

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
LICENSING SUB-COMMITTEE

Minutes of the Meeting held on 16 December 2025 at 10.00 am

Present: Cllr A Keddie, Cllr C Matthews and Cllr J Richardson

116. Election of Chair

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

Voting: Unanimous

117. Apologies

There were no apologies for absence.

118. Declarations of Interests

There were no declarations of interest.

119. Protocol for Public Speaking at Licensing Hearings

The Protocol for Public Speaking at Licensing Hearings was noted.

120. FYEO, 134 - 136 Old Christchurch Road, Bournemouth, BH1 1NL

Present:

From BCP Council:

Sarah Rogers – Senior Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

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 to transfer the licence from Hampshire Restaurants Ltd to the applicants, Bournemouth Bars Limited.

Bournemouth Bars Limited had applied for the renewal of the Sexual Entertainment Venue Licence for the premises known as 'FYEO', 134 – 136

Old Christchurch Road, Bournemouth to permit relevant entertainment for a further twelve-month period. The Licensing Authority had received 2 valid objections.

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

Mr Piers Warne – Solicitor for the Applicant
Greg Nicie – Managing Director, FYEO
Susan Stockwell - Objector

The second objector wished to remain anonymous and did not attend the hearing.

The Sub-Committee asked various questions of all parties present and were 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.

RESOLVED that the application to renew the Sexual Entertainment Venue Licence for the premises known as FYEO (For Your Eyes Only), 134 – 140 Old Christchurch Road, Bournemouth BH1 1NL, and the application to transfer the licence from Hampshire Restaurants Ltd to the applicants, Bournemouth Bars Limited, be GRANTED.

Reasons for Decision

The Sub-Committee gave detailed consideration to all of the information which had been submitted before the hearing and contained in the report for Agenda Item 5 and the verbal submissions made at the hearing by Mr Piers Warne, Solicitor for the Applicant, Mr Glen Nicie, Managing Director of FYEO, and Susan Stockwell, Objector.

One further objection was received; however, the objector wished to remain anonymous and did not attend the hearing.

In response to both objectors' written representations that the previous SEV policy for Bournemouth Council was still in place and should therefore be followed, the Legal Advisor to the Sub-Committee confirmed that this was incorrect. Legal advice had been sought externally, and it had been concluded that all the steps taken to reach a SEV policy for BCP Council, and that the 'Bournemouth policy' was due to be reviewed, meant that the Bournemouth policy no longer existed. There is no current SEV policy in place for BCP Council. There is no statutory requirement to have a SEV Policy.

At the hearing Mrs Stockwell queried the Senior Licensing Officer's report, which stated that 'There is a presumption in the legislation that applications for a licence will be granted unless there is a statutory ground for refusal'. The question was referred to the legal advisor who advised the application

would be considered in accordance with schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Some refusal grounds required the Council to refuse an application (mandatory grounds for refusal) and some grounds enabled the Council to refuse an application but did not require the Council to refuse (discretionary grounds for refusal). Any decision to refuse the renewal of the licence must be relevant to either the statutory or discretionary grounds list in the aforementioned Act.

As such, the Sub-Committee had regard to the provisions of Schedule 3 and the available grounds for refusing the application contained within paragraph 12 of that schedule. Based on the information provided at the hearing, the Sub-Committee agreed that the mandatory conditions for refusal do not apply in this case.

The Sub-Committee noted Mrs Stockwell's concern that the applicant was unsuitable to be licensed because during the past there had been a breach of licensing conditions 'not to tout' by way of promotion of the club by giving out wristbands allowing free entry at an event advertised as sponsored by FYEO. Mrs Stockwell provided no evidence of this, but Mr Warne explained that this related to a boxing event, which took place in the Purbecks (over 20 miles away from the premises) where 2 dancers employed by FYEO had attended as 'Ring Girls' and had given out wristbands offering free entry to the premises. The Licensing Sub-Committee did not consider this to be a breach of the conditions as it was their understanding that the condition referred to localised touting for business.

The Sub-Committee was satisfied that the applicants' representative had addressed the issues raised in objection regarding the suitability of the applicant and agreed that the premises was well managed by an experienced operator in Mr Glen Nicie and was operating responsibly, and the only grounds which may be a relevant ground of refusal in respect of this application were the 'discretionary' grounds contained within paragraph 12(3)(d) of Schedule 3.

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

The Sub-Committee noted that the premises had operated as a lap dancing club since 1998 and had held an SEV licence since 2010 in accordance with legislation, this being renewed annually. Although the character of the locality had evolved and changed during this time, it was still considered to be the centre of Bournemouth's licensed night-time economy. The Sub-Committee noted the points raised in both objections and the responses on behalf of the applicants in respect of the premises' location, including its proximity to the Citrus Building, student accommodation, and the Livingstone Academy, the historic nature of the area, places of worship, other open spaces and other residential properties. The Sub-Committee did not consider that there had been a material change in the locality since the licence was renewed last year or that there were sufficient grounds based on the character of the locality with which to refuse the application at the present time.

That said, the Sub-Committee was mindful that the character of the location was one of ongoing change, with more residential accommodation being built or redeveloped in the town centre, attracting more families and young people to live in the area. The Sub-Committee accepted Mr Warne's submission that the opening hours of the premises would not conflict with the school run of those attending the nearby Livingstone Academy.

The Sub-Committee note that Dorset Police, Bournemouth University and local schools had not objected to the application and were of the view that if anyone had 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 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. 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.

The Layout, character or condition of the premises, vehicle or vessel or stall in respect of which the application is made:

The Sub-Committee noted Mrs Stockell's concerns that no plan of the premises had been included in the application. The Senior Licensing Officer explained that plans were not usually included as a matter of course and confirmed that the layout of the premises had not changed since the last renewal.

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

Public sector equality duty:

In considering the application, and in coming to its 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 men and women. The Sub-Committee was advised that the premises welcomed and was frequented by both men and women, that there was a changing customer profile and controls were in place to protect all genders. The premises was inclusive with a diverse customer base and operated a safe space for everyone where dancers worked of their own free will in a lawful and legitimate industry.

The Sub-Committee noted that no objection had been made by any resident living in the vicinity or staff or students at Bournemouth University regarding the premises or the behavior of those who may visit it. With so many female students now living in the vicinity, the Sub-Committee felt it

reasonable to assume that the University would have been made aware and shared any concerns brought to them by those students. In addition, they would expect Dorset Police to share complaints and concerns connected to behavior emanating from the premises.

On balance, having regard to the Public Sector Equality Duty, the Sub-Committee did not feel that the duty compelled the refusal of the application.

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. 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 the Sub-Committee were satisfied that the SEV licence should be renewed.

121. Simply Pleasure, 333 - 335 Holdenhurst Road, Bournemouth, BH8 8BT

Present:

From BCP Council:

Sarah Rogers – Licensing Officer

Linda Cole – Legal Advisor to the Sub-Committee

Michelle Cutler – Clerk to the Sub-Committee

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 'B' to these minutes in the Minute Book.

The Sub-Committee was asked to consider an application for the renewal of the Sex Establish Licence of the premises known as 'Simply Pleasure', 333-335 Holdenhurst Road, Bournemouth, BH8 8BT to permit the premises to trade as a sex shop for a further twelve-month period. The Licensing Authority had 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:

Tom Clark – on behalf of the Applicant, ABS Holdings

Susan Stockwell – Objector

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.

RESOLVED that the application to renew the Sex Shop Licence for the premises known as ‘Simply Pleasure’, 333 – 335 Holdenhurst Road, Bournemouth BH8 8BT be GRANTED.

The Sub-Committee considered in detail all the information which had been submitted before the hearing, including the Senior Licensing Officer’s report, the written submissions of the applicant, Mr Timothy Hemming, and the written objection of Mrs Susan Stockwell.

The Sub-Committee also considered the verbal submissions made by Sarah Rogers, the Senior Licensing Officer, Mr Tom Clark, Area Manager, who attended on behalf of the applicant, and Mrs Susan Stockwell, objector.

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

Reasons for Decision:

In making its decision the Sub-Committee had regard to the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the available grounds for refusing the application contained within paragraph 12 of that schedule.

The Sub-Committee noted that the premises had traded as a sex shop for approximately 23 years under the current ownership. There had been no complaints received by the Licensing Authority in connection with the premises resulting in any formal action being taken and there had not been any representations made in objection to the renewal of the licence from the Police or any other Responsible Authority. Nor had there been any objections made by local residents or the library situated close by.

The Sub-Committee noted the points raised in the objection and the responses on behalf of the applicant in respect of the premises’ location. The Sub-Committee did not consider that there had been a material change in the locality since the licence was renewed last year or that there were sufficient grounds based on the character of the locality to refuse the application.

The Sub-Committee felt confident that the shop was being run in a professional and compliant manner under the direction of Mr Clark and his experienced staff and were advised by Mr Clark that they take the conditions added to their licence seriously. They were also of the view that the applicant was receptive to concerns raised about the shop and this was evidenced by the steps taken by the business following its 2024 licence renewal to replace the sign displayed on the front fascia of the premises without complaint. In addition, window displays have been changed in consultation with, and the consent of, the Licensing Authority in accordance with the scheme of delegation and the conditions attached to the sex shop licence.

In response to Mrs Stockwell's view that the previous Sex Establishment policy for Bournemouth Borough Council was still in place as the BCP policy had been quashed by judicial review, the Legal Advisor to the Sub-Committee confirmed that this was incorrect. BCP Council's position is that it does not currently have a Sex Establishment Policy. Once the 2021 policy was quashed by the High Court, that policy was treated as void and of no legal effect. The previous policies of Bournemouth and Poole Councils had been expressly replaced and did not revive upon the quashing of the new policy. This is consistent with established administrative law principles and case law.

There is no statutory requirement to have a Sex Establishment Policy and licensing applications are solely considered and decisions made under the statutory provisions set out in schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Public Sector Equality Duty

In considering the application, and in coming to its decision, the Sub-Committee considered the public sector equality duty and 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. The Sub-Committee heard that sales had increased by 10% and were advised that the premises welcomed, and was frequented, by men and women and offered a safe space for the LGBTQ community.

After considering all the information before them and the statutory provisions set out in Schedule 3, paragraph 12 of the Local Government (Miscellaneous Provisions) Act 1982, and acknowledging the shop operated a legitimate business, the Sub-Committee granted the sex shop licence for a further 12 months

Right of Appeal

As the renewal application has been granted without alteration there is no right of appeal. If any objector to the application wants to challenge the decision they can do so by way of Judicial Review.

The meeting ended at 11.20 am

CHAIRMAN

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