

Notice of Licensing Sub-Committee



Date: Wednesday, 7 December 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 D Kelsey

Cllr L Williams

Reserves:

Cllr J Bagwell (1)

Cllr T Johnson (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=4765>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 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

29 November 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

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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. Simply Pleasure, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT

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Mr Timothy Hemming of ABS Holdings has applied for the renewal of the licence to use the premises at 333-335 Holdenhurst Road as a sex establishment to trade for a further twelve-month period.

The Licensing Authority has received one objection.

This matter is brought before the Licensing Sub Committee for determination.

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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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. Whereever 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	Simply Pleasure.com, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT
Meeting date	7 December 2022
Status	Public Report
Executive summary	Mr Timothy Hemming of ABS Holdings has applied for the renewal of the licence to use the premises at 333-335 Holdenhurst Road as a sex establishment to trade for a further twelve-month period. The Licensing Authority has received one objection.
Recommendations	It is RECOMMENDED that: Members are asked to decide whether to:- a) Grant the application for renewal as made; b) Refuse the application for renewal. 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.
Reason for recommendations	Any decision to refuse the renewal of the licence must be relevant to one or more of the following grounds:- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason; (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, renewal or transfer of such a licence if he made the application himself; (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; (d) that the renewal of the licence would be inappropriate, having regard—

	<p>(i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (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 – Chiel Operations Officer
Report Authors	Tania Jardim – Licensing Officer
Wards	East Cliff & Springbourne;
Classification	For Decision

Background

1. An application for the renewal of the Sexual Establishment licence was made on 14th of October 2022 to permit the premises to continue selling adult DVDs, novelties, toys and magazines, for a further twelve-month period. A copy of the application is attached at Appendix 1 with accompanying documentation.
2. The premises have operated as a sex shop since 10th of September 2002. A copy of the current licence is attached at Appendix 2.
3. The premises are situation on Holdenhurst Road in an area of many other commercial and residential premises. A copy of the location plan is attached at Appendix 3.
4. Since the last renewal on 21st of October 2021, there have been no complaints about the premises and there have been no changes to either the management or physical layout of the premises.

Consultation

5. 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.
6. Relevant objections must be made within 28 days of the application and should not be based on moral grounds or values.
7. One objection has been received at Appendix 4.
8. The applicant contacted the objector to explain the operation of the business and a copy of the email is attached at Appendix 5.

Options Appraisal

9. 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.
 - Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, appropriate Regulations and the Council's Sex Establishments Licensing Policy.

Summary of financial implications

10. N/A.

Summary of legal implications

11. 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 (under reasons for recommendation), in which case the applicant can only challenge the refusal by way of judicial review.

Summary of human resources implications

12. N/A.

Summary of sustainability impact

13. N/A.

Summary of public health implications

14. N/A.

Summary of equality implications

15. N/A.

Summary of risk assessment

16. N/A.

Background papers

BCP Council – Sex Establishment Policy –

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

Local Government (Miscellaneous Provisions) Act 1982 -

<https://www.legislation.gov.uk/ukpga/1982/30>

Appendices

1. Copy Application.
2. Copy current licence.
3. Copy location plan.
4. Copy objection.
5. Copy email from applicant in answer to objection.



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

**Licence for a Sex Establishment Application for* Grant / Renewal / Transfer /
Variation
(*delete as appropriate)**

1. Applicant Details

Surname	HENNING	
Forenames	TIMOTHY	
Other Name(s) (if applicable)	—	
Address	[REDACTED]	
Contact number(s)	[REDACTED]	
Email address	[REDACTED]	
Date Of Birth	[REDACTED]	Place of Birth [REDACTED]
National insurance number	[REDACTED]	
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	SIMPLY PLOCSURE
Managing Director	TIMOTHY HENNING
Head Office Address	ABS HOLDINGS SPRING LANE FOREST GATE RINGWOOD BH24 3FH.
Address from which you operate if different from above	—
Company number(s)	[REDACTED]
Company email address	[REDACTED]
VAT registration number	
Company registration number	04341488.

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

Person 2

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

Person 3

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

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
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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)
Have you (or if corporate body, that body) ever been refused a licence for a sex establishment?	Yes /No (If yes provide details) ONLY DUE TO LOCATION .

5. Trading details

Is the application for	Sex Shop	<input checked="" type="checkbox"/>
	Sex Cinema	
	Sexual Entertainment Venue	
Address of the premises	SIMPLY PLEASURE 333-335 HOLDENHURST ROAD Bournemouth BH8 8BT.	
Name of the business		
Opening hours	Monday	10am - 7pm
	Tuesday	10am - 7pm
	Wednesday	10am - 7pm
	Thursday	10am - 7pm
	Friday	10am - 7pm
	Saturday	10am - 7pm
	Sunday	10am - 4pm
EXCEPT EASTER SUNDAY.		

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)

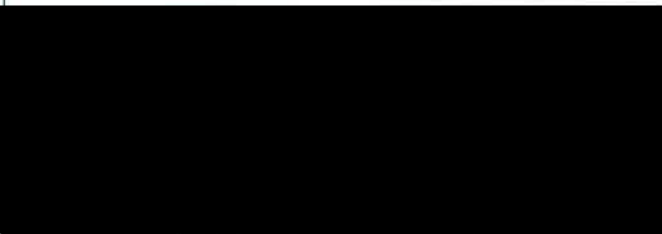
List articles to be offered for sale?	R18 DVD'S, Adult novelties & TOYS Magazines.
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	N/A
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	FROSTED GLASS, LOBBY FROSTED Vinyls on windows.

If a Sexual Entertainment Venue N/A

Confirm if there have been any changes to the layout of the premises in relation to:- All designated performance areas including private booths or cubicles Welfare facilities room for performers Access and egress of the premises WC facilities for performers/patrons Smoking areas for performers/staff	YES/NO YES/NO YES/NO YES/NO YES/NO If YES provide plan with highlighted changes
Do you currently have the following documents? Written code of conduct for Dancers Code of Conduct for Customers Disciplinary Procedure Policy	YES/NO YES/NO YES/NO If YES provide copies
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	

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

Manager 2

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		

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

APPLICANTS ARE WARNED THAT ANY PERSON WHO IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE

DECLARATION that all information provided above is true and complete

Signature	 on behalf of TIMOTHY HEMMING
Date	13.10.22
Capacity	CEO/owner

PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. In respect of individual applicants and each of those named in we require a copy of their birth certificate.
2. Three copies of a passport size photograph in respect of the applicant (if any individual) and each of those whose names appear in response to Questions 6 & 35. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. A site plan scale 1:100
4. Scale plans of the premises (1:100) in respect of which the licence is sought showing (interalia) 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.

5. Drawings showing the front elevation as existing and as proposed (1:100).
6. Where the business is conducted by or on behalf of a body corporate or unincorporated body a certified copy of the Resolution authorising the application.
7. Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.

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Licence for a Sex Establishment

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. This licence is granted pursuant to the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 to

Mr Timothy Martin Hemming

to use as a sex shop, the premises situated at

Simply Pleasure.com

333-335 Holdenhurst Road Bournemouth BH8 8BT

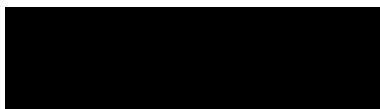
2. This Licence, which will remain in force until **20 October 2022**, unless it is revoked before that date, is granted on the terms and conditions and subject to the restrictions contained in regulations made from time to time by Bournemouth Borough Council under Paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982.
3. A CCTV system to be operated and maintained to the satisfaction of Dorset Police.
4. This licence shall be suitably framed and exhibited in a prominent position within that part of the premises to which the public are admitted.
5. A lobby entrance to the premises to be constructed to the satisfaction of the Building Control Officer.

PERMITTED OPENING HOURS

Mondays to Saturdays inclusive from **10.00hrs** until **19.00hrs**.

Sundays (except Easter Sunday) and **Bank Holidays** from **10.00hrs** until **16.00hrs**.

Dated this 11th day of November 2021 (by way of renewal)



Licensing Manager
Mrs Nananka Randle

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.

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 logbook shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:

- Any persons refused entry to the premises and the reason for refusal
- Any persons ejected from the premises and the reason for ejection
- Any inappropriate behaviour by customers
- Any incidents of crime or disorder

18.The incident / refusal log shall show the date, the time of the incident, the name of the staff member reporting the incident, a brief description of the customer involved or staff member where appropriate and brief description of the incident and any action taken by staff.

19.The incident / refusal log shall be kept in a place where it can be easily accessed by staff working at the premises and all staff shall be aware of the procedure to follow.

20.The licence holder shall ensure the incident / refusal log is checked periodically, at least once a week, to ensure the log is being effectively used.

21.The incident / refusal log shall be made available for inspection to the Police and or authorised officer of the council on request.

22.The licence holder shall ensure that the public is not admitted to any part or parts of the premises other than those, which have been approved by the Council.

23.No part of the licensed premises shall be used by prostitutes for the purpose of solicitation or otherwise exercising their calling.

24.There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation outside or in the vicinity of the Premises.

25.The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council indicating his name and that he is an employee.

Advertising, Premises Appearance and Layout

26.The Council shall not permit the display of any form of imagery or photographs that the Council believes could be construed as offensive to public decency.

27.No display or advertisement of the activities permitted by the sex establishment licence shall be exhibited so as to be visible from outside of the premises except:

- any notice required by law, by these regulations, or by any condition of the sex establishment licence granted by the Council
 - the name of the premises as specified in the sex establishment licence
 - the hours of opening of the premises
 - notice of any admission charge to the premises
- unless the Council has given its prior consent in writing that such display or advertisement may be used.

27.No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:-

(i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.

(ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

28.All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.

29.No window shall contain any sign, advertising material, goods or display without the written consent of the Council.

30.The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.

31.Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. This regulations shall not be construed as lessening the obligation of the licensee under Regulation 28 hereof.

32.No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee)be present in any such booth or cubicle at any time, unless by reason of disability.

33.Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

34.The number, size and position of all doors or openings provided for the

purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :-

(i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".

(ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".

(iii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

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

36.The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting to the Sex Establishment who are disabled where applicable and accordance with the Equalities Act 2010.

Use

37.A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

38. No change of use of any portion of the premises from that approved by the Council as a Sex Shop shall be made until the consent of the Council has been obtained thereto.

39.No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.

40.Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

Goods available in Sex Establishments

41.All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.

42.All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the Sex Establishment.

43.No sexually explicit film (including DVD or video) shall be sold, supplied or exhibited unless it has been passed by the British Board of Film Classification as R18 or such other classification and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film, DVD or video film so certified.

44.No film or video/DVD/Blu-ray film or computer game/memory stick or compact disc shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification, or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video/DVD/Blu-ray film or computer game/memory stick or compact disc, so certified.

45.The Licensee shall without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

Safety

46.The licensee shall take all reasonable precautions for the safety of the public and employees.

47.The licensee shall comply with any fire prevention and safety measures that may be required of him by the Council.

48.The premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

Notification of Changes

49.Where the consent of the Council is required to a change under Regulations 21, 22

or 37 hereof, the application for consent shall be accompanied by such specifications, including plans, of the proposed changes as the Council shall require in respect of their consideration of the application.

50.Where there is a material change in the particulars given or referred to in the application for the grant or, where the licence has been renewed, in the most recent application for the renewal of the licence, the licensee shall notify the Council of the change as soon as reasonably practicable after it has taken place PROVIDED THAT it shall be necessary for the licensee to notify the Council of that change under this Regulation where the Council have given their consent under Regulation 21, 22 or 37, or where the Council have been notified of that change under Regulation 7.

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From: [REDACTED]
Sent: 24 October 2022 13:51
To: Licensing Com <licensing@bcpcouncil.gov.uk>
Subject: Objection: Simply Pleasure.com 333-335 Holdenhurst Road BH8 8BT

Objection

I wish to object to the licence for renewal: Simply Pleasure.com 333-335 Holdenhurst Road BH8 8BT
This shop is close to a bus stop used by children who also walk past regularly to get to and from the local schools. The shop clearly advertises their website in their window: www.simplypleasure.com where it can be seen by any child passing by. I visited the website and within two clicks arrived at the page for the ***All Star Porn Stars Pocket Pal Bobbi Starr*** [REDACTED] Screenshot attached. This business clearly has no regard for safeguarding, and I object to the renewal of its license.

[REDACTED]

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From: [Sophie Campey](#)
To: [REDACTED]
Cc: [Tania Jardim](#)
Subject: Simply Pleasure.com 333-335 Holdenhurst Road, Bournemouth.
Date: 04 November 2022 11:59:45
Attachments: [image001.png](#)

Dear [REDACTED] ,

My name is Tim Hemming and I am the owner and founder of Simply pleasure Ltd.
I am writing to you directly as I would like to respond to you personally after seeing your objection to my sex establishment renewal at 333/335 Holdenhurst road , Bournemouth.

As a little background I have been in the industry and have owned retail stores for over 40 years , currently I run 22 licensed adult stores across the country of which two are in Bournemouth.

Bournemouth was my first at 180, Holdenhurst road and I have held a license there for as many years as I can remember.

333/335 I have held a license there for over 20 years .

To address your objection .

[REDACTED] I am sure you are aware of the sex establishment law its purpose and how we are regulated under it by the licensing committee.

As a licensee I take my responsibility seriously and have never had a license revoked or refused .

Under the license we only ever allow over 18s / adults in the premise and abide to all rules and regulations laid out within the act .

Our windows and displays are also overseen by the council as defined within the terms of the license.

We have never had any objections relating to our name or the material displayed on the premises .

Your objection seems to be directed at my website which sells adult products on the internet not the store .

For the record the site does not sell any hard-core porn DVDs only sex toys and clothing .

The website complies with all the Google rules and does not infringe any legality as far as I am aware .

If you wish to discuss access to the internet of minors to hard core porn material I can sympathise with your worries as I also have those concerns having children of my own .

I was a proactive supporter of the digital economy bill in 2019 which disappointingly didn't get passed and seems to have drifted in obscurity .A question for the Government and politicians for sure .

I was involved in the consultation and expressed that from an industry perspective some form of

protection should be in place .

It is a disgrace that the government has failed to protect young people from hard core online pornography in my opinion.

The licensing act that we operate under obviously does regulate brick and mortar stores as only adults are allowed in and the council has the power to inspect and revoke .

If we compare how we operate to say Ann Summers who are in the High Street and unlicensed the Council have no power to restrict anything they do .

I am sure on a Saturday afternoon you can see many under 18s in the store , there is nothing to stop them entering and no power for the council to do act .

Google restrictive settings are available for those parents who wish to prevent their children accessing online adult stores such as mine but at present no law is in place to make it compulsory for any sex shop online to implement any age verification.

I hope by writing I have given you a wider insight of the legal perimeters we operate under and you will appreciate that we are responsible in our working practice and I do take seriously my responsibility to safeguard the younger community .

If you wish to discuss your objection further, I am more than happy to ,please contact me directly ,otherwise I am sure we will speak at the license hearing .

Kind regards
Tim

Tim Hemming CEO
ABS Group
Spring Lane
Forest Gate
Ringwood
Hampshire
BH24 3FE

