

Notice of Licensing Sub-Committee

Date: Thursday, 3 October 2024 at 10.00 am

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



Membership:

Cllr A Keddie

Cllr C Matthews

Cllr J Richardson

Reserves:

Cllr M Howell (1)

Cllr A Chapmanlaw (2)

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

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

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5852>

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

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

11 - 56

An application has been received 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.

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.

This page is intentionally left blank

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

This page is intentionally left blank

LICENSING SUB-COMMITTEE



Report subject	FYEO, 134 - 136 Old Christchurch Road, Bournemouth, BH1 1NL
Meeting date	3 October 2024
Status	Public Report
Executive summary	<p>Hampshire Restaurants 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> <p>a) Grant the application for renewal as made; or</p> <p>b) Refuse the application for renewal.</p> <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. 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>

	<p>a) to a person under the age of 18;</p> <p>b) to a person who is disqualified by reason of prior revocation of a licence;</p> <p>c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the 4 July 2011;</p> <p>d) to a body corporate which is not incorporated in an EEA state; or</p> <p>e) to a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.</p> <p>Having considered the information provided through the application process, the 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> <p>a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;</p> <p>b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.</p> <p>The application process requires applicants to provide comprehensive information about any convictions and a range of other information that may be relevant to consideration of grounds (a) and (b).</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> <p>(c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; BCP Council do not currently have a Policy which sets or limits the number of sex establishments thought appropriate in the BCP area.</p>
--	--

	<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>
--	--

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 15 August 2024 to permit the premises to continue providing relevant entertainment for a further twelve-month period.
2. A copy of the application is 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 for over 20 years. The current licence holders have been operating the premises since 2015. A copy of the current SEV Licence is attached at Appendix 3.
5. During the last twelve-month period of the SEV Licence no complaints have been received about the conduct of dancers and management of the venue. Environmental Health had cause to investigate a complaint of trailing cables and accumulation of waste to the rear of the premises.
6. A renewal application is required to enable the premises to continue to provide what is referred to as “relevant entertainment” in the legislation.
7. 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).”
8. 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.
9. Alterations are proposed to the layout of the basement, ground and lower ground floors. A schedule of the proposed alterations is attached at Appendix 4.
10. An application for minor variation under the Licensing Act 2003, in respect of the proposed alterations, was applied for and subsequently approved. A copy of the current Premises Licence and approved plans are attached at Appendix 5.

Consultation

11. 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.

12. 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 6.
13. The applicant has responded to the objection, a copy of the response is attached at Appendix 7. A copy of a letter from the Landlord is attached at Appendix 7a supporting the contention made by Mr Nicie of the adjoining premises remaining vacant.
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 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2009/27/section_27)

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

Appendices

- 1 – Copy Application
- 2 – Location Plan
- 3 – Current Sexual Entertainment Venue Licence
- 4 – Schedule of Alterations to Layout
- 5 – Premises Licence Summary and Layout Plans
- 6 – Copy Objection
- 7 – Applicant Response to Objection
- 7a – Copy Letter from Landlord

This page is intentionally left blank



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

**Licence for a Sex Establishment Application ~~for* Grant/~~ Renewal ~~/ Transfer/~~
Variation
(*delete as appropriate)**

1. Applicant Details

Surname	IVINS		
Forenames	Emily Jane		
Other Name(s) (if applicable)	as Director for and on behalf of Hampshire Restaurants Ltd		
Address	[REDACTED]		
Contact number(s)	[REDACTED]		
Email address	[REDACTED]		
Date Of Birth	[REDACTED]	Place of Birth	[REDACTED]
National insurance number	[REDACTED]		
Have you been resident in the UK throughout a period of six months immediately preceding this application?	Yes	Yes/No	


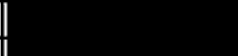
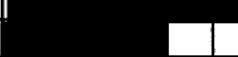

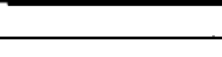

2. Trading company details

Company Name	Hampshire Restaurants Ltd
Managing Director	Emily Jane Ivins
Head Office Address	8 Barton Close Bradenstoke Chippenham SN15 4EZ
Address from which you operate if different from above	
Company number(s)	08502833
Company email address	[REDACTED]
VAT registration number	GB 241881014
Company registration number	08502833







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





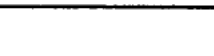
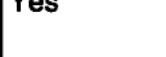
Person 1

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

Person 2

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

Person 3

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

4. Offences and convictions

Have you or any partners/directors in the company been convicted of ANY offence which is NOT regarded as being SPENT under the terms of the Rehabilitation of Offenders Act 1974	Yes/No No
--	--------------

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	X
Address of the premises	For Your Eyes Only 136-140 Old Christchurch Road Bournemouth BH1 1NL	
Name of the business		
Opening hours	Monday	00:01-00:00
	Tuesday	00:01-00:00
	Wednesday	00:01-00:00
	Thursday	00:01-00:00
	Friday	00:01-00:00
	Saturday	00:01-00:00
	Sunday	00:01-00:00

If a sex shop

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

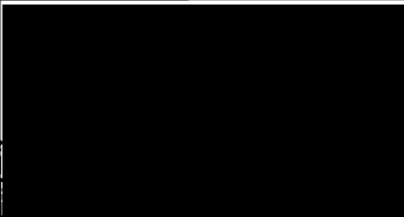



List articles to be offered for sale?	
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	

If a Sexual Entertainment Venue

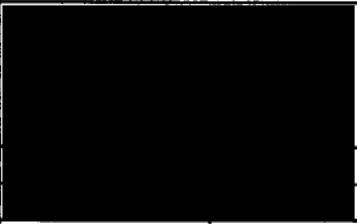


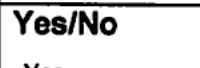
<p>Confirm if there have been any changes to the layout of the premises in relation to:-</p> <p>All designated performance areas including private booths or cubicles</p> <p>Welfare facilities room for performers</p> <p>Access and egress of the premises</p> <p>WC facilities for performers/patrons</p> <p>Smoking areas for performers/staff</p>	<p>YES/NO Yes, please see attached Schedule</p> <p>YES/NO Yes, enhancement as per attached Schedule</p> <p>YES/NO No</p> <p>YES/NO Yes, please see attached Schedule</p> <p>YES/NO No</p> <p>If YES provide plan with highlighted changes Attached</p>
<p>Do you currently have the following documents?.</p> <p>Written code of conduct for Dancers</p> <p>Code of Conduct for Customers</p> <p>Disciplinary Procedure Policy</p>	<p>YES/NO Yes</p> <p>YES/NO Yes</p> <p>YES/NO Yes</p> <p>No change to versions held by you</p> <p>If YES provide copies</p>
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	<p>Notices A4</p> <p>Any posters will be in the format and size agreed with the Licensing Authority</p>
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	<p>Activities requiring authorisation by a SEV Licence are limited to the LG Floor of the site which cannot be seen from the road</p>

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




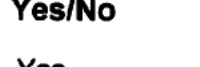
Manager 1

Surname	Nicie		
Forenames	Glenn Campbell		
Maiden Name (if applicable)	as Director for and on behalf of Playhouse Entertainment (Soton) Ltd		
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?	<div>Yes</div> <div>Yes/No</div>		

Manager 2

Surname	Metcalf		
Forenames	Jonathan Peter		
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?	<div>Yes/No</div> <div>Yes</div>		

Manager 3

Surname	Blanke		
Forenames	Adrian Bertolt		
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?	<div>Yes/No</div> <div>Yes</div>		

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

Person Name	Date of Conviction	Court	Offence	Sentence

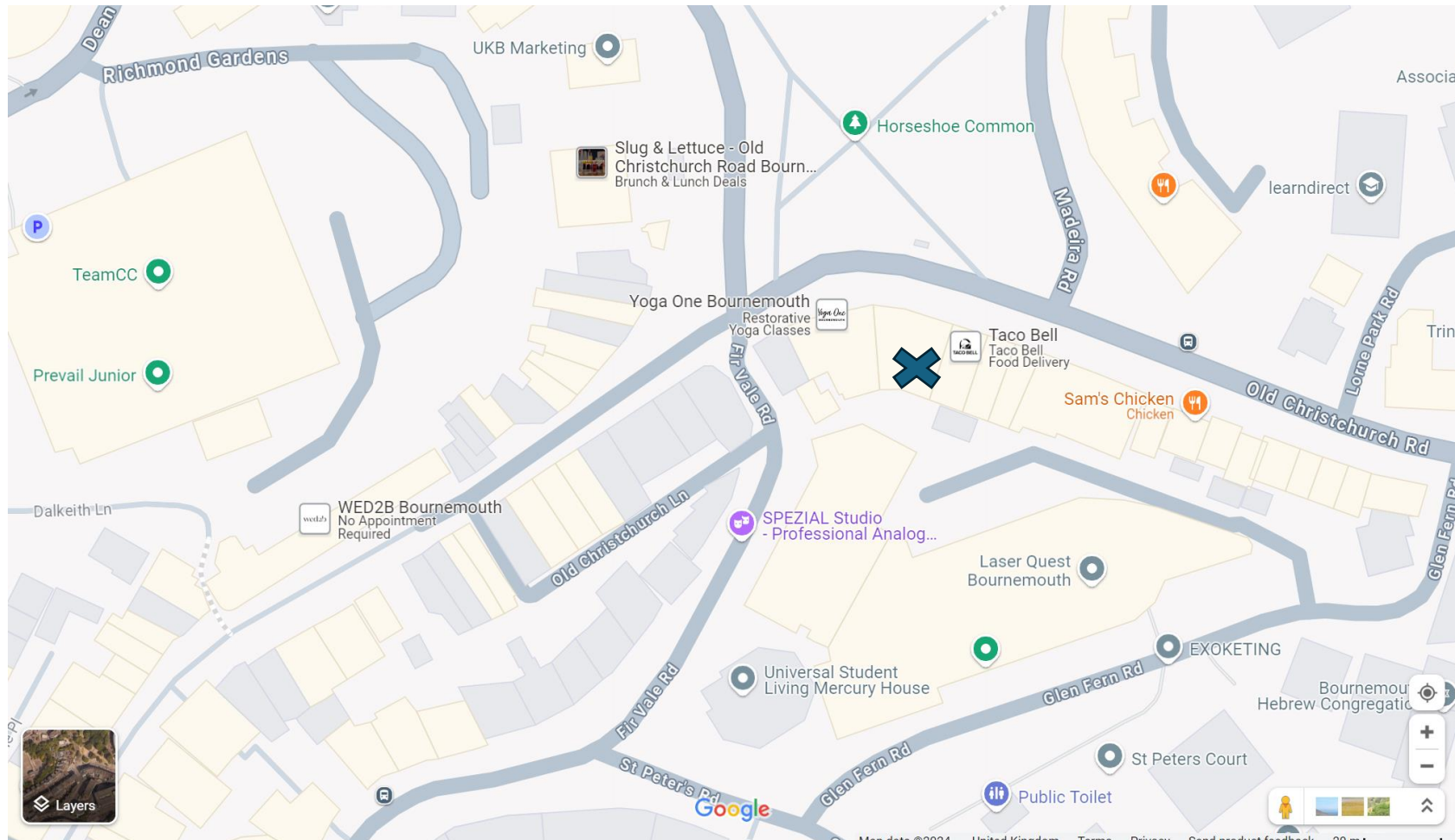
APPLICANTS ARE WARNED THAT ANY PERSON WHO IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE

DECLARATION that all information provided above is true and complete

Signature	Emily Ivins	
Date	12 th August 2024	
Capacity	Director of Hampshire Restaurants Ltd, the applicant company	

PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. In respect of individual applicants and each of those named in we require a copy of their birth certificate.
2. Three copies of a passport size photograph in respect of the applicant (if any individual) and each of those whose names appear in response to Questions 6 & 35. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. A site plan scale 1:100
4. Scale plans of the premises (1:100) in respect of which the licence is sought showing (interalia) all means of ingress and egress to and from the premises, parts used in common with any other building and details of how the premises lie in



✕ FYEO 136 – 140 Old Christchurch Road Bournemouth

This page is intentionally left blank

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

Hampshire Restaurant Ltd

to use the premises as a sexual entertainment venue at

FYEO

Hanover House 136-140 Old Christchurch Road Bournemouth BH1 1NL

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

PERMITTED HOURS

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

Dated this 26th October 2023

Licensing Manager
Mrs Nananka Randle

General conditions for Sex Establishments

1. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
2. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
3. A refusals register shall be kept and made available for inspection by an authorised officer of the Council or Police Officer.
4. The Premises shall be maintained in good repair and condition.
5. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the Premises shall not be made except with the prior approval of the Council.
6. The licence holder shall ensure a copy of the licence and of these Regulations are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended and shall be reproduced to the same scale as those issued by the Council.
7. The copy of the licence required to be displayed shall be suitably framed and the copy of these Regulations shall be retained in a clean and legible condition.

Standard Conditions – Sexual Entertainment Venues

Conduct and Management

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

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

12. An incident / refusal logbook shall be maintained at the premises. The incident / refusal log shall, as a minimum, give details of:

- Any persons refused entry to the premises and the reason for refusal
- Any persons ejected from the premises and the reason for ejection
- Any inappropriate behaviour by customers
- Any incidents of crime or disorder
- Any complaints made by customers, dancers or staff

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

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

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

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

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

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

Advertising, Premises Appearance and Layout

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

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

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

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

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

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

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

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

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

CCTV

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

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

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

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

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

Requirements for a code of Conduct for Dancers

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

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

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

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

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

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

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

Requirements for a Code of Conduct for Customers

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

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

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

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

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

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

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

Disciplinary Procedure

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

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

Code of Conduct for Dancers

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

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

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

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

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

50. Customers must remain fully dressed at all times.

51. Customers may not touch dancers during a performance.

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

53. Customers may not harass or intimidate dancer.

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

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

Staff welfare

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

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

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

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

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

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

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

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

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

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

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

This page is intentionally left blank

FOR YOUR EYES ONLY

136-140 Old Christchurch Road Bournemouth

Plan alterations

Drawing No 07130 13

Basement

Dancers' changing rooms are moved to the much improved and more accessible area on the ground floor.

The Basement area will now just be used for storage, male staff and female WCs and an office

Ground Floor

There will no longer be licensable activities on the ground floor, which will be converted to enhanced and upgraded dancer facilities for changing, including a WC and lockers. There will also be two offices in this area, which will assist with dancer security.

Lower Ground Floor

There are some minimal changes to the main customer area, including :

- A slight alteration to the layout of the private dancing area
- Replacement of two male WCs to the left of the reception area with a themed room
- The inclusion of two shallow steps up to the seating area to the left of the stage

This page is intentionally left blank

Premises Licence Part A

Premises licence number: BH082718

Postal address of premises, or if none, ordnance survey map reference or description:	
For Your Eyes Only 136 Old Christchurch Road	
Post town: Bournemouth	Post Code: BH1 1NL
Telephone number: 01202 311108	

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

The times the licence authorises the carrying out of licensable activities:
Films Monday - 00:01 to 00:00 Tuesday - 00:01 to 00:00 Wednesday - 00:01 to 00:00 Thursday - 00:01 to 00:00 Friday - 00:01 to 00:00 Saturday - 00:01 to 00:00 Sunday - 00:01 to 00:00 Exhibition of films will take place indoors. Live Music Monday - 00:01 to 00:00 Tuesday - 00:01 to 00:00 Wednesday - 00:01 to 00:00 Thursday - 00:01 to 00:00 Friday - 00:01 to 00:00 Saturday - 00:01 to 00:00 Sunday - 00:01 to 00:00 Performance of live music will take place indoors. Recorded Music Monday - 00:01 to 00:00 Tuesday - 00:01 to 00:00 Wednesday - 00:01 to 00:00 Thursday - 00:01 to 00:00 Friday - 00:01 to 00:00 Saturday - 00:01 to 00:00 Sunday - 00:01 to 00:00 Playing of recorded music will take place indoors. Performances of Dance Monday - 00:01 to 00:00 Tuesday - 00:01 to 00:00 Wednesday - 00:01 to 00:00 Thursday - 00:01 to 00:00 Friday - 00:01 to 00:00 Saturday - 00:01 to 00:00 Sunday - 00:01 to 00:00

Performance of dance will take place indoors.

Activity like Music / Dance

Monday - 00:01 to 00:00

Tuesday - 00:01 to 00:00

Wednesday - 00:01 to 00:00

Thursday - 00:01 to 00:00

Friday - 00:01 to 00:00

Saturday - 00:01 to 00:00

Sunday - 00:01 to 00:00

Entertainment will take place indoors of anything of a similar description that falls within live music, recorded music and performance of dance.

Late Night Refreshment

Monday - 23:00 to 05:00

Tuesday - 23:00 to 05:00

Wednesday - 23:00 to 05:00

Thursday - 23:00 to 05:00

Friday - 23:00 to 05:00

Saturday - 23:00 to 05:00

Sunday - 23:00 to 05:00

Provision of late-night refreshments will take place indoors.

Supply of Alcohol

Monday - 00:01 to 00:00

Tuesday - 00:01 to 00:00

Wednesday - 00:01 to 00:00

Thursday - 00:01 to 00:00

Friday - 00:01 to 00:00

Saturday - 00:01 to 00:00

Sunday - 00:01 to 00:00

The opening hours of the premises:

Monday - 00:01 to 00:00

Tuesday - 00:01 to 00:00

Wednesday - 00:01 to 00:00

Thursday - 00:01 to 00:00

Friday - 00:01 to 00:00

Saturday - 00:01 to 00:00

Sunday - 00:01 to 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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Hampshire Restaurant Ltd 8 Barton Close Bradenstoke Chippenham SN15 4EZ

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

08502833

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
--

Mr Jonathan Peter Metcalf

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
--

RM1918 Rotherham Metropolitan Borough Council
--

Annex 1 – Mandatory conditions

Mandatory Conditions (Sections 19,20,21 LA 2003)

- 1.1. There shall be no sale or supply of alcohol when there is no designated premises supervisor in respect of this premises licence or at a time when the said premises supervisor does not hold a personal licence or when his/her licence is suspended.
- 1.2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- 1.3. Any person used to carry out a security activity as required under condition 2.2.1 below must be licensed by the Security Industry Authority.
- 1.4. Admission of children (under the age of 18) to any exhibition of films must be restricted in accordance with the film classification body designated as the authority under Section 4 of the Video Recordings Act 1984.
- 1.5. Where the film classification is not specified, or the relevant licensing authority has notified the premises licence holder under Section 20 (3)(b) of the Licensing Act 2003, the admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

- 1.6.
 1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises –
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti- social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 1.7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 1.8.

1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
2. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

1.9. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014

1.10.

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating schedule

Prevention of Crime and Disorder

- 2.1 The licensee shall maintain the existing CCTV system to the standard set by the Dorset Police and in conjunction with which the system is installed.
- 2.2 The licensee shall retain recordings for 28 days, which shall be delivered to the Police on request (subject to the Data Protection Act 1998).
- 2.2.1 SIA licensed door staff shall be employed, and their duties shall include:
- 2.2.2 Checking that entrants are over 18 years old.
- 2.2.3 Monitoring customers and performers to ensure that the Golden Rules are being obeyed and enforcing if necessary.
- 2.2.4 Checking that the capacity levels are not exceeded.
- 2.2.5 Monitoring general customer behaviour and enforcement of the Drugs Policy.
- 2.3 The only identification that shall be accepted shall be that approved by PASS, photo driving licences or passports.
- 2.4 All staff shall receive suitable training in order to meet with the requirements of the Licensing Act 2003.
- 2.5 There shall be no irresponsible drinks promotions (e.g. all you can drink for £10).
- 2.6 The Golden Rules regarding customer behaviour shall be implemented at all times that the premises are operating with adult entertainment. A copy of these Rules is deposited with the council and Police and shall not be altered without their consent.

- 2.7 The content of the Rules shall be made known to customers prior to their admission to the dancing area.
- 2.8 Insofar as it is practical and possible, a Personal Licence holder shall be on the premises at all times that licensable activities are taking place.
- 2.9 The operators of the premises shall be members of Town watch (where such a forum is in existence) and shall participate in Town watch initiatives (e.g. 'Banned from One, Banned from All').
- 2.10 The premises shall maintain an accurate incident book, which shall be available for inspection by an authorised officer on request.

Public Safety

- 2.11 No alteration which would result in it being impossible to comply with an existing licence condition shall be made without first seeking variation of the Premises Licence to delete or amend the condition(s) in question.
- 2.12 The dancers' Code of Conduct shall be implemented at all times that adult entertainment is offered at the premises. The Code is deposited with the Council and Police and shall not be altered without their consent.
- 2.13 The Fire Risk Assessment for this site both individually and as a whole shall specifically address the issue of the safe capacity and its control. A copy of the Assessment shall be delivered to the Fire Officer.

Prevention of Public Nuisance

- 2.14 Noise and vibration shall not be allowed to emanate from the premises so as to cause a nuisance to those living or working in the area.
- 2.15 If it becomes necessary, notices shall be displayed at the exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

Protection of Children from Harm

- 2.16 Under 18's shall not be permitted on the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plans

This licence is issued in accordance with the plan number M220216 dated 31.08.24, as attached.

For Your Eyes Only
136-140 Old Christchurch Road, Bournemouth.

Premises Licence Part B

Premises licence number: BH082718

Postal address of premises, or if none, ordnance survey map reference or description:	
For Your Eyes Only 136 Old Christchurch Road	
Post town: Bournemouth	Post Code: BH1 1NL
Telephone number: 01202 311108	

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

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

The opening hours of the premises:
Monday to Sunday - 00:01 to 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:
Hampshire Restaurant Ltd, 8 Barton Close, Bradenstoke, Chippenham, SN15 4EZ

Registered number of holder, for example company number, charity number (where applicable):
08502833

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:
Mr Jonathan Peter Metcalf

State whether access to the premises by children is restricted or prohibited:
See conditions 1.4, 1.5 & 2.16

Issued: 24 November 2005
Revised: 31 August 2024 (Minor Variation)

Mrs Nananka Randle
Licensing Manager

This page is intentionally left blank

LETTER OF OBJECTION TO RENEWAL OF SEV LICENCE

FYEO 134-136 OLD CHRISTCHURCH ROAD

This is my objection to the premises used as FYEO being granted a Sex Establishment, SEV Sexual Entertainment Venue License.

It is set out for ease of reference, broadly in the order used in the Home Office Guidance on licensing Sex Establishments relating to refusals.

This guidance is not law, but is a reasonable summary of relevant law at the time it was written, with a few areas with room for improvement.

Unlike guidance from the government which parliament has allowed to be part of the law, eg that issued for highways and planning decision made by councils, this guidance can't add to or take away from the law. It is just guidance, not statutory guidance.

It is by now out of date as the Equality Act either wasn't in operation at the time it was written or its impact hadn't been considered.

It is misleading on at least three points.

One is saying at that refusals can only be made on certain points contained in Local Government Misc Act 1982. It should say, refusals made under the Local Govt Misc Act 1982 (LGMA 1982) can only be made on the points listed in that Act.

In fact in reaching a decision a council must consider all relevant law, so that law passed since the guidance was issued must be considered, as must all the law other than the LGMA which is relevant. Failing to consider any relevant law can result in a Judicial Review of a council's decision.

The second point is stating the moral objections cannot be considered by a council in reaching a decision. Veterans of licensing law will of course have immediately spotted the glaring error in this in omitting the word "purely" or "solely". This dates back to the days when the temperance movement was much stronger so that people would object to sale of alcohol on moral grounds. In fact, as BCP council discovered to its cost in a Judicial Review judgement, this omission is highly misleading as a moral objection can be made as long as it links to relevant law. Further, the case law which confirmed that purely moral objections couldn't be made went on to state that the dubious morals of those who might be attracted into a neighbourhood by the presence of a sex establishment could be considered when deciding on locality or the nature of nearby premises.

Thirdly it is misleading as it suggests that locality is only something to be considered in setting the number of premises a local authority considers appropriate to that locality. In doing so, it glosses over the ability of a local authority to refuse a license on the basis of locality, including the character of that locality, whether or not a number of establishments appropriate to that locality has been set by a policy. I have had at least one councillor, not on the licensing committee, feed back to me that they believe a policy must exist in order for refusals to be made on the basis of locality. Section 3(d) of Schedule 3 to the LGMA allows a refusal on the basis of character of the locality. Section 3(c) of the same schedule allows council to set a

maximum number of establishments, which BCP has not done. They are separate sections and the Home Office guidance has confused them. You definitely have power to refuse based on character of locality whether or not there is a policy in place limiting the number of licensed sex establishments in the locality.

I object on suitability of the applicant for the same reasons as last year and cite Hussain and others v L B Waltham Forest 2019 as the most recent confirmation of what was perfectly good law when I learnt about it over thirty years ago. At time of writing it is still on the Judiciary website on this link <https://www.judiciary.uk/wp-content/uploads/2020/11/Hussain-v-Waltham-Forest-judgment.pdf>

I also object on suitability on the basis that on a recent application to vary the premises license the applicant filed a plan which does not appear to comply with the relevant regulations made under the Licensing Act 2003. This is the subject of another objection to that application at time of writing.

The Judicial Review judgment on BCP's licensing policy suggested it was reasonable to give credit for a club having operated for some time. This doesn't mean that you are bound to grant a license because of this but that it is a reasonable consideration. However, I say that it cuts both ways and you shouldn't assume that just because someone has been operating for some time that there have never been any issues there. In the year leading up to the hearing last year your officer had visited and seen breaches which resulted in a reminder that the performers should not get too close to the customers. I would suggest that to reinforce this, that if you are minded to grant a license, that you set a condition that has been used by other authorities so is quite reasonable, that the dancers are always at least one metre away from all parts of their customer or customers during a dance where the level of nudity requiring a sex establishment license is reached or expected to be reached.

Also in the past the sister club in Southampton operated by the applicants was reported in the press to have experienced an incident involving a large amount of money being taken from a customer beyond what would reasonably be expected. I suggest that you impose a condition, if you do decide to license, that non cash payments can only be collected from customers into an account for which the applicant or at least one of the directors is a named account holder. In these days of hand held devices or even phones being used to collect payments that run on mobile phone networks, this would protect against a rogue member of staff repeating the incident reported in Southampton. Although the performers may, as is not uncommon in this industry, be self employed, there is nothing to prevent the applicant or its directors collecting the payments into an account for the performers in this way.

On suitability I ask you to consider the recent BBC report on a strip club in Newcastle also trading under the name FYEO which is highly critical of that establishment.

The above relates to suitability of applicant. I also object on basis of suitability of the premises, given that the alley at the rear of the property which previous documents filed suggested is the route to be used by performers to leave, is frequently partially blocked by overfilled bins and on occasions fly tipped food waste. This alley is not as I understand it under the direct control of the applicant, so that if the performers must leave in this way to avoid encountering customers in the street, then this doesn't seem safe. I have made various reports to Environmental Health showing pictures of the state of this alley and explained the smell coming from it on at least one occasion, so that expecting anyone working at the premises to walk here seems unreasonable.

I object on the basis of the locality given that it is reasonable to use the qualities of the locality included within BCP's now quashed Licensing Policy on Sex Establishments. It was not

quashed on the basis of unreasonableness of the qualities of a locality that could justify refusal, so it should be assumed that it is perfectly reasonable to refuse on those qualities. The area is a Conservation Area on the basis of being historic and is in fact one of the first parts of the mainly new seaside resort which the Victorians built. An historic tour of the buildings of Bournemouth is currently being trialed taking in a different period, commissioned to see whether tourists will come to Bournemouth to learn about its history. They came, this summer, and I went on the trial tour, which was very well supported. It should be assumed that the historic nature of the Old Christchurch Road area will attract people looking to learn about history, so is not compatible with sex establishment licensing for that reason.

The planning policies since 2013 at least have been permitting conversion to residential properties, and this has been compounded by recent policy to allow this to happen without parking. Planning applications abound in the area which are for residential or student accommodation.

Young people also abound in the area, with the previously mentioned new Academy at Stafford Road spilling out more schoolchildren onto the street, making any licensing, let alone 24/7 totally inappropriate. There are student residences nearby, foreign student parties with logo's back packs regularly make their way on foot up this road, and there is even student accommodation above the premises.

Vulnerable people also abound in the neighbourhood, with the drug rehabilitation services just up the road and a centre for refugee support having opened last year nearby. I have not visited the area in the morning recently so don't know if it still as heavily populated with people sleeping in doorways, who are in every sense vulnerable.

At time of writing I haven't done a filtered search by ward on the planning section of BCP's website to see how many residential applications have been made, but hope to have done so by the time of any hearing.

Not in the policy, but also a perfectly reasonable consideration for locality, is the rise of "hot desking" establishments. For example Walton House on nearby Richmond Hill (nearby as in a short walk, ie just over five minutes) such an establishment offer 24/7 facilities. People walking or cycling as one would expect in a town centre low on parking facilities, can't be expected to dodge stag parties up to 30 strong either turning out in the early hours or on their way to the strip clubs. This applies to anyone working shifts such as NHS workers, carers and particularly to those starting work early in the morning cleaning at the same time that strip clubs close.

There are also various open spaces such as Horseshoe Common, the churchyard of St Peters and Bournemouth Gardens. It is not stated in the policy but the usual reason for discouraging sex establishments here is to discourage the use of the open spaces for prostitution. You do not need to see any evidence of these places being used for prostitution to reasonably refuse on this basis. In addition press reports of rapes and sex assaults at this location are not uncommon. I ask you to take into account the complaints in the feedback on a consultation on BCP's licensing policy (ibid) of harassment by strip club customers in deciding whether it is reasonable to assume that the presence of strip clubs contributes to the sexual assaults reported in the area. The presence of strip clubs contributes to a misogynist culture where women are objectified not just in the place of entertainment but afterwards in the home, in relationships, in the workplace, at college and in public places. It is your Statutory Duty under the Equality Act to promote good relations between the sexes and not just prevent but actually eliminate harassment so you are quite entitled to refuse to license on that basis. As mentioned above you do not need to limit your reasons for refusal to the LGMA 1982 but can refuse on

the basis of any relevant law. At time of writing BCP's webpage still doesn't include the duty to eliminate harassment as part of the Public Sector Equality Duty under the Equality Act, but I can assure you, it is part of that Statutory Duty. Failure to meet this duty was part of the reason for the Judicial Review, *ibid*.

As mentioned the quashing of the policy certainly doesn't stop you refusing on locality or anything else in the policy. If it had limited the number of sex establishments in the area then this would stop you relying on this part, but it didn't.

With regards to premises whose use makes the licensing inappropriate, the distance should be judged on walking distance, given that lack of parking and a traffic order preventing driving in the area at night make it inevitable that people will be walking past this establishment without the protection of a car. From that perspective, nearby is St Peter's Anglican Church, The Oratory Roman Catholic Church, The Shule, and the Mosque, all places of religious worship. Also nearby are the places mentioned above in the locality section.

In addition to the points regarding the Equality Act already mentioned impact on groups with protected characteristics needs to be considered. This includes but isn't limited to , sex, religion and disability.

A Christian priest objected in previous Bournemouth strip club hearing to licensing on the basis of damage to relations between the sexes, stating that he had seen in his pastoral work the damage which can be done when impressionable people are lured away from their partners. Another objection to a different establishment's license was made by Bournemouth's mosque, prompted by the window display. Another objection was made to a different establishment, on the basis that a vulnerable adult had used a credit card and his carer was very concerned by how much had been taken from him. As a result of this I believe that some sort of condition was imposed to form a policy to ensure that vulnerable adults were not exploited on the premises. It was women that complained of street harassment in the consultation already mentioned, and sex is a protected characteristic. I repeat that if an operator or the site of a premises is to be given credit for being open for some years, then you should also be open to hearing of issues that have given rise to complaints over those years. Having been granted a license in the past doesn't wipe the slate clean. You as a committee are entitled to look at exactly the same circumstances with fresh eyes and come to a different conclusion. You are also entitled to look at issues cumulatively over the years in deciding whether to license.

Other Law, human rights, general moral, equality act.

As well as law, it is also necessary to consider relevant policies of BCP council in reaching your decision, as part of the Administrative Law, the remedy for which is Judicial Review.

Licensing would conflict with BCP's tourism strategy which includes "improved accessibility and inclusivity" because of the harassment complained of by women in the feedback *ibid* by strip club customers. Promoting a misogynist cultural offering is not in line with improved inclusivity. The presence of the strip clubs in Bournemouth centre over three decades has driven out department stores through staff not wanting to walk near them, and is now driving out other facilities such as Halo nightclub which shut soon after a Freedom of Information report into sexual assaults at this establishment and others in Bournemouth town centre. <https://democracy.bcpccouncil.gov.uk/documents/s40800/Appendix%201%20for%20Tourism%20Strategy.pdf>

It is also at odds with the Bournemouth Town Centre Action Plan. With regard to upper Old Christchurch Road where the premises are situated, at 2.5.2 it specifically states that evening activities should not dominate to the detriment of daytime activities. Here the premises

immediately adjoining those occupied by the applicant have been largely empty, in contrast to most of the rest of Old Christchurch Road, for many years, as the Google Street view and people's memories can attest. I don't know why they are empty but would hazard a guess that the presence of the strip club there deters others from occupying the shop next door and bar and offices above. Some parts are occupied but much is not. <https://www.bcpccouncil.gov.uk/documents/planning-and-building-control/AAP-final-adopted-2.pdf>

It is also at odds with BCP's Cultural Strategy for the same reasons as the Tourism Strategy, namely a clash with the equality objective. Moreover "leveraging the power of culture for improved wellbeing and quality of life" is not something being met by the strip club industry according to the numerous people who have exited this work and now campaign against licensing of strip clubs. I am not however aware of any who specifically state that they have worked in the applicant's establishments. <https://democracy.bcpccouncil.gov.uk/documents/s40799/Appendix%201%20for%20Our%20Strategy%20for%20Culture%202023%20-%202032.pdf>

Bournemouth Central Ward's draft planning policy at BC5 shows the area immediately behind the premises as somewhere to bring more residents into the area, so supporting the assertion above that this is a growing area for residential use. Strategic Policy P5 for Bournemouth Central includes improvement of the safety of pedestrians on roads including Old Christchurch Road. Although this is usually equated with safety from being injured by a car, safety from the appallingly high street crime in Bournemouth Central according to the Crime Map based on police data and safety from street harassment by strip club customers is also relevant. Street crime has been shown to be higher in the areas around strip clubs in a large fairly recent American study. In my view sexual frustration, the business model of a strip club, must contribute not just to street violence against women, but also between men in the streets nearby and then later in domestic violence on returning home to a partner. Whilst in a strip club the customers are provided with some supervision by staff including security staff, but these people cannot offer any protection outside the club. The documents filed on how the applicant's establishment is run in last year's hearing made clear that this was a concern and went so far as to ban performers from visiting late night bars nearby in case of the presence of customers.

By undermining walking in the area licensing will be at odds with the Green Infrastructure Strategy <https://www.bcpccouncil.gov.uk/leisure-culture-and-local-heritage/parks-and-open-spaces/green-infrastructure-strategy>

Licensing will also be at odds with the spirit of BCP's bus service improvement plan which aims to make bus travel safer. The taxi rank has already been moved from outside these premises some years ago and the same problems will continue to deter bus travel using to stop across the road for early morning journeys that clash with strip club closing times. <https://www.bcpccouncil.gov.uk/Assets/About-the-council/BSIP-report.pdf>

BCP also has a safeguarding adults policy which includes vulnerable adults. Whilst it doesn't specifically cover preventing establishments being licensed where there are vulnerable people

present it is against the spirit of the policy which is designed to protect these people. To return to the locality element on which refusal to license can be made, case law, as previously mentioned states that people of dubious morality will be attracted into a neighbourhood by the presence of a sex establishment. There is no suggestion that there is any exploitation whatsoever in the applicant's premises. However, the risk is that outside the premises vulnerable people may be drawn into exploitative situations by those attracted into the locality. Those housed precariously or rough sleeping, those who are drug dependent and those who are refugees for example are all particularly vulnerable to exploitation because of very limited available income.

Licensing will further undermine the work of BCP's economic development team because, as mentioned, premises above and to the side of the applicant's premises are empty.

Green Infrastructure Strategy

Our objectives to support a sustainable environment, dynamic places, connected communities, brighter futures and fulfilled lives.

www.bcpCouncil.gov.uk

You may have heard the Human Rights legislation discussed in relation to strip club licensing.

In this country the main legislation is the Human Rights Act 1998. Adverts by third parties exist online offering stag on stage services at FYEO Bournemouth. If these are being offered, which I don't know, I suggest a license condition be imposed banning the humiliation of any customer as well as the existing conditions preventing bad treatment of performers. This can be justified under Article 3 "No one shall be subjected to ...degrading treatment..." listed in the Human Rights Act above.

Article 10 on freedom of expression is also frequently discussed. If the applicant should raise this I direct the committee to the ability to restrict this on the basis of various things, including "morals".

With regard to the Equality Act already mentioned above I would reiterate that if a moral objection is made, by someone who is part of a group with a protected characteristic, eg sex, religion, disability, veterans, poverty (as defined in BCP area) then the impact of licensing on people with that characteristic should be considered.

I would like to point out that although the documents filed last year mention that performers should get a police check of some kind done. As the applicant mentions at Companies House that they have only one employee, there is no legal duty to check right to work of anyone working at the premises. I would suggest that a condition be made for any license granted either that everyone working at the premises has a contract of employment with the applicant or that they produce right to work documentation to them to be kept securely and made available to council officers on request. I believe that there are many refugees in Bournemouth because of the hotel accommodation available so that the risk of exploitation is high.

Finally, if offered the opportunity of appearing before the committee to represent this objection to them, I would ask that I be permitted to read it through in the interests of fairness. I have attended several other hearings and the applicants appear to be able to go through their statements and it seems only right that I should be able to read this to the committee.

For Your Eyes Only (FYEO)

136-140 Old Christchurch Road, Bournemouth, BH1 1NL

SEV Licence renewal : Hearing 3 October 2024

Background

The Council gave For Your Eyes Only (FYEO) the licence required to enable it to operate as what is now known as a Sexual Entertainment Venue, then called a table dancing establishment, on this site in the last century. It was one of the first in the country then, and remains the oldest such venue in the country now. It is suggested that such exceptional longevity is due to both the professionalism and ability of those running the venue and the quality of the offer. FYEO has always prided itself on a very expensively and tastefully decorated and furnished club, and on the safe, supportive and secure environment provided for dancers and customers alike.

Having been awarded its initial licences by the Magistrates' Court and Bournemouth Borough Council respectively, which were converted into a 24 hour premises licence on transition, the Club was granted a Sexual Entertainment Venue Licence (SEVL) when legislation was enacted requiring this, in 2010.

This year sees the management of the venue turning almost full circle, with Glenn Nicie's management company taking over the reins again, on behalf of the applicant company, Hampshire Restaurants Ltd, which has had control since 2015. Glenn is very well known and respected as an SEV operator across the country, and he and his team will bring with them the confidence and reliability of unparalleled experience.

The SEV licences have been renewed annually, without objection from any responsible authority.

The application for renewal

The details are before the Committee. It will be noted that fundamentally the same team that has successfully controlled this site for many years continues to operate FYEO, and that there are no objections from, or indications of complaints to, the responsible authorities in respect of this operation since its last renewal.

There is, however, a detailed objection before you from a member of the public. This objection to the renewal of the SEVL is made on similar grounds to those made in several previous years, including last year. The applicant acknowledges the right for the objector to bring their concerns before the Committee and would respond to the specific points made, where relevant, as follows :

RESPONSE TO OBJECTION

1. Government Guidance relating to Sexual Entertainment Venues.

Published in March 2010 to 'provide advice to local authorities, operators, local people and other interested parties', this remains the extant Guidance. It is always open for Government to update or amend the Guidance it promulgates if necessary

(as regularly seen in other licensing Guidance) but it has not seen fit or found it necessary to change this Guidance.

2. Suitability of the Applicant.

A) Even if it were accurate or relevant, the person the subject of the reference to caselaw is no longer on the management team/part of the application, and this reference must be expunged.

B) The application for Minor Variation was made and properly considered under the Licensing Act 2003. There were no objections from any statutory authority. The plan alteration permits the considerable enhancement of dancers' facilities, and results in the reduction of the licensed area.

C) There has only been one objection to the renewal application, and none from statutory authorities, or those living or working in the immediate neighbourhood. There have been no adverse comments on the operation of the premises since the last renewal and there are absolutely no grounds to suggest the imposition of a 1m contact rule would be appropriate.

D) The historical reference to the Southampton FYEO has been considered by the Committee on past renewals, and is irrelevant. There are safeguards in place to protect customers. The suggested condition is both unnecessary and inappropriate.

E) Newcastle. The FYEO there is part of the same franchise, but is under different club ownership and management. The BBC report related to some damp and leaking sewerage issues that two clubs in Newcastle, including FYEO, had this summer. The water ingress was outside FYEO's control. The clubs were closed until the issues were resolved.

3. **Suitability of the Premises.** To avoid any issues with dancer use of the service lane for exit, there is now provision for staff and dancers to enter and leave safely at 140 Old Christchurch Road. Customers are only permitted to enter and leave via 136 Old Christchurch Road.

4. Locality.

A) Historic nature of area. Bournemouth Walking Tours, which appears to provide an excellent service, has been established since 2021. They have not made any comment or objection to or about the Club having any adverse effect on the walks or being detrimental to the area. The historic Bournemouth walk tour is during daytime hours.

B) As stated last year to such an objection, the accommodation over FYEO has been used as student accommodation for many years. There has still been no complaint from students occupying this, or indeed any other, accommodation, about FYEO or its customers. The Livingstone Academy has been open since September 2021 although it is now increasing its student intake. There has been no complaint or objection from the Academy or any of its students, which is not surprising as the Academy does not operate during FYEO's opening hours of 10pm to 6am. The exterior of the Club is so muted as to its activities that it has recently been asked if it was a Chinese Restaurant!

- C) Hot desking/co-working is becoming more popular and there are several venues on offer in Bournemouth and its surrounds. Several do not offer 24/7 access and none are in the vicinity of FYEO. There is nothing new about shift working, and there have been no complaints or objections raised by shift workers in the past.
- D) The Council has invested in improvements in the area, and in the open spaces. These allegations concerning prostitution and sexual assaults in the immediate area were raised last year, and yet again we are able to confirm that there has been no suggestion that FYEO or its customers have in any way been connected with any issues that there may have been. The number of sexual assaults reported specifically by Dorset Police in their News bulletins in Bournemouth South during the last year that the SEVL has been in force, has in fact more than halved on the previous year, being only 6 in the year October 2023 to date. None were anywhere near FYEO, with 3 centred round the beach area, 2 in non-SEVL clubs and 1 on the East Cliff where the man was known to the female victim of violence. There continues to be no indication that prostitution is a problem in open spaces in this vicinity. We have no doubt that, if the Police believed that SEVs contributed to higher rates of street crime in the vicinity as suggested by the objector, they would have raised an objection to the SEVs and their subsequent renewals – but they have not.
- E) Contrary to the objector's assertion that SEVs cause sexual assaults away from the premises, there is clear evidence that the number of such assaults against women, especially in their own homes, increased exponentially over the pandemic period when SEVs were closed by Government.
- F) Re the places of worship, as stated when a similar objection was raised last year, these premises are very unlikely to be open when the Club is open, and again no objection or complaint has been received by FYEO from any of them.
- G) FYEO are highly responsible operators, and have a Vulnerable Persons' Policy.
- H) FYEO selected this site in the 1990s because the area was one primarily of a late night entertainment culture, with a high number of restaurants, bars and clubs. With some of Bournemouth's major nightclubs closing down, having suffered the same economic and footfall pressures of the major stores that have closed over the past couple of years (and we totally refute any suggestion that any of the stores closed because staff objected to walking past our SEV!) this is probably now the prime late night entertainment area of the town. The partial pedestrianisation of Old Christchurch Road in the stretch between Wiggle and FYEO between 11pm and 5am indicates the Council's acceptance of customer movements from the various entertainment venues abounding in that area during those times. Most of the late night operations have the same terminal hour as FYEO, ie 6am. Although operators naturally come and go, there is still a predominance of restaurants, bars, late night takeaways and nightclubs here. Unfortunately, the current economic climate means that some premises remain unoccupied but there has been no suggestion from Landlord or Agent that the presence of FYEO has anything to do with that. Very similar objections were raised to Wiggle's renewal application (at 159 Old Christchurch Road) in June this year, which were fully taken into account by the Committee. They nonetheless decided that, having regard to the character of the locality and use to which other premises were put, that the location was not thought inappropriate and the application for renewal was granted. Of course, this application will be considered on its own merits, but we would respectfully

submit that there has been no change in the area which would make it inappropriate for this long established and well run club to be refused the right to continue to trade here.

5. **BCP Policies.** The renewal application to be considered by the Committee is a quasi-judicial and regulatory matter. The main statutory issues governing this function are as set out in the Report, which we commend to the Committee.

6. **Human Rights Act.** The popular 'stag on stage' package is a congratulatory celebration of the groom-to-be, and is most certainly neither humiliating nor degrading.

7. **Equality Act and PSED.** The duties in respect of this application will be considered mainly in the context of sex. FYEO welcomes and protects customers of a variety of professed genders, in which respect no discriminatory judgments are made. The Club often hosts couples or groups other than men, who come to enjoy the relaxed, safe, and sophisticated facilities, where music is not predominant. All customers mix harmoniously with each other, and with our staff and performers, fostering good relations between this diverse group. There is no evidence to suggest that customers of FYEO harass women in the street, or otherwise behave in a manner which would be contrary to the ethos of PSED, or that vulnerable persons are drawn into exploitative situations. There are strict controls in place to ensure the safety and wellbeing of dancers and customers, and compliance with legal requirements.

morgans

PROPERTY CONSULTANTS

Roddis House, 4-10 Old Christchurch Road, Bournemouth, BH1 1LG DX: 59305 Hendon
Tel: +44 (0) 1202 039724

To Whom It May Concern

23rd September 2024

Hanover House, 134/138 Old Christchurch Road, Bournemouth

Morgan Management have been the Landlord's managing agents for Hanover House, since 2016.

While there are vacancies in the upper floors, however since 2016 there have been lettings agreed.

It is our option, the reason for the vacant office accommodation is unrelated to the basement use (which is not open during working hours).

Rather we consider it is directly related to the general change in working patterns and reduced demand/interest in town center offices .

Yours Faithfully



Adrian D Thomson BSc (Hons) MRICS
Regional Head of Property Management

This page is intentionally left blank