



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

**Thursday, 8 March 2018
2.15 pm
Pittville Room - Municipal Offices**

Membership	
Councillors:	Diggory Seacome, Tim Harman and Dennis Parsons
Officers:	Louis Krog and Donna Marks

Agenda

1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		MINUTES OF THE LAST MEETING To approve the minutes of the last meeting held on 27 th February 2018.	(Pages 3 - 6)
4.		APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE	(Pages 7 - 32)

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Licensing Sub Committee-Alcohol and Gambling

Tuesday, 27th February, 2018

2.00 - 2.25 pm

Attendees	
Councillors:	Pat Thornton (Chair), Mike Collins and Tim Harman
Also in attendance:	Donna Marks and Phil Cooper

Minutes

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on the 15th February were signed as a correct record.

4. DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE

The Licensing Officer introduced the report. He explained that Garden Events Limited had made an application for a new premises licence in respect of Cheltenham Food and Drink Festival which is to be held in Montpellier Gardens. He advised the sub-committee that the company had been running the event in Montpellier gardens for the past 11 years. The licence application was for the period of 8th June 2018 to 21st June 2018; however, the event was to take place on the weekend of the 15th June. The proposed timings of the event were from 12:00–19:00 on the Friday, 11:00-19:00 on Saturday and 11:00–17:00 on Sunday. He reported that no objections had been received from the 9 responsible authorities, however, one objection had been received from a nearby resident. The Licensing Officer explained that whilst both the applicant and objector had been invited to attend the meeting only the applicant's representative Miss Andrea Soole was in attendance.

The Licensing Officer advised the sub-committee that in determining the application they must seek to promote the four licensing objectives which are: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm.

In determining the application the sub-committee were reminded that they could:

- Grant the application as applied for or subject to such changes and / or conditions as the sub-committee considers appropriate for the promotion of the licensing objectives; or
- Refuse all or part of the application.

The applicant firstly began by handing out a revised map of the proposed site. She explained that the revised map had been produced to show the location of the music stage.

Following questioning the Licensing Officer confirmed that there had been no previous recorded complaints of crime and disorder or public nuisance as a result of the Food and Drink Festival on the council's public protection corporate database.

The Members then proceeded to ask the applicant a series of questions. Miss Soole explained that:

- Garden Events Limited had applied for the licence for the period of the 8th – 21st June as they were likely to need this amount of time to put up and take down the site. She advised that careful consideration was given to the trees and surrounding area when erecting marquees.
- She reported that there would be security lights and 24 hour security on site throughout the period of the 8th-21st June.
- She confirmed that alcohol would be left on site over night as transporting it back and forth would cause more issues with regards to traffic and damage to the site. She again reiterated that security would be on site 24 hours to manage this.
- She advised that security lights would be used not flood lights as suggested in the report. These would be focused downwards and not cause any light pollution to nearby residents.
- Miss Soole couldn't confirm what the entry price would be but advised that it would be similar to last year which was £7 on the door, £6 online and children under 16 who were accompanied by an adult would be free.
- Miss Soole advised that careful consideration had not yet been given to the 'smoke free public places' legislation but confirmed that smoking would definitely not take place in the marquees but only in the outside spaces.
- They were predicting 20,000 attendees although this would be weather dependent.
- She explained that any damage to the site would be paid for by themselves and they would carry out any replanting as necessary.

One member proceeded to question Miss Soole on the lost child procedure, she confirmed that they would follow a set process and that any lost child would be taken by two members of staff to the medical office. The necessary forms would be filled in and measures would be taken to ensure the child is re-united with their parent or guardian. Members queried who the 2 members of staff would be and whether they would be DBS checked. Miss Soole advised that it would likely be herself and John Rhodes, the director who would be the two designated staff members, she was DBS checked but unsure as to whether Mr Rhodes was. One Member proposed that a condition be applied which requires any staff member who is likely to be in contact with children to have the necessary DBS checks.

The applicant advised the Licensing Officer that they would not be conducting any licensable activities i.e. the sale/supply of alcohol or the performance of live music outside of the 3 days on which the event was being held. Taking this in to account, the Licensing Officer reminded the sub-committee that whilst the

applicant was required to obtain a land use agreement for the whole period of the 8th-21st June they could just grant the licence for the 3 days when the festival was on.

The Chair proceeded to invite the sub-committee to vote on whether to restrict the licence for the 3 days in which the festival was in operation.

The sub-committee voted unanimously in favour of doing so.

The Legal Officer advised the applicant that they should seriously think about staffing and who would require the necessary DBS checks. She felt it was impractical that Miss Soole herself as event organiser and the director would be able to escort lost children on the day. The Licensing Officer confirmed that a basic DBS check can be completed online yourself which takes as little as 2 weeks or can be done through an overarching umbrella body which usually takes up to 5-6 weeks to complete. Miss Soole confirmed that they would undertake the necessary DBS checks as requested.

Miss Soole was then invited to have her final say, she noted the following:

- That the event had taken place over the last 12 years and they had had no major problems.
- Garden Events Limited always cooperated with the Council and tried to resolve any issues they may have.
- The music stage had been moved to minimise the disturbance to residents on Montpellier Spa Road.
- The music comes secondary to the cooking shows and other attractions at the event.

The sub-committee then proceeded to vote on section 7.5 of the report to grant the application subject to such conditions as the sub-committee considers appropriate for the promotion of the licensing objectives.

The sub-committee voted unanimously in favour of this resolution.

Resolved that

The licence be granted for the 3 days in which the festival was in operation subject to the condition that all staff who were likely to be in contact with children carry out the necessary DBS checks. The designated staff who were to escort lost children must also display visible signage so that they can be easily identified. The wording of this condition will be delegated to the licensing and legal officers to ensure it is practicable and enforceable.

The Legal Officer advised the applicant that they could appeal the decision within 21 days to the Magistrates.

Pat Thornton
Chairman

Cheltenham Borough Council

Licensing Sub-Committee – 8 March 2018

Application for a Sexual Entertainment Venue Licence

Report of the Licensing Team Leader

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 a Sexual Entertainment Venue (“SEV”) licence where they wish to offer “relevant entertainment” (as defined at paragraph 2.3 of the report) on a frequent basis (as defined at paragraph 2.4 of the report).
- 1.2 In this case, an application for a SEV licence was received on 19 January 2018 from Mr Massimo Salatino in respect of the premises located at 12-14 Bath Road, Cheltenham.
- 1.3 A copy of the application form is attached at **Appendix A**, a copy of the premises layout is attached at **Appendix B**, a location map is attached at **Appendix C** and a map of Cheltenham’s central shopping area is attached at **Appendix D**.

2. Implications

How does the decision contribute to the council’s Corporate Priorities?

- Cheltenham’s natural and built environment is enhanced and protected.
- Communities feel safe and are safe.
- Our residents enjoy a strong sense of community and are involved in resolving local issues.

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

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2. Background

- 2.1 On 1 October 2010, full 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.
- 2.2 Since the adoption, any premises wanting to offer “relevant entertainment” on a frequent basis can only do so by obtaining a SEV licence.
- 2.3 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).
- 2.4 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 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 which wish to offer relevant entertainment more frequently are required to apply for a SEV licence.

3. Consultation

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

Consultation – Objections

- 3.2 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.
- 3.3 Members are to note in particular that any objection must relate to either the mandatory or discretionary grounds for refusal set out below.
- 3.4 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

- 3.5 No objection were received from the Chief Officer of Police for Gloucestershire Constabulary. A number of conditions proposed by the police were agreed by the applicant. These are outlined at **Appendix E**.

Consultation – Other Persons

- 3.6 Twenty one representations were received in relation to this application.
- 3.7 A summary of the issues raised by objectors is below. Members are to note that the intention of the summary below is to identify the salient issues raised by the objectors. Members should read the accompanying background papers to ensure they are aware of all the issues raised by the objectors.
- **Location** – Granting a SEV licence in the area is inappropriate for the location as it is near a park, places of worship and end of the main shopping High Street and will be harmful to the local community.
 - **Viability** - Insufficient business interest to make the venue commercially viable.

- **Safeguarding** – Granting the SEV licence will lead to “sex addiction” and result in abuse, objectification and violence towards performers or other people who live in the vicinity of the venue. Men who enjoy this kind of entertainment hold poor values of women and are prone to other forms of misogyny such as catcalling, enjoying violent pornography and are more prone to committing sexual violence and control.
- **Human trafficking** - Evidence that human trafficking is likely to increase as a result of this venue being issued a licence.
- **Protection of children** – Granting the licence will cause harm to young people and children given that the venue is situated in a residential area and people visiting the venue will be sexually charged and intoxicated.
- **Policy** – Venue is situated outside the Core Commercial Area where the number of lap dancing clubs permitted is zero.
- **Public Sector Equality Duty** – The council has a public sector equality duty that requires the council to have due regard to the need to eliminate discrimination and advance equality of opportunity. Lap dancing promotes inequality and the objectification of women.
- **Condition of the venue** – The internal and external state, condition and fitness of the venue is unsuitable for it to be licensed as a sexual entertainment venue.
- **Race week** - Race week is an opportunity for Cheltenham to showcase itself to the world and demonstrate the quality of its hospitality and its nightlife but this venue is directly aiming to increase the sexual industry in Cheltenham rather than the entertainment industry.

4. Policy Considerations

- 4.1 The council’s adopted policy statement in relation to the regulation and control of SEV’s was adopted by full 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.
- 4.2 Below 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.

Determination (Section 10)

Mandatory Grounds for Refusal

- 4.5 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

4.6 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)

- 4.7 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'.
- 4.8 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.
- 4.9 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.
- 4.10 A copy of the plan showing the adopted Central Shopping Area is attached at **Appendix E**.

Properties with sensitive uses or in sensitive locations

- 4.11 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)

- 4.12 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.
- 4.13 Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.
- 4.14 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.
- 4.15 Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 4.16 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.
- 4.17 Objections may only be made within the period of 28 days following the date on which the application was made to the Council.

5. National Guidance (March 2010)

- 5.1 The Government has issued non-statutory guidance to aid local authorities carrying out their functions under Schedule 3, as amended by section 27.
- 5.2 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.
- 5.3 Below (para. 5.4 – 5.14) 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

- 5.4 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)
- 5.5 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

- 5.6 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)
- 5.7 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)
- 5.8 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

- 5.9 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)
- 5.10 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)
- 5.11 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)
- 5.12 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

- 5.13 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

- 5.14 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)

6. Probity in Licensing (Relevant extracts)

- 6.1 Cheltenham Borough Council’s Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.
- 6.2 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.
- 6.3 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 rational and reasoned.
 - Be made in a way that does not give rise to public suspicion or mistrust.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 Where Members propose to make a decision contrary to the officer recommendation, clear licensing reasons must be established and these must be seconded and minuted.

7. Officer Comments

- 7.1 This is an application for a new SEV licence. The committee granted a SEV licence for this premises in May 2017 but the licence was never issued due to the fact that the applicant never completed the required works. The then applicant, Mr Lloyd Winstanley-Cox, is no longer the legal occupier of the venue which is the reason why a new application has been submitted to the council.

- 7.2 When determining an application for a new SEV licence, the committee is under a statutory duty to have regard to the relevant statutory provisions and any objections or comments made by the Chief Officer of Police and other persons. It should also have regard to the relevant guidance issued by the Home Office and its own licensing policy.
- 7.3 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 limit of nil.
- 7.4 In relation to this application, the premises in question are situated in the relevant locality deemed to be *inappropriate* under the policy for the licensing of SEVs.
- 7.5 This is an important point for the committee to consider because notwithstanding the policy position, paragraph 3(d) of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 states that a licensing authority *may* refuse a licence application if "...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".
- 7.6 The committee is not bound by its decisions in previous years to issue a licence to the venue. Common law has dictated that licensing authorities are entitled to take "a fresh look" at an application. Accordingly, it is open to the committee to refuse a licence even where no change in the character of the relevant locality has occurred since a licence was previously granted. The previous decisions have therefore not set a precedent.
- 7.7 Members are to note that the policy must not fetter the committee's discretion to consider the individual circumstances and merits of the application but equally the committee must not arbitrarily deviate from its policy without good reason. If the committee were to deviate from its policy, it must provide clear, robust and comprehensive reasons for doing so.
- 7.8 Objectors to this application have highlighted the council's Public Sector Equality Duty and the need for the council to have regard to this when determining this application. Section 149 of the Equality Act 2010 places a statutory duty on the council to, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.9 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.

Background Papers

Service records

Objections

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

Contact Officer

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LICENCE APPLICATION

19/00107/SEA

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 ✓)

<input checked="" type="checkbox"/> New application	<input type="checkbox"/> Renewal of existing licence
<input type="checkbox"/> Transfer of licence	<input type="checkbox"/> Variation of licence

If renewal please state existing licence number

Applicant's details:
Surname

SALATINO

Forename(s)

MASSIMO

Address:

ROAD

SWINDON

WILTSHIRE

Post Code:

Date of birth [dd/mm/yyyy]

National Insurance number

Daytime telephone number

Fax number

Email address

[REDACTED]@[REDACTED].CO.UK

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

Name of agent:

Address of agent:

Post code

Daytime telephone number of agent

Email address of agent

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

FANTASY

Address of premises for which this
application is made

12-14 BATH ROAD

CHELTENHAM

GLOUCESTERSHIRE

Post code GL53 7HA

For what purpose do you intend to
use this premises?
eg sex shop, sex entertainment venue

LAP DAN BEING

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

YES

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

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

<input checked="" type="checkbox"/> Sunday -	from 22:00 until 04:00	hours
<input checked="" type="checkbox"/> Monday -	from 22:00 until 04:00	hours
<input checked="" type="checkbox"/> Tuesday -	from 22:00 until 04:00	hours
<input checked="" type="checkbox"/> Wednesday -	from 22:00 until 04:00	hours
<input checked="" type="checkbox"/> Thursday -	from 22:00 until 04:00	hours
<input checked="" type="checkbox"/> Friday -	from 22:00 until 04:00	hours

☒ Saturday - from 22:00 until 04:00 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

MAX ICE CREAM

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

Company address

Post code

Company telephone number

Company fax number

Company email address

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

1	2	3
Name	Name:	Name:
MASSIMO SALATINO		
Address:	Address:	Address:
[REDACTED] ROAD		
SWINDON		
WILTSHIRE		
Post Code:	Post Code:	Post Code:
[REDACTED]		
Date of birth:	Date of birth:	Date of birth:
[REDACTED]		
National Insurance no.:	National Insurance no.:	National Insurance no.:
[REDACTED]		

Any convictions recorded against that person or those persons

Name and date of conviction	Name of convicting Court	Nature of offence	Sentence (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.

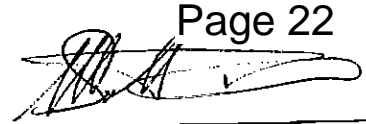
I/We understand that the council may utilise the information contained herein for internal purposes and may disclose the information to persons or organisations in accordance with the council's registration under the Data Protection Act 1998.

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 MASSIMO SALATINO

Capacity in which application is signed PREMISES LICENCE HOLDER AND ^{PREVIOUS S.E.V.} LICENCE HOLDER
(see note above)

Date 19-01-2018

How to apply for a sexual entertainment venue licence

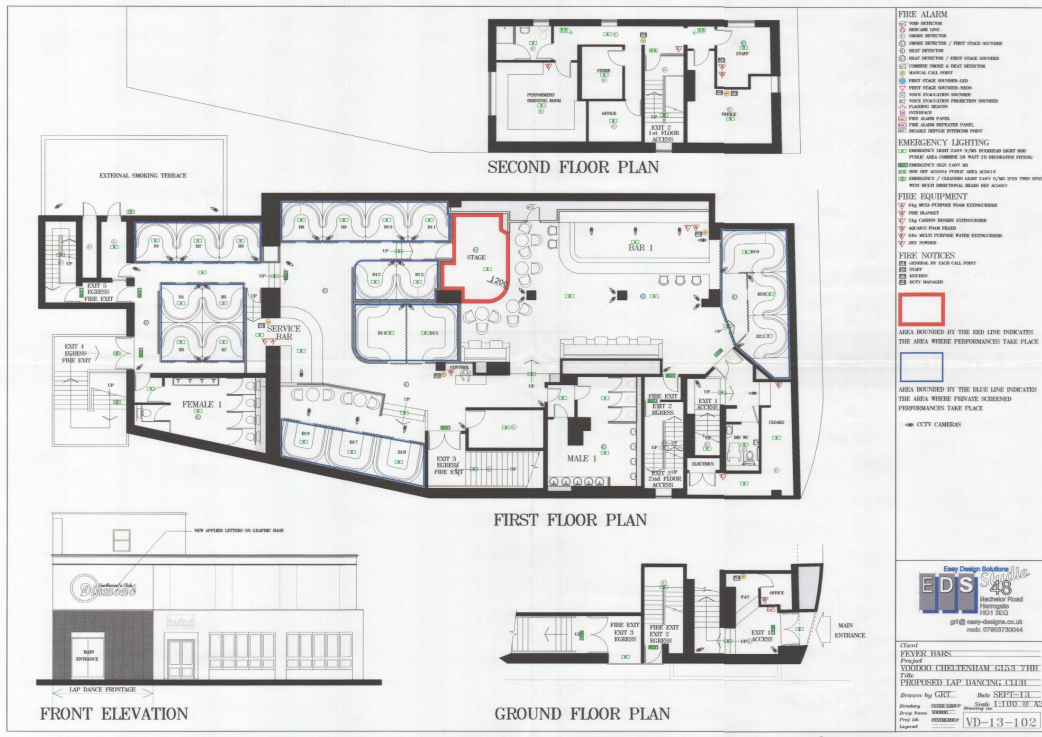
This application and the appropriate supporting documentation should be forwarded to the Licensing Team at the address on the front of this form.

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

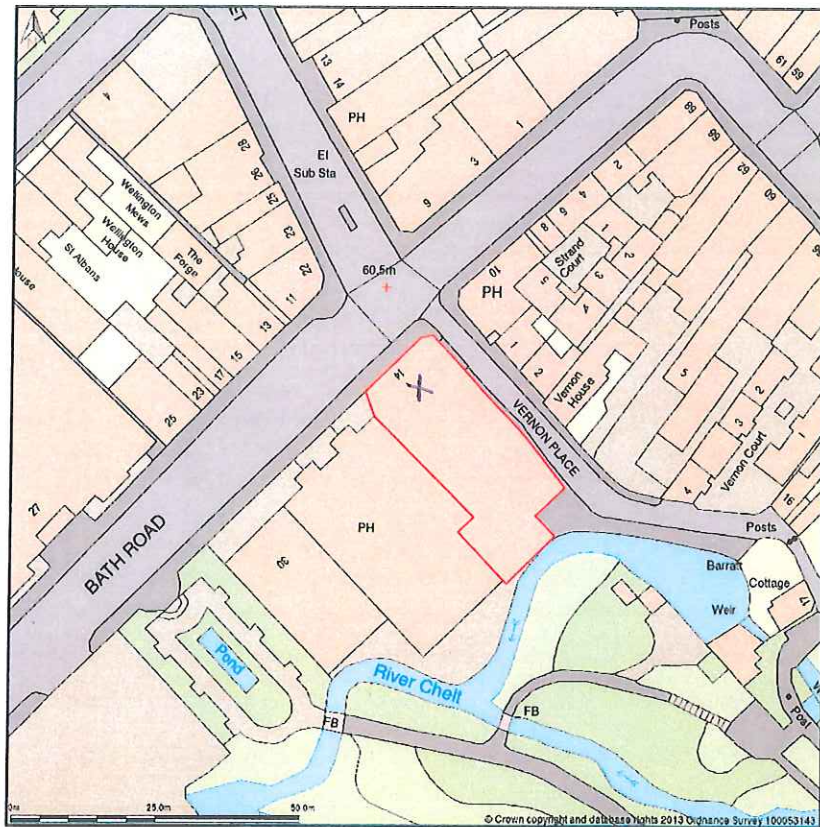
- **Application form** (all sections completed) ☒
- * - **Copies of plans** delineating the specific rooms or premises to which this application relates, with escape routes (in case of emergency) indicated. ☒ * *NOTHING BEEN CHANGED ALL AS IT WAS BEFORE IN PREVIOUS APPLICATION.*
- **Copies of a location 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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12-14 Bath Road, Cheltenham, GL53 7HA

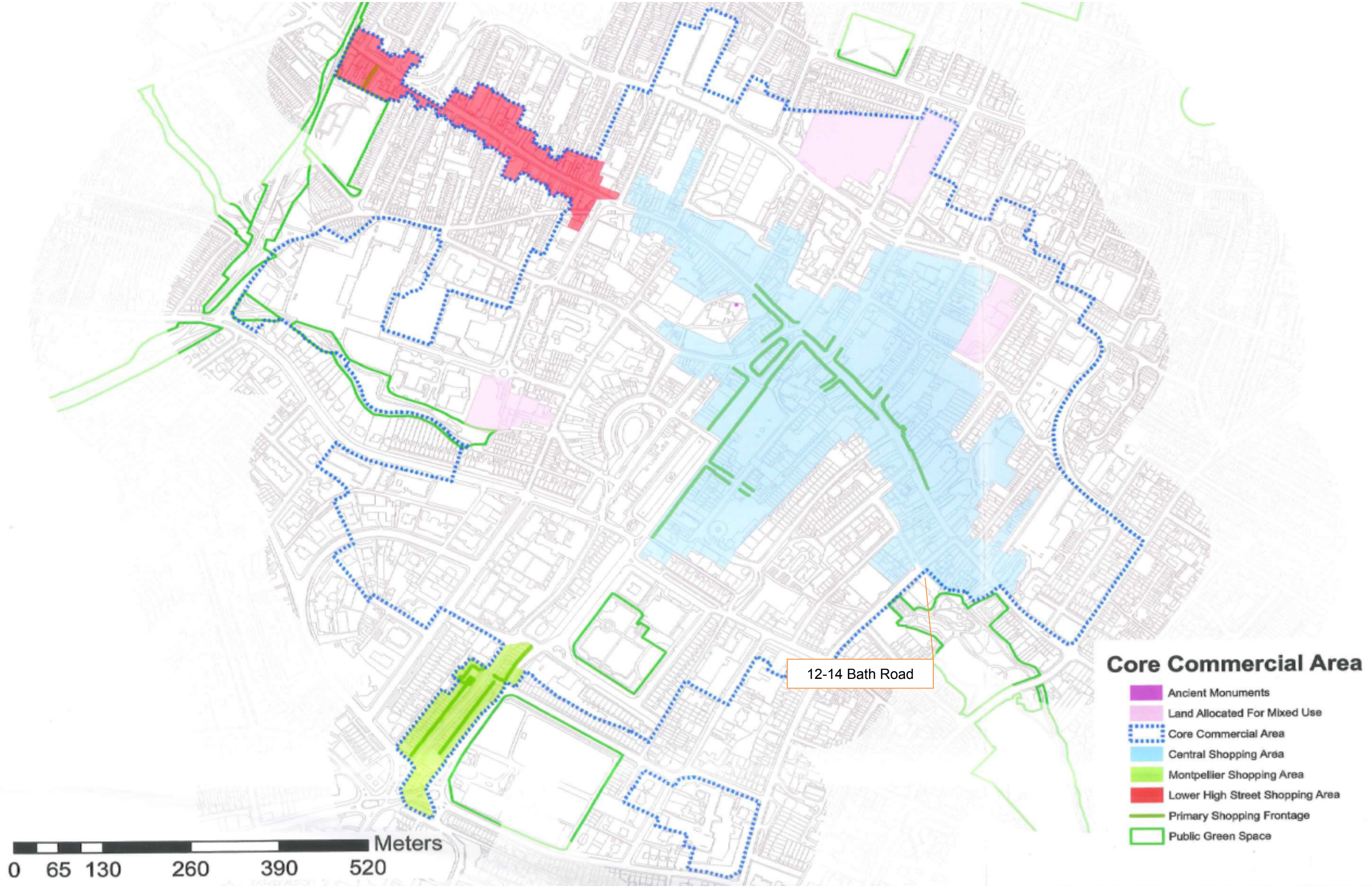


Site Plan shows area bounded by: 395056.78,222044.94 395198.2,222186.36 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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General Conditions:

The premises shall only permit adult entertainment between the hours of 22:00 hours and 04:00 hours the following morning as determined by the licensing committee.

Only activities which have previously been agreed in writing by the Licensing Authority shall take place.

The agreed activities shall take place only in designated areas approved by the Licensing Authority.

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.

There are to be no hand bills delivered/handed out in Cheltenham at all.

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.

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."

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.

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.

Conditions regarding Performers:

Striptease and similar entertainment may only take place in 'designated areas' that are marked on the plan of the premises.

The entertainment shall be provided by professional performers only. The audience must at all times remain fully-clothed.

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.

A 'Signing-in' Register shall be kept at the premises that records:

- Full name of the performer;
- Address of the performer;
- Telephone number of the performer;
- Date of birth of the performer;

- The time the performer starts & finishes at the premises.

This shall be made available for immediate inspection by a Police Officer or authorised Officers of the Cheltenham Borough Council (who will carry identification).

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

No performances shall include any sexual act with other performers.

No performances shall include any sexual act with objects.

During any dance in the designated 'public' area of the premises, performers shall at all times wear at least a 'G-string' or similar piece of clothing, on the appropriate part of the body, which shall not be removed as part of the performance. The 'G-string' shall not be 'see-through'.

Performers shall only perform nude in the 'private' designated area which shall be clearly marked on the plan of the premises.

At the completion of the dance 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.

Performers are not to solicit, exchange addresses or telephone numbers with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.

An appropriate room shall be set aside to provide 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.

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

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

Briefing:

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:

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.

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.

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.

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.

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:

A CCTV system shall be installed and be maintained in good working order, shall record at all times. The CCTV system is to be installed in all areas as recommended by the Police Crime premises are open, and recordings shall be kept for 28 days (14 days for Digital systems).

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.

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.)

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

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.

Special conditions:

A phone number and email address to be provided for residents/authorities to contact if there are concerns.

A minimum of one SIA -registered door supervisor shall be employed in the designated area where sexual entertainment is taking place and they shall intervene promptly to ensure compliance with codes of conduct /house rules.

No drinks promotions take place within the premises.

The premises will at all times fully adhere to and strictly enforce its house rules/agreement as to conduct and code of conduct.

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