

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 05 June 2024 at 10.15 am

Present: Cllr B Castle, Cllr A Keddie and Cllr L Williams

1. Election of Chair

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

Voting: Unanimous

2. Apologies

There were no apologies for absence.

Post Meeting Note:

An apology for absence was received from Cllr Moore and Councillor Castle, as a reserve member, assumed the role as a Licensing Sub-Committee member.

3. Declarations of Interests

There were no declarations of interest.

4. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

5. Wiggle, 159 Old Christchurch Road, Bournemouth, BH1 1JS

Present:

BCP Council:

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Members of the Public Present: 2

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

Post Meeting Note:

The running order of the hearing had been changed to allow Mrs Stockwell to speak first, at her request.

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

The Sub-Committee was asked to consider an application for the renewal of the Sexual Entertainment Venue Licence for the premises known as 'Wiggle', 159 Old Christchurch Road, Bournemouth, to permit relevant entertainment to continue for a further twelve-month period.

One valid representation had been received and it was confirmed that there had been no representations received from any of the responsible authorities.

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

Applicant and Representatives:

Mr Paul Ojla - Applicant

Mr Taran Ojla - General Manager

Objector:

Mrs Susan Stockwell

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

Decision:

The Sub-Committee resolved to grant the application to renew the Sexual Entertainment Venue Licence for Wiggle, 159 Old Christchurch Road, Bournemouth BH1 1JS

Reasons for the Decision:

The Sub-Committee considered in detail all the information which had been submitted before the hearing and contained in the report for Agenda Item 5, Wiggle, 159 Old Christchurch Road, Bournemouth.

The Sub-Committee also considered the written and verbal submissions submitted by the objector Susan Stockwell, together with the written and verbal submissions of the applicant, Mr Paul Ojla, owner of the premises, and Mr Taran Ojla, General Manager.

The Sub-Committee had regard to the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”), and in particular the available grounds for refusing the application contained within that Schedule. They did not find that the Applicant was unsuitable to hold a sexual entertainment venue licence and were reminded that BCP Council no longer had a Sex Establishments Policy. It was agreed that the only grounds to be considered were the ‘discretionary’ grounds set out in paragraph 12(3)(d) of Schedule 3. It was to those grounds that the Sub-Committee turned their focus.

Character of locality

The Sub-Committee noted that the premises has operated as a lap dancing club in the same location since 2006. Since 2010 when such premises were required to operate under a Sexual Entertainment Venue licence, such a licence has been in place and applications made annually for it to renewed as is required by the Act. Although the character of the locality had evolved and changed throughout this period, it was still considered to be in the heart of the Bournemouth night time economy and the Sub-Committee did not consider that it had changed materially since the last decision to renew the licence in 2023, or that there was any basis in the context of the character of the locality at this moment to refuse the application. However, it was noted the character of the location will continue to evolve and more residential accommodation was being planned in the town centre area.

It acknowledged the numbers of pupils at Livingstone Academy, in Stafford Road, Bournemouth which opened in September 2021, will continue to increase year on year as new year groups were admitted and more children may have cause to walk past the premises on route to and from school. It was noted however the premises only opened from 10pm in the evening and operated outside school hours. The Sub-Committee was pleased to note that the venue’s logo of a silhouette of a naked female included on the sign at the front of the premises had been covered in black tape and so removed from the view of those passing by the premises and there was an improvement in the maintenance of the outside area, both causes of concern at hearing in June 2023.

Currently the location of the premises was not thought inappropriate, having regard to the character of the locality, or to the use to which other premises in the vicinity were put, to warrant refusal of the application.

Layout

The Sub-Committee was satisfied that the layout was acceptable and did not warrant refusal of the application. Mrs Rogers explained copies of the plans held by the Licensing Authority had been forwarded to the objector Mrs Stockwell. It was confirmed that there were now separate ladies’ toilets for customers included within the premises rather than unisex toilets and there were separate secure toilets and changing facilities for use of the dancers. Reference was made to the smoking shelter in the written objections, but the authorisation for such a structure is not within the scope of this application.

PSED

In considering the application, and in coming to their decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In this case that arose primarily in the context of sex.

The Sub-Committee noted the premises had a diverse customer base and welcomed customers of various genders and considered that some of the points raised in the objection were irrelevant and some were without evidence.

It was noted that there had been no complaints made to the Police or the licensing authority since the last renewal, and the Police had not submitted any comments in response to the application. The Sub-Committee was of the view that if the Police had concerns about the premises and its effect on crime and disorder or inappropriate behaviour towards women in the vicinity, they would have voiced these concerns. There was no evidence brought that showed any increase in crime that can be connected to this premises. Although not required the Licensing Authority also informed all Responsible Authorities as set out in the Licensing Act 2003 of this application but received no comments or objections in response. It was also noted that no objections had been made by either Livingstone Academy or Bournemouth University and with so many female students now living in the vicinity, the Sub-Committee was of the view that the University would have shared any concerns raised by students with the Licensing Authority or the Police. In addition, no objections were raised by any religious establishment or any other resident of the Town Centre.

The Licence to be renewed contains comprehensive conditions on age verification, no persons under 18 can be admitted to or employed to work in any capacity at the premises. There are conditions governing the nature of the performance and limiting personal contact and audience participation, identifying where a performance takes place and that suitable clothes should be worn in any other areas, supervision, CCTV to cover all public areas. Conditions also cover advertising, visibility of the interior from outside the premises and there is both a customer and dancer code of conduct.

On balance, on determining the application and considering the conditions that will be attached to any licence and having regard to the Public Sector Equality Duty, the Sub-Committee did not feel that the duty compelled the refusal of the application.

After full consideration of the grounds set out in paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 the Sub-Committee did not feel there was any basis to refuse the application and they thus resolved to grant it.

Right of Appeal

The decision being to grant the application, there is no statutory right of appeal against this decision.

The meeting ended at 11.00 am

CHAIRMAN