

To the Licensing Committee,

We submit this document in response to the objection raised against the renewal of the license for our venue, Wiggle, located at 159 Old Christchurch Road, Bournemouth.

Our aim is to address each point of concern with evidence and context, underlining our commitment to operating responsibly within the guidelines and regulations set forth by the Local Government (Miscellaneous Provisions) Act 1982 and the Licensing Act 2003.

1. Pattern of Objections by the same individual:

It has been observed that the objector has consistently raised similar objections against all Sexual Entertainment Venue (SEV) licenses within the BCP council area, extending her objections to our premises in Weymouth and Southampton, where she does not reside.

While public scrutiny is essential, the targeted nature of these objections suggests an approach that leans more towards persecution rather than 'relevant', in that the representation relates to one or more of the licensing objectives.

Notably, these objections have been considered and addressed in previous committees, with licenses duly renewed, indicating a consensus on our compliance and suitability.

2. House in Multiple Occupation (HMO) Tribunal:

The issue regarding a fine related to a HMO in Portsmouth, linked indirectly to our director, was thoroughly discussed in previous committees. The fine was associated to actions from an appointed letting agent, not directly by our director, Mr. Ojla. Accepting the fine was a practical decision to avoid unnecessary legal expenses for both the Council and the company.

Importantly, this matter pertains to planning policy and is separate from our operations under SEV and alcohol licensing regulations. Both the Weymouth and Southampton committees, as well as this very committee last year, have renewed our license post-consideration, affirming our argument's validity.

3. Toilet Facilities:

The objection regarding our toilet facilities failed to acknowledge our transition from unisex toilets, to separate men's and women's toilets; a change made proactively, despite no direct request from the committee. Furthermore, our performers have access to separate, secure changing facilities, ensuring their comfort and safety.

4. Smoking Shelter:

The smoking shelter erected at our premises was intended as a temporary structure under the assumption of permitted development. Upon notification from the planning department, we promptly applied for the necessary permissions and conducted surveys.

This matter pertains to planning rather than licensing objectives and demonstrates our willingness to comply with regulatory requirements; again, this falls within the scope of the planning department and does not fall under the purview of the licensing committee.

5. Equality Act and Public Sector Equality Duty:

We firmly believe in the free choice of individuals to visit, work and engage at SEV establishments, provided it is within a legal and regulated framework. Our operation and licensing process respects the Equality Act and PSED, ensuring decisions are based on legal criteria rather than personal moral judgments. Our diverse customer base, including customers of various genders, reflects our commitment to inclusivity and gender equality.

6. Premises Suitability:

We have undertaken measures recommended by the committee, including jet washing of the premises, to maintain a clean and welcoming environment. The litter mentioned by the objector, observed during non-operational hours, is beyond our control.

We challenge the overly meticulous scrutiny of the objector regarding the premises' condition, as the excessive focus on minor details does not pose any risk to public safety.

The presence of a smoking shelter, monitored by CCTV and security, is within our licensed operations and does not promote smoking but rather provides a designated area for those who choose to smoke.

7. Location and Impact:

Wiggle has operated as an adult entertainment venue since 2006 without significant changes in the locality that would affect its suitability. Claims regarding the impact on the locality or proximity to sensitive areas have been addressed in previous license renewals. Our operations do not adversely affect the night-time economy but contribute to it, offering employment and engaging with local businesses and enlisting their services.

8. Misrepresentation of Studies and Legislation:

References to studies outside the UK context and suggestions to restrict operational aspects of our business, such as full nudity, overlook the regulatory framework governing SEVs in the UK. Our operations are within the scope of the Licensing Act, focusing on crime and disorder, public nuisance, public safety, and protection of children from harm.

9. On the Allegation of Assault in 2022

An isolated occurrence should be seen as exactly that – not a representation of our establishment's regular operations.

In strict adherence to our licensing conditions, we maintain extensive CCTV, document incidents, and offer descriptions of individuals involved, which invariably assists in any police inquiry.

Should there be a pattern of recurring incidents, it stands to reason that the authorities, including the police and the licensing department, would intervene with appropriate actions.

10. Economic Contribution and Public Resources: Assertions regarding the negative economic impact of SEVs fail to recognise our significant contributions to the local economy through taxation, employment, and business partnerships.



Conclusion:

We respectfully request the committee consider the explanations provided in response to the objection raised. Our commitment to operating responsibly and in compliance with all relevant regulations is evident.

We believe that renewing our license serves not only the interests of our business and employees but also the wider community by maintaining a regulated, safe, and inclusive adult entertainment venue.

We are prepared to further discuss any of these points or provide additional information as required by the committee.

Yours sincerely,
Taran Singh Ojla
Wiggle Club

Delegated Report

Application Address	159 Old Christchurch Road, Bournemouth, BH1 1JS
Proposal	Erection of an external smoking shelter at front of building (existing unauthorised)
Application Number	7-2024-19062-N
Applicant	Wiggle Nightclub
Agent	Derek Treagus Associates
Date Application Valid	6 February 2024
Decision Due Date	1 April 2024
Extension of Time date (if applicable)	5 April 2024
Ward	Bournemouth Central
Report Status	Public
Meeting Date	n/a
Recommendation	GRANT retrospective permission
Reason for Referral to Planning Committee	n/a
Case Officer	CTR

Description of Development

- 1 Planning permission is sought for a smoking shelter (existing unauthorised) in the front garden of the property.

Key Issues

- 2 The main considerations involved with this application are:
 - Impact upon character and appearance of the Conservation Area
 - Impact upon residential amenity

These points will be discussed including other material considerations throughout this report.

Planning Policies

3 Core Strategy (2012)

CS7: Bournemouth Town Centre
CS9: Enhancing District Centres
CS39: Designated Heritage Assets
CS41: Design Quality

Town Centre Area Action Plan (2013)

Policy D4: Design Quality
Policy D6 encourages a high quality, well designed public realm.

District Wide Local Plan (2002)

Policy 4.4 – Development in Conservation Areas

The National Planning Policy Framework (2023)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Relevant Planning Applications and Appeals:

4 None relevant

Representations

5 Site notices were posted in the vicinity of the site on 27/02/2024 with an expiry date for consultation of 20/03/2024. One representation was received, summarised below:

- Application form does not state shelter already exists
- Plans do not show trees
- Plans dimensionally incorrect
- Out of keeping with the neighbourhood – structure forward of principle elevation
- Anti-social behaviour potential from sex club customers could prevent women from using the stretch of pavement in front of the property.
- Smoke drift
- Shelter is substantially enclosed
- Architecturally compromised.
- Improper drainage facilities

Consultations

6 Trees – no trees were harmed for the installation of the shelter. No objection

Environmental Health – no objection. The shelter is not substantially enclosed so complies with the smoke free regulations.

Constraints

- 7 Old Christchurch Road Conservation Area.

Planning Assessment

Site and Surroundings

- 8 The application site is located on a commercial and residential street close to Bournemouth Town Centre. The property is a large detached two storey Victorian villa with red brick elevations situated on a corner plot which is raised above street level. It is currently in use as a sui generis night club. The building is not Listed and stands within the Old Christchurch Road Conservation Area.

Key Issues

Impact upon character and appearance of the area

- 9 The applicant seeks retrospective planning permission for the retention of a timber smoking shelter with a hipped, timber and shingle roof situated at the front of the property. The shelter is substantially open to all sides and has wooden bench seating to the interior. The structure was first recorded on Google Street View in June 2023 and according to plans submitted measures:

Length = 5m

Width = 3m

Height to eaves = 2m

Total height = 3m

- 10 The shelter is forward of the building line and front elevation of the existing building, but set to the side where it does not obscure any element of the main elevation. It is partly obscured by trees and seen as a more side garden area of the site. Overall, the impact of the proposal upon the character and appearance of the area is considered to be acceptable. Whilst it does not exactly enhance the vitality of the street scene, neither is it particularly discordant with it due to the subfusc dark wood design, restrained dimensions, and relatively lightweight appearance.

Impact upon residential amenity

- 11 The shelter is not considered to impact upon residential amenity. 159 Christchurch Road is screened from the Citrus apartment building by dense vegetation and is separated from blocks of flats to the east and 174/176 Old Christchurch Road (commercial & residential) by highways. No objections have been raised by Environmental Health. It would enable customers to gather outside in the evenings but it is adjacent to a busy road in the town centre with other evening and late night uses. It is therefore considered acceptable in terms of residential amenity.

Summary

- 12 It is considered that the impact upon the character and appearance of the area, residential amenity and trees is acceptable.

Planning Balance

- 13 This retrospective application is considered to be acceptable.
- 14 Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

GRANT retrospective permission subject to the following condition(s)

1. Development to be carried out in accordance with plans as listed:

The development hereby permitted shall be carried out in accordance with the following approved plans: 23/341/02 dated Oct 2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

Statement required by National Planning Policy Framework

In accordance with paragraph 38 of the revised NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance:

The application was acceptable as submitted and no further assistance was required.

Background Documents:

Case File – ref 7-2024-19062-N

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Background Documents

Case Officer Report Completed

Officer: CTR

Date: 02.04.2024

Agreed by: TH

Date: 02/04/2024

Comment: