

FURTHER CORRESPONDENCE FROM OBJECTOR #1 IN SUPPORT OF THEIR OBJECTION

Email Received 09.07.22

Another piece of legislation which may be relevant to this licensing has come to my attention. Under the Mental Health Act 2007 mental disorder now means any disorder (or disability) of the mind, so I say could include being drunk through alcohol and/or prescription drugs.

Under the Sexual Offences Act 2003 s31 causing or inciting another person with a mental disorder to engage in sexual activity is an offence. I attended some training provided by Poole, Bournemouth and Dorset councils when mental health/capacity law was reviewed around 2007, but am by no means an expert on any changes since then, so open to correction.

I suggest the licensing committee alters the licensing conditions to include the CCTV being angled to enable an assessment to be made both on entering the venue and at the time of the Sexual Entertainment being provided as to whether the customer was suffering mental disorder, whether through being drunk or any other reason. This could protect performers, the operator, anyone else working in the club and indeed the customers' companions from allegations of this offence being committed. I don't say any offence has been committed, but that there is a risk of allegations being made if people in the club are not protected in this way.

You may hear that receiving sexual entertainment is not sexual activity, which is not the case, as the eyes can be expected to be active. I don't know whether any other physical response to modern sexual entertainment is usual such as sweating and accelerated heart beat/breathing, but if the committee has any knowledge of this perhaps they could take it into account.

In addition, could the licensing conditions be made clear that touching of customers and performers through clothing is also forbidden, and ideally extended to all people present at the premises to cover intentional touching of and by any part of the body including through clothing.

I would also like to add to the complaint about whether the applicant is a suitable person to be licensed, the advertising which encourages lying to other people about attending the club. The words "sorry baby the car broke down", "we're still on the boat", "dinner was longer than scheduled" and "still stuck in the office darling" are used on the website of the applicant, clearly inciting potential customers to lie to sexual partners about buying Sexual Entertainment provided by the applicant. Lying is immoral under the accepted moral standards of this country so encouraging lying is a characteristic making the applicant unsuitable. This is the case whether or not the committee accepts that Sexual Entertainment is inherently immoral or that objections to licensing can be made on the basis Sexual Entertainment is immoral.

It is also an offence under s16 of the Theft Act 1968 to lie to obtain a pecuniary advantage, which I say includes avoiding having to make financial payments either under divorce law or

child support obligations, which could arise if the customer were discovered to have bought Sexual Entertainment from the applicant. Encouraging this lying through advertising in this way appears to fit the definition of what used to be called incitement to commit a crime, and is now covered by part 2 of the Serious Crime Act 2007.

I don't say that the applicant has committed any offences, but quote these legal references to support my saying that lying or encouraging others to lie is considered a serious enough matter in this country as to be "immoral". Attitudes to whether lying is immoral appear to vary between cultures, but I say that in ours, in the UK, it is.

Email Received 11.07.22

Just to let you know that I heard from a friend today that she is unable to visit her daughter and new grandchild in a London hospital because of restrictions on visitors. I've done a quick check of a few hospitals' details to see if this is likely to be because of rise in covid cases. My husband visited Poole Hospital last week and they were back to masking. I don't intend giving you unnecessarily frequent updates on this, but they did both say that this was in response to a rise in Covid cases.

I appreciate that a hospital and an SEV are not the same thing. However, I would expect to check the situation shortly before the hearing and raise this if things have worsened as it could be relevant to what is an appropriate "layout" or "condition" of the building, or what would be a safe enough workplace to make the applicant "suitable".

ps I made a report to Trading Standards regarding the need to display the company name and registered address on temptation's website. On revisiting the website today I can see that the terms and conditions and the contact page now show the company name as being Cucumber Bars Hampshire Ltd whereas the applicant for the SEV licence is, as I understand it, Admiral Bars Hampshire Ltd. I appreciate this may seem like legal nit picking, but I would have expected the legal person, ie company, running the club and the person licensed to provide Sexual Entertainment to be the same legal person. The person providing sexual entertainment needs, I presume, to be in a position to control what happens at the premises.

Email Received 11.07.22

re "Acquired Rights" 10.4 of the BCP Sex Establishment Policy

10.4 It has been determined that these existing licences will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is not material

change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute. This essentially provides acquired rights to these existing operators for the current time.

Could the licensing committee please state in their decision making that they have no power to grant acquired rights so that 10.4 (text above) of their policy is unlawful and will be disregarded by them.

Whilst they may make policy which lasts for the duration of the policy as to how many sex establishments is appropriate they may not, in advance of any applications, prejudge any by giving them any "acquired rights". It is quite feasible that another applicant may make a new application during the time when an existing operator is in the process of applying for annual renewal, at which point the committee will have to decide which of the two or more to license.

The statement in 10.4 that the committee will consider each application under statute contradicts the statement in 10.4 that existing operators will have acquired rights.

On my understanding the legislation allowing a license previously held before adoption of a Sex Establishment Policy allows that existing license to carry over until a new application is made, which must happen within a set time period much shorter than the lifetime of the policy.