

Licensing Sub-Committee - Miscellaneous

Tuesday, 18th January, 2022
5.00 - 8.30 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 no apologies.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPLICATION FOR A VARIATION OF A SEXUAL ENTERTAINMENT VENUE LICENCE

The Senior Licensing Officer introduced the report as published.

There were no further questions from the applicant or the objector.

Pictures of the proposed leaflets and the minibus were distributed to both the committee and the objectors.

The Rev Coombes then addressed the Committee as an objector. He made the following points:

- There was disappointment that the venue was seeking a further variation to the licence as this variation seemed to attract more objections than the original application.
- The variation doesn't comply with the Council's own policy on SEV's and the onus should be on the licensee to show why the Council should deviate from policy.
- It goes against the Government's policy to make the streets safe for women and girls. Violence against women is currently in the headlines with the murder of Sarah Everard and Ashling Murphy, he felt that the Council would be irresponsible if they agreed to grant the variation.
- The Minster Exchange project is going to attract more people to the area and the SEV may discourage people from visiting the area.

In response to Member questions the Rev Coombes confirmed that he didn't recall that there was a lot of litter found last time. The Chair confirmed that the policy regarding leafletting was different last time.

The Rev Coombes stated that his objection was more to solicitation rather than leafletting.

Cllr Mason then addressed the committee as an objector. He clarified that some of the points that he was making were on behalf of the constituents who had contacted him as well as his own points. They were as follows:

- There is already a large percentage of women who think that the town is unsafe during raceweek
- Councillors will remember that they adopted Safety of Women at night and that the Council have already given their ruling on this. He felt that granting this was contrary to the night safe code.
- Clarification was requested on whether the clientele and the performers would be in the minibus together.
- PN17 Code of Conduct states that operators must not distribute anything that will cause a nuisance and annoyance.
- The grant would be a retro step.
- There has been a lot of work done to improve the town and to gain Blue Flag status (this was accepted by the committee that Cllr Mason meant the Purple Flag scheme) . Does this fit in with that?
- We have taxi drivers to take people to the venue – is it necessary to provide a mini bus.

He concluded by saying that so much has been done to improve the night time economy and this will be derogatory to this.

In response to Member questions Cllr Mason responded as follows:

- He confirmed that he had been contacted by approximately 10 people/organisations including GRASAC and a church group.
- He did not consider advertising of comedians who may cause offense to be the same as advertising a SEV.

The Police and Crime Commissioner (PCC) started by offering an olive branch to the Chair in that he offered to discuss the criticism of the way he dealt with the initial application. He then stated that he was only at the meeting to discuss the current matter and made the following points:

- As PCC one of his six priorities is to tackle violence and intimidation against women and girls and do whatever he could to tackle some of the root causes of the crime.
- misogyny was a big problem (lack of respect for women)
- There was a 95% increase in reported incidents of stalking last year
- There had been a rape in Montpellier Gardens during the race meet in December of 2021. It was made clear by the committee that the venue was not an SEV at this point.
- He had attended the Reclaim the Night march last November where the women he talked to at that march strongly objected the sexual objectification of women whether in private or public.
- There was no justification for the venue to seek a change in their conditions and that they should not be allowed to openly tout for business and provide transport that would have both the dancers and the customers on.

- the minibus would be “a breeding ground for licentious behaviour and misogynist comments” and that this could lead to inappropriate behaviour later on in the town.
- there was a weakness in both the Councils and the Constabulary’s assessment process which is why there are few objections from the police.
- it is difficult to tell how old people are and that there will be a large amount of litter from the Racecourse to the town generated by the gaudy leaflets.
- He asked if Cheltenham wanted to be remembered for a minibus advertising a SEV and littering.
- the Management of the Race Course did not want to be associated with this venue.
- He raised concern that the minibus service would be taking business away from licensed taxi drivers.
- if one vehicle is allowed would that open the floodgates for more venues to request vehicles.

During the Members questions to the PCC’s he was asked to modify his terminology when referring to the performers and to the mini bus.

The PCC had the following responses to Member questions:

- bringing up the rape that occurred in Montpellier was appropriate to the application as it was linked to race week.
- he had no idea what could or might take place on the minibus.
- He conceded that there was an argument to using the minibus to transport the performers to and from the venue.
- he was not aware of how the venue worked as he has not visited one.
- the post of Chief Officer of Police in the Constabulary does not exist (in Gloucestershire this would be the Chief Constable or whomsoever they have delegated this function to) – the Senior Licensing Officer then explained that the definition was very clear and means that it is the authority delegated to officer of the police.
- he recognised that he needed to familiarise himself with procedure within the Constabulary.

The Chair at this point explained that this was a regulatory committee and that taking the matter based on hearsay is unlawful. He reminded everyone that they are bound by legislation and that not doing so could result in a judicial review.

There was also exception taken to the fact that the PCC inferred that the Committee was not qualified to make a decision on this matter as they were not officers.

There was confirmation given to the PCC that the performers and clients would not be in the vehicle together at any one time.

The majority of people who had spoken to the PCC were against the issue and there were around 50 complaints submitted to him.

There had been some confusion by objectors about the minibus. The Chair explained that the licensing provisions apply to vehicles and vessels as well as

premises, and that this was not an application to use the mini bus for any licensable activity, only to transport potential customers to the venue, or to take performers from the venue

The Applicant's solicitor was then given the opportunity to address the committee. He made the following points:

- He wished to thank the committee and officers for the work and professionalism that they have always demonstrated in his dealings with them. He believed that both were a credit to the town.
- There will be no reference to lap dancing in the leaflets and they will be A7 size (7.4cmx10.5cm)
- His client is there to ensure that a good relationship continues with both the authority and the police.
- The Chief Police Officer had not raised any objections, if they had they would be present to make them heard.
- Most of the objections have been on moral grounds.
- The application is for 6 days out of 365.
- Public safety is of utmost importance to all concerned and the applicant has been praised for taking safety of women very seriously.
- If the application is granted all the staff will be trained and they will be wearing badges to promote safety.
- The applicant did look at producing a leaflet for his clients to provide safety information however there is not a safety scheme prepared to come forward to support this idea.
- At no stage will the customers and the performers be in the mini bus at the same time.

The response to Member questions were as follows:

- The people handing out the leaflets will be fully dressed and in uniform.
- The mini bus driver will be accompanied at all times
- Challenge 25 allows for a margin of error when giving out leaflets but the aim is to target the overs 25's.
- There has never been a under age drinking problem in the venue.
- Leaflets will be reused or recycled
- There will be no music played in the mini bus – it is not a party bus.

Before the matter went to debate the Members asked the Senior Licensing officer to clarify 2 points, responses were as follows:

- if the venue wanted to put banners on the highway then it would need a separate licence.
- as far as he knew there had not been any complaints regarding the mini bus previously.

The matter then went to debate where the Members made the following points:

- clarification sought that the badges will be worn by the people that are distributing leaflets.
- Littering was raised as a concern, however Members were reassured that the applicant was committed to clearing up any that had been discarded.

- Pleased to see that there was a condition and happy to hear all objections.
- Businesses have the right to advertise and if it is refused the applicant is being penalised.
- Would like to see a condition that there were no advertising banners and no distribution within the Minster.
- Pleased with the applicants commitment to make the venue as safe as possible.
- The mini bus seems like a good idea and there will be nothing salacious going on, it is like an additional taxi effectively
- Could the applicant consider giving leaflets only when asked.
- The point was raised that if potential customers are not given a leaflet how will they know that there is a mini bus available.
- There was concern raised regarding the terminology used by the PCC and it being incorrectly reported in the local press.
- The leaflet is not deemed as offensive or particularly distasteful and has the applicant's address on it.
- Freedom of expression is also freedom to offend.

The Senior Licensing Officer provided the details of the printed matter legislation to the committee

Conditions

Further to the debate, the following conditions were proposed:

1. To only give out leaflets to those that want one
2. Leaflets should not be given to anyone who looks under the age of 25 and definitely not to anyone under the age of 18 – Challenge 25 approach to be taken in the same way a bar would operate for underage sales
3. Nothing should be audible outside the vehicle – this is a standard noise condition but the condition below would take primacy as it is clearer.
4. No music to be played from the minibus or in the vehicle
5. No distribution of leaflets in the Minster grounds, churchyards or outside schools nor libraries before 6pm
6. A provision to clear up the litter generated by the leaflets within 50 metres of each place where leaflets are distributed from – this is a condition on consents for distribution of free printed matter

It was agreed that it would not be practical to enforce point 1 as in general people do not request leaflets and that the standard condition with regards to leafletting would apply.

Having considered all the relevant matters, the committee decided to go to the vote as follows, to grant with such variations as they think fit

The vote was taken as follows:

For: 4

Against: 1

Carried with the above variations

4. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION

RESOLVED THAT

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:
Paragraph 1; Information relating to any individual
Paragraph 2; Information which is likely to reveal the identity of an individual

5. APPLICATION FOR A HACKNEY CAB DRIVERS LICENCE

The Senior Licensing Officer introduced the report and there were no changes to when the matter came to committee earlier in the month. The applicant had also provided a written statement that had been circulated to the committee prior to the meeting.

After further Member questions and Member debate the matter went to the vote:

The matter went to the vote on 1.4

For: Unanimously found the driver to be fit and proper to hold a hackney carriage drivers licence.

6. EXEMPT MINUTES OF PREVIOUS MEETINGS

RESOLVED THAT

The minutes of the exempt minutes held on 5 January were approved and signed as a correct record.

David Willingham
Chairman