

Notice of Licensing Sub-Committee

Date: Wednesday, 5 June 2024 at 10.15 am

Venue: HMS Phoebe, BCP Civic Centre, Bournemouth BH2 6DY



Membership:

Cllr A Keddie

Cllr S Moore

Cllr L Williams

Reserves:

Cllr B Castle (1)

Cllr A Chapmanlaw (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?MId=5843>

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

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

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

28 May 2024

**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
(janie.berry@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 Licensing Hearings

5 - 10

The protocol for public speaking at Licensing Sub Committee hearings is included with the agenda sheet for noting.

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

11 - 50

An application has been received 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.

As 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 This protocol for public speaking applies to Licensing Committee and Sub Committee hearings in relation to matters including the licensing of alcohol, regulated entertainment, late night refreshment, gambling, sex establishments and hackney carriage and private hire drivers, vehicles and operators, as set out in Part 3.3 of the Council's Constitution.
- 1.2 These matters are considered in accordance with relevant legislation and associated regulations including the Licensing Act 2003 (as amended by the Police Reform and Social Responsibility Act 2011), the Gambling Act 2005, Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) and the Local Government (Miscellaneous Provisions) Act 1976.

2. Conduct of Hearings

- 2.1 Chair welcomes everyone, matters of general housekeeping are dealt with, notification that the hearing may be recorded for live and subsequent broadcast on the Council's website, reminder to switch mobile phones to silent, etc.
- 2.2 Chair asks everyone present to introduce themselves and state their role.
- 2.3 Chair checks that all persons who have given notice of their intention to speak and any person who wishes to withdraw a representation or wishes not to speak have been identified.
- 2.4 Chair explains proposed procedure and order of speaking for hearing as set out in Appendix A or B of this protocol as appropriate. All parties confirm agreement or make representations on procedure proposed.
- 2.5 Licensing Officer's report is presented.
- 2.6 Parties speak in the order agreed.
- 2.7 With the exception of hackney carriage and private hire hearings, 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 additional 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.

- 2.8 Members of the Licensing Committee or Sub Committee may ask questions after each party has spoken and once all parties have spoken. Parties will be allowed to ask questions through the Chair.
- 2.9 Once all parties have been heard, the parties will be given the opportunity to sum up. Party who spoke first to go last. The hearing will then conclude.
- 2.10 Members will deliberate in private with the clerk and legal representative as appropriate present.
- 2.11 The decision will be taken by the Committee and notification of the decision will be given as follows:
 - 2.11.1 For Licensing Act 2003 and Gambling Act 2005 hearings, determination must be within the period of five working days beginning with the day or the last day on which the hearing was held in accordance with the relevant Regulations, unless otherwise specified (for example, the issuing of a counter notice following objection to a TEN, in which case the determination must be at the conclusion of the hearing).
 - 2.11.2 For Sex Establishment and other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
 - 2.11.3 For Hackney Carriage and Private Hire hearings, notification of the decision will be given at the conclusion of the hearing, followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
- 2.12 Notification of the decision will include information for all parties of any right of appeal as appropriate.

3 General points

- 3.1 Hearings convened under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations may be held remotely as required, if the Chairman agrees it is expedient to do so in the circumstances.
- 3.2 The hearing may be adjourned at any time at the discretion of the Members.
- 3.3 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.
- 3.4 The Sub Committee may decide to conduct all or part of a hearing in non-public session in accordance with the relevant Regulations and/or where exempt information is likely to be disclosed.

- 3.5 The Chair may exclude any person from a hearing for being disruptive.
- 3.6 Meetings of the Licensing Committee in public session are recorded by the Council for live and subsequent broadcast on its website.
- 3.7 The hearing will take the form of a discussion.
- 3.8 Only persons (or their representatives) who have made an application, are subject to an application or have submitted a written representation or objection to the Licensing Authority under the relevant Act are permitted to speak at the hearing.
- 3.9 Any further information to support an application, representation, objection or notice (as applicable) can be submitted before the hearing. It may only be submitted at the hearing with the consent of all parties in accordance with any relevant Regulations. Wherever possible the Licensing Authority encourages parties to submit information at the earliest opportunity to allow sufficient time for this to be considered before the hearing and avoid the need for adjournment.
- 3.10 If a party has informed the Authority that they do not intend to participate, or be represented at the hearing, or has failed to advise whether they intend to participate or not, the hearing may proceed in their absence.
- 3.11 For other matters which are the responsibility of the Licensing Committee and not included in this protocol, the Meeting Procedure Rules in Part 4D of the Council's Constitution in relation to public questions, statements and petitions shall apply. This includes such matters as making recommendations on relevant licensing policies, approving the level of fees charged by the Council, and making decisions on tariffs charged by the Public Carriage Trade.
- 3.12 The Council's Constitution can be accessed using the following link:
<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&Info=1&bcr=1>

For further information please contact democratic.services@bcpcouncil.gov.uk

Appendix A

Proposed procedure and order of speaking for hearings (other than hackney carriage and private hire hearings)

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. 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).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.

Appendix B

Proposed procedure and order of speaking for Hackney Carriage and Private Hire hearings

1. The Licensing Officer presents their report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant/licence holder presents their case.
4. Questions of the applicant/licence holder by all parties, Members of the Committee/Sub-Committee to go first.
5. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The Hearing will then conclude.
6. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe deliberations but will not take part in the decision making).
7. Notification of the decision will be given following deliberations at the conclusion of the hearing, to be followed by a written decision letter where possible within the period of five working days beginning with the day or the last day on which the hearing was held.
8. The Legal Adviser will advise parties of any right of appeal as appropriate at the conclusion of the Hearing. Information about the right of appeal as appropriate will also be included in the written decision letter.

Adopted by the Licensing Committee on 7.12.23

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LICENSING SUB-COMMITTEE



Report subject	Wiggle, 159 Old Christchurch Road, Bournemouth, BH1 1JS
Meeting date	5 June 2024
Status	Public Report
Executive summary	<p>Wellhot Limited have applied for the renewal of the Sexual Entertainment Venue Licence to permit relevant entertainment to continue for a further twelve-month period at the premises.</p> <p>The Licensing Authority has received 1 objection.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none"> a) Grant the application for renewal as made; or b) Refuse the application for renewal. <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak.</p> <p>Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Council has adopted the Local Government (Miscellaneous Provisions) Act 1982, as amended; therefore, subject to limited exceptions and exemptions, or in the absence of a waiver, premises offering relevant entertainment require a SEV licence to operate in the BCP Council area.</p> <p>There is a presumption in the legislation that applications for a licence will be granted unless there is a statutory ground for refusal. Some refusal grounds require the Council to refuse an application (mandatory grounds for refusal) and some grounds enable the Council to refuse an application but do not require the Council to refuse (discretionary grounds for refusal).</p> <p>Any decision to refuse the renewal of the licence must be relevant to one or more of the following grounds:-</p> <p><u>Mandatory Grounds of Refusal</u></p> <p>A licence shall not be granted:</p> <ul style="list-style-type: none"> a) to a person under the age of 18; or

	<p>b) to a person who is disqualified by reason of prior revocation of a licence;</p> <p>c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the 4 July 2011;</p> <p>d) to a body corporate which is not incorporated in an EEA state, or</p> <p>e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.</p> <p>Having considered the information provided through the application process, the senior licensing officer advises that none of the mandatory grounds for refusal appear to apply in this case.</p> <p>Members should focus their considerations on whether one or more of the four discretionary grounds for refusal set out in paragraph 12(2)(a) arise in respect of this application.</p> <p><u>Grounds (a) and (b)</u></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>The application process requires applicants to provide comprehensive information about any convictions and a range of other information that may be relevant to consideration of grounds (a) and (b). In regard to this applicant there is no evidence of convictions deemed to be unspent under the Rehabilitation of Offenders Act, cautions, discrimination cases or pending allegations at the date the application was made that would cast any doubt on the suitability of the applicant to hold the licence by reason of having been convicted of an offence or for any other reason.</p> <p><u>Ground (c)</u></p> <p>(c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;</p> <p>BCP Council do not currently have a Sex Establishment Policy which sets or limits the number of sex establishments thought appropriate in the BCP area.</p>
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	<p><u>Ground (d)</u></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>BCP Council do not currently have a policy which sets out locations or vicinities which would be considered appropriate or inappropriate for sex establishments. This premises has been operating as a lap dancing club in this town centre location since 2006.</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 Kieron Wilson – Housing & Regulatory Services
Corporate Director	Jillian Kay – Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for the renewal of a Sexual Entertainment Venue (SEV) Licence was made on 28 February 2024 to permit the premises to continue providing relevant entertainment for a further twelve-month period. A copy of the application is attached at Appendix 1.
2. A map attached at Appendix 2 shows the location of the premises.
3. The premises have operated as a lap dancing club since 2006. This has consistently been with the same premises operator. A copy of the current SEV licence is attached at Appendix 3.
4. The renewal application for the SEV Licence is required to be able to provide the adult entertainment at the premises which is referred to as “relevant entertainment” in the legislation.
5. Relevant entertainment is defined as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”.
6. In the case of a woman “display of nudity” means the display of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

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 this application the Council must have regard to any observations submitted to them by Dorset Police 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. Objections must be relevant and should not be based on moral grounds or values.
9. At the time of writing no comments have been received from Dorset Police but 1 objection to the renewal have been received, which is attached at Appendix 4 with further correspondence.
10. The applicant has responded to the objector and a copy of their submission is attached at Appendix 5.

11. As the renewal application had been submitted, before the current licence expired, the premises have been permitted to continue to operate under the terms of its current licence until determination of this renewal application.

Options Appraisal

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

Summary of financial implications

13. There are no financial implications.

Summary of legal implications

14. If the application for renewal is refused the applicant may appeal the decision to the Magistrates' Court, unless the application was refused under discretionary grounds (c) or (d) above at "Reasons for Recommendation", in which case the applicant can only challenge the refusal by way of judicial review.
15. It should be noted that BCP Council's Sex Establishments Licensing 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.
16. Local Authorities are not bound to have a Sex Establishment Policy and the 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

17. There are no human resource implications.

Summary of sustainability impact

18. There are no sustainability impact implications.

Summary of public health implications

19. There are no public health implications.

Summary of equality implications

20. 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 reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
21. Each Member must therefore, have due regard to the need to -

eliminate discrimination, harassment, victimisation and any 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.

22. 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 persons 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

23. There is no risk assessment implication.

Background papers

Home Office Guidance –

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

Appendices

- 1 – Copy Application
- 2 – Location Plan
- 3 – Current SEV Licence
- 4 – Copy Objection
- 5 – Applicant's Submission



**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	OSLA.		
Forenames	JASPAL SINGH		
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		

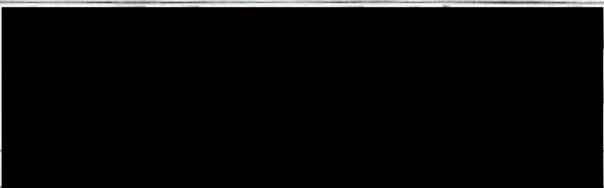
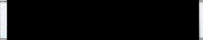
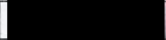
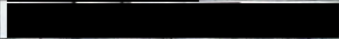
2. Trading company details

Company Name	WELLSHOT LTD.
Managing Director	JASPAL SINGH OSLA.
Head Office Address	OSS IND. PARK CLAYBANK RD PORTSMOUTH PO3 5SX
Address from which you operate if different from above	WIGGLE 159, OLD CHRISTCHURCH RD BOURNEMOUTH BH1 1JS.
Company number(s)	02362993.
Company email address	posla@ossgroup.co.uk
VAT registration number	543 9651 22
Company registration number	02362993.



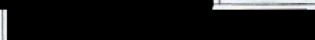
3. Give full names and private residential address for all directors, partners or other persons responsible for the management of the establishment.

Continue on separate sheet if necessary


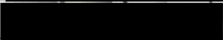
Person 1

Surname	OSLA		
Forenames	JASPAL SINGH		
Other Name(s) (if applicable)			
Address			
Contact number(s)			
Email address	pola@osgroup.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No		

Person 2

Surname	OSLA.		
Forenames	RASHWINDER KAUR.		
Other Name(s) (if applicable)			
Address	AS ABOVE.		
Contact number(s)			
Email address	pola@osgroup.co.uk		
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No		

Person 3

Surname	OSLA.		
Forenames	Taran Singh.		
Other Name(s) (if applicable)			
Address	AS Above.		
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	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)

5. Trading details

Is the application for	Sex Shop	
	Sex Cinema	
	Sexual Entertainment Venue	<input checked="" type="checkbox"/>
Address of the premises	Wiggle 159, OLD CHRISTCHURCH RD. Bournemouth. BH1 1JS.	
Name of the business		
Opening hours	Monday	00.01 - 00.00
	Tuesday	00.01 - 00.00
	Wednesday	00.01 - 00.00
	Thursday	00.01 - 00.00.
	Friday	00.01 - 00.00
	Saturday	00.01 - 00.00
	Sunday	00.01 - 00.00.

If a sex shop

Is any part of the premises is to be used for the purposes of displaying films, video recordings or other moving pictures?	Yes/No (if yes provide details)
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List articles to be offered for sale?	
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	

If a Sexual Entertainment Venue

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	<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>
Do you currently have the following documents? Written code of conduct for Dancers Code of Conduct for Customers Disciplinary Procedure Policy	<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.	AS BEFORE.
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	WINDOW BLACKED OUT.

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

Manager 1

Surname	OSLA.		
Forenames	Taran Singh.		
Maiden Name (if applicable)			
Address	AS ABOVE.		
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 2

Surname	OSLA		
Forenames	Jaspal Singh.		
Maiden Name (if applicable)			
Address	AS ABOVE.		
Contact number(s)	AS		
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


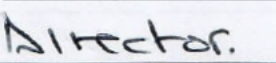
Surname			
Forenames			
Maiden Name (if applicable)			
Address			
Contact number(s)			
Email address			
Date Of Birth		Place of Birth	
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes/No		

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
	None -			

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	
Date	
Capacity	Director.

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

CUSTOMERS CODE OF CONDUCT.

As a patron of the premises you are expected to abide by the following code of conduct:

1. Customers may not touch dancers during a performance.
2. Customers may not make lewd or offensive comments to performers.
3. Customers must not harass or intimidate performers.
4. Customers must not ask dancers to perform any sexual favour.
5. Customers may not perform acts of masturbation or indulge in other sexual behaviour.
6. You must not proposition the dancers.
7. You must be seated and remain seated during the performance.
8. You must remain fully clothed and not attempt to dance with the performer.
9. Unruly and unacceptable behaviour will not be tolerated, whether direct at the dancers, staff or customers.
10. No illegal substances are to be consumed on the premises.

Any customer failing to comply with this Code of Conduct will be asked to leave the premises and may face a time-limited or permanent ban from attending the premises.

The Dancer's Code of Conduct

- There shall be no intentional physical contact between performers and customers at any time, before, during or after the performance, with the exception of leading a customer by the hand to, or from, an area permitted for performance of sexual entertainment in advance of, or following, a performance.
- The performer may not stimulate any sexual act during a performance.
- Performers must not use any inappropriate, lewd, suggestive or sexually graphic language in any public or performance areas of the premises.
- Performers must not touch the breasts or genitalia of another performer, at any time as part of a performance.
- There shall be no use of sex articles (as defined by paragraph 4(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982) at any time.
- There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that area may be used for performances of sexual entertainment.
- Performers must fully dress (i.e. no nudity) at the end of each performance.
- Performances of sexual entertainment may only take place in designated areas of the premises as agreed in writing by the Council.
- There shall be no photography permitted by customers on the premises.
- Customers must remain seated for the duration of a performance.
- Performers shall not arrange to meet, or have further contact with, customers outside of the premises.
- Dancers shall not perform if under the influence of alcohol or drugs.
- All dancers shall comply with this Code of Conduct. Any failure to adhere to the rules set out in Code shall result in the dancer becoming subject to the consideration of disciplinary action as set out in the Disciplinary Procedure.



Wiggle, 159 Old Christchurch Road, Bournemouth

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Licence for a Sexual Entertainment Venue

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

to use the premises as a sexual entertainment venue at

Wiggle

159 Old Christchurch Road Bournemouth BH1 1JS

1. This Licence, which will remain in force until 28 March 2024, unless it is revoked or surrendered before that date, is granted on the terms and conditions overleaf and subject to the restrictions contained in regulations, made from time to time by Bournemouth, Christchurch and Poole Council, under Paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982.
2. This Licence is subject to Special Conditions for Sexual Entertainment Venues overleaf (unless expressly varied or excluded).

PERMITTED HOURS

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

Dated this 22 day of June 2023

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

Licensing Manager
Mrs Nananka Randle

General conditions for Sex 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.

Standard Conditions – Sexual Entertainment Venues

Conduct and Management

1. Where the licence holder is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to notify the Council in writing within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request of writing from the Council.
2. The licence holder shall retain control over all portions of the premises as defined on the approved premises plans, and shall not let, licence or part with possession of any part of the licensed premises.
3. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public and being used for the purposes of providing relevant entertainment.
4. The licence holder shall ensure the name of the Duty Manager is displayed in the foyer or reception of the premises so the name can easily be viewed by Police or authorised Council officers carrying out an inspection of the premises, or otherwise by persons using the venue.
5. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
6. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
7. The Licensee must ensure that a suitable number of trained staff are employed to supervise the interior of the premises ("floor supervisors") whilst performances are given under this licence.
8. The Licensee must ensure that a sufficient number of floor supervisors are employed in the premises to supervise customers and performers whilst sexual entertainment is provided.
9. No person under the age of 18 shall be admitted to the licensed premises whilst the sex establishment licence is being used. A notice advising no admittance to persons under the age of 18 shall be prominently displayed at each public entrance to the premises.
10. No person under the age of 18 shall be employed to work at the licensed premises in any capacity, or allowed to work in the premises on a self-employed basis.

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

12. An incident / refusal 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
- Any complaints made by customers, dancers or staff

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

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

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

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

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

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

Advertising, Premises Appearance and Layout

19. There shall be no touting for business in any area for the premises by but not limited to persons holding advertising boards, leafletting, advertising on branded vehicles or personal solicitation, this includes leafletting.

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

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

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

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

23. The premises shall not contain any sign, advertising material, goods or display without the written consent of the Council.

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

25. The layout of the premises shall be such that performers cannot be seen from outside the premises.

26. Performers may not stand in lobby, reception or foyer areas or outside the premises entrance for the purposes of greeting customers or encouraging customers to enter the venue.

CCTV

27. A suitable CCTV system shall be installed and maintained at the premises in accordance with the requirements of Dorset Police.

28. The system shall be operational at all times the premises is open to members of the public and will cover all public areas including booths and VIP areas.

29. The positioning of the CCTV cameras will be agreed with Dorset Police prior to installation and will comply with that agreement at all times. Changes to the CCTV system and / or positioning of the cameras may only be made with the written consent of Dorset Police.

30. The licence holder shall retain recordings for 31 days, which will be delivered to the Police on request (subject to Data Protection legislation as appropriate).

31. At all times that the premises are open to the public there will be a member of staff on duty who is conversant with the operating of the CCTV system and who is able to download immediately any footage requested by the Police, an officer from the Licensing Authority or an authorised agent.

Requirements for a code of Conduct for Dancers

32. There shall be a Code of Conduct for Dancers in place at the venue that has been agreed in writing by the licence holder and the Council.

33. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Dancers" and provide information to support whistleblowing and give dancers encouragement to report concerns to the Licensing Authority.

34. No change shall be made to the Dancer's Code of Conduct without the prior written consent of the Council.

35. The Dancers Code of Conduct must state that dancers who do not comply with the Code of Conduct will face disciplinary proceedings.

36. The licence holder shall require all dancers to sign an acknowledgement that they have received a copy of the Dancer's Code of Conduct and have read and understood its contents and shall comply with such Code of Conduct at all times they are working at the premises as dancers.

37. The licence holder shall retain original records showing that each dancer has signed to acknowledge receipt of the Dancer's Code of Conduct.

38. The premises management and staff (including security staff) shall be aware of the content of the Dancer's Code of Conduct and shall ensure it is complied with.

Requirements for a Code of Conduct for Customers

There shall be a Code of Conduct for Customers in place at the venue that has been agreed in writing by the licence holder and the Council.

39. The Code of Conduct shall, as a minimum, contain the conditions set out in the section below entitled "Code of Conduct for Customers".

40. The Code of Conduct for Customers shall be displayed in prominent positions throughout the premises where it is visible to all customers.

41. No change shall be made to the Customers Code of Conduct without the prior written consent of the Council.

42. The Customer's Code of Conduct must state that customers who do not comply with the Code of Conduct will be ejected from the premises.

43. The premises management and staff (including security staff) shall be aware of the content of the Customer's Code of Conduct and shall ensure it is complied with.

44. Where a customer breaches the Customers Code of Conduct, this shall be recorded in the incident / refusals log.

Disciplinary Procedure

45. The Code of Conduct for Dancers shall be detailed in writing and a copy of it provided to each dancer prior to their taking up their first shift at the premises together with a copy of the licence holder's Policy on breach of such Code.

46. The licence holder shall require all dancers to sign an acknowledgement that they have been provided with a copy of the Code of Conduct for Dancers and the Policy on breach and have read and understood its content,

Code of Conduct for Dancers

47. The Dancer's Code of Conduct shall apply whilst the Dancer is working or on shift at the premises and include the following conditions as a minimum:

- a) Dancers shall only perform on the stage(s), to a seated audience or in other such other areas of the licensed premises as may be agreed in writing with the Council. ("the performance areas")
- b) Dancers may not accept any telephone number, email address, address or contact information from any customer, except in the form of a business card, which must be surrendered to the Licensee or their representative before leaving the premises.
- c) Dancers may not touch a customer during a performance
- d) Dancers may not permit a customer to touch them during a performance
- e) Dancers must not when performing, touch a customer at any time during the performance unless accidentally or due to a third party or for the purpose of restraint. For the avoidance of doubt if a performer has to intentionally touch a customer for the purpose of restraint, the touch should only be made above the customer's chest or on their limbs and only with the performer's hands
- f) Dancers may not straddle the customer
- g) If a customer attempts to touch or speak to a dancer inappropriately, the dancer shall stop the performance and advise the customer of the rules of the Code of Conduct. If the customer continues with their inappropriate behaviour, the dancer shall stop the performance and inform the management
- h) If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.
- i) Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue
- j) Dancers may not intentionally touch the genitals, anus or breasts of another dancer, nor knowingly permit another dancer to touch their genitals, anus or breasts
- k) Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, into the anus or vagina
- l) Dancers shall not solicit for gratuities or payment for sexual act. Dancers shall not engage in any act of prostitution
- m) Dancers may not be in the company of a customer unless it is in an area of the premises that is open to the public
- n) Dancers shall not perform if under the influence of alcohol or drugs.
- o) Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- p) Dancers shall only use the smoking area provided specifically for their use.
- q) Dancers shall only use the sanitary facilities specifically provided for their use.
- r) Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire
- s) All dancers shall comply with this Code of Conduct. Any failure to adhere to the Code of Conduct shall render the dancer subject to the Policy on breach, a copy of which must be provided to each dancer.
- t) Customers must be seated in an upright position against the back of the booth or seat with their hands

by their sides or on their knees before a dancer can start a table dance

48. Customers must remain seated during the entire performance of a private dance.

49. During times when performances of sexual entertainment are taking place, customers may only dance in areas specifically designated by the Council as being separate from the areas for performance of sexual entertainment.

50. Customers must remain fully dressed at all times.

51. Customers may not touch dancers during a performance.

52. Customers may not make lewd or offensive remarks to dancers.

53. Customers may not harass or intimidate dancer.

54. Customers may not ask dancers to perform any sexual favour

55. Customers may not perform acts of masturbation or indulge in other sexual behaviour

Staff welfare

56. Dancers under the age of 18 will not be permitted to work at the premises. All reasonable steps shall be taken to verify the age of the dancer such as the production of photo identification.

57. The licence holder shall ensure dancers have secure dressing rooms and facilities to secure valuables.

58. The licence holder shall ensure that there are sanitation facilities for the use solely of the dancers and other employees of the premises.

59. Each dancer shall be provided with an information pack which will include the following:

- A copy of relevant conditions attached to the Sex Establishment Licence.
- Details of any other conditions applied by the management of the premises
- A copy of the Dancers Code of conduct
- A copy of the Customers Code of Conduct
- The premises Disciplinary Procedure Policy including breach of Dancers Code of Conduct
- Pricing policy
- Nationally recognised unions, trade organisations or other bodies that represent the interest of the dancers

60. The licence holder shall maintain written records of all dancers working at the premises. The records shall show the full name of the dancer, home address, date of birth and the date the dancer was provided with the information pack as stated above.

61. Such records shall be kept on the licensed premises and produced for inspection by the Police or an authorised council officer on request.

62. Any instances of the dancer breaching the Dancers Code of Conduct and any instances of discipline and fines imposed will be recorded on their record. The record shall include the date and time of the incident and the breach that occurred.

63. All booths/areas for VIP's used for private dances must be visible to supervision and must not have closed doors or closed curtains that prevent performances from being observed.

64. All booths/areas for VIP's used for private dances must be directly supervised by either an SIA registered door supervisor, or a member of staff who has direct contact with SIA registered door supervisors working on the premises at all times the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

65. Dancers will only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.

**SEXUAL ENTERTAINMENT VENUES – SPECIAL
CONDITIONS**

ANNEX 1

**Additional Conditions imposed by the Licensing Authority on 7th November 2013 for
Wiggle, 159 Old Christchurch Road, Bournemouth**

1. The designated premises supervisor shall work and be based at the premises, and shall not be DPS at any other premises. Should the DPS be absent from the premises, a written notice of delegation of responsibility shall be given, and should be available on request.
2. The licensee shall employ a compliance officer, approved by the Council, to monitor compliance with the licence conditions. The compliance officer shall not perform any other functions at the premises while relevant entertainment is being provided.
3. All private dancing shall be monitored at all times by a person physically on the premises, as well as by CCTV.
4. The licensee shall procure two independent mystery shopper visits per annum for the purpose of verifying that the conditions of this licence are being observed. Records of mystery shopping visits to be made available on request.
5. There shall be random drug searches on entry.
6. The toilets shall be checked at least every 30 minutes whilst the premises are open, with a record of such checks retained and made available on request.
7. The licensee shall conduct twice weekly drug swab tests in the premises, with equipment approved by Dorset Police. For the avoidance of doubt, such tests must include the dancers' changing facilities and toilets. Records of such tests shall be retained and made available on request.
8. Notices shall be prominently displayed throughout the premises, setting out the customers' code of conduct and the premises' zero tolerance drugs policy.
9. All flat surfaces in the toilets and changing rooms shall be appropriately treated to deter drug use.
10. Public toilets shall not be used by dancers, except in emergencies.
11. There shall be independently verified drug training, at least annually, for all dancers and members of staff.
12. Records must be kept of any drug seizures, and the Police informed. Records of such seizures shall be retained and made available on request. The premises shall install and maintain a drugs safe, to which only the Police and the DPS have access.
13. Customers must be informed that dancers are not permitted to touch them.
14. Performers shall be reminded on a nightly basis of all relevant codes of conduct, with a particular emphasis on the 'no touch' policy and zero tolerance of drugs.

15. Every individual working at the premises shall be trained on all codes of conduct and the drugs policy. Refresher training shall be arranged on a regular basis. Full records of training shall be retained and made available on request.

Objection to Wiggle Renewal of Sexual Entertainment Venue Licence 2024 – 2025

13.03.24 19:07

Hi

This is my objection to the licensing of Wiggle Strip Club, Bournemouth, at 159 Old Christchurch Road.

I have seen the notice of application but at time of writing await up to date copies of the license itself, any filed plan (which I believe was altered last year), the application, any other relevant document and whether any further details of license breaches observed prior to the grant of last year's license or since are available.

Suitability of applicant-as raised last year, the applicant's director has been fined in Portsmouth for having a dangerous HMO, House in Multiple Occupation, without a license, reported in a tribunal as being dangerous. His legal representative told BCP's committee last year that the HMO was not dangerous. His agent was also fined and appealed only to have the fine increased because of the danger, according to the tribunal report. The applicant's director has previously undertaken to supervise the Bournemouth club following breaches leading up to the 2013 hearing. At a recent hearing regarding Weymouth Wiggle he said that he personally supervises that club, which is advertising as opening twice a week. BCP's licensing department has also heard that the women's toilets could only be accessed by going through the men's toilets where the urinals are so that an application was made to alter the filed plan so that works would be carried out to change this layout. Someone who could run a club with women's toilets with such a layout isn't suitable for a running a strip club, where preserving the safety and dignity of the women performing is paramount to upholding the license. The applicant has also erected a smoking shelter at the premises, seemingly without planning permission, right at the front of the building, close to the pavement for anyone to see in a conservation area. I mention this not because I want the licensing committee to decide on this planning permission, which I appreciate is not possible, but to emphasize that the applicant has again been let down by those around him. With numerous strip clubs licensed and other businesses it is imperative that the applicant can rely on those he delegates responsibility to.

Equality Act, Public Sector Equality Duty (PSED)-the license should be refused on the grounds that granting it would breach this duty in two respects. The Home Office Guidance (forward dated March 2010) on Sexual Entertainment Venue licensing is out of date as it fails to take into account the more recent Equality Act. The leading case on moral objections R v Newcastle Upon Tyne City Council Ex Parte Christian Institute, where the original decision pre dates the coming into effect of the Equality Act is also out of date.

BCP's PSED requires it to promote good relations between the sexes and to eliminate harassment.

With regards to harassment- I refer to previous representations made to BCP council by women complaining of harassment by strip club customers. These were erroneously dismissed as irrelevant and inadmissible during the public consultation process for setting a policy of licensing Sex Establishments. Because of this dismissal the High Court quashed that policy. I am asking this committee to consider these representations made in that public consultation and those made regarding harassment at previous hearings regarding licensing strip clubs in Bournemouth in deciding whether to refuse because of breach of the Equality Act.

With regards to promoting good relations between the sexes, the existence of strip clubs undermines this so that the license should be refused on those grounds. One other Bournemouth strip club advertises the damage done to relationships by attending by listing a number of rather extravagant lies which it recommends customers tell to their intimate partners to avoid them discovering that they have been attending the clubs (it is one of a number similarly branded). The same one insists that security be alerted immediately a partner of a performer is known to be on the premises, which suggests that being a performer at a strip club may undermine relationships with their own partners. Another Bournemouth club warns strippers to be wary of the danger which strip club customers may pose outside of the security of the club, which again suggests a very poor relationship created between members of the opposite sex involved as customer and performer. Wiggle's own website details all the measures in place to protect the performers from the customers on the premises, which again does not indicate a very healthy relationship between performer and customer.

The PSED also, according Philip Kolvin QC author of a book "Sex Licensing" allows moral objection to licensing of strip clubs to be considered if those moral objections are founded on religious principles. My own objection from a moral standpoint is founded on a concern for upholding relationships between men and women, so that their children can benefit from a stable home as far as possible. This is founded on Christian cultural support for the family. I should emphasize that my beliefs don't extend to condemning anyone involved in family breakdown, but I do think licensing strip clubs can place a strain on family relations and finances. As such, I believe that I am entitled to the protection of the PSED inasmuch as I would be more affected as someone with religious beliefs by the licensing of this club than someone who didn't share those beliefs. I also refer the committee to a previous objection made to Bournemouth licensing committee by a priest on moral grounds which I would ask you to consider.

I also ask you to consider that Relate has not been able to provide me with any general advice on the impact of Strip Club attendance, as customer or performer on relationships, but does mention on its website the damage which lying about attending can do to a relationship. It is purely anecdotal and I have no knowledge at all of whether it is even true, but a press report of a Bournemouth strip club performer stated that Prince Harry refused a private dance from her because it would be like cheating on his girlfriend. I would ask you to consider not whether this press report was true, but whether this sentiment of the private dance being a form of infidelity is correct.

Suitability of premises

The premises has been smartened up quite bit since the last hearing with litter only in the parking bay and just proud of the smoking shelter, consisting of at least one bottle and a few other odds and end last time I walked past. However, a window covering at the back is still ripped, although it is only one layer so doesn't allow anything to be seen through. The tree on the corner which the planning file says will be preserved is still dead (since about 2015 according to google street view). Areas of wall at the bottom of the building's down pipes are still green which doesn't bode well for the drainage. A crack in the front retaining wall by the front gate is still quite perfunctorily repaired by three strips of metal. I haven't had a good look at the other buildings around, but I'm not aware of any other tatty looking repairs like this, in what is after all a Conservation Area. A smoking shelter is now part of the premises as premises generally includes the curtilage, ie part of land close to the building. To license this premises with a smoking shelter standing in the grounds breaches the Public Health statutory duty to improve the health of people within BCP. Encouraging smoking by providing a shelter for socialising and protection from the elements, particularly the socializing, isn't compatible with public health.

Location

I refer the committee to BCP's now quashed policy on licensing of Sex Establishments as an indication of what the democratically elected representatives of BCP's residents approved by way of unsuitable locations. I have only been able to find the draft version of this policy and don't know if the adopted version is different. The draft says that residential premises, anywhere used by children, families or young persons, places of cultural/religious significance, tourist attractions, parks and open spaces, drop in centres, places used by vulnerable persons, medical facilities, concentration of other sex establishments, may be factors in deciding on licensing. Residential premises exist at the Citrus Building to the side of the premises, flats at the rear, and flats above the building on the other side. Reference to the business rates records shows many of the commercial premises lining the same road have residential premises above them. Much of this is occupied by "young persons" including the many student residences within walking distance of the premises, including some within sight on the premises. St Peter's Church, which includes the graves of Mary Wollstonecraft founder of modern feminism and her daughter and son in law Mary Shelley and Percy Lord Shelley is both a place of worship and tourist attraction. The Shule is nearby, although I'm not sure if it is still in use. Likewise a mosque exists in walking distance. It is reasonable to take walking distance as the appropriate size of the neighbourhood because there is so little parking in the area compared to the number of people using the facilities or living there. The building next door appears to be used by people with substance abuse issues.

In addition there is a school at Stafford Road nearby, called Livingstone Academy. I attended an event near this road last week and drove through the area, including past Wiggle, to get

home. There were many children walking home. Certainly the premises shouldn't be licensed to operate at any time when there may be children in the area, either for school activities, after school activities or parents evenings. At the moment it is licensed 24/7 even though it isn't advertised as open to the public for all of that time. However, it could be used as a strip club at any time of the day or night under the current license.

There have been press reports of further premises in the same road at the Old Beales building being converted to student accommodation, but at time of writing I couldn't see anything about this on the planning file for BCP.

Turtle Bay restaurant next to Wiggle has a children's menu, suggesting families eat there. Oasis Fun and Laser Quest are both still advertised as open in nearby Glen Fern Road. Various other nearby establishments have promotions for children.

Ex parte Christian Institute (see above) although casting doubt on moral objections being admissible generally, (now superseded by the Equality Act) does state that the morals of people attracted into an area by a sex establishment, should be considered say if there are children present. Thus, you may not want customers of strip clubs where teenage girls are away from home for the first time in student residences or attending nearby language schools.

An American study of violence in the neighbourhoods around strip clubs found higher rates of violent crime, and where there was either full nudity or booths higher rates of sexual violence. Bournemouth's strip clubs all have both booths and full nudity. If you are minded to grant the license can I suggest that you remove permission for the full nudity and the booths so that the remaining performances are paid for by the operators rather than the performers having to pay to dance on the main stage in the hopes of persuading a customer to pay for a private dance in a booth. I do not know if this is the existing business model in Wiggle but it is common practise in the industry, a bit like paying for a barber's chair.

Criminologists are also finally making the connection between sexual frustration, which on my understanding is the entire point of a strip club, and aggression. Could you please take this into account in considering your duty under the Crime and Disorder Act s17 ie to reduce both crime and disorder and serious violence. As you can see from the above, stringent measures are in place on the club premises to protect performers, and I ask you to draw your own conclusions from that as to how the customers will behave on leaving the premises, particularly given the high rates of violent crime including sexual crimes near Bournemouth's strip clubs.

Please also consider the economic damage to Central Bournemouth's night time economy by the ongoing licensing of strip clubs. Two nightclubs are either under threat, Cameo in some sort of administration and Halo has announced closure. This followed a freedom of information request on sexual assaults in establishments in central Bournemouth, which were unacceptably high. In contrast, Sheffield, which now has no strip clubs following

campaigning has seen two new nightclubs opened since the last sex establishment license was surrendered. That campaigning is reported as including the Equality Act duties to promote good relations between the sexes and eliminate harassment.

I also refer the councillors to their duty which used to exist under BCP's constitution to consider the public purse. I have been sent an email listing the huge amount of resources being spent on policing Central Bournemouth, with one new initiative following another with monotonous regularity. Policing a small area with three licensing strip clubs is a seemingly bottomless money pit diverting resources from both Dorset Police and BCP Council as well as numerous volunteers giving up their time. BCP's policy on licensing strip clubs was put together at huge expense in terms of officer and councillor time, drawing it up, consulting including with the industry itself, and eventually adopting it at full council. If the industry didn't like the policy points regarding location which I have mentioned above it could have given feedback in the consultation. It then had a very generous three months in which to consider whether the policy was unreasonable to and lodge a judicial review application. Members of the industry could have applied to be joined to the judicial review application if they didn't like the policies on location. Now is far too late to start saying that the location is fine and it's ok to have a strip club so near Horseshoe Common, in the middle of where so many people live, near a school, in the heart of where "young persons" as the policy calls them as distinct from children, want to use our once much enjoyed night time economy carefree in their salad days. It is not fine and the democratically elected representatives of BCP's residents confirmed that it is not fine when they adopted the BCP Sex Establishment licensing policy. I would like to see all that hard work and due process respected by the application for Wiggle to trade for yet another year in Bournemouth as a Sexual Entertainment Venue to be refused.

26.03.24 17:19

Hi

This is supplementary to the license objection submitted on 13th March, below. The notice outside the premises says that objections should be filed within 28 days of the notice and is dated 27th February. So allowing for the leap year day I appear to be in time.

Again, at time of writing today I have not seen a regulatory compliant plan of the premises which are the subject of the application ie 159 Old Christchurch Road. I have been sent a plan which only shows part of one floor, probably the first floor. It may be that the applicant can't be held responsible for the incomplete nature of the plan sent me as it may just have been scanned and communicated to me in a way that left most of it out. Could the application please be adjourned for a reasonable period pending submission of a plan which complies with the relevant legislation. Without this it is not possible for a decision to be made which takes into account the condition of the premises as represented by the plan. If a

compliant plan is made available to me I would consider withdrawing this part of my objection, but it would need to show the smoking shelter.

I have visited the roads outside the premises again today and seen various items of litter in the grounds as well as what looks like quite a lot of badly dug in litter in the patch of earth to the left of the main entrance adjoining the retaining wall.

The retaining wall and quite significant patches of the wall of the building are coated in green which I would suggest indicates poor drainage arrangements.

The dead tree mentioned below is still in situ.

There was a quantity of litter spreading out from the skip which has no cover over the contents that is placed on one of the premises' parking spaces, which the council litter picker came and picked up.

With regards to the indication below that sexual frustration can trigger aggressive behaviour I refer to today's local press report of a man convicted of assaulting a man and woman in Wiggle nightclub in 2022.

At a previous hearing for licensing Wiggle the legal representative stated to the committee that harm needed to be proved as a result of the location. At the time I was taken aback and didn't ask for authority for that statement. It is no part of either the former BCP Licensing Policy for licensing sex establishments that I can see that harm needs to be proved. It is also not part of the Local Government (Misc) Act 1982 Schedule 3 under which Sexual Establishment licensing is regulated that harm must be proved. It has become common for licensing applicants to quote a 2008 Case, Thwaites, to suggest harm must be proved in licensing matters. In fact there was a change in the licensing of strip clubs in 2010 when they were added to the Schedule 3 1982 regime mentioned above which was already being used to regulate Sex Shops and Sex Cinemas. This would have been an opportunity to incorporate the requirement for harm to be proved which those relying on Thwaites suggest. It was not incorporated. Furthermore, various reviews of Thwaites including those in the Local Government Lawyer and .gov's own advice on resisting licensing applications on public health grounds, are of the opinion that it is wrong to apply Thwaites generally.

https://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=5407%3Aevidence-and-inference&catid=61%3Alicensing-articles&Itemid=29

<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>

I would also like to add to my objection that as a woman I believe I am more affected by licensing because of the increased risk of harassment to me by customers outside the premises. I have not experienced this harassment personally but believe the three different sets of women who have alerted me to this. One group was on a night out in Old Christchurch Road several decades ago who were most insistent that I should not stand outside the entrance to one strip club. I had come up from the basement next door where I had been socializing for some fresh air. I think it may have been before the days when

smoking was banned so it was non smokers like me going outside rather than the reverse situation nowadays. Another group was in the Beales canteen who told me never to even walk past one of the other strip clubs when I asked what it was as I was interested to see the flags outside. Lastly, one of the other objectors complaining repeatedly to the committee of harassment by strip club customers is someone I have also known for several decades to have no doubt at all as to the truth of what she said. Again, the feedback in the public consultations listing harassment of women by strip club customers, including one with a child at the time, I am inclined to believe because of the others warning me direct.

I have found it very difficult to use legal argument before the licensing sub committee on Sex Establishment Licensing hearings. At the first hearing the then chair of licensing indicated that I should only address them on facts. It may have been that I might have misunderstood this and that she actually meant she didn't want to hear opinions rather than excluding legal argument. Subsequently I have tried to list legal authorities and send them to BCP's legal department in anticipation of lodging objections. However, at the last hearing I was told by the legal representative that I couldn't rely on a legal authority because I hadn't given notice of it. I appreciate that licensing committees have a wide discretion as to how the committee will run a hearing. With that in mind could I please be given an indication of how I should go about giving advance notice of any legal authorities on which I expect to rely? When I see the report to councillors a week before then I would like to take a view on what if any authorities I might need to address the committee on. However, I have tried to include as much as possible in this my objection.



[Alcohol licensing: using case law](#)

www.gov.uk

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

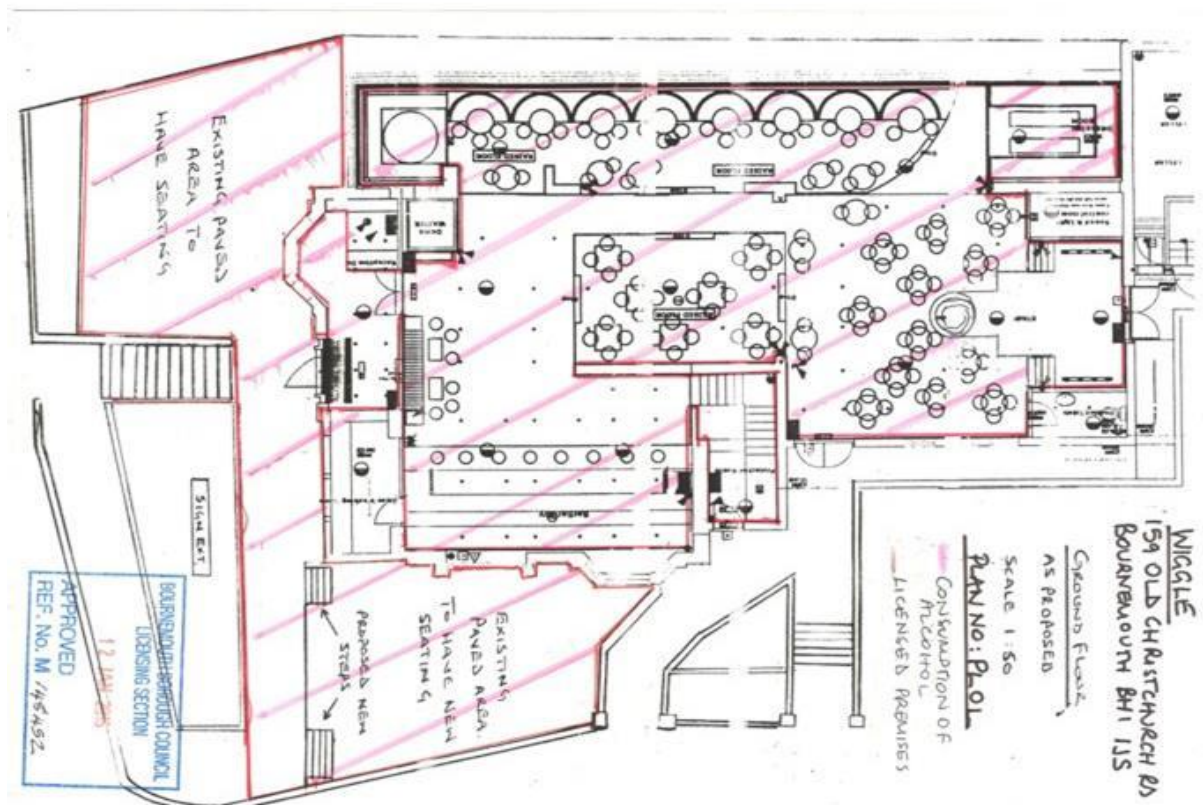
Sent: 03 April 2024 06:30

Dear

Thank you for your email with further information in support of your objection to the above renewal application. Apologies for the delay in responding but I have been on leave.

Unlike Licensing Act 2003 applications the consultation period for sex establishments starts on the day the application was made (rather than the following day) which means, including the Leap Year, the last date for receipt of objection is the 25th March 2024. As you have already made your objection in time, I consider this email as supplementary to that original objection and therefore can accept it.

The application procedure set out in the relevant legislation makes no reference to any requirement to submit plans showing the layout and location of the premises however we do include these for information. The plan I provided you with was from the approved premises licence and attach a copy of the ground floor as requested. The location of the smoking shelter is not relevant to this renewal application.



A copy of your supplementary comments and my response will be sent to the applicant for them to make comment about the litter issue and condition of the building.

As you will see I have copied in our legal officer for consideration of your other comments which will also be further considered when the matter is considered at hearing.

03.04.24 13:37

Thank you Sarah, Mrs Rogers

This plan is much clearer. Unfortunately it doesn't show the upstairs and the one which you sent recently of upstairs had quite a lot that couldn't be seen at my end. Is there any chance of getting these things into PDF and attaching them in the usual way?

03.04.24 15:39

PS I'm so sorry not to have included this reference in my other two email today and do take on board that this creates extra admin for you. However, I have put my finger on the regulations regarding the plan for the premises license, and this is what gave me the impression that the curtilage, ie small area of land around the building would be included in the plan. Although the regs on which I am relying say building singular, the fact that there is what I would call another building, ie the smoking shelter, in the curtilage would I think mean it should be shown. Premises is mentioned in 23 (3) (a) of these regulations (link follows). These anticipate that the perimeter of the premises may be different from the boundary of the building. I had understood that premises included curtilage from planning and now it appears criminal legislation too, so expected the curtilage around 159 Old Christchurch Road's main building to be included. <https://www.legislation.gov.uk/ukxi/2005/42/made>

[The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)

The Licensing Act 2003 (c. 17) (the Act) provides for the licensing of premises for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of a member of the club, the provision of regulated entertainment and the provision of late night refreshment. These Regulations set out the detailed requirements relating to applications, notices and representations given or made under Parts 3 and 4 of the Act and reviews made under those Parts and Part 8 of the Act.

www.legislation.gov.uk

Because I can't see the plan clearly enough it is difficult to see whether there is a fire exit at the front of the conservatory (the conservatory to the left of the main building as seen from Old Christchurch Road), ie the side closest to the boundary with Old Christchurch Road. If there is, which hopefully will become more obvious if a PDF is made available, then the smoking shelter might be something slowing people using that route, 23 (3)(e).

18.04.24 16:32

Thank you Sarah

I will need to withdraw the parts about the jet washing as that does show signs of having happened and the litter is much improved.

However, the area is still totally unsuitable for licensing a sex establishment and there is a great deal of violent crime in the neighbouring area. Neither Parliament in the legislation nor case law requires any harm to be proved for either this form of licensing or Licensing Act 2003 licensing. Moreover the licensing of sex establishment was updated in 2009 or 2010 which is after the case law Thwaites (2008) often relied on by licensing lawyers and now only widely regarded as never having been good law, but also not incorporated into the statute placing sexual entertainment venue licensing under Local Govt (Misc) 1982 schedule 3. If it applied in any way to sex establishment licensing it would have been incorporated into the statute when schedule 3 was amended to include strip clubs.

I will put together the various legal authorities which I may need to rely on at the hearing, so that the applicant and your legal advisors can have good notice of them.

To the Licensing Committee,

We submit this document in response to the objection raised against the renewal of the license for our venue, Wiggle, located at 159 Old Christchurch Road, Bournemouth.

Our aim is to address each point of concern with evidence and context, underlining our commitment to operating responsibly within the guidelines and regulations set forth by the Local Government (Miscellaneous Provisions) Act 1982 and the Licensing Act 2003.

1. Pattern of Objections by the same individual:

It has been observed that the objector has consistently raised similar objections against all Sexual Entertainment Venue (SEV) licenses within the BCP council area, extending her objections to our premises in Weymouth and Southampton, where she does not reside.

While public scrutiny is essential, the targeted nature of these objections suggests an approach that leans more towards persecution rather than 'relevant', in that the representation relates to one or more of the licensing objectives.

Notably, these objections have been considered and addressed in previous committees, with licenses duly renewed, indicating a consensus on our compliance and suitability.

2. House in Multiple Occupation (HMO) Tribunal:

The issue regarding a fine related to a HMO in Portsmouth, linked indirectly to our director, was thoroughly discussed in previous committees. The fine was associated to actions from an appointed letting agent, not directly by our director, Mr. Ojla. Accepting the fine was a practical decision to avoid unnecessary legal expenses for both the Council and the company.

Importantly, this matter pertains to planning policy and is separate from our operations under SEV and alcohol licensing regulations. Both the Weymouth and Southampton committees, as well as this very committee last year, have renewed our license post-consideration, affirming our argument's validity.

3. Toilet Facilities:

The objection regarding our toilet facilities failed to acknowledge our transition from unisex toilets, to separate men's and women's toilets; a change made proactively, despite no direct request from the committee. Furthermore, our performers have access to separate, secure changing facilities, ensuring their comfort and safety.

4. Smoking Shelter:

The smoking shelter erected at our premises was intended as a temporary structure under the assumption of permitted development. Upon notification from the planning department, we promptly applied for the necessary permissions and conducted surveys.

This matter pertains to planning rather than licensing objectives and demonstrates our willingness to comply with regulatory requirements; again, this falls within the scope of the planning department and does not fall under the purview of the licensing committee.

5. Equality Act and Public Sector Equality Duty:

We firmly believe in the free choice of individuals to visit, work and engage at SEV establishments, provided it is within a legal and regulated framework. Our operation and licensing process respects the Equality Act and PSED, ensuring decisions are based on legal criteria rather than personal moral judgments. Our diverse customer base, including customers of various genders, reflects our commitment to inclusivity and gender equality.

6. Premises Suitability:

We have undertaken measures recommended by the committee, including jet washing of the premises, to maintain a clean and welcoming environment. The litter mentioned by the objector, observed during non-operational hours, is beyond our control.

We challenge the overly meticulous scrutiny of the objector regarding the premises' condition, as the excessive focus on minor details does not pose any risk to public safety.

The presence of a smoking shelter, monitored by CCTV and security, is within our licensed operations and does not promote smoking but rather provides a designated area for those who choose to smoke.

7. Location and Impact:

Wiggle has operated as an adult entertainment venue since 2006 without significant changes in the locality that would affect its suitability. Claims regarding the impact on the locality or proximity to sensitive areas have been addressed in previous license renewals. Our operations do not adversely affect the night-time economy but contribute to it, offering employment and engaging with local businesses and enlisting their services.

8. Misrepresentation of Studies and Legislation:

References to studies outside the UK context and suggestions to restrict operational aspects of our business, such as full nudity, overlook the regulatory framework governing SEVs in the UK. Our operations are within the scope of the Licensing Act, focusing on crime and disorder, public nuisance, public safety, and protection of children from harm.

9. On the Allegation of Assault in 2022

An isolated occurrence should be seen as exactly that – not a representation of our establishment's regular operations.

In strict adherence to our licensing conditions, we maintain extensive CCTV, document incidents, and offer descriptions of individuals involved, which invariably assists in any police inquiry.

Should there be a pattern of recurring incidents, it stands to reason that the authorities, including the police and the licensing department, would intervene with appropriate actions.

10. Economic Contribution and Public Resources: Assertions regarding the negative economic impact of SEVs fail to recognise our significant contributions to the local economy through taxation, employment, and business partnerships.



Conclusion:

We respectfully request the committee consider the explanations provided in response to the objection raised. Our commitment to operating responsibly and in compliance with all relevant regulations is evident.

We believe that renewing our license serves not only the interests of our business and employees but also the wider community by maintaining a regulated, safe, and inclusive adult entertainment venue.

We are prepared to further discuss any of these points or provide additional information as required by the committee.

Yours sincerely,
Taran Singh Ojla
Wiggle Club

Delegated Report

Application Address	159 Old Christchurch Road, Bournemouth, BH1 1JS
Proposal	Erection of an external smoking shelter at front of building (existing unauthorised)
Application Number	7-2024-19062-N
Applicant	Wiggle Nightclub
Agent	Derek Treagus Associates
Date Application Valid	6 February 2024
Decision Due Date	1 April 2024
Extension of Time date (if applicable)	5 April 2024
Ward	Bournemouth Central
Report Status	Public
Meeting Date	n/a
Recommendation	GRANT retrospective permission
Reason for Referral to Planning Committee	n/a
Case Officer	CTR

Description of Development

- 1 Planning permission is sought for a smoking shelter (existing unauthorised) in the front garden of the property.

Key Issues

- 2 The main considerations involved with this application are:
 - Impact upon character and appearance of the Conservation Area
 - Impact upon residential amenity

These points will be discussed including other material considerations throughout this report.

Planning Policies

3 Core Strategy (2012)

CS7: Bournemouth Town Centre
CS9: Enhancing District Centres
CS39: Designated Heritage Assets
CS41: Design Quality

Town Centre Area Action Plan (2013)

Policy D4: Design Quality
Policy D6 encourages a high quality, well designed public realm.

District Wide Local Plan (2002)

Policy 4.4 – Development in Conservation Areas

The National Planning Policy Framework (2023)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant Planning Applications and Appeals:

4 None relevant

Representations

5 Site notices were posted in the vicinity of the site on 27/02/2024 with an expiry date for consultation of 20/03/2024. One representation was received, summarised below:

- Application form does not state shelter already exists
- Plans do not show trees
- Plans dimensionally incorrect
- Out of keeping with the neighbourhood – structure forward of principle elevation
- Anti-social behaviour potential from sex club customers could prevent women from using the stretch of pavement in front of the property.
- Smoke drift
- Shelter is substantially enclosed
- Architecturally compromised.
- Improper drainage facilities

Consultations

6 Trees – no trees were harmed for the installation of the shelter. No objection

Environmental Health – no objection. The shelter is not substantially enclosed so complies with the smoke free regulations.

Constraints

- 7 Old Christchurch Road Conservation Area.

Planning Assessment

Site and Surroundings

- 8 The application site is located on a commercial and residential street close to Bournemouth Town Centre. The property is a large detached two storey Victorian villa with red brick elevations situated on a corner plot which is raised above street level. It is currently in use as a sui generis night club. The building is not Listed and stands within the Old Christchurch Road Conservation Area.

Key Issues

Impact upon character and appearance of the area

- 9 The applicant seeks retrospective planning permission for the retention of a timber smoking shelter with a hipped, timber and shingle roof situated at the front of the property. The shelter is substantially open to all sides and has wooden bench seating to the interior. The structure was first recorded on Google Street View in June 2023 and according to plans submitted measures:

Length = 5m

Width = 3m

Height to eaves = 2m

Total height = 3m

- 10 The shelter is forward of the building line and front elevation of the existing building, but set to the side where it does not obscure any element of the main elevation. It is partly obscured by trees and seen as a more side garden area of the site. Overall, the impact of the proposal upon the character and appearance of the area is considered to be acceptable. Whilst it does not exactly enhance the vitality of the street scene, neither is it particularly discordant with it due to the subfusc dark wood design, restrained dimensions, and relatively lightweight appearance.

Impact upon residential amenity

- 11 The shelter is not considered to impact upon residential amenity. 159 Christchurch Road is screened from the Citrus apartment building by dense vegetation and is separated from blocks of flats to the east and 174/176 Old Christchurch Road (commercial & residential) by highways. No objections have been raised by Environmental Health. It would enable customers to gather outside in the evenings but it is adjacent to a busy road in the town centre with other evening and late night uses. It is therefore considered acceptable in terms of residential amenity.

Summary

- 12 It is considered that the impact upon the character and appearance of the area, residential amenity and trees is acceptable.

Planning Balance

- 13 This retrospective application is considered to be acceptable.
- 14 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

GRANT retrospective permission subject to the following condition(s)

1. Development to be carried out in accordance with plans as listed:

The development hereby permitted shall be carried out in accordance with the following approved plans: 23/341/02 dated Oct 2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

Statement required by National Planning Policy Framework

In accordance with paragraph 38 of the revised NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance:

The application was acceptable as submitted and no further assistance was required.

Background Documents:

Case File – ref 7-2024-19062-N

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Background Documents

Case Officer Report Completed

Officer: CTR

Date: 02.04.2024

Agreed by: TH

Date: 02/04/2024

Comment: