



**Notice of a meeting of  
Licensing Sub Committee-Alcohol and Gambling**

**Monday, 2 October 2017  
2.30 pm  
Pittville Room - Municipal Offices**

| <b>Membership</b>   |                                                                                                                  |
|---------------------|------------------------------------------------------------------------------------------------------------------|
| <b>Councillors:</b> | Mike Collins, Tim Harman, Paul McCloskey, Max Wilkinson, Dennis Parsons (Reserve) and David Willingham (Reserve) |
| <b>Officers:</b>    | Phil Cooper and Vikki Fennell                                                                                    |

**Agenda**

|           |                                                                                                                         |                   |
|-----------|-------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>1.</b> | <b>ELECTION OF CHAIR AND VICE CHAIR</b>                                                                                 |                   |
| <b>2.</b> | <b>APOLOGIES</b><br>Councillor McCloskey and Wilkinson                                                                  |                   |
| <b>3.</b> | <b>DECLARATIONS OF INTEREST</b>                                                                                         |                   |
| <b>4.</b> | <b>APPLICATION FOR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE</b><br>Two Pigs, Church Street, Cheltenham GL50 3HA. | (Pages<br>3 - 30) |
|           |                                                                                                                         |                   |

**Contact Officer:** Bev Thomas, Democracy Officer,  
**Email:** [democratic.services@cheltenham.gov.uk](mailto:democratic.services@cheltenham.gov.uk)

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## Cheltenham Borough Council

### Licensing Sub-Committee – 2 October 2017

#### Application for Renewal of a Sexual Entertainment Venue Licence

#### Report of the Licensing Officer

#### 1. Executive Summary

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended by section 27 of the Policing and Crime Act 2009, allows applicants to apply for, renew, vary and/or transfer a Sexual Entertainment Venue (“SEV”) licence where they wish to offer “relevant entertainment” (as defined at paragraph 3.3 of the report) on a frequent basis (as defined at paragraph 3.4 of the report).
- 1.2 In this case, an application was received on 10 August 2017 from Red Apple Associates Ltd for the renewal of the annual SEV licence in respect of the premises known as Two Pigs, located at Church Street, Cheltenham GL50 3HA.
- 1.3 The existing SEV licence (ref 16/01471/SEXA) expires on 11 January 2018 and this renewal, if successful, will take effect for 12 months from 12 January 2018.
- 1.4 The applicants have applied for a licence to provide relevant entertainment on the following dates and at the following times, coinciding with the dates of some of the meetings at Cheltenham Racecourse.
  - New Year's Day 8pm-5am
  - Festival Trials Day 27 January 2018 8pm-5am
  - The Festival 13 - 16 March 2018 6pm-5am
  - The April Meeting 18 - 19 April 2018 8pm-5am
  - Hunter Chase Evening 4 May 2018 8pm-5am
- 1.5 A copy of the application form is attached at **Appendix A**. Please note that the applicant's personal information has been redacted.  
 A copy of the premises layout is attached at **Appendix B** with a detail plan of the 1<sup>st</sup> floor at **Appendix C** showing where relevant entertainment is to take place.  
 A location map is at **Appendix D**.  
 A wider plan of the central shopping area is at **Appendix E**.  
 A copy of the existing licence is attached at **Appendix F** along with the conditions applicable to the licence

#### 2 Implications

##### Legal

Any applicant who is refused a licence may, within 21 days of being notified of the refusal, appeal to the local magistrates' court.

However, the right to appeal does not apply where the licence was refused on the grounds that:

- the number of sexual entertainment venues in the area exceeds the number which the authority considers is appropriate
- the grant of the licence would be inappropriate considering the character of the area, the nature of other premises in the area, or the premises themselves.

**Contact officer: Vikki Fennell**

**E-mail: [vikki.fennell@teWKesbury.gov.uk](mailto:vikki.fennell@teWKesbury.gov.uk)**

**Tel no: 01684 272015**

### **Legal**

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**Tel no: 01684 272015**

## **3. Background**

- 3.1 On 1 October 2010, Council approved the adoption of the amended provision of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to take effect in the borough on 1 December 2010.
- 3.2 Since the adoption, any premises that want to offer “relevant entertainment” on a frequent basis can only do so by obtaining a SEV licence.
- 3.3 Relevant entertainment is defined as any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 3.4 Under the Act premises can provide relevant entertainment on an infrequent basis without the need for a SEV licence. An infrequent basis is defined under the Act as follows: No relevant entertainment has been provided on more than 11 occasions within a 12 month period and no such occasion has begun within a period of one month beginning with the end of the previous occasion, and no such occasion has lasted longer than 24 hours. Any premises wishing to offer relevant entertainment more frequently are required to apply for a SEV licence.

## **4. Consultation**

- 4.1 The applicant has advertised the application in accordance with the statutory requirements set out in Schedule 3 of the Act.

### **Consultation – Objections**

- 4.2 In determining the application, Members must have due regard to any observations made by the Chief Officer of the Police and any other comments made by anybody else.
- 4.3 Members are to note in particular that any objection must relate to both or either of the mandatory or discretionary grounds for refusal set out below.
- 4.4 Objections made on moral grounds or values are not relevant to either the mandatory or discretionary grounds for refusal and should therefore not be considered relevant.

### **Consultation – Chief Officer of Police**

- 4.5 The Police did not object or make any comments in relation to the application.

### **Consultation – Other Persons**

- 4.6 In relation to this application the licensing authority received one objection, from Cheltenham Borough Councillor Flo Clucas:

Can my objections to the Two Pigs SEV application be recorded, please. My reasons are based on inappropriate location:  
Proximity to a Church, vulnerable adults and care leavers accommodation nearby; library and children's library nearby; residential properties nearby; other businesses and residents who might be affected by anti social behaviour and inappropriate activity.

## **5. Policy Considerations**

- 5.1 The council's adopted policy statement in relation to the regulation and control of SEVs was adopted by Council on 13 October 2014 and this policy statement sets out the council's guidance, application procedure, terms and conditions relating to the regulation of SEVs.
- 5.2 Below (para. 5.3 – 5.16) are relevant extracts from the policy to highlight relevant issues to Members. However, Members should read these in conjunction with the policy document for completeness and contextual understanding.
- 5.3 The Council does not take any moral stand in adopting this policy. The Council recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this Council's role as the Licensing Authority to administer the licensing regime in accordance with the law.

### **Determination (Section 10)**

#### **Mandatory Grounds for Refusal**

- 5.4 A licence *cannot* be granted:
- a) to any person under the age of 18 years;
  - b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;

- c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

### **Discretionary Grounds for Refusal**

5.5 A licence *may* be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) 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) the number of SEVs in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality (nil may be an appropriate number for these purposes);
- d) the grant or renewal of the licence would be inappropriate, having regard:-
  - to the character of the relevant locality; and/or
  - to the use to which any premises in the vicinity are put; and/or
  - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

### **Location of Premises (Section 11)**

- 5.6 In deciding the appropriate number of premises to be licensed, the Council must consider the character of the relevant locality and what is the appropriate number of SEVs for the relevant locality. The number can be 'nil'.
- 5.7 Cheltenham is a relatively small urban borough that is predominantly residential in nature. The Council has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the Council's policy therefore that there is no locality outside of the adopted Central Shopping Area in which it would be appropriate to license a SEV. Accordingly the appropriate number of SEVs for outside of the adopted Central Shopping Area is nil.
- 5.8 The Council recognises however that the Central Shopping Area offers a more unique situation in as much as it has a much wider mix on offer, particularly in the night time economy and it may therefore be appropriate to consider applications for SEVs in the area. The Council has therefore resolved that it will not set a limit on the number of permitted SEVs in the adopted Central Shopping Area providing those premises are not near properties with sensitive uses or in sensitive locations.
- 5.9 A copy of the plan showing the Central Shopping Area is attached at **Appendix E**.

## **Properties with sensitive uses or in sensitive locations**

- 5.10 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put, the Council shall consider, inter alia, whether the grant of the application would be appropriate, having regard to:
- a) The fact that the premises are sited in a residential area;
  - b) Whether the premises are sited near shops used by or directed at families or children, or on frontages frequently passed by the same;
  - c) Whether the premises are sited near properties which are sensitive for religious purposes e.g. churches, mosques, temples; and/or
  - d) Whether the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets.

## **Objections (Section 13)**

- 5.11 When considering an application for the grant, renewal, variation or transfer of a SEV licence the Council will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory consultation period.
- 5.12 Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.
- 5.13 Objections should not be made on moral grounds or values and the Council will not consider objections that are not relevant to the grounds mentioned above.
- 5.14 Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 5.15 Where the Council receives notice of any objection it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Council shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 5.16 Objections may only be made within the period of 28 days following the date on which the application was made to the Council.

## **6. National Guidance (March 2010)**

- 6.1 The Government has issued non-statutory guidance to aid local authorities carrying out their functions under Schedule 3, as amended by section 27.
- 6.2 Although it is non-statutory guidance, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 6.3 Below (para. 6.4 – 6.14) are relevant extracts from the policy to highlight relevant issued to Members. However, Members should read these in conjunction with the guidance document for completeness and contextual understanding.

## Meaning of Sexual Entertainment Venue

- 6.4 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a ‘sexual entertainment venue’ and ‘relevant entertainment’ for the purposes of these provisions. A sexual entertainment venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.” (para 2.1)
- 6.5 The meaning of ‘relevant entertainment’ is “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person (e.g. where the entertainment takes place in private booths). (para 2.2)

## Refusal of a Licence

- 6.6 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection. (para. 3.23)
- 6.7 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights. (para. 3.30)
- 6.8 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing. (para. 3.31)

## Relevant Locality

- 6.9 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined, the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number. (para. 3.32)
- 6.10 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:
- a. in relation to premises, it is the locality where they are situated; and
  - b. in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment. (para. 3.33)
- 6.11 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application. (para. 3.34)



- 6.12 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits. (para. 3.35)

### **Licence Conditions**

- 6.13 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3. (para. 3.39)

### **The Services Directive**

- 6.14 Schedule 3 to the 1982 Act constitutes an authorisation scheme under Article 9 of the EU Services Directive 2006/123/EC ("the Directive") which was implemented in the UK by the Provision of Services Regulations 2009 ("2009 Regulations"), which came into force on 28th December 2009. Local authorities must ensure they comply with the Regulations when applying the licensing provisions in Schedule 3. (para. 3.53)

## **7. Probity in Licensing (relevant extracts)**

- 7.1 Cheltenham Borough Council's Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications and related matters.
- 7.2 The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.
- 7.3 Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions must:
- Be made on the individual merits of a case
  - Have regard to all relevant national and local guidance
  - Be made impartially and in good faith
  - Be made by the body that receives all the relevant information and evidence
  - Relate to the issue or question placed before the committee
  - Be based only on consideration of relevant and material matters
  - Be proportionate, rational and reasoned
  - Be made in a way that engenders public confidence
- 7.4 Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.
- 7.5 Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.

- 7.6 Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.

## 8. Officer Comments

- 8.1 When determining an application for a sexual entertainment venue licence, the sub-committee must have regard to the relevant statutory provisions, the council's adopted policy, the relevant guidance issued by the Home Office and any objections or comments made by the Chief Officer of Police and other persons. No objections or comments were made by the Chief Officer of Police.
- 8.2 In relation to this application one representation was received, which is shown at para 4.6. The objection is relevant in that it relates to the renewal of the licence being, in the objector's opinion, inappropriate having regard to the character of the relevant locality and/or to the use to which any premises in the vicinity are put; and/or to the layout, character or condition of the premises in respect of which the application is made.
- 8.3 The council's adopted policy on the licensing of SEVs defines areas that it considers appropriate for the licensing of SEVs and other areas in which it has resolved to adopt a zero limit.
- 8.4 In relation to this application, the premises are located within an area that the council has decided is appropriate for the consideration of applications for SEVs, providing those premises are not near properties with sensitive uses or in sensitive locations (see para. 5.10). The council has not set a limit on the number of SEVs that may be permitted inside this area, which is shown at **Appendix E** for reference.
- 8.5 Members are to note that the policy must not fetter the sub-committee's discretion to consider the individual circumstances and merits of the application but equally the sub-committee must not arbitrarily deviate from its policy without good reason.
- 8.6 The licensing sub-committee, in making its decision, should provide comprehensive reasons.
- 8.7 Having considered all the relevant matters, the committee must decide whether to:
- a) Grant the application as applied for;
  - b) Grant the application subject to any additional terms, conditions and/or restrictions that are either specific to the licence or standard conditions; or
  - c) Refuse the application.

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## Background Papers

Service records

Sexual Entertainment Venues: Guidance for England and Wales (March 2010)

Cheltenham Borough Council Sexual Entertainment Venue Policy Statement adopted October 2014

Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009

Licensing Act 2003 Premises Licence ref 17/01580/PRMMV

**Contact Officer**

Mr Philip Cooper

**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)

**Tel no:** 01242 775200

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[www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

## LICENCE APPLICATION

\*NOTE\* Please read the explanatory notes attached before completing this application form

### Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE

#### PLEASE NOTE

All applicants must complete Section A.  
Section B to be completed if applicant is a company.  
All applicants must sign declaration in Section C.

#### SECTION A

Application type

( please tick ✓ )

☐ New application

☒ Renewal of existing licence

☐ Transfer of licence

☐ Variation of licence

If renewal please state existing  
licence number

16-01471 SEXA

Applicant's details:  
Surname

BURROWS

Forename(s)

STEVEN JOHN

Address:

Date of birth [dd/mm/yyyy]

National Insurance number

Daytime telephone number

Fax number

Email address

[REDACTED]

Agent acting on behalf of applicant  
(eg solicitor) if applicable:

SOLICITOR

Name of agent:

RYGER BISHOP

Address of agent:

WALL JAMES CHAPPEL

15-23 HAGLEY ROAD

STURBRIDGE

Post code

DN18 1GW

Daytime telephone number of agent

01358 371622

Email address of agent

r.bishop@jxlaw.co.uk

Name under which the business is to  
be known and traded as

REYS APPEL ASSOCIATES LTD

Address of premises for which this  
application is made

TWO AGES

CHURCH STREET

CHILTERNHAM

GLoucestershire

Post code

GL50 3HA

For what purpose do you intend to  
use this premises?

eg sex shop, sex entertainment venue

SEXUAL ENTERTAINMENT VENUE

Do you have planning consent to use  
the premises stated above for the  
purpose intended?

(please provide details, and forward appropriate  
documentation to evidence this)

YES

If this application relates to a vehicle,  
vessel or stall please give description  
(including site to be situated on)

Proposed days and hours of  
operation

(please tick ✓ and specify times for each day  
using the 24 hour clock)

eg: 23:00 that day or 02:00 on the  
day following

See attached

|                                               |      |       |       |
|-----------------------------------------------|------|-------|-------|
| <input type="checkbox"/> Sunday -             | from | until | hours |
| <input type="checkbox"/> Monday -             | from | until | hours |
| <input checked="" type="checkbox"/> Tuesday - | from | until | hours |
| <input type="checkbox"/> Wednesday -          | from | until | hours |
| <input type="checkbox"/> Thursday -           | from | until | hours |
| <input type="checkbox"/> Friday -             | from | until | hours |

New Year's Day – 8pm – 5am

Festival Trials Day – January 27<sup>th</sup> 2018 – 8pm – 5am

The Festival – 13<sup>th</sup> March – 16<sup>th</sup> March 2018 inclusive – 6pm – 5am

The April Meeting – 18<sup>th</sup> -19<sup>th</sup> April 2018 inclusive – 8pm – 5am

Hunter Chase Evening – 4<sup>th</sup> May 2018 – 8pm – 5am

☐ Saturday - from \_\_\_\_\_ until \_\_\_\_\_ hours

Have you ever been convicted by a Court for any offence which is not now spent under the terms of the Rehabilitation of Offenders Act 1974?

☐ Yes

☒ No

(please tick ✓ as appropriate)

If **Yes**, please give details

All unspent convictions must be disclosed (if renewal application, since you last applied for a licence)

(please continue on a separate sheet if necessary)

| Date of Conviction | Name of Convicting Court | Nature of Offence |
|--------------------|--------------------------|-------------------|
|                    |                          |                   |
|                    |                          |                   |
|                    |                          |                   |
|                    |                          |                   |

Are there any criminal proceedings against you pending?

☐ Yes

☒ No

(please tick ✓ as appropriate)

If **Yes**, please give full details including date of hearing and name of Court

Have you been a director or company secretary of a company involved in the ownership or operation of a sexual entertainment venue licence previously?

☐ Yes

☒ No

(please tick ✓ as appropriate)

If **yes**, please give details

Were there any convictions recorded against that company?

☐ Yes

☒ No

(please tick ✓ as appropriate)

If **yes**, please give details



**SECTION B**

**To be completed if the applicant is a company**

Company name

RED APPLE ASSOCIATES LTD

Company address

BRONIA HOUSE

GEORGE STREET

GLoucester

Post code GL1 1BZ

Company telephone number

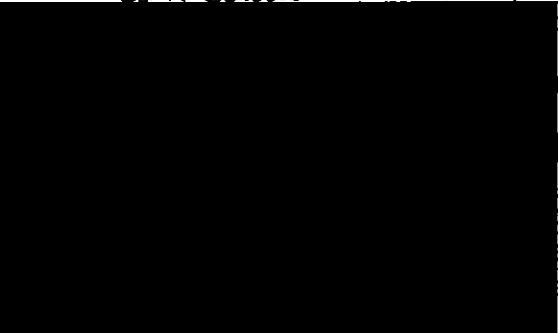
01684 273 575

Company fax number

Company email address

~~europenevents@live.com~~ europeanevents@live.co.uk

Full names and private addresses of all directors or other persons responsible for management of the company:

| 1                                                                                   | 2                      | 3                      |
|-------------------------------------------------------------------------------------|------------------------|------------------------|
| Name                                                                                | Name:                  | Name:                  |
| Steven John Burrows                                                                 |                        |                        |
|  | Address:               | Address:               |
|                                                                                     |                        |                        |
|                                                                                     |                        |                        |
|                                                                                     | Post Code:             | Post Code:             |
|                                                                                     | Date of birth:         | Date of birth:         |
|                                                                                     | National Insurance no. | National Insurance no. |

| Person or those persons |                      |                          |
|-------------------------|----------------------|--------------------------|
| of<br>ting<br>rt        | Nature of<br>offence | Sentence<br>(if imposed) |
|                         |                      |                          |
|                         |                      |                          |
|                         |                      |                          |

Are there any criminal proceedings against that person or those persons pending?

☐ Yes

☒ No

(please tick ✓ as appropriate)

If Yes, please give full details  
including date of hearing and name  
of Court

**SECTION C**

**Declaration**

All new and variation applications for sexual entertainment venue licences are considered by the Licensing Committee. Opposed applications for renewal and/or transfer will also be considered by the Licensing Committee. The applicant and/or their representative are required to attend the meeting of the Licensing Committee at which their application is due to be considered to speak in support of their application. They should be prepared to answer any questions which the Licensing Committee may wish to ask.

**PLEASE NOTE**

**This application must be signed by the applicant personally or, in the case of a company, by a director or other duly authorised agent of the company.**

I/We confirm that the contents of this application are true and correct.

I/We agree that if a licence is granted by Cheltenham Borough Council for a sexual entertainment venue licence, that I/we will comply with all Acts, Byelaws, Regulations and Conditions relating thereto and for the time being in force.

I/We understand that non-compliance with any relevant Acts, Byelaws, Regulations and Conditions will prejudice the continuance of any licence granted.

I/We understand that the council may utilise the information contained herein for internal purposes and may disclose the information to persons or organisations in accordance with the council's registration under the Data Protection Act 1998.

I/We, the undersigned, hereby apply for registration as a sexual entertainment venue licence within the Borough of Cheltenham and I/we declare that to the best of my/our knowledge and belief the foregoing statements are true and correct.

I/We understand that this licence will expire 1 year after it has first been granted or after a period of time decreed by the Licensing Committee, and a newly completed application form will need to be submitted to the local authority **two months before the expire of the existing licence, together with the licence fee current at that time.**

I/We further understand that once the completed application form has been submitted it will be submitted to environmental health, planning, building control and community safety officers of Cheltenham Borough Council together with the local police, fire service, parish councils, ward members or any other interested party for comment.

I/We understand that I/we must submit a copy of this application form to the chief officer of police for the area in which the premises are located and all other Responsible Authorities.

Signature of applicant (s) \_\_\_\_\_

Name (s) in BLOCK CAPITALS

STEVEN JOHN BURROWS

Capacity in which application is signed  
(see note above)

Date

3 / 08 / 2017

#### How to apply for a sexual entertainment venue licence

This application and the appropriate supporting documentation should be forwarded to the Licensing Team at the address on the front of this form.

**Please read the guidance notes that accompany this application form.** Failure to comply with the application procedure could result in a licence not being granted.

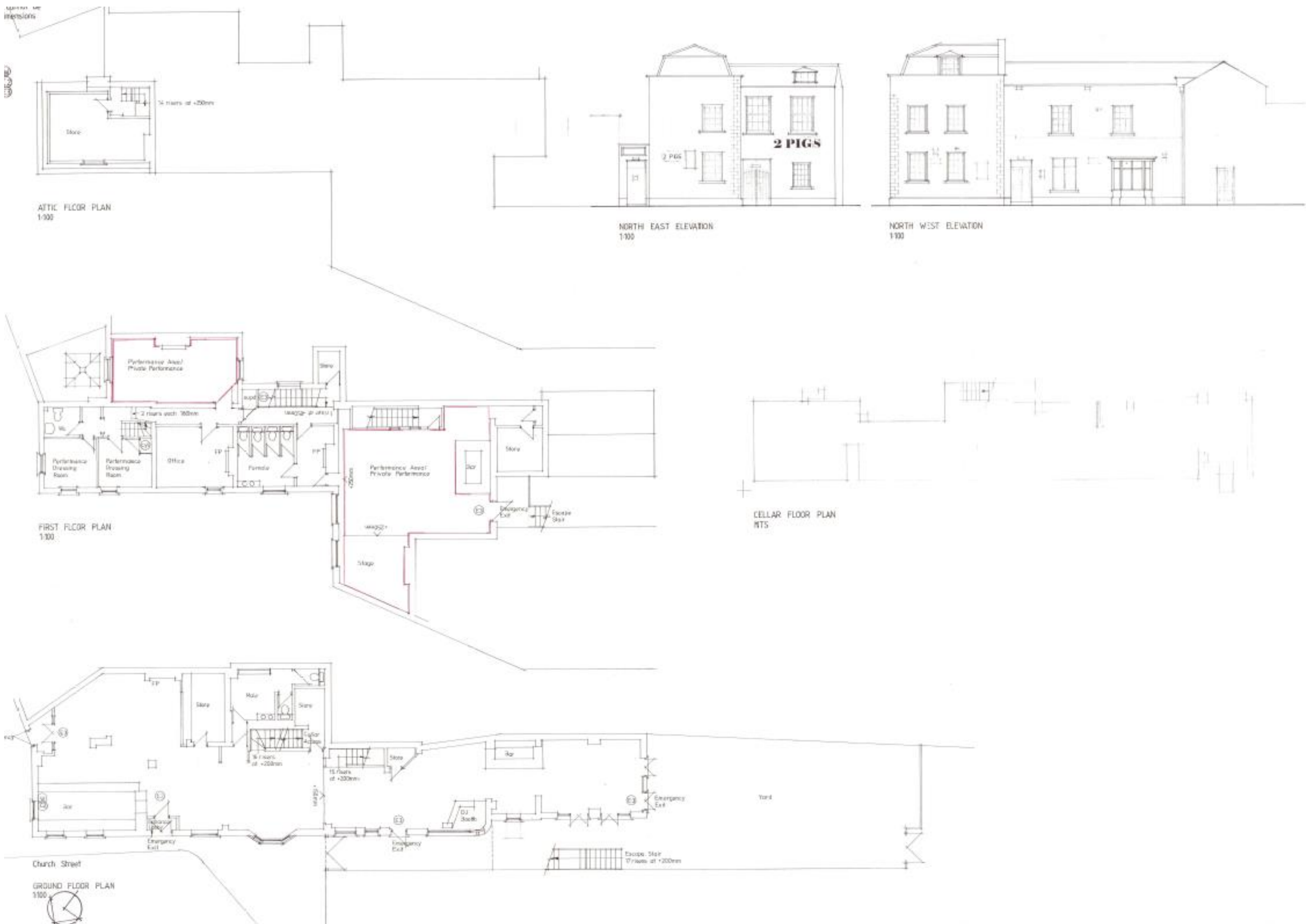
The following are required in order to proceed with the application:-

please tick the boxes below ✓ to confirm you have sent them

- **Application form** (all sections completed) ☐
- **Copies of plans** delineating the specific rooms or premises to which this application relates, with escape routes (in case of emergency) indicated. ☐
- **Copies of a location plan** showing the vicinity of the proposed premises with the premises themselves clearly marked. ☐
- **Planning consent documentation** as confirmation that you have permission to use the premises for the purpose for which you are making this application. ☐
- Any **additional information** in support of the application. ☐
- **What you need to show to establish your identity**  
*This will be required from the applicant named in Section A*
- **Driving Licence original(s) for inspection (paper and photo card counterpart)** which will be photocopied by an officer from Licensing Team. *If you do not have a valid photo card driving licence then a valid passport must be shown to the Licensing Officer.* ☐
- **If none of the above are available then please supply one of the following original documents:-** ☐  
Original birth certificate (or similar official document if born outside UK )  
P45 / P60 Statement  
Marriage certificate, passport

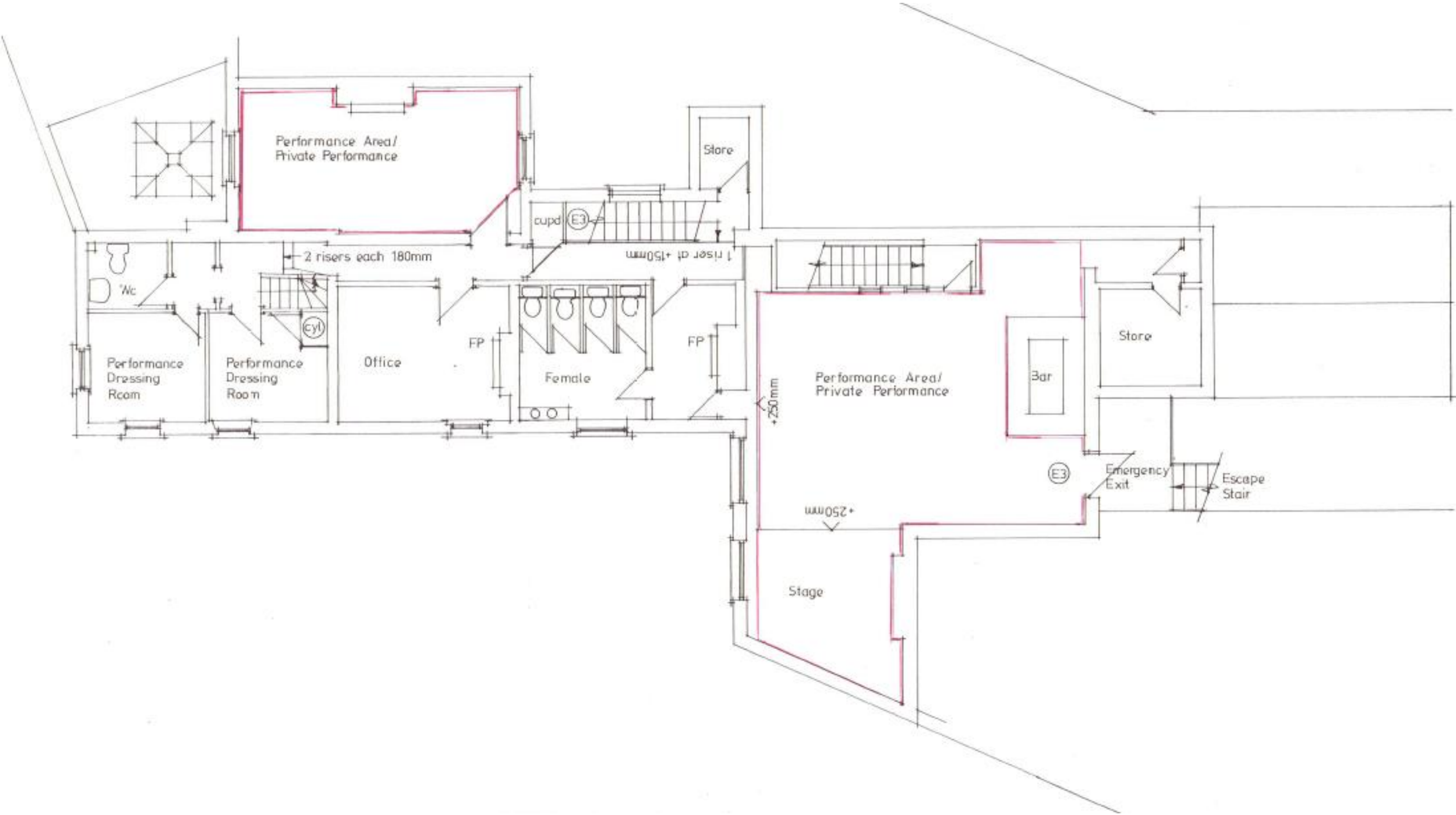
If you have any queries or require assistance in completing the application form, please contact our Licensing Team at the address on the front of this form, or telephone 01242 775200.

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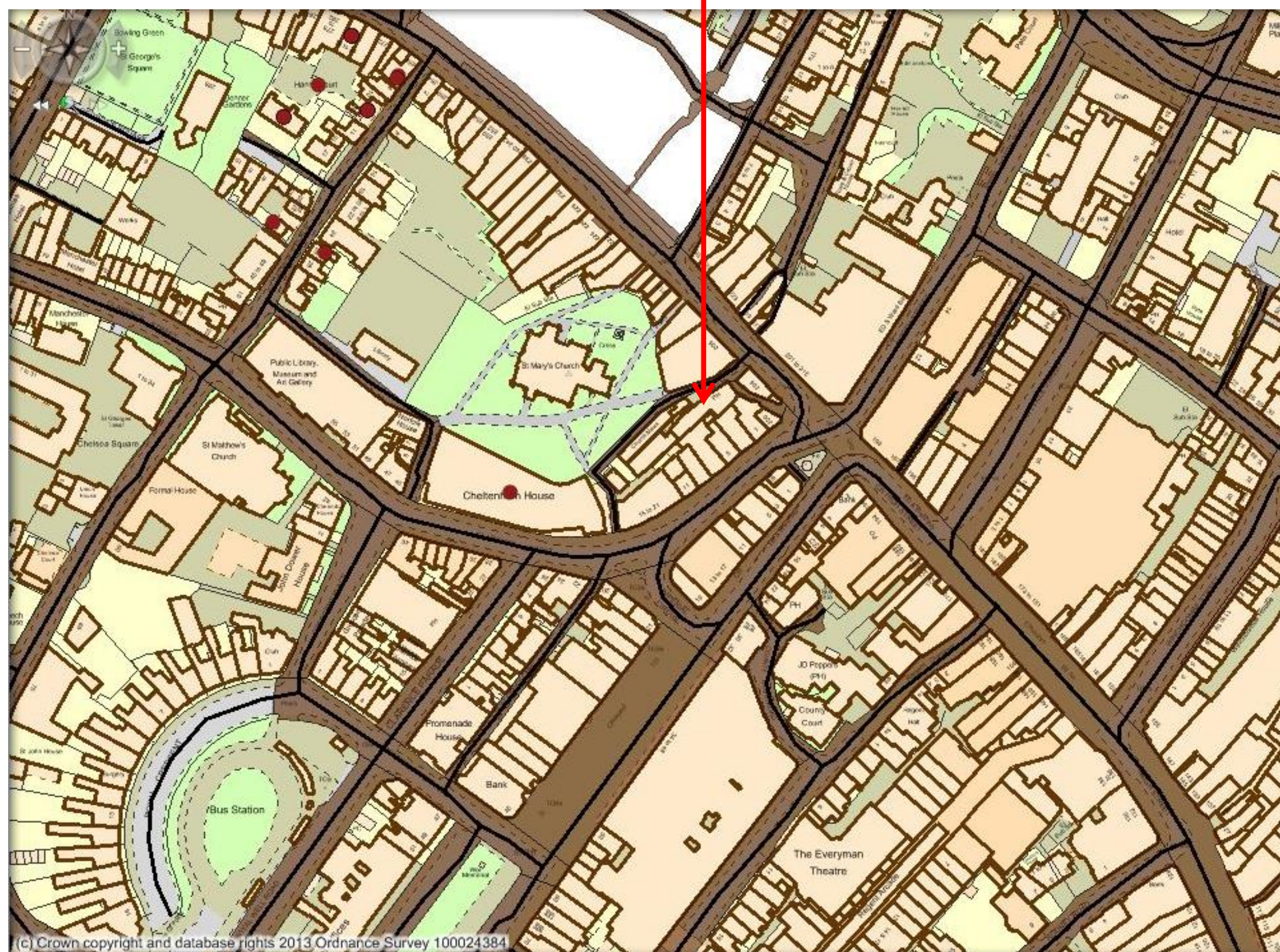
Appendix C – First floor plan detail



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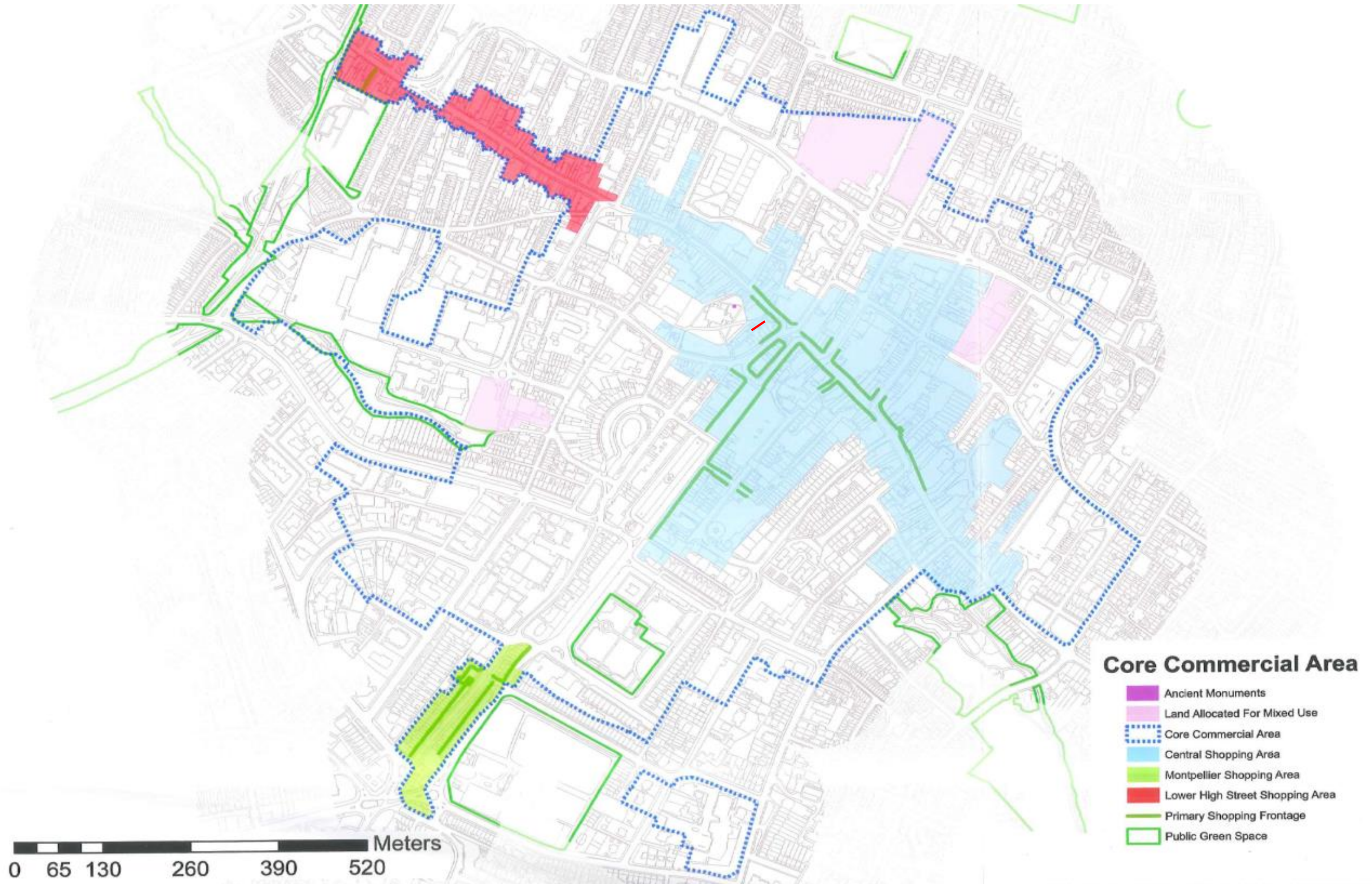


Appendix D - Plan showing the location of the premises





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Local Government (Miscellaneous Provisions) Act 1982 (as amended)

## SEXUAL ENTERTAINMENT VENUE LICENCE

Cheltenham Borough Council using its powers under the above legislation

hereby grants licence to: **Red Apple Associates Ltd.**

to use the premises known as: **Two Pigs**  
and situated at: **Church Street**  
**Cheltenham**  
**Gloucestershire**  
**GL50 3HA**

This licence shall be in force from: **12 January 2017 to 11 January 2018**

Days and hours during which relevant entertainment may be provided:

**Tuesday to Friday of *The Festival* at Cheltenham Racecourse in March: 18:00 to 05:00**

**Friday & Saturday of *The Showcase* at Cheltenham Racecourse in October: 20:00 to 04:00**

**Friday to Sunday of *The Open* at Cheltenham Racecourse in November: 20:00 to 04:00**

**Friday & Saturday of *The International* at Cheltenham Racecourse in December: 20:00 to 04:00**

This licence is granted subject to the Council's Standard Conditions for Sexual Entertainment Venue Licences and any additional Special Conditions set out in the schedule attached.

Director of Environment



### **General Conditions:**

1. The premises shall only permit adult entertainment between the hours determined by the licensing committee.
2. Only activities which have previously been agreed in writing by the Council shall take place.
3. The agreed activities shall take place only in designated areas approved by the Council.
4. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
5. Any flyers advertising the adult entertainment must not display any photographs or images of the entertainment and any images must be approved by the Advertising Standards Agency and not be handed to persons who look under the age of 21. Any handbills must only be distributed after 19.00hrs with the exception of race days. Examples of the handbills that are in use shall be lodged with the licensing authority prior to their distribution.
6. No flyers or similar promotional material for the premises shall be distributed within the Town.
7. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.
8. A clear Notice shall be displayed inside the entrance to the premises in the following terms: "Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises."
9. The performance must not be visible from the street, and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not exhibit themselves in the entrance or in the vicinity of the premises.
10. When the premises are open for Striptease/Lap/Pole Dancing no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age of 21 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.
11. The premises shall maintain a Refusals Log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Council.

### **Conditions regarding Performers:**

12. Striptease and similar entertainment may only take place in 'designated areas' that are marked on the plan of the premises.
13. The entertainment shall be provided by professional performers only. The audience must at all times remain fully-clothed.
14. Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.

## Page 31

15. A 'Signing-in' Register shall be kept at the premises that records the time that the performer starts and finishes at the premises. This shall be made available for immediate inspection by a Police Officer or authorised Officers of Cheltenham Borough Council (who will carry identification).

16. During any performance there must be no physical contact between the performer and any member of the viewing public.

17. No performances shall include any sexual act with other performers.

18. No performances shall include any sexual act with objects.

19. There shall be no nudity by performers in public areas of the premises, unless the Council has agreed in writing that the area may be used for performances of sexual entertainment.

20. At the completion of the relevant entertainment the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any area in a state of undress.

21. Performers must not solicit, divulge or exchange with customers any personal contact information including but not limited to: addresses, phone numbers, email address or social media profile information. Performers must not liaise with customers off the premises or incite customers to purchase alcoholic drinks

22. An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.

23. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.

24. Entertainers or performers not performing must not be in a licensed area in a state of undress.

25. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can at all times be easily and conveniently read by persons inside the premises.

### **Briefing:**

26. Prior to performers carrying out any activity on the premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

### **Door-Supervisors:**

27. Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the premises whilst Striptease/Lap/Pole-dancing activity is taking place.

28. The licence holder, or his nominated deputy who is authorised in writing, or door-supervisors, shall carry out regular monitoring of all areas of the premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with Licence conditions by customers and performers.

29. Door-supervisors shall regularly monitor the area immediately outside the premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.

30. A dedicated SIA-registered door supervisor shall remain at all times in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.

31. When performers leave the premises they are to be escorted to their cars or taxi by a door-supervisor or member of staff.

### **CCTV System:**

32. A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer

33. The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.

34. Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Cheltenham Borough Council (who will carry identification).

35. No CCTV footage is to be copied, given away or sold (except as required by Police/Council for investigation/enforcement purposes).

36. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.

37. Notices shall be displayed informing customers of the presence of CCTV.

### **Special conditions**

1. Not applicable

### **Plans**

1. Drawing ref 2016/17/01 dated 2 Nov 16