

Licensing Sub-Committee - Miscellaneous

Wednesday, 3rd November, 2021

6.00 - 8.20 pm

Attendees	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Alisha Lewis, Diggory Seacome and Jo Stafford
Also in attendance:	Vikki Fennell and Jason Kirkwood

Minutes

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

Members had attended a site visit at the premises on the day of the meeting in the presence of the Licensing Officer.

3. APPLICATION FOR A RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE RED APPLE ASSOCIATES LTD.

The Senior Licensing Officer presented the report of the Licensing Team Leader as published.

In reply to members questions, the Officer confirmed that:

- This application did not relate to the granting of permission for any objects on the highway.
- Cheltenham Borough Council had reviewed its policy on the distribution of flyers and there was also a condition on the application restricting distribution of leaflets.
- He was unaware of any complaints to the council about this venue during the past 5 years, just one complaint in 2017 about lone working of a member of staff.
- A sexual assault at a venue in Birmingham, referred to in the objections, had no connection to the applicant for this licence, nor any relevance to the application.

In reply to a question from Objector, Eileen Bailey, as to whether a SEV licence could be revoked within the year once granted, the Officer explained that a venue needed a premises licence in the first instance and that in serious cases the Police had the power to ask a Council to review a premises licence and revoke it.

Another Objector, Maggie Stewart from GRASAC, asked for clarification as to whether the Chief of Police was informed or whether he did not reply in the time

frame. The Officer confirmed that the Police were sent an email informing them that this application had been received.

Objector, Patricia Grieve, queried that this application was requesting a licence from 6pm, which deviated from Council policy. The Officer confirmed that there was National and local guidance on granting licences and that although the Council's default position was to grant licences from 8pm to 4am, each application was considered individually and policy could be departed from if the committee so agreed.

The Chair invited the four Objectors to address the committee.

Objector, Patricia Grieve made the following points:

- There should be equity of access across the town and many women of all ages avoided the town centre when races were on.
- From reading the Equality Act, all people should feel that they can walk wherever within the vicinity of the premises and not being afforded this opportunity was concerning.

In reply to a Member question about when feeling uncomfortable in the town and whether it was race week in general or how specifically this was related to this venue, the Objector continued that she could not claim it was this particular venue, but that during race week the behaviour of people during the daytime on the bus near the train station was inappropriate and some of the conversations, although not specifically related to sexual entertainment, had a disregard to women and made people uncomfortable.

Objector, Eileen Bailey made the following points:

- In the evening during race week it did not feel safe at the bus stops by the Two Pigs.
- There was a belief that although the club was not supposed to be advertised it was in the Regent Arcade.
- When people left a sexual entertainment venue that had been open from 6pm, they were usually drunk and possibly sexually excited therefore there was a risk that abuse could take place in the home.
- People should feel safe whoever and wherever they were and there shouldn't have to be concern about people in their own homes.

In reply to a question about a sexual assault incident, Eileen Bailey stated the assault had not been reported to the Police on that occasion and that she would not know if the perpetrator had come from the Two Pigs.

Objector, Maggie Stewart, Chief Executive of GRASCA, made the following points:

- Was aware that could only object on two areas, namely public sector equality duty and sensitivity of the local area.
- Cheltenham Borough Council had commissioned a report on the safety of women at night and the results were very concerning in that 75% of women said that they didn't feel safe and this rose during race weeks
- The question of whether this related specifically to this venue could not be answered.

- Hands tied with anonymity so difficult to identify incidents to this venue.
- GRASAC has worked with Cheltenham Safer Partnerships on the safety of women at night, so Council at odds and going in two different directions.
- Without permission a venue can have one night of sexual entertainment a month; giving permission grants an extra six evenings of sexual tourism.

In reply to member questions, Maggie Stewart stated that the belief was that there would be an increase in harassment and assault if the licence was granted. Conversely there was also the belief that if the licence was not granted, it would go down. She also stated that women did not report crimes against them as it was and that was a worry.

The Rector of Cheltenham, Richard Coombs, spoke in objection. He stated that:

- It was highly inappropriate in such close proximity to a place of worship.
- There was no respect to women, this activity objectified women and many women in his congregation felt unsafe and did not come into the town in race weeks.
- The amount and type of rubbish that was left in the graveyard was a big concern.
- The granting of the licence was in the opposite direction to work that was being done with the Council to make this area a nicer and a safer place.

In reply to questions, Rev Coombs commented:

- The litter in the graveyard could not be specifically attributed to the Two Pigs as there was no way of proving where the rubbish came from but was worse during race week.
- There was not a cross over between church services and the opening of the Two Pigs, however the point was not the time of the services, but people feeling unsafe.

The Chair acknowledged and thanked GRASAC for their work and thanked the objectors for coming forward.

The Chair invited the Solicitor for the Applicant, Mr Unis, to address the committee. He confirmed this was a renewal application for a Sexual Entertainment Venue Licence for the dates and times in March 2022 as set out in the report. Mr Unis stated the Two Pigs had had a SEV licence since 2017 and that on this occasion the application was for a reduced number of dates. Mr Unis made the following points:

- The applicant had an impeccable record with no issues and had been praised for the way he operated his business.
- The applicant was part of the Cheltenham night safe scheme to keep its residents and visitors safe.
- This was a legitimate form of entertainment in the retail and leisure industry that the Government allowed, thus the Council would be granting this licence within the law.

- Most objections received were on moral grounds and these could not be taken into consideration. Objections had to relate to mandatory or discretionary grounds for refusal.
- A key point was that no objection had been received by the Police. The Police did not attach any blame to the venue or applicant and there were no facts or figures that had been linked directly to the Two Pigs.
- No formal objection was received by the Police and Crime Commissioner although his comments had been aired on local media.
- There were no mandatory grounds for refusal.
- He did not feel the grounds for discretionary refusal applied as the premises was located within the Council's designated permitted area and there was no limit on the number of SEVs in this area. In addition the Council had previously granted this licence.
- There were unlikely to be children and families in the vicinity as it was a night time industry.
- Representations from the church were not attached directly to the venue or the applicant.
- The church yard was subject to anti-social behaviour all year round and when the applicant operated with increased security there was actually less anti-social behaviour.
- At the time of the site visit at 3pm that afternoon, his client wished to point out that the church was closed.
- There had been no damage to church property during the time his client had operated the Two Pigs.
- He appreciated this was a sensitive issue and that there would always be objections, but his client should not be treated unfairly and be subjected to abuse on social media. His client should be allowed a fair hearing, reiterating the Government allowed this entertainment.
- Sexual bullying could happen anywhere and if someone was drunk or sexually aroused, this was not the fault of the applicant.
- There was no link between sexual entertainment and sexual attacks on women.
- Regarding the Equality Act, male entertainment takes place and no objections are raised.
- The applicant takes equality seriously and staff are told they cannot discriminate. The applicant also has an anti-slavery policy in place and a refusal of entry log.
- The safety of performers was important and they were given the option of transport to and from the venue. They have a separate locker room and there is a house mother providing support and ensuring their welfare.
- The applicant encouraged staff to keep the outside area clean and tidy.
- His client employed 14 security guards and 4 stewards during this period and there was no link to the applicant at all regarding people feeling unsafe.
- Earlier opening times had been asked for to assist with crowd management and to prevent long queues forming outside the venue.

In summing up the Applicant's Solicitor pointed out that the request for renewal was for less dates than the current licence, that the applicant was experienced, had an impeccable record and would adhere to the strict conditions attached to the licence as he knew any breach would jeopardise the future. He said that by

granting the licence, the committee were ensuring it would be regulated, Police would know where it was taking place and that the safety of the dancers and individuals in the pub could be guaranteed. If it was not granted then there would be no control.

The Chair agreed with the Applicants' Solicitor about the way the Police and Crime Commissioner had expressed his concerns on the matter using the media and not responding with his objections in the correct way. The Chair felt this was not a fitting way for a member of his office to behave and members were advised to disregard anything they may have heard on the media from him.

In reply to questions from members, the Applicant's Solicitor confirmed that:

- The reasons for the earlier opening times were related to crowd management. Steve Burrows, the representative for Red Apple Associates Ltd, explained that the SEV licence had always been from 6pm to 5am until 2 years ago when it was believed that by opening at 8pm it might reduce the volume of racegoers in the area. This was tried but in view of the large numbers of people that were turned away from the premises at 6pm, the Police and Licensing Officers agreed it was in public safety to move people off the street and into the venue and a 6pm opening would solve this issue.
- Stringent measures were in place to ensure performers were not trafficked. Mr Burrows explained that there was a vetting process and all ID was reviewed and checked. All performers were pre-booked, many had worked for them for many years, rules and regulations were given, wrist bands issued, there was an area for rest and changing for the performers and there was a house mother.
- Regarding the safety of performers whilst performing, it was explained that the customer and performer went into a private dance booth, there were booth walkers who checked on the performers and the activities and when the time was up the customer left first.
- People did not hang around in the churchyard on leaving the premises as no one leaving the venue was allowed to enter the churchyard, all clients had to exit onto the High Street and that area was patrolled in the evening.
- The venue did not discriminate on gender and kept a refusal log. A growing industry was couples frequenting the premises so they did have more females in the venue.
- The premises was not wheelchair accessible as it was a very old listed building with a 19th century staircase.
- The use of cameras on mobile phones was prohibited and if they were used, customers would be asked to delete the images and asked to leave the venue. The venue had many signs about prohibiting photography.
- Regarding the Council's report on the safety of women and the night time economy, and alleviating fear in women near the venue, the applicant suggested he would invite people to the area to see how it was managed and protected and to show it was a safe environment. Mr Burrows questioned the way the media promoted and portrayed it and felt women's perception would change if they saw how the operation was run.

- The area patrolled by the security team from the venue would feel safe, but it was difficult to patrol too far along the High Street for insurance reasons. The earlier 6pm start time would help alleviate any fear regarding large crowds of people congregating.
- The capacity for customers was 300, but they usually operated between 200-220.
- There were 16 CCTV cameras normally on the premises covering the inside of the venue, the outside and garden, with an additional 16 cameras put in which covered the booths, admin and all internal areas.

There being no further questions the Chair moved to debate and members made the following points:

- The quality of the objections was appreciated and members were mindful of and understood the concerns.
- The vicinity of the churchyard was an important issue. However, there was no exit into the churchyard from the venue and also no cross over with evening services.
- An important point was that the Police had not raised an objection. Nothing had been attributed to this venue during race week, although a member did realise not everyone reported matters to the Police.
- The policy on reducing advertising and distribution of leaflets would make women feel less intimidated.
- Important that all people should be able to access the venue and only refused if they behaved in an inappropriate way.
- Happy with the way performers were looked after, with the measures to ensure they were not trafficked and that there was a house mother.
- A member had previously seen the venue in operation and felt the applicant did look after the performers working there. Performers signed a contract stating that they were not coerced into working there and having spoken to some of the performers, the Member was happy they had been there under their own will.
- Happy that the venue had the Challenge 25 Scheme, as well as card chip and pin payments to protect customers.
- Premises could operate as a SEV under the exemption rule, but prefer premises to be licenced to protect its customers and performers and to have specific licenced dates.
- Happy that the venue has a good track record and satisfied that it is well run for the safety of everyone,
- The applicant has been transparent.
- Cannot appropriate any incident in other parts of the town to activities at the Two Pigs.
- Satisfied with the reasons for the 6pm opening.

The Chair summed up stating he was happy the Council and applicant had consulted lawfully. He continued that due regard had to be given to the fact the Chief of Police did not give any objections and that regarding any crime that has happened in the town none of it has been attributed directly to the venue or to the activity and the Police were best placed to provide this evidence. Regarding reasons for refusal none of the mandatory reasons were valid, and regarding discretionary grounds, only item d referring to the character and locality of area were of relevance and for the committee's consideration. He questioned whether this venue was being discriminated against when in fact there was a very high increase in the number of people in the town frequenting

the many bars and pubs in the area. Regarding safety, the Chair concluded that regulation and knowing where the activity was taking place, rather than it happening anywhere in the town, was the better of the two options.

There being no further comments or questions the Chair moved to vote on 8.6a of the report to grant the application.

FOR : 5
AGAINST : 0
ABSTAIN : 0

GRANTED unanimously

The Chair advised the applicant that the Licensing Team would be writing to them confirming the conditions and would explain the new condition in the updated SEV policy of providing certain additional items in the changing rooms.

The Chair assured members of the public that the Committee did take these matters seriously and that last time he wrote to the Home Office asking them to consider changing the law. He read out the reply to members.

4. BRIEFING NOTES

There were none.

5. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION

There were none.

David Willingham
Chairman