

# Notice of Licensing Sub-Committee



Date: Wednesday, 13 November 2024 at 10.15 am

Venue: Committee Room, First Floor, BCP Civic Centre Annex, St Stephen's Rd, Bournemouth BH2 6LL

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## Membership:

Cllr A Filer

Cllr D A Flagg

Cllr E Harman

## Reserves:

Cllr M Howell (1)

Cllr P Hilliard (2)

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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=5855>

If you would like any further information on the items to be considered at the meeting please contact: Michelle Cutler 01202 128581 on 01202 096660 or email [democratic.services@bcpCouncil.gov.uk](mailto:democratic.services@bcpCouncil.gov.uk)

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

This notice and all the papers mentioned within it are available at [democracy.bcpCouncil.gov.uk](https://democracy.bcpCouncil.gov.uk)

GRAHAM FARRANT  
CHIEF EXECUTIVE

5 November 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](mailto: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. Havana, 61 Charminster Road, Bournemouth BH8 8UE - Request to adjourn review of premises licence**

The Licensing Authority has received an application from Dorset Police to review the premises licence for the premises known as Havana, 61 Charminster Road, Bournemouth BH8 8UE.

The Sub Committee is asked to adjourn the hearing until 26 November 2024 to enable the premises to be legally represented at the hearing. This is in accordance with Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005 and is with the agreement of all parties.

**6. Simply Pleasure.com, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT**

11 - 46

ABS Holdings have applied for the renewal of the Sex Establishment Licence to permit the premises known as 'Simply Pleasure.com', 333 – 335 Holdenhurst Road, Bournemouth BH8 8BT, to trade as a sex shop for a further twelve-month period.

The Licensing Authority has received three objections and two letters in support.

This matter is brought before the Licensing Sub Committee for determination.

**7. Exclusion of Press and Public**

In relation to the items of business appearing below, the Committee is asked to consider the following resolution: -

'That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as

defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.'

**8. Consideration of the continued suitability of a Hackney Carriage Driver in the Bournemouth Zone**

47 - 118

The Licensing Sub-Committee is asked to determine whether the driver remains 'fit and proper' to hold a Bournemouth Zone Hackney Carriage driver licence.

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.

## **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](mailto:democratic.services@bcpcouncil.gov.uk)



## Appendix A

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

1. The Licensing Officer presents report.
2. Questions of the Licensing Officer on their report. Members of the Sub-Committee to go first, then the applicant/licence holder.
3. Applicant will make their Application.
4. Questions of the Applicant by all parties, Members of the Committee/Sub-Committee to go first.
5. Responsible Authorities and Other Persons will make their representations.
6. Questions of the Responsible Authorities and Other Persons. Members of the Committee/Sub-Committee to go first.
7. All parties will be given an opportunity to sum up (with the party who spoke last to go first). The hearing will then conclude.
8. Sub-Committee will deliberate in private with Legal Adviser and Clerk present. (Councillors new to Licensing may observe but will not take part in the decision making).
9. Notification of the Sub Committee's decision will be given in accordance with the requirements of the Licensing Act and Gambling Act regulations. For other hearings, where possible determination will be within the period of five working days beginning with the day or the last day on which the hearing was held.
10. The notification of decision will include information about the right of appeal as appropriate.



## Appendix B

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

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

Adopted by the Licensing Committee on 7.12.23

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## LICENSING SUB-COMMITTEE



Report subject	<b>Simply Pleasure.com, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT</b>
Meeting date	13 November 2024
Status	Public Report
Executive summary	<p>ABS Holdings have applied for the renewal of the Sex Establishment Licence to permit the premises to trade as a sex shop for a further twelve-month period.</p> <p>The Licensing Authority has received 3 objections and 2 letters in support.</p>
Recommendations	<p><b>It is RECOMMENDED that:</b></p> <p><b>Members are asked to decide whether to:-</b></p> <ul style="list-style-type: none"> <li><b>a) Grant the application for renewal as made, or</b></li> <li><b>b) Refuse the application for renewal.</b></li> </ul> <p><b>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.</b></p> <p><b>Members must give full reasons for their decision.</b></p>
Reason for recommendations	<p>The Council may refuse an application for renewal on one or more of the following grounds:</p> <ul style="list-style-type: none"> <li>(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;</li> <li>(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;</li> <li>(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;</li> <li>(d) that the grant or renewal of the licence would be inappropriate, having regard—</li> <li>(i) to the character of the relevant locality; or</li> </ul>

	<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>(4) Nil may be an appropriate number for the purposes of subparagraph (3)(c) above.</p> <p>(5) In this paragraph “the relevant locality” means –</p> <p>(a) in relation to premises, the locality where they are situated; and</p> <p>(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.</p>
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Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Jillian Kay – Director of Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	East Cliff & Springbourne
Classification	For Decision

## Background

1. An application for the renewal of the Sex Establishment Licence was made on 18 September 2024 in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
2. A Sex Establishment Licence permits the premises to be used as a sex shop business selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
3. The licence can only be used for a twelve-month period.
4. A copy of the application is attached at Appendix 1.
5. A map showing the location of the premises is attached at Appendix 2.
6. The premises have traded as a sex shop for approximately 22 years under the current ownership. A copy of the current Sex Establishment Licence is attached at Appendix 3.
7. No complaints have been received in respect of these premises resulting in any formal action being taken against them.
8. Window displays are changed in consultation with, and the consent of, the Licensing Authority in accordance with the scheme of delegation.

## Consultation

9. 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.
10. In considering the application the Council must have regard to any observations submitted to them 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.
11. As a result of the consultation 3 objections were received against the renewal of the licence. Conversely, 2 letters in support have been received. A copy of the objections and support letters are attached at Appendix 4.

12. Consent from an objector must be obtained before the name or address is revealed to the applicant. Only objector #1 has given consent with the remainder requesting to be kept anonymous.
13. The application was consulted with Dorset Police and no observations, or any objection, was received from them.
14. As the renewal application had been submitted before the expiration date of the current licence the premises are permitted to continue to operate under the current terms and conditions.

### **Options Appraisal**

15. Before making a decision, Members are asked to consider the following matters:
  - The submissions made by or on behalf of the applicant.
  - The support and objection letters received.
  - Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

### **Summary of financial implications**

16. No financial implications have been identified.

### **Summary of legal implications**

17. 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.
18. 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.
19. 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**

20. There are no human resource implications.

### **Summary of sustainability impact**

21. There are no sustainability impact implications.

### **Summary of public health implications**

22. There are no public health implications.

### **Summary of equality implications**

23. 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.

24. 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.

25. 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.

### **Background papers**

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

[Local Government \(Miscellaneous Provisions\) Act 1982](#)

### **Appendices**

- 1 – Copy renewal application
- 2 – Location plan
- 3 – Copy current sex establishment licence
- 4 – Support and Objection letters



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**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	Hemming		
Forenames	Timothy		
Other Name(s) (if applicable)			
Address	<div style="background-color: black; width: 100%; height: 20px;"></div>		
Contact number(s)	<div style="background-color: black; width: 100%; height: 20px;"></div>		
Email address	<div style="background-color: black; width: 100%; height: 20px;"></div>		
Date Of Birth	<div style="background-color: black; width: 100%; height: 20px;"></div>	Place of Birth	<div style="background-color: black; width: 100%; height: 20px;"></div>
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	<b>Yes/No</b>		

**2. Trading company details**

Company Name	Simply Pleasure
Managing Director	Timothy Hemming
Head Office Address	ABS Holdings, Spring Lane, Forest Gate Ringwood. BH24 3FH
Address from which you operate if different from above	
Company number(s)	01202 868511
Company email address	officeadmin@absholdings.com
VAT registration number	
Company registration number	04341488

**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	Clark		
Forenames	Tom		
Other Name(s) (if applicable)			
Address	[REDACTED]		
Contact number(s)	[REDACTED]		
Email address	[REDACTED]		
Date Of Birth	[REDACTED]	Place of Birth	[REDACTED]
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	✓ Yes/No		

**Person 2**

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

**Person 3**

Surname	Martin (Covering Manager - Mat leave)		
Forenames	Jasmine		
Other Name(s) (if applicable)			
Address	[REDACTED]		
Contact number(s)	[REDACTED]		
Email address	[REDACTED]		
Date Of Birth	[REDACTED]	Place of Birth	[REDACTED]
National insurance number			
Have you been resident in the UK throughout a period of six months immediately preceding this application?	✓ Yes/No		

#### 4. Offences and convictions

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

Person Name	Date of Conviction	Court	Offence	Sentence

Have you (or if corporate body, that body) been disqualified from holding a sex establishment licence?	Yes/No <input checked="" type="checkbox"/> (If yes provide details)
Have you (or if corporate body, that body) ever been refused a licence for a sex establishment?	Yes/No <input checked="" type="checkbox"/> (If yes provide details)

#### 5. Trading details

Is the application for	Sex Shop	<input checked="" type="checkbox"/>
	Sex Cinema	
	Sexual Entertainment Venue	
Address of the premises	Simply Pleasure, 333-335 Holdenhurst Road Bournemouth BH8 8BT	
Name of the business	Simply Pleasure / Prowler	
Opening hours	Monday	10:00 - 19:00
	Tuesday	10:00 - 19:00
	Wednesday	10:00 - 19:00
	Thursday	10:00 - 19:00
	Friday	10:00 - 19:00
	Saturday	10:00 - 19:00
	Sunday	10:00-16:00

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 <input checked="" type="checkbox"/> (if yes provide details)
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List articles to be offered for sale?	R18 DVD's Adult Novelties & Toys Magazines Lingerie
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	N/A
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	Frosted Glass, Lobby Frosted Vinyls on Windows

If a Sexual Entertainment Venue      N/A

Confirm if there have been any changes to the layout of the premises in relation to:-  All designated performance areas including private booths or cubicles  Welfare facilities room for performers  Access and egress of the premises  WC facilities for performers/patrons  Smoking areas for performers/staff	N/A  <b>YES/NO</b>  <b>YES/NO</b>  <b>YES/NO</b>  <b>YES/NO</b>  <b>YES/NO</b>  If <b>YES</b> provide plan with highlighted changes
Do you currently have the following documents?.	N/A
Written code of conduct for Dancers	<b>YES/NO</b>
Code of Conduct for Customers	<b>YES/NO</b>
Disciplinary Procedure Policy	YES/NO
	If <b>YES</b> provide copies
With regard to any advertisements or displays – provide size(s) of proposed displays or advertisements.	N/A
Detail measures which will be in place to ensure that prevent the interior of the premises being visible to passers-by	N/A

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

**Manager 2**

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

**Manager 3**


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

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

Person Name	Date of Conviction	Court	Offence	Sentence

**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	 on behalf of T Hemming
Date	18.09.24
Capacity	CEO / Owner

***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 (inter alia) all means of ingress and egress to and from the premises, parts used in common with any other building and details of how the premises lie in

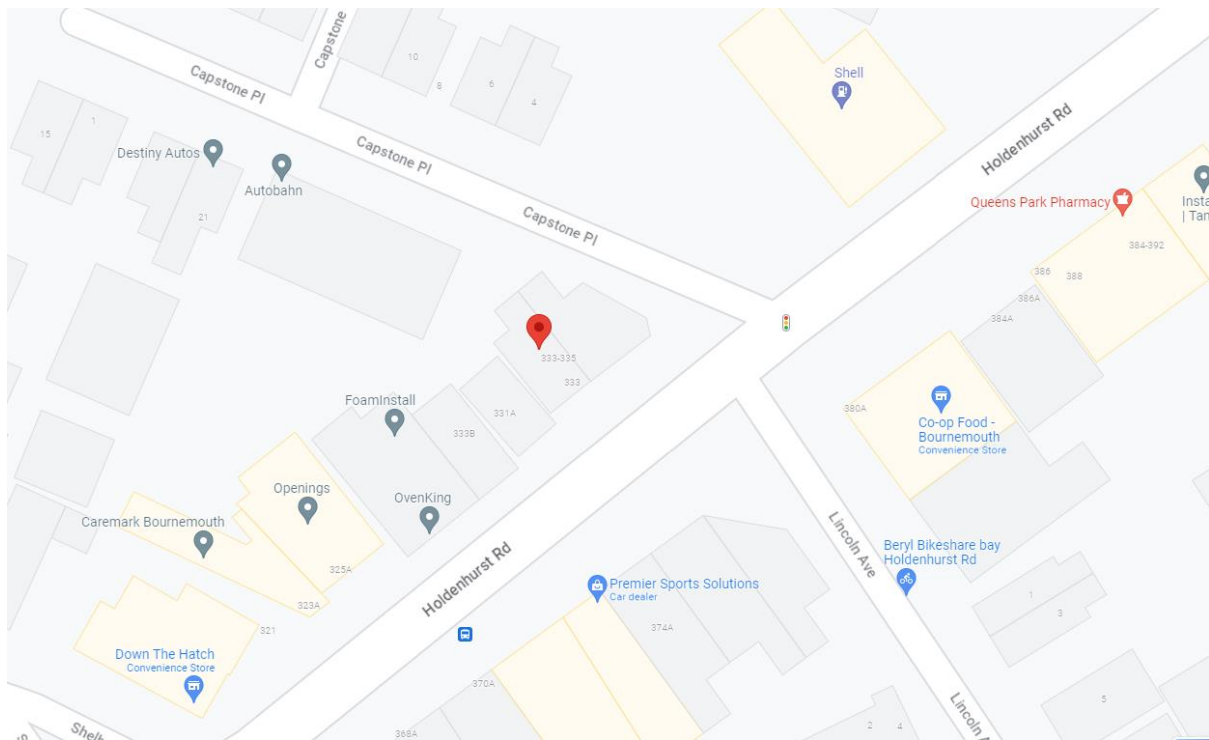


relation to the street.

5. Drawings showing the front elevation as existing and as proposed (1:100).
6. Where the business is conducted by or on behalf of a body corporate or unincorporated body a certified copy of the Resolution authorising the application.
7. Where the business is carried on by or on behalf of partners the written authority for an application of those partners who are not themselves applicants.

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## APPENDIX 2



Simply Pleasure.com 333-335 Holdenhurst Road Bournemouth

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Licensing Team  
BCP Council Civic Centre  
Bourne Avenue  
Bournemouth BH2 6DY



## Licence for a Sex Establishment

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. This licence is granted pursuant to the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 to

**Mr Timothy Hemming**

to use as a sex shop, the premises situated at

**Simply Pleasure.com**

**333-335 Holdenhurst Road Bournemouth BH8 8BT**

2. This Licence, which will remain in force until **20 October 2024**, unless it is revoked before that date, is granted on the terms and conditions and subject to the restrictions contained in regulations made from time to time by Bournemouth Borough Council under Paragraph 13 of the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982.
3. A CCTV system to be operated and maintained to the satisfaction of Dorset Police.
4. This licence shall be suitably framed and exhibited in a prominent position within that part of the premises to which the public are admitted.
5. A lobby entrance to the premises to be constructed to the satisfaction of the Building Control Officer.

### PERMITTED OPENING HOURS

**Mondays to Saturdays** inclusive from **10.00hrs** until **19.00hrs**.

**Sundays** (except Easter Sunday) and **Bank Holidays** from **10.00hrs** until **16.00hrs**.

Dated this 23 day of November 2023 (by way of renewal)

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

Licensing Manager  
Mrs Nananka Randle

### **General condition for Sexual Establishments**

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

### **Special Conditions for Sex Shops**

#### **Hours of opening**

1. Except with the previous consent of the Council, a Sex Establishment shall not be open to the public before 09:00 hours and shall not be kept open after 06.00pm.
2. Except with the previous consent of the Council, a Sex Establishment shall not be open on Sundays or any Bank Holidays or any public holidays.

#### **Conduct and Management**

3. 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.
4. The Licensee or some responsible person nominated by them in writing for the purpose of managing the Sex Establishment in their absence and

of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the Public.

5. The Licensee shall maintain a register in which they shall record the name and address of any person approved under Regulations 8 or 9 hereof by the Council who is to be responsible for managing the Sex Establishment in their absence and the names and addresses of those employed in the Sex Establishment. Any change in the particulars shall be recorded forthwith in the register and the register shall be kept available for inspection by the Police and by authorised officers of the Council.
6. The licence holder shall provide the Council with a list of all staff employed at the premises and shall advise the Council and Dorset Police in writing of all staff changes within fourteen days of such changes.
7. 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.
8. The licence holder shall nominate a Duty Manager for the premises on each occasion they are open to the public.
9. The name of the person responsible for the management of a Sex Establishment (whether the licensee or a manager approved by the Council) shall be prominently displayed within the Sex Establishment throughout the period during which they are responsible for its conduct.
10. 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.
11. The Licensee shall maintain good order in the Premises.
12. The Duty Manager shall be responsible for ensuring the premises operate in accordance with the conditions applicable to the sex establishment licence.
13. The Duty Manager shall remain on the premises while they are on duty save in the event of an emergency situation.
14. 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.
15. 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.

16. 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.

17. An incident / refusal log 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

18. 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 or staff member where appropriate and brief description of the incident and any action taken by staff.

19. 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.

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

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

22. The licence holder 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.

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

24. There shall be no touting for business for the premises by way of persons holding advertising boards, branded vehicles or personal solicitation outside or in the vicinity of the Premises.

25. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council indicating their name and that they are an employee.

#### **Advertising, Premises Appearance and Layout**

26. 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.

27. 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.

28. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except : -

(i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.

(ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.

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

30. No window shall contain any sign, advertising material, goods or display without the written consent of the Council.

31. The external doors to the Sex Establishment shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in a good working order.

32. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council, opaque screens or blinds of a type and size approved by the Council. These regulations shall not be construed as lessening the obligation of the licensee under Regulation 28 hereof.

33. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment nor shall more than one person (including any employee) be present in any such booth or cubicle at any time, unless by reason of disability.

34. Lighting in all parts of the Premises as approved by the Council shall be in operation continuously during the whole of the time that the Sex Establishment is open to the public.

35. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements: -



- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit".
- (ii) Doors and openings which lead to parts of the Premises to which the public are not permitted to have access shall have notices placed over them marked "private".
- (iii) Save in the case of emergency no access shall be permitted through the Premises to any unlicensed premises adjoining or adjacent.

36. 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.

37. The Licensee shall make provision in the means of access both to and within the Sex Establishment for the needs of members of the public visiting to the Sex Establishment who are disabled where applicable and accordance with the Equalities Act 2010.

#### **Use**

38. A Sex Shop shall be conducted primarily for the purpose of the sale of goods by retail.

39. No change of use of any portion of the premises from that approved by the Council as a Sex Shop shall be made until the consent of the Council has been obtained thereto.

40. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.

41. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema.

#### **Goods available in Sex Establishments**

42. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.

43. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the Sex Establishment.

44. No film or video shall be exhibited, sold or supplied in digital, physical and virtual media unless it has been passed by the British Board of Film Classification, or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video/DVD/Blu-ray film or computer game/memory stick, compact disc, or other relevant media so certified.

45. The Licensee shall without charge, display and make available in the Sex Establishment such free literature on counselling on matters related to sexual problems as may be published by the Family Planning Association and by such other similar organisations as may be specified by the Council. Such literature is to be displayed in a prominent position approved by the Council adjacent to all cash collection points in the Sex Establishment.

#### **Safety**

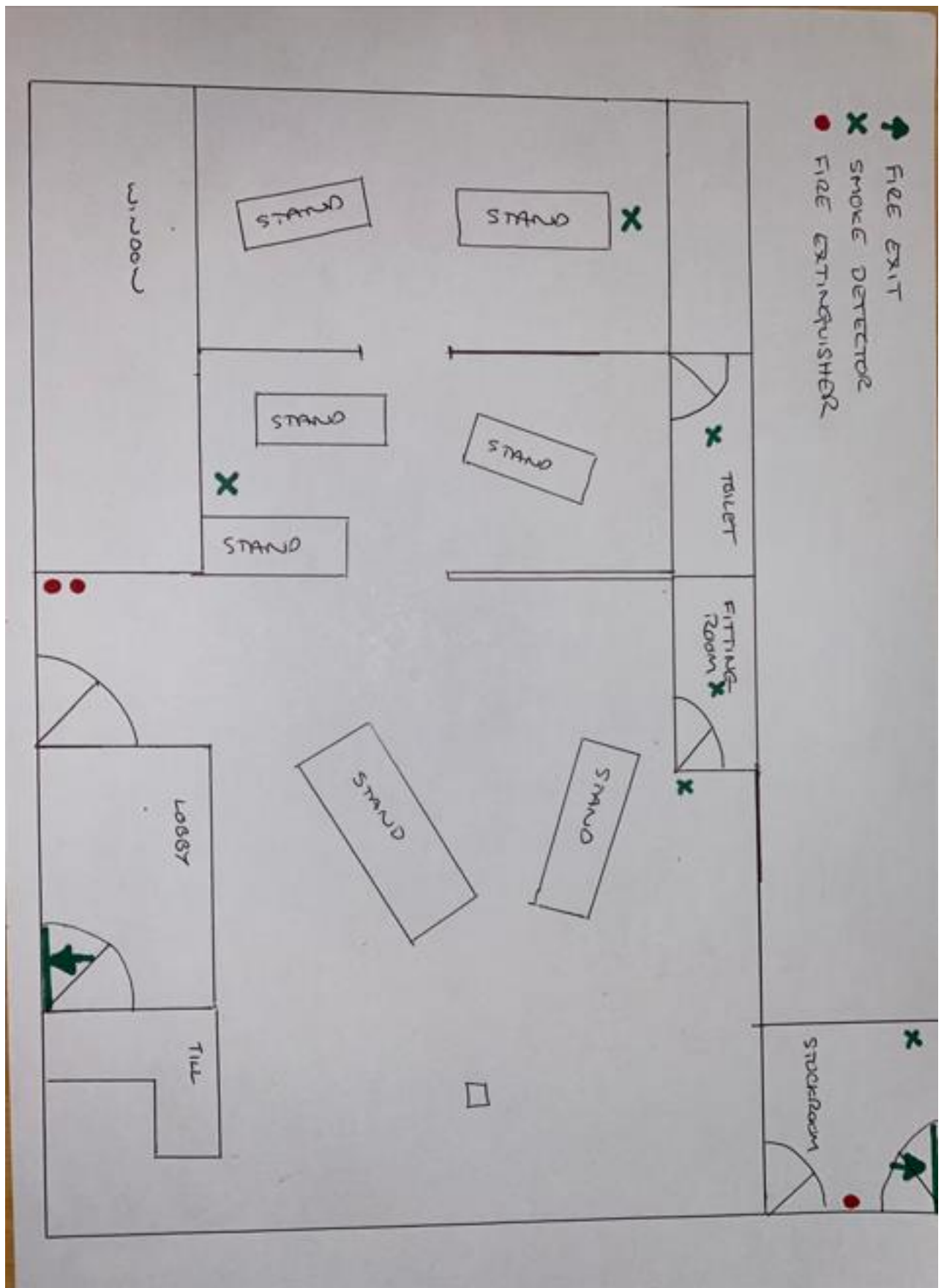
46. The licensee shall take all reasonable precautions for the safety of the public and employees.

47. The premises shall be provided with fire appliances suitable to the fire risks of the premises and such fire appliances shall be maintained in proper working order and shall be available for instant use.

#### **Notification of Changes**

48. Where the consent of the Council is required to a change under Regulations 21, 22 or 37 hereof, the application for consent shall be accompanied by such specifications, including plans, of the proposed changes as the Council shall require in respect of their consideration of the application.

49. Where there is a material change in the particulars given or referred to in the application for the grant or, where the licence has been renewed, in the most recent application for the renewal of the licence, the licensee shall notify the Council of the change as soon as reasonably practicable after it has taken place PROVIDED THAT it shall be necessary for the licensee to notify the Council of that change under this Regulation where the Council have given their consent under Regulation 21, 22 or 37, or where the Council have been notified of that change under Regulation 7.



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## **SIMPLY PLEASURE 333-335 HOLDENHURST ROAD BOURNEMOUTH**

### **RENEWAL OF SEX ESTABLISHMENT LICENCE 2024 – 2025**

#### **LETTERS IN SUPPORT AND OBJECTION**

##### **Support #1**

I would like to issue my support for the license renewal of Simply Pleasure in Holdenhurst road. There is nothing wrong with an adult sex store. There are tons all over London and it's never deterred any tourists or locals by the millions from exploring and enjoying the town on a daily basis. Areas like Soho and Camden are a bohemian playground for all walks of life and various generations.

All are required to check IDs and safeguarding policies. Simply Pleasure also offer better quality than ann summers, The x rated content is kept secure, the staff are attentive and friendlier than most retail staff on the highstreet.

Also this is 2024, Its a new age and decade we live in where nothing is taboo anymore as it probably was in the 20's. The shop supplies different kinks for different folks. If anything we need more fun and crazy stores on the high street to give it some life to make Bournemouth different and stand out.

We don't need anymore cheap fast food, charity shops and off licences everywhere.

##### **Support #2**

I would like to show my support for the license renewal of Simply Pleasure in Holdenhurst Road. I feel they make all necessary safeguarding checks so displays are no more lude than an Ann Summers store. They also ID people on entry to make sure no minors enter.

##### **Objection #1**

This is my objection to the application for a Sex Establishment License at 333-335 Holdenhurst Road.

I would ask that the officer's report to the councillors includes the Bournemouth Sex Establishment Licensing Policy. My understanding is that the Bournemouth Christchurch and Poole Sex Establishment Licensing Policy (BCP Policy-attached)) included replacing the previous Bournemouth policy. My understanding of the nature of a quashing order is that it restores the position before the decision quashed, so that the Bournemouth Policy is now operational again. Because the Bournemouth policy is, on my understanding, operational then the committee members should take it into consideration in making their decision and in the interests of transparency the public should have sight of it. I suggest that there be a reasonable extension of time for submitting objections once this Bournemouth Policy is made public.

I refer to a "factsheet" published by the government whilst a Bill was being considered to reform Judicial Review and this confirms my understanding of the nature of quashing orders, as set out

above. <https://assets.publishing.service.gov.uk/media/628cc6dbd3bf7f1f422c887a/judicial-review-courts-bill-fact-sheet.pdf>

A publication from Parliament repeats my understanding also at para 16 on this link <https://publications.parliament.uk/pa/jt5802/jtselect/jtrights/884/88405.htm>

Attached is the judgement quashing BCP's Policy on the final page, 41 at point 103. It does not appear to quash only part of the policy, leaving that part of it which replaced the Bournemouth policy intact, for example.

If the committee is taking guidance from the Home Office guidance on licensing sex establishments I would like to make the following points. This guidance is not statutory, unlike guidance issued on planning or transport for example. It cannot alter the law by adding to it or taking away from it. It is also out of date. You can refuse this license not just on the grounds in Schedule 3 Local Govt (Misc) Act 1982 but also on any statutory duty if licensing would result in your breaching that statutory duty. So the Equality Act gives multiple grounds on which to refuse this license. In addition, The Human Rights Act gives you the ability to refuse this license on my understanding. The guidance is also misleading by failing to include the information from case law (Newcastle, ex parte Christian Institute) that when considering location you can refuse on the grounds of the questionable morality of people who may be attracted into an area by the presence of a sex establishment. It is out of date to say that moral objections cannot be considered as since that case (also Newcastle ex parte Christian Institute) the Equality Act has been passed, which obliges you to consider moral objections if made on the basis of a protected characteristic, including sex and religion in those characteristics. If you consider my objections to be based on moral grounds, which is not my intention, then I would suggest you consider my sex, female and Christian upbringing which may have influenced me.

This application should be refused for the following reasons -

Local Government (Misc) Act 1982 Schedule 3 s10(6) requires that such other details as the licensing authority may reasonably require should be provided by the applicant.

Unless the following requirements listed on the application form which I have been shown have been waived, then they have not been provided when they should have been.

At Company Number(s) a telephone number rather than the Company Number has been given. Company number is usually the number allocated by Companies House when a limited company is registered there, and allows a company to be clearly identified.

The space for VAT number, which again would allow the applicant to be identified clearly has been omitted.

The plan reasonably required has not been annexed to the application on the copy application form which I have been sent.

The name and address of the applicant have to be given on an application according to the s10 above (3), yet neither of these is easy to identify on the form because two company names ABS Holdings and Simply Pleasure are given and it is not clear whether one of these is a trading name or the legal identity of the applicant. In fairness to the applicant the application form is a bit difficult to follow as it refers to a "trading company" which might imply that a trading name rather than legal identity is required. Only a legal entity, ie an individual or limited company can be licensed from what I can see of the legislation, so the legal identity should be given, with any separate trading name clearly identified also if different from the legal identity. In addition the property next door to the left of the premises from the road currently trading as Simply Pleasure and also trading as or advertising Prowler is labelled as 333. It is reasonable in any event that a plan be requested to ensure that points of access and ingress can be seen clearly to ensure that illicit entry

can't be made easily for example. However, the difficulty in identifying the premises from the road number makes the plan essential.

A copy of the resolution of the company to apply for a license has not been included as reasonably required by the application form. The fact that the application has not been signed by , but for , a director, makes this copy resolution essential.

The text in the window on the right at present is currently with the planning department to decide on whether the size breaches an advertising code. At time of writing I don't know whether they have resources to allocate to this or what their view is.

I believe that the door of the premises is to be kept shut by a self closing mechanism yet saw it open recently. I waited whilst a man finished his cigarette in the gap between 333-335 and the other 333 and then again whilst a man came out and had a long heated telephone conversation. However, he shut the door when he went back in so I didn't get a picture of the door open. I am in any event loathe to photograph the door in case someone comes out and I inadvertently harass them by photographing them.

Suitability of applicant-The judgment quashing BCP's sex establishment licensing policy advised that credit could and should be given to a licensee which had a longstanding record of trading at the premises. By the same token I urge you to consider the behaviour of the applicant not just in the past year but in the years leading up to this application.

As mentioned last year this applicant has previously been reported as displaying a costume parodying school uniform in the Rochdale branch, this being particularly insensitive given the previous trials for grooming gangs operating in the area.

<https://www.dailymail.co.uk/news/article-3525018/Health-worker-slams-sex-shop-displaying-skimpy-schoolgirl-outfit-window-store-centre-town-engulfed-child-sex-abuse-scandal.html>. From checking its website recently the term school in the search bar brings up various costumes parodying school uniform. I say that an applicant trading on sexualising clothing worn by children isn't suitable for licensing. I remind you that an applicant can be considered unsuitable for any reason. However, as this is an administrative decision it must be "reasonable". To reinforce that this is reasonable, I draw your attention as last year to the Catcalls of BCP <https://www.bcpCouncil.gov.uk/news-hub/news-articles/stop-street-harassment> movement which is a campaign to stop street harassment. I didn't realise last year that the campaign includes mention of harassment whilst wearing school uniform. I would ask you to consider the impact on the likelihood of a young woman finishing school and taking her public exams if she has to endure street harassment whilst wearing school uniform to do so. I also ask you to consider the impact on school run traffic that having to drive children to school to avoid street harassment has, ie of not wanting to use public transport or walk/cycle to school.

### [Stop street harassment](#)

A campaign to tackle sexual harassment faced by young people has been launched by a Bournemouth, Christchurch and Poole (BCP) UK Youth Parliament member.



### Sex shop slammed for displaying skimpy schoolgirl outfit in the window

Criticism has been levelled at an outfit on display in the window of Simply Pleasure in Rochdale. It includes a short tartan skirt, a tie and a white blouse cut away from the midriff.

[www.dailymail.co.uk](http://www.dailymail.co.uk)

I also draw your attention to a campaign by a (non local) school against sale of school uniform based costumes in sex shops and of their use in pornography.

<https://www.itv.com/news/granada/2022-06-13/students-campaign-to-stop-school-uniforms-being-sold-in-sex-shops>



### Students campaign to stop school uniforms being sold in sex shops | ITV News

A group of schoolgirls and their teacher have launched a campaign demanding school uniforms stop being sold in sex shops and banned from pornography. | ITV News Granada

[www.itv.com](http://www.itv.com)

I say, as I did last year, that the window displays are not suitable for children to have to see, and having to pass them could also be intimidating for women. This is because some of the articles are clothing designed to expose parts of the body considered erotic in our society. In addition, in the past further articles have been displayed which show the applicant as unsuitable as they are displaying some articles unsuitable for viewing as a child. Because of the difficulties viewing electronic images which may be presented by software designed to screen out indecent material I will try to bring hard copies with me to any hearing, although I don't currently have a colour printer. With regards to repeating what I have said last year, I refer to the attached judgement (file name starts Microsoft Word CO) which helpfully mentions ex parte Sheptonhurst at pages 40-41 point 100 as authority for a council being able to make a different decision despite no change in the neighbourhood. Window displays have included "rock ring" advertising in the past, and these objects have been the subject of information from the London Fire Brigade and a campaign against their use by a couple of doctors.



Further on the window display, in the last couple of days the window display on the left has been changed to a theme which appears to be based on the film Beetlejuice and/or a recent sequel called Beetlejuice Beetlejuice. The first was rated PG 12 and the sequel PG 13. I don't think it appropriate for a sex shop window to display products mingled themed items from a film which may appeal to children. The first Beetlejuice film included a girl's school. This window display, which could appeal to children, compounds the use of an Easter bunny soft toy, at children's eye level in the window earlier in the year.

Suitability of premises-if there is no point of access for receiving deliveries at the rear of the shop so avoiding the front entrance door being used with the attendant risk of seeing inside, that this be refused on the basis of unsuitability of the premises. At time of writing I have not seen a the plan requested by the licensing department to know whether this is an issue.

I ask you to consider the impact of licensing this premises under the Equality Act. Age is a protected characteristic and children are exposed to indecent material when making their way to the nearby Springbourne Library. In addition the 46 school bus to Avonbourne School goes between Springbourne Library and Boscombe Bus Station which I am assuming means it passes the shop. Mercifully the bus stop opposite would only be for children alighting not waiting in the morning as I understand it. In addition, there are numerous places of worship nearby, within a short walk, and it is reasonable to assume that this will have more affect on people whose religious beliefs are at odds with sex being commodified. BCP council has included socioeconomic status as a protected characteristic. There are numerous properties nearby rented by a landlord which describes itself as an affordable housing provider, as can be seen from their charge registered at Companies House. At time of writing I don't have clear evidence of vulnerable people nearby, and have written to an agency providing shelter or supported housing with what appears to be office premises very nearby to see if they are able to tell me whether they have clients housed nearby. I also ask you to consider the impact on women, including myself, of licensing a shop which displays clothing with parts missing that cover the areas, exposure of which would require a license if used in entertainment venues.

I also ask you to consider your duty under the Equality Act to improve relations between the sexes. As mentioned above, parodying the uniform worn by young women and children is a direct attack on the education of women, and calculated to undermine good relations between the sexes. Likewise, the Royal College of Nursing is highlighting the toll that sexual harassment takes on members of their profession. Sales by the applicant of costumes parodying and sexualising clothing worn as uniform by nurses must undermine relations between the sexes. A search of the applicant's website using the term nurse brings up various costumes, or did at the time of writing this. They are also religiously offensive, often including crosses.

I also ask you to consider your LCWIP policy, as this is an administrative decision so that relevant council policies should be considered as appropriate. The LCWIP Local Cycling and Walking Infrastructure Plan mentions both Holdenhurst Road and Springbourne on numerous occasions, including in the context of liveable neighbourhoods. These, on my understanding, aim to improve neighbourhoods for residents and businesses by making it easier to travel round them without being dependent on a car. The presence of a sex shop is

not, in my view, compatible with this because of the window displays deterring people from walking past or waiting at a bus stop.

As previously mentioned the presence nearby of a library which includes children's and community activity makes the licensing of this premises inappropriate. The library is still there and as in Sheptonhurst, above, you can make a different decision than in previous years even if there is no change in the area.

Locality-the area is full of residential premises so that people will be walking past the premises and even if driving or using public transport the wording and explicitness of the displays means they can easily be seen from car or bus windows. For a car driver, who is protected from the people around by the car, this is not such an issue as passers by are not the threat that they are to someone on foot. Yesterday the vulnerability of waiting at a bus stop was reinforced to me as I walked past the bus stops in the Square in the evening to see a man being aggressively harassed by a beggar on a bike demanding money from him and refusing to leave when he refused to pay him money. I repeat what I said last year that when using public transport and waiting at a bus stop, such as the one opposite the premises, you are a sitting duck for anyone that wants to harass you as you can't move down the road to the next bus stop to get away easily, especially if you are women who is pregnant or accompanied by young children. As last year I ask the committee to consider the likelihood of children waiting outside this shop in school uniform for a bus to be harassed because the indecent window display triggers this behaviour.

If there is any doubt in the committee's minds as to the likelihood of women and children walking past google street view shows a woman with a baby buggy doing just this. Even if there is only one woman or child using this area on foot it should not be licensed as a sex shop.

As I understand it, although I have not been able to find any plans at time of writing this part of Holdenhurst Road may be part of a program designed to improve sustainable travel through certain corridors in the BCP area, although as mentioned, I am not certain as to whether this aims to improve public transport, walking and cycling at this point. If it does, then again, undermining the experience of using a bus by putting indecent material in the window opposite shouldn't be allowed to continue.

Buildings in the neighbourhood-There are numerous places of worship, a library used by children, a primary school, a boxing academy and venues used by vulnerable people in the neighbourhood. All can reasonably be expected to be reached by people on foot given the limited parking in the area and the poverty, which is a recognized protected characteristic in the BCP area under the Equality Act. People also like to walk for exercise when getting to local shops etc In addition there are numerous people nearby made vulnerable by not living with the support of a residential family unit as is often the case in HMO's Houses in Multiple Occupation, as shown by the public register of HMOs.

Human Rights Act 1998 Schedule 1 Article 3 "No one shall be subject to ....inhuman or degrading treatment". Many articles sold by the applicant appear to contravene this. In fact the window lettering on the right includes the term BDSM, which I understand relates to bondage and sadomasochism. Whilst the right to pursue these activities may be broadly within the law, so long as they don't breach the threshold in the "Spanners" case I say that

Article 3 prevents you from licensing a shop which exploits this behaviour commercially. The presence of vulnerable people nearby puts them at risk of being inveigled into what they mistakenly believe to be a romantic relationship when in fact the objective of the other person is to inflict inhuman or degrading treatment using such items. These vulnerable people include the women dropped at Southcote Road and in the Knyveton Road area for the purpose of on street sex work. I don't suggest that there is any connection between these women and the premises, but the applicant must take the neighbourhood as he finds it, and the neighbourhood does include vulnerable people.

Human Rights Act 1998 Schedule 1 Article 8 (2) allows for the protection of health or morals. This contradicts the Home Office guidance that moral objections can't be included. I say that it is immoral to display a soft toy at children's eye level in a shop window which is displaying erotic underwear. (Image attached showing easter bunny soft toy and adult underwear).

You have power to make license conditions if you do decide to license and if you do I suggest the following reasonably additional conditions-

That the premises be closed on Friday, Saturday and Sundays to cover the days of worship for all three Abrahamic religions. Also that religious institutions may apply to the licensing department for up to ten additional days in total between them on a first come first served basis to be deemed religious holidays on which the shop should be shut. This to be renewed annually.

That the premises are not open on school days before 9am nor after 2.30pm to avoid passing school run traffic.

That the outside of the premises only shows the words Adult store, the hours and days of opening and no person aged under 18 to be admitted and advertising the challenge 25 policy (this because the trading names allow access to websites with unsuitable material for children).

That there be no A board nor other display outside and no provision for this condition to be overruled on application to the licensing officers.

That the self closing door be operational at all times and not hooked back, deliveries to be received at a different point of "ingress" not visible from the road.

That the lobby has two doors far enough apart to ensure that the interior of the shop cannot be seen from outside the shop at any time, ie is deep enough for one door to close before the other opens.

That all items for which ISO 3533 applies have such certification and copy of the certificate is held by the licensee. (IEC 60335 will also apply to electrical items but this is already mandatory, so shouldn't be included in a license condition). This to fulfil your public health statutory duty. BCP, like all councils has a statutory duty to improve the health of its residents. Licensing use of this premises is not compatible with this. Items are offered for sale which are variously capable of causing injury and the case of lube products, may impair fertility. The information on this NHS link may be out of date, but I would still suggest that any lube sold be marked with whether it is suitable for anyone wishing to conceive or not. ISO 3533 is the international safety standard for many of the items, ie devices, often known in the trade as "sex toys" advertised for sale. They may carry this, but it isn't stated on any of the adverts which I have seen on the website for the store, although I have not read every page.

Lastly, I would respectfully draw the committee's attention to the following points -

A That you have power to grant a license on such terms as you see fit, whether or not this has been included in the officer's report to you in the public pack. However, if you include a term which is a surprise to the applicant it might be advisable to adjourn to allow them time to respond to the suggestion that it be included.

B That there is no requirement in statute nor case law that harm caused by the grant of the license be proved, past present or future. "Thwaites (2008)", a case sometimes quoted in "pub" licensing, ie for sale of alcohol, and relied on, probably wrongly, to prove the need to show harm, was not incorporated into the licensing regime for sex shops when Parliament had an opportunity to do so on incorporating strip clubs into that regime (2009).

C That you do not need permission from Dorset police to refuse this license.

D You are expected to rely on your own knowledge of the BCP area, as councillors, which may have been acquired through your association with the area including lobbying by residents and your fellow councillors concerning their own residents' concern as well as their cabinet responsibilities.

E That you don't need to rely on an objection from a third party such as myself to refuse an application. You can, as in judicial hearings, do something "of your own motion", but as for A, if you give a reason not previously communicated to the applicant it may be wise to adjourn to give time for them to respond.

22.10.24 @ 21:48 Further email received

Re Simply Pleasure, listed for 13<sup>th</sup> November

Hi Mrs Rogers, Sarah

I appreciate that the below is past the date for objections but wonder if it is possible to add the below, just received, to my objection. It deals with housing of vulnerable people within the vicinity of the premises, where 10 minutes walk is the measurement used. There is a corner shop, ie the Coop opposite and along a little bit, the Simply Pleasure shop, so I'd suggest it would be reasonable to assume that people might walk there. I also noticed today that the Health Bus was parked up at a car park nearby, which I think is the car park behind Springbourne Fire Station on the Holdenhurst Road side. I believe this is a service for people experiencing homelessness.

Kind regards

---

**From:** Sent: 22 October 2024 19:59

**To:** HOU&COM FOIs

**Subject:** Re: Sex Establishment License Objections - 12658

Thank you very much Linda

I just noticed the health bus parked up nearby as well today so will add that observation to your email of today's date and ask the licensing officers if they can add that to my objection.

Kind regards

---

**From:** HOU&COM FOIs

**Sent:** 22 October 2024 16:21

**To:** HOU&COM FOIs

**Subject:** RE: Sex Establishment License Objections - 12658

Dear

Further to your request for information received on 11/10/24 and further clarification received on 18/10/24, please find information requested.

Within the vicinity of BH8 8BT, BCP Homes are aware of several of our residents who have vulnerabilities which will include drug and alcohol dependency and elderly residents in both general needs and sheltered accommodation. We are unable to provide a specific number but within 10 minutes walk of the post code given, we have a large block of 18 flats which will house various residents, some of which will have vulnerabilities. We have Independent Senior Living accommodation close by providing around 40 flats, most of the residents will have some vulnerabilities. In surrounding roads within an approx. 10 minute walk, there are approximately 50 dwellings. We cannot be specific in how many of those residents have vulnerabilities however, there will be several within those homes that fall under the vulnerabilities that you have specified.

I hope this deals with your query satisfactorily.

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BCP Council  
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Bourne Avenue  
Bournemouth  
BH2 6DY

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If you are dissatisfied with this response you can ask for an internal review. The purpose of an internal review is to assess how your Freedom of Information request was handled in the first instance and to determine whether the original response provided met with the requirements of the legislation. You can request an internal review by email to BCP Council Enquiries [Enquiries@BCPCouncil.gov.uk](mailto:Enquiries@BCPCouncil.gov.uk). You should make a review request within 40 working days of this response.

If you are dissatisfied with the outcome of the Council's review you have the right to refer the matter to the Information Commissioner's Office. Contact details for the Information Commissioner can be found at: <https://ico.org.uk/>

Yours sincerely



**Business & Compliance Coordinator  
Housing & Communities**

### **Objection #2**

This is an objection to the renewal of the Licence for the sex shop Simply Pleasure.

My reasons for the objection are:

Location, this shop is on a main road where families with children pass continually to the nearby library, an infant and junior school, bus stops to secondary schools and grocery shops.

Signage and displays agreed by BCP council are completely unsuitable for safeguarding reasons. The URL for a website containing adult material should not be allowed to be advertised. Whilst the website itself is lawful, the publishing of the URL on a licenced sex shop where is promoted to the public is something the council is responsible for allowing or not. There is no other environment where such a site would be promoted where children can see it and I will include a screenshot from the website as part of this objection which if not included in these papers will show that the council does understand the nature of adult material and that this understanding should be applied to the protection of children. In the likely event that the images included in my objection are redacted I want to make clear the page the URL leads to on the day of writing features a 'double ended sex machine', and with two clicks I reached a page featuring a 'Teachers pet schoolgirl' outfit.

The use of words such as BDSM, (bondage, discipline (or domination), sadism, and masochism (as a type of sexual practice).) are not appropriate for a window that children will see.

For example, choking, which is a BDSM practice is something which is so normalised that young women and girls are put at

risk. <https://www.theguardian.com/commentisfree/2022/dec/08/sexual-choking-is-now-so-common-that-many-young-people-dont-think-it-even-requires-consent-thats-a-problem>

BCP's commitment to ending Violence against women and girls is meaningless if we continue to allow promotion of BDSM in the street as part of a licence BCP has complete control of.

Twice in the past year men have tried to engage me in unwanted conversations about their sexual proclivities on the basis that I live in the vicinity of local sex industry activity. The area is often seen as seedy with prostitution and sex trafficking a major issue which local services do not have the resources to deal with. It leaves local women and girls feeling unsafe and there is definitely an attitude that we should expect harassment when out alone in an area notorious for these activities. The licensed sex shop is a stamp of approval and sends the message that visitors have hounded the sex industry area when they pass it on they way into Springborne.

I wish my objection to be anonymous due to the level of abuse levelled to objectors to sex establishment licenses and of the many parents I have spoken to who do not want this shop but do not want to object and be subject to abuse.

I know previous objections have been considered as coming from a prudish, religious or moral motivation. I am not objecting for any of these reasons. My objection is solely about the protection of children, women and girls.

### **Objection #3**

Dear All

I am writing to object to the licencing of the Simply Pleasure sex shop on Holdenhurst Road, Springbourne. I am objecting on the basis of the detrimental impact on the local community, violation of the public sector equality duty under the Equality Act 2010 and the exacerbation of existing issues faced by residents as a result of the local sex industry being located in our ward.

I have lived in the area for many years and raised my children here in Springbourne.

I am concerned that there are parts of the ward that have always been associated with the sex industry and continue to be so at the detriment to the quality of life and safeguarding of children, families and vulnerable people in my ward.

Over the last 18 months as a councillor, many residents have raised concerns with me about the sex industry and the associated crime and ASB in the ward. Certain aspects of the sex industry affect residents in their daily lives. In fact, we have held several meetings with residents and the police to address the rising problems and continue to do so.

The sexualisation of women and girls and the dehumanising language that I and others have heard being used to describe 'sex workers', along with the ease of access to porn accessible in just a few clicks from the 'proowler' Simply Pleasure website which is displayed openly in the street, and the increase in sexual assaults and violence against women and girls in the area is of real concern to myself and other residents.

Residents do not feel they can object to such applications – they are fearful about the consequences of being named as it often follows with abuse from local papers and social media and accusations of being a prude etc if their names are published. Hence they stay quiet. As one of their local councillors it falls upon me to feedback on their behalf.

I am particularly concerned about the accuracy of the information provided and the impartiality of licensing officers. This was experienced by a resident wanting to feedback on this application and it has had the effect of putting them off doing so.

I received this feedback from a female resident living in our ward after she emailed an objection to officers "I thought it was very strange and makes me feel mistrusting of her. She is obviously friends with the people who own it."

"Wow – they can give out details such as emails to the shop owner? Seems they don't understand we don't want this kind of shop on our doorstep."

From another female resident in the ward "Have tried to object – its hard work isn't it? Saying I object isn't enough. It will get a renewal as she says – no one has ever objected. I have my view that having obscured windows would at least protect young children/people when walking by."

As such when no objections are received I would question as to why that is.

### **Impact on Vulnerable Groups and Equality Duty**

As a council we have a public equalities duty to foster positive relations between people of different backgrounds as they carry out their activities and have due regard for the need to eliminate discrimination and advance equal opportunities. We have a duty to promote equality and eliminate discrimination, particularly for groups who may be disproportionately impacted by establishments like this. The presence of a sex shop in a residential area, can reinforce harmful gender stereotypes, normalise the objectification of women and potentially contribute to an environment that fosters harassment and exploitation.

Research shows that sex related businesses can disproportionately affect women, the LGBTQ+ community and individuals with past experiences of trauma and sexual exploitation. The licencing committee must consider it's duty to ensure that such licenses do not perpetuate gender inequality or exacerbate the vulnerability of certain groups.

I question how these establishments align with our Public Equalities Duty, especially when located in a residential area like Springbourne where the sex industry already causes real problems for residents who are just trying to go about their business, such as going to school, work or simply stepping out their front door into the street.

### **Impact on the local area**

There are schools, churches and residential streets full of families and workplaces nearby.

The area is changing and there are endeavours from across the community to up lift the district to make it more attractive to families and a more diverse range of businesses. Recently there has been some investment from the Prosperity Fund through the BCP Economic Development team, which is being spent with the intention of enticing more families with young children to Springbourne Park and Library – directly in the vicinity of this shop. There is also now a thriving religious community at the Bourne Spring church and close by at BH1 on Curzon Road.

Holdenhurst Road has been identified as an area of opportunity for the creation of a thriving district centre, housing, new businesses and social opportunities for students and families in the forthcoming Local Plan.

The continued presence of a sex shop may deter visitors or residents, potentially harming the local economy and community atmosphere. Whilst a sex shop is a lawful business, it



can contribute to an increase in street harassment – many female residents have talked with me about their experiences as they feel such establishments do not attract ‘nice men’. Under reporting of these experiences is a key issue. Asking residents to provide police crime references is not a realistic ask.

The ambition for Springbourne (currently going through the process of a Neighbourhood Plan) is to be a thriving community, attracting families and businesses into the area whilst providing a range of positive activities that enhance it's heritage and preserve it's history for it's next stage of development as a flourishing district. This type of establishment does not align with that vision.

The applicant (unclear as to who exactly) states in their last accounts statement that their online business is going well – so why is a shop in the centre of a residential area required? The shop does not have frosted windows, it's window displays containing fetish clothing and items are currently Beetlejuice themed, with huge letters BDSM, ‘proowler’ and ‘simply pleasure.com’ which is a few clicks away from adult materials that are not suitable for children to log onto on their smart phones, who may be passing as they walk home/to school or alight from the nearby bus.

On behalf of residents, I urge the licensing committee to reject the application and demonstrate to the local community that

- The best interests of the local community are your priority
- the safeguarding of vulnerable groups is your priority
- the safety and welfare of residents is your priority
- as a council we take our responsibilities as set out in the Equalities Act 2010 and the Public Sector Equality Duty seriously

With best wishes

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