

# Notice of Licensing Sub-Committee



Date: Thursday, 23 November 2023 at 10.00 am

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

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## Membership:

Cllr B Castle

Cllr D A Flagg

Cllr L Williams

## Reserves:

Cllr A Chapmanlaw (1)

Cllr M Dower (2)

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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=5469>

If you would like any further information on the items to be considered at the meeting please contact: Jill Holyoake on 01202 127564 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email [press.office@bcpCouncil.gov.uk](mailto:press.office@bcpCouncil.gov.uk)

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

15 November 2023

**DEBATE  
NOT HATE**



Available online and  
on the Mod.gov app

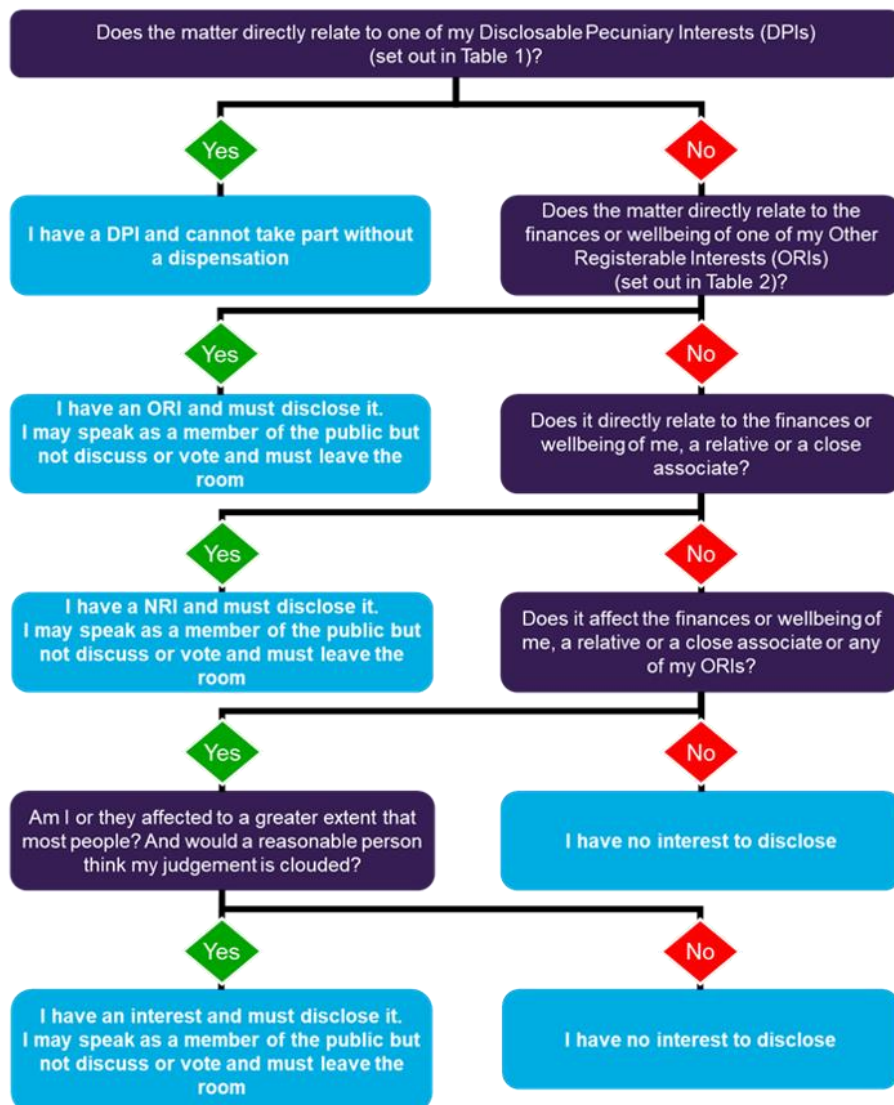


## Maintaining and promoting high standards of conduct

### 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  
(richard.jones2@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

- |   |         |
|---|---------|
| <b>1. Election of Chair</b><br>To elect a Chair of this meeting of the Licensing Sub-Committee.   |         |
| <b>2. Apologies</b><br>To receive any apologies for absence from Members.   |         |
| <b>3. Declarations of Interests</b><br>Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.<br>Declarations received will be reported at the meeting.  |         |
| <b>4. Protocol for Public Speaking at Meetings</b><br>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 - 8   |
| <b>5. Simply Pleasure.com, 333 - 335 Holdenhurst Road, Bournemouth, BH8 8BT</b><br><br>The Licensing Authority has received an application to renew the sex establishment licence for the premises known as Simply Pleasure.com, 333 – 335 Holdenhurst Road, Bournemouth BH8 8BT.<br><br>The application has resulted in the receipt of two objections and therefore this matter is brought before the Sub Committee for determination.   | 9 - 30  |
| <b>6. Exclusion of Press and Public</b><br><br>In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -<br><br>'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.' |         |
| <b>7. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver</b><br><br>The Licensing Sub-Committee is asked to consider whether the applicant for a Hackney Carriage/Private Hire driver licence is a 'fit and proper' person to be able to continue to the next stage of the application process.  | 31 - 50 |

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

51 - 68

The Licensing Sub-Committee is asked to consider whether the applicant for a Hackney Carriage/Private Hire driver licence is a 'fit and proper' person to be able to continue to the next stage of the application process.

No other items of business can be considered unless the Chair 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. 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](mailto: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	<b>Simply Pleasure.com, 333 - 335 Holdenhurst Road, Bournemouth, BH8 8BT</b>
Meeting date	23 November 2023
Status	Public Report
Executive summary	<p>ABS Holdings Ltd have applied for the renewal of the Sex Establishment Licence to permit the premises to trade as a sex shop for a further twelve-month period.</p> <p>The Licensing Authority has received 2 valid objections</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <p><b>a) Grant the application for renewal as made; or</b></p> <p><b>b) Refuse the application for renewal.</b></p> <p><b>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.</b></p>
Reason for recommendations	<p>The Council may refuse an application for renewal on 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 granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;</p> <p>(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;</p> <p>(d) that the grant or 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>(4) Nil may be an appropriate number for the purposes of subparagraph (3)(c) above.</p> <p>(5) In this paragraph “the relevant locality” means –</p> <p>(a) in relation to premises, the locality where they are situated; and</p> <p>(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment</p>
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Portfolio Holder(s):	Councillor Kieron Wilson – Housing and Regulatory Services
Corporate Director	Jillian Kay – Wellbeing
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	East Cliff & Springbourne
Classification	For Decision

## Background

1. An application for the renewal of the Sex Establishment Licence was made on 11 October 2023 in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
2. A Sex Establishment Licence permits the premises to be used as a sex shop business for the selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
3. A copy of the application is attached at Appendix 1.
4. A map showing the location of the premises is attached at Appendix 2.
5. The premises have traded as a sex shop for 20 years under the current ownership. A copy of the current Sex Establishment Licence is attached at Appendix 3.
6. No complaints have been received by the Licensing Authority in connection with these premises.

## Consultation

7. Applicants must give notice of the application by publishing an advertisement in the local newspaper together with notice displayed on the premises for a period of 21 days.
8. In considering the application the Council must have regard to any observations submitted to them by and any objections of which notice has been sent to them under Schedule 3, paragraph 10(15) of the 1982 Act, which provides that any objections must be made in writing within 28 days of the application.
9. As a result of the consultation 2 objections have been received against the renewal of the licence. A copy of the objections are attached at Appendix 4.
10. Consent from an objector must be obtained before their name or address is revealed to the applicant. None of the objectors consented to this however the applicant drafted a letter in response to objector 1. A copy of the letter from the applicant is attached at Appendix 5.
11. The application was also consulted with Dorset Police and no observations, or any objection was received.

12. As the renewal application had been submitted before the expiration of the current licence the premises are permitted to continue to operate under the terms of the current licence until its determination.

### **Options Appraisal**

13. Before making a decision, Members are asked to consider the following matters:

- The submissions made by or on behalf of the applicant.
- The 2 objections received.
- Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

### **Summary of financial implications**

14. No financial implications have been identified.

### **Summary of legal implications**

15. 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 at "Reasons for Recommendation", in which case the applicant can only challenge the refusal by way of judicial review.
16. It should be noted that BCP Council's Sex Establishment Policy was quashed by way of a Judicial Review in February 2022. Essentially the Court were of the view that some consultation responses had been considered by the Council as based purely on moral views and not equality. No decision has yet been taken whether a new policy is to be developed by the new Licensing Committee.
17. Local Authorities are not bound to have a Sex Establishment Policy and the non-existence of a policy does not prevent an application being considered on its merits and in accordance with the legislation.

### **Summary of human resources implications**

18. There are no human resources implications.

### **Summary of sustainability impact**

19. There are no sustainability impact implications.

### **Summary of public health implications**

20. There are no public health implications.

### **Summary of equality implications**

21. The Council is under a duty in Section 149 of the Equality Act 2010 to have due regard to the matters set out in relation to equalities when exercising the function of determining this renewal application (Public Sector Equalities Duty). Accordingly, Members must promote equality for persons with the following "protected characteristics": age, disability, gender assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
22. Each Member must therefore have regard to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited in relevant equalities legislation;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant characteristic and persons who do not share it.
23. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it;
  - c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

### **Summary of risk assessment**

24. There is no risk assessment requirement.

### **Background papers**

#### **Schedule 3 Local Government (Miscellaneous Provisions) Act 1982**

[Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1982/24/schedule/3)

### **Appendices**

- 1 – Copy Application
- 2 – Location Plan
- 3 – Copy Current Sex Establishment Licence
- 4 – Copy Objections
- 5 – Mediation Letter from Applicant

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**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	HEMMING		
Forenames	TIMOTHY		
Other Name(s) (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/ <del>No</del>		

**2. Trading company details**




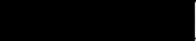


Company Name	SIMPLY PLEASURE.
Managing Director	TIM HEMMING
Head Office Address	ABS HOLDINGS SPRING LANE FOREST GATE RINGWOOD BH24 3FH.
Address from which you operate if different from above	/
Company number(s)	
Company email address	
VAT registration number	
Company registration number	04341488




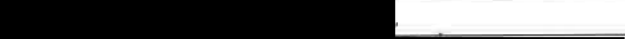
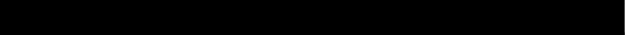



**3. Give full names and private residential address for all directors, partners or other persons responsible for the management of the establishment.**

Continue on separate sheet if necessary

**Person 1**

Surname	CLARK		
Forenames	TOM		
Other Name(s) (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/ <del>No</del>		

**Person 2**

Surname	Duman		
Forenames	Corinn		
Other Name(s) (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/ <del>No</del>		

**Person 3**

Surname			
Forenames			
Other Name(s) (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		

#### 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	<del>Yes</del> /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?	<del>Yes</del> /No (If yes provide details)
Have you (or if corporate body, that body) ever been refused a licence for a sex establishment?	<del>Yes</del> /No (If yes provide details) Due to location.

#### 5. Trading details

Is the application for	Sex Shop	✓
	Sex Cinema	
	Sexual Entertainment Venue	
Address of the premises	Simply Pleasure / Prowler 333-335 Holdenhurst Rd. Burnhamthorpe BT8 8BT	
Name of the business		
Opening hours	Monday	10am - 7pm
	Tuesday	" "
	Wednesday	" "
	Thursday	" "
	Friday	" "
	Saturday	" "
	Sunday	10am - 4pm.

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?	<del>Yes</del> /No (if yes provide details)
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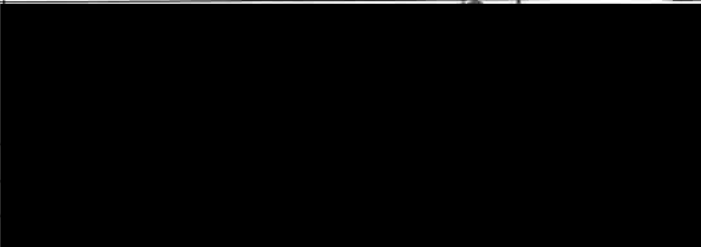
List articles to be offered for sale?	R18 DVD's Adult novelties + Toys Magazines Lingerie
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	N/A.
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	Frosted Glass, Lobby Frosted Vinyls on Windows

If a Sexual Entertainment Venue N/A.


<p>Confirm if there have been any changes to the layout of the premises in relation to:-</p> <p>All designated performance areas including private booths or cubicles</p> <p>Welfare facilities room for performers</p> <p>Access and egress of the premises</p> <p>WC facilities for performers/patrons</p> <p>Smoking areas for performers/staff</p>	<p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>If YES provide plan with highlighted changes</p>
<p>Do you currently have the following documents?.</p> <p>Written code of conduct for Dancers</p> <p>Code of Conduct for Customers</p> <p>Disciplinary Procedure Policy</p>	<p>YES/NO</p> <p>YES/NO</p> <p>YES/NO</p> <p>If YES provide copies</p>
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	Dorman
Forenames	Carinn
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/ <del>No</del>

**Manager 2**

Surname	Markin
Forenames	Jasmine
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/ <del>No</del>

**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**

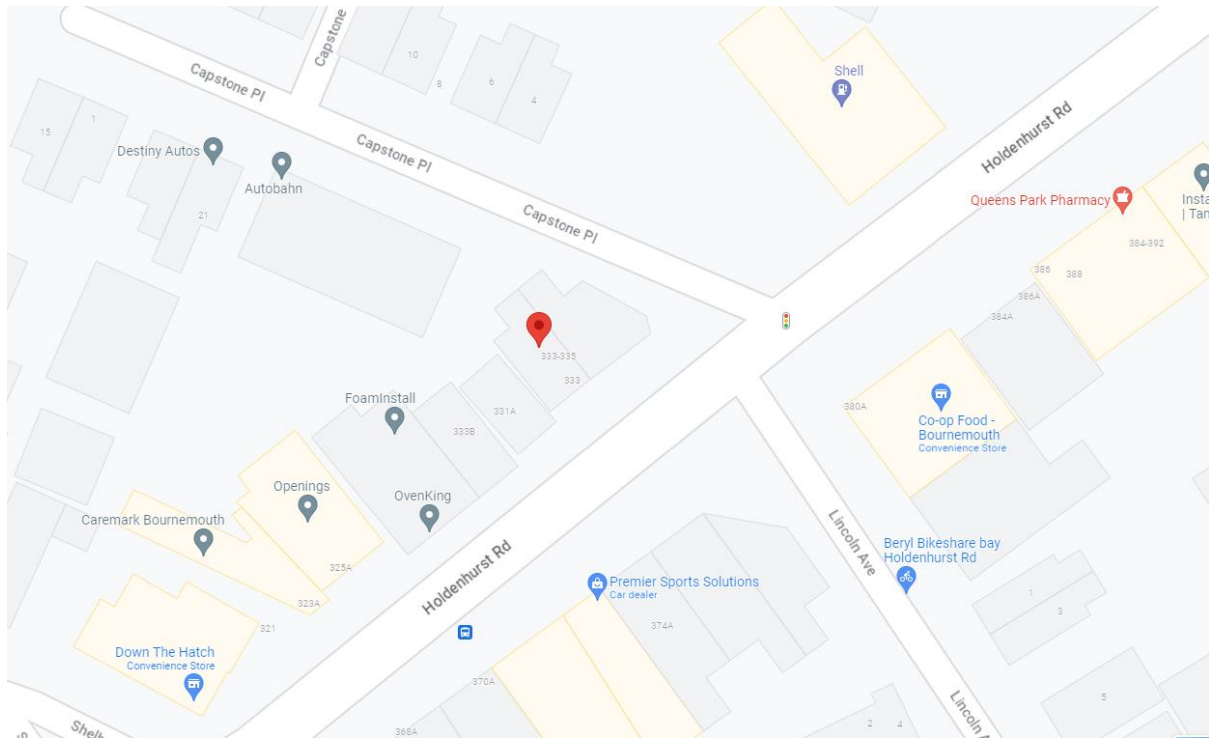
**DECLARATION that all information provided above is true and complete**

Signature	<i>[Signature]</i> on behalf of Tikerang
Date	9/10/23
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

## APPENDIX 2



Simply Pleasure.com 333-335 Holdenhurst Road Bournemouth

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Licensing Team  
BCP Council Civic Centre  
Bourne Avenue  
Bournemouth BH2 6DY



## 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 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 2023**, 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 14<sup>th</sup> day of November 2022 (by way of renewal)

A handwritten signature in black ink, appearing to read 'N Randle'.

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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 them in writing for the purpose of managing the Sex Establishment in their 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 they 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 their 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 they are responsible for its conduct.
10. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises.
11. The Licensee shall maintain good order in the Premises.
12. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
13. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
14. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
15. No person under the age of 18 shall be employed to work at the licensed premises in any capacity or allowed to work in the premises on a self-employed basis.

16. The premises shall follow the 'Think 25' initiative, whereby any customer who enters the premises who appears to be under the age of 25 shall be asked for age identification. The only ID accepted shall be photo identification such as a picture driving licence, a passport, or a PASS ID.

17. An incident / refusal log 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 their name and that they are an employee.

#### **Advertising, Premises Appearance and Layout**

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

27. No display or advertisement of the activities permitted by the sex establishment licence shall

be exhibited so as to be visible from outside of the premises except:

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

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

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

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

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

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

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

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

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

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

35. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements: -

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
- (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
- (iii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

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

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

### **Use**

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

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

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

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

### **Goods available in Sex Establishments**

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

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

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

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

### **Safety**

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

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

### **Notification of Changes**

48. Where the consent of the Council is required to a change under Regulations 21, 22 or 37 hereof, the application for consent shall be accompanied by such specifications, including plans, of the proposed changes as the Council shall require in respect of their consideration of the application.

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

**RENEWAL OF SEX ESTABLISHMENT LICENCE**

**SIMPLY PLEASURE.COM 333 – 335 HOLDENHURST ROAD BOURNEMOUTH**

**OBJECTIONS**

**Objection #1**

This is my objection to the licensing of Simply Pleasure at 333-335 Holdenhurst Road as a Sex Establishment.

The location is unsuitable as it is opposite a bus stop and a short walk from the public library, both of which are likely to be used by children and young people.

Google street view back over the years shows how the shop has attracted illegal parking on the pavement outside. The BCP adopted highways map shows this is not their forecourt and in addition there is no dropped kerb.

The operators are also unsuitable as a search on google street view shows the window displays to the public are indecent, including clothing designed primarily for stimulating sexual activity. It certainly wouldn't keep the draught out in chilly weather.

The operators are also unsuitable to run a Sex Establishment as they have behaved irresponsibly to children, firstly by mounting this indecent window display but also by using the window to advertise websites which do not require any age verification documents to be submitted to gain access to them. The display is also religiously offensive as it includes a tail which implies honouring the devil.

There is no need for a shop selling products designed to attempt to provide sexual stimulation as these can be bought online.

If this premises is licensed again it undermines all the council has been trying to do to encourage walking and public transport by making it uncomfortable to have to walk past this display and shop for anyone choosing not to use a car.

It's presence risks triggering sexual harassment of women and girls, which makes licensing it contrary to BCP's public sector equality duty.

There is no presumption that sex establishments should be licensed, otherwise there wouldn't be any need for license and people would have to object instead to establishments operating. It is for the operators to prove that this is a suitable location, they are fit to be operators and that it is in the interests of Bournemouth's residents that they operate at all.

None of these conditions are met, so this application should be refused.

Regards

## **Objection #2**

This is my objection to the renewal of the license for the sex shop Simply Pleasure in Holdenhurst Rd.

This shop has a large sign above its door with the URL: Simplypleasure.com.

I object to the renewal of this license because this is a pornographic website.

I ask that the committee consider if a licensee who does not understand the child protection issue with this is capable of upholding the licensing objective of protection of children from harm.

This shop is in the vicinity of a library, two schools and many other community amenities. The area has one of the lowest rates of car ownership and so children and families walk past the shop continually.

The licensee may repeat the claim he made last year that his website is lawful, but it is the advertising of it above the shop which I object to. As a licenced sex shop he is in a privileged position of being able to sell restricted products and alongside this comes responsibility. The website currently advertises on its landing page {redacted} Gel, Airlock Electro Air Lite Vented {redacted} and Creature {redacted}. I have attached screen shots as part of my objection to be included with the papers for the committee.

I have a further objection to the display above the second half of the shop which is the word 'Prowler' here is the definition of that word:

Meaning of prowler in English prowler. someone who moves around quietly in a place, trying not to be seen, often before committing a crime.

I do not believe this is a suitable word to be displayed above a sex shop.

Last year the committee felt the license holder was using clever marketing registering his business as the website URL, and I understand the word Prowler may also have a business name origin. The licensing committee has a responsibility to child safeguarding ahead of the licensees right to use a loophole to display a URL to pornographic content or unsuitable words. It may be that by choosing to name his businesses in these ways he is proving himself unsuitable to hold a license to a sex shop in the BCP area at all.

Dear councillors and objector.

I am sorry that I am unable to attend the licensing meeting as I will be out of the country on those dates.

Tom Clark will be attending in my absence to represent me and the company.

He is my National Retail Manager responsible for the operations of all our stores.

I would like to address the objection though if I may and some of their concerns and observations. Reading through this objection it seems the same as the one we had last year. I assume it is the only objection we have received.

The objector states the location is unsuitable, the store has been at this location for over 20 years, I do not see that anything has changed including the location of the library or the bus stop during this time, it has never been an issue in the past.

The store does not allow any under 18s to enter as per our license, so this is not an issue.

As for illegal parking there are other shops in the vicinity and if this was an issue caused by just my store, I am sure Bournemouth's traffic wardens would do their job.

The window displays are not indecent at all, and we are always conscious not to cause any offence with them, our windows are always tasteful and themed, for example Halloween and Xmas, clothing cannot be classed as indecent.

The objector states and I assume they mean me, that I am unsuitable to run a Sex Establishment, I must disagree as we run 22 stores countrywide and have done for over 35 years.

I actually think I am better qualified to run these stores than most.

With the websites it is not a legal requirement for age verification as this time, if it becomes law then we will introduce it.

As for the display being religiously offensive, this is simply not the case.

To also link the store to triggering sexual harassment towards women and girls again is just wrong. I hope that the objector attends the meeting in person, and we have the opportunity to reply directly.

Kind regards  
Tim Hemming

**Tim Hemming**  
C.E.O.



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