

LICENSING SUB-COMMITTEE



Report subject	Simply Pleasure.com, 333-335 Holdenhurst Road, Bournemouth, BH8 8BT
Meeting date	13 November 2024
Status	Public Report
Executive summary	<p>ABS Holdings have applied for the renewal of the Sex Establishment Licence to permit the premises to trade as a sex shop for a further twelve-month period.</p> <p>The Licensing Authority has received 3 objections and 2 letters in support.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>Members are asked to decide whether to:-</p> <ul style="list-style-type: none"> a) Grant the application for renewal as made, or b) Refuse the application for renewal. <p>Members of the Licensing Sub-Committee are asked to make a decision at the end of the hearing after all relevant parties have been given the opportunity to speak.</p> <p>Members must give full reasons for their decision.</p>
Reason for recommendations	<p>The Council may refuse an application for renewal on one or more of the following grounds:</p> <ul style="list-style-type: none"> (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason; (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself; (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality; (d) that the grant or renewal of the licence would be inappropriate, having regard— (i) to the character of the relevant locality; or

	<p>(ii) to the use to which any premises in the vicinity are put; or</p> <p>(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.</p> <p>(4) Nil may be an appropriate number for the purposes of subparagraph (3)(c) above.</p> <p>(5) In this paragraph “the relevant locality” means –</p> <p>(a) in relation to premises, the locality where they are situated; and</p> <p>(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.</p>
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Portfolio Holder(s):	Councillor Kieron Wilson – Portfolio Holder for Housing and Regulatory Services
Corporate Director	Jillian Kay – Director of Wellbeing
Report Authors	Sarah Rogers – Principal Licensing Officer
Wards	East Cliff & Springbourne
Classification	For Decision

Background

1. An application for the renewal of the Sex Establishment Licence was made on 18 September 2024 in accordance with Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
2. A Sex Establishment Licence permits the premises to be used as a sex shop business selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.
3. The licence can only be used for a twelve-month period.
4. A copy of the application is attached at Appendix 1.
5. A map showing the location of the premises is attached at Appendix 2.
6. The premises have traded as a sex shop for approximately 22 years under the current ownership. A copy of the current Sex Establishment Licence is attached at Appendix 3.
7. No complaints have been received in respect of these premises resulting in any formal action being taken against them.
8. Window displays are changed in consultation with, and the consent of, the Licensing Authority in accordance with the scheme of delegation.

Consultation

9. Applicants must give notice of the application by publishing an advertisement in the local newspaper together with notice displayed on the premises for a period of 21 days.
10. In considering the application the Council must have regard to any observations submitted to them and any objections of which notice has been sent to them under Schedule 3, paragraph 10(15) of the 1982 Act, which provides that any objections must be made in writing within 28 days of the application.
11. As a result of the consultation 3 objections were received against the renewal of the licence. Conversely, 2 letters in support have been received. A copy of the objections and support letters are attached at Appendix 4.

12. Consent from an objector must be obtained before the name or address is revealed to the applicant. Only objector #1 has given consent with the remainder requesting to be kept anonymous.
13. The application was consulted with Dorset Police and no observations, or any objection, was received from them.
14. As the renewal application had been submitted before the expiration date of the current licence the premises are permitted to continue to operate under the current terms and conditions.

Options Appraisal

15. Before making a decision, Members are asked to consider the following matters:
 - The submissions made by or on behalf of the applicant.
 - The support and objection letters received.
 - Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Summary of financial implications

16. No financial implications have been identified.

Summary of legal implications

17. If the application for renewal is refused the applicant may appeal the decision to the Magistrates' Court, unless the application was refused under grounds (c) or (d) above at "Reasons for Recommendation", in which case the applicant can only challenge the refusal by way of judicial review.
18. It should be noted that BCP Council's Sex Establishment Policy was quashed by way of a Judicial Review in February 2022. Essentially the Court were of the view that some consultation responses had been considered by the Council as based purely on moral views and not equality. No decision has yet been taken whether a new policy is to be developed by the new Licensing Committee.
19. Local Authorities are not bound to have a Sex Establishment Policy and the non-existence of a policy does not prevent an application being considered on its merits and in accordance with the legislation.

Summary of human resources implications

20. There are no human resource implications.

Summary of sustainability impact

21. There are no sustainability impact implications.

Summary of public health implications

22. There are no public health implications.

Summary of equality implications

23. The Council is under a duty in Section 149 of the Equality Act 2010 to have due regard to the matters set out in relation to equalities when exercising the function of determining this renewal application (Public Sector Equalities Duty). Accordingly,

Members must promote equality for persons with the following “protected characteristics”: age, disability, gender assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

24. Each Member must therefore have regard to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited in relevant equalities legislation;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant characteristic and persons who do not share it.

25. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Background papers

Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

[Local Government \(Miscellaneous Provisions\) Act 1982](#)

Appendices

- 1 – Copy renewal application
- 2 – Location plan
- 3 – Copy current sex establishment licence
- 4 – Support and Objection letters