

## **Objection to Wiggle Renewal of Sexual Entertainment Venue Licence 2024 – 2025**

**13.03.24 19:07**

Hi

This is my objection to the licensing of Wiggle Strip Club, Bournemouth, at 159 Old Christchurch Road.

I have seen the notice of application but at time of writing await up to date copies of the license itself, any filed plan (which I believe was altered last year), the application, any other relevant document and whether any further details of license breaches observed prior to the grant of last year's license or since are available.

Suitability of applicant-as raised last year, the applicant's director has been fined in Portsmouth for having a dangerous HMO, House in Multiple Occupation, without a license, reported in a tribunal as being dangerous. His legal representative told BCP's committee last year that the HMO was not dangerous. His agent was also fined and appealed only to have the fine increased because of the danger, according to the tribunal report. The applicant's director has previously undertaken to supervise the Bournemouth club following breaches leading up to the 2013 hearing. At a recent hearing regarding Weymouth Wiggle he said that he personally supervises that club, which is advertising as opening twice a week. BCP's licensing department has also heard that the women's toilets could only be accessed by going through the men's toilets where the urinals are so that an application was made to alter the filed plan so that works would be carried out to change this layout. Someone who could run a club with women's toilets with such a layout isn't suitable for a running a strip club, where preserving the safety and dignity of the women performing is paramount to upholding the license. The applicant has also erected a smoking shelter at the premises, seemingly without planning permission, right at the front of the building, close to the pavement for anyone to see in a conservation area. I mention this not because I want the licensing committee to decide on this planning permission, which I appreciate is not possible, but to emphasize that the applicant has again been let down by those around him. With numerous strip clubs licensed and other businesses it is imperative that the applicant can rely on those he delegates responsibility to.

Equality Act, Public Sector Equality Duty (PSED)-the license should be refused on the grounds that granting it would breach this duty in two respects. The Home Office Guidance (forward dated March 2010) on Sexual Entertainment Venue licensing is out of date as it fails to take into account the more recent Equality Act. The leading case on moral objections R v Newcastle Upon Tyne City Council Ex Parte Christian Institute, where the original decision pre dates the coming into effect of the Equality Act is also out of date.

BCP's PSED requires it to promote good relations between the sexes and to eliminate harassment.

With regards to harassment- I refer to previous representations made to BCP council by women complaining of harassment by strip club customers. These were erroneously dismissed as irrelevant and inadmissible during the public consultation process for setting a policy of licensing Sex Establishments. Because of this dismissal the High Court quashed that policy. I am asking this committee to consider these representations made in that public consultation and those made regarding harassment at previous hearings regarding licensing strip clubs in Bournemouth in deciding whether to refuse because of breach of the Equality Act.

With regards to promoting good relations between the sexes, the existence of strip clubs undermines this so that the license should be refused on those grounds. One other Bournemouth strip club advertises the damage done to relationships by attending by listing a number of rather extravagant lies which it recommends customers tell to their intimate partners to avoid them discovering that they have been attending the clubs (it is one of a number similarly branded). The same one insists that security be alerted immediately a partner of a performer is known to be on the premises, which suggests that being a performer at a strip club may undermine relationships with their own partners. Another Bournemouth club warns strippers to be wary of the danger which strip club customers may pose outside of the security of the club, which again suggests a very poor relationship created between members of the opposite sex involved as customer and performer. Wiggle's own website details all the measures in place to protect the performers from the customers on the premises, which again does not indicate a very healthy relationship between performer and customer.

The PSED also, according Philip Kolvin QC author of a book "Sex Licensing" allows moral objection to licensing of strip clubs to be considered if those moral objections are founded on religious principles. My own objection from a moral standpoint is founded on a concern for upholding relationships between men and women, so that their children can benefit from a stable home as far as possible. This is founded on Christian cultural support for the family. I should emphasize that my beliefs don't extend to condemning anyone involved in family breakdown, but I do think licensing strip clubs can place a strain on family relations and finances. As such, I believe that I am entitled to the protection of the PSED inasmuch as I would be more affected as someone with religious beliefs by the licensing of this club than someone who didn't share those beliefs. I also refer the committee to a previous objection made to Bournemouth licensing committee by a priest on moral grounds which I would ask you to consider.

I also ask you to consider that Relate has not been able to provide me with any general advice on the impact of Strip Club attendance, as customer or performer on relationships, but does mention on its website the damage which lying about attending can do to a relationship. It is purely anecdotal and I have no knowledge at all of whether it is even true, but a press report of a Bournemouth strip club performer stated that Prince Harry refused a private dance from her because it would be like cheating on his girlfriend. I would ask you to consider not whether this press report was true, but whether this sentiment of the private dance being a form of infidelity is correct.

## Suitability of premises

The premises has been smartened up quite bit since the last hearing with litter only in the parking bay and just proud of the smoking shelter, consisting of at least one bottle and a few other odds and end last time I walked past. However, a window covering at the back is still ripped, although it is only one layer so doesn't allow anything to be seen through. The tree on the corner which the planning file says will be preserved is still dead (since about 2015 according to google street view). Areas of wall at the bottom of the building's down pipes are still green which doesn't bode well for the drainage. A crack in the front retaining wall by the front gate is still quite perfunctorily repaired by three strips of metal. I haven't had a good look at the other buildings around, but I'm not aware of any other tatty looking repairs like this, in what is after all a Conservation Area. A smoking shelter is now part of the premises as premises generally includes the curtilage, ie part of land close to the building. To license this premises with a smoking shelter standing in the grounds breaches the Public Health statutory duty to improve the health of people within BCP. Encouraging smoking by providing a shelter for socialising and protection from the elements, particularly the socializing, isn't compatible with public health.

## Location

I refer the committee to BCP's now quashed policy on licensing of Sex Establishments as an indication of what the democratically elected representatives of BCP's residents approved by way of unsuitable locations. I have only been able to find the draft version of this policy and don't know if the adopted version is different. The draft says that residential premises, anywhere used by children, families or young persons, places of cultural/religious significance, tourist attractions, parks and open spaces, drop in centres, places used by vulnerable persons, medical facilities, concentration of other sex establishments, may be factors in deciding on licensing. Residential premises exist at the Citrus Building to the side of the premises, flats at the rear, and flats above the building on the other side. Reference to the business rates records shows many of the commercial premises lining the same road have residential premises above them. Much of this is occupied by "young persons" including the many student residences within walking distance of the premises, including some within sight on the premises. St Peter's Church, which includes the graves of Mary Wollstonecraft founder of modern feminism and her daughter and son in law Mary Shelley and Percy Lord Shelley is both a place of worship and tourist attraction. The Shule is nearby, although I'm not sure if it is still in use. Likewise a mosque exists in walking distance. It is reasonable to take walking distance as the appropriate size of the neighbourhood because there is so little parking in the area compared to the number of people using the facilities or living there. The building next door appears to be used by people with substance abuse issues.

In addition there is a school at Stafford Road nearby, called Livingstone Academy. I attended an event near this road last week and drove through the area, including past Wiggle, to get

home. There were many children walking home. Certainly the premises shouldn't be licensed to operate at any time when there may be children in the area, either for school activities, after school activities or parents evenings. At the moment it is licensed 24/7 even though it isn't advertised as open to the public for all of that time. However, it could be used as a strip club at any time of the day or night under the current license.

There have been press reports of further premises in the same road at the Old Beales building being converted to student accommodation, but at time of writing I couldn't see anything about this on the planning file for BCP.

Turtle Bay restaurant next to Wiggle has a children's menu, suggesting families eat there. Oasis Fun and Laser Quest are both still advertised as open in nearby Glen Fern Road. Various other nearby establishments have promotions for children.

Ex parte Christian Institute (see above) although casting doubt on moral objections being admissible generally, (now superseded by the Equality Act) does state that the morals of people attracted into an area by a sex establishment, should be considered say if there are children present. Thus, you may not want customers of strip clubs where teenage girls are away from home for the first time in student residences or attending nearby language schools.

An American study of violence in the neighbourhoods around strip clubs found higher rates of violent crime, and where there was either full nudity or booths higher rates of sexual violence. Bournemouth's strip clubs all have both booths and full nudity. If you are minded to grant the license can I suggest that you remove permission for the full nudity and the booths so that the remaining performances are paid for by the operators rather than the performers having to pay to dance on the main stage in the hopes of persuading a customer to pay for a private dance in a booth. I do not know if this is the existing business model in Wiggle but it is common practise in the industry, a bit like paying for a barber's chair.

Criminologists are also finally making the connection between sexual frustration, which on my understanding is the entire point of a strip club, and aggression. Could you please take this into account in considering your duty under the Crime and Disorder Act s17 ie to reduce both crime and disorder and serious violence. As you can see from the above, stringent measures are in place on the club premises to protect performers, and I ask you to draw your own conclusions from that as to how the customers will behave on leaving the premises, particularly given the high rates of violent crime including sexual crimes near Bournemouth's strip clubs.

Please also consider the economic damage to Central Bournemouth's night time economy by the ongoing licensing of strip clubs. Two nightclubs are either under threat, Cameo in some sort of administration and Halo has announced closure. This followed a freedom of information request on sexual assaults in establishments in central Bournemouth, which were unacceptably high. In contrast, Sheffield, which now has no strip clubs following

campaigning has seen two new nightclubs opened since the last sex establishment license was surrendered. That campaigning is reported as including the Equality Act duties to promote good relations between the sexes and eliminate harassment.

I also refer the councillors to their duty which used to exist under BCP's constitution to consider the public purse. I have been sent an email listing the huge amount of resources being spent on policing Central Bournemouth, with one new initiative following another with monotonous regularity. Policing a small area with three licensing strip clubs is a seemingly bottomless money pit diverting resources from both Dorset Police and BCP Council as well as numerous volunteers giving up their time. BCP's policy on licensing strip clubs was put together at huge expense in terms of officer and councillor time, drawing it up, consulting including with the industry itself, and eventually adopting it at full council. If the industry didn't like the policy points regarding location which I have mentioned above it could have given feedback in the consultation. It then had a very generous three months in which to consider whether the policy was unreasonable to and lodge a judicial review application. Members of the industry could have applied to be joined to the judicial review application if they didn't like the policies on location. Now is far too late to start saying that the location is fine and it's ok to have a strip club so near Horseshoe Common, in the middle of where so many people live, near a school, in the heart of where "young persons" as the policy calls them as distinct from children, want to use our once much enjoyed night time economy carefree in their salad days. It is not fine and the democratically elected representatives of BCP's residents confirmed that it is not fine when they adopted the BCP Sex Establishment licensing policy. I would like to see all that hard work and due process respected by the application for Wiggle to trade for yet another year in Bournemouth as a Sexual Entertainment Venue to be refused.

**26.03.24 17:19**

Hi

This is supplementary to the license objection submitted on 13<sup>th</sup> March, below. The notice outside the premises says that objections should be filed within 28 days of the notice and is dated 27<sup>th</sup> February. So allowing for the leap year day I appear to be in time.

Again, at time of writing today I have not seen a regulatory compliant plan of the premises which are the subject of the application ie 159 Old Christchurch Road. I have been sent a plan which only shows part of one floor, probably the first floor. It may be that the applicant can't be held responsible for the incomplete nature of the plan sent me as it may just have been scanned and communicated to me in a way that left most of it out. Could the application please be adjourned for a reasonable period pending submission of a plan which complies with the relevant legislation. Without this it is not possible for a decision to be made which takes into account the condition of the premises as represented by the plan. If a

compliant plan is made available to me I would consider withdrawing this part of my objection, but it would need to show the smoking shelter.

I have visited the roads outside the premises again today and seen various items of litter in the grounds as well as what looks like quite a lot of badly dug in litter in the patch of earth to the left of the main entrance adjoining the retaining wall.

The retaining wall and quite significant patches of the wall of the building are coated in green which I would suggest indicates poor drainage arrangements.

The dead tree mentioned below is still in situ.

There was a quantity of litter spreading out from the skip which has no cover over the contents that is placed on one of the premises' parking spaces, which the council litter picker came and picked up.

With regards to the indication below that sexual frustration can trigger aggressive behaviour I refer to today's local press report of a man convicted of assaulting a man and woman in Wiggle nightclub in 2022.

At a previous hearing for licensing Wiggle the legal representative stated to the committee that harm needed to be proved as a result of the location. At the time I was taken aback and didn't ask for authority for that statement. It is no part of either the former BCP Licensing Policy for licensing sex establishments that I can see that harm needs to be proved. It is also not part of the Local Government (Misc) Act 1982 Schedule 3 under which Sexual Establishment licensing is regulated that harm must be proved. It has become common for licensing applicants to quote a 2008 Case, Thwaites, to suggest harm must be proved in licensing matters. In fact there was a change in the licensing of strip clubs in 2010 when they were added to the Schedule 3 1982 regime mentioned above which was already being used to regulate Sex Shops and Sex Cinemas. This would have been an opportunity to incorporate the requirement for harm to be proved which those relying on Thwaites suggest. It was not incorporated. Furthermore, various reviews of Thwaites including those in the Local Government Lawyer and .gov's own advice on resisting licensing applications on public health grounds, are of the opinion that it is wrong to apply Thwaites generally.

[https://www.localgovernmentlawyer.co.uk/index.php?option=com\\_content&view=article&id=5407%3Aevidence-and-inference&catid=61%3Alicensing-articles&Itemid=29](https://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=5407%3Aevidence-and-inference&catid=61%3Alicensing-articles&Itemid=29)

<https://www.gov.uk/government/publications/alcohol-licensing-using-case-law/alcohol-licensing-using-case-law>

I would also like to add to my objection that as a woman I believe I am more affected by licensing because of the increased risk of harassment to me by customers outside the premises. I have not experienced this harassment personally but believe the three different sets of women who have alerted me to this. One group was on a night out in Old Christchurch Road several decades ago who were most insistent that I should not stand outside the entrance to one strip club. I had come up from the basement next door where I had been socializing for some fresh air. I think it may have been before the days when

smoking was banned so it was non smokers like me going outside rather than the reverse situation nowadays. Another group was in the Beales canteen who told me never to even walk past one of the other strip clubs when I asked what it was as I was interested to see the flags outside. Lastly, one of the other objectors complaining repeatedly to the committee of harassment by strip club customers is someone I have also known for several decades to have no doubt at all as to the truth of what she said. Again, the feedback in the public consultations listing harassment of women by strip club customers, including one with a child at the time, I am inclined to believe because of the others warning me direct.

I have found it very difficult to use legal argument before the licensing sub committee on Sex Establishment Licensing hearings. At the first hearing the then chair of licensing indicated that I should only address them on facts. It may have been that I might have misunderstood this and that she actually meant she didn't want to hear opinions rather than excluding legal argument. Subsequently I have tried to list legal authorities and send them to BCP's legal department in anticipation of lodging objections. However, at the last hearing I was told by the legal representative that I couldn't rely on a legal authority because I hadn't given notice of it. I appreciate that licensing committees have a wide discretion as to how the committee will run a hearing. With that in mind could I please be given an indication of how I should go about giving advance notice of any legal authorities on which I expect to rely? When I see the report to councillors a week before then I would like to take a view on what if any authorities I might need to address the committee on. However, I have tried to include as much as possible in this my objection.



[Alcohol licensing: using case law](#)

[www.gov.uk](http://www.gov.uk)

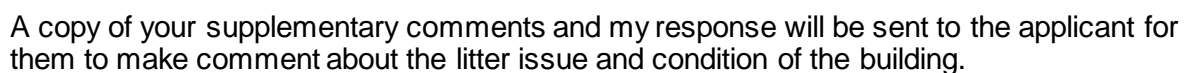
**From:** Sarah Rogers - Licensing <[sarah.rogers@bcpcouncil.gov.uk](mailto:sarah.rogers@bcpcouncil.gov.uk)>

**Sent:** 03 April 2024 06:30

Dear .....

Thank you for your email with further information in support of your objection to the above renewal application. Apologies for the delay in responding but I have been on leave.

The application procedure set out in the relevant legislation makes no reference to any requirement to submit plans showing the layout and location of the premises however we do include these for information. The plan I provided you with was from the approved premises licence and attach a copy of the ground floor as requested. The location of the smoking shelter is not relevant to this renewal application.



03.04.24 13:37



Thank you Sarah, Mrs Rogers

This plan is much clearer. Unfortunately it doesn't show the upstairs and the one which you sent recently of upstairs had quite a lot that couldn't be seen at my end. Is there any chance of getting these things into PDF and attaching them in the usual way?

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**03.04.24 15:39**

PS I'm so sorry not to have included this reference in my other two email today and do take on board that this creates extra admin for you. However, I have put my finger on the regulations regarding the plan for the premises license, and this is what gave me the impression that the curtilage, ie small area of land around the building would be included in the plan. Although the regs on which I am relying say building singular, the fact that there is what I would call another building, ie the smoking shelter, in the curtilage would I think mean it should be shown. Premises is mentioned in 23 (3) (a) of these regulations (link follows). These anticipate that the perimeter of the premises may be different from the boundary of the building. I had understood that premises included curtilage from planning and now it appears criminal legislation too, so expected the curtilage around 159 Old Christchurch Road's main building to be included. <https://www.legislation.gov.uk/ukxi/2005/42/made>

### [The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)

The Licensing Act 2003 (c. 17) (the Act) provides for the licensing of premises for the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of a member of the club, the provision of regulated entertainment and the provision of late night refreshment. These Regulations set out the detailed requirements relating to applications, notices and representations given or made under Parts 3 and 4 of the Act and reviews made under those Parts and Part 8 of the Act.

[www.legislation.gov.uk](http://www.legislation.gov.uk)

Because I can't see the plan clearly enough it is difficult to see whether there is a fire exit at the front of the conservatory (the conservatory to the left of the main building as seen from Old Christchurch Road), ie the side closest to the boundary with Old Christchurch Road. If there is, which hopefully will become more obvious if a PDF is made available, then the smoking shelter might be something slowing people using that route, 23 (3)(e).

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**18.04.24 16:32**

Thank you Sarah

I will need to withdraw the parts about the jet washing as that does show signs of having happened and the litter is much improved.

However, the area is still totally unsuitable for licensing a sex establishment and there is a great deal of violent crime in the neighbouring area. Neither Parliament in the legislation nor case law requires any harm to be proved for either this form of licensing or Licensing Act 2003 licensing. Moreover the licensing of sex establishment was updated in 2009 or 2010 which is after the case law Thwaites (2008) often relied on by licensing lawyers and now only widely regarded as never having been good law, but also not incorporated into the statute placing sexual entertainment venue licensing under Local Govt (Misc) 1982 schedule 3. If it applied in any way to sex establishment licensing it would have been incorporated into the statute when schedule 3 was amended to include strip clubs.

I will put together the various legal authorities which I may need to rely on at the hearing, so that the applicant and your legal advisors can have good notice of them.