

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 03 October 2024 at 10.00 am

Present:-

Cllr A Keddie – Chairman

Present: Cllr A Chapmanlaw and Cllr J Richardson

49. Election of Chair

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

Voting: Unanimous

50. Apologies

Apologies were received from Cllr Chris Matthews. Cllr Adrian Chapmanlaw stepped up as 2nd reserve member to sit on the Sub-Committee. This was not reported at the meeting.

51. Declarations of Interests

There were no declarations of interest received on this occasion.

52. Protocol for Public Speaking at Licensing Hearings

The Protocol for Public Speaking at Licensing Hearings was noted.

53. FYEO, 134 - 136 Old Christchurch Road, Bournemouth, BH1 1NL

Present:

From BCP Council:

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Rebekah Rhodes – Clerk 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 for the renewal of the Sexual Entertainment Licence for the premises known as 'FYEO', 134 – 136 Old Christchurch Road, Bournemouth to permit relevant entertainment to continue for a further twelve-month period. The Licensing Authority

received 1 valid objection. The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in written submissions:

Julia Palmer – Solicitor for the Applicant

Emily Iwins – Applicant/Owner FYEO

Greg Nicie – Manager FYEO

Susan Stockwell - Objector

The Sub-Committee asked various questions of all parties present and were 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 application to renew the Sexual Entertainment Venue Licence for the premises known as FYEO (For Your Eyes Only), 134 – 140 Old Christchurch Road, Bournemouth BH1 1NL be GRANTED.**

#### Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5 and the verbal submissions made at the hearing by Julia Palmer – Solicitor for the Applicant and Susan Stockwell – Objector.

At the hearing Mrs Stockwell, queried as other SEV renewal applications had been granted whether there was now a presumption to grant the current application. The question was referred to the legal advisor who advised the application would be considered on its merits and in accordance with schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and no precedent had been set in consequence of decisions in respect of other premises or the previous grant of such a licence to this premises.

The Sub-Committee had regard to the provisions of Schedule 3 and the available grounds for refusing the application contained within paragraph 12 of that schedule. Based on the information provided at the hearing, the Sub-Committee agreed that the mandatory conditions for refusal do not apply in this case. The Sub-Committee was satisfied that the applicants' representative had addressed the issues raised in objection regarding the suitability of the applicants and agreed that the premises were well managed by an experienced operator in Mr Glen Nicie and was operating responsibly and the only grounds which may be a relevant ground of refusal in respect of this application were the 'discretionary' grounds contained within paragraph 12(3)(d) of Schedule 3.

The character of the relevant locality and the use to which any premises in the vicinity are put:

The Sub-Committee noted that the premises has operated as a lap dancing club since 1998 and has held an SEV licence since 2010 in accordance with legislation, this being renewed annually. Although the character of the locality had evolved and changed during this time, it was still considered to be the centre of Bournemouth's licensed night-time economy. The Sub

Committee noted the points raised in objection and the responses on behalf of the applicants in respect of the premises' location, including its proximity to student accommodation, and the Livingstone Academy, the historic nature of the area, places of worship and other open spaces. The Sub Committee did not consider that there had been a material change in the locality since the licence was renewed last year or that there were sufficient grounds based on the character of the locality with which to refuse the application at the present time.

That said, the Sub Committee was mindful that the character of the location was one of ongoing change, with more residential accommodation being built or redeveloped in the town centre, attracting more families and young people to live in the area. The intake of pupils at the nearby Livingstone Academy in Stafford Road, opened in 2021, was increasing annually on a rolling programme and some of these children would be passing the premises on their way to and from the school. While the Sub Committee acknowledged that the opening hours of the premises would not conflict with the school run, it does mean that an increasing number of children and young people would be directly exposed to the external appearance of the premises. The Sub Committee noted the use of the term 'table dancing' on the external signage had been removed.

The Sub Committee note that Dorset Police, Bournemouth University and local schools have not objected to the application and are of the view that if anyone has concerns about the premises and its effect on crime and disorder/public safety in the vicinity, they would have voiced these concerns.

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

The Layout, character or condition of the premises, vehicle or vessel or stall in respect of which the application is made.

The Sub Committee welcomed the improved condition of the outside of the premises and the more subdued frontage. The Sub Committee noted the information submitted by Mrs Stockwell regarding the broken window in the front door and the front mat that needed replacing and noted the applicant response that the new mat had been ordered any would be arriving shortly and they would look at replacing the broken glass as soon as possible.

The Sub-Committee noted the updated plan of the premises in appendix 5 and the recent minor variation to the premises licence. They were pleased to hear of the new entrance/exit at 136 Old Christchurch Road for the dancers rather than them having to exit into the back alley.

The Sub Committee was satisfied that the layout, character and condition of the premises was acceptable and therefore not a ground on which the application could be refused.

#### Public sector equality duty

In considering the application, and in coming to its decision, the Sub Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In this case that arose primarily in the context of men and women. The Sub Committee was advised that the premises welcomed and was frequented by both men and women, that there was a changing customer profile and controls were in place to protect all genders.

The Sub Committee noted that no objection had been made by any resident living in the vicinity or staff or students at Bournemouth University regarding the premises or the behavior of those who may visit it. With so many female students now living in the vicinity, the sub-committee felt it reasonable to assume that the University would have been made aware and shared any concerns brought to them by those students. In addition, they would expect Dorset Police to share complaints and concerns connected to behavior emanating from the premises.

On balance, having regard to the Public Sector Equality Duty, the Sub-Committee did not feel that the duty compelled the refusal of the application.

The Sub Committee determined that some of the points raised in the objection were not grounds on which the application can be refused, and some were inaccurate or without evidence. After full consideration of the grounds set out in paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 the Sub Committee did not feel there was any basis to refuse the application and therefore the Sub Committee were satisfied that the SEV licence should be renewed.

#### Right of Appeal

If the application for renewal is refused on relevant grounds the applicant may appeal the decision to the Magistrates' Court within 21 days of the date of this letter.

If however, the application was refused under Schedule 3, paragraph 12 (3) (c) or (d) of the Local Government (Miscellaneous Provisions) Act 1982, any challenge must be by way of Judicial Review.

If any objector to the application wants to challenge the decision they can do so by way of Judicial Review.

The meeting ended at 10.55 am

CHAIRMAN