

Notice of Licensing Sub-Committee



Date: Wednesday, 20 July 2022 at 10.00 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

Membership:

Cllr J J Butt

Cllr G Farquhar

Cllr D Farr

Reserves:

Cllr D Kelsey (1)

Cllr J Bagwell (2)

All Members of the Licensing Sub-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?MIId=4755>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler at michelle.cutler@bcpCouncil.gov.uk 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

12 July 2022



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



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. Election of Chair

To elect a Chair of this meeting of the Licensing Sub-Committee.

2. Apologies

To receive any apologies for absence from Members.

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. Protocol for Public Speaking at Meetings

5 - 8

A protocol for public speaking at formal 'in person' meetings of the Licensing Sub Committee is included with the agenda sheet for this meeting.

5. Temptation 1 Yelverton Road Bournemouth

9 - 48

Admiral Bars (Hampshire) Limited have applied for the renewal of the licence to use the premises as a sexual entertainment venue, providing relevant entertainment, for a further twelve-month period. A variation to the second-floor plan is also requested in order to bring it in line with the Licensing Act 2003 premises licence plan, which was granted by way of minor variation on 15th April 2022. In addition, the applicant wishes to seek the approval of a new widow display.

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

6. Exclusion of Press and Public

In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -

'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.'

7. Consideration of Suitability for a new Private Hire Driver Applicant

49 - 60

The Sub-Committee is asked to determine whether the applicant is considered a 'fit and proper' person to hold a Private Hire Driver's Licence.

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.

LICENSING COMMITTEE AND SUB COMMITTEE – PROTOCOL FOR PUBLIC SPEAKING

1. Introduction

- 1.1. The following protocol for public speaking shall apply in respect of in person hearings under the Licensing Act 2003, the Gambling Act 2005, and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- 1.2. This includes applications relating to the licensing of alcohol, regulated entertainment, late night refreshment, gambling, and sex establishments, Hackney Carriage and Private Hire vehicles, which are the responsibility of the Licensing Committee/Sub Committee to determine as set out in Part 3(A)-3 of the Council's Constitution.
 1. The Chair welcomes everyone to the hearing, identifies all parties present and makes introductions.
 2. Matters of general housekeeping are dealt with, eg location of fire exits and toilets, fire alarms, notification that the hearing may be recorded, reminder to switch mobile phones to silent.
 3. All persons who have given notice of their intention to speak are identified.
 4. Identify if any person who wishes to withdraw a representation or wishes not to speak
 5. Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A. All parties confirm agreement or make representations on procedure proposed.
 6. Licensing Officer's report is presented.
 7. Parties present their representations in the order agreed.
 8. Parties who are speaking should not repeat the information which they have already given in writing in their representation. They will be able to expand on the written information given, provided the information remains relevant. Any addition information should be limited to the grounds of their representation(s). For example, if they are objecting on the grounds of Public Nuisance, then they should confine their comments to matters relating to Public Nuisance.
 9. Members of the Licensing Committee or Sub Committee may ask questions after each representation and at the end of all representations. Parties, will be allowed to ask questions through the Chair.
 10. Following representations, the parties will be given the opportunity to sum up. Party who spoke first to go last.

11. Members will deliberate in private with the clerk and legal representative as appropriate present.
12. The decision will be taken by the Committee and that decision delivered by the Chair to all parties at the conclusion of the hearing as appropriate. A written decision notice will be issued following the hearing in accordance with the regulations.
13. The Legal Adviser will advise the parties of any right of appeal as appropriate.

2. General points

- The hearing may be adjourned at any time at the discretion of the Members
 - Members may amend the procedure at any time if they consider it to be in the public interest or in the interest of a fair hearing
 - Licensing Hearings are held in public. However, the Chair may exclude members of the public (including a party to the Hearing) from all or part of a Hearing where it considers the public interest in doing so, outweighs the public interest in the Hearing.
 - The Chair may exclude any person from a hearing for being disruptive.
 - Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website. The meeting may also be audio recorded and/or filmed for live or subsequent broadcast by members of the public and media representatives.
 - The hearing will take the form of a discussion.
 - Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
 - Any further information to support an application, representation or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties. The Licensing Act 2003 (Hearings) Regulations 2005 shall apply. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
 - If a party has informed the Authority that they do not intend to attend, or be represented at the hearing, or has failed to advise whether they intend to attend or not, the hearing may proceed in their absence
- 2.2. For other matters in Part 3(A)-3 of the Council's Constitution which are the responsibility of the Licensing Committee and not included in this protocol or the protocol for virtual hearings, the procedures set out in Part 4D of the

Council's Constitution in relation to public questions, statements and petitions shall apply.

- 2.3. This includes such matters as making recommendations on relevant policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 2.4. The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>
- 2.5. For further information please contact democraticservices@bcpccouncil.gov.uk

Proposed procedure and order of speaking for Licensing Act 2003 hearings

- The Licensing Officer/Other Council Officer presents report
- Applicant will make their Application
- Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first
- Responsible Authorities and Other Persons will make their representations.
- Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
- All parties will be given an opportunity to sum up (with the party who spoke last to go first).
- Sub-Committee will deliberate in private with Legal Adviser and Clerk present. Councillors new to Licensing may observe but will not take part in the decision making)
- Sub-Committee will return, and the Chair will announce the decision if appropriate (a written decision notice will be issued following the hearing in accordance with the regulations).
- The Legal Adviser will advise parties of any right of appeal as appropriate.

LICENSING SUB-COMMITTEE



Report subject	Temptation 1 Yelverton Road Bournemouth – Renewal of Sexual Entertainment Venue Licence and Minor Variation to Plan
Meeting date	20 July 2022
Status	Public Report
Executive summary	<p>Admiral Bars (Hampshire) Limited have applied for the renewal of the licence to use the premises as a sexual entertainment venue, providing relevant entertainment, for a further twelve-month period.</p> <p>A variation to the second-floor plan is also requested in order to bring it in line with the Licensing Act 2003 premises licence plan, which was granted by way of minor variation on 15th April 2022.</p> <p>In addition the applicant wishes to seek the approval of a new widow display.</p> <p>The Licensing Authority has received 1 objection.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <p>a) Grant the application for renewal as made;</p> <p>b) Refuse the application for renewal.</p> <p>c) Approve the updated plan to align with the LA03 premises licence.</p> <p>d) Approve, refuse or modify the proposed window display.</p> <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Reason for recommendations	<p>Any decision to refuse the renewal of the licence must be relevant to one or more of the following grounds:-</p> <p>(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;</p> <p>(b) that if the licence were to be renewed 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,</p>

	<p>renewal or transfer of such a licence if he made the application himself;</p> <p>(c) 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 the authority consider is appropriate for that locality;</p> <p>(d) that the renewal of the licence would be inappropriate, having regard—</p> <p>(i) to the character of the relevant locality; or</p> <p>(ii) to the use to which any premises in the vicinity are put; or</p> <p>(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.</p> <p>Where objections have been received and the concerns have not been resolved through mediation between all parties, the Scheme of Delegation set out in the Council's Constitution states that these applications should be dealt with by the Licensing Sub-Committee.</p>
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Portfolio Holder(s):	Councillor Bobbie Dove
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for renewal of the Sexual Entertainment Venue (SEV) Licence was made on the 10th June 2022 to permit the premises to continue providing relevant entertainment for a further twelve-month period. A copy of the application is attached at Appendix 1.
2. The meaning of “relevant entertainment” is “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 the audience (whether by verbal or other means).”
3. In the case of a woman “display of nudity” means the display of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.
4. At the time of lodging the renewal application a request was made to vary the second-floor plan to reflect changes to the internal layout including VIP area, which has been granted by way of minor variation under the Licensing Act 2003, to bring the plans in line and up to date. No representations were received from Dorset Police, the Fire Officer or any other person to this application. A copy of the plan is attached at Appendix 2 showing the proposed layout and the previously approved layout.
5. The proposed window displays are attached at Appendix 3. Changes to this display were made prior to this application and the Licensing Authority have been dealing with a complaint about the proposed window display which has now been removed following our intervention. A request for approval has now been submitted before it will be replaced. The complaint also related to advertising and leafletting practices. A summary of the complaint received and subsequent correspondence between the Licensing Authority and the applicant’s Solicitor is attached at Appendix 6.
6. The premises have operated as a lap dancing club for 17 years and have been under the ownership and management of Admiral Bars (Hampshire) Limited since October 2021 when both the premises licence and SEV licence were transferred to them from Sassy Productions Ltd (trading as Spearmint Rhino). A copy of the current SEV licence is attached at Appendix 4.

Consultation

7. Applicants must give public notice of the application by publishing an advertisement in the local newspaper together with a notice displayed on the premises for a period of 21 days.
8. Relevant objections must be made within 28 days of the application and should not be based on moral grounds or values.
9. 1 objection has been received attached at Appendix 5. This also includes additional correspondence from the objector, received since the objection was lodged.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:
 - The submissions made by or made on behalf of the applicant.
 - The objection received.
 - Section 27 of the Policing and Crime Act 2009, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, appropriate Regulations, and the Council's Sex Establishments Licensing Policy.

Summary of financial implications

11. N/A

Summary of legal implications

12. If the application for renewal is refused the applicant may appeal the decision to the Magistrates' Court, unless the application was refused under grounds (c) or (d) above, in which case the applicant can only challenge the refusal by way of judicial review.

Summary of human resources implications

13. N/A

Summary of sustainability impact

14. N/A

Summary of public health implications

15. N/A

Summary of equality implications

16. N/A

Summary of risk assessment

17. N/A

Background papers

BCP Council – Sex Establishment Policy –

<https://www.bcpccouncil.gov.uk/Business/Licences-and-permits/Documents/Sex-Establishment-Policy-BCP.pdf>

Home Office Guidance –

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

Appendices

- 1 – Copy application
- 2 – Amended layout plan (2nd floor)
- 3 – Proposed window display
- 4 - Copy current SEV licence
- 5 – Copy objection and further correspondence
- 6 – Detail of complaint received regarding window display and advertising

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
(AS AMENDED)**

**Licence for a Sex Establishment Application for Renewal and Minor
Variation**

1. Applicant Details

Surname			
Forenames			
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address			
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No		

2. Trading company details

Company Name	ADMIRAL BARS (HAMPSHIRE) LTD
Managing Director	Alastair Weatherstone
Head Office Address	27 Cambridge Park, Wanstead, London E11 2PU
Address from which you operate if different from above	
Company number(s)	12885254
Company email address	c/o robert.sutherland@keystonelaw.co.uk
VAT registration number	not VAT registered.
Company registration number	12885254

3. Give full names and private residential address for all directors, partners or other persons responsible for the management of the establishment.

Continue on separate sheet if necessary

Person 1

Surname	WEATHERSTONE		
Forenames	ALASTAIR		
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address	robert.sutherland@keystonelaw.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	<p style="text-align: center;">Yes/No</p> <p style="text-align: center;">YES</p>		

Person 2

Surname	MAL		
Forenames	Naresh Kumar		
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address	c/o robert.sutherland@keystonelaw.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	<p style="text-align: center;">Yes/No</p> <p style="text-align: center;">YES</p>		

Person 3

Surname	CHAPMAN		
Forenames	Andrew Brian		
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address	c/o robert.sutherland@keystonelaw.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	<p style="text-align: center;">Yes/No</p> <p style="text-align: center;">YES</p>		

4. Offences and convictions

Have you or any partners/directors in the company been convicted of ANY offence which is NOT regarded as being SPENT under the terms of the Rehabilitation of Offenders Act 1974	Yes/No NO
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If yes, give details of all relevant conviction(s)

Person Name	Date of Conviction	Court	Offence	Sentence

Have you (or if corporate body, that body) been disqualified from holding a sex establishment licence?	Yes/No (If yes provide details) NO
Have you (or if corporate body, that body) ever been refused a licence for a sex establishment?	Yes/No (If yes provide details) NO

5. Trading details

Is the application for	Sex Shop		
	Sex Cinema		
	Sexual Entertainment Venue		YES
Address of the premises	1 Yelverton Road, Bournemouth BH1 1DA		
Name of the business	TEMPTATION		
Opening hours 24 hours.	Monday	00:00 TO 00:00	
	Tuesday	00:00 TO 00:00	
	Wednesday	00:00 TO 00:00	
	Thursday	00:00 TO 00:00	
	Friday	00:00 TO 00:00	
	Saturday	00:00 TO 00:00	
	Sunday	00:00 TO 00:00	

If a sex shop

Is any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures?	Yes/No (if yes provide details) NO
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List articles to be offered for sale?	Drink
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	Business hours on front of premises and silhouettes on window and sign board. Flames around logo picture attached.
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	Can only see lobby. Passers by can not see entertainers or performers. Windows are blacked out

6. Management of premises -In respect of each individual who is to be responsible for the management of the premises, in the absence of the licence holder, continue on separate sheet if necessary

Manager 1

Surname	MAL		
Forenames	Naresh Kumar		
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address	c/o robert.sutherland@keystonelaw.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No YES		

Manager 2

Surname	CHAPMAN		
Forenames	Andrew Brian		
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address	c/o robert.sutherland@keystonelaw.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No YES		

Manager 3

Surname			
Forenames			
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address			
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No		

For all managers provide full details of convictions for ANY offence which is NOT regarded as being SPENT under the terms of the Rehabilitation of Offenders Act 1974

Person Name	Date of Conviction	Court	Offence	Sentence

DECLARATION that all information provided above is true and complete

Signature	
Date	10TH June 2022
Capacity	Consultant Solicitor, Keystone Law Ltd, solicitors for the applicant

Any information given may be shared with other internal/external organisations/partners to prevent crime and/or detect fraud, to promote public safety and safeguarding, or when a driver is suspected of having committed an offence, civil or criminal.

THIS RENEWAL APPLICATION ALSO CONTAINS A MINOR VARIATION APPLICATION IN RELATION TO THE PLAN, FOLLOWING THE MODIFICATION TO THE PREMISES LICENCE PLAN IN APRIL 2022. THE CHANGES GRANTED REFLECTED CHANGES TO THE INTERNAL LAYOUT INCLUDING THE VIP AREA.

NO OTHER CHANGES ARE SOUGHT TO LICENSABLE ACTIVITIES, CONDITIONS HOURS OR CAPACITY IS BEING SOUGHT WITH THIS RENEWAL.

NO PERSONAL INFORMATION OF THE DIRECTORS AND MANAGER TO BE RELEASED INTO THE PUBLIC DOMAIN.

How we collect and use information

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see <http://www.bcpccouncil.gov.uk/nfi>

Information you provide on this form may be disclosed within the Council to other Departments. Information may also be disclosed outside of the Council to Government Departments such as the Police, Revenue and Customs, UK Border Agency and the Department for Work and Pensions (DWP) as allowed by law.

More information about how we collect and use information can be found on our website:
<http://www.bcpccouncil.gov.uk>

The application should include the following as necessary:-

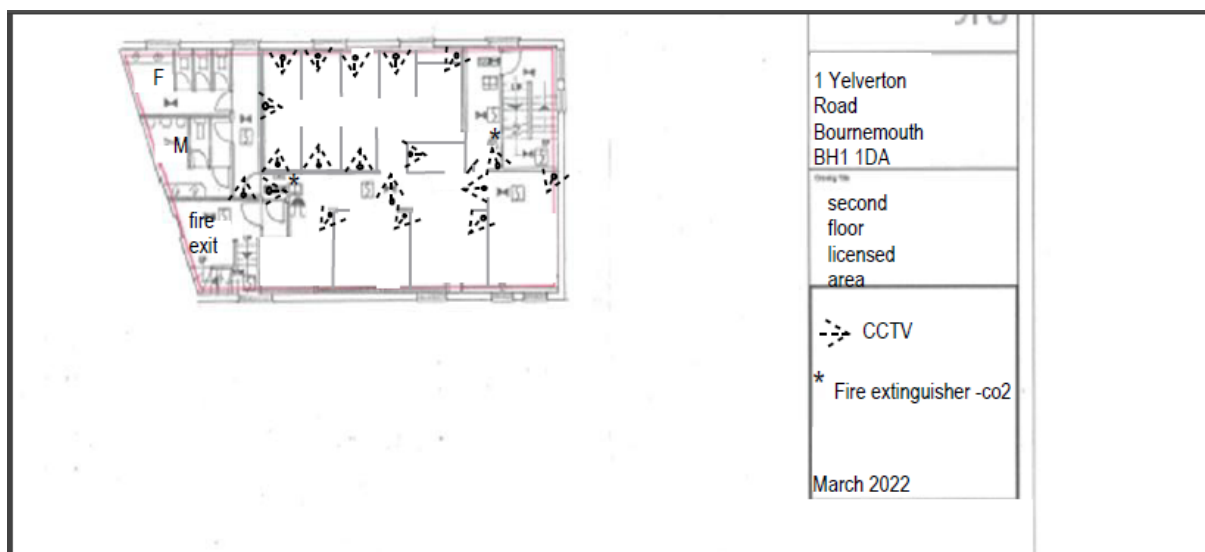
1. A site plan scale 1:100 (for new applications) in respect of which the licence is sought showing all means of ingress and egress to and from the premises, parts used in common with any other building and details of how the premises lie in relation to the street.
2. For new applications drawings showing the front elevation as existing and as proposed (1:100).

APPENDIX 2

Previous Layout



Current Layout (for approval)



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Current window display (following intervention)



Proposed window displays for approval





Licence for a Sexual Entertainment Venue

This Licence is granted pursuant to Schedule 3 of the Local Government Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Police and Crime Act 2009, to permit relevant entertainment to

Admiral Bars (Hampshire) Limited

to use the premises as a sexual entertainment venue at

Temptation

1 Yelverton Road, Bournemouth, BH1 1DA

1. This Licence, which will remain in force until **15th June 2022**, unless it is revoked or surrendered before that date, is granted on the terms and conditions overleaf and subject to the restrictions contained in regulations, made from time to time by Bournemouth Borough Council, under Paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982.
2. This Licence is subject to Special Conditions for Sexual Entertainment Venues overleaf (unless expressly varied or excluded) and additional conditions as imposed by the Licensing Board on 16 December 2014.

PERMITTED HOURS

Monday to Sunday inclusive – 00:01 to 00:00 hours

Dated this **11th** day of **November 2021**

A handwritten signature in black ink, appearing to read "N Randle", written over a horizontal line.

Mrs N Randle - Licensing Manager

SEXUAL ENTERTAINMENT VENUES – SPECIAL CONDITIONS

General

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. Any individual employed on the premises to conduct a security activity (within the meaning of section paragraph 2(1) (a) of schedule 2 to the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.
3. 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.
4. 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.
5. The Licensee shall ensure that all performers and all staff working within the premises hold any relevant work permit if appropriate if not an EU citizen.
6. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer of the Council to prove compliance with this Licence.

Admission to the Premises

7. No person under the age of 18 shall be admitted to the premises and a notice to this effect should be clearly displayed at the entrance(s) to the premises.
8. Customers who appear to be under the age of 21 must be asked to provide a Pass-Scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at the entrance(s) to the premises.
9. Information shall be clearly displayed within the internal exit areas of all sexual entertainment venues, reminding departing customers to behave in a responsible and appropriate way towards all persons, particularly women.

Advertising

10. No direct approaches (including offering a lift to the premises) may be made to potential customers from vehicles either operated by the Licensee, or on his behalf.
11. The Licensee shall ensure that any external advertisement promoting the entertainment on the premises complies with the Advertising Standards Agency guidelines and has prior Council approval.
12. The Licensee shall not permit the display outside of the premises of photographs or other images, excluding trade marks or logos, which are unacceptable to the Council, and which indicate or suggest that striptease or similar entertainment takes place on the premises and which may offend public decency.
13. Where the Council has given notice in writing to the Licensee objecting to an advertisement on the grounds that, if displayed, it would offend public decency or be likely to encourage or incite crime and disorder that advertisement shall be removed or not be displayed.
14. The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the premises (nor any person acting on behalf of any such person) shall distribute flyers within the Borough of Bournemouth, except in accordance with the relevant licence issued by Bournemouth Borough Council.

Premises

15. The Licensee shall ensure that the interior of the premises where sexual entertainment is offered shall not be capable of being seen from the outside of the premises, and that the exterior is maintained to a satisfactory level of decorum.
16. At no time during a performance shall performers be capable of being seen from outside of the Premises.
17. The Licensee shall ensure compliance with any condition that the Council finds it necessary to impose in respect of the number of members of the public who may be on the premises whilst sexual entertainment takes place.

CCTV

18. The Licensee shall ensure that CCTV is installed and maintained to the reasonable satisfaction of Dorset Police.

19. CCTV shall be installed in the private performance areas.
20. CCTV images shall be retained for a period of at least 31 days and made available to a police officer or authorised Council officer (subject to the Data Protection Act 1998) The said images shall be down loaded on request and a copy provided to such an officer at the earliest practicable opportunity.

Performers

21. Performers shall be aged not less than 18 years. The Licensee must maintain records of the names, addresses and dates of birth of performers including identity checks.
22. Performers 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").
23. Performers must remain fully dressed in public areas and in all other areas except while performing in areas specified by the Council as where sexual entertainment may be provided.
24. Performers must be fully dressed immediately after the end of each performance.
25. Performers must not perform a nude table dance unless in a supervised area and within five metres, or such other distance as may be agreed in writing by the Licensing Authority, of a floor supervisor.
26. Performers whilst on the premises must never be in the company of a customer except in an area open to the public (excluding the toilets) within the premises.
27. Performers 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.
28. Performers must not, when performing sit on or straddle a customer.
29. Performers must not when performing, place both of their feet on the seat at any one time. For the avoidance of doubt performers must maintain one shoed foot on the floor at all times and not place both of their feet on the booth seat.
30. Performers must not when performing, perform any act that clearly simulates any sexual act including but not exclusively penetration, touching genitals or anus, masturbation or oral sex.
31. Performers must not when performing, intentionally touch the genitals or breasts of another dancer or to knowingly permit another dancer to intentionally touch their genitals or breasts.
32. Performers must not when performing, intentionally touch a customer at any time during the performance unless 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.
33. Performers must not when performing act or use suggestive or sexually graphic language at any time.
34. The licensee shall ensure that performers are aware of the conditions on the licence and that they must not engage with the customer in any act or conduct or communication likely to lead to an act of prostitution or solicitation, even if the Performer has no intention of carrying out the act.
35. The Licensee is to implement a policy for the safety of the performers when they leave the premises.

Customers

36. 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.
37. Customers must remain seated during the entire performance of a private dance.
38. 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.
39. Customers must remain fully dressed at all times.

TEMPTATION (formerly SPEARMINT RHINO), 1 YELVERTON ROAD, BOURNEMOUTH, BH1 1DA
ADDITIONAL SPECIAL CONDITIONS IMPOSED BY LICENSING BOARD ON 16 DECEMBER 2014

1. On Thursday, Friday and Saturday, a manager and a dance marker shall be employed to cover the booth floor.
2. On a Thursday, Friday and Saturday, a door supervisor will look into each occupied booth on at least one occasion during each song
3. All private dancing shall be monitored at all times by a person physically on the premises, as well as by CCTV.
4. The CCTV will be checked at least every 2 weeks by a senior manager, for the avoidance of doubt this is a member of staff who holds the position of the DPS or above. Records shall be maintained recording the date and time of the check, the senior managers name, whether any breach observed and what action taken.
5. Notices shall be prominently displayed throughout the premises, setting out the customers' code of conduct
6. Signs will be displayed prominently throughout the club informing customers that dancers are not permitted to touch them.
7. Performers shall be reminded every 72hrs of all relevant codes of conduct and license conditions. Written records shall be maintained of this procedure, detailing the date, time, the performers name and the name of the manager carrying out the procedure. A1 posters listing the code of conduct and license conditions will be displayed in the performers changing / rest room.
8. Upon appointment and at least every 6 months thereafter, every performer and employee at the premises shall undergo training on all codes of conduct and license conditions. Full records of training shall be retained and made available on request.
10. A senior manager/director shall be available to meet with the police and licensing authority to review policies and practices at least once every 4 months as required by the police and licensing authority.
11. The Applicant shall establish a written protocol for the charging of customers once they have entered the premises. The protocol shall be agreed in consultation with and in writing by Trading Standards. The protocol shall include consideration of the following matters:
 - (a) The font size of information on surcharges on forms provided for customer signature.
 - (b) The prominent display of notices for products and services within the premises.
 - (c) Greater transparency on the prices charged per performer.
 - (d) Greater transparency around any handling or administration fee.
12. The Applicant shall establish a written protocol for the treatment and welfare of vulnerable people when they attend the premises. Vulnerable people are to include those whose mental capacity is or appears reasonably to be impaired. The written protocol shall be implemented no later than 1 February 2015.
13. The Applicant shall establish a written operator's manual for all management and staff at the premises. The written operator's manual shall be implemented no later than 1 February 2015. The contents of such manual must form a part of induction and ongoing training for all staff.

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APPENDIX 5

This is an “objection” to the current application for a Sexual Entertainment Venue license renewal from Admiral Bars (Hampshire) Ltd
At time of writing I have not had sight of the application nor any of the supporting documents expected, namely plan of the premises nor DBS/declaration regarding any criminal or other offences not showing on a DBS for the directors.

It is submitted under Local Government (Miscellaneous Provisions) Act 1982 schedule 3 s10 (15) as I am “any person” within the wording of that part of the Act. I am aware of the BCP Sex Establishment Policy which sets out recommendations for the form of an objection, but respectfully request that this be considered despite not following that policy to the letter.

Grounds-

Local Govt etc Act ibid Sch 3 s12 (3)

(a) “any other reason” the applicant’s business is advertised by a website with no mention that I can find of the company number nor address of the business on that website, in contravention of the Company...Business Names...Regulations 2015.

The applicant business is advertised as a gentlemen’s club and refers to the performers as girls, which would appear to put them in breach of the equality legislation. Also, women cannot come into the club alone according to the FAQ section, nor in a large group. The person they come in with if only one, must be their partner.

Conversely any size group of men is allowed and there is no similar ban on a man coming in alone stated.

There is no age check nor warning of adult material displayed on the website for the applicant. The contact page where I looked for the business details had a picture of two seemingly naked women pressed close together with one holding the other’s breast. Although not yet illegal, this shows a lack of concern for the welfare particularly of children who may access the website. The NHS offers many sources of information about the affect of pornography on users.

The CEPC makes various recommendations for energy saving at the premises, which, if not followed by the applicant, would make them unsuitable as per the BCP Climate Emergency declaration.

(d)(1) Character of the locality-also ref BCP Sex Establishment Policy 10.3 and 11. The premises are in the Old Christchurch Road conservation area, which celebrates the great Victorian heritage of this area. The nearby church St Peter's is currently celebrating its connections with Hubert Parry, composer of Jerusalem, and born in the road at right angles to the premises' address, Mary Shelley and her mother Mary Wollstonecraft, both buried in the churchyard. Mary Wollstonecraft is the founder of feminism, with her book "A Vindication of the Rights of Women". In addition, BCP's planning policy in this central location allows conversions and other development of flats, many of which have been approved recently at this location, as can be seen from a search of the planning file typing in Yelverton Road.

Level of lighting-from google street view it appears that this is a very poorly lit area, which couldn't be made brighter without disturbing the residents of the area, particularly during the hours when the applicant is currently advertised as open, up to 3am and 6am. It is a narrow street with tall buildings on either side.

Transport links to the area-people coming from some distance who want to use a taxi to arrive will find the area dark especially at night. Because, of the large concentration of places selling alcohol locally, there may be people very drunk in the road at night who could be hit by taxis coming and going.

(ii) "use to which any of the premises..locality" and Sex ..Policy ibid 11.2 There are two known religious premises in the immediate locality, the Brazilian Church and the Catholic Oratory. The Oratory in particular has an outreach to young people included in its website, mentioning a youth ambassador. Within five minutes walk in either direction are St Peter's Church on Hinton Road and St Stephen's Church on St Stephen's Way. Also a similar distance are a mosque and jewish congregation. I do not know enough about either the mosque or Jewish congregation to know whether they include children/young people but invite the licensing authority to consider this if they are aware of children/young people there. St Peter's has a choir which includes children and both churches offer infant baptism.

Nearby Lockey Escape Rooms in Yelverton Road advertise themselves as suitable for children and teenagers.

Gio's South African offers a child menu also in Yelverton Road

Optical Express Laser Eye Surgery is offered in the next road at Richmond House. This is a medical facility within 11.2 Sex..Policy ibid. Creams Café in the parallel road has a children's menu and a menu with a colouring section that is partly for children.

Norfolk Royale hotel in the next road advertises as being for family holidays.

The Hive Dental Laboratory in the next road is, according to the website, about to launch a clinic. If this is at that location, this will be another medical facility.

Shwan Barbers also in the next room advertises on its facebook page with a picture of a child's head recently barbered.

Zizzis also has a children's menu.

There appears to be a food bank at St Stephen's church hall, which could be frequented by vulnerable people. At time of writing there are press reports of the possibility of BCP council buying this hall to use as a health facility for people who are homeless. If, when the application is considered this has happened, could it be taken as a relevant point.

It is also close to a "public....park" Sex..Policy ibid 11.2 at Bournemouth Lower Gardens and another open green space that the public have easy access to at St Peter's Churchyard. I don't know why this is part of the premises included in the Sex...Policy but assume it is because of the risk of prostitutes or pimps not associated with the applicant, soliciting for sex in those areas.

"Nearby are also places used by vulnerable people" to slightly misquote the Sex...Policy". I am not aware of drop in centre or hostels, as these tend to be very discreet places to protect the service users, but I am aware of very vulnerable people sleeping rough and/or begging nearby as I habitually report these individuals to the BCP outreach service, Mungos. I don't visit Bournemouth often but am not aware that the prevalence of sleeping rough/begging has reduced since I have seen it with my own eyes.

(iii) The layout, character or condition of the premises. At time of writing I have not seen any plan, current or proposed of the premises. However, I have seen a CEPC and would say that the energy saving measures could be put in place as part of addressing the condition. I would say that as the performers' costumes appear(from the website) to include dangerously high platform shoes, that any lighting and flooring should be appropriate to avoid accidents to the wearer.

At time of writing I am still looking into the circumstances of the applicant and the neighbourhood around the venue, so may have more to add before the deadline. However, I am submitting this on the basis that if passed on to the applicant it will allow an early opportunity to address anything within in.

I also understand that I may make a separate representation to the licensing committee under the constitution regarding the way in which any decision is made, eg reference to the application of the law and various council policies which may be applicable, but don't fall into the grounds for objection.

Version 1 20.6.22

Subsequent Correspondence Received

Hi

The website www.clubtemptation.co.uk under the club tab mentions that the third floor is undergoing refurbishment. Of course this may not mean that the floor plan has/will be altered, but if it has then a new plan should be submitted.

I understand that your policy (although I have never seen a version marked with date of adoption, nor the word DRAFT not stamped on the pages) includes safety equipment including but not limited to fire equipment being marked on the plan. The website mentioned includes details of Fire Shows offered at the club under a tab/tile called Sinsation under the gallery tab on the home page. Location of these shows and any extra fire equipment appropriate should be on this. If the fire shows are not being offered at present then keeping the images on the website may be considered misleading to customers.

The requirement to show safety equipment on the plan, in the current climate of covid being spread by droplet transfer would suggest that ventilation appropriate to this risk, especially in the close confines of a private area for lap dancing, be shown as safety equipment on the floor plan.

This is a link to the latest .gov advice on ventilation in the workplace for covid, update May 2022. It includes a link to advice from the HSE <https://www.gov.uk/guidance/ventilation-to-reduce-the-spread-of-respiratory-infections-including-covid-19#:~:text=The%20more%20fresh%20air%20that,infections%2C%20including%20COVID%2D19.>

As you can see it includes links to advice from the HSE on ventilation in the workplace and from the Chartered Institute of Building Engineers on workplace and public buildings. Although 1 Yelverton Road is referred to as a club, it is still a public building as the public have admission to it.

As mentioned previously, all of the SEV licensed operations in BCP would benefit from scrutiny on the above points.

Whilst checking the internet footprint (as I think it is called, ie how 1 Yelverton Road advertises itself on the internet) I have noticed a completely unrelated set of adverts which claim to emanate from 1 Britannia House 16 Poole Road. They are adverts for something calling itself adult entertainment called variously Lap Dancers to You and something to do with Dominatrix. There is also an advert for a Peaches at 46-48 St Swithins Road on the Big Red Directory. I have not been to either of these locations, and it is quite likely that both are very old adverts completely out of date by now, so please bear that in mind when deciding whether to allocate resources on any investigation. From poking around on google street view 48 seems to be a Chinese Restaurant with Karaoke rooms now.

Copy email sent to Head of Children's Services from Objector

Hi

Could you kindly consider making a representation to the licensing committee which will soon consider renewing the Sexual Entertainment Licence for the applicant Admiral Bars (Hampshire) Ltd at 1 Yelverton Road Bournemouth, trading as Temptation, or Club Temptation or Temptations.

I understand that your department may be either a responsible authority or part of a responsible authority in relation to the licensing of alcohol sales at this premises, namely child protection.

The points which I would respectfully suggest merit your consideration are as follows:-

There is currently a live website purporting to advertise this establishment. There is, at time of writing, no age verification using recognised photo identity documents such full or provisional driving licenses required for me to view this website. You may be aware of the currently pending bill in parliament, namely the online safety bill.

The website has a feature today, on the home page, which is advertised as allowing one to take the performers home, ie as a virtual reality strip club. I do not know whether this requires the submission of age verification documents to access this feature. I do not know how this feature compares to the virtual strip club availability in metaverse which the NSPCC has recently been reported by the BBC as questioning.

The website has a feature allowing someone to submit a picture of themselves for consideration as a performer. On my understanding, which may not be correct, Sexual Entertainment can be any one or more of the following areas being exposed in a female performer, nipples, anus and/or genitalia. There is a question as to whether the person submitting the picture is 18, but I don't know whether age verification through submitting photo ID as mentioned above is required before submitting a picture.

The establishment is currently licensed for provision of Sexual Entertainment for 24 hours a day, although I am not aware of whether entertainment is available during all that period. It is not advertised to the general public for all of that time, far less in fact. Within clear sight of the premises is a shop selling accessories called Claires, which is targeted at girls, including young children.

Last Saturday, when I visited the road outside the establishment, I was aware of both the words Strip Club on the outside of the building and a sign at right angles to the building showing silhouettes of young women dancing in a sexually provocative manner. I noticed that the same silhouette advertising which had previously been reported to me by a third party as being present on the ground floor window and various website addresses had been removed. These, now removed, silhouettes and websites can currently be seen on google maps. Search club temptation using google (not 1 Yelverton Road which brings up images of

the previous establishment) then click on google maps. This gives you a map on the right hand side of the page and photographs on the left. The more recent photo from June 2022 shows the images and websites as having been removed from the front window, but the older picture from Jan 2022 shows the silhouette and website images then visible to any passer by.

At the moment I am aware of two facebook pages purporting to advertise this establishment. Last night one was carrying an image advertising Wednesdays as being for "fantasy" and showing an image of a young woman in tartan underwear similar to tartan used for school uniforms, glasses as used for studying and an item designed to look like a collar and tie of a school uniform.

I am not an expert in child protection, and would respectfully ask you to exercise your professional judgement on whether any of the above is within your remit to prompt you to make an objection to the renewal of the existing sexual entertainment venue license either at all or with any conditions that might protect children, and/or whether the license(s) issued under the Licensing Act 2003 for sale of alcohol should be reviewed under the protection of children grounds.

For the avoidance of doubt, I am not asking for your advice on how to make an objection myself but asking you to consider whether to take an interest in the licensing of these premises and this operator yourself in your professional capacity.

Hi Sarah

I am guessing that you are relying on R v Newcastle on Tyne etc and Home Office guidance etc, both below as legal authority for refusing objections based on moral grounds.

Further to below on legal authority for discouraging objections based on moral grounds, I now have sight of a report of R v Newcastle on Tyne City ex parte Christian Institute (or and another instead of ex parte etc)

I also have the Home Office guidance on Sex Establishment Policies.

It appears, on my understanding, that following the Home Office guidance on Sex Establishment Policies and/or R v Newcastle ibid in deciding on SEV applications and on setting policies for Sex Establishment policies is flawed for the following reasons -

R v Newcastle ibid, if it ever were good law, is no longer good law when deciding any application for Sex Establishments. This is because it has not been confirmed by being incorporated in subsequent statutory law, namely the amendment in 2009 of Local Government etc Act 1982 to include Sexual Entertainment Venues in the description of Sex Establishment.

It has never been good law for deciding on policies relating to SEV applications because at the time R v Newcastle etc is reported as decided, Sept 2000, SEVs were not within the law covering Sex Establishments. Indeed, the judgment makes quite clear that it was only considering a sex shop.

Subsequently Parliament passed the Licensing Act in 2003, which at that time covered what is now called Sexual Entertainment for licensing purposes. Parliament did not incorporate the judgement R v Newcastle ibid in the Licencing Act 2003.

Subsequently as above, Parliament passed the Crime and Policing Act 2009 by which Sexual Entertainments Venues were licensed for sexual entertainment under the Local Government etc Act 1982 ibid and continued to be licensed for supply of alcohol under the Licensing Act 2003. As above Parliament neither extended the judgment in R v Newcastle to cover SEVs nor confirmed that case by incorporated it into any Act or other legislation.

The Home Office Guidance on Sex Establishment Policies is not made under any power to create to which anyone, include Local Authority Licensing Committees carrying out their judicial function, are obliged to have regard. This is in contract to other government guidance such as on traffic management to which local authorities as Highways Authorities are for example legally obliged to have regard.

At 1.5 of the Home Office guidance ibid and elsewhere it makes quite clear that the guidance is not law.

Further at 3.23 of the Home Office guidance there is an unlawful attempt by the government through the Home Office to restrict subject/citizens' access to justice by telling Local Authority Licensing Committees not to accept objections on moral grounds and to restrict objections to the law contained within Local Government etc Act 1982. Although the

Local Govt etc Act 1982 provides grounds of objection, the wording does not exclude other legitimate, ie within the law, objections. This could include, but limited to the Equality Act and Human Rights Act as well as common law rights such as Public/Private Nuisance and Outraging Public Decency.

The rule of law is a principle by which the executive (here the government as the Home Office), the legislature (here Parliament-having passed the relevant Acts and other legislation) and judiciary (here the local authority licensing committee) all exercise power, which is balanced between the three, executive, legislature and judiciary. The Home Office guidance is an attempt to upset that balance by the government exceeding its powers to influence the judiciary and weaken the legislature.

I hope that the above can be taken into account in deciding on what use is to be made of the BCP Policy on Sex Establishments, Home Office guidance and R v Newcastle in reaching the decision on licensing the use of 1 Yelverton Road Bournemouth by Admiral Bars Hampshire as a Sexual Entertainment Venue.

From:

Sent: 29 June 2022 18:36

To: Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>

Subject: Re: Temptation 1 Yelverton Road Bournemouth - Sexual Entertainment Venue Licence

Thank you Sarah, and I appreciate the reason for the redaction.

Just one more thing.

Do you have a legal authority for discouraging objections on moral grounds? I am aware of very old case law preventing objections based purely on moral to licensing of sale of alcohol, but hadn't noticed that being extended to provision of sexual entertainment and can't see it mentioned in the statute used for licensing sexual entertainment. In fact, the words "any reason" seem to be used at one point, and the grounds for objection based on the nature of the location don't seem to exclude moral objections, eg to sexual entertainment being offered near premises used by children/people engaged in religious activities we strike me as all grounded in moral objections.

I appreciate that it is not part of your role to provide me with legal advice, but would nonetheless appreciate any feedback you can give me on this.

Kind regards

05.07.22

Dear

I have referred your email regarding case law to our legal adviser who will respond to you directly.

I shall make enquiries with the premises with regard to their Covid risk assessment and what measures they have in place.

I shall also make enquiries regarding their Facebook pages. We do not regulate this content so I will need to find out what powers, if any, we have over the control of that platform.

Regards

Sarah



Sarah Rogers
Senior Licensing Officer
Communities

T. 01202 093329 M. 07900665320
sarah.rogers@bcpcouncil.gov.uk

bcpcouncil.gov.uk

[BCP Council Privacy Statement During COVID-19](#)

[Sign up](#) to BCP Council's email news service

From:

Sent: 29 June 2022 20:41

To: Sarah Rogers - Licensing <sarah.rogers@bcpcouncil.gov.uk>

Subject: Re: Temptation 1 Yelverton Road Bournemouth - Sexual Entertainment Venue Licence

Hi Again Sarah

I see in the documents in support that a location plan instead of a clear floor plan has been included. Could I have the floor plan please?

In particular I would like to see what provision the applicant has made if any for ventilation for reducing the risk of covid given that it is stated that windows are kept blacked out and whether the customers and/or performers or other people working at the club have access to an outdoor area, if at the back of the building, and whether this, if it is an outdoor area is licensed for sexual entertainment or alcohol. As mentioned previously the aerial view of the

premises shows a strip at the rear which may or may not be an outdoor area, but is a different colour from the rest of the roof if it is part of the roof.

I have just checked back to facebook to see the posts about the third floor having work done, but cannot now find them.

There are now two facebook pages current which purport to advertise club temptation. One is called Club Temptation Bournemouth and shows a picture of two women who appear to be clothed enough for an SEV license not to be needed, ie not showing any areas for which a licensing is required without clothing. However, they are touching skin to skin in a position which would be considered sexual. There is no requirement to pass an over 18 age check to view this page using ID, in fact I don't even know whether this is available on facebook. As such a) any child can see this image on facebook, b) if this is what will be seen by people coming to the club it is in breach of the license because of the touching c) if it won't be seen by people coming to the club, then people seeing this image have been misled as potential customers.

I have not saved the image as I don't want to have this image saved on my computer for moral reasons.

https://www.facebook.com/Club-Temptation-Bournemouth-114290031262296/reviews/?ref=page_internal

The other facebook page is called Temptation Gentleman's Club Bournemouth and shows the silhouette advertising which I believe was until recently in the window of the premises and the website(s) advertised there. I have already mentioned that the wording "Strip Club" breaches the decorum license requirement for the outside of the building as did the silhouettes that were in the ground floor window and continued to be present last weekend on the signage at right angles to the building, again breaching the decorum requirement, particularly as previously mentioned because it is in clear sight of a shop, Claire's which is aimed exclusively at girls of all ages, including children and some infants, ie from age 3. I would suggest that calling it a Gentleman's club is misleading as paying a young woman to dance naked in front of a man or small group of men and then watching her is anything but gentlemanly behaviour, within the dictionary definition of gentleman. Again, I have not saved this page to send you, mainly in fact because as well as being something I don't want on my computer, I'm not even sure how to do it anyway.

<https://www.facebook.com/temptationbournemouth>

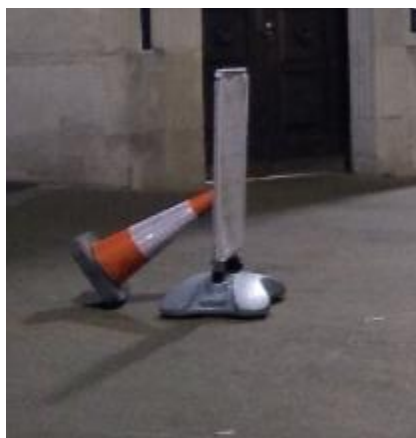
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Temptation Complaints

Outside boarding showing woman on her knees – No consent obtained



A-Board advert at bottom of Yelverton Road, on OCR



No one handing out flyers but the sign at 00:15 on Thursday night of Queen's Jubilee bank holiday weekend

Flyers – littering and advertising how to go online and have virtual reality lap dances on your phone (www.strip-vr.com) and stunnerz.com



As per page 19, para 19 of the current BCP Sex Establishment licensing policy of the

<https://www.bcpCouncil.gov.uk/Business/Licences-and-permits/Documents/Sex-Establishment-Policy-BCP.pdf>

I am lodging a complaint about Temptation SEV which is in breach of BCP licensing policy (see above). As we can see from attached photograph, Temptation SEV is breaching the current



Please note that this type of touting by the SEVs is common practice and does not stop when the SEVs are simply written to. Ms Rogers in the last Licensing Committee for Wiggle SEV said that with legal advice, the BCP licensing team wrote to all three SEV's to remind them of their conditions regarding advertising, "and they haven't had a complaint since" - see this comment at 1.27 below:

https://www.youtube.com/watch?v=fqo_o72lm7I

Just because there was no complaint does not mean that the illegal behaviour has stopped. That would be so easy. We would just write to all the lawbreakers and crooks and tell them to stop and that's it. We would not need any police. What a fantastical utopia! Please step into the real world. Judging by the photographs above and bearing in mind these leaflets reflect only a fraction of the touting material that the general public threw away, your sentiment is a wishful thinking and complete fallacy. Is the Licensing Team really investigating this touting and breaching of licence conditions? How many times do they have to be breached for the licence to be refused? If we can amass this amount of leaflets in a couple of days, then this is only the tip of the iceberg of the blatant infringements going on on a regular basis all in front of Police CCTV. We request a thorough investigation of the practices of the SEVs in Bournemouth. Ideally, of the ilk of Sheffield City Council when they used an impartial Private Investigator prior to their citywide phasing out of SEVs in Sheffield to join the other 10 municipal authorities in the UK who have a zero tolerance on SEVs (this includes Blackpool). Please note, the actions of Sheffield City Council was under the spotlight of Judicial Reviews.

Copy email sent in response to complaint received about window display and advertising dated 22.06.22

Thank you for your email of 17 June 2022. I have noted the contents and have reviewed the matter with our legal representative, I will now provide you with a response to each issue you raised.

Leafleting

I can confirm that on the current licence the condition relating to leafleting reads *“The Licensee shall ensure that neither they nor any person promoting or providing entertainment on the premises (nor any person acting on behalf of any such person) shall distribute flyers within the Borough of Bournemouth, except in accordance with the relevant licence issued by Bournemouth Borough Council {BCP Council}”*

You will see that they were permitted to leaflet provided they had permission from Highways which has been confirmed.

You requested a copy of the current licence for Temptation and I have attached it accordingly.

With regard to the Wiggle hearing the handing out of wristbands was not included as leafleting and therefore prohibited and all three venues immediately ceased. Wiggle have confirmed that they will comply with the new SEV policy conditions as they move forward with the renewed licence.

Touting

We note your comments with regard to the aggressive touting by the female allegedly from Temptation. This is not permitted under the current or future licence and action is being taken with the venue to ensure this ceases forthwith.

Window Displays

We note your comments with regard to window displays – The venue has changed its front signage and as part of the renewal application of their SEV licence they have asked for these images to be approved by the Licensing Committee but, until such approval is given, they should not be displayed.

We will be requiring that the images are removed until such time as any approval is given.

Web Links on Display

This again has not been authorised. On investigating these links they do require a username and password to be entered onto the site before accessing any explicit images. However, we do recognise that young people may be able to access these which is not acceptable or in line with our policy. The venue will be required to remove these as well.

I hope this addresses your concerns and shows our commitment to robust enforcement of our licence conditions.

If you require any further information, please do not hesitate to contact me.



Sarah Rogers
Senior Licensing Officer
Communities
T. 01202 093329 M. 07900665320
sarah.rogers@bcpcouncil.gov.uk
bcpcouncil.gov.uk

Copy email sent to Keystone Law dated 22.06.22

The complainant has responded following my reply to them, when I passed on your comments and observations.

They have provided the attached images (referred to below).

Having discussed the matter further with our legal department we would request that the following matters are addressed immediately:-

1. The window display is removed immediately until such time as approval has been given by the Licensing Committee. As no prior approval was sought this is a breach of condition.
2. The touting by females outside ceases forthwith.
3. The links advertised on the window display are removed immediately. The Licensing Authority recognise that this can be easily accessed by young persons – upon investigation these links only require a username and password to access the explicit images (attached) – which is not acceptable or in line with our policy.

I would be grateful if you could advise me when these matters have been dealt with.

Kind regards
Sarah

Copy response from Keystone Law dated 23.06.22

Dear Sarah,

Thank you for your email. Please accept my apology for not responding yesterday. Unfortunately, I was not in the office until late and was only able to raise the issues with my client then. In order to respond to your request I will address the points briefly at this stage to inform you of the position. I will respond more fully later. No disrespect is intended and it appears to me that that approach is probably more helpful to all at this time.

1. The window display of the silhouette images and the web sites is being covered today. The window display includes a 'T' in flames logo and opening times. It is intended to leave the logos and opening times on display. If that causes an issue please let me know?
2. The flier distributors were stopped yesterday evening and will not recommence at this time.

The flier distribution has been carried out by males and occasionally by females too. Are you asking that the touting by any person stop or are you specifically concerned about females as they are specifically referred to in your email?

I hope that this prompt response helps and should there be any further questions or queries please do not hesitate to contact me.

Best regards
Robert Sutherland
Keystone Law

Email sent in response to Keystone Law dated 23.06.22

Advising no flyering (male or female).

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

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By virtue of paragraph(s) 1,2,3,4,5,6a,6b,7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 1,2,3,4,5,6a,6b,7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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