

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 26 May 2022 at 10.00 am

Present:-

Cllr J J Butt – Chairman

Present: Cllr J Bagwell and Cllr L Williams

11. Election of Chair

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

Voting: Unanimous

12. Apologies

There were apologies received from Councillor Kelsey and Councillor Bagwell attended as the first reserve.

13. Declarations of Interests

There were no declarations of interest on this occasion.

14. Wiggle, 159 Old Christchurch Road

Present:

From BCP Council:

Sarah Rogers, Licensing Officer

Josef Cannon – Barrister, Legal Advisor to the Sub Committee

Joe Tyler, Clerk to the Sub Committee

Nicky Hooley, Democratic Services, producing the minutes

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties.

The Licensing Officer presented a report, a copy of which had been circulated and a copy of which appears as Appendix A to these minutes in the Minute Book.

The Sub Committee was asked to consider an application made by Wellhot Limited, 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.

The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

For the Applicant:

Jon Wallsgrove, Solicitor, representing the Applicant

Mr Ojla, the Applicant

Objecting:

Cllr Dunlop (gave apologies, submission read by the Chairman)

Cllr Northover

The Sub Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal.

The Legal Adviser explained that the decision would not come into effect until the expiry of 21 days, beginning with the day on which the Applicant was notified by the Licensing Authority of this decision in writing.

The decision being to grant the application, there was no statutory right of appeal against this decision.

RESOLVED:- that having considered the application, submitted by Wellhot Limited, for the renewal of the Sexual Entertainment Venue Licence to permit relevant entertainment, to continue for a further twelve-month period at Wiggle, 159 Old Christchurch Road, Bournemouth BH1 1JS.

Reasons for Decision:

The Sub-Committee had regard to the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), and in particular the available grounds for refusing the application contained within that Schedule. They agreed with Mr Wallsgrove, for the Applicant, that the only grounds in contention appeared to be the 'discretionary' grounds contained within paragraph 12(3)(d) of Schedule 3. It was to those grounds that the Sub-Committee turned their focus.

They noted in particular paragraph 10.4 of the Sex Establishment Policy, which required them in this context (where there had been objections) to consider the application against the criteria within the 1982 Act. They did not agree that the policy required them to grant the application unless exceptional circumstances could be shown. They considered their discretion to be wide.

Character of locality

The Sub-Committee were told that the premises had held a SEV licence for more than a decade, with renewals every year since at least 2006. Although the character of the locality had evolved and changed in that period, they did not consider that it had changed materially since the last decision to renew the licence, or that there was any basis in the context of the character of the locality now to refuse the application. It was not inappropriate, having regard to the character of the locality, or to the use to which other premises in the vicinity were put, to grant the application.

Layout

The Sub-Committee heard from Cllr Northover about the layout of the toilets, and also from the Applicant, and viewed the licence plan. They were satisfied that the layout was acceptable and did not warrant refusal of the application.

Other Matters

The Sub-Committee were concerned to hear that there had been an incident in 2021 in which ‘wristbands’ advertising or promoting the premises had been distributed by an employee, away from the premises. It was pleased to see that its Licensing team had written to the premises warning that such a practice was a breach of its licence conditions, and to hear that there had been no further complaint since then.

More generally the Sub-Committee considered it material that there had been no complaints by local residents since the last renewal, and no local resident had objected to the application (and nor had the Police).

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In considering the application, and in coming to their decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In this case that arose primarily in the context of men and women.

They considered that some of the points raised about the effect of SEVs on women fell into the category of ‘moral considerations’ and as such were not relevant; but had regard to those which were directed towards the character of the locality, in particular. They were concerned to hear that Cllr Northover had experienced harassment near to the venue on one occasion but noted that there had been no complaint made to the Police, and nor had the Police objected to the application.

On balance, having regard to the Public Sector Equality Duty and the points made in particular by Cllr Dunlop, the Sub-Committee did not feel that the duty compelled the refusal of the application. Against the identified criteria in the Local Government (Miscellaneous Provisions) Act 1982 they did not

feel there was any basis to refuse the application and they thus resolved to grant it.

Voting: unanimous

The meeting ended at 12.10 pm

CHAIRMAN