

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 07 May 2025 at 10.15 am

Present: Cllr D A Flagg, Cllr E Harman and Cllr L Williams

1. Election of Chair

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

Voting: Unanimous

2. Apologies

There were no apologies for absence.

3. Declarations of Interests

There were no declarations of interest.

4. Protocol for Public Speaking at Licensing Hearings

The protocol for public speaking was noted.

5. Wiggle, 159 Old Christchurch Road, Bournemouth

Present:

BCP Council:

Nananka Randle – Licensing Manager

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

Cllr Patrick Canavan – Observing for training purposes

The Chair made introductions and explained the procedure for the Hearing, which was agreed by all parties.

The Licensing Officer presented the 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 for the renewal of the Sexual Entertainment Venue Licence for the premises known as 'Wiggle', 159 Old Christchurch Road, Bournemouth, to permit relevant entertainment to continue for a further twelve-month period.

Two valid representations had been received, and it was confirmed that there had been no representations received from any of the responsible authorities.

The following persons attended the Hearing and addressed the Sub-Committee to expand on the points made in their written submissions:

Applicant and Representatives:

Mr Paul Ojla - Applicant

Mr Taran Ojla - General Manager

Objector: Mrs 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.

The Sub-Committee resolved to grant the application to renew the Sexual Entertainment Venue Licence for the premises known as 'Wiggle', 159 Old Christchurch Road, Bournemouth BH1 1JS.

Reasons for the Decision:

The Sub-Committee considered in detail all the information which had been submitted before the Hearing and contained in the report for Agenda Item 5, 'Wiggle', 159 Old Christchurch Road, Bournemouth.

The Sub-Committee also considered the written and verbal submissions submitted by the objector Susan Stockwell and the written submissions of a second objector, together with the written and verbal submissions of the applicant, Mr Paul Ojla, owner of the premises, and Mr Taran Ojla, General Manager.

The Sub-Committee had regard to the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), and in particular the available grounds for refusing the application contained within that Schedule. They did not find that the Applicant was unsuitable to hold a sexual entertainment venue licence and were reminded that BCP Council no longer had a Sex Establishments Policy. It was agreed that the only grounds to be considered were the 'discretionary' grounds set out in paragraph 12(3)(d) of Schedule 3. It was to those grounds that the Sub-Committee turned their focus.

Character of locality

The Sub-Committee noted that the premises has operated as a lap dancing club in the same location since 2006. Since 2010 when such premises were required to operate under a Sexual Entertainment Venue licence, such a licence has been in place and applications made annually for it to be renewed as is required by the Act. Although the character of the locality had evolved and changed throughout this period, it was still considered to be in the heart of the Bournemouth night time economy and the Sub-Committee did not consider that it had changed materially since the last decision to renew the licence in 2024, or that there was any basis in the context of the character of the locality at this moment to refuse the application. However, it was noted the character of the location will continue to evolve and more residential accommodation was being planned in the town centre area.

The Sub-Committee acknowledged Livingstone Academy, which opened in September 2021, was situated in Stafford Road, Bournemouth and that pupils may walk past the club on route to school. They noted that the premises only opened from 10:00pm in the evening and operated outside school hours and no complaints or objections had been made about the premises from staff or parents from the school.

The Sub-Committee also acknowledged the Citrus Building in Madeira Road, Bournemouth, and Trinity House Rehab Centre near Wootton Gardens, as brought up by one objector, Mrs Stockwell, however, no complaints or objections had been made by residents living or working in either building.

Currently the location of the premises was not thought inappropriate, having regard to the character of the locality, or to the use to which other premises in the vicinity were put, to warrant refusal of the application.

Layout

The Sub-Committee was satisfied that the layout was acceptable and did not warrant refusal of the application. The Sub-Committee also noted Mrs Stockwell's reference to inadequate ventilation at the premises and were satisfied by the Applicant's written response that 'Wiggle' operates with a full air conditioning and mechanical ventilation system, in compliance with health and safety requirements.

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In considering the application, and in coming to their decision, the Sub-Committee had regard to the need to eliminate discrimination, foster good relations, and advance equality of opportunity between those with a protected characteristic, and those without. In this case that arose primarily in the context of sex.

The Sub-Committee considered the objections but noted the premises had a diverse customer base and welcomed customers of various genders, they acknowledged that the performers were mainly female but accepted that they had freely chosen to work in a lawful and legitimate industry. They were satisfied that the premises provided a safe environment for all staff and had various procedures and policies in place to address staff welfare

and any concerns if they were raised. They also noted that the premises offered wheelchair access and accessible facilities for disabled customers.

The Sub-Committee considered that some of the points raised in the objections were irrelevant and some were without evidence. They particularly noted the articles included in Mrs Stockwell's objection referred to applications made in different towns and cities outside of the BCP area.

It was noted that there had been no complaints made to the Police or the licensing authority since the last renewal, and the Police had not submitted any comments in response to the application. The Sub-Committee was of the view that if the Police had concerns about the premises and its effect on crime and disorder or inappropriate behaviour towards women in the vicinity, they would have voiced these concerns. There was no evidence brought in the objections that showed any increase in crime that can be connected to this premises. Although not required the Licensing Authority also informed all Responsible Authorities as set out in the Licensing Act 2003 of this application but received no comments or objections in response. It was also noted that no objections had been made by Bournemouth University and with so many female students now living in the vicinity, the Sub-Committee was of the view that the University would have shared any concerns raised by students with the Licensing Authority or the Police. In addition, no objections were raised by any religious establishment or any other resident of the Town Centre.

The Sub-Committee noted that Mrs Stockwell had raised concerns about advertising of events. The Applicant confirmed that no leaflet drops were made in respect of Wiggle Bournemouth as the licence conditions prevent it. Any reference to leaflets, related to their Portsmouth venue, where leaflet drops were permitted. Mrs Stockwell confirmed she had not seen leaflets in Bournemouth. The Applicant confirmed all of the advertising material included in Mrs Stockwell's objection was material on their website which should only be accessed by those over 18.

The Licence currently contains comprehensive conditions on age verification, no persons under 18 can be admitted to or employed to work in any capacity at the premises. There are conditions governing the nature of the performance and limiting personal contact and audience participation, identifying where a performance takes place and that suitable clothes should be worn in any other areas, supervision, and CCTV to cover all public areas. Conditions also cover advertising, visibility of the interior from outside the premises and there is both a customer and dancer code of conduct.

On balance, on determining the application and considering the conditions that are attached to the licence and having regard to the Public Sector Equality Duty, the Sub-Committee did 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 they thus resolved to grant it.

Right of Appeal

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

6. Exclusion of Press and Public

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 in Part I of Schedule 12A of the Act and that the public interest in withholding the information outweighs such interest in disclosing the information.

7. Consideration of continued suitability of Hackney Carriage Driver

This item was restricted by virtue of paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972.

Exempt information – Categories 1 (information relating to any individual) and 2 (information which is likely to reveal the identity of an individual).

Present:

From BCP Council:

Linda Cole – Legal Adviser to the Sub-Committee

Nananka Randle – Licensing Manager

Sarah Rogers – Senior Licensing Officer

Michelle Cutler – Clerk to the Sub Committee

Cllr Patrick Canavan – Observing for training purposes

The driver was in attendance.

The Chair made introductions and explained the procedure to be followed in considering this item, which was agreed by all parties present.

The Licensing Manager presented a report, a copy of which had been circulated to each Member and a copy of which appears as Appendix 'B' to these Minutes in the Minute Book.

The Sub Committee was asked to consider whether the applicant was deemed to be a 'fit and proper' person to allow them to continue to hold a Hackney Carriage Drivers Licence for BCP Council.

The Sub-Committee asked various questions of all parties present and was grateful for the responses received. All parties were invited to sum up before the Sub-Committee retired to make its decision. Before concluding

the hearing, the Council's Legal Advisor advised all parties of the right of appeal.

The Sub-Committee RESOLVED that the driver is not a 'fit and proper person' and there is reasonable cause to revoke his Hackney Carriage Driver's Licence with immediate effect in accordance with section 61(2B) Local Government (Miscellaneous Provisions) Act 1976 in the interests of public safety.

Reason for Decision:

The Sub-Committee considered all the information which had been submitted before the Hearing and contained in the report for Agenda Item 7, along with the verbal submissions made at the hearing by the driver, and Nananka Randle, Licensing Manager.

In considering the test of a 'fit and proper person', the Sub-Committee also had regard to the BCP Council's Hackney Carriage and Private Hire Driver Policy 2021 - 2025, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Institute of Licensing (IOL) Guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trades (2018) and the guidance within the Department of Transport Statutory Taxi and Private Hire Vehicle Standards (updated November 2022).

The Sub-Committee noted that Dorset Police shared a Police statement made by the driver regarding a separate ongoing investigation linked to county lines with the Licensing Department on 25th March 2025, as the Police had serious concerns regarding his behaviour as a licensed driver. In that statement the driver stated that he gave out his phone number to customers that asked for it and he took private bookings.

The Sub-Committee were very concerned about the circumstances described in the statement and that the driver, despite undertaking the 'Blue Lamp Trust Safeguarding Awareness Training' in 2023, which includes how to identify and report suspicious activity and to understand what is meant by child sexual and criminal exploitation, did not think that what he had become involved in or chose to ignore was suspicious activity. The Sub-Committee was of the view that such actions put members of the public at risk and had serious concerns over the driver's desire or ability to recognize vulnerable passengers and report suspicious activity.

The Sub-Committee were also extremely concerned with the inconsistent answers provided by the driver to their questions, which contradicted the information he provided in his Police Statement. Such inconsistencies raise concerns about the character of the driver and whether he is an honest and suitable person to hold a Hackney Carriage Driver's Licence.

The driver does not hold a Private Hire Operators' Licence and admitted making private journeys not booked through an Operator, which is contrary to the requirements of Part II of the Local Government (Miscellaneous

Provisions) Act 1976. He appeared to the Sub-Committee to have little regard that he should comply with the legislation.

The driver also admitted to having a dashcam set up in his vehicle, which he claimed had been installed by his partner when he had been away on holiday. He advised that it had now been disabled. However, the Sub-Committee noted that he had not advised the Licensing Team or registered the installation with the Information Commissioners Office as required in the BCP Council Hackney Carriage and Private Hire Vehicle Policy, and when applying to renew his vehicle licence had ticked on the form that he did not have CCTV/Dashcam.

The driver also advised during the hearing that he regularly removes his licence plate from his vehicle when other people are driving it. The Sub-Committee heard from the Licensing Manager that this should be permanently fixed to the vehicle and should not be removed.

Having heard from the driver, the Sub-Committee questioned his honesty and his ability and inclination to operate as a licensed hackney carriage driver in accordance with the conditions attached to his licence and the legislation set out in Part II of the Local Government (Miscellaneous Provisions) Act 1976. They were not confident that he cared, or was aware, of the responsibilities that came with being a licensed driver and he showed no recognition or remorse for his actions.

In considering the circumstances of the case the Sub-Committee reminded themselves that the licensing system is to protect the public who use Hackney Carriage and Private Hire Services, and any bar set when making any determination should be at the highest level. The Sub-Committee were mindful of paragraphs 1.4 and 3.16 of the Institute of Licencing Guidance and paragraphs 5.3 and 5.4 of the Statutory Taxi and Private Hire Vehicle Standards and concluded that the driver had fallen short of the 'fit and proper' standard and was a risk to public safety, and as such, agreed that his Hackney Carriage Drivers' Licence with BCP Council should be revoked with immediate effect.

Anyone aggrieved by this decision has the right of appeal to the Magistrates' Court within a period of 21 days beginning with the day that the applicant is notified, in writing, of the decision.

The meeting ended at 11.29 am

CHAIRMAN

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