

**BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL**  
**LICENSING SUB-COMMITTEE**

Minutes of the Meeting held on 26 October 2023 at 10.00 am

Present:-

Cllr D Flagg – Chair

Present: Cllr D A Flagg, Cllr A Keddle and Cllr J Richardson

Also in attendance: Cllr A Chapmanlaw and Cllr S Moore (observing only)

36. Election of Chair

**RESOLVED that Councillor D Flagg be elected Chair of the Sub-Committee for the duration of the meeting.**

37. Apologies

Apologies were received from Cllr M Howell and first reserve, Cllr C Matthews. As second reserve, Cllr J Richardson replaced Cllr Howell as a member of the Sub Committee.

Cllr S Moore and Cllr A Chapmanlaw attended the meeting for training purposes only. They took no part in the proceedings or deliberations.

38. Declarations of Interests

There were no declarations of interest.

39. FYEO 134 - 140 Old Christchurch Road Bournemouth BH1 1NL

Attendance:

BCP Council:

Sarah Rogers – Senior Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Sinead O'Callaghan - Democratic and Overview and Scrutiny Officer  
(observing for training purposes)

Rebekah Rhodes - Democratic and Overview and Scrutiny Officer  
(observing for training purposes)

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

The Senior Licensing Officer presented the 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 for the renewal of the Sexual Entertainment Venue (SEV) Licence for the premises known as 'FYEO', 134 - 140 Old Christchurch Road, Bournemouth, to permit relevant entertainment to continue for a further twelve-month period.

As a result of the consultation two objections had been received against the renewal of the SEV. Mediation had been undertaken between the applicant and one of the objectors but this had not resulted in the objection being withdrawn. It was confirmed that there had been no representations received from any of the responsible authorities.

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

Applicant and Representatives:

Ms Julia Palmer – Solicitor for the applicants

Mrs Emily Mins and Mr Alex Mins, applicants

Objectors:

Mrs Susan Stockwell

Cllr Lisa Northover

During the hearing Cllr Northover submitted information provided by Dorset Police in response to her Freedom of Information request which listed the number of sexual assaults reported in licensed premises in Bournemouth over the last three years, which include one report in relation to FYEO. This information was passed to the applicants and their representative with an opportunity to respond provided

The Sub Committee asked various questions of all parties present and were grateful for the responses received. All parties were invited to sum up before the Sub-Committee retired to make its decision.

**RESOLVED that the application to renew the Sexual Entertainment Venue Licence for the premises known as FYEO (For Your Eyes Only), 134 – 140 Old Christchurch Road, Bournemouth BH1 1NL, be GRANTED subject to the addition of the following two conditions:**

- **The reference to 'The Ultimate Table Dancing Club' shall be removed from the external signage. No reference shall be included on the external signage which intimates the 'relevant entertainment' provided on the premises as defined in the legislation.**
- **Any photographs and or images used externally and incorporated into banners and signage attached to the barriers which are placed outside the premises when it is open, shall first be submitted and approved in writing by the Licensing Authority, in consultation with members of the Sub Committee, to determine they are deemed appropriate for external display.**

**Reasons for Decision:**

The Sub-Committee considered in detail all the information which had been submitted before the hearing and contained in the Licensing Officer's report for Agenda Item 5. The Sub-Committee considered the written and verbal submissions submitted by the objectors, Mrs Susan Stockwell & Cllr Lisa Northover, including the additional information submitted by Cllr Northover at the hearing, together with the written and verbal submissions of the applicants' representative, Ms Julia Palmer. The Sub Committee also considered the contents of the applicant mediation with objectors at Appendix 7 of the report. The Sub Committee was grateful to all parties for their responses to questions raised at the hearing.

The night before the hearing Mrs Stockwell, sent an email to the Licensing Officer seeking clarification as to whether there was a presumption to grant the application. This email was not picked up until the morning of the hearing and Mrs Stockwell raised it again at the beginning of the hearing. The question was referred to the legal advisor who advised the application would be considered in accordance with schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and that her email would be addressed at a later point. To confirm there is no presumption to grant an SEV licence, but a decision to refuse a licence must be relevant to one or more of the grounds set out in paragraph 12 of schedule 3.

The Sub-Committee had regard to the provisions of Schedule 3 and the available grounds for refusing the application contained within paragraph 12 of that schedule. Based on the information provided at the hearing, the Sub Committee agreed that the only grounds which appeared to be relevant in this case was the 'discretionary' grounds contained within paragraph 12(3)(d) of Schedule 3

The Sub Committee was satisfied that the applicants' representative had addressed the issues raised in objection regarding the suitability of the applicants and agreed that the premises appeared to be well managed and was operating responsibly. It was noted that the historic incident at the Southampton club four years ago had been addressed and procedures put in place regarding card payments and who could accept payments. The Sub Committee were advised about the responsible steps taken by the premises following the visit by the Licensing Authority and Dorset Police in March 2023 when it was reported that dancers were becoming too close to customers. This report was taken seriously by the premises and immediately all dancers were given reinduction training to remind them of the code of conduct and those dancers involved being given a warning by management that if there were further breaches then there would be sanctions imposed.

**The character of the relevant locality and the use to which any premises in the vicinity are put:**

The Sub-Committee noted that the premises has operated as a lap dancing club since at least 2005 when records began and has held an SEV licence

since 2010 in accordance with legislation, this being renewed annually. Although the character of the locality had evolved and changed during this time, it was still considered to be the centre of Bournemouth's licensed night-time economy. The Sub Committee noted the points raised in objection and the responses on behalf of the applicants in respect of the premises' location, including its proximity to student accommodation, and the Livingstone Academy. The Sub Committee did not consider that there had been a material change in the locality since the licence was renewed last year or that there were sufficient grounds based on the character of the locality with which to refuse the application at the present time.

That said, the Sub Committee was mindful that the character of the location was one of ongoing change, with more residential accommodation being built or redeveloped in the town centre, attracting more families and young people to live in the area. The intake of pupils at the nearby Livingstone Academy in Stafford Road, opened in 2021, was increasing annually on a rolling programme and some of these children would be passing the premises on their way to and from the school. While the Sub Committee acknowledged that the opening hours of the premises would not conflict with the school run, it does mean that an increasing number of children and young people would be directly exposed to the external appearance of the premises. The Sub Committee shared the concerns raised around the use of the term 'table dancing' on the external signage and did not support the view that this was necessary or appropriate to inform people what type of entertainment the premises offered. The Sub Committee also questioned the nature of the content displayed on banners attached to the crowd control barriers placed outside of the premises during opening hours and considered this to be purely advertising. To address these concerns, the Sub Committee felt it proportionate to grant the licence subject to the two additional conditions to ensure the external appearance of the premises was appropriate.

With respect to the issues raised about violent crime, including incidents of rape and sexual assaults in the town centre, which did concern the Sub Committee, there was no evidence to connect these incidents to the premises and this type of behaviour to SEVs. Cllr Northover was of the view that this premises contributed to a hostile environment in the town centre towards women, but the Sub Committee were not presented with any evidence that the premises was contributing to the creation of such an environment more than any other licensed premises in the town centre. The Sub Committee noted Dorset Police had not made an objection to the application and were of the view that if the Police had concerns about the premises and its effect on crime and disorder in the vicinity, they would have voiced these concerns.

The Sub Committee noted the information provided by Dorset Police in response to Cllr Northover's Freedom of Information request which listed the number of sexual assaults reported in licensed premises in Bournemouth over the last three years, which include one report in relation to FYEO. Ms Palmer confirmed that the applicants had no knowledge of this report and Dorset Police had not brought it to the applicant's attention.

She asked the Sub Committee to consider this one report in the overall context of the numbers and premises listed. The Sub Committee noted all premises listed in the freedom of information request were town centre licensed premises operating in the nighttime economy.

Currently, the location of the premises was not thought inappropriate, having regard to the character of the locality, or to the use to which other premises in the vicinity were put, to warrant refusal of the application.

**The Layout, character or condition of the premises, vehicle or vessel or stall in respect of which the application is made.**

The Sub Committee noted the points raised in objection regarding the plan of the premises and its condition and the responses provided on behalf of the applicant. They welcomed the improved condition of the outside of the premises and the more subdued frontage.

The Sub Committee was satisfied that the layout, character and condition of the premises was acceptable and therefore not a ground on which the application could be refused.

**Public sector equality duty**

In considering the application, and in coming to its 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. The Sub Committee was advised that the premises welcomed and was frequented by both men and women and that female guests and the female dancers had commented that they feel safe and secure in the environment.

The Sub Committee noted that no objection had been made by any resident living in the vicinity or staff or students at Bournemouth University regarding the premises or the behaviour of those who may visit it. With so many female students now living in the vicinity, the sub-committee felt it reasonable to assume that the University would have been made aware and shared any concerns brought to them by those students. In addition, they would expect Dorset Police to share complaints and concerns connected to behaviour emanating from the premises.

The sub-committee determined that some of the points raised in the objections were not grounds on which the application can be refused, and some were inaccurate or without evidence. On balance, having regard to the Public Sector Equality Duty, the Sub-Committee did not feel that the duty compelled the refusal of the application. After full consideration of the grounds set out in paragraph 12 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 the Sub Committee did not feel there was any basis to refuse the application and therefore resolved to grant it subject to the two conditions outlined above.

## **Right of Appeal**

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

### 40. Exclusion of Press and Public

**RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.**

### 41. Consideration of the suitability of an individual to become a Hackney Carriage and/or Private Hire Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Wesley Freeman – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Sinead O’Callaghan - Democratic and Overview and Scrutiny Officer (observing for training purposes)

Rebekah Rhodes - Democratic and Overview and Scrutiny Officer (observing for training purposes)

The Applicant was also in attendance.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix ‘B’ to these Minutes in the Minute Book, together with supplementary information provided by the applicant, a copy of which appears as Appendix ‘C’ to these Minutes in the Minute Book.

The Sub Committee was asked to consider whether the applicant was deemed to be a ‘fit and proper’ person to allow them to continue with the application process for a hackney carriage/private hire drivers licence. In light of the issues raised in the report the Sub Committee was also asked to

consider if the applicant remained a fit and proper person to hold a private hire operator licence.

The applicant addressed the Sub Committee to present their case.

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

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Council's Legal Advisor advised all parties of the right of appeal.

**RESOLVED that the applicant is considered to be a 'fit and proper' person to continue with the application process to become a licenced hackney carriage and/or private hire driver.**

Reason for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the Licensing Officer's report for Agenda Item 7 and the Supplementary Papers submitted by the applicant for Agenda Item 7 and the verbal submissions made at the hearing by all parties, including the responses provided by the applicant to questions from the Sub Committee.

In considering the test of a 'fit and proper person', the Sub Committee had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

Having considered the circumstances of the case, the Sub Committee concluded that the applicant is a 'fit and proper person' and that it is appropriate to depart from the policy, so that the applicant be able to continue with the application process to become a licensed Hackney Carriage/Private Hire driver.

Anyone aggrieved by this decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

42. Consideration of the suitability of a new Hackney Carriage/ Private Hire Driver application

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Attendance:

From BCP Council:

Wesley Freeman – Licensing Officers

Linda Cole – Legal Advisor to the Sub-Committee

Jill Holyoake – Clerk to the Sub-Committee

Sinead O’Callaghan - Democratic and Overview and Scrutiny Officer (observing for training purposes)

Rebekah Rhodes - Democratic and Overview and Scrutiny Officer (observing for training purposes)

The Applicant was also in attendance.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all participating parties.

The Licensing Officer presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'D' to these Minutes in the Minute Book.

The Sub Committee was asked to consider whether the applicant was deemed to be a ‘fit and proper’ person to allow them to continue with the application process for a hackney carriage/private hire drivers licence.

The applicant addressed the Sub Committee to present their case.

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

All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the Hearing, the Council’s Legal Advisor advised all parties of the right of appeal.

**RESOLVED that the applicant is considered to be a ‘fit and proper’ person to continue with the application process to become a licenced hackney carriage and/or private hire driver.**

Reason for Decision:

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the Licensing Officer’s report for Agenda Item 8 and the verbal submissions made at the hearing by all parties, including the responses provided by the applicant to questions from the Sub Committee.

In considering the test of a ‘fit and proper person’, the Sub Committee had regard to the BCP Council Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of the Local Government (Miscellaneous



Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

Having considered the circumstances of the case, the Sub Committee concluded that the applicant is a 'fit and proper person' and that it is appropriate to depart from the policy, so that the applicant be able to continue with the application process to become a licensed Hackney Carriage/Private Hire driver.

Anyone aggrieved by this decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision

The meeting ended at 1.41 pm

CHAIR

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