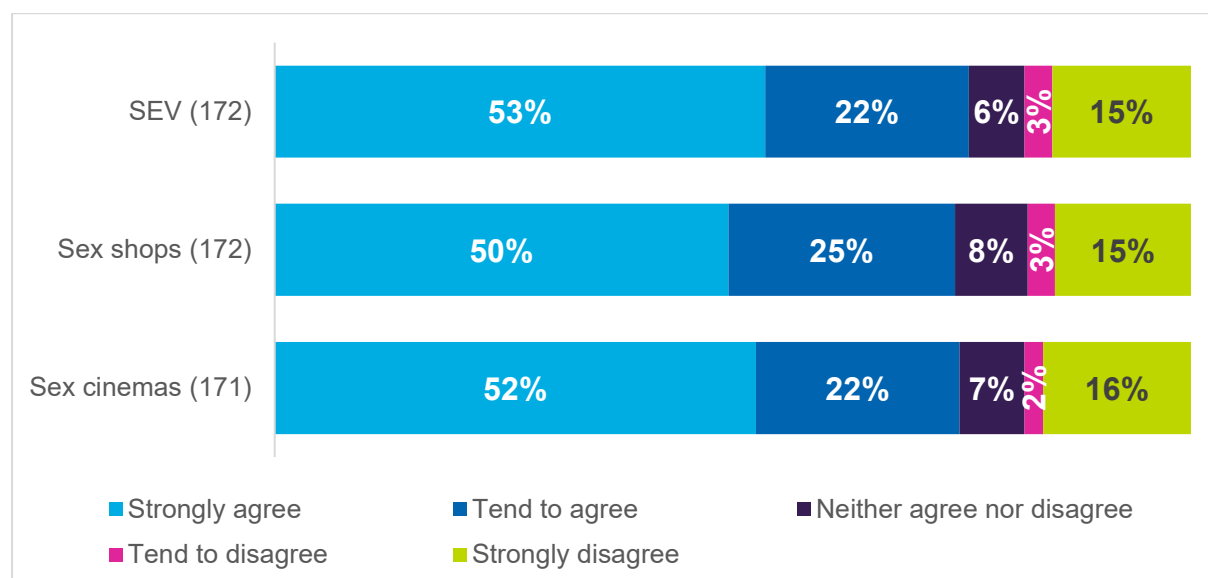
Female respondents are much more likely to disagree with this approach for all types of establishment than **males**, who are more likely to agree.

Local characteristics

The draft policy sets out a list of characteristics that will be used to assess the locality of a proposed establishment when an application is received.

The January consultation asked whether respondents agreed or disagreed with each of the characteristics. In this consultation, we have asked whether the whole list is appropriate for each of the different types of establishments.

Figure 3: To what extent do you agree or disagree with this list [of characteristics] for each of the categories of establishments?



Bases as labelled

There was a strong level of overall agreement with the list of characteristics for all types of establishments. Three quarters (75%) agree with the list for SEVs and for sex shops and 74% agree with the list for sex cinemas.

Respondents **aged 65+** are more likely to agree **strongly** than those **aged 16-44 years** for all types of establishments.

Males are more likely to agree overall than **females**.

Respondents were also asked if there were additional characteristics that should be considered for each establishment type.

There were 73 responses in relation to Sex Entertainment Venues. Of these, 43 said that they should not be allowed anywhere. Seven responses named characteristics already included in the list e.g., near schools, residential areas, parks, etc. A number of responses were not about locality characteristics, for example, citing impacts they believe such premises might have. Impacts are dealt with later in the report and all comments can be viewed in the Appendix.

In total, there were 15 responses which suggested other characteristics that could be considered. These included:

- High Streets / main thoroughfares / shopping areas
- Public transport hubs / bus routes
- Student housing
- Premises serving alcohol
- Safe routes for workers leaving the premises

- Views of local people

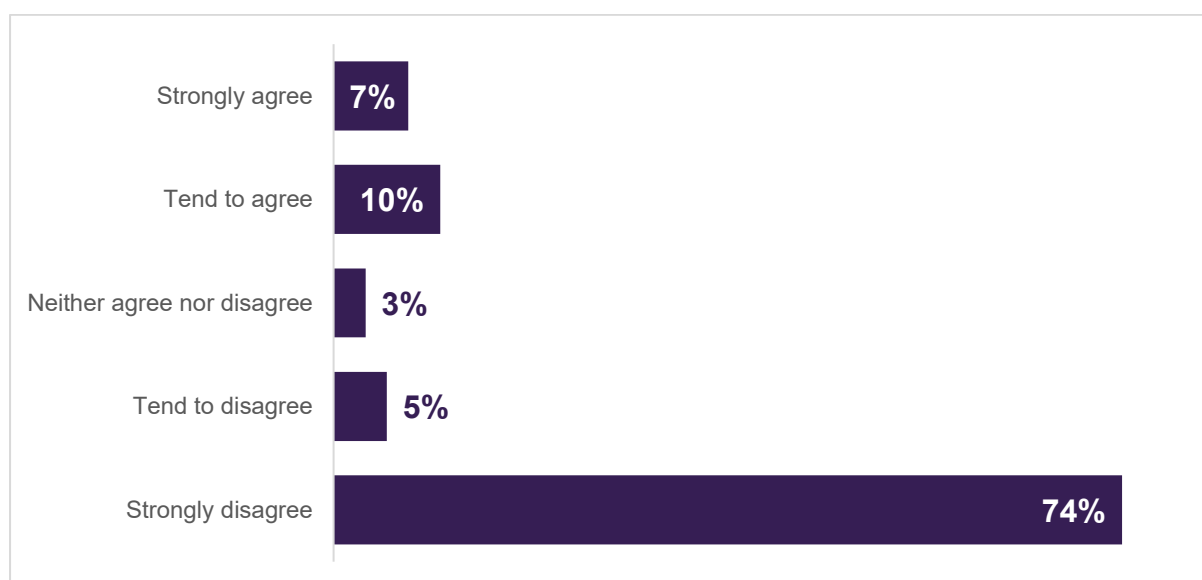
There were 57 responses regarding sex shops. Most of these responses were made by the same respondents as the previous question and gave exactly the same response. There were no characteristics suggested that are different to those for SEVs.

There were 59 responses regarding sex cinemas. Again, these were largely identical to the comments made about other types of establishments and nothing new was identified.

Entertainment venues

Respondents were next asked to what extent they agree or disagree that Sex Entertainment Venues (SEVs) complement Bournemouth's entertainment offer.

Figure 4: To what extent do you agree or disagree that sexual entertainment venues complement Bournemouth's entertainment offer?



Base: 175 respondents

Overall, four out of five respondents (79%) disagree with this statement.

Female respondents were much more likely to disagree (95%) than **males** (58%). More than a third of **male** respondents (36%) agreed with the statement.

Respondents **with a disability** were more likely to disagree (91%) than those with **no disability** (73%).

Existing establishments

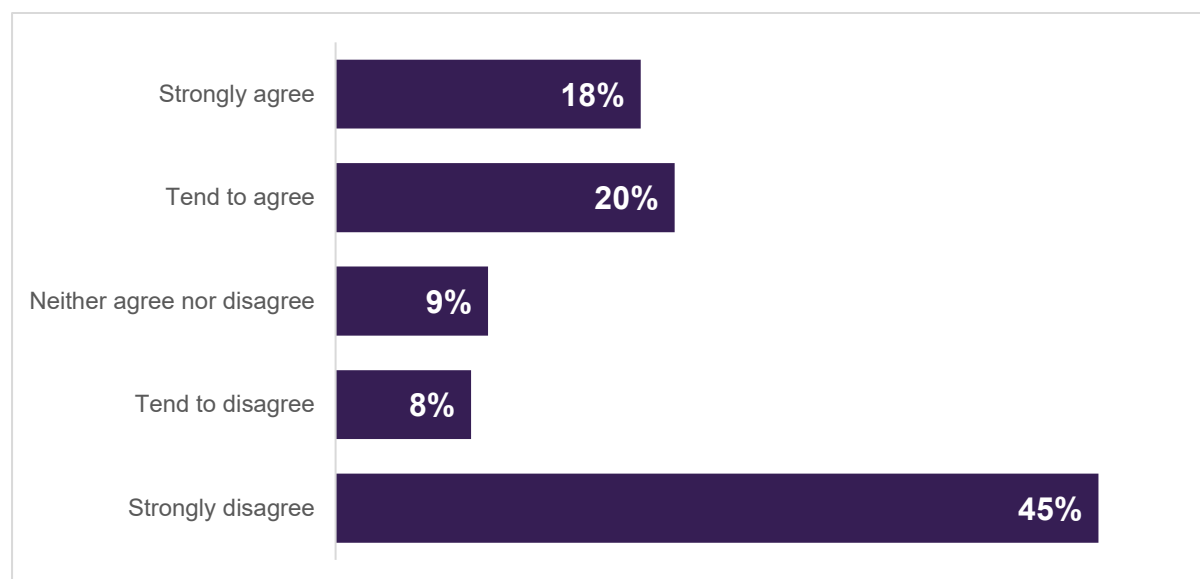
Following the consultation in January, a new section was added to the draft policy regarding existing licensed establishments. There are currently three SEVs and three sex shops licenced in Bournemouth, in and around the town centre; there are none in Christchurch or Poole.

Bournemouth Borough Council's Sex Establishments Policy identified this as the appropriate number of establishments in the area. However, the nature of the area

has changed over time with more residential developments among other changes. The new draft Policy states that the existing licences will be renewed, on application, by the same applicant. Any new applications will be considered according to the new policy, taking into account the character of the locality at the time of the application.

Respondents were asked to what extent they agree or disagree that existing premises should continue to be licenced.

Figure 5: To what extent do you agree or disagree with the policy approach of continuing to license these [existing] establishments?



Base: 172 respondents

Just over half (53%) of respondents disagreed with this approach while 38% agreed and 9% gave a neutral response.

Older respondents were more likely to agree than younger respondents. **54%** of those **aged 55-64** and **50%** of those **aged 65+** agreed, compared to **24%** and **25%** respectively of those **aged 16-44** and **45-54**.

Two thirds of **female** respondents disagreed (**67%**) compared to just over a third (**35%**) of **males**. More than half of **male respondents (57%)** agreed with this approach compared to a quarter of **females (25%)**.

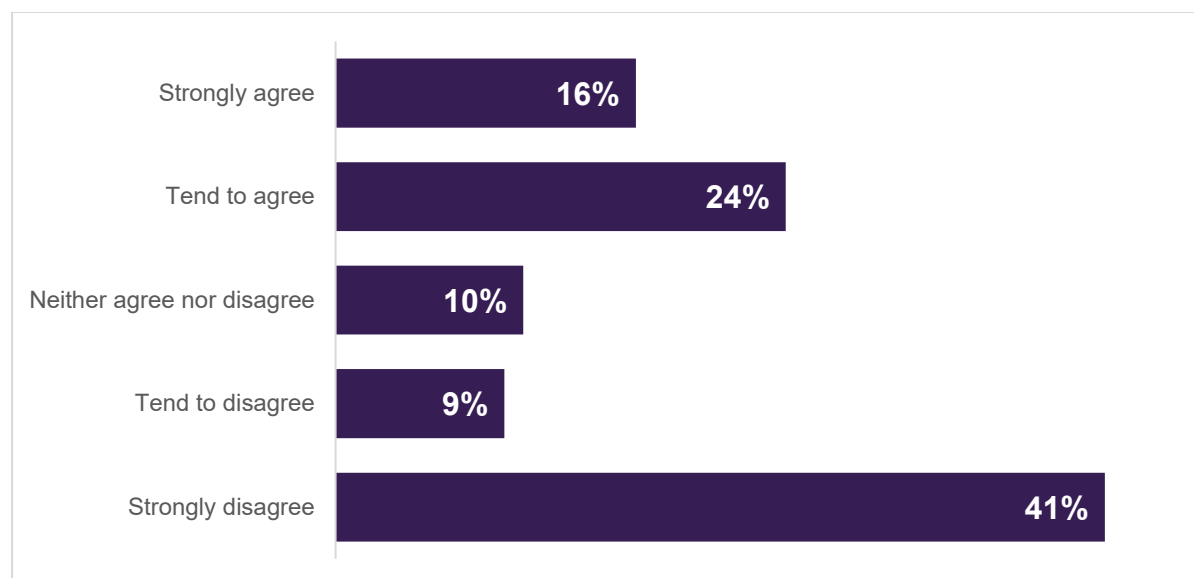
Respondents with **no religion** are much more likely to disagree (**69%**) than those of **Christian faith (43%)**.

License conditions

All licenced sex establishments are subject to conditions which regulate their operations. Conditions may cover things such as the layout of the building, opening hours, the conduct of staff and customers and the products or services that are permitted / not permitted. The draft policy sets out standard conditions for each type of establishment. These are a starting point for any licence and may be varied to meet particular circumstances of individual establishments.

Respondents were first asked whether they agree or disagree with the proposed conditions for SEVs. These conditions include a Code of Conduct for management, performers and customers.

Figure 6: To what extent do you agree or disagree with the conditions for SEVs?



Base 167 respondents

Half of respondents (50%) disagree with the conditions for SEVs while 40% agree and 10% gave a neutral response.

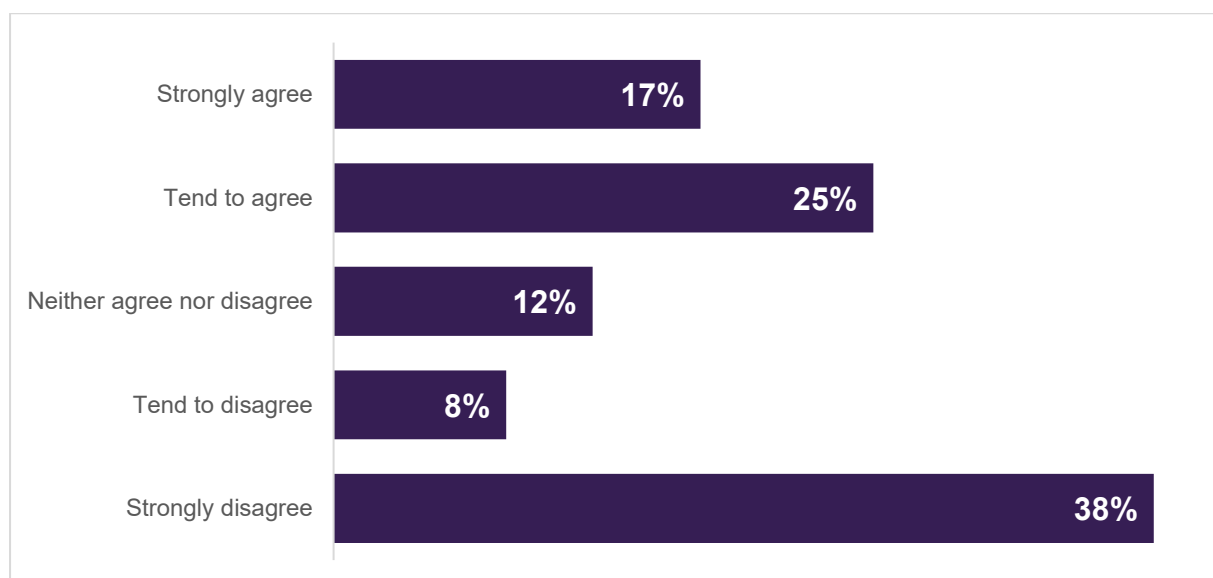
More than half of respondents **aged 16-44 (54%)** and nearly two-thirds of those **aged 45-54 (65%)** disagreed with the SEV conditions. Those **aged 55-64** were more likely to agree (**50%**) than to disagree (32%). Those age 65+ were equally likely to agree or disagree (both 44%)

Female respondents were more likely to **disagree (58%)** than to agree (30%) while **males** were more likely to **agree (55%)** than to disagree (38%).

There were no other significant differences between groups of respondents.

Respondents were then asked to what extent they agree or disagree with the conditions for sex shops and sex cinemas.

Figure 7: To what extent do you agree or disagree with the conditions for sex shops and sex cinemas?



Base: 169 respondents

Slightly more respondents (46%) disagreed with the conditions for sex shops and sex cinemas than agreed (42%).

The groups of respondents most likely to **disagree** are those **aged 16-44 (50%)**, those **aged 45-54 (68%)** and **females (55%)**

The groups more likely to **agree** than to disagree are those **aged 55-64 (56%)**, those **aged 65+ (49%)**, **males (57%)** and **Christians (46%)**

Comments

Respondents were invited to make further comments about the policy and 99 respondents chose to do so.

To make sense of these, we have attempted to categorise the responses; some make points that fit into more than one category hence the numbers shown will add to more than 99.

There were 36 responses that either stated that these establishments should not be allowed without giving any reason why, or were based on moral grounds i.e., the respondent finds them distasteful. Some examples are shown below.

"It is morally wrong to have a policy to encourage this sort of thing to destroy the make-up of society and just to please some abhorrent people in our mi[d]st."

"How seedy to you want BCP Council area to become? The[re] should be no more types of these establishments in the area."

"I would prefer no such establishments in the BCP area, or at least no additional establishments."

A number of respondents did give reasons why they felt the establishments should not be allowed. **Nineteen** responses mentioned equalities and respect / attitudes towards women and girls, while **17** responses mentioned concerns around crime and personal safety stemming from these venues.

"It's madness. The message given, wherever they are situated, is plain - this is the worth of a woman! How dare you put a price on women and girls, especially in light of the male violence against us already!"

"How can the sexual exploitation, degradation and dehumanisation of women and girls EVER be classified as 'entertainment offer'?"

"These types of establishments have no place in our society. Sex should not be sold. Women should not have to put up with seeing these establishments. This is discriminatory and leads to misogyny."

"Licensing Sex establishments legitimises the sexual objectification of women and girls. Such objectification is linked with violence against women and girls. Extensive research shows that men who hold objectifying views of women are more likely to be violent to women. Objectification dehumanises those who are objectified, making it easier, by removing or weakening cultural taboos that prohibit violence, for men to be violent. That is the link. To license these exploitative set ups does not comply with all council's obligations under the Public Sector Equality Duty to foster good relations between the sexes and would leave the Council open to litigation."

"There should be no strip clubs allowed to operate as they help to create norms and a culture where women are objectified and sexualized. This effects women and girls of all ages. The presence of strip clubs has also been shown to increase sexual harassment, domestic violence and sexual violence against women."

"BCP council granting more venues like this will only serve to tell women that they do not matter and their safety and respect is placed beneath male gratification."

Seven responses mentioned the impact on the image of the town and the tourism sector.

"I feel taking the limit away would mean that Bournemouth would lose its attractiveness as a family resort and cause more young adults to visit the town making it uncomfortable for family groups"

"We are better than this: I love the scale of the "Big Plan" - in its opening line it says "make BCP a place where people and businesses want to be"; is taking off the limits on the number of sex establishments really going to create a place where women feel safe"

and empowered, and families say "I want to come there for my holiday - or do we just want to attract the stag night groups: come on BCP, we can do so much better"

A number of comments picked up on details in the policy document such as opening hours or questioned elements of the consultation e.g., who is on the stakeholder list? There were about 15 comments that did not fit into a category.

Finally, respondents were asked if they could identify any equalities impacts of the proposed policy, along with evidence / examples and suggestions for mitigation. There were 95 comments, some of which did not relate to equalities and are not reported here. (All comments are included in the Appendix to this report).

The large majority of responses talked about discrimination against women and several mentioned trafficking and slavery.

Discrimination was identified both in relation to the exploitation of women working in SEVs and the porn industry, and the wider impact on wider society resulting from the objectification of women.

"Women are not commodities. This puts women involved in the industries in direct danger and encounters violence and human trafficking. The women not involved in the industries will be directly affected by misogynistic behaviours from men believing that this is somehow fun/fine/what women expect"

"Sexist businesses that rely on sexual objectification of women do nothing but increase violence against women, sexist behaviour, street harassment & more. As a woman I've been subjected to street harassment outside a strip club close to where I worked. And I'm sick of women having to police themselves because of men's sense of entitlement to women's bodies thanks, thanks to venues like this. Please do better for the women and girls in your community. It is just not fair, it is sexist, it ignores women as a sex class and a protected characteristic in equalities legislation."

"To tolerate such exploitative set ups will be to further promote discrimination against women. Women who work in SEVs and in the porn industry are seriously harmed by the sex trade- just as women who are in abusive relationships are. Similarly, the women often do not acknowledge or realise the harm until they have exited the abusive situation- research interviewing exited strippers illustrates this. The huge harm is the psychological trauma due to dissociation, which is necessary to enable the women to cope with the objectification inherent in the sex trade. Porn in film and stripping in real time are just forms of the same thing, just like porn in print- all sexually objectifying women. It teaches girls that this is ok and boys that this is how to view and treat girls. It all fuels the huge amount of violence to women and girls in our society- we really should not be

surprised that so many of us women are raped and murdered when places like Bournemouth have councillors that think it is ok to permit such harmful places to exist.”

“The council could license zero sex shops, sex cinemas and sexual entertainment venues. This would be mindful of the exploitation of women in all these establishments. Lap dancers should be helped with realistic exit strategies. Women and girls are doubly discriminated against in areas with “sex” venues; firstly by the exploitation of the workers who are overwhelmingly female, and secondly by making the areas containing these venues and shops into essentially no go areas for women and girls.”

Appendix – Comments

Are there any other character or locality considerations that should be included for SEVs?
no further venues should be considered
Temptations Spa
local residents views
In all cases we should think about getting the right balance between community and economy. BPC attracts hen and stag parties. Their requirements can differ from those of long term residents. Tourism adds value to the community, but too many businesses of a certain type could impact a community negativity. How do we get that balance right?
Not near schools
they should not be on a main bus or cycle route
Beaches
Main thoroughfares
Safety of workers needs to be considered; a well lit route out of premises is necessary.
Residential areas
No
walking route for families must be considered in addition to premises or shop usage
Not near anyone
Residential areas
Public transport hubs, festival areas
near to beach chines or green walking spaces
I believe SEVs should continue to be discrete, and therefore can remain in the locations where they are currently. I do not agree with moving SEVs to out of towns or on to industrial estates etc.
Pharmacy
train/bus/taxi stations, transport hubs
Moral decency
General high streets
On any street they are offensive
Risk of encouraging the wrong type of tourism
Anywhere that has high concentrations of women considering the gendered nature of these venues and the danger they present to women's safety especially those is town centres after dark. Consideration must be given to women's safety in the public realm to protect them from oversexed men leaving these premises
No
they should not exist anywhere
childcare and Childminding locations, creches and pre schools
Refuges or Charities supporting vulnerable people
These should not be licensed / approved full-stop.
women using the area
I don't think there should be any in a seaside town. It is exploitative of women in a time where we should be focussing on eliminating VAWG. These promises only encourage exploitation. No woman should be exploited as 'entertainment'

Anywhere women who don't want to be objectified live, work or visit
Nowhere
Places where women, girls and boys are or may see
Nowhere
Why should these even exist? This is not suitable for society as it is harmful to those forced directly or through circumstance to work in this "venues". NO TO THESE
any public space eg shopping areas, road and footpaths
There should NOT be any sexual entertainment venues ANYWHERE
no location is appropriate
There is no way to avoid unintended impacts, hence there should not be any such venues.
There should be no sexual entertainment venues.
Zero tolerance for the sexual exploitation of women and girls
Everywhere
There are no areas which are suitable for these premises.
No location where strip clubs are appropriate. Adopt a Policy for ZERO clubs. Existing clubs MUST be challengeable on the grounds of location. Stop licensing all existing clubs and support all lap dancers to get out.
No place is really suitable for these venues
There is no location where these are appropriate. Women are human beings, not objects!
They shouldn't be there at all
proximity to women walking around the city
No place
The impact on women subject to sexism, violence & abuse due to these sexist establishments that objectify women
These should not be allowed anywhere
Slavery & trafficking
Everywhere
University accommodation and campuses
Should not be allowed in any setting
If the location leads to direct access to women once leaving the the premises
They should not be allowed anywhere
Anywhere that women frequent and who could be harassed as a result of venue's presence
I dont think such venues should be allowed anywhere.
Nowhere is suitable they are sexist snd harmful for women
should not be in places where people drink alcohol as it encourages more people to go or in places where women go out as their risk of sexual harassment is higher
No suitable place
NONE
Bournemouth, Poole and Christchurch
None
Student housing, Bus stops, Taxi ranks, Cafes and Restaurants, any shops (ie. not just families and children oriented - I don't want to shop near these)
Anywhere
Streets used by female pedestrians

Bournemouth dose t offer much for families to attract them here I believe this policy will make the town less appealing to families and visitors
there are NO locations where these are acceptable
Student residences, hotels etc where women may live
THERE IS NO APPROPRIATE PLACE FOR SEV'S IN IN ANY AREA
we are a respected holiday town - we dont need this
Should not be allowed at all. Venues create sexual incitement v women.Sarah Everard.
Women's refuges, alcohol premises

Are there any other character or locality considerations that should be included for sex shops?
no further venues should be considered
Easy Tiger
local residents views
Not near schools
they should not be on a main bus or cycle route
Beaches
Main thoroughfares
Consideration must be given to the safety of women and children encountering customers of such premises whilst going about their day-to-day business. Anti harassment strategies need to be implemented, including enhanced presence of police on the beat, for example.
Residential areas
No
walking route for families must be considered in addition to premises or shop usage
Not near anyone
Residential areas
Public transport hubs, festival areas
near to beach chines or green walking spaces
Pharmacy
train/bus/taxi stations, transport hubs
as above
General high street
Always offensive
Risk of encouraging the wrong type of tourism
No
they should not exist anywhere
childcare and Childminding locations, creches and pre schools
Refuges or Charities supporting vulnerable people
No
See above
Anywhere women who don't want to be objectified live, work or visit
Nowhere
Places where women, girls and boys are or may see
Nowhere

Minimal number - 1 only in an area.
any public spaces eg shopping areas, roads and footpaths
There should NOT be any sex shops ANYWHERE
There is no way to avoid unintended impacts, hence there should not be any such shops.
There should be no sex shops.
Everywhere
There are no areas which are suitable for these premises.
No location where sex shops are appropriate. Adopt a Policy for ZERO sex shops.
They shouldn't be there at all
proximity to women walking around the city
No place
The impact on women subject to sexism, violence & abuse due to these sexist establishments that objectify women
These should not be allowed anywhere
Everywhere
As above
They should not be allowed anywhere within a local populated area
Anywhere that women frequent and who could be harassed as a result of venue's presence
I don't think such places should be allowed anywhere.
Nowhere is suitable they are sexist and harmful to women
nowhere that families might pass
No appropriate locations
NONE
Bournemouth, Poole and Christchurch
None
Student housing, Bus stops, Taxi ranks, Cafes and Restaurants, any shops (ie. not just families and children oriented - I don't want to shop near these)
Anywhere
Streets used by female pedestrians
I believe this will make the town less attractive to f as milked go visit Bournemouth
As above
we are a respected holiday town - we don't need this
Should not be allowed at all.

Are there any other character or locality considerations that should be included for sex cinemas?
no further venues should be considered
local residents views
Not near schools
they should not be on a main bus or cycle route
Beaches
Main thoroughfares
Consideration must be given to the safety of women and children encountering customers of such premises whilst going about their day-to-day business. Anti harassment strategies need to be implemented, including enhanced presence of police on the beat, for example.

Residential areas
No
walking route for families must be considered in addition to premises or shop usage
Not near anyone
Residential areas
Public transport hubs, festival areas
near to beach chines or green walking spaces
Pharmacy
train/bus/taxi stations, transport hubs
as above
General high street
Revolting
Risk of encouraging the wrong type of tourism
No
they should not exist anywhere
childcare and Childminding locations, creches and pre schools
Refuges or Charities supporting vulnerable people
These should not be licensed / approved full-stop.
See above
Anywhere women who don't want to be objectified live, work or visit
Nowhere
Places where women, girls and boys are or may see
Nowhere
This is allowing public porn. Why? Again, the actors involved are harmed esp women through being forced to take part directly or through circumstances. NO TO PUBLIC PORN.
any public space eg shopping areas, roads and footpaths
There should NOT be any sex cinemas ANYWHERE
There is no way to avoid unintended impacts, hence there should not be any such cinemas.
There should be no sex cinemas.
Everywhere
There are no areas which are suitable for these premises.
No location where sex cinemas are appropriate. Adopt a Policy for ZERO sex cinemas.
There is no location where these are appropriate.
They shouldn't be there at all
proximity to women walking around the city
No place
The impact on women subject to sexism, violence & abuse due to these sexist establishments that objectify women
These should not be allowed anywhere
Everywhere
As above
If the location leads to direct access to women once leaving the the premises
They should not be allowed anywhere as they promote sexual violence toward young girls and women

Anywhere that women frequent and who could be harassed as a result of venue's presence
I don't think such places should be allowed anywhere.
Nowhere is suitable they are sexist and harmful to women
these shouldn't exist anywhere they promote porn which is full of trafficked women
No appropriate locations
NONE
Bournemouth, Poole and Christchurch
None
Student housing, Bus stops, Taxi ranks, Cafes and Restaurants, any shops (ie. not just families and children oriented - I don't want to shop near these)
Anywhere
Streets used by female pedestrians
This would not be helpful for families visiting Bournemouth and would lower the attractiveness of Bournemouth as a family resort or place to live
As above
we are a respected holiday town we don't need this
Should not be allowed at all.

Do you have any further comments about this draft policy?
no further venues should be considered and existing venues should not have licenses renewed
You might as well have them as there is nothing to do in Bournemouth apart from the beach
What consideration has been given to the effect of sex venues on sexually motivated crimes?
There is a lack of transparency about consultation. Who has been invited to contribute to the report? Names please. The policy cannot be considered as having been thoroughly researched without considering the impact of the unlicensed sex trade on BPC (e.g sex workers, escorts etc). Any attempt to consider a policy without accounting for the 100-150 sex workers will be unsighted. Some of those sex workers will also work in licensed establishments. Best to be open and transparent about this reality if we are to find a coherent way forward that protects all those working in licensed and unlicensed establishments. Finally for the policy to be effectively implemented there needs to be copies of the Dancers Code made available in the language of the Dancer . To ensure that the Dancer knows what she is signing. Dancers should be independently regulated much as taxi drivers are.
It is morally wrong to have a policy to encourage this sort of thing to destroy the make up of society and just to please some abhorrent people in our mist
BCP should be regulating more not less with no limit they can legally open anywhere by using the grey areas of legislation.
the proposed conditions should be more demanding
How seedy to you want BCP Council area to become? They should be no more types of these establishments in the area.

I would rather these premises be well outside of town centres/public areas. I do not like being close to a sex shop (and its clientele) while having a cup of coffee/going shopping near the Triangle, for example. I think sex work is degrading and encourages slavery, abuse and violence against women and I do not think venues focussing on sex as a business have a place in modern society. That said, I do worry about the safety of "dancers" and "entertainers" and feel they should have proper and safe transportation home (at the expense of venues). I think it is wrong to place responsibility on performers to ensure customers do not touch them -- this is close to victim blaming and is unacceptable -- so that part of the "dancers' code" should be altered.
there should not be any establishments offering sexual entertainments. They are demeaning and tawdry.
There should not be an open-ended amount of venues
I have great concerns about sexually stimulating customers knowing they may then be unable to control these feelings. I believe this could make girls and women more vulnerable to sexual harassment and/or attack. I don't know how Bcp can 'police' these establishments unless Bcp frequently undertake spot checks. I would not have a problem with 'Council' run brothels where the women/men involved were protected and numbers of clients controlled. I say this so you will understand I only have a concern at people going into the community who are sexually stimulated (for that is the purpose of these establishments) with a limited number of ways to find release. I hope I've been able to be clear about my feelings.
The presumption that the current premises automatically can reapply suggests that the new approach will be more lenient. Taking regard to the area is very wise-a good list of priorities are shown-but having these establishments in an area quite possibly could determine the future 'atmosphere' and use of that area.
I feel that Bournemouth Council are taking a responsible attitude on this matter but Bournemouth is a holiday area primarily for families with young children and for older people. I feel that these kind of establishment will attract the wrong sort of visitors to the town and may put off our mainstream visitors, as did all day opening and bars for hen and stag nights, not to mention the effect that had on residents of the town.
produce a list of these venues to see their locations
A bit too detailed and strict regulation, especially Appendix A, Section B. Are brothels not counted as Sex Establishments? A liberal policy without hypocrisy should be the aimed for. Forbidding prostitution would drive it underground.
I believe all establishments should be capped at the current level or lowered.
Strongly disagree to any of these establishments being in locality. They are offensive and promote sex trafficking, sexual assaults and abuse of women
Appendix A, section C Para 2 - why are sex shops not allowed to be open on Sundays, bank holidays or public holidays? Is this on religious grounds? Same for section D - is this morals or is there some other reason?
It seems fait-acomplis that there will be more venues of this type. Sadly these venues, rather than 'fulfil a community need', add to the degradation of our otherwise beautiful town, encourage inappropriate and loutish behaviour, appear to normalise such behaviour in the eyes children and challenge the dignity of the human person

Being a bit nit-picking here: Opening hours for sex shops should be better clarified as you should either write 9 AM - 6 PM or 09:00 - 18:00. Surprised by the generous opening hours for sex cinema's (from 09:00) - it would be less confusing if these opening hours mirrored ordinary cinema opening hours.

I don't understand why grandfather rights have been given to existing premises, or why there is a potential for the preponderance of more venues in a particular area now with this draft policy, I think this is a move in the wrong direction. I don't believe that we need these kinds of venues in the town at all. Whilst they may be legal I don't believe that they are beneficial for the town, I would argue that they achieve the opposite. They objectify women, promote a seedy image for the town and are a bad example to our young people, especially at a time when sexual harassment in schools is increasing.

I like no advertisements, A boards etc.

BCP would be better without any of these establishments. We should be aiming for a higher level of cultural/tourist attractions.

We don't need more of these shops in our community, there are enough shops available and these type of establishments are repelling for many in the community, I believe this will not enhance our community but make it worse off.

You haven't really covered online advertising - this would be difficult to monitor, but some inclusion in the policy now, may head off trouble later. Equally, the use of QR codes or enhanced virtual reality displays as used in displays in a venue's window needs to be addressed. This could quickly (via a smartphone) take a child/vulnerable adult to unsuitable material, even though nothing is physically visible on site - think of how the Pokemon online game works using GPS. Apps can be downloaded in error or infiltrated into a device via 3rd party content. Again this may not be happening now, but it would be best to try & future proof policy.

Does it mention decent family values?

I think there should be more sex establishments all over BCP to help normalise "sex" and reduce sex crimes in the UK. Sex crimes in the Netherlands is massively lower than the UK because they have many legal and regulated sex establishments.

Being in older cage group I am probably not qualified to be objective in my answers as my religion and culture and location of housing would not expose me to Populations requiring these services . But I understand there is a sector of the population that do is increasing

All of these venues bring down the tone of any area - and are offensive in every way.. This area is already struggling with rough sleepers / addicts etc It was publicly stated recently in The Times newspaper that B and C town centres are not pleasant places to be - they are not. And please do not pollute the suburbs with any of this sordid stuff.

Commonsense approach - just enough to ensure a well rounded town/city - too many and it might change the character of the city and attract the wrong kind of audiences

Your policy has been written from the perspective that we've got them so let's build our policy around assuming we'll keep them. Where is the pre work of equalities impact that should be presented to your committee to show the adverse impacts of sexual entertainment venues? Why have you assumed they will not only remain but you'll throw open the doors to more. Where is the consideration of the damage sex ent venues do to the views, roles and position of women in society? Where are the questions about women's safety, sexual exploitation, sexual violence and rising violence towards women and girls. The sex trade plays a significant part in this and these venues are part of that. Where is your concern for the safety of performers, women who generally have no on encumbered choice about this exploitative kind of work? Where is your concern for the lack of equality in this? Where is your concern for the high levels of drug use amongst performers, the links to prostitution, the trafficking links, the pressure on girls to do extras? Disgraceful lack of interest in women's safety inside and outside of these establishments. Does the leadership really think this kind of degradation and exploitation says world class resort

I would prefer no such establishments in the BCP area, or at least no additional establishments.

i think this is so clearly insane that it is extremely disturbing that you are even considering it

No mention of facilities in Poole or Christchurch, very biased approach by BCP.

There should be specific mention that drugs cannot be used, bought or sold on the premises by the customers as well as the business and its staff.

All policies should include them being barred from having any sleeping accommodation or overnight staying allowed on the premises. this should reduce the risk of the premises being used for people trafficking. Anyone found sleeping on the premises should have their licence revoked

I don't agree that SEVs should be licensed / approved full-stop and that to (continue to) do so breaches gender-equality law. I have no problems with sex shops who are providing a vital service selling goods contributory to health and well-being.

I would like BCP to take a stand and decline to renew the licenses of the sexual entertainment venues in Bournemouth.

As the document referenced states, this is ultimately "public indecency" only it is hidden behind closed doors. So if the proposal agrees that this is public indecency, then why tolerate it anywhere? The girls and boys performing in these establishments are usually doing it because they are forced to not because they enjoy it. They do it because they do not have money, or they are threatened. I propose that each performer MUST have an independent counselling person, with whom the performer is able to speak in complete confidence about anything at all. And those counselling sessions must happen regularly (weekly) to ensure emotional and psychological wellbeing for the performers. And the sex establishments must pay for the counselling sessions. That way hopefully, people trapped in this industry without a choice (especially from abroad) can somehow escape by way of hiding their identities, and moving them somewhere in another part of the country, or something.

I accept that it is really challenging for Councillors to regulate this industry given the national legislative framework, but I seriously question whether any such establishments add to the well-being of our area or enable us to establish a clear ethos/code of social values which draws a clear line in the sand for all our citizens to express. It is a joy that we have steadily become a more multi-cultural, inclusive and tolerant society. In so doing we do need to beware of an "anything goes" attitude - it doesn't! As an educator I am acutely aware of how young and not so young people are affected in their attitudes to each other and particularly to sexual relations, and the leadership of legislators plays a part in defining the boundaries which they are largely left to set for themselves. So councillors need to ask "what am I signalling to our people by the policies I am setting?"
I think any venue that exploits women should be banned on the basis that it is contrary to the Equalities Act. The related issue is a crime related issue and has to police led in asking does it attract prostitution and organised crime to the area? What contacts of employment if any are offered to the women?
Don't licence any more than there are already
This is disgusting. VAWG has strong, provable links to the sex industry. And that you should be actively condoning it is an insult to women.
This is a regressive policy which does not comply with equality impact assessment. It sends a clear message that it's ok to sexually objectify women and makes me ashamed of my hometown and not want to live here.
The fact that a clause is required regarding CCTV recordings being retained for 31 days is indicative of the issue. These businesses inherently breed misogyny and violence against women. This literally creates an environment where crimes are increasingly likely, victims reporting are less likely (and therefore may need longer than a month to do so) and the the police take complaints against these victims less seriously. You are encouraging a culture where women are subjects of objectification and directly contributing to porn culture. BCP council granting more venues like this will only serve to tell women that they do not matter and their safety and respect is placed beneath male gratification.
It would be a hugely derogatory move for the area if the numbers of these venues was to increase, or that they would be concentrated in a particular place - leading to unsafe spaces for women and girls and an increase in sexual and violent crimes. BCP area is a family destination, especially with more families holidaying in the UK, we should be capitalising on that trade rather than turning it into a seedy stag do destination. Please ensure a strict limit on numbers of all three of these establishment types, please protect the character and family-friendly nature of our beautiful area.
This will place women and children in danger of the type of people these premises will attract. I don't want them in my town.
I am shocked that at a time when places like Blackpool are introducing a zero cap because of the negative impact of SEV's on a family resort Bournemouth is looking to do the opposite
You cannot regulate the sex industry, it will always be one step ahead of you. Increasing supply will increase demand. It will create more no-go areas of Bournemouth for residents and contribute to a culture in which is is OK to treat women as sex objects. Council-licensed sex work. Very slippery slope.
The council should not be complicit in an industry that exploits women and girls, increases human trafficking, paedophilia, rape and assault, for profit.

It's madness. The message given, wherever they are situated, is plain - this is the worth of a woman! How dare you put a price on women and girls, especially in light of the male violence against us already!
There should be none
Why are you encouraging Porn to be available publicly? How does this help society? There is nothing "repressive" about this as a boundary. NO to public porn whether its hiding behind entertainment or not. The clientele seeking to view/partake are small but will inevitably increase due to the "acceptance" of this being available. This means young people (particularly boys) learn about sex from Porn. This is not going to help women and girls who are at threat of unwanted sexual interest. Women and Girls are particularly harmed through direct and indirect (via circumstance) when forced into taking part in these places (as actors in the cinema productions, as part of the entertainment). Boys/Men see that this is HOW women and girls should be treated. This IS HARMFUL. NO to sex work of this kind.
any sexual entertainment facilities increases danger and oppression for women, and creates an inappropriate environment for children. Theses venues do not help men to view women respectfully
There is NO location where strip clubs are appropriate ALL Council should adopt a Policy for ZERO clubs Existing clubs MUST be challengeable on the grounds of location ALL Councils should STOP licensing ALL existing clubs and support all lap dancers out
Many warm words but not remotely clear how the conditions would be enforced and many of the conditions run directly contrary to the purpose of the establishment. More realistic aspirations and a clear enforcement policy would be more effective.
There should be no sexual entertainment venues. They degrade women and are a promotion of prostitution. Prostitution is a form of paid rape. The debts dancers in sex establishments can incur and the proximity of willing pimps and punters lead women into that abuse. It is certainly feasible to close existing sevs. Leeds City Council ha done it.
I am sorry that you think these venues, shops and cinemas are appropriate in any way. They are almost exclusively aimed at men, encourage poor attitudes to women, it is impossible to ensure no impact on local people including children.
No location where strip clubs are appropriate Adopt a Policy for ZERO clubs Existing clubs MUST be challengeable on the grounds of location Stop licensing all existing clubs and support all lap dancers out
There should be no strip clubs, sex shops, sex cinemas or other venues offering sexual or sex-related services in Bournemouth.
How can the sexual exploitation, degradation and dehumanisation of women and girls EVER be classified as 'entertainment offer'?
Strip clubs, sex shops and sex cinemas are exploitative of women who may be trafficked or desperate for money. A 'policy' does not make these places acceptable.

<p>The basic failure in your policy is that you have not recognised that no areas are suitable for any of these establishments. The council should therefore adopt a policy of licensing no establishments whatsoever of this type. This will allow you to refuse the renewal of any of the existing licenses. This is the only appropriate policy for the council to adopt to maintain your policy aims with respect to the health and well-being of the area, safeguarding, crime and disorder reduction and the promotion of equality and diversity. The culture should also support Lapdancers in escaping from the exploitation and abuse which these clubs promote.</p>
<p>No location where strip clubs, sex shops or sex cinemas are appropriate. Adopt a Policy for ZERO such establishments. Existing strip clubs MUST be challengeable on the grounds of location. Stop licensing all existing clubs, shops and cinemas and support all lap dancers to get out.</p>
<p>Bournemouth should adopt a policy for zero clubs. All existing clubs should be challenged on grounds of their location. Stop licensing these venue and provide support for lapdancers to exit.</p>
<p>Adopt a policy for ZERO clubs. Stop licensing existing clubs and support the workers in getting out of the business safely. Do not license any new clubs. Take a moral stand on this issue which, in fact, would merely be to recognise that women are human beings, not sex objects.</p>
<p>No location where strip clubs are appropriate Adopt a Policy for ZERO clubs Existing clubs MUST be challengeable on the grounds of location Stop licensing all existing clubs and support all lap dancers out</p>
<p>Do away with all sex venues. These attract heinous acts against women and perpetrate sexist ideas that women are objects for men's pleasure. It is 2021 isn't it time we stopped objectifying women for men's titillation and sense of entitlement to women's bodies. These areas are pre cursors to male violence against women. Society will never overcome sexism and inequality if women are allowed to be exploited in this way. MEN: it's time to grow up and have some respect, Women have had enough exploitation.</p>
<p>Open no new places, close the rest and offer exiting services to strippers.</p>
<p>There is no place for sex based (based on sexist) entertainment in the 21st century. Violence against women is a national pandemic, I am regularly subjected to street harassment and these places perpetuate misogyny and the objectification of women and girls. And the entitlement of men to women's bodies. I have regularly holidayed in the area since I was a child in the 70s and have been increasingly appalled at the 'sexist lad' culture I have experienced in recent years. Bournemouth doesn't feel safe for women & girls any more. Please if you can't put women first at least stop putting us after pimps, John's & 'adult entertainment ' profiteers.</p>
<p>There should be no sexual entertainment venues/ sex shops or cinemas</p>
<p>Allowing venues to operate where we know there is a high chance of occurrence of modern slavery and/or trafficking is incompatible with the council's anti-slavery policy. Existing establishments are not being policed sufficiently and a blind eye being turned to suspected incidents of slavery, trafficking and coercion.</p>
<p>These types of establishments have no place in our society. Sex should not be sold. Women should not have to put up with seeing these establishments. This is discriminatory and leads to misogyny.</p>

The presence of sexual entertainment venues (strip clubs) in city and town centres is incompatible with the equality act (under which 'sex' is a protected characteristic) as they create a misogynistic environment where women are less likely to feel safe and welcome. They promote and normalise sexism and the sexual objectification of women, which is linked to violence against women. By licencing such venues the council is not fulfilling it's equality obligations and is not promoting parity and harmony between men and women.

Sex "entertainment" is demeaning to women & girls & those involved should be offered exit strategies. It has a negative impact on the whole community & endorses the concept that women & girls can be commodified.

The draft policies' only aim in reality, is to serve and promote the belief that the sex industry is a 'harmless form of entertainment'. These male owned businesses only exist to profit from the selling and buying of young girls and women's bodies. Where any sex club exists there is always violence, abuse, rape, prostitution, drug addiction and the violation of young girls and women's human rights. In promoting and supporting the sex industry, you are enabling and perpetuating the belief that women are sexual objects to be used and abused by men for their sexual gratification, regardless of the consequences. Please take the time and undertake serious research; the sex trade industry is not a form of harmless entertainment! Research shows that over 67% of young girls and women in the sex trade industry suffer from Complex PTSD, and most are from backgrounds where they have suffered childhood sexual abuse and rape at the hands of men. Research the violent abuse of young girls and women in the sex film industry. Research the effects of pornography on young boys and their behaviour towards young girls. Look at the recent news reports of what is happening to young girls in schools and universities country-wide, who are the victims of sexual harassment and abuse, because of the influence of the sex trade industry. Research the domino effect of allowing sex clubs and sex cinemas to operate within local communities, where young girls and women are harassed and intimidated by Male punters who exit those venues at closing time. Closing your eyes to these realities allows men to set up sex trade businesses within the community, that ultimately aid and abet the sexual violation of young girls and women. Stand up and be counted for once and say no to an industry that from its very inception has traded in the buying and selling and violating of young girls and women purely for profit. If you continue to believe it is 'harmless entertainment', you are part of the problem!

I and my seven year old niece were harassed as a direct result of the presence of a strip club (they mentioned the club in their harassment of us and were due to visit it later). It was a frightening experience and showed the level of sexual entitlement these men felt towards women that they would harass me regardless of the presence of an impressionable child. I should mention, too, that this was in broad daylight during the afternoon. Many women have suffered far worse as, fuelled by alcohol, the late hour and time spent watching women being humiliated in sex shows, men have emerged from such venues. Does the council's Equality Policy not extend to the rights of women and child citizens to be free of harassment and abuse within and without sexual entertainment venues? If it doesn't then it's not much of an Equality Policy and should be amended. Your duty to women under equality law is clear and should not be shirked as this draft policy intends.

I think it highlights the oddness of trying to regulate odd behaviour.

Licensing these venues says its ok to treat women as sex objects, it is not for the council to do This. There are better ways for the economy to recover. Shame on you.
SEVs should demonstrate a safeguarding policy to protect staff and have a wellbeing offer to ensure staff are supported appropriately
other towns like blackpool have reduced the numbers to zero, why are you looking to increase it? it will turn bournemouth into more of a sleazy stag do filled toxic place at night than it already is. not the kind of place i want to live as a woman and a mum of young boys.
Bournemouth should have a zero tolerance policy to sex establishment and concentrate on providing care and jobs to existing lap dancers
Sexual exploitation almost always has a woman or girl as its victim. You people should be jailed for trying to give sexual exploitation legitimacy. EVERY council member who vote FOR this...should be made to sell their body every night for a year. Then have a re-vote. This socialist knows that you people are abhorrent parasites living off the misery of others.
This consultancy was not publicised in enough time for response. It is disappointing that the council feel that tourism equates to entertainment in this way.
You cannot police this. Conditions are pointless unless you're closely monitoring. You can buy sex in strip clubs, they still have their license. Opening more will lead to more prostitution. Which is illegal.
The sex industry has a hugely negative effect on the local area and residents. Drunk men spilling our propositioning any female, young or old. It attracts drug dealers and prostitution and makes the surrounding area unsafe
Three comments 1. We are better than this: I love the scale of the "Big Plan" - in its opening line it says "make BCP a place where people and businesses want to be"; is taking off the limits on the number of sex establishments really going to create a place where women feel safe and empowered, and families say "I want to come there for my holiday - or do we just want to attract the stag night groups: come on BCP, we can do so much better 2. Councillors might say that they will be strict in their licensing response - what about the future; others who follow may decide to push the boundaries and follow the money: don't give them that chance 3. And I would like to know that crime figures will be monitored - around such places, illegal immigration, trafficking, assault and sexual violence normally increases (look at Amsterdam and their work to reduce the size of the Red Light zone - why are we opening the doors to go the other direction) - will these figures be tracked and published?
If there is not a limit on these I am concerned that the opportunities for human trafficking/modern slavery victims be increased Regardless of not allowing venues in certain places, if there are more such venues it is likely to attract more groups such as stag/hens who will go to other places too/ this could be off putting for families and could affect the number of families who might be drawn to BCP. I believe the number of these venues continue to be restricted for these reasons
What on earth is there to be gained for the welfare and wellbeing of people by allowing more establishments that are known to cause addictive, destructive, harmful, exploitative behaviours? With a proven link to crime, sex trafficking, debt and social and relational breakdown?

Licensing Sex establishments legitimises the sexual objectification of women and girls. Such objectification is linked with violence against women and girls. Extensive research shows that men who hold objectifying views of women are more likely to be violent to women. Objectification dehumanises those who are objectified, making it easier, by removing or weakening cultural taboos that prohibit violence, for men to be violent. That is the link. To license these exploitative set ups does not comply with all council's obligations under the Public Sector Equality Duty to foster good relations between the sexes and would leave the Council open to litigation.

I feel taking the limit away would mean that Bournemouth would lose its attractiveness as a family resort and cause more young adults to visit the town making it uncomfortable for family groups

We need ZERO clubs. Women are harmed by these and attitudes of men towards women in the whole town are affected. This is unacceptable.

How will female students or visitors feel safe returning to halls or hotels at night? How will you really ensure all the regulations are upheld? No masturbation??? How will families feel as they shop round town? How is this policy suitable for a family & student friendly town? How does this policy work towards the Istanbul Convention's call to stop degrading media (article 17)?

Opening hours should be longer

I am sure the new BCP Council would want the best for the town - surely they can do better than this!!

Strip clubs are dangerous and Bournemouth clubs have become notorious for their rule breaking. They encourage inequality between the sexes. An equality impact assessment must be done otherwise the council allows the possibility of harm and discrimination and opens themselves up to legal challenge. They detract from Bournemouth's appeal and discourage visitors and residents from visiting the areas they are in. Women feel unsafe walking past at night and in the the day the areas feel unwelcoming. Allowing existing clubs to continue to operate without regular review is foolish, especially with the changing character of the area they reside in. I cannot see any area in BCP where a strip club would be appropriate and recommend the council adopt a policy of zero clubs, providing exit services for the women working in them. I truly believe this would be to the benefit of all, reducing harm, encouraging equality and improving Bournemouth's reputation.

This survey wording is t too restrictive. It makes the assumption that your policy proposal is the right way forward, ie tolerance / acceptance of these establishments 'if in the right places'. But they are never appropriate, nor is any location appropriate for them. Their impact negatively affects all women / men / everyone. You would not tolerate / be allowed openly racist venues, or paedophilia promoting venues, or bull-baiting. Get ahead of the game, BCP and disallow all these venues.

There should be no strip clubs allowed to operate as they help to create norms and a culture where women are objectified and sexualized. This effects women and girls of all ages. The presence of strip clubs has also been shown to increase sexual harassment, domestic violence and sexual violence against women.

Are there any positive or negative impacts of this proposal that you believe that BCP Council should take into account in relation to equalities or human rights? If so, are you able to provide any supporting information and suggest any ways in which the organisations could reduce or remove any potential negative impacts and increase any positive impacts?
I think BCP should be looking to follow the lead of other areas such as Bristol
Modern slavery, grooming, taking advantage of vulnerable women, to name a few of the issues surrounding this type of 'entertainment'
no
Temptations Spa is placed in a location where not many clienteles know exists, which effects the place's business. And they do not employ any escorts to entertain male clients. And a couple of the adult stores should have private rooms that have "gloryholes" which makes the visit more entertaining. These ideas will not only increase these place's clientele visits but it would help local massage place's as some male clients visit there only for sexual services, which they do not do.
I cannot see what 'human rights' infringed or otherwise are by the presence or absence of sex establishments.
I have suggested that all Dancers be regulated in the same way as taxi drivers are.
There is no positive impacts by trying to introduce this policy it only will Increase the harm that it will bring to the most vulnerable in our society and make some people richer it will only increase the use of drugs and unsociable disturbances to these little towns
Turns a blind eye to modern slavery it will make it easier more venues more people forced into this work
None that I can think of.
sexual establishments favour those with power and money (usually men) and use those who work in them as objects for their own pleasure. Although in theory everyone has a choice whether they work in such establishments or not, in practice many people who do feel their options are limited either for financial, educational reasons or through a history of abuse in their own families. These establishments also undermine marriage and warp people's idea of what healthy approaches to bodies and healthy sexual relationships are. The best way to remove potential negative impacts is to limit these establishments to the absolute minimum, place them as far away from the general public as possible and ensure that the people who work in them have access to counselling and support to find other employment and additional education which would improve their life chances.
More gay cinemas and area to meet in dark rooms please
Have BCP commissioned a study correlating to sexual harassments / intimidation / abuse and rape in the BCP area with those who buy porn, watch porn or who have attended a sex show or porn cinema? To stimulate and titillate someone can lead to abuse. What about the performers who may have been sex-trafficked or coerced into these shows or establishments?
see earlier comments
Venues offering sexual entertainment transgress the law of God. Sex should only take place between a man and woman who are married to each other - God's gift to mankind.

Neon advertising signage on, or near, the sex premises should be banned.
I believe Bcp should carry out spot checks to ensure there is no breach of the Slavery Act and that the women and men who are employed are properly cared for.
No
I feel the council are doing their best to where to human rights and equality issues
no
Prohibit them if not restrict significantly make sure they are located out of town, outside of residential areas, out of sight, inaccessible to general public
I'm surprised this question is even being posed; there will undoubtedly be situations where individuals conduct acts for money that they would otherwise not. The rights and dignity of all individuals must be paramount, therefore not adding to the possibility of this scenario should be top of BCPs agenda.
No
Define an area of the city so that everyone knows what goes on there - like Amsterdam has the red light district - and so that people know that by choice they can stay clear of it. ...or not...
I believe it is about choice. If women wish to be involved in this way, then it is upto them. If women do not want to be involved or become dancers, then again it is up to them. But I do not believe that women should not tell other women what they can and cannot do. I have read the documents produced by lobby groups incl the Fawcett Society. I have yet to see a proven correlation between sexual assaults and SEVs. In fact I believe there is a higher risk of sexual assaults resulting in a night time economy of nightclubs etc. Does this we then ban all these establishments too? Centre to all of this, should be the voice of those who work in this industry particularly the dancers. I would like to understand if they feel empowered by the choice to do what they like with THEIR own bodies. And do we really empower women by banning them from carrying out the roles that they wish to? I don't frequent these clubs, but actually I quite admire the women who feel comfortable enough with themselves to stand up there & dance.
The proposal does not set out adequate equality and diversity policies for licensing these establishments.
Women should have the right to be safe. Is the council going to (or does it already) research the impact of these businesses on the levels of sexual assault in the areas around them and how they differ from comparable areas without them?
Physical and mental health of employees is paramount.
Size of venues and opening times could be an issue Also who pays extra costs of policing extra venues?
Not good for the young to be exposed to this shop
The negative equalities impacts are well documented - see previous comment. The very existence of these organisations breaches the equality act in several ways. Gendered nature of the clubs Lack of employment rights The council is also failing its public sector equality duty by endangering women in the public realm who are propositioned by over sexes men leaving these clubs. The sex industry, of which these clubs are part of, contributes to rising violence and sexual violence against women. Women who work in these clubs will tell you what men say they would like to do to them. Why is the council supporting this exploitation and entry point to sexual objectification and abuse against women. You have the power within the law to end them, use it. Set your limit at zero

No
obviously vulnerable women, sex trafficked women and drug addicted women, runaways etc are ruthlessly exploited by this degenerate industry. if you ask them they will lie and say they are happy to do it - they say these things under duress.
Cost of ensuring policing of the sexual establishments.
In view of the murder of Sarah Everard earlier this year and the increasing issues around Violence against Women and Girls we should be doing far more to protect the vulnerable and should be limiting (and preferably reducing) the number of such establishments in our area. this is not an area of business we should be either encouraging or areas of tourism we should be touting for. We should accept that we have a strong LGBTQ+ community but it should not be assumed that there is any reason for this sort of establishment to be expanded.
it sends the wrong message to residents and visitors, we should not encourage this type of shop or entertainment in the area
"A local authority ... must look long and hard at the adverse impact on gender equality of letting such an enterprise exist at all ... Otherwise it will be acting unlawfully and will be subject to legal challenge." [Human Rights expert Louise Whitfield of Deighton Pierce, Glynn on the licensing of strip clubs]
I believe that sexual entertainment venues encourage men, and some women, to regard women as secondary citizens who are not equal to men. Women are exploited as sexual objects and are shown as commodities who will strip and dance for men for money. This can enforce the degrading notion that women's function is to serve men and can have an impact on how all women are perceived. Research has shown that the presence of lap dancing clubs increases demand for nearby prostitution services. The areas where the lap dancing clubs are can become no-go areas for women and girls. These clubs undermine efforts to enshrine genuine equality between men and women.
I was born in Moldova, and Moldova has probably the highest number of abandoned children. Especially young girls get groomed by sex traffickers straight out of orphanages. Sometimes even the orphanage staff or local authorities are involved in the who thing, where payments are made. Then those girls end up in the EU (UK is out now) where there are no borders, no checks, nothing. One night they are in Italy being prostituted, the next in France, and then in Germany, and so on. The whole EU is an open play-field for these people because of open borders. These girls end up in UK as well, sometimes with wrong passports from EU countries. They are forced top say they enjoy it and they want to carry on, but they don't. This is my biggest issue with this industry. There is a lot of suffering in there. That is why, all performers must have regular confidential meetings where they are assessed to see if by any chance they are forced to do something they don't want by another person or by their life circumstances. Also, by lifting the number of establishments that can be licensed, it open Bournemouth up for becoming (or being known for) something the local residents would not be proud. Going from three establishments to infinite number of establishments is a mistake.
. the reducing of women to preforming sexual acts essentially reduces them to objects that can be purchased by men . it fails to protect women with fair employment practices such as sick pay/maternity leave/ holiday pay etc . I also understand that Bristol has used the same legislation to ban such premises from operating and they should be contacted to see if there is case law or precedence by the l.a.

It is good that these venues are regulated in order to make them safe for those who work in them however I think it will not add to BCP as an attractive place to visit by allowing more. It may in fact be detrimental to tourism and could potentially increase criminal activity.
As a woman I suffer sexual harassment, misogyny and discrimination because men and boys are being shown its ok to objectify women. Women's bodies are something that can be bought. Women's only worth comes from their subordinate role in satisfying men's desire. Not only that, but licensed sex establishments pull moderate men and boys who would not seek out these unhealthy relationships with women to get pressured into going and buying into the toxic masculinity it promotes. SEVs and the like create no go areas in town for me as a woman due to the threat of sexual violence and harassment. I've been harassed outside spearmint rhino and avoid that part of town after dark completely.
Women are not commodities. This puts women involved in the industries in direct danger and encounters violence and human trafficking The women not involved in the industries will be directly affected by misogynistic behaviours from men believing that this is somehow fun/fine/what women expect
Any increase or concentration of these venues would have an obvious impact on women and girls, making us feel at best intimidated and unwelcome, at worst unsafe and threatened. An increase in violent or sexual crimes would be expected. An increase or concentration of these venues would be potentially distressing to elderly residents, and the "no go" areas which could be created would be harmful to family life. I would also be concerned about how such venues might make trans people feel. The ONLY people who will not feel threatened, saddened, uncomfortable or intimidated by these venues are likely to be straight men. This is the clearest example of an equality issue.
No positive impacts. It will attract people who are likely to offend outside of these clubs. Women will find it even less safe in Bournemouth. It will increase the number of women being exploited.
As mentioned above take notice of the work of local authorities working to improve respect for women in their night time economies - The commodification of women involved in the SEV's has implications for the attitudes of men using these establishments and consequentially for the women with whom they live and work and those men's enhanced attitudes to believe they can buy women and sex.
There is no group with a protected name - gender. Can I suggest you change your lawyers?
It discriminates against me as a woman. I want to be free from being treated as a body there to please men. By licensing sex establishments, you're feeding that idea. I've been sexually assaulted by men who frequent these strip clubs in Bournemouth and I know exactly where they get their sense of entitlement to women's bodies from. You should be trying to address this, not promote it. The strip clubs in Bournemouth mock people with dwarfism. In licensing them, you're supporting this disability discrimination too. When my son told his friends he didn't want to go into a strip club in Bournemouth, they mocked him for being gay - using sexuality as an insult to encourage him to go in. This is commonplace. Strip clubs facilitate this kind of homophobia too.
The council should not support an industry that exploits women and girls, and increases human trafficking, paedophilia, rape and assault, for profit.

You are taking no interest in the well being of women or children. So whose interests would this serve? Certainly no-one from a protected group! The way forward is clear, a zero toleration policy.
There should be none.
Gender is NOT part of OR defined in the EA2010 act. Why do you have that here? It is ONLY sex (male/man; female/woman) which is solely binary and immutable. Gender is *only* mentioned in reassignment which affects a teeny tiny proportion of the population and those are majority males most of which have a *sexual fetish* about being seen as women. Which is offensive to women. Women are NOT an "identity". How dare you MISREPRESENT the law. Again, how can *any* sexual entertainment venue/film help anyone with any of the protected characteristics stated in the EA2010 act? It DOES NOT. It plays into the hands of those who: 1) View Women (in particular) as less than human and as little more than a *sex toy*. This is demeaning and is against the protection of Women/Girls/Females as per the EA2010 act. 2) It allows those who use Women/Girls through direct or indirect methods in performing for the sexual gratification of others, particularly men. This again is demeaning to Women/Girls/Females. As a council you are advocating, aiding and abetting Violence against Women and Girls. You are advocating, aiding and abetting the effective training of boys/men to view women/girls are something less than human. You as a council are therefore complicit in Violence against Women/Girls and demeaning them which would contravene the EA 2010 act as you are NOT protecting them as per the Act expects. Do better.
see previous response
Women's bodies should never be for sale. Objectification of women dehumanises them. Pornography is violent and exploitative. It normalises acts which would otherwise be classed as criminal. One cannot consent to one's own exploitation. The majority of pornography is violent and abusive. All of these contribute to sex trafficking of women and children and of abuse of women and children.
Given that all those being employed are female, there would be a good case that this policy, by enabling male employers to exploit female employees is contrary to the Sex Discrimination Act. Such establishments have also been shown to increase aggression towards women outside the premises, which is contrary to the Licensing objectives. The most effective measure to address this inequality would be to reduce the number of such licences, not to enable more of them. For those who seek such services, the internet provides ample entertainment. I do not live in the area but do have a child who has applied to the university so am concerned to learn that there might be an increase in this type of establishment.
You have not undertaken and equalities impact
An Equality Impact Assessment considering the impact on women should definitely be done.
No location where strip clubs are appropriate Adopt a Policy for ZERO clubs Existing clubs MUST be challengeable on the grounds of location Stop licensing all existing clubs and support all lap dancers out

The proposal to allow sexual services or sexual entertainment to be sold in Bournemouth is not compatible with human rights. Such services and entertainments exploit and degrade women and debase men who watch them. Allowing them is also corrupting to children who learn that women can be bought and sold for men's pleasure. They are also dangerous to women and children who are not involved in them. The evidence from Leeds shows that when men know that there are women for sale in an area they treat all women and girls in the area as though they are for sale.

No appropriate location for strip joints exists, there is not one place where it would ever be acceptable. Every council should have a policy for ZERO clubs in their locality. Existing clubs must be challengeable and all lap dancers and strippers should be supported out of the industry. It's not work, it's pure exploitation.

Firstly, the Equality Act 2010 establishes the protected characteristic of 'sex' not 'sex/gender' as you detail here.
<https://www.legislation.gov.uk/ukpga/2010/15/section/4> verifies this immediately. When establishing this kind of policy it is important to realise that in terms of sex shops and other such 'entertainment' venues the main group affected in terms of their human rights will be women. Here women refers to female people granted protection under the Equality Act as members of a sex class. Legality of acts or actions doesn't guarantee an avoidance of harm, particularly to women in the 'sex entertainment industry'. The council must ensure that data are recorded, investigations carried out, and harm assessments conducted with the specific aim of protecting women, who are almost always the victims or sufferers of harm in this particular 'industry'. Anything less than this would be a dereliction of the duty of care towards women. Whilst there may exist a path through this needle it is incumbent on the council to make the prevention of harm its first and overriding priority. Thank you.

As mentioned before, these establishments are inappropriate because they damage the councils ability to promote equality and diversity. They provide loci for the abuse of human rights. Setting a policy of zero establishments and not renewing existing licenses will allow the council to fulfil its responsibility in these areas.

Women are fully human - not a collection of body parts for male "entertainment". Adopt a Policy for ZERO strip clubs, sex shops and sex cinemas. Existing clubs MUST be challengeable on the grounds of location. Stop licensing all existing clubs and support all lap dancers to get out.

Lapdancing venues are just a front for other illegal activities such as prostitution and drugs. There are no places in which they should be licensed. These venues should be shut down and not relicensed. Many women are forced into lapdancing by pimps. These venues are a front for sexual slavery and have a negative impact on the local area. They add to the inequalities between men and women and encourage sexual violence against women.

Given that equal rights covers sex/gender, women have a right to be considered as equal human beings, not sex objects. If you look at the matter from that perspective, you will see that sex clubs have no place in 2021.

Adopt a Policy for ZERO clubs Stop licensing all existing clubs and support all lap dancers out

<p>Women as a sex class are exploited in numerous ways because of their female anatomy. Sex establishments capitalise of this power imbalance in society and this power imbalance causes great harm to women and girls. It embeds sexist ideas into young men (and women) that the exploitation of a woman's body is a man's right and a woman's duty. It's time we grew a healthy society where girls and women are not objectified, where men as individuals and companies as drivers of this culture are held to a higher standard of respect and decency. If we ever stand a chance of achieving a better world for all, we must address sex inequality. We must also expect better of men. men will not die if they cannot masturbate in a sex club, they will not die if they do not have access to women in all aspects. Men do not have a right to demand sexual attention, to be titillated not catered for when the end result is objectification and commodification of female human beings. We can do better and we demand an end to this for the sakes of a better society.</p>
<p>Shut down these places because they are sexist, racist and classist. Violates women's rights to equality with men.</p>
<p>Sexist businesses that rely on sexual objectification of women do nothing but increase violence against women, sexist behaviour, street harassment & more. As a woman I've been subjected to street harassment outside a strip club close to where I worked. And I'm sick of women having to police themselves because of men's sense of entitlement to women's bodies thanks, thanks to venues like this. Please do better for the women and girls in your community. It is just not fair, it is sexist, it ignores women as a sex class and a protected characteristic in equalities legislation.</p>
<p>Allowing any of these sex establishments violates women's and girl's rights. These establishments promote misogyny and put women and girls at risk. Don't allow any more such venue; close existing venues and help get women out</p>
<p>Allowing venues to operate where we know there is a high chance of occurrence of modern slavery and/or trafficking is incompatible with the council's anti-slavery policy. Existing establishments are not being policed sufficiently and a blind eye being turned to suspected incidents of slavery, trafficking and coercion.</p>
<p>Someone is making money from these establishments otherwise they wouldn't be opening them. Women/girls are being trafficked from all around the world. If this was a kennel for dogs it wouldn't be allowed. This is purely a way of leeching off a woman's body.</p>
<p>The presence of sexual entertainment venues (strip clubs) in city and town centres is incompatible with the equality act (under which 'sex' is a protected characteristic) as they create a misogynistic environment where women are less likely to feel safe and welcome. They promote and normalise sexism and the sexual objectification of women, which is linked to violence against women. By licencing such venues the council is not fulfilling it's equality obligations and is not promoting parity and harmony between men and women.</p>
<p>Stop the objectification of females.</p>
<p>I would recommend that an impact study should be completed before agreeing to continue to license any sex entertainment premises.</p>

Please undertake legitimate research on how the sex industry harms young girls, women and local communities. <https://theconversation.com/no-harm-done-sexual-entertainment-districts-make-the-city-a-more-threatening-place-for-women-81091>
<https://metro.co.uk/2021/03/15/strip-clubs-could-be-banned-in-bristol-to-protect-women-14244847/> <https://www.notbuyingit.org.uk/UnsafeUnfit>
<https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1202&context=mcnair>
<http://www.womenssupportproject.co.uk/userfiles/WSP%20-%20Adult%20entertainment%20or%20exploitation%20-%20final.pdf>
<https://www.grand-island.com/Home/ShowDocument?id=10354>
<https://doi.org/10.1002/jcop.22376>

While I applaud the range of limits with regard to location of sexual entertainment venues, it doesn't go far enough. There have been serious incidents at the three current strip clubs and they should all have been closed already. Even if all were run to the highest standards, The Equality Act 2010 states that behaviour which is meant to, or has the effect of, violating one's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment is unlawful. All sexual entertainment venues have this effect, both within and without the premises. On this basis the Council should set a policy for zero such venues within the borough and take steps to revoke all current licences.

Support for workers to find alternative means of employment.

It will leave me scared to go out in town. It's bad enough with a few strip clubs but more would be awful. It's not safe for women as is. It also will encourage young girls to enter sex work which leads to a life of disadvantage. Most sex workers are victims of domestic or sexual abuse. They need support not a policy which will lead to work which retraumatises them. This policy discriminates against women.

I see significant negative impacts for women in general, for younger women, for single mothers and for women living in deprivation. The policy seems to ignore that women working for SEVs are potentially in a vulnerable positions and may have chosen this work under duress. A 2019 Government report explored the relationship between living on low levels of benefits and resorting to 'survival sex' <https://publications.parliament.uk/pa/cm201919/cmselect/cmworpen/83/8304.htm>
A BBC article explains the situation: <https://www.bbc.co.uk/news/uk-50170297#:~:text=The%20government%20said%20it%20was,food%2C%20shelter%20and%20clean%20clothes>. This is especially relevant as we come out of the pandemic - there's a range of information to show that the poorest in the country have been significantly hit financially and in terms of employment. The furlough scheme is finishing soon - should the council effectively be endorsing sex establishment work at a time when many will be desperate for whatever work they can get? I am concerned about the potential here for becoming a 'hub' of SEVs and the attitudes of the people (men) that will be drawn here, and then what my teenage daughter's experience will be as a resident of Bournemouth. Our women (and this impacts especially young women) need to be protected from the potential negative behaviour - we know that those visiting an area show less respect for the place and it's residents, and less so when drunk. I grew up in Bournemouth and have my own significant negative experiences of harassment by men on nights out in Bournemouth - including in front of SEVs. What protections have been put in place? The correlation between negative attitudes towards women and use of SEV is explored here: <https://journals.sagepub.com/doi/abs/10.1177/0886260515600874>. What

message are we sending young women about how we value their contribution and how they can be expected to be treated?
as a women sex establishments like these place me as a second class citizen. they feed a culture where i'm judged by what i look like and how i please men. my value does not lie in that but by licensing these places you're telling the world it does. it's sexist, outdated and will lead to more harm coming to women in bristol and beyond. my friend works in a strip club and only does it to pay the rent. she's regularly assaulted and abused and sees the worst kind of men who then pile onto the streets and harass women who aren't paid to be sexually objectified. women are discriminated against by this policy and in allowing it you are facilitating what will follow.
It's incredible that in the day and age of sex equality vulnerable women should be exploited for the sexual gratification of men, we should be able to challenge existing clubs on the grounds of location, and stop licensing all existing clubs
Yes, jailing or removing from power all Cllrs who support this filthy idea to sexually exploit the poor and the vulnerable would be a positive act.
The protection of young people in relation to sex tourism. With over 18, 000 students living near to these venues, what measures are being taken to protect them?
I'm a woman and I face daily discrimination which is exacerbated by and based on the idea of women's values lying only in their looks and how they please men having more of these establishments will lead to more of that. I'm terrified that it's about to get even harder to be seen as equal as a woman in Bournemouth.
Before the pandemic older people often told me that they no longer go into town because of fear - do sex clubs help to reduce that fear, and if not then is this impacting their human rights (under "age")
I refer you to the similar proposal made in Angus, and the responses made by 'Violence against women partnership,' and 'Womens Rape and Sexual Abuse Centre' therein: https://www.angus.gov.uk/sites/angus-cms/files/2020-01/11_0.pdf
To tolerate such exploitative set ups will be to further promote discrimination against women. Women who work in sevs and in the porn industry are seriously harmed by the sex trade- just as women who are in abusive relationships are. Similarly, the women often do not acknowledge or realise the harm until they have exited the abusive situation- research interviewing exited strippers illustrates this. The huge harm is the psychological trauma due to dissociation, which is necessary to enable the women to cope with the objectification inherent in the sex trade. Porn in film and stripping in real time are just forms of the same thing, just like porn in print- all sexually objectifying women. It teaches girls that this is ok and boys that this is how to view and treat girls. It all fuels the huge amount of violence to women and girls in our society- we really should not be surprised that so many of us women are raped and murdered when places like Bournemouth have councillors that think it is ok to permit such harmful places to exist.
The council could license zero sex shops, sex cinemas and sexual entertainment venues. This would be mindful of the exploitation of women in all these establishments. Lap dancers should be helped with realistic exit strategies. Women and girls are doubly discriminated against in areas with "sex" venues; firstly by the exploitation of the workers who are overwhelmingly female, and secondly by making the areas containing these venues and shops into essentially no go areas for women and girls.

The human rights of those who want to live in an area where family life is supported and valued rather than investing and supporting sex entertainment
Sex is a protected characteristic in the Equality Act 2010. Women have a right to live free of exploitation. Women who work in these clubs should be supported to move into less harmful work and all clubs should be closed.
The duty to protect women will be negatively impacted by this policy. For women in the establishments or portrayed on film. Look at the Istanbul Convention. Also for the partners of customers who may find themselves pressurised into secure behaviour they do not want. Also for women walking around or on public transport who are more likely to receive unwanted sexual glances or worse.
QUITE SIMPLY SEVS ARE INCOMPATIBLE WITH A COUNCIL DUTY TO FOSTER GOOD RELATIONS BETWEEN THE SEXES AND REDUCE HARASSMENT AND DISCRIMINATION AGAINST WOMEN . THE LEGAL JUDGEMENT IN RELATION TO A SPECIFIC SEV IN SHEFFIELD WAS CLEAR THAT THE LICENSING BREACHED THE COUNCIL'S EQUALITY OBLIGATION TO ALL WOMEN . EQUAL ACCESS TO SEVS EITHER FOR WORK OR LEISURE IS NOT AN ANSWER TO THE CHALLENGE OF REDUCING VIOLENCE AGAINST WOMEN AND SEVS PERPETUATE ATTITUDES AND BEHAVIOURS WHICH CONTINUE TO COMPROMISE THE SAFETY OF WOMEN AND OTHERWISE MAINTAIN DISCRIMINATORY ATTITUDES . THERE IS AMPLE EVIDENCE THAT SEVS ARE NOT SAFE, CANNOT BE MADE SAFE AND FOSTER CRIMINALITY . (see NOT BUYING IT AND SHEFFIELD STOP IT NOW)
The proposed policy would harm relations between the sexes and disproportionately harm women. An equality impact assessment must be undertaken.
see earlier comments.
Strip clubs are sex discrimination against women Violate women's human rights to be free from violence and to have dignity

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1

To whom it may concern

My name is Glenn Nicie and I have been in the striptease business for 28 years now (23 years in Bournemouth) and operate many clubs throughout the UK.

The suggestion of dancers being victimised and feeling unsafe goes against all our operational standards and if this was true we would not have a waiting list of dancers looking for shifts to operate their business within ours.

It is greatly misunderstood that dancers work for the club, when actually they are all self-employed and they operate as an independent operator.

For a start, all dancers choose where they work, when they work and for who they work, the fact that there are over 100 clubs in the UK, (and 3 in Bournemouth) allows performers to have the freedom of choice of where they want to operate their business within ours.

The business model is a symbiotic relationship, one needs the other, but if the dancer does not like her environment, she simply picks up her dancer kit and walks/drives to another where she is happier or feels more wanted.

The club operator needs to make sure the dancer is happy and is looked after, otherwise he will lose dancers to another club.

We have a lot of dancers that naturally rotate to many clubs depending on what is happening in the area/country, eg Cheltenham racers, Rugby in Cardiff, Rugby in Twickenham, stag season in Bournemouth or Nottingham etc. Performers will move around the country to pick the best place to earn good income and then will flow back to their preferred club.

The clubs go to great expense to attract the best dancers, they spend hundreds and thousands of pounds on changing rooms, stages, performer toilets, security, cleaners, staff etc. If a dancer does not like what she sees, she will walk straight out the door.

There are not many businesses that allow a business to set up within its business with very little cost/commitment and have the ability to withdraw services without any notice at any time.

So if a dancer felt exploited or unsafe, she can just move to a better club very quickly, there is no holding of passports or money like some overseas clubs do, in the UK it is very civilised and well regulated.

I am not saying that there might be one or two clubs out there that might not offer the best standard of fit out or operation, but the dancer really does have the choice.

If the club does not support a dancer in the operation she can simply leave and find a better one, it really does work for the dancers and the club.

To sum up: In all business you will find victims of an industry, be it modelling, sport, finance or entertainment but in general our industry is very robust and the pure nature of our business means we attract strong, wilful performers that can take control of situations and turn them in to positive experiences and in most clubs they have the support of the management, staff and Door staff to support this approach, on the proviso that it is within our strict Dancer Code of Conduct, rules and licence conditions.

I do feel that some of the public responses are from people that do not understand our business and do not know how it is set up and fail to ask active positive dancers within the industry.

Here to help if I can

Regards

Glenn Nicie - Director
For Your Eyes Only
Unit 19, Mitchell Point Business Park
Ensign Way
Southampton
SO31 4RF

2

To whom it may concern,

My name is Alex Ivins and I have been involved with FYEO for the past 16 years at various levels of management and now as the Brand Operator in both Bournemouth and Southampton, but very much involved on a day to day basis of running the units and as such I am very much in touch with the dancers that perform within our venues.

As a club we are very aware that the dancers are at the core of the business that we operate and because of this we are very pro-active in making sure they have the most secure, flexible, friendly and enjoyable environment to operate their business from and this comes in various forms some of which I will highlight within this letter.

Firstly it is a common mis-conception that the dancers are employed by the club that they choose to operate in. This in fact is untrue, and all dancers are self-employed within our brand and indeed the industry. This enables them firstly to choose which club they wish to work in or indeed choose to work in various clubs at any one time. They are also able to choose what shifts and how many shifts they choose to work in any particular club enabling them to juggle different aspects of their lives in terms of childcare, other employment and family commitments.

They are also able because of this to choose to work in various clubs depending on the season or events that may be taking place eg Cheltenham Races, Rugby at various cities around the UK , Boat show in Southampton, major football events all around the country and indeed seasonal fluctuations in towns and cities such as Bournemouth and Brighton. It also enables them to withdraw their services at any time without notice, which again is a massive benefit for them should emergencies arise.

Despite this being the case the clubs in most cases (and especially within our brand which is the one I have the most knowledge of) strive to provide the most safe, secure and lucrative environment for each and every one of its dancers in various ways including large amounts of investment in premises, advertising, CCTV, security staff, dancer facilities, flexible working environments and strict codes of conduct to comply with all licensing that apply to all, and are all closely monitored by an experienced management team. The reason for doing this is largely due to the freedom that the dancers have whereby if a club does not provide these the dancer will walk away and find a club that does, and as such the statements that the dancers are being exploited are completely inaccurate.

As part of this consultation I have had conversations with various dancers within both of my units, and have invited them to put forward their views on the comments that have been made should they feel strongly enough about the subject. I will forward these should I receive any.

Finally I would add that most operators within the UK choose to run their business as I have described, and whilst I am not naive enough to suggest this is 100% I would say that overall the way the business model is set up is beneficial to both the club but more so to the dancers that operate within it and offers them a way to start their own business with little set up costs.

As a brand operator I would also add we are always open to consultation and discussion and would be more than happy to be contacted at any time for further insights into how we operate, as dialogue is key especially in environments that people may be unfamiliar with.

Kind Regards

Alex Ivins
Director
Alem Nightlife T/A FYEO
134- 140 Old Christchurch Road,
Bournemouth
BH1 1NL.

3

BCP SEVL Policy review 2021

Responses from dancers to claims made that those who perform in SEVs are exploited and feel unsafe.

REDACTED

Date: 18 April 2021 at 09:28:24 BST

Subject: Working at FYEO

I can confirm I am an entertainer at FYEO Southampton and I feel that I work in a safe and secure environment and have never felt that my safety has been put at risk at any point. I choose my own shifts, and I feel it is very lucrative environment also. There are strict licensing rules which are adhered too and the removal of this would affect my ability to work in a safe and flexible club.

Many thanks,
Emma

Sent from my iPhone

Date: 15 April 2021 at 11:04:12 BST

Subject: Council letter

To whom it may concern,

I am charlotte and i am writing to you as a dancer from FYEO Southampton to give my thoughts and opinions on our job & the industry.

I have worked in fyeo for 2 years now and have enjoyed every shift I have done, the support I received from staff and co workers when I was a new dancer was impeccable. I was always interested in doing this line of work and taking the step was and still is the best decision I have made.

My confidence has grown in myself and in the industry as we are provided with a safe, clean and friendly environment to work in.

The management, staff and security to do their upmost to consider our thoughts and feelings to continue providing us a happy place to work in.

I am self employed and choose my own shifts which works really well around my lifestyle we choose to work in whatever club we would like to work in and have no ties to one specific place. I choose to work in fyeeo because it's local, flexible and I get along with all staff and co workers.

Our security staff always make us feel very safe and well looked after, my taxis get booked in for me when I leave to make sure I get home safely same with all the girls. Our safety is their top priority and they show this.

I would like to continue safely in this line of work for as long as I possibly can and think if clubs were no longer available it would make it extremely unsafe for girls who choose to stay in the industry.

The best way for us to continue safely is in our clubs with constant supervision and security.

Yours sincerely

Charlotte

Date: 18 April 2021 at 13:21:19 BST

Subject: Exotic dancer

To whom it may concern,

I have been a dancer on and off for over 11 years, I have worked in many clubs all over the country. For me personally For Your Eyes only has been the most lucrative one for me, due to low and reasonable start up fees, choosing my own hours and nights to work is always optional, and friendly staff to accommodate any problems or concerns that may occur. If I was to return to the industry of exotic dancing I would most certainly consider For Your Eyes only

Carla

Sent from my iPhone

To whom it may concern

I have been a dancer for many years and have had a very good working relationship with FYEO over the last 6 years or more.

I am a dancer of my own free will and find it a good way for me to make a living.

I am self employed and work a flexible shift pattern which suits me very well.

Over the years I have worked in several different clubs, but have preferred working at FYEO as I feel it is one of the safest clubs I have work, with tight rules and safety guidelines which is extremely important to me.

Should you require any further information, please do not hesitate to ask.

Kind regards

Sasha Sent from my Huawei phone

Hi Jonathan,

Just to confirm I am self employed and enjoy choosing my own shifts due to the flexibility of the Club.

FYEO is the best dancing club in my opinion due to staff being vigilant, great security and how strict the rules are especially keeping everyone in the club safe albeit staff members or the public.

It's a great club to work in and I enjoy the environment as well as my choice to be a dancer.

Look forward to working again soon when the club reopens.

Kind regards

Linda

Sent from my iPhone

To whom this may concern

I have worked for FYEO Bournemouth for the past 13 years. Dancing is a huge part of my life and the club is like the family I never had.

Jonathon maintains a clean, safe and friendly environment. As we are able to choose our shifts, working here is very flexible and enjoyable. I have always felt safe and looked after by all the staff.

I love my job and have missed my work family very much this year, I look forward to getting back to work hopefully in June.

Kind Regards

Sophie

I love my job and my work family.

To whom it may concern ,

I am a self employed dancer and I have ultimately chosen to only work at FYEO Bournemouth due to it to being the safest , most professionally run establishment with the strictest adherence to rules .

Also , I have always had complete flexibility over the shifts I have chosen to work. And the management are the nicest I have worked alongside.

Yours sincerely , Lexi

[Sent from Yahoo Mail for iPhone](#)

Date: 18 April 2021 at 11:35:03 BST

Subject: Statement

I have worked at FYEO on and off for over 13years, I enjoy working here and whole time of working here I always felt protected and safe. (Compared to other clubs in different cities) If at any point a dancer does not feel safe or uncomfortable management/security deal with it in a professional manner. Dancers get to choose their shifts as many or as little as they wish. To remove the license of the club would affect the dancers who are mothers, students and primary household earners the ability to live. For many this is their main income. I do wish the club opens and remains as it used to be as for many this club is a normal working job and personally it has saved me from crippling debt.

To whom it may concern

My name is JJ I've been given your email address from Jonathan at fyeo he was asking me to write a letter of response to the consultation, please see below

My stage name is Candy, I have worked in many clubs around the country and have worked in FYEO Bournemouth, Wiggle Bournemouth and Spearmint Rhino Bournemouth as well as many others around the country.

I have been in the business for just over 8 years and have loved what I do from the day I started, as a performer you choose which club you work in and when you want to work and who you want to perform for. I also talk to other performers that recommend other clubs as you work so you get to know where the good clubs are or where an event is happening so you can go there for that period of time and earn a lot of money..

Most clubs in the UK have invested in to their clubs, so as to attract the best dancers and have very good management and door staff to assist all performers when we operate our business with in theirs.

I have always felt safe and if a customer gets too unruly, I just step back and ask security to talk to the customer, normally they settle back down and behave, men in

the club are generally like naughty school boys and need just a little telling off some times and some are very mild mannered, actually it is the ladies that want dancers performed that are harder to handle sometimes, but once again we have back up in the form of security and management so it's always ok in the end

On the exploitation point, I am not sure where that comes from as I am able to operate my business in any club I choose and at very little cost I get to use all the facilities and earn a great income, which I could not do in any other industry and yet be very flexible, if anyone is being exploited it is either the customer or the club, but certainly not us the dancer, we choose to dance and we actually enjoy it, it is very sociable and can be great fun, some days can be a little flat but that is just like any other work environment, we all have good days and bad.

I am sure you could find a performer that has not had a great experience, but you can find them in any industry, in general I would say we as performers are not exploited and feel safe in the right club.

Kind Regards

JJ

Staff or Entertainer Questionnaire

Bournemouth Council is currently drafting its policy in relation to the regulation and licensing of sexual entertainment venues.

As part of the consultation process, it is important that your views are taken into account because you work in the industry and are directly affected by the decisions the council will make. Some responses suggested that those who perform in SEV's are exploited and feel unsafe. The council would welcome your input and views on this matter. We would also ask that you pass this request onto any friends or colleagues who work in the industry to give them an opportunity to also have a say in the policy development. You can contact the council direct but you may find this questionnaire helpful. We would be grateful if you could take a few minutes to complete this survey and return it to John Specht

The survey results will be anonymous, and will provide us with information to submit to the council to help formulate the policy and Equality Impact Assessment.

If you wish to add further information, please use a separate sheet of paper, again all information will be treated anonymously.

1.)Age

20

2.)Age started performing

18

3.)Relationship status

Single

4.)Nationality

British/greek

5.)Education and Qualifications

College animal care

6.)Other work or education commitments

None at the moment

7.)Why did you start working at a sexual entertainment venue?

For confidence

8.)How much did you perform before the Covid 19 pandemic?

a.)Length of time performed?

2

b.)Number of clubs worked in?

2

c.)How many shifts per week?

4 nights

9.)What do you think about performing?

a.)How would rate job satisfaction? 0-10 (10 being highest) 9

b.)Do you feel happy at work? 0-10 (10 being highest) 9

c.)Do you feel respected in the workplace? 0-10 (10 being the highest) 9

d.)Do you feel safe at work? 0-10 (10 being the highest) 10

10.)What are your positive feelings about work?

The communication between colleagues

The confidence and power it make me feel

And how fun it is

11.)What are your negative feelings about work?

None apart from sometimes clashing with other dancers

12.) Do you feel safe in your job?

Yes massively due to the fact everything is recorded and theres always security there when needed safer than any other job out there

5

- 1.) Age 42
- 2.) Age started performing 36
- 3.) Relationship status married
- 4.) Nationality British
- 5.) Education and Qualifications 11 GCSE's 2 Alevels qualified personal trainer and weight lifting specialist Gncq level 2 barber
- 6.) Other work or education commitments Barber
- 7.) Why did you start working at a sexual entertainment venue? Fitted around my family
- 8.) How much did you perform before the Covid 19 pandemic?
 - a.) Length of time performed? Twice weekly
 - b.) Number of clubs worked in? 1
 - c.) How many shifts per week? 2
- 9.) What do you think about performing?
 - a.) How would rate job satisfaction? 0-10 (10 being highest) 10
 - b.) Do you feel happy at work? 0-10 (10 being highest) 10
 - c.) Do you feel respected in the workplace? 0-10 (10 being the highest) 10
 - d.) Do you feel safe at work? 0-10 (10 being the highest) 10
- 10.) What are your positive feelings about work? I enjoy it and can't wait to get back to normal dancing again
- 11.) What are your negative feelings about work? That covid 19 may have destroyed the industry and people will be scared to come in.
- 12.) Do you feel safe in your job? Yes

6

- 1.) **Age** 34
- 2.) **Age started performing** 26
- 3.) **Relationship status** Single
- 4.) **Nationality** Bulgarian
- 5.) **Education and Qualifications** Qualified interpreter, currently undertaking a 4-year Counselling course
- 6.) **Other work or education commitments** Office administrator
- 7.) **Why did you start working at a sexual entertainment venue?**
I like the flexibility of the working hours
- 8.) **How much did you perform before the Covid 19 pandemic?**
 - a.) **Length of time performed?** I have danced full time for 3 years and the last 4-5 years it has been an occasional thing for me.
 - b.) **Number of clubs worked in?** 3
 - c.) **How many shifts per week?** Around 1-2
- 9.) **What do you think about performing?**
 - a.) **How would rate job satisfaction? 0-10 (10 being highest)** 10
 - b.) **Do you feel happy at work? 0-10 (10 being highest)** 10
 - c.) **Do you feel respected in the workplace? 0-10 (10 being the highest)** 10
 - d.) **Do you feel safe at work? 0-10 (10 being the highest)** 10
- 10.) **What are your positive feelings about work?** This job provides me with an extra income and the flexible hours allow me to study, look after my child and work in my full-time job. It also gives me a much-needed income.
- 11.) **What are your negative feelings about work?** I don't have any negative feelings.
- 12.) **Do you feel safe in your job?** I feel very safe.

7

1.) Age

33

2.) Age started performing

30

3.) Relationship status

Married

4.) Nationality

Hungarian

5.) Education and Qualifications

Degree

6.) Other work or education commitments

None

7.) Why did you start working at a sexual entertainment venue?

I can be free, I choose when I work, I like my colleagues and the working Environment

8.) How much did you perform before the Covid 19 pandemic?

a.) Length of time performed?

5 hours / shift

b.) Number of clubs worked in?

1 club

c.) How many shifts per week?

3

9.) What do you think about performing?

a.) How would rate job satisfaction? 0-10 (10 being highest)

10

b.) Do you feel happy at work? 0-10 (10 being highest)

10

c.) Do you feel respected in the workplace? 0-10 (10 being the highest)

10

d.) Do you feel safe at work? 0-10 (10 being the highest)

10

10.) What are your positive feelings about work?

As I mentioned I like my colleagues and I like the working environment .
I also like the freedom that this job provides.

11.) What are your negative feelings about work?

I really don't have any

12.) Do you feel safe in your job?

Absolutely . I know that movies sometimes show this kind of job as in
dark shades but it is far from the truth. I am not forced to do anything and it is
really just about dancing. I heard stories from other countries but here in the
UK I never experienced anything like those. Sure we have rude customers
sometimes but you can find more rudeness working in a McDonalds than here.

8

1.) Age

34

2.) Age started performing

21

3.) Relationship status

single

4.) Nationality

British

5.) Education and Qualifications

A LEVELS

6.) Other work or education commitments

MY OWN BUSINESS

7.) Why did you start working at a sexual entertainment venue?

MONEY

8.) How much did you perform before the Covid 19 pandemic?**a.) Length of time performed? 12 years****b.) Number of clubs worked in? 1 prior to covid****c.) How many shifts per week? 2****9.) What do you think about performing?****a.) How would rate job satisfaction? 0-10 (10 being highest) 8****b.) Do you feel happy at work? 0-10 (10 being highest) 9****c.) Do you feel respected in the workplace? 0-10 (10 being the highest) 10****d.) Do you feel safe at work? 0-10 (10 being the highest) 10**

10.) What are your positive feelings about work? i love and miss my job very much.

11.) What are your negative feelings about work? i miss it!!!!

12.) Do you feel safe in your job? Yes.

9

I am 33 years old and have performed in the industry since I was 18.

I am currently a single Caucasian female born in the UK.

I have achieved GCSE level qualifications CC-B taking Mathematics a year early, being one of the brightest children in my school and in top set for everything we studied Statistics for our last year, leaving school I gained level 1 in CLAIT – skills for IT users covering all Microsoft programs such as publisher, excel, word and such. I then self-trained and Qualified as a nail technician offering nearly all nail tech services available. I also studied and built my own dog day care business from scratch, licenced by the local council, basic disclosure certified and I trained in dog first aid for this.

I started working in the sexual entertainment venues purely following my passion for dance, I was extremely shy at the age of 18 and still very reserved now but have always liked to challenge myself... so I thought I would give it a go. It is one of the most empowering jobs I have ever done. As a female it has given me confidence, strength, enjoyment, satisfaction and an opportunity to earn a half decent wage which has in turn has helped me achieve many other great things in my life.

I was absolutely gutted when the pandemic came in and instantly my job and income was gone..... and at the bottom of the list to see reopen... it was extremely disheartening. I usually work here weekly; I have worked in 15 different clubs over the years averagely taking 3/5 shifts per week.

10/10 - I absolutely love my job

10/10 - of course I am happy at work, I am self-employed, no one forces me to go there!

10/10 - I always feel respected

10/10 - I always feel safe

I have so much job satisfaction from doing my job, it gives me a chance to express myself and share with all, I work for me and choose when I want to work.

Being in the industry for so long I seen so many times when other parties from outside of the industry try to get involved and cause problems, and quite frankly I am sick of it. This job has given me the strength as a single female to tackle many extreme hurdles I have encountered in life. I have never met a single girl who hasn't wanted to be at work or been forced to be there, we all have a choice and choose to do this for many reasons. Mine is for passion, empowerment, satisfaction and the chance to have a life. I encourage girls to join me and always will.

I have NOTHING negative to say.

I always feel safe, we are a family, this industry has been more of a home to me than any place in my life, the security are like my brothers, the dancers my sisters, the bar staff my cousins and our amazing manager is life the overseeing dad!

10

1.)Age

34

2.)Age started performing

20+

3.)Relationship status

Single

4.)Nationality

British

5.)Education and Qualifications

G.C.S.E., A Levels, Foundation Certificate in Makeup

6.)Other work or education commitments

N/A

7.)Why did you start working at a sexual entertainment venue?

I enjoy the sexual entertainment venues personally and could not have loved it more from the very beginning. Dancing is empowering and makes me extremely happy and complete as a person.

8.)How much did you perform before the Covid 19 pandemic?

Weekly.

a.)Length of time performed?

20 Hours per week

b.)Number of clubs worked in?

4

c.)How many shifts per week?

3-5

9.)What do you think about performing?

I absolutely LOVE performing. I am missing it so much. the Pandemic it has been so awful not being able to work

a.)How would rate job satisfaction? 0-10 (10 being highest)

10

b.)Do you feel happy at work? 0-10 (10 being highest)

10

c.)Do you feel respected in the workplace? 0-10 (10 being the highest)

10

d.)Do you feel safe at work? 0-10 (10 being the highest)

10

10.)What are your positive feelings about work?

I have so many positive feelings! Including work being a life-line, mentally and physically.
I adore Performing, Entertaining Customers, and LOVE dancing.

11.)What are your negative feelings about work?

No negative feelings about work whatsoever.

12.) Do you feel safe in your job?

Extremely Safe .

11

To whom it may concern.

My name is Taran Singh, currently employed by Wiggle Club since 2018, I have been a venue manager at their branches in Southampton and Weymouth for the past 2 years.

In the time I have worked for Wiggle, I have thoroughly enjoyed every aspect of it. The company operates a vast array of systems to ensure that each venue operates within the parameters of its licensing obligations.

As a manager my role was not only limited to the day-to-day operations; but to ensure that these licensing obligations are upheld. Predominantly, private dances are conducted appropriately and monitored; as well as ensuring the wellbeing of all performers, staff, security and customers.

Mr Ojla has contacted me in regards to the SEV licences being reviewed due to ethical reasoning. During my employment with Wiggle, the company takes the safety and security of its performers with the utmost conscientiousness. Myself as a manager was regularly sent on training courses to ensure that the company's policies to safeguard performers are upheld. Examples include, conducting focus group sessions with performers to review how they feel within the venue and any improvements that can be made, ensuring that performers are able to return home safely, meeting with security to ensure that the venue is being monitored appropriately and that licensing obligations are not being breached.

Mr Ojla actively visits his various venues to "spot check" management, upon each spot check, a review would be conducted of the venue to ensure that not only licensing objectives, but the extending company policies are upheld. For example, Mr Ojla insists that extra security is in place at all venues to ensure the safety of performers, within the venue, as well as offering security to walk performers to their vehicle at the end of night.

The notion that Wiggle Club operates unethical practises is utter impertinence to the strict measures Mr Ojla has worked to achieve across his venues. Performers at the venues I managed would regularly comment upon the extra levels of protection and their overall well-being within Wiggle's venues.

Summary of responses from workers within the SEV trade

3 managers

Confirmed self employed status of dancers but also that the dancers choose where to work and if the environment is not safe and secure they will go elsewhere. As such clubs spend considerable money in ensuring the dancers are looked after at all times.

The best run clubs attract the best dancers.

26 dancers provided feedback and all reflected similar thoughts and experiences :-

All confirmed they felt safe and secure with strict licensing rules adhered to and they enjoy the flexibility to set own shifts to fit into their lifestyles.

They confirmed choice of venue to work at is completely at the choice of the dancer and it is an enjoyable and lucrative business.

Dancers discuss venues and recommend the best clubs to work at, they confirmed investment in clubs is used to attract the best dancers.

Dancing can be safer than other work environments due to the security and licensing requirements.

Most dancers have further education degrees or vocational qualification and use dancing to further their educations. Many had other jobs or their own businesses and used dancing to top up incomes.

They do not feel exploited, they choose to operate their business in any club they wish at very little cost and earn an income which they could not do in any other industry. As with any industry some people will have a poor experience but on the whole performers do not feel exploited and feel safe.

Some felt that the negative feedback and 'feminist views' is not helpful and takes away their choice and rights to work in an industry and job role that they enjoy. Most felt that the negative views of exploitation were misplaced and in fact the dancers feel empowered as females.

Some raised concerns that if clubs no longer licenced it would be unsafe for girls who choose to stay in the industry

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INDEX TO OBJECTORS

Objector No	Name	Email
1.	A A Brooker	REDACTED
2.	Mrs A Hall	REDACTED
3.	Dee Sheehan	REDACTED
4.	D Waldon	REDACTED
5.	Dr Sasha Rakoff	REDACTED
6.	Emma Overton	REDACTED
7.	Gemma Isaac	REDACTED
8.	Julie Dyball	REDACTED
9.	Kirstin Lucas	REDACTED
10.	Louis Bernardelle	REDACTED
11.	Mark B	REDACTED
12.	Mark Pennell	REDACTED
13.	Nicola Harwin CBE	REDACTED
14.	Naomi Maule	REDACTED
15.	Olena Zaithseva	REDACTED
16.	P Write	REDACTED
17.	Sharon Mitchell	REDACTED
18.	Susannah Oldham	REDACTED
19.	Sydney Ray	REDACTED
20.	Wendy Bernardelle	REDACTED

Objector Nos: 1 / 3 / 4 / 5 / 7 / 8 / 9 / 10 / 11 / 12 / 13 / 15 / 16 / 17

Dear Licensing

It is extremely disappointing that the Council has ignored all valid concerns about your new SEV policy and are now proposing something even more unreasonable - to exempt all existing strip clubs from being challengeable on the grounds of locality. This is despite the fact that the Council acknowledges the locality has changed considerably since these venues first opened.

This is undoubtedly unlawful- it is well established that CANNOT you not treat existing clubs differently from any new applicants and now you are also exempting these clubs from a key aspect of SEV legislation.

You also do not appear to have carried out an Equality Impact Assessment. So the Council appears to be acting unlawfully on two counts.

I urge you to find out the facts about the life long harms of the strip industry, the fact that it cannot be regulated, its direct links to prostitution and its widespread and unavoidable anti-equalities impacts.

Please urgently retract this draft policy, listen to the local community and equalities experts and, most especially, women from the industry who speak out against it.

Thank you

Objector Nos: 2 / 5 / 6 / 14 /17 /20

Dear Licensing

[I regularly visit with family in Bournemouth and] it is extremely disappointing that the Council has ignored all valid concerns about your new SEV policy and are now proposing something even more unreasonable – to exempt all existing strip clubs from being challengeable on the grounds of locality. This is despite the fact that the Council acknowledges the locality has changed considerably since these venues first opened. It is despite years of [serious incidences at these clubs](#)

This is undoubtedly unlawful – it is well established that you *cannot* treat existing clubs differently from any new applicants. Further, you are now exempting these clubs from a key aspect of SEV legislation.

You also do not appear to have carried out an Equality Impact Assessment.

This means the Council appear to be acting unlawfully on at least two counts.

I urge you to find out the facts about the life long harms of the strip industry, that it cannot be regulated, how it directly feeds prostitution and its widespread and unavoidable anti-equalities impacts, before making an unlawful policy

Please urgently retract this draft policy, listen to the local community and equalities experts and, most importantly, women from the industry who speak out against it.

To better understand the reality of the industry please watch any of the videos below:

[Lap Dancing Harm to Lap Dancers](#)
[Impact on Attitudes](#)
[Feeding Prostitution](#)

To better understand SEV and Equality Legislation [please read this document](#)

Yours sincerely

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Equality Impact Assessment: Capturing Evidence

Purpose

Policy/Service under development/review:

Sex Establishment Policy

1. What sources of research and evidence do we currently have and what does it tell us?

Use recent & relevant consultation & engagement to demonstrate a clear understanding of those with a legitimate interest in the policy/service/process and the relevant findings

Evidence source: Research and Public Consultation

What could this mean for people with protected characteristics (see table at the end of the form) affected by policy/service under development/review?:

There has been research into the lap dancing industry and potential links between sex establishment venues and sexual violence. In 2015 the School of Sociology and Social Policy at the University of Leeds published an article entitled 'Regulating Strip based entertainment: sexual entertainment venues policy and the ex/inclusion of dancers perspectives and needs'. This article showcases a research, dissemination and impact study into this industry that explores why key stakeholders (dancers) are excluded and ways that inclusion in policy development is achievable. Research findings include:

- One in four lap dancers has a degree. Those dancers with degrees had not chosen dancing in place of a career in their chosen subject after university, but instead were combining it with other forms of employment or education. One third of women interviewed were using dancing to fund new forms of education or training.
- No evidence³ or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections with organised prostitution.

Other research into Sex Establishment Venues has concluded that:

- Lap dancing clubs normalise the sexual objectification of women.
- Lap dancing clubs have a negative impact on women's safety in the local vicinity.
- Sex Establishment Venues may attract and generalise prostitution.
- Performers can suffer humiliation and sexual harassment on a regular basis, from customers and staff/management.
- Many performers being working in lap dancing clubs through lack of real choice.
- Working conditions and terms of employment for performers in SEV's are inadequate.

This policy will be applicable to 3 Sex Establishments and 3 Sex Shops

Public consultation took place in January 2-21 via the councils' website for 4 weeks and this was advertised via social media. The outcome of Sex Establishment Policy Consultation is detailed below.

The link to the consultation and policy was sent directly to consultees which are listed at appendix A.

The first question asked of the public related to the setting of limits and the statement read BCP Council should not seek to limit the number of sex establishments in any given area. 64% of respondents strongly disagreed with this, with only 21% strongly agreeing. Within these respondents 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 character of the locality was then considered, respondents were asked to agree or disagree with the proximity of the stated types of premises to be taken into account when considering a licence application.

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%).

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.

There were 101 other comments made. Most of these were comments made either in support (19) of or opposition (60) to sex entertainment venues (SEVs). While the consultation did not seek opinions

Equality Impact Assessment: Capturing Evidence

on whether sex establishments should be allowed or banned (since they are permitted by national legislation). Again, many of the comments focused on SEVs rather than shops.

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.

The Community Safety Partnership Manager has been consulted and she suggested that the policy should address concerns regarding human trafficking and modern slavery – this was also picked up in feedback from the consultation.

An analysis of crimes and Police incidents relating to the three sexual entertainment venues from 2018 to 2020, show only one crime where a female dancer was the victim of an assault (without injury) by a customer of the venue.

Two responses were received from dancers at some of the sexual entertainment venues, there both indicated that the women involved were happy in their roles, felt respected and safe in their work places.

A licensing committee member's workshop took place on 29th March 2021 with 5 members of the Licensing Committee and officers. This considered the legal framework, Public Sector Equality Duty, consultation feedback received and the community safety agenda. This workshop concluded that the policy does consider the PSED and that some recommended improvements to wording and some content following on from consultation is required. It was also decided to undertake a member engagement group to provide all BCP members with information about the purpose of the policy, recommendations made and why.

A second round of public consultation was agreed by the Licensing Committee on 19th May following agreed amendments to the policy. This consultation started on 14th June 2021 for four weeks and was circulated to all interested parties as well as all BCP members. The consultation advises that the main changes to the policy are:

- The inclusion of a section that specifically relates to existing licensed sex establishments
- A number of additional conditions in section B of the Appendix, relating to sex entertainment venues

All changes are highlighted in yellow in the [Draft Sex Establishments Policy document](#)

In addition, council members felt that they needed more understanding of opinions relating to different types of sex establishments before they make a decision about whether to adopt the draft policy, so we have included some questions about things that haven't changed.

Further additions to the EIA will be made following the conclusion of this consultation.

2. What additional research do we need?

Police statistics into crime related in and around the venues - completed

Gather the views of women working in these venues – venues were contacted and some responses have been received from dancers

Equality Impact Assessment: Capturing Evidence

Second round of public consultation, following some changes to the proposed policy.

3. Are there any relevant policies/strategies that need to be considered as part of this process?

Statement of Licensing Policy, Equality and Diversity Policy, Corporate Strategy

4. What do we still need to know?

Opinions from religious groups was sought but local mosque was not included in the list – having checked our records the local mosque asked to be removed from the circulation list during a previous consultation.

Equality Impact Assessment: Capturing Evidence

Findings

Please tick any characteristic that will be affected – there can be more than one.	Age ¹	Disability ²	Sex	Gender reassignment ³	Pregnancy and Maternity	Marriage and Civil	Race	Religion or Belief	Sexual Orientation	Armed Forces Community	Human Rights	Any other factors/groups e.g. socio-economic status/carers etc ⁴
Positive outcomes												
Robust systems in place to safeguard against underage use and vulnerable patrons from exploitation.	✓	✓	✓									✓
Robust systems in place to protect staff from unwanted attention.	✓		✓									
Conditions and policies in place to protect workers from modern slavery and trafficking.	✓		✓									✓
Locality Characteristics will be used to determine applications received and future locations on a case-by-case basis. Including the proximity to any religious premises or schools, playgrounds	✓		✓					✓				✓
Negative outcomes												
Concerns and fear of sexual harassment experienced in the locality of Sexual Entertainment Venues			✓								✓	
Sexual harassment experienced by staff or visitors within Sexual Entertainment Venues	✓		✓									

¹ Under this characteristic, The Equality Act only applies to those over 18.

² Consider any reasonable adjustments that may need to be made to ensure fair access.

³ Transgender refers people have a gender identity or gender expression that differs to the sex assigned at birth.

⁴ People on low incomes or no income, unemployed, carers, part-time, seasonal workers and shift workers

Equality Impact Assessment: Capturing Evidence

List of Consultees

Angela Message, Keystone Law	angela.message@keystonelaw.co.uk ;
APPL Solutions Limited, Managing Director	solutions@applicensing.co.uk ;
BH Live	peter.gunn@bhlive.co.uk ;
Bishop of Salisbury	bishop.salisbury@salisbury.anglican.org ;
Bishop of Winchester	andrew.robinson@winchester.anglican.org ;
Blake Morgan, Solicitors	jon.wallsgrave@blakemorgan.co.uk ;
Bournemouth & District Law Society	office@bournemouthlaw.com ;
Bournemouth and Poole Safeguarding Adults Board	enquiries@bpsafeguardingadultsboard.com ;
Bournemouth and Poole Rough Sleepers Team, Assertive Outreach Worker (Alcohol)	info@mungos.org
Bournemouth Area Hospitality Association	bha@bha.org.uk ;
Bournemouth Branch of the Federation of Small Businesses	matthew@escapeyachting.com ;
Bournemouth Chamber of Trade & Commerce	president@bournemouthchamber.org.uk ;
Bournemouth Community Church	office@bournemouthcommunitychurch.com ;
Bournemouth Interpreters Group	AMarsh1004@aol.com ;
Bournemouth Magistrates' Court	do-bournemcgen@hmcts.gsi.gov.uk ;
Bournemouth Town Centre BID	gregg@towncentrebid.co.uk ;
Bournemouth Town Centre Chaplaincy	chaplain@clubchaplain.com ;
Bournemouth Town Centre Parish (The Diocese of Winchester)	ianterry@live.co.uk ;
Bournemouth Town Watch	jon.shipp@bournemouth.gov.uk ;
Bournemouth University	enquiries@bournemouth.ac.uk ;
Bournemouth University – Student Union Vice President Welfare Officer	suwpwelfare@bournemouth.ac.uk ;
Bournemouth University – Welfare and Communities Officer	dparman@bournemouth.ac.uk ;
British Beer & Pub Association	contact@beerandpub.com ;
CEDAW (Convention on the Elimination of all forms of Discrimination Against Women) (Women's Resource Centre)	admin@wrc.org.uk ;
Christchurch Chamber of Commerce	office@christchurchbusiness.co.uk
Christchurch Town Council	townclerk@christchurch-tc.gov.uk
Diageo	gbcustomerservice@diageo.com ;
Easy Tiger	jonathan@easytigerstore.com ;
End Violence Against Women	admin@evaw.org.uk ;
Enterprise Inns plc, Regional Manager	liz.appleton@enterpriseinns.com ;
Fawcett Society	info@fawcettsociety.org.uk ;
FYEO, CEO	alexfyeo@hotmail.co.uk

Equality Impact Assessment: Report and EIA Action Plan

Purpose

Policy/Service under development/review:	Sex Establishment Policy
Service Lead and Service Unit:	Nananka Randle Communities
People involved in EIA process:	Nananka Randle Sarah Rogers Andy Williams
Date EIA conversation started:	23 November 2020

Background

The Sex Establishment Policy ensures compliance with all statutory requirements placed on the council in relation to the licencing of sex establishments

The policy is being updated to adopt the provisions of [Local Government Miscellaneous Provisions Act](#) and [Policing and Crime Act 2009](#) to include all the BCP conurbation. The policy sets out the framework to facilitate consideration of applications in respect to these premises.

The purpose of the policy is to enable BCP Council to have clear guidelines in relation to the licensing of sex establishments in its area for applicants, residents and workers. This policy ensures a transparent consistent approach that gives direction and focus to the Licensing Committee in determining applications.

There are three types of premises which are covers by the broader definition of sex establishments. There are

- Sexual Entertainment Venues (SEV's)
- Sex Shops
- Sex Cinemas.

There are statutory definitions of what these are but in short:-

- SEV's provide relevant entertainment which is a performance which is intended to sexually stimulate, and this may or may not include nudity. Any place where such a performance takes place before an audience is likely to require a licence. Examples of this are lap dancing or strip clubs. There are currently three licenced SEV's in BCP area.
- Sex Shop mainly sells sex articles and/or films intended to sexually stimulate known as R Rated films. There are currently three sex shops in BCP area
- Sex Cinemas show films intended to sexually stimulate, commonly known as R Rated films. There are no sex cinemas in the BCP area.

Any premises falling into these definitions would require a licence. The policy will provide a framework for facilitating consideration of applications for licences for sexual establishments.

It sets out information about the application process, what is expected of applicants and how people can make objections. It also sets out the type of controls that are available to the Council when decisions are made about licence applications and prescribes what action can be taken if complaints are received.

At a meeting of the Licensing Committee on 10th December 2020 a draft policy was agreed for public consultation.

Equality Impact Assessment: Report and EIA Action Plan

The original draft document presented to Licensing Committee provided options for members to discuss. This was around the setting of limits of premises within a defined locality (as previously contained within the Bournemouth Borough Council policy) or relying on area characteristics to control the location of such venues.

During the meeting it was noted that numbers and localities given in this section were historic. Members felt that these were no longer appropriate for the conurbation as a whole and if retained they may restrict customer choice. The Committee discussed the role of market forces in self-limiting the number of establishments which were viable. As this was a long term policy Members felt that it should include the flexibility to respond to the changing nature of local areas along with business/customer requirements. The Committee also talked about the impact that limiting numbers could have in increasing complacency among existing operators, stifling competition and creating potential monopolies, while unwittingly encouraging those operators unable to obtain a licence to bend the rules.

The Committee referred to Paragraph 10.2 of the policy which explained how it was intended that the Licensing Authority would treat each application received: on its merits, while considering the character of the locality and whether the grant of an application would be inappropriate having regard to its proximity to a comprehensive list of criteria. The Committee agreed that this list of criteria provided a robust framework to use when determining applications. Members felt that a consideration around the numbers, type and concentration of premises in a single area should be incorporated in the list as a safeguard.

The policy also contains general conditions for Sexual Establishments and then specific additional conditions for each type of licence. These conditions include the conduct and management of the venues

The draft document was amended accordingly and public consultation via an online survey took place for 4 weeks from 4 January – 1 February 2021. The survey alongside links to the draft policy document as sent to a number of consultees directly as well as publicised on the council's social media pages. In total there were 206 responses to the survey.

The respondent profile to the public survey is as follows:-

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%

Equality Impact Assessment: Report and EIA Action Plan

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%

The main service users who will benefit from the policy include Licensed premises, residents and workers within the venues.

The Public Sector Equality Duty has been considered as part of the production of this EINA.

While it is recognised that anecdotal evidence of increased sexual violence around SEV;s has been provided during the consultation, local research by the Community Safety team and police analyst has demonstrated that there has been only one reported crime linked to these establishments during 2018 to 2020 when they were last open. Analysis of reported sexual violence across Bournemouth & Poole suggests that only 15% of all reports were in any way linked to Bournemouth's night-time economy.

A number of responses to the consultation related to the fear of harassment when walking past SEV venues, concerns of violence in and around SEV's potential victimisation of workers within the venues, general violence against women due to the presence of these establishments. This has been considered under negative outcomes in the findings. Suggestions provided within the public consultation as well as suggestion from the Community Safety Partnership Manager have been taken and included within the policy as a condition of their licence.

In response to these concerns and the fears expressed it is recognised that within the localities of the existing SEV's there is a safe bus in place at peak night-time economy times, the area is patrolled by street pastors and there are marshals overseeing general safety of patrons as they leave the area. All new applications will be assessed on their own merits and the locality characteristics will be considered.

There has been views expressed that link sexual entertainment venues to prostitution, sexual violence and harassment of women. However there is no local evidence that the existing venues in Bournemouth have such issues.

There is a view that not licensing sexual entertainment venues may drive the trade underground, operating without any controls, or that licensed premises might operate without controls through the exemption afforded to premises who have sexual entertainment on no more than eleven occasions per year.

Summary of responses from workers within the SEV trade

3 managers

Confirmed self employed status of dancers but also that the dancers choose where to work and if the environment is not safe and secure they will go elsewhere. As such clubs spend considerable money in ensuring the dancers are looked after at all times.

The best run clubs attract the best dancers.

26 dancers provided feedback and all reflected similar thoughts and experiences :-

All confirmed they felt safe and secure with strict licensing rules adhered to and they enjoy the flexibility to set own shifts to fit into their lifestyles.

They confirmed choice of venue to work at is completely at the choice of the dancer and it is an enjoyable and lucrative business.

Dancers discuss venues and recommend the best clubs to work at, they confirmed investment in clubs is used to attract the best dancers.

Dancing can be safer than other work environments due to the security and licensing requirements.

Most dancers have further education degrees or vocational qualification and use dancing to further their educations. Many had other jobs or their own businesses and used dancing to top up incomes.

They do not feel exploited, they choose to operate their business in any club they wish at very little cost and earn an income which they could not do in any other industry. As with any industry some people will have a poor experience but on the whole performers do not feel exploited and feel safe.

Some felt that the negative feedback and 'feminist views' is not helpful and takes away their choice and rights to work in an industry and job role that they enjoy. Most felt that the negative views of exploitation were misplaced and in fact the dancers feel empowered as female.

Some raised concerns that if clubs no longer licenced it would be unsafe for girls who choose to stay in the industry

Findings

• ***Different Ages***

Positive Outcome: No under 18s permitted robust systems in place to safeguard against underage use.

On application, the location of venues will take into consideration the proximity of educational premises, childcare providers, playgrounds and other locality characteristics which impact on children and young people.

On application and renewal notices are displayed in three medial – in the press, via the councils website and also a physical notice on the venue which is accessible by all anyone in the area.

• ***Those with mental disabilities***

Positive Outcome: Strict conditions as part of the policy are imposed to protect vulnerable patrons from exploitation.

• ***Different sexes/genders***

Positive Outcome: Strict conditions as part of the policy are imposed to protect staff from unwanted attention when in private areas of the clubs.

The SEV's provide relatively lucrative employment to a number of women, and there is no evidence of coercion, trafficking or exploitation in the local venues

Negative Outcome: Fear and concerns of sexual harassment as a result of the SEV in the locality. These are duly considered, anecdotal evidence has been quoted which does not support these fears. Within the locality of the existing SEV's there is the safe bus, street pastors and night time marshals.

• ***People with different religions or beliefs***

Positive Outcome: On application, the location of venues will take into consideration the

Equality Impact Assessment: Report and EIA Action Plan

proximity of religious premises and places of worship.

On application and renewal notices are displayed in three medial – in the press, via the councils website and also a physical notice on the venue which is accessible by all anyone in the area.

- **People's human rights**

Positive Outcome: Strict conditions and policies regarding recruitment within venues to protect workers from Modern Slavery and human trafficking.

On application and renewal notices are displayed in three medial – in the press, via the councils website and also a physical notice on the venue which is accessible by all anyone in the area.

Conclusion

Summary of Equality Implications:

Overall the policy will have a positive impact because it enables a safe space for both dancers and patrons of the SEV's. The licence conditions ensure dancers have private dressing rooms and toilet facilities with security in place to protect these spaces. Conditions requiring codes of conduct for both dancers and patrons ensures standards of behaviour on both sides.

By regulating the industry and issuing licences BCP Council are having a positive impact on the trade, are not at risk of driving the activities underground whereby they would be unregulated and expose dancers and patrons to risk.

Although it is recognised that nationally there may be links between SEV's and the sex trade and sexual assaults on a local level within BCP there is no such established link. Police crime statistics show correlation between attendance of these venues and sexual crimes either in the vicinity or wider afield. The EIA is based on local evidence from those within the trade, police and crime statistics and not on assumptions.

The venues within BCP area are well run and have not been challenged on reapplication each year. The advertising of renewals is accessible to all via a number of mediums – website, physical copy on the venue and in the local press.

Equality Impact Assessment: Report and EIA Action Plan

Equality Impact Assessment Action Plan

Please complete this Action Plan for any negative or unknown impacts identified above. Use the table from the Capturing Evidence form to assist.

Issue identified	Action required to reduce impact	Timescale	Responsible officer
Changes to proposed policy	Further consultation to be undertaken	June – July 2021	NR
Dancers can suffer harassment from customers and staff	Strict conditions to be imposed and any complaints would be followed up. Compliance visits to be made to clubs when they reopen after 19 th July	Ongoing	NR
Women's safety in Bournemouth Town Centre	Ensure that mitigating factors such as Marshalls, Safe Bus etc are in place to tackle town centre issues	Ongoing	AW

Forward Plan – Licensing Committee

Publication date: 8 September 2021

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
1.	New BCP Sex Establishment Policy	To consider an updated version of the new Sex Establishment Policy for BCP Council, amend as required, and recommend to full Council for adoption.	<p>Public consultation on first draft, Jan/Feb 2021.</p> <p>Licensing Committee Working Group, March 2021.</p> <p>Update to Licensing Committee, May 2021, followed by further consultation on second draft.</p> <p>All Member briefing, June 2021.</p> <p>Licensing Committee Working Group, August 2021.</p>	Nananka Randle, Licensing Manager	16 September 2021
2.	Draft BCP Gambling Act - Statement of Licensing Principles	To consider a draft Statement of Licensing Principles for BCP Council as required by the Gambling Act 2005, amend as required, and	The draft Statement will be subject to a public consultation for a period of 12 weeks.	Nananka Randle, Licensing Manager	16 September 2021

	Subject	Purpose of report	Consultation	Report author(s)	Meeting date
		approve for public consultation.	List of consultees is included at Appendix 4 of the Committee report.		
3.	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.