

For Your Eyes Only (FYEO)

Sexual Entertainment Venue Licence renewal Hearing 12 October 2022

History

FYEO was one of the first lap dancing establishments in the country, having been launched under the Surrey Free Inns umbrella by an in-house team which had taken its template and ideas from the US. The first FYEO to be opened was in Park Royal, London and Bournemouth was the second. That opened late last century, following the acquisition of a nightclub at 136 Old Christchurch Road. The site was chosen because it was in an area where there was a high density of licensed premises, especially those with late night operations. It was the first operation of this nature in Bournemouth and at that time on the South Coast.

FYEO Limited, with Glenn Nicie as the main director, became the property leaseholder and licence holder in 2003.

Despite some initial understandable concerns from the relevant authorities as to how such an operation would impact on the area, and on crime and disorder in particular, FYEO was quickly able to meet its claims that there would be no adverse impact. There were no complaints from the authorities concerning its trading under the appropriate Licences and Certificates granted by the Bournemouth Magistrates' Court and Council respectively.

Those licences were duly converted as required by the Licensing Act 2003 under the transition provisions, with a 24 hour premises licence being granted by Bournemouth Borough Council.

In 2007, FYEO acquired the adjoining premises at 140 Old Christchurch Road. That necessitated an application for a new licence. Bournemouth Borough Council had a Statement of Licensing Policy which included a cumulative impact policy covering the areas of Bournemouth where there was a high density of licensed premises, and such a policy covered this site. As a responsible and reputable operator, FYEO carefully considered the impact of this operation in this area and addressed issues appropriately, offering conditions to ensure that there would be no adverse impact. It was able to draw on its past track record of being an operation which did not trouble the authorities. The application was not contested, and was granted.

Following the implementation of the amendments to the Local Government (Miscellaneous Provisions) Act 1982 (the Act) in 2010, FYEO applied for, and was granted, a Sexual Entertainment Venue Licence (SEVL). There were no objections to that grant from the authorities. It has held, and annually renewed, the SEVL since that time.

The confidence placed in the operation by the authorities was fully justified, with the Club winning the Best Bar None Award for the Best Club in 2018, and receiving Accreditation each of the other years since 2011.

In 2015 the licences and Lease were transferred to Hampshire Restaurants Ltd, with Glenn still as the main director. The directorship altered in 2019, when Glenn's role changed to one of protection of FYEO brand integrity, and consultancy. As at today's date Emily Ivins is the director, with the ability to call upon Glenn as consultant if and when the need arises.

The application for renewal

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

The objections

As this Committee is well aware, the grounds for refusing a licence are limited to those set out in paragraph 12 of Schedule 3 of the Act. The mandatory refusal grounds do not apply, but it is accepted that the Committee will consider the discretionary grounds.

Those grounds (which are set out in the Report) do not include, per se, the Licensing Act 2003 objective of prevention of crime and disorder. As a matter of courtesy, however, the Applicant will respond briefly to the objections raised under the Crime and Disorder heading in the objection.

- a) Taxi Rank. The rank in this area was initially removed, but subsequently reinstated following consultation with the taxi drivers in its current position, on the pedestrianisation of this part of Old Christchurch Road in 2016. It continues to serve the licensed and entertainment premises in the vicinity. To the best of our knowledge, the move had absolutely nothing to do with the SEV licensed premises.
- b) The Safe Bus. This is a very successful partnership initiative between the Police and the Council to ensure a safe haven for people enjoying Bournemouth's night life who may be 'vulnerable, drunk or unable to get back to their accommodation'.. be they 'injured, lost, in fear' etc. It is understood that it is parked in this area because it is a (if not the) prime late night entertainment sector of the Town.
- c) CCTV Condition. The licence is/will be already subject to a stringent CCTV condition which is proposed by, and so acceptable to, the authorities. These proposed changes are not necessary, appropriate or proportionate.

Fitness of the applicant

Alex and Emily Ivins have been in this trade for several decades, including running SEV clubs in managerial roles. That included the FYEO in Southampton, and it is accepted that there was an unfortunate incident some 3 years ago. Responsible operators are always willing to learn, and card payments at FYEO Bournemouth are only capable of being accepted by trusted employees in an area covered by CCTV. Southampton City Council has praised the site for being very well run following that incident, and the SEV has been renewed each subsequent year.

FYEO has continued to show a willingness to consider criticism, and whilst the silhouette in the window display complained of has been there for many years without complaint, it is accepted that it no longer fits with the company ethos, and it will be removed. Similarly, whilst, as accepted by the objector, not required by law (as no nudity and/or sexual activity shown on the website) the FYEO brand has demonstrated its commitment to protection of children by adding an 18+ compliance button.

To further demonstrate its commitment both to the new Policy and child protection, a decision has been taken to remove the long time logo of the pole dancer from the new signage to be erected, and to refrain from advertising either website or twitter feeds on this new frontage.

It accepts that company details should be clearly visible on the website, and that has been addressed.

Neither the 'stag on stage' nor the Club's facebook advertising material offend against the rules as existing or proposed.

Condition of the Building

The current condition of the exterior of the building the subject of the objector's observations is also causing the applicant considerable frustration. The applicant's lease is limited to the ground floor and basement, and there is a separate lease to a businessman who lets the first, second and third floors to students. He has done this for about 15 years. The water damage that is occurring to FYEO's frontage originates from broken guttering which is on these upper floors. As Glenn was familiar with the Landlord at the time, having held the lease for many years, he undertook negotiations with him to resolve this issue as consultant for the applicant about a year before Covid closed the Club. That stalled the negotiations, and then the person Glenn had been dealing with sadly died. Family members have now taken over, and negotiations started again following the Club's re-opening. The Lessee for the upper floors has failed to respond to the Landlord's requests to deal with the issue and, following the Applicant's pressure to resolve, has now taken it upon themselves to deal. It is understood that the necessary Scaffold Licence application has been made.

As soon as the cause of the damage has been repaired, the plans for the new façade can be put into place. This will not only repair damages, but will present a smart, inoffensive and discreet frontage in simple monochrome with no images, logos or marketing materials. (See below). This reflects not only the Applicant's desire to enhance the portrayal of the Club, but also takes into account both the requirement and spirit of the new SEV Conditions. The applicant is, obviously, very keen to get on with this at the earliest opportunity as the current state of the exterior is definitely not what they want either. They have arranged for the sub-contractors to be on site to deal with this just as soon as the gutter is repaired. There is clearly no sense in doing it until it is as it will simply damage the new façade as well.

Without any acceptance of the phraseology used, the above also addresses the objection made by the second objector about the state of the signage and imagery.





FYE O lettering 050 opal
 Built up 100mm returns.
 LED illumination.
 Folded gloss black all composite
 panels.
 All paintwork and window panels
 gloss Dulux Grey 00NN 25/000
 FYE O ghosting graphics to
 windows.

Drawn by -
 Version -
 Date -

01425 272600
 SALES@SIGNSOFDISTINCTION.CO.UK



PLEASE NOTE COLOURS MAY NOT
 SHOW CORRECTLY ON AIRWORK
 AND ARE FOR VISUAL PURPOSE ONLY
 ALL DETAIL TO BE CONFIRMED

CLIENTS COMMENTS & SIGN OFF:

This Committee will, of course, be more particularly concerned with the layout and internal condition of the premises and will consider the suitability of that layout in respect of the

licence and the safety of those using them under this licence. There is nothing to suggest that is either unsuitable or unsafe.

The Lane at the rear. This lane is a service lane which runs from Fir Vale Road through to the back of 150 Old Christchurch Road. Waste bins from the various properties between are kept here, including those from FYEO. The company has a contract with the Council for its waste disposal. Probably most of the bins in the lane will contain food, but FYEO bins are primarily for glass and cardboard so unlikely to attract rats. FYEO was not responsible for gating the lane, but in any event any question of obstruction of a highway is not a matter for this Committee.

EPC Certificate. The property is not about to be let or sold, so an EPC Certificate is not relevant.

Fire Risk Assessment etc. Whilst more usually a matter for the Fire & Rescue Service, the applicant is happy to confirm that it arranges for its Fire Risk Assessment to be regularly updated by Mid Hants Fire Protection, and that was last effected in July 2022. That firm also carried out emergency lighting and alarm tests on 9 September 2022, and the fire extinguishers tests were carried out on 9 June 2022. PAT tests are carried out annually, with the last test in November 2021 and the 5 year EIFC test was done on 5 April 2022. Proof can be produced should the Committee so wish.

New SEV conditions

FYEO was well aware of the proposed new conditions and, to its trading detriment as the other clubs did not follow suit, stopped flyer/marking the venue following the club re-opening after Covid closures.

The smoking area for dancers is from a rear door to a fully enclosed and safe courtyard.

The Locality

The general nature of this area has not changed to any great extent since FYEO first selected the site in the 1990s, except that the later grant of the Wiggle licence close by has added to the late night entertainment theme of the area. There have, of course, been some changes in the occupiers of premises, and there has been the pedestrianisation scheme, but the locality remains one of the main hubs of licensed late night entertainment in the Town. Indeed, over the last few years, it has probably morphed into **the** main night time economy area of the Town following the closure of the clubs in the Glen Fern and Fir Vale Roads.

New Restaurants nearby

The Council records show that there have been a total of 8 new licences granted in that part of Old Christchurch Road between the Lansdowne and Yelverton Road since the renewal of the SEVL in September last year. (LNR = late night refreshment, generally takeaways).

Kazuko Pan Asian Restaurant
Kumpi Restaurant

204 Old Christchurch Road
77 Old Christchurch Road

Ex Bar ME (Kebab & Pizza LNR and restaurant)

134-136 Old Christchurch Road

AB Digitek IT (LNR to 3am and alcohol off)	248 Old Christchurch Road
Bella Ciao (LNR to 5am)	212 Old Christchurch Road
SOL (LNR to 5am)	182 Old Christchurch Road
Black Sea Supermarket (off sales of alcohol)	282 Old Christchurch Road
Mr Five Asian Supermarket (off sales alcohol)	205 Old Christchurch Road

It will be noted that the 2 new Restaurants are not in the vicinity of FYEO, being at 77 Old Christchurch Road (opposite the Burlington Arcade) and 204 Old Christchurch Road (next to Revolution) respectively.

The other 6 new licences comprise 2 off licensed stores which close at 11pm and 4 LNRs (including the former Bar ME at 134 Old Christchurch Road with a terminal hour of up to 4am). The photo appended to the second objector's email is the former Bar ME, and it is one of the additional Late Night Refreshment (LNR) licensed premises that have opened in the area to serve the late night economy. The 3 completely new LNRs opening during the past 12 months supports and strengthens the fact that this area continues to operate primarily as a late night entertainment hub, and that any other developments in the area have not materially altered that use.

Student accommodation

Bournemouth has been at the forefront of providing post-school education for many years, and certainly was at the time that this SEVL was granted. Then the focus was more on the technical college that is now part of BU, and Foreign Language Schools. There are apparently some 19,000 students in Bournemouth, following the expansion of the BU campus over the past 20 years. They will, of course, continue to be requiring accommodation and substantial purpose built accommodation has already been provided, and was in existence last October, centring primarily around the Lansdowne area. From the Lansdowne there are short walks to the Library and BU International College, with buses to the main Talbot campus and the Art College. It is inevitable that some students may walk past the SEVLs on their way to their studies, but no complaints have been received as to their safety because of this. We are not aware of any substantial student accommodation having been created in the vicinity of FYEO in the past 12 months, and in any event have every confidence that FYEO will continue to pose no threat to students, or indeed to any other people, going past.

The Livingstone Academy

The Academy occupies the old Magistrates' Court building in Stafford Road, and currently has some 170 Sixth form pupils. The school's website indicates no activities after 4pm, with school starting at 8.30am.

In this location, students needing to use public transport to get home would most likely go to the Lansdowne to catch a bus, although it is accepted that some may walk past Wiggle and then FYEO to go to the Square.

FYEO does not open its doors until 9pm at the weekend and 10pm during the week, so it is unlikely that students from the school would even register its presence. The proposed new and very discreet signage and frontage supports this contention. In any event, there is no reason to believe that even if the club was open, that anyone (including such students) would be caused any harm. There is no cause or justification for seeking to force a reduction

of the hours shown on the licence. Each of the SEVLs, including Wiggle, also have 24 hour licences.

Committee members have considered and accepted that there has been no material change to this area's character on each renewal of this licence since the grant in 2005, and has agreed that this remains the case in 2022 in considering the renewal of the nearby Wiggle SEVL in May this year. We would respectfully submit that there is no evidence before the Committee which would justify deviation from the Statement of Licensing Policy when considering this application.

Public Sector Equality Duty

This is summarised by Government as requiring public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

The protection and safety of women is a high priority for FYEO, which is one of the very few clubs of this nature to have women prominently involved in management, with Emily as director and Karen as deputy manager.

With the exception of the two objections before you, FYEO has received no complaints from any source which contravene that overview.

Human Rights Act

The applicant agrees with the first objector that his/her rights are not contravened under this legislation, and that this is not relevant to this application.

JCP Law

4.10.22