

For Your Eyes Only (FYEO)

136-140 Old Christchurch Road, Bournemouth, BH1 1NL

SEV Licence renewal : Hearing 3 October 2024

Background

The Council gave For Your Eyes Only (FYEO) the licence required to enable it to operate as what is now known as a Sexual Entertainment Venue, then called a table dancing establishment, on this site in the last century. It was one of the first in the country then, and remains the oldest such venue in the country now. It is suggested that such exceptional longevity is due to both the professionalism and ability of those running the venue and the quality of the offer. FYEO has always prided itself on a very expensively and tastefully decorated and furnished club, and on the safe, supportive and secure environment provided for dancers and customers alike.

Having been awarded its initial licences by the Magistrates' Court and Bournemouth Borough Council respectively, which were converted into a 24 hour premises licence on transition, the Club was granted a Sexual Entertainment Venue Licence (SEVL) when legislation was enacted requiring this, in 2010.

This year sees the management of the venue turning almost full circle, with Glenn Nicie's management company taking over the reins again, on behalf of the applicant company, Hampshire Restaurants Ltd, which has had control since 2015. Glenn is very well known and respected as an SEV operator across the country, and he and his team will bring with them the confidence and reliability of unparalleled experience.

The SEV licences have been renewed annually, without objection from any responsible authority.

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 responsible authorities in respect of this operation since its last renewal.

There is, however, a detailed objection before you from a member of the public. This objection to the renewal of the SEVL is made on similar grounds to those made in several previous years, including last year. The applicant acknowledges the right for the objector to bring their concerns before the Committee and would respond to the specific points made, where relevant, as follows :

RESPONSE TO OBJECTION

1. Government Guidance relating to Sexual Entertainment Venues.

Published in March 2010 to 'provide advice to local authorities, operators, local people and other interested parties', this remains the extant Guidance. It is always open for Government to update or amend the Guidance it promulgates if necessary

(as regularly seen in other licensing Guidance) but it has not seen fit or found it necessary to change this Guidance.

2. Suitability of the Applicant.

A) Even if it were accurate or relevant, the person the subject of the reference to caselaw is no longer on the management team/part of the application, and this reference must be expunged.

B) The application for Minor Variation was made and properly considered under the Licensing Act 2003. There were no objections from any statutory authority. The plan alteration permits the considerable enhancement of dancers' facilities, and results in the reduction of the licensed area.

C) There has only been one objection to the renewal application, and none from statutory authorities, or those living or working in the immediate neighbourhood. There have been no adverse comments on the operation of the premises since the last renewal and there are absolutely no grounds to suggest the imposition of a 1m contact rule would be appropriate.

D) The historical reference to the Southampton FYEO has been considered by the Committee on past renewals, and is irrelevant. There are safeguards in place to protect customers. The suggested condition is both unnecessary and inappropriate.

E) Newcastle. The FYEO there is part of the same franchise, but is under different club ownership and management. The BBC report related to some damp and leaking sewerage issues that two clubs in Newcastle, including FYEO, had this summer. The water ingress was outside FYEO's control. The clubs were closed until the issues were resolved.

3. **Suitability of the Premises.** To avoid any issues with dancer use of the service lane for exit, there is now provision for staff and dancers to enter and leave safely at 140 Old Christchurch Road. Customers are only permitted to enter and leave via 136 Old Christchurch Road.

4. Locality.

A) Historic nature of area. Bournemouth Walking Tours, which appears to provide an excellent service, has been established since 2021. They have not made any comment or objection to or about the Club having any adverse effect on the walks or being detrimental to the area. The historic Bournemouth walk tour is during daytime hours.

B) As stated last year to such an objection, the accommodation over FYEO has been used as student accommodation for many years. There has still been no complaint from students occupying this, or indeed any other, accommodation, about FYEO or its customers. The Livingstone Academy has been open since September 2021 although it is now increasing its student intake. There has been no complaint or objection from the Academy or any of its students, which is not surprising as the Academy does not operate during FYEO's opening hours of 10pm to 6am. The exterior of the Club is so muted as to its activities that it has recently been asked if it was a Chinese Restaurant!

- C) Hot desking/co-working is becoming more popular and there are several venues on offer in Bournemouth and its surrounds. Several do not offer 24/7 access and none are in the vicinity of FYEO. There is nothing new about shift working, and there have been no complaints or objections raised by shift workers in the past.
- D) The Council has invested in improvements in the area, and in the open spaces. These allegations concerning prostitution and sexual assaults in the immediate area were raised last year, and yet again we are able to confirm that there has been no suggestion that FYEO or its customers have in any way been connected with any issues that there may have been. The number of sexual assaults reported specifically by Dorset Police in their News bulletins in Bournemouth South during the last year that the SEVL has been in force, has in fact more than halved on the previous year, being only 6 in the year October 2023 to date. None were anywhere near FYEO, with 3 centred round the beach area, 2 in non-SEVL clubs and 1 on the East Cliff where the man was known to the female victim of violence. There continues to be no indication that prostitution is a problem in open spaces in this vicinity. We have no doubt that, if the Police believed that SEVs contributed to higher rates of street crime in the vicinity as suggested by the objector, they would have raised an objection to the SEVs and their subsequent renewals – but they have not.
- E) Contrary to the objector's assertion that SEVs cause sexual assaults away from the premises, there is clear evidence that the number of such assaults against women, especially in their own homes, increased exponentially over the pandemic period when SEVs were closed by Government.
- F) Re the places of worship, as stated when a similar objection was raised last year, these premises are very unlikely to be open when the Club is open, and again no objection or complaint has been received by FYEO from any of them.
- G) FYEO are highly responsible operators, and have a Vulnerable Persons' Policy.
- H) FYEO selected this site in the 1990s because the area was one primarily of a late night entertainment culture, with a high number of restaurants, bars and clubs. With some of Bournemouth's major nightclubs closing down, having suffered the same economic and footfall pressures of the major stores that have closed over the past couple of years (and we totally refute any suggestion that any of the stores closed because staff objected to walking past our SEV!) this is probably now the prime late night entertainment area of the town. The partial pedestrianisation of Old Christchurch Road in the stretch between Wiggle and FYEO between 11pm and 5am indicates the Council's acceptance of customer movements from the various entertainment venues abounding in that area during those times. Most of the late night operations have the same terminal hour as FYEO, ie 6am. Although operators naturally come and go, there is still a predominance of restaurants, bars, late night takeaways and nightclubs here. Unfortunately, the current economic climate means that some premises remain unoccupied but there has been no suggestion from Landlord or Agent that the presence of FYEO has anything to do with that. Very similar objections were raised to Wiggle's renewal application (at 159 Old Christchurch Road) in June this year, which were fully taken into account by the Committee. They nonetheless decided that, having regard to the character of the locality and use to which other premises were put, that the location was not thought inappropriate and the application for renewal was granted. Of course, this application will be considered on its own merits, but we would respectfully

submit that there has been no change in the area which would make it inappropriate for this long established and well run club to be refused the right to continue to trade here.

5. **BCP Policies.** The renewal application to be considered by the Committee is a quasi-judicial and regulatory matter. The main statutory issues governing this function are as set out in the Report, which we commend to the Committee.

6. **Human Rights Act.** The popular 'stag on stage' package is a congratulatory celebration of the groom-to-be, and is most certainly neither humiliating nor degrading.

7. **Equality Act and PSED.** The duties in respect of this application will be considered mainly in the context of sex. FYEO welcomes and protects customers of a variety of professed genders, in which respect no discriminatory judgments are made. The Club often hosts couples or groups other than men, who come to enjoy the relaxed, safe, and sophisticated facilities, where music is not predominant. All customers mix harmoniously with each other, and with our staff and performers, fostering good relations between this diverse group. There is no evidence to suggest that customers of FYEO harass women in the street, or otherwise behave in a manner which would be contrary to the ethos of PSED, or that vulnerable persons are drawn into exploitative situations. There are strict controls in place to ensure the safety and wellbeing of dancers and customers, and compliance with legal requirements.