

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 25 September 2024 at 10.15 am

Present: Cllr D A Flagg, Cllr P Hilliard and Cllr A Keddie

44. Election of Chair

RESOLVED that Councillor Flagg be elected Chairman of the Sub-Committee for the duration of the meeting.

Voting: Unanimous

45. Apologies

No apologies for absence were received.

46. Declarations of Interests

There were no declarations of interest.

47. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

48. Temptation, 1 Yelverton Road, Bournemouth, BH1 1DA

Present:

From BCP Council:
Sarah Rogers, Senior Licensing Officer
Michelle Cutler, Clerk to the Sub-Committee
Johanne McNamara, Legal Advisor to the Sub-Committee
Rebekah Rhodes, Legal and Democratic Services, Observing

The Chair made introductions and explained the procedure for the hearing which was agreed by all parties. The Licensing Officer presented a 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 made by Admiral Bars (Hampshire) Limited for the renewal of the licence to use the premises as a sexual entertainment venue, providing relevant entertainment, for a further twelve-month period.

The Licensing Authority received 1 valid objection. The following persons attended the hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

For the Applicant:

Robert Sutherland, Keystone Law, representing the Applicant

Naresh Kumar Mal, Manager of the premises

Alastair Weatherstone, Director of Applicant Company, Admiral Bars Ltd

Objecting: Susan Stockwell

The Sub-Committee asked various questions of all parties present and was grateful for the responses received. All parties had the opportunity to ask questions. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding the hearing, the Legal Advisor advised all parties of the right of appeal, as appropriate.

RESOLVED that the application to renew the Sexual Entertainment Venue Licence for the premises known as 'Temptation', 1 Yelverton Road, Bournemouth BH1 1DA, be GRANTED subject to the addition of the following condition:

- **The word 'Strip' shall be removed from the external front fascia of the premises.**

Reasons for Decision:

The Sub-Committee considered in detail all the information which has 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 objector, Mrs Susan Stockwell, including the additional information submitted by Mrs Stockwell via email the day before the hearing, together with the written and verbal submissions of Mr Robert Sutherland, the Applicants Solicitor, Mr Alistair Weatherstone, the Applicant and Mr Naresh Kumar Mal, Manager of 'Temptation'.

The Sub Committee is grateful to all parties for their responses to questions raised at the hearing.

The Sub Committee has been advised of the discretionary grounds on which to refuse to renew the licence in paragraph 12(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and that, in light of the objection received, grounds (a) and (d) are the most relevant. The Sub Committee are aware of the rule that "moral" objections to SEVs cannot be taken into account but have also had due regard to the equality objectives in the Public Sector Equality Duty (section 149 of the Equality Act 2010). The Sub Committee also confirm that this application has been considered on its own merits.

The Sub Committee agree that the mandatory conditions for refusal do not apply in this case.

Suitability of Applicant:

The Sub Committee is satisfied that the applicants' representative has addressed the issues raised in objection regarding the suitability of the applicant and agree that the premises appear to be well managed and are operating responsibly.

The Sub Committee is satisfied that Licensing Officers would have checked the suitability of the Applicant prior to issuing a licence and is satisfied by the answers provided by Mr Sutherland, on behalf of the Applicant, in response to the representations made by Mrs Stockwell.

The Sub Committee consider that Mr Weatherstone's professional background and experience in this industry makes him suitable to hold a licence (through his company).

The Sub Committee also attach great weight to the Licensing Officer's confirmation that the Venue was compliant with its licence conditions at an inspection earlier this year.

The Sub Committee has no concerns and do not find the Applicant unsuitable to hold a licence.

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

The Sub Committee note 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.

The Sub Committee is mindful that the character of the locality is evolving, however, at the date of the hearing, the Sub Committee do not feel that the renewal of the licence would be inappropriate nor that there are sufficient grounds based on the character of the locality with which to refuse the application at the present time.

That said, the Sub Committee is mindful that the character of the location is one of ongoing change, with more residential accommodation being built or redeveloped in the town centre, which is likely to attract more families and young people to live in the area.

The Sub Committee also bear in mind that Yelverton Road is not a main thoroughfare and is more of a side road and so is unlikely to attract significant numbers of passers-by.

With all this in mind the Sub Committee did not feel that character of the relevant locality is one that would support a decision to refuse to renew the Licence.

Suitability of Venue:

The Sub Committee note that the premises trades late at night when most of the businesses referred to by the objector have closed.

The Sub Committee do not accept that the continued presence of this longstanding SEV for a further year is inappropriate in this location or that it creates a risk to the safety of local people.

The Sub Committee note that Dorset Police, Bournemouth University and local schools have not objected to the application and are of the view that if anyone has concerns about the premises and its effect on crime and disorder/public safety in the vicinity, they would have voiced these concerns.

The Sub Committee also note that Dorset and Wiltshire Fire Service had recently inspected the premises and raised no concerns.

The Sub Committee note the concerns raised by Mrs Stockwell regarding the smoking area at the front of the premises used by patrons and performers and are satisfied by the assurances given by Mr Sutherland that the 2 smoking areas are separated and supervised by door staff to ensure that patrons and performers are kept separate. The Sub Committee heard that only 2 performers can go outside to smoke at any given time and overcoats are provided to the performers for this and that there have been no reported incidents relating to these arrangements.

The Sub Committee welcomed the Applicant's offer to remove the word 'Strip' from the external front fascia of the premises and felt that this would help to minimise the risk of exposure to vulnerable and young people. Due to this the Sub Committee recommends that a requirement to remove of the word 'strip' on the facias be added to the Licence conditions.

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

The Sub Committee determined that some of the points raised in the objection 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 do 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 condition outlined above.

Taking all of this into account, the Sub Committee are satisfied that the SEV licence should be renewed.

Right of Appeal

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

The meeting ended at 11.30 am

CHAIRMAN