

Cheltenham Borough Council Full Licensing Committee

Meeting date: 1 March 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Barbara Clark, Councillor Tim Harman, Councillor Richard Pineger, Councillor Julie Sankey, Councillor Diggory Seacome, Councillor Izaak Tailford, Councillor Simon Wheeler and Councillor Bernard Fisher

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Speaking at Licensing Committee

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Please note: the deadline to register to speak is 5.00pm on the day before the meeting.

Contact: democraticservices@cheltenham.gov.uk
Phone: 01242 264 130

Agenda

1 Apologies

2 Declarations of interest

3 Minutes of the previous meetings full and sub committees (Pages 5 - 26)

To approve the minutes of the last full committee held on 16th December 2022.

To approve the minutes of the Licensing sub committee alcohol and gambling held on 16th December 2022.

To approve minutes of the Licensing sub committee miscellaneous held on: 11th January and 1st February 2023

4 Review of previous decisions

A training session for all Members of the full committee.

5 Any other items the Chairman determines urgent and requires a decision

6 Date of next meeting

Next full committee 7th June 2023.

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Full Licensing Committee

**Friday, 16th December, 2022
2.00 - 4.45 pm**

Attendees	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Barbara Clark, Tim Harman, Richard Pineger, Diggory Seacome and Izaak Tailford
Also in attendance:	Harry Mayo, Vikki Fennell, Claire Morris and Jason Kirkwood

Minutes

1. APOLOGIES

Apologies were received from Councillors Wheeler, Fisher and Sankey.

2. DECLARATIONS OF INTEREST

There were none.

3. MINUTES OF THE LAST FULL LICENSING COMMITTEE MEETING

The minutes of the meeting held on the 8th June 2022 were approved.

4. MINUTES OF SUB-COMMITTEE MEETINGS

Minutes of the Sub Committee Miscellaneous held on the 6th April 2022, 5th October 2022 and 2nd November 2022 were approved.

5. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Licensing Team Leader introduced the report as published.

There were questions to the Officer after his report, the responses were as follows:

- Statements are treated as perjury if found to be malicious, can be dealt with as contempt.
- It is not a common scenario to have the amount of complaints that have been received by this particular driver.

The driver then was given his opportunity to address the committee and he made the following points:

- He has been a driver for thirty five years and although there had been difficulties over the years the decisions made at those committees had been over ridden,
- He stated that he has never been aggressive and had been told previously to stay in the car if there was a potential of an altercation.
- During the incident the other driver took photos without his permission.
- He said that he tried to avoid an incident with the other driver by walking away.
- He stated that the driver of the other vehicle had lied about what occurred.

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- He was pleased that he had not argued with the other driver.
- He confirmed that he gets compliments from passengers all the time.

The responses to Member questions to the driver were as follows:

- Confirmation that he did not get out of his car until the other person walked away.
- The position of the drivers car in the road from the photographs was explained as the driver was trying to park his car and was prevented from doing so due to the position of the other vehicle.
- He stated that although he had been told by the committee in 2018 that dash cam footage should be made available he hadn't been able to provide it as the camera stops recording when the vehicle is stationary. In response to the point that the car was moving when the incident happened he said that there was no footage.
- It was explained that it is not normal to receive a statement to support a driver the same day as a complaint is made, the driver stated that he did not know the identity of the person who wrote a statement in support of him.
- The driver stated that all the spaces were taken on Pittville Street and that when he tried to move into the space he didn't know that the other driver was disabled. He did beep his horn but was not aggressive in anyway.
- He did not get out of the car until the other driver moved away.

The Chair pointed out that the case was based on two different stories from two different sides and that situation makes any decision hard. There were concerns regarding the drivers complaint history and the lack of dash cam footage.

When looking at how the case would be dealt with Members made the following points:

- To revoke the licence is too draconian, a suspension with training incorporated would be a better punishment.
- If the suspension is found to be a satisfactory punishment could the driver be sent on an anger management course.
- If suspension was found to be the way to go that there were 21 days for the driver to appeal the decision.
- It was again re iterated that the lack of dash cam footage is a problem as the vehicle was moving when the incident took place the driver should be able to provide that footage.
- The Licensing Team Leader stated that he had looked at anger management training courses and would find something suitable.
- The point was made that before the matter went to the vote the length of the suspension would have to be decided.
- It was suggested that the training would be delegated to officers and the suspension would be until that training is completed.
- The suggested conditions were to suspend the driver for a period of one month and delegate to officers to find the appropriate training for the driver to attend at his own expense. If the course is not completed satisfactorily then the driver is to be referred back to committee.

The matter then went to the vote to revoke

For: 0

Against: 6

Abstentions: 1

Then to the vote to suspend with the conditions as above:

For: 7

Against: 0

Suspended as per the conditions above.

6. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

The Senior Licensing Officer introduced the report as published.

The video footage of the incident was then played.

In response to Member questions it was confirmed that the taxi was in an electric vehicle charging point.

The driver then addressed the committee and made the following points:

- He approached the car that was at the charging point and asked the driver when he was going to move his car as it was not an electric vehicle.
- The driver of the other car used obscenities towards him and pushed him, he pushed back and then punched him in self-defence.
- The driver of the other vehicle then threatened him with a spanner.
- He was questioned by the police on the matter as they had CCTV footage of the incident, he was then sent a victim support letter.
- He has been a driver for eight years and never received a complaint, from his point of view it was a one off situation, he does not condone violence and is not proud of what occurred.

The responses to Member questions were as follows:

- He has never had any warnings in relation to his conduct.
- He confirmed that he has done aikido and self-defence classes previously and the comment was then made that he dealt with the situation in a reasonable manner.

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

- The driver has shown integrity, it is his first time before the committee and he has shown remorse, regret and honesty.
- The driver showing this level of honesty is putting himself at risk to receive a punishment .
- Violence was involved but not in relation to his taxi driver skills and although violence in self-defence is not the answer it does seem that he was provoked.

The matter then went to the vote to take no further action:

For: 5

Against: 1

Abstain: 1

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

There were none.

8. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION

The proposal was then made:

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

For: 7

9. EXEMPT MINUTES OF THE LAST FULL LICENSING COMMITTEE MEETING

The minutes were agreed and signed.

10. EXEMPT MINUTES OF SUB-COMMITTEE MEETINGS

The minutes were agreed and signed.

11. DATE OF NEXT MEETING

The next meeting is 1st March at 6pm.

David Willingham
Chairman

Full Licensing Committee

**Friday, 16th December, 2022
2.00 - 4.45 pm**

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- It was suggested that the training would be delegated to officers and the suspension would be until that training is completed.
- The suggested conditions were to suspend the driver for a period of one month and delegate to officers to find the appropriate training for the driver to attend at his own expense. If the course is not completed satisfactorily then the driver is to be referred back to committee.

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The responses to Member questions were as follows:

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- The driver showing this level of honesty is putting himself at risk to receive a punishment .
- Violence was involved but not in relation to his taxi driver skills and although violence in self-defence is not the answer it does seem that he was provoked.

The matter then went to the vote to take no further action:

For: 5

Against: 1

Abstain: 1

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

There were none.

8. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION

The proposal was then made:

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:

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For: 7

9. EXEMPT MINUTES OF THE LAST FULL LICENSING COMMITTEE MEETING

The minutes were agreed and signed.

10. EXEMPT MINUTES OF SUB-COMMITTEE MEETINGS

The minutes were agreed and signed.

11. DATE OF NEXT MEETING

The next meeting is 1st March at 6pm.

David Willingham
Chairman

Cheltenham Borough Council

Licensing Sub Committee-Alcohol and Gambling

Minutes

Meeting date: 16 December 2022

Meeting time: 11.30 am - 1.25 pm

In attendance:

Councillors:

Richard Pineger, Diggory Seacome and David Willingham

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

The Chair was elected as Cllr Dr David Willingham.

2 Declarations of interest

There were none.

3 Application for a Premises Licence - Roxy Lanes, 105 - 107 High Street, Cheltenham, GL50 1DW

The Licensing Team leader introduced the report as published.

There were two speakers in objection to the application, once the procedure was explained to them they made the following points:

- The main concerns related to points 19, 20 and 21. The core hours are a problem as the proposed Roxy Lanes hours do not fit with the definition. The letter that residents received stated that the establishment was not a night club but a bowling alley and should be the same as a theatre, other comparable sites hold licenses no later than midnight. The brewery would be a better location for this sort of establishment.
- The potential impact on the residents is significant, granting a licence could lead to large groups congregating outside on the street will cause disturbance to residents.

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- The entire building except the front doors is on the south based on Grosvenor Place South, the majority of the homes are listed buildings.
- There are no through roads for taxi pick ups therefore this will cause a disturbance to residents.
- There has already been incidents of vandalism to vehicles in the vicinity and there are concerns that if the venue was approved that this would increase.
- The volume of the music was also cited as a concern as this would be able to be heard in the residents homes.
- It was acknowledged that the applicant has a good business however not suitable for a residential area much more suited to a town center location.
- Late night licensing is already an issue in the area and there are huge concerns that this application will impact the area further.

The applicant then addressed the committee and made the following points:

- The business has been in operation since 2013 and has thirteen sites in operation across the UK.
- There is no dance floor in the premises and no live music after 23.00. the business is made up of gaming 50%, 12-15% food and approx. 30% alcohol, lots of customers book in advance and there is a large amount of corporate bookings.
- They are a premium operator and have won awards in other cities, there has been no complaints from the police with regard to the application.
- The premises will be a competitive socializing bar, with Monday to Wednesday hours of 11.00 – midnight and then Thursday – Saturday open until 2 am.
- There has not been any representations from the responsible authorities that were contacted.
- Anti-social behavior has never been associated with Roxy Lanes. The police have been liased with and any issues with the alley ways will decrease as they will be lit and there will be CCTV at the entrance and exit on the High Street.
- The hours that are being requested are standard Roxy Lane hours and the hours are less than standard town centre hours. The busiest times are normally between 16.00 -21.00 so there will not be a situation of a mass exodus if these hours are granted.

The matter then went to Member questions and the responses were as follows:

- Competitive socializing is something that you would do against a friend ie pool and is generally family led until at least 18.00.
- The premises is not a mass exodus night club as the business winds down at around 22.00.
- A lot of the customers book in advance, customers are not paying for entry they are paying for the activity that they are going to do. A customer can pay in person at the games desk. There is waitress service for food and drink and a bar that can be used like a pub.
- The music that is played in the premises is not at an unreasonable level and can be totally subjective. They would be happy for a condition with regard to the music level so not to disturb residents. The applicant would be happy to insulate the building if it is thought necessary as they do not want to attract enforcement action or have the license revoked.
- To mitigate traffic at the rear of they are happy to use signage and door staff to encourage customers to use the High Street entrance and to not leave via the alley, there is no intention to cause any nuisance at the rear.
- The back area of the premises will be covered by CCTV, which might be beneficial to the residents.
- The applicant confirmed that all windows and doors will be closed from 22.00 and all sound proofing will be done in advance of opening.

- There are no issues with queueing as most people book in advance and if people turn up without booking and cannot get in they do not hang around.
- With regard to a drugs policy, there are regular checks in the toilets and spot checks at busier times. As it is a competitive socializing bar and not a night club there are not that many drug issues.

The committee were asked to bear in mind that the applicant had requested nonstandard timings when it came to New Year's Eve and statutory bank holiday weekends.

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

- Sympathetic to the residents but there is a difficulty in that this will be a new premises and there is no direct evidence that there will be disruption.
- The drug policy is as expected.
- The applicant is amenable to keeping people away from the back of the premises.
- A noise condition seems sensible and no open windows, there is unlikely to be queueing.
- A lot of the business is pre booked so there will be more accountability if there are issues.
- There are no objections from the police which would suggest that the police do not have the same thoughts as the objectors.
- It is difficult to work out a reason that would be able to withstand an appeal in the magistrates court.
- Environmental health will be notified if there are any issues.
- If the application is granted it will contain the conditions laid out in the application, if the business is sold then a person can apply to transfer and this would not necessarily go to committee.

The committee then agreed the conditions to be added to the application as follows:

- Whenever any regulated entertainment occurs – windows to be shut.
- Change condition 14 re public nuisance.
- Wording in relation to signage re taxis at the front – pointing customers to the corner of Bath Road or to go to the taxi rank via the High Street.
- The applicant withdrew the application to amend standard hours for New Year's Eve and bank holidays.

The objector and the applicant were given the final right to reply:

- The objector stated that he still thought that it was an unacceptable premises opposite two residential streets. There is no other premises like it in Cheltenham and should not have a licence different to other similar businesses.

The applicant made the following points:

- Roxy Lanes is a premium operator, they reached out to the objectors and have provided direct contact details,
- There is no evidence to link to any issues, this style of operation will not cause issues.
- They have 13 premises.
- They will be updating sound proofing. The operator has never had enforcement action, never had a review.

The matter then went to the vote to permit:

For : 2

Against : 1

Permitted

4 Any other items the Chairman determines to be urgent and which requires a decision

There were none.

Licensing Sub-Committee - Miscellaneous

Wednesday, 11th January, 2023

6.00 - 8.25 pm

Minutes

Present:

Councillor David Willingham (Chair)
Councillor Angie Boyes (Vice-Chair)
Councillor Simon Wheeler
Councillor Diggory Seacome
Councillor Barbara Clark

In attendance:

Jason Kirkwood - Senior Licensing Officer
Phil Bowen - Licensing Officer
Vikki Fennell - Legal Officer
Claire Morris - Democratic Services Officer

1. APOLOGIES

There were none.

2. DECLARATIONS OF INTEREST

There were none.

3. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

The Chair explained that, in consultation with the Legal Officer, it had been decided that the following agenda item should be considered in exempt session.

The committee was therefore recommended to approve the following resolution:

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

The resolution was carried unanimously.

4. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE

Members considered the case and voted to defer their decision, by three votes to two.

5. BRIEFING NOTES

There were none.

6. ANY OTHER ITEMS THE CHAIR DETERMINES URGENT AND WHICH REQUIRES A DECISION

The Chair did not have any other business or urgent items to share.

David Willingham
Chair

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 1 February 2023

Meeting time: 5.45 pm - 7.15 pm

In attendance:

Councillors:

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Barbara Clark, Councillor Diggory Seacome and Councillor Simon Wheeler

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 The Local Government Act 1972

The Chair read out the following resolution, which was approved unanimously:

‘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'

The meeting then moved into exempt session.

4 Review of Hackney Carriage Drivers Licence

Members voted unanimously to take no further action.

5 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There was no other business to consider.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 1 February 2023

Meeting time: 7.45 pm - 9.15 pm

In attendance:

Councillors:

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Barbara Clark, Councillor Diggory Seacome and Councillor Simon Wheeler

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

There were none.

2 Declarations of Interest

Councillors Clark, Willingham and Seacome attended a site visit earlier in the day, supervised by officers, the applicant and his solicitor.

3 Application for a new Sexual Entertainment Venue Licence

The Chair explained the process for the benefit of those present, then asked the Licensing Team Leader to introduce his report. He highlighted the following points:

- the application was for an SEV licence for 13-17 March, at Under the Prom, 109 Promenade, and included a request for the disapplication of Standard Condition 1 (regarding hours of operation) and removal of Standard Condition 6 (regarding solicitation and advertising);
- the application complies with parliamentary legislation, which is very clear about mandatory and discretionary grounds for refusal. The licensing of a SEV falls under the

council's Public Sector Equality Duty, but while such establishments may raise concerns about objectification and equality, the council cannot take a moral stand;

- there is no objection from the Chief of Police, eight objections and 59 emails of support from the public;
- the premises are situated outside the designated permitted area, so if Members are minded to permit the application, they must provide cogent reasons for going against the council's stated policy;
- concerns about potential noise have been raised and addressed by the Environmental Health team; it would be disproportionate to refuse on the basis of noise;
- Members must decide whether to grant the application, grant the application subject to additional conditions, or refuse the application.

In response to a Member's question, the Licensing Team Leader confirmed that there has been correspondence in the past relating to the venue, which operates as a nightclub, but these have been resolved to the satisfaction of the Environmental Health team. The applicant can respond to any further questions on this issue.

The Chair invited the GRASAC representative to speak in objection to the application. She said that, backed by evidence, her organisation believes strongly that most victims of sexual violence are women and most perpetrators are men, and that this is rooted in inequality. In terms of consent, sexual entertainment venues spread harmful attitudes and ultimately pose a risk to women, both in area and around the venue. In the 2021 CBC survey about safety in race week, 70% of those who answered said they didn't feel safe. GRASAC's objection is based on the belief that all women should have fair choices and be supported, and that men who attend SEVs then leave in an intoxicated state with no regard for the women in the local area, put them at greater risk. Research shows that harmful sexual behaviour often starts slightly and then escalates if not stopped, and there is evidence from women in race week, including those giving out fliers, that they are groped, grabbed, touched and threatened; a volunteer from Cheltenham Guardians has confirmed that they are extremely busy in race week, intervening many times to stop men from cornering women. The issue is getting worse, with the introduction of special tents to accommodate SEVs.

In response to a question from the Chair, she confirmed that she understood that Parliament had made sexual entertainment a lawful activity, although this didn't go hand-in-hand with the Home Office strategy to tackle violence against women and girls.

The Chair invited a second member of the public to speak, in support of the application. She read a statement on behalf of a dancer who is completely supportive of the proposed licence, having nothing but positive experience of working for the applicant. Dancers are kept safe and well looked after by a senior house mother and a host, and continue to return year after year. Licences mean that dancers can return to a place they know and like, where everything is above board and regulated. It was a lot more stressful in the early days of moving between different venues, and granting a licence provides positive benefits for the dancers and staff.

The Chair thanked her for her contribution, as it was important to hear views from both sides. He then invited the applicant's solicitor to speak, who said it was important to get the whole picture, and highlighted the following details:

- the applicant has 12 years' experience of running SEVs in all kinds of venues with no reported incidents. He is an active member of Nightsafe and has thought very carefully about the application, with well set-out policies and procedures to cover welfare and the right to work of performers, customer experience and safety, with well-established

- house rules including how transactions are made and cashing up, and customer rules, including entry refusal; the venue, leaflets and minibus are all discreet, and crucially, there has been no objection from the police;
- the venue is a stone's throw from the designated area, is already known to work well as an SEV, and is in the commercial core, as set out in the Cheltenham Plan. The SEV review highlighted that the policy is guidance not law, and every application must be considered on its own merits;
 - regarding the venue itself, the temporary structure is needed to meet the criteria of the SEV regarding customer flow and performer welfare. In the area which usually operates as a smoking area, it is a strong, layered structure, with sound-deadening material, no visibility in or out, and speakers directed downwards to the carpeted floor to help keep noise levels low. There will be no public access from Montpellier Street – just a fire exit and disabled access – and no internal doors, just curtains to the booths, and booth managers and door staff ensuring there is no disturbance;
 - regarding the disapplication of the standard condition regarding hours, the start and finish times have been carefully considered to mitigate queues. The courtesy bus has been operating for 10 years and is also beneficial to performers' welfare and, on occasion, to assist vulnerable people;
 - the leaflets, as agreed with the police, advertise the courtesy bus, and are only handed to people over 25 years of age – staff are trained how to approach people, and also provide extra eyes and ears in town at busy times. The applicant is happy to offer a condition specifying that customers won't be dropped off in Montpellier Street, only at safe points at the front of the building;
 - SEVs have been lawful since 2009, and a 2019 meeting of Gloucestershire police confirmed no correlation between SEVs and any increase in disorder and crime. Cheltenham retains its Purple Flag status and takes the safety of people in town seriously;
 - most of the eight objections are on moral grounds, and although the SEV may not be to the taste of everyone, it is a legitimate business, in legitimate commercial premises, and will only run for five days. It must be remembered that the applicant could operate exempt SEV activity at five different venues; it is better for everyone involved – performers, customers, public, police - to have one venue, with robust, enforceable conditions, and visits from council officers and police to ensure all standards are met. The police have previously been impressed by the security and safety at The Two Pigs;
 - checks are carried out to ensure the welfare of performers, with no issues arising. The number of positive comments from staff and performers working with the applicant are testament to how well run his venues are, and staff are vetted – ID and work history taken, house rules set out, courtesy bus provided, house mother and refuge area at the venue, payment by cheque, escorts provided at the end of the evening – to ensure their wellbeing throughout;
 - in conclusion, it is better to rely on a licensed SEV than an exemption, as it is easier to monitor and control; the application should be determined on its merits; objections on moral grounds cannot be considered; this is a professional business and the police can take action if rules and regulations are broken. 109 Promenade is situated in a commercial area, the applicant has a good track record, branding is discreet, and the positive representations demonstrate that the many concerns are unfounded and without evidence.

In response to questions from Members, the applicant's solicitor gave the following responses:

- the banner on the outside of the building will display the name only – Eroticats – with no pictures or evidence to emphasise that it is an SEV. It is the label used under the previous licence at Cambray Place;

- the courtesy bus will not drive over the pavement but will drop customers in a safe place at the roadside on the Promenade;
- the flier is the same as used previously, and includes a telephone number which can be used to communicate with the venue if someone has any concerns.

Before the start of the debate, the Chair invited the licensee to speak. He commented that he has run events safely and effectively since 2015, has a longstanding relationship with the police, and has a vested interest as he cares about Cheltenham, is a member of BID and Nightsafe, and is confident that the SEV is suited to this venue following pop-up events in previous years.

Moving into the debate, the Chair said it was important to give due regard to council policy and material licensing considerations, and to be proportionate, reasonable and rational. None of the five mandatory reasons and two of the discretionary reasons to refuse an SEV were triggered here. If Members are minded to refuse on either of the other discretionary reasons – relating to the location and lay-out of the venue – they must give clear reasons for their decision, but not determine on moral.

In debate, Members made the following points:

- as Parliament has legalised the operation of SEVs, the council's role to ensure they are administered within the law. Mandatory grounds for refusal aren't triggered, and the venue is only 50m outside the designated area, in a Purple Flag, commercial area, where the proposed use can be regarded as a lawful part of the night-time activity. There are no sensitive premises to the front; the Ladies College is to the rear of the building but not residential rooms, added to which access to the venue is to be via the front only, and only at times when the school is closed;
- Members cannot take a moral stance, there are no objections from the police, and overwhelming support from the public. Having visited SEVs with licensing officers during race week, there has never been any sense of performers not wanting to be there or being coerced into working. The applicant has held a licence for many years with no issues. Public safety is paramount, and it is better to have licensed premises which protect performers and the public;
- a previous SEV licence in Bath Road was granted to a venue outside the designated area at the time, but there was a nightclub on the other side of the road – so there is a precedent here;
- the objectors' concerns are very real and highlight a serious problem, but if this licence is refused, the applicant is likely to operate with an infrequent use licence, with little or no control over the premises from licensing officers or police, which would give rise to even greater concerns. Granting a licence is a much safer and reliable way to monitor this sort of activity;

The Chair highlighted the following issues:

- the venue is outside the designated area but operates successfully as nightclub until 5.00am, with no challenge on noise or nuisance. It seems likely that the SEV will not be any different;
- apart from Cheltenham Ladies College, which will be closed during the SEV hours of operation, there are no other sensitive premises in the area;
- Montpellier Street will not be used as a customer entrance or exit (other than in emergencies and for wheelchair users) and a condition can be included to ensure the courtesy bus only drops customers at the front of the building;

- the female performers are willing participants, with valid documentation for each night they work. The applicant is only responsible for their activity in and very close to the venue;
- regarding the leaflets, the reputation of the council could be at risk here, and the applicant could be encouraged – maybe by condition or working informally – to use them to promote the safety of women at night agenda;
- neither the legislation nor the licence specify the sex of the performer or preference of the client;

He then ran through the eight letters of objection, and made the following points:

- several object to the activity on moral grounds but this is a lawful activity;
- inspection of the premises provides reasonable level of assurance that no-one is forced to work there;
- the suggestion that Cheltenham is known as a brothel town is not relevant here, with substantial assurance that this activity does not promote prostitution; the applicant is only responsible for behaviour in or close to the venue;
- due regard is given to women's safety at the venue and in the town, with licensing officers and committee members visiting the premises during race week, checking procedures and speaking to performers;
- there has been no objection from the Chief of Police, and there is no evidence linking the SEV to crime and disorder; the applicant cannot be held responsible for the behaviour of people away from the venue, and anyone who is harassed, assaulted, or subject to inappropriate activity is encouraged to report it to the police – if there is any consistent evidence of the premises causing problems, the police will object;
- while noting the important work of GRASAC, the SEV is a lawful activity – as demonstrated by acts such as the Dream Boys performing at the Town Hall - and evidence would be needed to substantiate claims that it increases the rate of sexual harassment and crime against women in the vicinity of the venue. A licensing condition requires safeguarding information to be made available backstage for performers;
- the venue already operates as a nightclub, making it irrational to restrict it as an SEV.

He said the letters in support predominantly address the suitability of the applicant, and it is reasonable to interpret this as support for the SEV in the locality. There are no grounds to refuse due to the character of the locality, or the layout of the premises.

He reminded Members that they must be very clear on the reasons for their decision, noting that they seemed to be moving towards a recommendation to approve with additional conditions, in particular one relating to encouraging the applicant to distribute women's safety leaflets with their advertising leaflets.

The applicant's solicitor thanked the Chair for his comprehensive overview and confirmed that the applicant was happy to restrict the use and access of Montpellier Street, and work with the council to promote safety in Cheltenham during race week through his promoters handing out leaflets and being the 'eyes and ears' of the town.

Members voted unanimously to approve the application with conditions, to be agreed with licensing officers.

4 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There was no other business to consider.

