

Notice of Licensing Sub-Committee

Date: Wednesday, 25 September 2024 at 10.15 am

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



Membership:

Cllr D A Flagg

Cllr P Hilliard

Cllr A Keddie

Reserves:

Cllr C Matthews (1)

Cllr J Richardson (2)

All Members of the Licensing Sub-Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5851>

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

17 September 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. Temptation, 1 Yelverton Road, Bournemouth, BH1 1DA

11 - 70

An application has been received for the renewal of the Sexual Entertainment Venue Licence for the premises known as 'Temptation', 1 Yelverton Road Road, Bournemouth, to permit relevant entertainment to continue for a further twelve-month period.

This matter is brought before the 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	Temptation, 1 Yelverton Road, Bournemouth, BH1 1DA
Meeting date	25 September 2024
Status	Public Report
Executive summary	<p>Admiral Bars (Hampshire) Ltd have applied for the renewal of the Sexual Entertainment Venue Licence to permit relevant entertainment for a further twelve-month period.</p> <p>The Licensing Authority has received one 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 (The 1982 Act), as amended; therefore, subject to limited exceptions and exemptions, or in the absence of a waiver, premises offering relevant entertainment require a Sexual Entertainment Venue 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; b) to a person who is disqualified by reason of prior revocation of a

	<p>licence;</p> <ul style="list-style-type: none"> 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; d) to a body corporate which is not incorporated in an EEA state; or 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>Having considered the information provided through the application process, the 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>Discretionary Grounds for Refusal</u></p> <p><u>Grounds (a) and (b)</u></p> <ul style="list-style-type: none"> a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason; b) that if the licence were to be 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>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).</p> <p>Regarding 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> <ul style="list-style-type: none"> (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; BCP Council do not currently have a Policy which sets or limits the number of sex establishments thought appropriate in the BCP area.
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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 – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Jillian Kay – Corporate Director for Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for the renewal of the Sexual Entertainment Venue (SEV) Licence was made on 7 June 2024 to permit the premises to continue providing relevant entertainment for a further twelve-month period.
2. A copy of the application, together with images of the front of the premises, are attached at Appendix 1.
3. A map showing the location of the premises is attached at Appendix 2.
4. The premises have operated as a lap dancing club since records began in 2005 at transition of the Licensing Act 2003. A copy of the current SEV Licence is attached at Appendix 3.
5. A premises licence, issued under the Licensing Act 2003, is also in force. A copy of the licence summary and approved plans is attached at Appendix 4.
6. During the last twelve-month period of the SEV Licence two complaints were received alleging dancers were not complying with the “no touch” rule. Both complaints were investigated internally by the management and strenuously refuted. Full reports of the investigations were provided to the licensing authority and, as a result, no further action was taken.
7. One further complaint was received regarding flyposting and promotion boards at SEV licensed premises generally. As a result, we sent correspondence to all premises individually addressing the concerns raised and can confirm that following our intervention Temptation and the other venue remedied the situation.
8. A renewal application for the SEV is required to enable the premises to continue to provide what is referred to as “relevant entertainment” in the legislation.
9. Relevant entertainment is defined as “any live performances 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 sexual stimulating any member of an audience (whether by verbal or other means).”
10. In the case of a woman “display of nudity” means the display of their nipples, pubic area, genitals or anus and, in the case of a man, it means exposure of their pubic area, genitals or anus.
11. A copy of the dancer’s and customer’s Code of Conduct are attached at Appendices 5 and 6 respectively.

Consultation

12. 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. In considering the application the Council must have regard to any observations submitted to them by and any objections of which notice has been sent to them under Schedule 3, paragraph 10(15) of the 1982 Act, which provides that any objections must be made in writing within 28 days of the application. Objections must be relevant and should not be based on moral grounds or values.
13. As a result of the consultation one objection has been received against the renewal of the SEV. A copy of the objection is attached at Appendix 5.
14. The application was also consulted with Dorset Police, Environmental Health, Planning, Dorset and Wiltshire Fire and Trading Standards. No objections were received from any of these consultees.
15. As the renewal application had been submitted before the current licence expired the premises were permitted to continue to operate under the current terms and conditions until determination of this renewal application.

Options Appraisal

16. 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

Summary of financial implications

17. No financial implications have been identified.

Summary of legal implications

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

Summary of human resources implications

21. There are no human resource implications.

Summary of sustainability impact

22. There are no sustainability impact implications.

Summary of public health implications

23. There are no public health implications.

Summary of equality implications

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

25. Each Member must therefore have regard to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited in relevant equalities legislation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant characteristic and persons who do not share it.

23. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

Summary of risk assessment

24. There are no risk assessment implications.

Background papers

Home Office Guidance –

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

Section 27 Policing and Crime Act 2009

[Policing and Crime Act 2009 \(legislation.gov.uk\)](http://legislation.gov.uk)

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

[Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](http://legislation.gov.uk)

Appendices

- 1 – Copy Application and Images
- 2 – Location Plan
- 3 – Current Sexual Entertainment Venue Licence
- 4 – Premises Licence Summary and Layout Plans
- 5 – Copy Objection

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CLUB TEMPTATION
SEV RENEWAL 2024



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

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

1. Applicant Details

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

2. Trading company details

Company Name	ADMIRAL BARS (HAMPSHIRE) LTD
Managing Director	Alastair Weatherstone
Head Office Address	CREATE BUSINESS HUB GROUND FLOOR, 5 RAYLEIGH ROAD, HUTTON ESSEX CM13 1AB
Address from which you operate if different from above	
Company number(s)	12885254
Company email address	c/o robert.sutherland@keystonelaw.co.uk
VAT registration number	not VAT registered.
Company registration number	12885254

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

Continue on separate sheet if necessary

Person 1

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

Person 2

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

Person 3

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

4. Offences and convictions

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

Person Name	Date of Conviction	Court	Offence	Sentence

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

5. Trading details

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

If a sex shop

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

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

Manager 1

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

Manager 2

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

Manager 3

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

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

Person Name	Date of Conviction	Court	Offence	Sentence

DECLARATION that all information provided above is true and complete

Signature	ROBERT SUTHERLAND
Date	7th June 2024
Capacity	Consultant Solicitor, Keystone Law Ltd, solicitors for the applicant

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

No changes are sought with this renewal in relation to the layout of the premises, hours, conditions, licensable activities and capacity

No personal information of the Directors and Managers to be released into the public domain.

How we collect and use information

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

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

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

The application should include the following as necessary:-

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

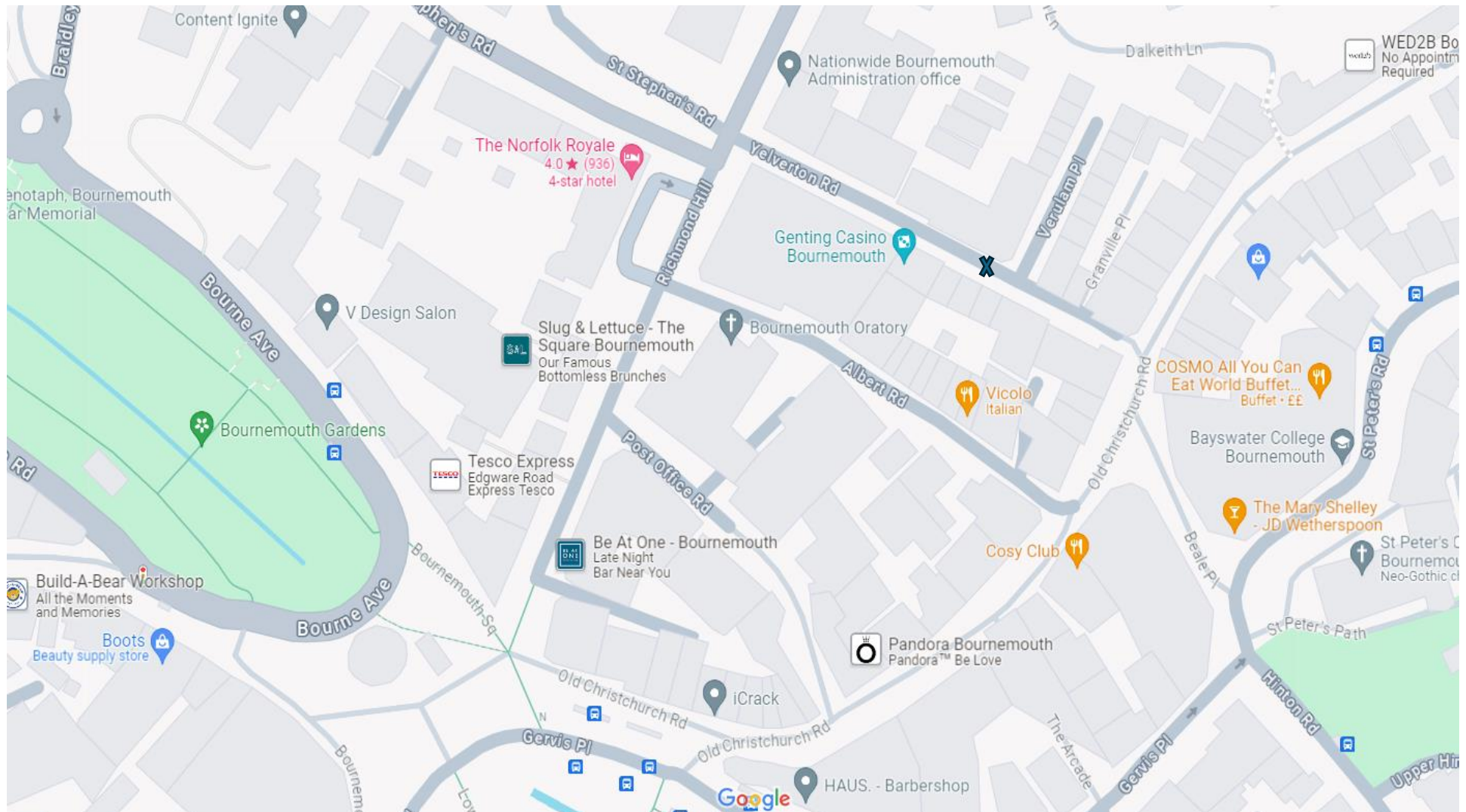


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APPENDIX 2



X Temptation 1 Yelverton 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

Temptation

1 Yelverton Road Bournemouth BH1 1DA

1. This Licence, which will remain in force until 15 June 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) and additional conditions as imposed by the Licensing Board on 16 December 2014..

PERMITTED HOURS

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

Dated this 12 day of July 2022

Licensing Manager
Mrs Nananka Randle

General condition for Sexual Establishments

1. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, bylaw, 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 in 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 log book 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, leafleting, 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

TEMPTATION, 1 YELVERTON ROAD, BOURNEMOUTH, BH1 1DA
ADDITIONAL SPECIAL CONDITIONS IMPOSED BY LICENSING BOARD ON 16 DECEMBER 2014

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

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Premises Licence Part B

Premises licence number: BH084435

Postal address of premises, or if none, ordnance survey map reference or description:	
Temptation 1 Yelverton Road	
Post town: Bournemouth	Post Code: BH1 1DA
Telephone number: 01202 295300	

Licensable activities authorised by the licence:
Plays, Films, Live Music, Recorded Music, Performances of Dance, Activity like Music / Dance, Music, Late Night Refreshment, Supply of Alcohol

The times the licence authorises the carrying out of licensable activities:
Plays: (Indoors) Monday to Sunday - 00:01 to 00:00 Films: (Indoors) Monday to Sunday - 00:01 to 00:00 Live Music: (Indoors) Monday to Sunday - 00:01 to 00:00 Recorded Music: (Indoors) Monday to Sunday - 00:01 to 00:00 Performances of Dance: (Indoors) Monday to Sunday - 00:01 to 00:00 Activity like Music / Dance: (Indoors) Monday to Sunday - 00:01 to 00:00 Late Night Refreshment: (Indoors) Monday to Sunday - 23:00 to 05:00 Supply of Alcohol: Monday to Sunday - 00:01 to 00:00

The opening hours of the premises:
Monday to Sunday – 00:01 – 00:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies:
Alcohol will be consumed on and off the premises

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Admiral Bars (Hampshire) Ltd, Create Business Hub – Ground Floor, 5 Rayleigh Road, Hutton, Brentwood Essex CM13 1AB

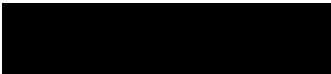
Registered number of holder, for example company number, charity number (where applicable):
12885254

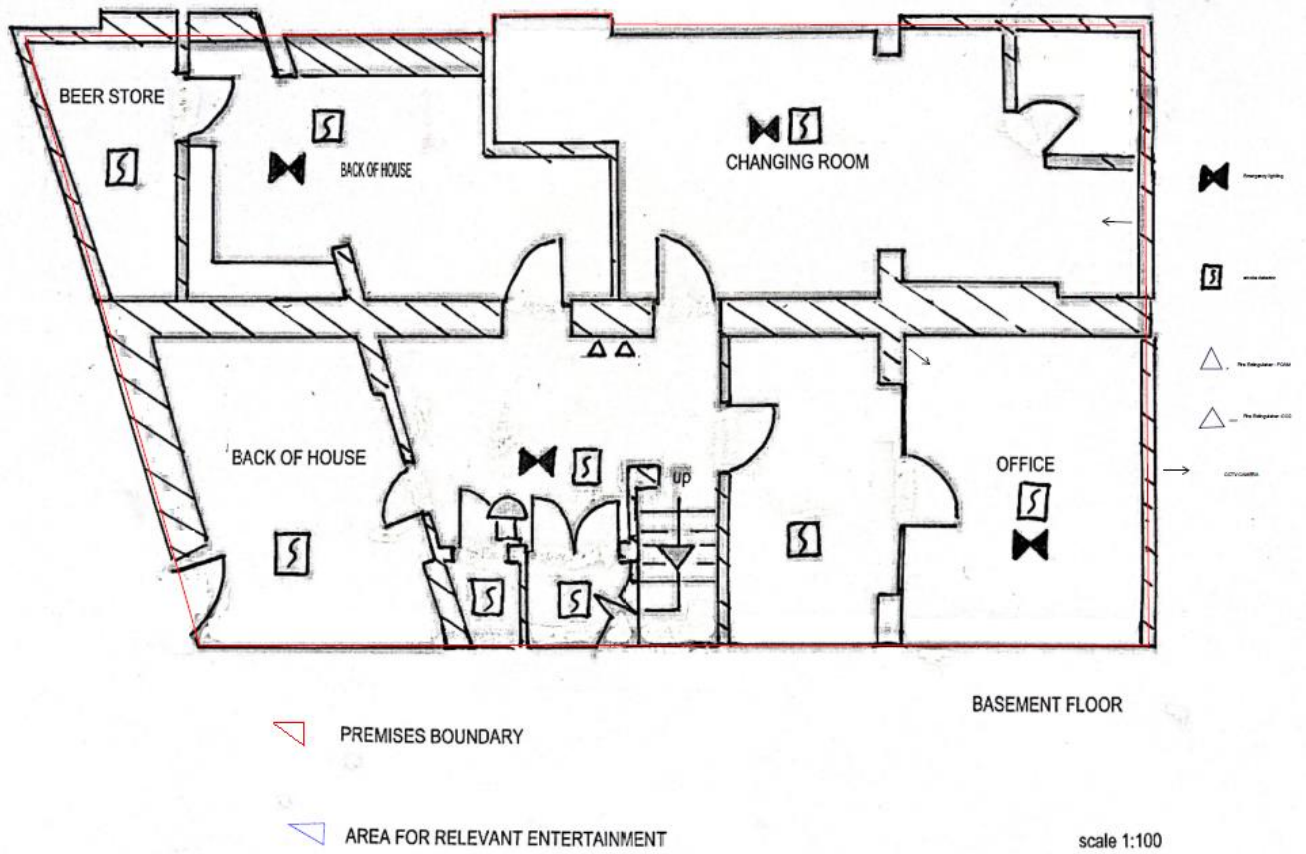
Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Eurico Da Costa

State whether access to the premises by children is restricted or prohibited:
See Conditions 1.4, 1.5, 2.2, 2.7.5, 2.7.9, 2.29 and 2.30

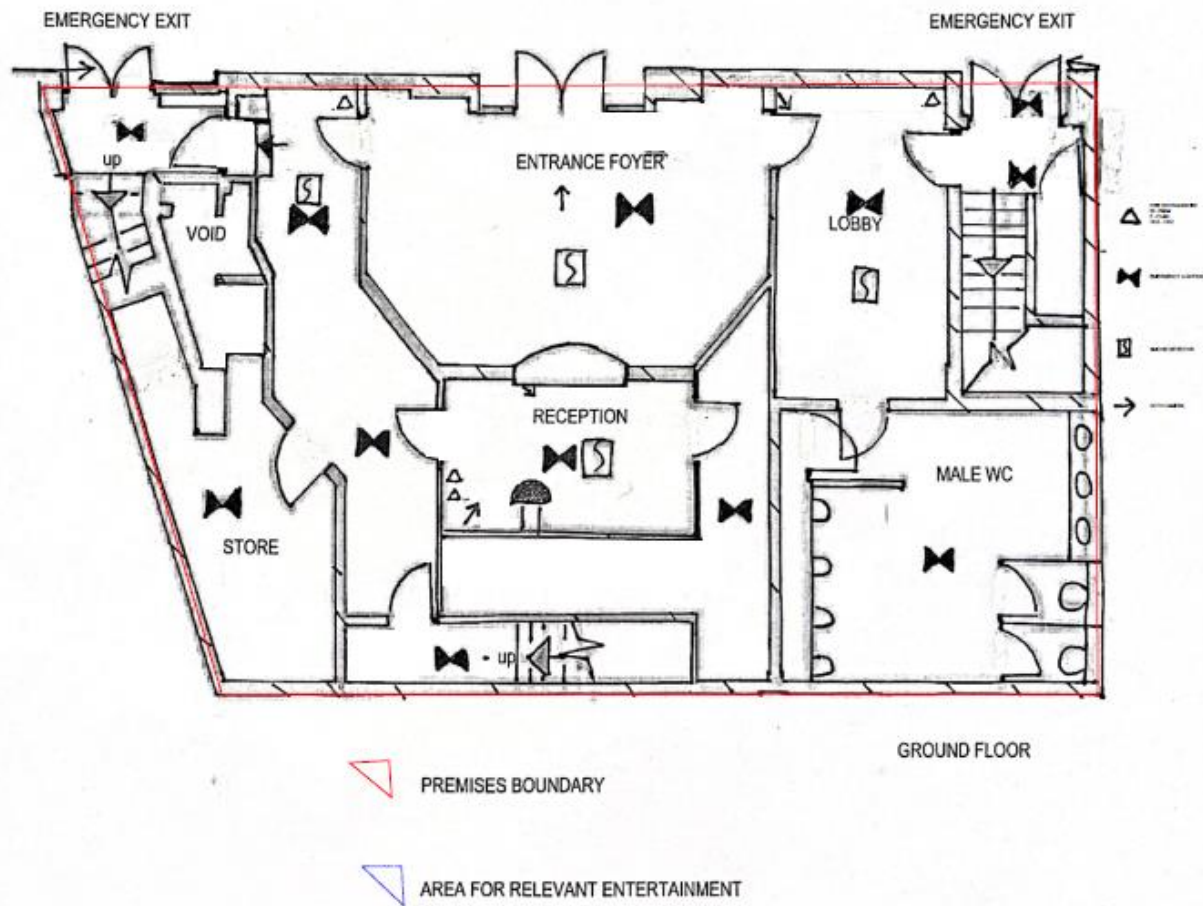
Issued: 24 November 2005

Revised: 07 February 2024 [Vary DPS & Change of Registered Address]

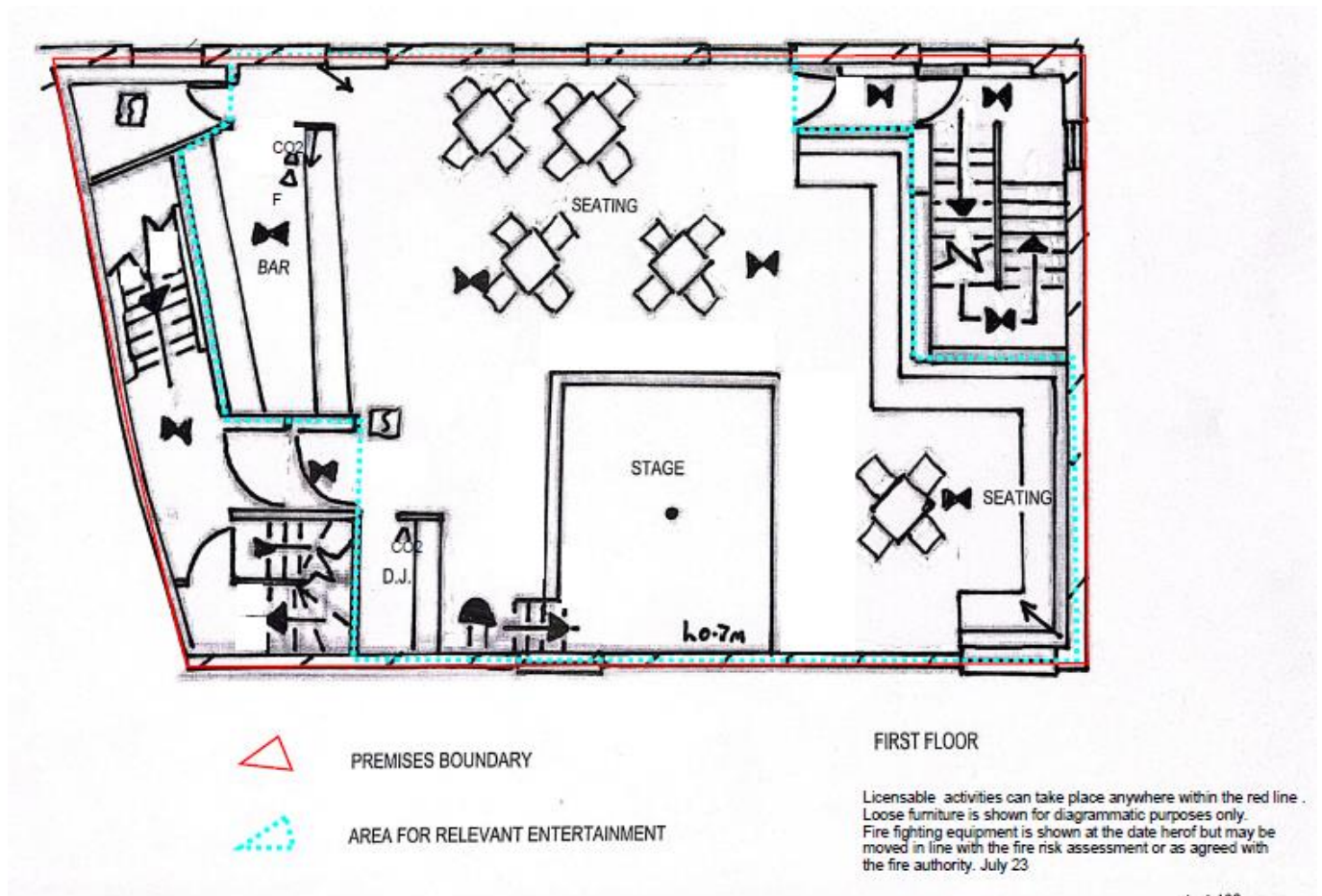

Mrs Nananka
Randle
Licensing
Manager



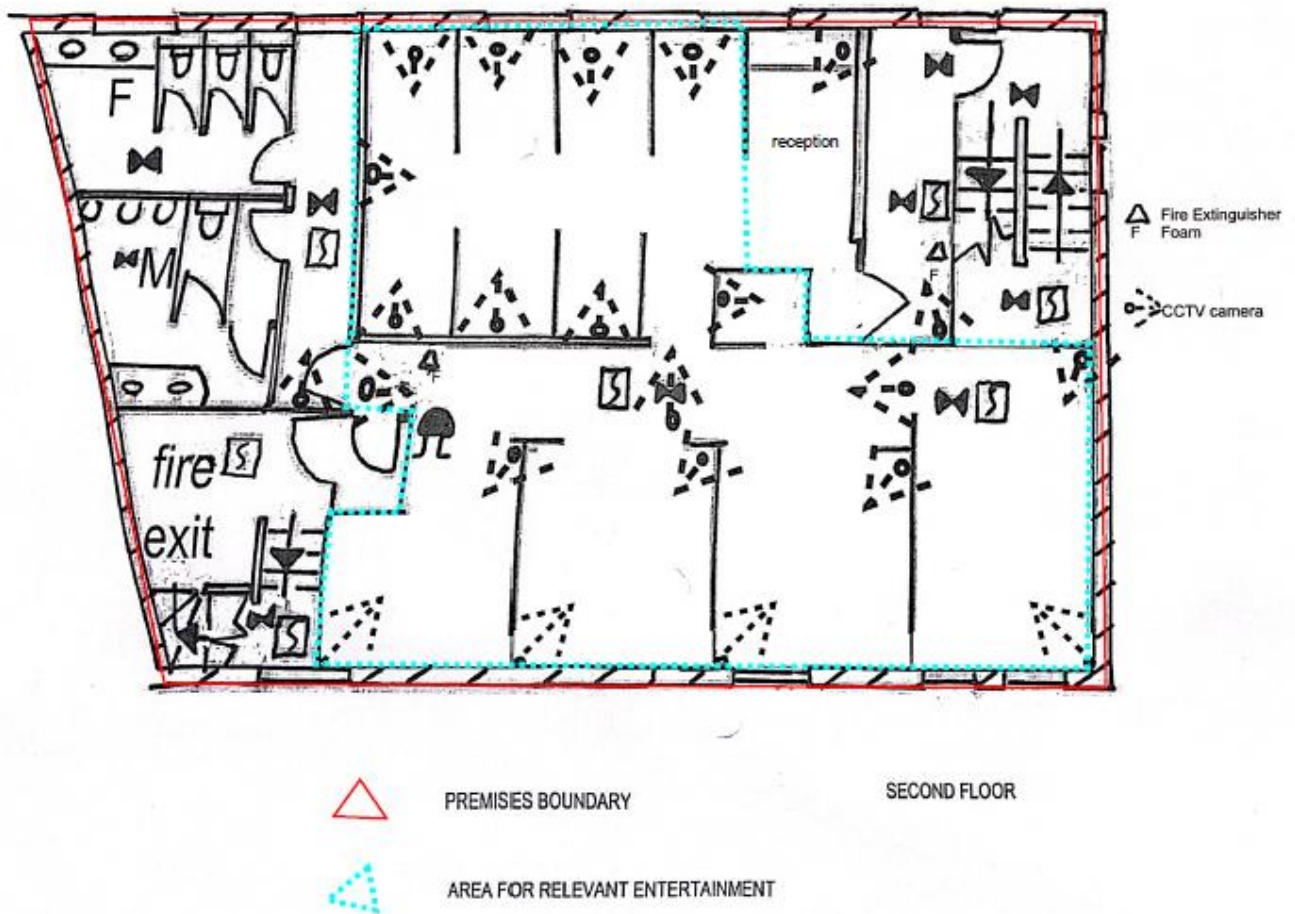
Plans numbered (1 of 5) M208178, dated 17.08.23



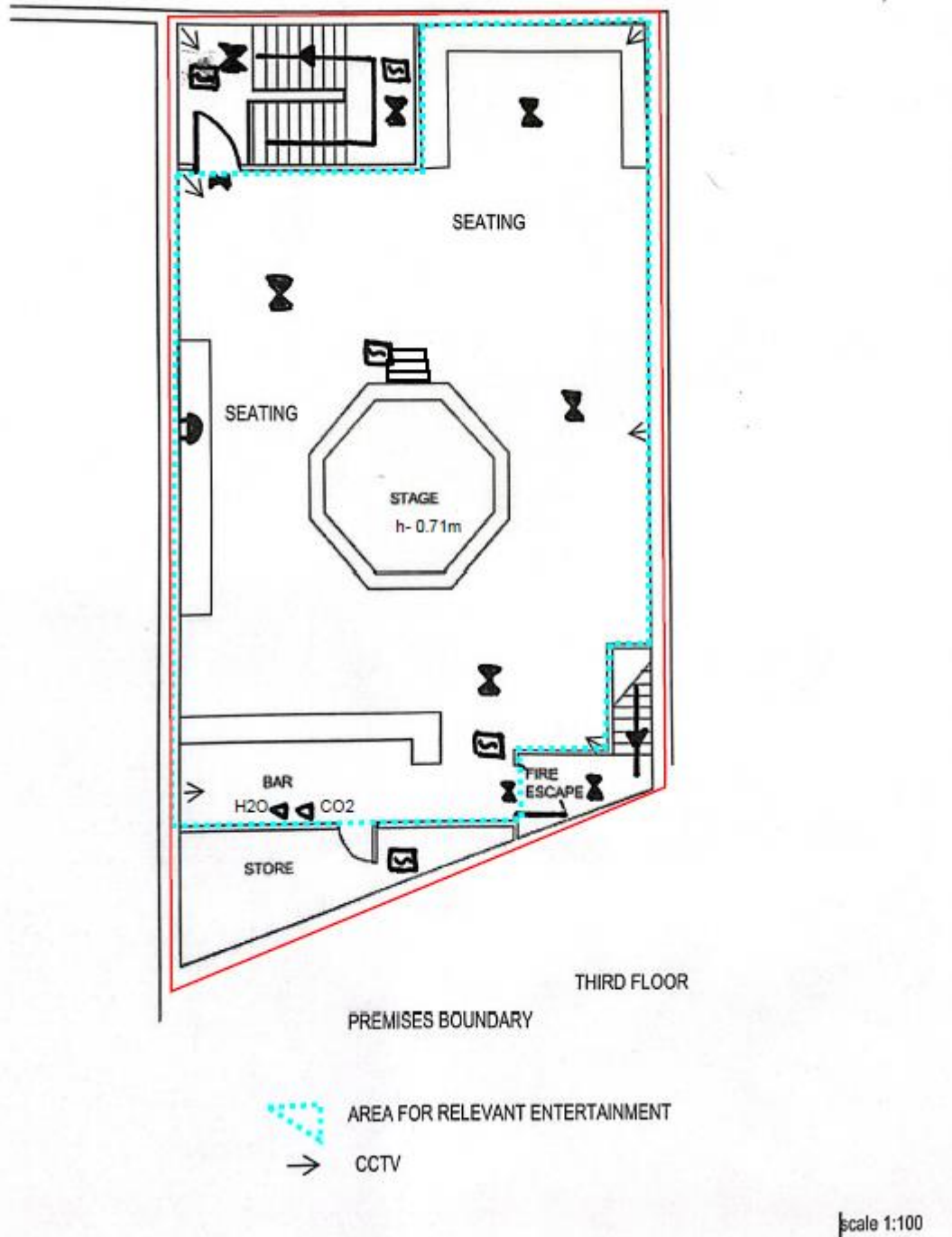
Plans numbered (2 of 5) M208178, dated 17.08.23



Plans numbered (3 of 5) M208178, dated 17.08.23



Plans numbered (4 of 5) M208178, dated 17.08.23



Plans numbered (5 of 5) M208178, dated 17.08.23

This is my objection to the application for an SEV Sexual Entertainment License for Club Temptation 2024

Suitability of applicant-the applicant is not suitable for the following reasons,

According to the minutes of the licensing hearing July 2022 attached the applicant is recorded as saying at point 7 on page 3 that he would accept that the display would not say "Strip club" or similar. From seeing the venue myself and from the attached google street view image dated 2023 it can be seen that the term strip club is still "writ large" in the window display. Also can be seen the girl's accessory store "Claire's" aimed at girls up to the age of 18 at the end of the road.

As was mentioned in a previous hearing and recorded in the minutes (ibid) the applicant has previously made a window display linking to adult material not approved by the council, now removed. However, the fact remains that this is past behaviour on which his suitability should be judged. The fact that he has been licensed since doesn't wipe the slate clean so that this behaviour is still relevant to this application in deciding suitability.

The minutes (ibid) mention heavy reliance on a statement filed by the applicant which was not included in the pack made available to the public and which I received by email just as the hearing of 20th July started so was not aware of its contents at the time. Below is the email and its attachment, the undated and unsigned statement labelled Alastair Weatherstone is also attached. After the hearing I read the statement and became aware of various apparent inconsistencies between the written and spoken statements and various other sources of information.

I refer the committee to the following webpage from googling Watford club temptation. This links to a gallery of images which purport to be of performers from the applicant's Watford Club but performing in Club Temptation. I have not downloaded and attached it for fear of infringing revenge porn laws. Several pairs of performers are engaged in unlicensed activity in the pictures. I should also mention that when the applicant's director is shown as an owner of the Watford Club, then operating under another name, the police objected initially to the grant of an SEV license which was subsequently granted on appeal.

The applicant set great store in his statement as to his business acumen and impressed the licensing committee, yet he underwent bankruptcy which included a hearing for distribution advertised in London Gazette in (DATES).

In contrast to his statement that his clubs are elegant and sophisticated he has used one term which I personally find offensive obscene and misogynistic to name his constantly evolving stable of companies in the past and another term which is less obviously offensive so may not have been deliberately so.

Suitability of venue-this venue is unsuitable as a strip club because it appears to have no suitable area for the performers to smoke away from customers. At time of writing I await sight of the license for sale of alcohol which is made under the Licensing Act 2003 and has to include a legible plan with in a form required by various legally binding regulations. From this I would expect to be able to check whether the building is suitable for use as a strip club in many respects including height of stage area if any, position of fire extinguishers, location of entrances and exits and any curtilage/balcony/roof area that could be used for smoking.

Location—although the minutes of the licensing committee meeting of July 2022 rightly call the road a side road this doesn't mean it doesn't experience passers-by. It is true that it is not open to through vehicular traffic, and in addition there is very little on street parking in the road itself. However, it adjoins a pedestrian area so that people can walk through that area and then along Yelverton Road, with this being the most direct route on foot to Bournemouth's Mosque, about the same distance along again on St Stephen's Road. Although I haven't been present in the road either when Sunday service has been on at the Oratory Church on Richmond Hill near the end of Yelverton Road, nor Friday prayers at the Mosque, nor Richmond Hill URC Church next to the Mosque, nor St Stephens Church further on beyond the URC I have been aware of very vulnerable people using this direct route on foot to what I think might be a food distribution point under the Wessex Way. In addition, there are occupied offices in the road whose occupants must walk past the window display as well as flats in Verulam Place opposite whose residents park there or may walk into Old Christchurch Road. There are far too many people whose homes are so close to the location and far too many places of worship nearby (also including the Brazilian Church) for this to be an appropriate location for a strip club.

I believe the collapse of the retail offering for central Bournemouth is closely linked to the ongoing licensing of this and the other two strip clubs. I was first warned not to ever walk past this location some years ago when it was under a different operator by colleagues in the Beales building. I should explain that if you work in retail then it is common for there to be late night opening events and also to have to work late when the store is closed to prepare for sales events and for stock taking. I was being warned not to walk past this venue because I might have to work late and want to cut through to Richmond Hill, say if I had parked there or someone was picking me up.

The Beales building, despite having planning permission for use for students residences is still unoccupied and I urge the committee to consider the impact of a strip club so close to people wanting to walk home in the evenings or at night, or even to start cleaning jobs in the early morning when those places are turning out. Although the advice is always to stick together, if you are going to work or returning from work in a bar or anywhere you shouldn't be having to worry about encountering strip club customers. I refer the committee to previous objections made regarding harassment of women by strip club customers and to feedback in a consultation on strip club licensing policy. These are no less valid now than they were then. Your committee has also heard the applicant quoting a retired police officer who used to work for the Metropolitan Police force heading up their vice squad who has stated that strip club customers do not cause any problems in the neighbourhoods around the strip clubs. This force's performance in relation to violence against women and girls has been so discredited that there is a major push to regain the confidence of society not just in this force but around the country. I ask the committee to take this into account in weighing the evidence of an officer claiming that strip club customers don't harass women in the street against complaints and objections not just in BCP area but in many other locations around the country. My own experience of failure of that police force was of one friend's flat mate in London as a student being attacked by a taxi driver and the police refusing to investigate so that we couldn't use taxis to get home on a night out, and of another's flat mate having been accused of not wearing substantial enough underwear under her t-shirt so being responsible for a sexual assault by a stranger in the street. This was around the same time that the officer relied on by the applicant was employed by that force. It is usual in judicial proceedings that when an expert witness is relied on, an opportunity to discredit that witness is allowed, so that if this is a quasi judicial hearing then I would expect to be able to question their credibility.

The former Dingles building further down Old Christchurch Road seems to be receiving some attention, so that it is possible it will be offered as a residential premises again, as per the planning permission granted on it. Commercial units are also included in it. I would urge the committee to consider that times have changed and we no longer live in a nine to five world for working, then home in the evening. In the centre of Bournemouth there will be people leaving for work at all hours, for business meeting or cleaning jobs first thing in the morning, returning home from shift work at all hours, including shifts for caring, emergency services, security, hospitality and NHS work. There is no time of day that people want to be walking to or from home through groups of people who have been drinking and paying to watch women dance naked in a tiny booth. This isn't just an issue for women nearby. Sexual frustration which is the business model of a strip club can make customers violent. This is the reason that the security inside the clubs is subject to such stringent conditions. However, once customers leave, the clubs don't have control over them.

I must emphasize that there is no legal requirement to prove harm in a strip club (SEV) license refusal. In 2008 a case commonly called "Thwaites" and widely considered to be bad law, ie would be overthrown on appeal, included comments contradicting previous case law by asking for the harm from hours of opening to be proved in an alcohol licensing case. The reason this doesn't apply to the SEV licensing is that in 2009 the law was changed by Act of Parliament on SEV licensing. Parliament did not take the opportunity to include the principles of Thwaites into the SEV licensing review so it is clear that there is no intention for it to apply.

Moral Objections-you may be aware of the Home Office Guidance on licensing of SEVs ie strip clubs. This is not statutory advice, ie Parliament hasn't given the government, in the form of the Home Office, power to add to or take away from the law by issuing advice, as it has for say planning and highways matters. When this guidance says that moral objections can't be considered it is misleading as it leaves out the words "solely" or "purely". This is misleading as it suggests, wrongly, that any objection that is partly motivated by moral disapproval can't be considered. It is difficult to imagine an objection which isn't partly "moral", but that doesn't mean you can't consider the rest of it.

It also fails to mention judge's comments in R v Newcastle on Tyne Ex Parte Christian Institute that a sex establishment might attract people into the area of questionable morals. This is relevant to the location grounds for objection.

It does mention the moral implications of licensing being considered under The European Convention on Human Rights and also that a refusal might be justified in the general interest.

The advice predates the Equality Act 2010 which obliges you to consider whether a decision to license will have a disproportionate effect on groups with characteristics protected by that Act. This might include sex, age, religion or other characteristics listed. Thus, if a woman such as myself objects to licensing on moral grounds then, because more women than men tend to object to SEV licensing you would be required to consider that objection. Likewise if a member of a certain religious group objected on moral grounds then as long as the moral's were informed by the religious affiliation then that objection would be admissible.

I have been approached by someone in recent months who was a woman about my own age who was very concerned that men, especially young men, would behave badly in the workplace with female colleagues as a result of their experience as strip club customers, having seen objectification of women normalised. Another woman older than me was very concerned that men who had been customers in strip clubs would return to their intimate

partners and behave abusively towards them as a result of that experience. I should add that both were very accomplished women active in their communities. I haven't been able to find any expert advice on the affect on attending strip clubs on relationships between men and women. However, Relate, the well know relationship advice charity which used to be the Marriage Guidance Council, gives advice on the damaging affect of lying to an intimate partner about strip club use. As if on cue the applicant's advertising on the front page of its website frequently includes a list of excuses to give a partner for being late home whilst a customer of the club, including "sorry baby the car broke down", "we're still on the boat", "dinner was longer than scheduled" and "still stuck in the office darling". This demonstrates clearly that you will be failing in your legal ie statutory duty to improve relations between the sexes as required as part of your Public Sector Equality Duty created by the Equality Act.

Licensing policy quashed-the High Court has quashed a licensing policy previously adopted by BCP council. However, although it has been quashed in its entirety , ie all of it, it was not quashed because any aspect of the grounds specified for location nor suitability was considered unreasonable. This means that when you consider whether to quash on the grounds of location, the elements specified in the policy can fairly be considered to be "reasonable". The quashing of the policy doesn't mean you can't refuse on location, just that the decision notice would need to say that you considered the location unsuitable rather than the location was unsuitable according to the policy. You couldn't rely on the council members who adopted the policy having specified those types of location but would need to say that you the current members of the committee considered the location unsuitable.

Lastly, your committee does not have power to license the applicant as the law only gives you power to license the operator on the SEV in question. The contact tab of the website online purporting to advertise Club Temptation shows Silverleaf Leisure Ltd as the operator stating that Club Temptation is the trading name of this company not the applicant. At time of writing I haven't seen either the up to date SEV license issued under the 1982 Local Govt Misc Act nor the up to date 2003 Licensing Act issued for sale of alcohol and performances of dance etc. However, if either of them has a clause forbidding the licensing from parting with possession of any part of the premises then by allowing Silverleaf Leisure to run Club Temptation than they appear to have breached that condition.

If the performers are charged a floor fee ie pay for the right to dance on a main stage, as a means of advertising themselves for private dances, for which they are paid, then this also may be in breach of any condition forbidding licensing any part of the premises to a third party. As I understand it paying floor fee is paying for a license to dance there. I don't know if floor fee is charged at this club but I understand that it is not an unusual industry practice.

If the license requirements for either license above include having a clear pricing policy then I would suggest that this is not clear on the website, and that it be made a clear condition that everything which is chargeable at the premises should have the price displayed on the website, including entrance, alcohol prices, table service charge, corkage, cloakroom charges if any, refreshment charges (as the statement suggested) and most importantly the price of private dances.

The contact page above incidentally was showing today the same image which I objected to two years ago showing two women behaving in a way which breached license conditions, so that if this was included in the stage show or a private dance at the premises then the license conditions would be breached, and if it wasn't then the customer would have been misled into paying expecting to see this behaviour. Either would be grounds for refusing the license on suitability of the applicant. Your quashed policy included as reasons for being

unsuitable honesty, which advertising something not available is not, or not understanding the terms of the license, which thinking this behaviour was covered by the license could indicate they simply didn't understand the terms. The policy was not quashed because this part of it was unreasonable, so it is perfectly reasonable for you to consider that this makes the applicant "unsuitable" for "any reason". The law doesn't say "any relevant reason" but "any reason". Your decision could be set aside at Judicial Review only for being "unreasonable" in deciding on that reason, which in the light of it having been adopted by full council, and not deemed unreasonable after scrutiny by the High Court, can safely be seen as a good reason to refuse.

You will probably hear again as you heard two years ago that no other licensing authority has refused for the reasons I have put before you, eg the damaging excuses for being in the club, the licensing of someone who doesn't appear to be the operator, siting near places of worship, siting on a through route used by vulnerable people, siting near people's homes etc. Well, what other towns' licensing committees are prepared to put up with doesn't have to be what Bournemouth puts up with.

To give you an insight into the contrast between Bournemouth with its three strip clubs blighting the town centre for decades and what we could be enjoying here again, I refer you to various other towns. Sheffield, a popular university town has seen two night clubs open since the last strip club closed down after campaigning. From recent experience visiting there I felt much safer on a nights out in the evening despite the presence of large numbers of people younger than me, drinking heavily, because the atmosphere of the crowds was so much more pleasant. By contrast young people I know and have met in passing tell me how dangerous Bournemouth night life is, which they really become aware of once they start visiting friends who are studying in other towns and cities. Newquay is now a thriving town with a vibrant nightlife and bustling shops since losing all five of its strip clubs following campaigning which was supported by the police. Power to license strip clubs used to be in the hands of the police before being moved to local councils, and if there is no objection by the police then this is not a reason that you can't refuse. Not having resources to lodge an objection is not an indication that they have not experienced issues as a result of strip club licensing. That would be like saying that no one rides bikes without lights on them just because very few tickets are issued for this. I am old enough to remember when no lights on a bike and all dressed in black was enough to arrest someone for going equipped for burglary, but that was a long time ago when our police were better resources. Even 30 years ago when I moved to Dorset I was shocked by bail being given on rape charges, as was another person I know who moved down from London about ten years ago. The reason is that the prisons here are so full. All our law enforcement seems overstretched.

To summarise, please refuse this application on the basis of suitability of applicant and location, upholding your Public Sector Equality Duty and also inspect the plan annexed to the 2003 License for suitability as a premises.

Before the BCP council licensing committee
Application for renewal of SEV licence for Temptation, 1 Yelverton Road,
Bournemouth.

Alastair Weatherstone

WITNESS STATEMENT

This statement is made in relation to the application for the renewal of the sexual entertainment venue licence for Temptation, Bournemouth. I am the shareholder and director of Admiral Bars (Hampshire) Ltd, the premises licence holder and SEV licence holder.

Temptation is a high-quality sexual entertainment venue providing lap dancing and pole dancing and similar entertainment to discerning customers. The venue is split over three entertainment floors. The basement is dancer changing facilities and manager's office. Ground floor has reception and toilet facilities. The main bar and stage is located on the first floor and third floor and exclusive entertainment areas are located on the second floor. The third floor is currently not utilised.

The other premises we operate have a reputation for elegance and sophistication. We aim to provide for male and female customers a high standard of entertainment and glamour with distinctive shows. We promise to deliver entertainment, drinks, and light snacks. I am ultimately responsible for the operation of the premises.

Before addressing the application further, it has been very difficult in the hospitality industry over recent years and may I apologise for mistakes made.

I would like to divide my statement into the following areas:

1. Management
2. Property and Location
3. Operation
4. Objections

1. Management

1.1. In this part I will deal with my experience and that of the manager and person who will be there generally when the premises are open, Naresh Mal.

1.2. Alastair Weatherstone

1.2.1. PROFESSIONAL EXPERIENCE

1.2.1.1. Current - Company Director & Businessman

Owner or Director of following businesses:

1.2.1.1.1. Desire – Lincoln

1.2.1.1.2. Diamonds & Strings – Watford

1.2.1.1.3. Katz – Basildon

1.2.1.1.4. Club Tantalize – Chelmsford

1.2.1.1.5. Other venues and activity centres not requiring any licences

1.2.1.2. From June 2010 Hitachi Data Systems

1.2.1.2.1. July 2013 Director - Communications, Media & Entertainment, EMEA

Responsible for sales, solutions and strategy in EMEA to all customers, targets and prospects in the above sector

1.2.1.2.1.1.	<u>Fiscal Year</u>	<u>Target</u>	<u>Achievement</u>
	March 2011	\$65m	\$74m
	March 2012	\$88m	\$96m
	March 2013	\$112m	\$130m

1.2.1.3. June 09 EMC/Mozy Division

1.2.1.4. April 10 Sales Director – EMEA

Mozy/Decho, EMC's consumer cloud division that sells through Service providers such as Vodafone, Telenor, TDC, MTN etc.

Reporting to divisional COO. Responsible for recruiting initial team in EMEA and developing the strategy and GTM.

Overall responsibility for the Vodafone Cloud project and team delivering it. Successful launches of the first solutions with Vodafone in Portugal, Germany and Netherlands Q4 2009. Team closed a number of new contracts including Louis Vuitton and Cable and Wireless within first quarter of business.

1.2.1.5. June 09 Global Client Director – Vodafone Group

1.2.1.5.1. Jun 09 - Cloud computing contract signed with VF.

First consumer Cloud contract in EMC

1.2.1.5.2. http://www.vodafone.com/start/media_relations/news/group_press_releases/2009/pcbackup.html

1.2.1.6. July 07 EMC

1.2.1.6.1. One of only three Global Client Directors within EMC. Responsible for EMC's largest account worldwide with annual revenues \$125m+

1.2.1.6.2. Direct reports and matrixed team of 100+

1.2.1.6.3. Sept 08 – Preferred Vendor Agreement signed by VF. 90% of Storage and related products to be procured from EMC in core European locations

1.2.1.6.4. 2009 – 157% at H1

1.2.1.6.5. 2008 – 98% of goal

1.2.1.6.6. 2007 – 102% of goal

1.2.1.6.7. Q1 2008 High performance award for 120% of goal.

1.2.1.6.8. Builds and owns the strategy within the Global Account

1.2.1.6.9. Develop and implement global sales plan

1.2.1.6.10. Directs the activities of account teams for sales and support to ensure optimum customer satisfaction

1.2.1.6.11. Prepare and own Global sales forecasts for the account and relevant status reports

1.2.1.6.12. Key contract negotiations

1.2.1.6.13. Interfaces into EMC execs provide regular updates and key information

1.2.1.6.14. Manage and review detailed account information from all sources

1.3. Training Courses and Education

- 1.3.1. I have completed a number of training courses including Strategic Selling by Miller Hieman, TAS, as well as Siebel and Goldmine for CRM.
- 1.3.2. Secondary Warden Park School
Cuckfield, West Sussex
- 1.3.3. Further Crawley College
Crawley West Sussex
- 1.3.4. Qualifications Six "O" Levels in;
English Language, English
Literature Maths, History,
Geography and Statistics
- 1.3.5. BTEC National Diploma in Business Studies

1.4. Naresh Mal

- 1.4.1. Has been a manager and licence holder in the late-night industry for over 20 years.
- 1.4.2. In that time he has held over 6 licenses and has never had any negative issues with the police, and always seeks to work the police and councils or magistrates to resolve matters.
- 1.4.3. He has worked for Helena Leisure, Luminar Leisure and Secrets, He has also worked for Deltic, who took over from Luminar Leisure.
- 1.4.4. As area manager, he is responsible for the day to day running of all the clubs.

2. Property and location

- 2.1. As well as being the sole shareholder and director of the operating company and applicant I am the sole shareholder and director of the licence holder. For tax and corporate purposes for my different businesses I have a company that holds the property or lease and any licences and a separate company that operates, holds and pays all monies due. For this premises the company holding the property is Admiral Bars (Hampshire) Limited. The licence is held by the same company.
- 2.2. With the 4 other SEV premises that I own I operate in a similar way and no issues have been raised by the committees and so it seemed appropriate to operate in the same way at this location.
- 2.3. In effect, there is an agreement between the two companies that permits the operating company to operate at the premises.
- 2.4. The premises has operated with an SEV licence since the council adopted the legal provisions and I understand operated as a lapdance venue for many years prior to that. The licence was renewed last year and we transferred the licence in October. Given the adoption of the policy in October I do not believe there has been any change in the area around the premises.

3. Operation

- 3.1. The premises has a licence for 7 days a week, 24 hours a day. However, opening hours under the SEV licence are:
 - 3.1.1. Wednesday 21:00 to 02:00 day following;
 - 3.1.2. Thursday, Friday and Saturday 21:00 to 06:00 day following
- 3.2. In relation to opening times whilst we will open at 21:00 hours, from my experience there may only be a couple of customers entering the premises up to midnight. From around midnight the main bulk of customers attend.
- 3.3. We are members of radio watch/pubwatch. This is part of the town radio network and Andy attends the pubwatch every month.
- 3.4. There will be at least one personal licence holder on duty at the premises when the premises are open and trading to the public;

- 3.5. A searching policy has been adopted requiring searches to be carried out within the sight and coverage of CCTV.
- 3.6. We have a zero policy towards drugs and random searches are carried out;
- 3.7. Any drugs found or seized on the premises will be locked in the safe and logged as an incident and the police notified;
- 3.8. We have adopted a challenge 25 policy not only for the sale of alcohol but also in respect of entry to the premises. Only a driving licence, passport or pass scheme photo identity card will be accepted. We ensure all staff receive the necessary training concerning the challenge 25 policy and underage sales and admission to the premises.
- 3.9. We display appropriate posters in the premises
- 3.10. No persons under 18 are admitted to the premises
- 3.11. Prominently displayed notices will be displayed at the entrance
- 3.12. At least 3 SIA registered door supervisors will be employed at the premises during all times the premises is open and operating under the SEV licence until 30 minutes after close.
- 3.13. On the main nights of Friday and Saturday we have 4 security, 2 on the front door and 1 on the first and 1 on the second floors. The 3rd floor has been closed since we have opened Temptation.
- 3.14. SIA registered door supervisors wear uniforms. This has a reflective arm band. They are distinctive. They are from Express Security.
- 3.15. We have had no complaints in respect of noise or disturbance from music or patrons leaving the premises.
- 3.16. All new dancers, before they are permitted to perform, are met with by the Manager/ dancer supervisor (house mother) who speaks to them.
- 3.17. Identity and age checks are made and copies of documentation to establish the individual's right to work in the UK is required before any dancer is permitted to perform at the premises. The manager will give the individual a copy of the Dancers code of conduct and the SEV licence conditions. They are required to confirm that they have read and understood the code and the conditions. Also, there are regular entertainer and security meetings at which the security and dancers are reminded of the requirements.

- 3.18. Security and staff are reminded that if they see a breach of the code or the licences then the issue is to be brought to the attention of the manager. Every performer gets a pack which contains all the conditions and whistleblowing policy.
- 3.19. The process for dealing with any breaches usually involves the individual being taken to the manager where the allegation is repeated, and a written record is kept. The dancer is given an opportunity to respond and appropriate action if any is taken. Record is kept of such incidents.
- 3.20. We have a customer code of conduct and a dancer code of conduct and if there are any difficulties or breaches these will be dealt with by the local manager. The manager will make Mr Mal aware of any significant issues before coming to me.
- 3.21. There is a stage on the first floor and there will be performances on the stage involving pole dancing and striptease. Whilst the performer may be topless they are not fully nude during a stage performance. This is something that may change but so far Dancer performances involving full nudity will only take place in the exclusive dance areas on the second floor.
- 3.22. All parts of the club are covered by CCTV which records at all times the premises are open.
- 3.23. I do not expect there will be large numbers of customers on Wednesdays. I would expect there will be between 15 and 30 customers throughout the opening period. There will be a few more on a Thursday. On a Friday and Saturday there are on average between 45 and 100 customers throughout the whole night opening period. At any one time there will be no more than 30 customers maximum. To cover the number of customers expected staff levels are :

Manager

Assistant manager

House mother

Bar staff -2-3

Door staff 3-4

Reception.

- 3.24. Again, from my experience here and at our other clubs, we have a mix of male and female customers, including hen parties attending. We have no objection to female customers coming in on their own but generally we find they come as a group of females or as a mixed male /female group. There is nothing preventing females coming into the premises on their own. We are inclusive and all persons are welcome whatever their sexual orientation or preferences. We provide sexual entertainment.
- 3.25. We did refer to gentlemen's club as it was part of the logo but we have removed the words.
- 3.26. I have referred to the code of conduct and welfare policies above and for completeness I set them out here.

Welfare Policy

- 3.27. All new dancers, before they are permitted to perform, are met with by the Manager/ dancer supervisor (house mother) who speaks to them.
- 3.28. Identity and age checks are made and copies of documentation to establish the individual's right to work in the UK is required before any dancer is permitted to perform at the premises. The manager will give the individual a copy of the Dancers code of conduct and the SEV licence conditions. They are required to confirm that they have read and understood the code and the conditions. Also, there are regular entertainer and security meetings at which the security and dancers are reminded of the requirements.
- 3.29. Dancers, Security and staff are reminded that if they see a breach of the code or the licence then the issue is to be brought to the attention of the manager.
- 3.30. If there are any difficulties or breaches of the codes these will be dealt with by the local manager.

- 3.31. The disciplinary procedure involves the individual being taken to the manager where the allegation is repeated and a written record is kept. The dancer is given an opportunity to respond and appropriate disciplinary action if any is taken.
- 3.32. Disciplinary action will include, informal warning, formal warning, suspension of the performers contract for up to 2 weeks and for repeated breaches or where the licence is put in jeopardy the performer's contract may be terminated.
- 3.33. Records are kept and may be provided to the local authority or police on request, subject to the Data Protection Act 2018.
- 3.34. All parts of the club are covered by CCTV which records at all times the premises are open, for your safety and security as well as compliance.
- 3.35. Security staff are on duty at all times the premises are open to the public. The door supervisors are positioned around the venue and also patrol the performance areas to ensure compliance with the codes of conduct in place. Customers who do not comply with the code are spoken to and warned and where appropriate will be removed from the venue.
- 3.36. Any dancers requiring an escort to their transport at the end of their performance period should ask the manager who will make the necessary arrangements.

3.37. **DANCERS' CODE OF CONDUCT**

- a. Dancers may not intentionally touch a customer during a performance
- b. Dancers may not permit a customer to touch them during a performance
- c. Dancers may not straddle the customer
- d. 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
- e. If a customer engages in acts of masturbation or other sexual behaviour, the dancer shall cease the performance immediately and inform the premises management.

- f. Dancers may not touch their own breasts, anus or genitals with their fingers, lips or tongue
- g. 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
- h. Dancers may not perform any act which simulates masturbation, oral sex or sexual intercourse, including the insertion of any object, including their own finger, in to the anus or vagina
- i. Dancers shall not solicit for gratuities or payment for sexual favours
- j. Dancers shall not engage in any act of prostitution
- k. 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
- l. Dancers shall not perform if under the influence of alcohol or drugs.
- m. Dancers shall use the dressing room facilities provided for their exclusive use to change for their performance.
- n. Dancers shall only use the smoking area provided specifically for their use.
- o. Dancers shall only use the sanitary facilities specifically provided for their use.
- p. Dancers shall not leave the premises or otherwise be visible outside the premises, including for smoking breaks, unless dressed in suitable attire e.g. outer-wear consisting of coat or top and skirt or trousers so lingerie or other performance costume is not visible. No advertising to be displayed on the dancers clothing when worn outside the premises during breaks.
- q. 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 house Disciplinary Rules, a copy of which has been provided to each dancer.
- r. Dancers will be clothed when not performing.
- s. Dancers shall notify management in the event of his or her spouse, civil partner, boyfriend or girlfriend being on the premises.
- t. Temptation has a zero-tolerance policy in respect of illegal drugs. In pursuance of that policy dancers may be subject to search and by signing this code consent to appropriate searches being carried out.

3.38. The Dancers Code of Conduct will be displayed at the premises and made available to the dancers in their own language on request.

4. Objections

4.1. In relation to the objections from my experience in dealing with local authorities and police, Lap dance venues traditionally cause less problems from patrons in respect of crime and disorder. One of the consultants I use is Adrian Studd. In his former role before going into private practice he was a Chief Inspector of Police. He gave evidence to the House of Commons select Committee in 2009.

“Chief Inspector Studd of ACPO said that he believed such establishments were low-risk from a public order perspective:

“there is no evidence that they [lap dancing clubs] cause any crime and disorder. Very rarely. They tend to be fairly well run and they tend to have a fairly high staff ratio to customers. The people who tend to go there tend to be a bit older, so they do not drink so excessively and cause the crime and disorder problems outside”

4.2. The new standard conditions are accepted in their entirety. There has been a difference in understanding of the licence and the conditions applicable and I apologise for any mistakes on our part. What is clear that should the licence be renewed the conditions applying will be the new standard conditions and we know where we stand in respect of those.

4.3. The current frontage is shown. We are seeking approval for the silhouettes to be displayed. We have the silhouettes displayed in other locations and have not received any objection to them. If the committee do not approve the silhouettes then the current frontage will continue.

4.4. I have referred to the premises as a ‘strip club’ it is clear as to what it is. People will not inadvertently enter the premises. If the committee would prefer a different description such as – Sexual Entertainment Venue, that can be changed accordingly.

4.5. I have a covid-19 policy which is available. There is no externally licensed area.

- 4.6. In respect of the facebook pages I do not accept they were a problem but in any event they have been removed and the account ended.
- 4.7. In respect of the web sites, I understood that it was only possible to access adult material by having an account. When this was highlighted they were removed immediately. No information will be displayed on the windows unless it has been approved by the council.
- 4.8. The A board has been brought inside and has not been used since highlighted. The fliers were distributed in line with the licence granted for their distribution and in line with the licence. I do not accept this was 'illegal' behaviour. Again, since the objection was raised we have stopped the distribution and as I have indicated we accept that the new conditions will prevent us using this method going forward. We will comply with that.
- 4.9. I have read with concern the allegation that a scantily dressed female shouted to passing men –“if they want to come inside and see some pussy”. This is not accepted and is not behaviour which is allowed to take place at the premises. I have not heard any specific complaint – if which is not accepted it has happened, if details are provided I will investigate.
- 4.10. The premises I operate in Watford is in the town centre and is very close to a Travelodge hotel. Some of our customers will stay at the Travelodge hotel and we have never had any issues with the Travelodge which demonstrates how little impact we have on the locality.
- 4.11. There was an article in the Watford Observer referring to a comment from Dorothy Thornhill, the then Mayor of Watford, stating that Diamonds and Strings was the sort of venue the town needed to boost the night-time economy.
- 4.12. I believe we add to the locality and do not detract. A well-run establishment can not only have no impact on an area but may have a good impact.

This statement is true to the best of my knowledge and belief

Alastair Weatherstone

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 20 July 2022 at 10.00 am

Present: Cllr J J Butt, Cllr D Farr and Cllr D Kelsey

36. Election of Chair

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

Voting: Unanimous

37. Apologies

An apology for absence was received from Councillor George Farquhar and Councillor David Kelsey, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

38. Declarations of Interests

There were no declarations of interest.

39. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

40. Temptation 1 Yelverton Road Bournemouth

Present:

From BCP Council:

Sarah Rogers, Senior Licensing Officer
Nananka Randle, Licensing Manager
Michelle Cutler, Clerk to the Sub-Committee

Matt Lewin – Barrister, Legal Advisor to the Sub-Committee

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

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

The Sub-Committee was asked to consider an application made by Admiral Bars (Hampshire) Limited for the renewal of the licence to use the premises as a sexual

entertainment venue, providing relevant entertainment, for a further twelve-month period. A variation to the second-floor plan was also requested in order to bring it in line with the Licensing Act 2003 premises licence plan, which was granted by way of minor variation on 15th April 2022. In addition, the applicant sought the approval of a new widow display.

The Licensing Authority received 4 valid objections.

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

For the Applicant:

Robert Sutherland, Keystone Law, representing the Applicant
Alastair Weatherstone (Director of Applicant Company)

Objecting:
Susan Stockwell
Cllr Dunlop
Cllr Northover

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

RESOLVED that the licence be renewed and the variation to the layout be granted, but consent for the proposed external display be refused.

Reason for Decision

1. On 20 July 2022, a hearing was held to determine an application by Admiral Bars (Hampshire) Ltd (“the Applicant”) for:
 - a. the renewal of a Sexual Entertainment Venue (“SEV”) licence at Temptation, 1 Yelverton Road, Bournemouth (“the Venue”),
 - b. a variation to the second-floor plan; and
 - c. approval of a new external display.
2. In making the decision, the Sub-Committee have taken into account:
 - the reports pack (which includes the application form and objections)
 - evidence presented and submissions made by the parties at the hearing
 - the Council’s Sex Establishment Policy (“the Policy”) and guidance issued by the Home Office
3. The decision of the Sub-Committee is to renew the licence and grant the variation to the layout, but to refuse consent for the proposed external display. The reasons for the decision are as follows.
4. The Venue has operated as a lap dancing club for 17 years, principally as Spearmint Rhino under different ownership. It has held an SEV licence since

2010. The licence was last renewed in June 2021. The licence was transferred to the Applicant in October 2021.

5. The application was advertised and the Council received objections from five members of the public. Neither Dorset Police nor any other responsible authority objected to the application.

6. The Licensing Officer advised the Sub-Committee that she had attended a joint inspection of the Venue with Dorset Police in March 2022. On the basis of that visit, she was satisfied that everything seemed in order with one or two minor issues that were being dealt with promptly.

7. The Applicant relied largely on a written statement provided by the company's director and shareholder, Mr Weatherstone, which the Sub-Committee have read. The Applicant's representative confirmed that the licence authorised the Venue to trade for 24 hours, 7 days a week but, in practice, it trades from Wednesday to Saturday and that it opens at 9pm. He believed that the external displays (which did not have the Council's consent and have been removed following objections) complied with the conditions of the licence. He also believed that the silhouettes were gender neutral. The Applicant was prepared to accept the standard conditions set out in the Policy. The Applicant was also prepared to accept an external display which removed reference to a "strip club" or similar. The Applicant was asked about the Venue's entry policy which (according to the FAQs on its website, apparently discriminated against female customers) and confirmed that unaccompanied women were entitled to enter the Venue. As for the locality and vicinity of the Venue, the Applicant stated that it was located in the town centre and in the vicinity of a number of other venues (the casino, late night bars, clubs, etc) which attract adults at night for entertainment purposes.

8. One local resident made an objection at the hearing. She stated that the Sub-Committee had no power to commit themselves to future decisions and were not tied to past decisions. She stated that the Sub-Committee are required to consider whether to re-license the Venue afresh every year and that the Sub-Committee did not owe any special allegiance to the Applicant. She pointed to three websites operated by the Applicant which had been displayed externally which, although they may not have illegal content, contained indecent material without age verification which, she said, reflected poorly on the Applicant's suitability. She also stated that the local area was increasingly residential.

9. Cllrs Northover and Dunlop also made objections at the hearing. Both councillors echoed many of the resident's objections. Cllr Northover stated that the surrounding area had changed, with a huge number of new cafes and other businesses opening which had given the area a more vibrant and family-oriented feeling. She was also concerned about the website links which had been displayed for children to see and that this showed poor judgment on the part of the Applicant. She asked the Sub-Committee to consider what kind of environment this Venue created for the safety of women. Cllr Dunlop stated that there had been a lot of complaints since the Applicant took over the Venue. She said that the Council had made a conscious decision to change the character of the area, to attract more families and businesses and that a SEV in this location completely undermined those efforts and was contrary to the Council's core values. She asked the Sub-Committee to acknowledge that this area had undergone significant change, meaning that a SEV was now unsuitable.

10. The Sub-Committee have been advised of the discretionary grounds on which to refuse to renew the licence in paragraph 12(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and that, in light of the objections received, grounds (a) and (d) are the most relevant. The Sub-Committee are aware of the rule that “moral” objections to SEVs cannot be taken into account but have also had due regard to the three equality objectives in the Public Sector Equality Duty (section 149 of the Equality Act 2010). The Sub-Committee also confirm that this application has been considered on its own merits.

11. Taking all of this into account, the Sub-Committee are satisfied that the SEV licence should be renewed. As for the suitability of the Applicant, the Sub-Committee consider that Mr Weatherstone’s professional background and experience in this industry makes him suitable to hold a licence (through his company). The Sub-Committee also attach great weight to the Licensing Officer’s confirmation that the Venue was compliant with its licence conditions at her inspection earlier this year. The Sub-Committee do not consider the website links to undermine the Applicant’s suitability: they were not unlawful, although it is accepted that their content will not be to everyone’s taste.

12. As for the locality and vicinity of the Venue, based on the Sub-Committee’s local knowledge, it was considered that there has been no a material change in the character of the area since the licence was last renewed. The Sub-Committee acknowledge that some new businesses have moved in but it was also taken into account that this Venue primarily trades late at night when most of the businesses referred to by the objectors have closed. The Sub-Committee also bear in mind that Yelverton Road is not a main thoroughfare and is more of a side road and so is unlikely to attract significant numbers of passers-by. The Sub-Committee do not accept that the continued presence of this longstanding SEV for a further year is inappropriate in this location or that it creates a risk to the safety of local people.

13. There were no objections to the variation of the second-floor layout and the Sub-Committee note that this layout has already been approved by the Licensing Authority. Therefore, the Sub-Committee are content to grant this variation to the licence.

14. The Sub-Committee do not accept the Applicant’s contention that the silhouettes in the proposed external displays are gender neutral. The Sub-Committee believe that the general public would believe these silhouettes depict women in sexualised positions and give a strong indication that this is a SEV. In light of the objections received, the Sub-Committee consider that the proposed external display could be construed as offensive to public decency and therefore the Sub-Committee refuse this application. However, the Sub-Committee are content with the current external display as it appears in Appendix A of the reports pack.

15. In line with the Policy, the Sub-Committee will substitute the current licence conditions for the standard conditions at Appendix A of the Policy.

16. There is no right of appeal against this decision.

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

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

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

Attendance:

From BCP Council:

Wesley Freeman – Licensing Officer
Johanne McNamara – Legal Advisor to the Sub-Committee
Michelle Cutler – Clerk to the Sub-Committee

The Driver was also in attendance.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'A' to these Minutes in the Minute Book.

Councillors were asked to decide whether the applicant was a 'fit and proper' person to hold a Private Hire Driver's licence.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Legal Advisor advised all parties of the right of appeal.

RESOLVED that having considered the written report of the Licensing Officer and the verbal submissions and responses to questions provided at the hearing by all parties and having regard to the BCP Hackney Carriage and Private Hire Driver Policy and the relevant guidance documents issued by the Institute of Licensing (IOL) and the Department of Transport, the Sub-Committee have decided that the applicant is not a 'fit and proper' person to hold a private hire drivers licence at this time.

Reason for the Decision

Section 11.2 of the BCP Taxi policy states that there should be a 3-year period free from convictions from the restoration of the DVLA licence and the Sub-Committee notes the applicants DVLA licence was restored in August 2020, so the 3-year time period falls short of 1 year. The Sub-

Committee did not feel that there was any reason present to justify departing from the Policy.

The Sub-Committee also note the guidance issued by the Institute of Licensing ‘Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades’ at section 4.39, which states *that Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. However, subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted a licence or retain a licence.*

Right of Appeal

All parties to the application have the right to Appeal to the Magistrates Court within the period of 21 days beginning with the day on which the Applicant is notified by the Licensing Authority of the decision in writing.

Voting - Unanimous

The meeting ended at 1.55 pm

CHAIRMAN



1 Yelverton Rd



Image capture: Jun 2023 © 2024 Google



1 Yelverton Rd

Building



Directions



Save



Nearby



Send to
phone



Share



1 Yelverton Rd, Bournemouth BH1 1DA

Photos

From: Susan Stockwell
Sent: Wednesday, August 21, 2024 1:02 AM
To: Sarah Rogers - Licensing
Subject: Re: Temptation SEV renewal

Thank you Sarah, Mrs Rogers

I have just read in the press and then confirmed by visiting the site that the **HSBC building next door**, which has an entrance cheek by jowl with the left hand side doors to Club Temptation, is expected to be used as a language school. The planning file confirms that the entrance to the part of that building to be used, ie the first and second floors, is the entrance next to Club Temptation. The application also says that the students of the school do not drive, and indeed that location couldn't be driven to anyway without parking some distance away. As such they will have no choice but to do exactly what my colleagues at Beales warned me against doing, walking by Club Temptation. This further, on top of all the other places nearby used as residential premises and planned and actual student accommodation makes the premises nearby and locality totally unsuited to a sex establishment of any nature and especially a strip club being licensed. The school which has applied to use the building is accredited by the British Council, a body set up to improve our country's standing internationally. For children to arrive in a country and be attending classes next door to a strip club cannot fail to damage the reputation not just of the British Council but also of Bournemouth.

I have also been looking at the BCP Licensing Sex Establishment Policy and suspect that when it was quashed this effectively "resurrected" the old **Bournemouth and Poole policies**. If you have the Bournemouth one still I would be interested to see it but have no idea whether I have any right to ask for this, so am just relying on a general appeal for transparency. There is a brief mention of them in what I can find of the consultation. Even a date for the Bournemouth one would be helpful as it gives some sort of starting point for looking at how much the area has changed. I'm assuming some time since 2010.

Premises license

Plan

Unfortunately the plan attached to Part B of the premises license, is **still not legible** because the key can't be read fully. Because of this I can't see whether it is compliant with the regulations. I have asked to applicant's solicitor, who signed the application, if he can supply me with a legible copy, but haven't heard from him, so he may not be instructed to communicate with me. Could I please arrange to come in and see the original and photograph it myself or be sent a legible copy. At the moment I can see that the plan doesn't show how the property lies in relation to the highway, doesn't show anywhere private for smoking, doesn't show a kitchen which is shown on the public information regarding business rates (which may be out of date), does show doors opening onto the highway. On visiting the outside of the premises today it appeared likely that the plan exaggerates how far the doors open and that they do encroach onto the highway but not as much as shown on the plan. They also have wording says loose furniture is shown when my understanding is that fixed furniture should be shown, and that the fire equipment may be moved, when my understanding is that this would require a minor variation showing a new plan with the location of the fire equipment. Unfortunately, arson attacks seem to be a problem in that industry, and of course the neighbouring casino suffered an arson attack from a customer a

few years ago, and the street is narrow and buildings tall so that making public where the fire fighting equipment is kept is very important.

The plan shows the two fire exits at the front of the building, though there may be more mentioned in the key that I can't read. The one on the left as you look at the building from the road opens directly onto two fairly steep irregular steps of polished tiles leading onto the road with no hand rails, unless they are attached to the other side of the doors, which I think unlikely. Could this be added to the unsuitability for use as a strip club part of the objection please.

It seems strange that an applicant who has held himself out as very experienced in operating licensed premises and in matters of technology would produce a plan so out of kilter with the regulations and when scanned not showing the key.

Part A

Unfortunately **Part A**, the terms of the premises license is not shown so that I can't see the terms to know whether the applicant has been compliant with them. Several of the building's windows are not quite shut and one looked this evening to be a bit cracked, but I couldn't be sure because of the lighting. I would like to see exactly what the applicant is meant to do under that license. As with the plan, could I please attend to view this and photograph them or be sent a copy?

Sexual Entertainment License

It appears that although the license is 24/7 various conditions relating to safety and security only apply on certain days. I would like to raise this at the hearing. Condition 47(j) regarding a dancer touching another dancer appears to be being broken in at least one picture in a gallery online purporting to be pictures of dancers from Watford dancing in Club Temptation. Condition 20 still seemed to be being broken this evening when I checked of the windows displaying the words strip club in large letters.

Condition 47(p) requires that the dancers use a separate smoking area yet the plan does not show such an area.

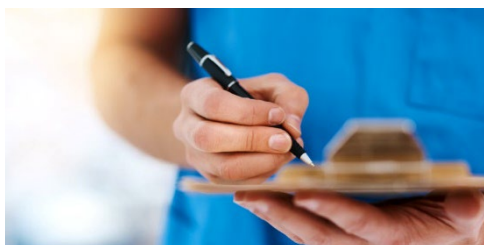
The pricing policy which the quashed policy asked to be clear is difficult to understand from the license. Could the committee please impose this policy instead. " The price of all goods and services provided at the premises including payments made in advance of attending must be displayed prominently at the premises and at all times it can be viewed by the public on the website of the premises in a position easily accessible to users. This must include but is not limited to, entrance price, all drinks including size of measure or bottle/other receptacle and food sold, all dances and any other entertainment for which payment is made. Tipping is not permitted. Cash payment is not permitted. Payment can only be collected to accounts in the name of the holder of the Sex Establishment license and not in the name of any third party including performers."

The sexual entertainment license and the premises license are still held in the name of the applicant. The Home Office guidance says that the person licensed must be the person who organises the entertainment. The applicant's information at Companies House states that they have no employees and that the last accounts made up were for a dormant company, ie one whose usual function is just to hold property. The lack of employees makes the applicant unsuitable as a licensee. Moreover a website purporting to advertise the premises Club Temptation states that Club Temptation is the trading name of Silverleaf Leisure, who, as trading must be the organisers.

Sexual Entertainment License Application

At Box 5 asking to list what articles will be sold only drinks is listed yet a website says that food can be ordered. Also private dances are usually sold at a strip club, and the layout of the club providing booths suggests this is the case. This is a webpage saying food is available. <https://www.clubtemptation.co.uk/package-deals/>

A company with the same director/owner as the applicant applied for renewal of a sexual entertainment license in Watford last year (attached). At annex 2 it shows a card used for advertising which lists School Girl and Hot Nurse as two of the entertainment offerings. Please refuse to license Club Temptation on unsuitability of the applicant on the grounds that a strip club with a school girl theme or a nurse theme will encourage sexual assaults and harassment of both children and nurses. The Royal College of Nursing has been actively campaigning for sexual harassment and assault in the workplace to be dealt with. <https://www.rcn.org.uk/news-and-events/news/uk-rcn-signs-nhs-sexual-safety-charter-130923>



[RCN signs NHS sexual safety charter | News | Royal College of Nursing](https://www.rcn.org.uk/news-and-events/news/uk-rcn-signs-nhs-sexual-safety-charter-130923)

Royal College of Nursing joins other health organisations in committing to a zero-tolerance approach to harmful sexual behaviour in the workplace

www.rcn.org.uk

Objectification of women and girls is unhealthy, believed to contribute to bad behaviour by men against women.

I have tried to include as much as possible above to avoid springing anything on anyone at the hearing, but it may be that Part A or the plan lead to further comments.

I will try and make contact by phone in the next day or two to see if I can see the part A and plan mentioned above.

Kind regards

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