

LICENSING SUB-COMMITTEE



Report subject	Wiggle 159 Old Christchurch Road
Meeting date	26 May 2022
Status	Public Report
Executive summary	Wellhot Limited have applied for the renewal of the Sexual Entertainment Venue Licence to permit relevant entertainment to continue for a further twelve-month period. The Licensing Authority has received 2 valid objections.
Recommendations	It is RECOMMENDED that: Members are asked to decide whether to:- a) Grant the application for renewal as made; b) Refuse the application for renewal. 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.
Reason for recommendations	Any decision to refuse the renewal of the licence must be relevant to one or more of the following grounds:- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason; (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself; (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;

(d) that the grant or renewal of the licence would be inappropriate, having regard—

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

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.

Portfolio Holder(s):	Councillor Bobbie Dove
Corporate Director	Jess Gibbons – Chief of Operations
Report Authors	Sarah Rogers – Senior Licensing Officer
Wards	Bournemouth Central
Classification	For Decision

Background

1. An application for the renewal of a Sexual Entertainment Venue (SEV) Licence was made on 1st March 2022 to permit premises to continue providing relevant entertainment for a further twelve-month period. A copy of the application is attached at Appendix 1.
2. A map attached at Appendix 1a shows the location of the premises.
3. The premises have operated as a lap dancing club since 2006. This has consistently been with the same premises operator. There have been no incidents with regard to sexual assault or public space violence since the last renewal, which did not attract any objections at that time. A copy of the current SEV is attached at Appendix 2.
4. The renewal application for the SEV is required to be able to provide the adult entertainment at the premises which is referred to as “relevant entertainment” in the legislation. Relevant entertainment is defined as “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”.
5. In the case of a woman “display of nudity” means the display of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

Consultation

6. Applicants must give public 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.
7. Relevant objections must be made within 28 days of the application and should not be based on moral grounds or values.
8. 3 objections were received, however, one was refused as it was based on moral grounds leaving 2 valid objections – one from Councillor Dunlop and another from Councillor Northover. A copy of the objections is attached at Appendix 3.
9. The applicant has submitted evidence in support of their application which is attached at Appendix 4.

Options Appraisal

10. Before making a decision, Members are asked to consider the following matters:
- The submissions made by or made on behalf of the applicant.
 - The objections received from Councillor Dunlop and Councillor Northover
 - Section 27 of the Policing and Crime Act 2009, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, appropriate Regulations, and the Council's Sex Establishments Licensing Policy

Summary of financial implications

11. N/A

Summary of legal implications

12. 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, in which case the applicant can only challenge the refusal by way of judicial review.

Summary of human resources implications

13. N/A

Summary of sustainability impact

14. N/A

Summary of public health implications

15. N/A

Summary of equality implications

16. N/A

Summary of risk assessment

17. N/A

Background papers

BCP Council – Sex Establishment Policy –

<https://www.bcpCouncil.gov.uk/Business/Licences-and-permits/Documents/Sex-Establishment-Policy-BCP.pdf>

Home Office Guidance –

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

Appendices

1 – Copy application

1a – Location plan

2 – Copy current SEV Licence

3 – Copy objections

4 – Applicant's supporting evidence