

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 07 December 2022 at 10.00 am

Present: Cllr J Bagwell, Cllr J J Butt and Cllr L Williams

91. Election of Chair

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

Voting: Unanimous

92. Apologies

An apology for absence was received from Cllr David Kelsey and Councillor Julie Bagwell, as a reserve member, assumed the role as a Licensing Sub-Committee member, in his absence.

93. Declarations of Interests

There were no declarations of interest.

94. Protocol for Public Speaking at Meetings

The Protocol for Public Speaking at Meetings was noted.

95. Simply Pleasure, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT

Present:

From BCP Council:

Tania Jardim, Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee
Johanne McNamara, Legal Advisor to the Sub-Committee

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 Mr Timothy Hemming of ABS Holdings for the renewal of the licence to use the premises at 333-335 Holdenhurst Road as a sex establishment to trade for a further twelve-month period.

The Licensing Authority received one objection.

Mr Timothy Hemming attended the hearing and addressed the Sub-Committee to expand on the points made in his written submission. The objector did not attend and wished to remain anonymous.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received.

In the absence of the objector the Chair raised a question regarding the website address for the business. The Licensing officer advised that the name of the premises was 'Simply Pleasure.com' and that could be shown on the premises regardless as to whether the website address was displayed. The current policy allowed for the name of the premises to be displayed in the shop window, providing that it was approved by the Council, which it was. The Legal Adviser explained that there was no prohibition on displaying the website address.

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.

Decision

The Sub-Committee heard from the Licensing Officer, Tania Jardim and from Mr Timothy Hemming, the Applicant, who spoke to his written submissions.

The objector was not present, having sent apologies in advance, however, the Sub-Committee took full account of the contents of their objection.

The Sub-Committee accepted that there was a bus stop sited close to the premises, however, it had been there since the 1960's without cause for concern.

The Sub-Committee also accepted that there was nothing to prohibit the premises from displaying it's website address in the shop window. There was no breach of the current Licence in this regard. Website contents are not monitored by the Licensing Authority.

The Sub-Committee also heard from the Licensing Officer that there have been no complaints or breaches in relation to the current Licence.

In respect of the character of the locality, the Sub-Committee accepted that it had not changed materially since the previous renewal, or indeed for some years, and agreed that it was one of the principal locations within the area for the night-time economy. There had been no substantial changes to the uses to which buildings in the vicinity were put, and the Sub-Committee saw no basis on which to refuse the application given there had been no material change.

Given the above the Sub-Committee agreed that section 10 of the SEV Policy applied to these premises, which benefit from an 'existing licence' as set out in the Policy. It was noted that as an objection had been received it was necessary for the said application to be considered at a hearing. The application was considered in light of the SEV Policy and the relevant legislation, and in particular paragraph 12(3)(d) of the 1976 Act. The objection received did not raise any matter to which the other potentially relevant sections would apply.

Having taken all the above into account the Sub-Committee were of the view that the licence should be renewed for another year.

The meeting ended at 10.47 am

CHAIRMAN