



**Notice of a meeting of
Licensing Sub-Committee - Miscellaneous**

**Wednesday, 2 November 2022
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Barbara Clark, Diggory Seacome and Simon Wheeler
Officers:	Vikki Fennell and Jason Kirkwood

The Council has a substitution process and any substitutions will be announced at the meeting.

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Agenda

1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		TAXI APPLICATION Application for a taxi licence.	(Pages 3 - 12)
4.		APPLICATION FOR A SEXUAL ENTERTAINMENT VENUE LICENCE Jessop House, 30 Cambray Place.	(Pages 13 - 58)
5.		ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION	

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Cheltenham Borough Council

Licensing Sub-Committee – 3rd November 2022

Application for a Hackney Carriage Vehicle Proprietor's Licence

Report of the Licensing Team Leader

1. Executive Summary and Recommendation

- 1.1 The matter before Members is a little complicated as it reflects a situation not envisaged or discussed in the legislation. The Local Government (Miscellaneous Provisions) Act 1976 refers to the grant of a vehicle licence and stays silent on other application types.
- 1.2 In practical terms there are usually 3 types of vehicle licence application: a new application, a renewal and a replacement.
- 1.3 Where the council brings in a newly adopted policy that places new/ amended requirements on a vehicle proprietor - new applications must meet the policy quite quickly but there will be a transitional period to allow for existing licence holders to meet any new requirements by renewing their existing vehicle or replace it 'on a like for like basis' until the end of transitional period.
- 1.4 A new application must meet all requirements of the council for such an application when it is made to the council.
- 1.5 A renewal or replacement application will usually benefit from 'continuity rights' in respect of an existing licence during the transitional period and this will be detailed in the policy itself.
- 1.6 Members are asked to consider whether they would grant a potential vehicle application, and decide whether they would treat it as a renewal/ replacement application notwithstanding that the existing licence has lapsed or would treat it as new application and so it would be required to meet all requirements for such applications.
- 1.7 The details of this case are included at ANNEX 1. A specific vehicle is not given, as the applicant needs to ascertain the stance of the council and whether he will benefit from continuity rights prior to his next purchase.
- 1.8 The applicant believes that uncertainty regarding the implementation of the WAV policy meant that he was unable to renew/ replace the vehicle when it expired and explains that in ANNEX 2.
- 1.9 Members allowed some discretion in respect of similar cases in January 2022. However, Members made it clear that such discretion would not be engaged unless the vehicle proprietor concerned had already made contact with the Licensing Team prior to their determination of the cases i.e. 5th January 2022. The proprietor concerned has been asked for detailed and comprehensive evidence to explain the reasons that they did not make contact with the team until August 2022. This is attached at Appendix 2.
- 1.4 The sub-committee is asked to consider the matter and determine whether to:-
 - a) It gives delegated authority to officers to grant an application for a new vehicle when it is made in due course by treating it effectively as a late renewal with a change of vehicle (as if it was a replacement application made on renewal) or

- b) **Decide not to recognise any continuity** Page 4d **refuse to provide such delegated authority for an application where the vehicle does not comply with current policy, such as it not being a WAV.**

1.5 Implications

1.5.1 Legal

There is a right of appeal against a refusal to grant a licence which, in the first instance, is to the Magistrates' Court.

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2. Background

- 2.1 Permission is sought to make an application for a Hackney Carriage Vehicle Proprietor's licence (a HCV licence) for a new vehicle (in this report the term 'new vehicle' will not necessarily mean a brand new vehicle, but will refer to a vehicle that is not currently licensed and which the applicant wishes to licence).
- 2.2 Where an individual holds a HCV licence it is usually incumbent on them to renew that licence before their existing licence expires, to benefit from any 'continuity rights' that they may have given to them in having that existing licence. They may 'renew' the existing vehicle or replace it with a new vehicle under the transitional arrangements.
- 2.3 The council had previously adopted a policy that non Wheelchair Accessible Vehicles (WAVs) would no longer be licensed as hackney carriages from 1st January 2022. This meant that non – WAVs could have been replaced with non – WAVs or simply renewed, but the new licence would not expire beyond 31st December 2021. After that date all hackney vehicles were required to be WAVs.
- 2.4 On 21 September 2021 the council decided not to complete that process. The council decided that saloon type (non WAV) Vehicles could continue to be licensed, pending the approval of a new and yet to be decided policy.
- https://www.cheltenham.gov.uk/news/article/2588/cheltenham_pursues_climate_ambition_and_improved_accessibility_for_taxis
- 2.5 Prior to that decision being made in September, it would be fair to say that following submissions by members of the licensed trade during the course of 2021 that there was some hope for license holders that the council would change its policy and not continue with the WAV requirement or would delay the final implementation date. The trade had been badly affected by the ongoing pandemic and representations had been to that effect.
- 2.6 It would have been reasonable to surmise that the policy may have been changed/ delayed by the council during the course of 2021. Although there was no confirmation from the council or licensing officers that that would happen. Council representatives were meeting representatives of the trade from the early summer to discuss the WAV implementation.
- 2.7 The Licensing Team had been approached by a number of vehicle proprietors after the council changed direction and did not decide to implement the requirement for all hackney vehicles to be WAV from 1st January 2022. They made representations that the uncertainty surrounding the implementation of the WAV policy and the detrimental impact of the pandemic placed them in an invidious situation in respect of their licence renewals when they were due in 2021 or 2020.
- 2.8 They argued that uncertainty led them to choose not to renew and in some cases they disposed of that (previously) licensed vehicle. They argued they could not invest in a WAV at that point and so felt they had no option but to let their licence lapse.

- 2.9 After the council decision last year, they as **Page 5** new licence to be granted to them on the same basis that it would have been if they had renewed that licence and sought a replacement of it when it originally expired.
- 2.10 It was suggested that the application would be considered as a replacement of the previously licensed vehicle and that any new grant would be granted with effect from the previous expiry date. This would mean that the licence holder would then be in the same position as if they made such an application when their previous licence expired.
- 2.11 Members are asked whether that uncertainty about the implementation of the WAV policy last year justifies a departure from council policy and whether they believe it appropriate to effectively allow a very late renewal/ replacement, where the vehicle proprietor seeks to licence a new vehicle.
- 2.12 **However, in this case they must consider whether there are sufficient grounds to depart from their previous view regarding the point that such a proprietor should have contacted licensing prior to January 2022. The proprietors reasons are laid out at Appendix 2.**
- 2.13 Existing HCV licence holders usually *renew* the licence before it expires and this guarantees continuity of licence in such situations.
- 2.14 Where an existing HCV licence holder wishes to *change* their vehicle during the currency of that licence or when it is due to expire, the licence holder may seek to *replace* the existing vehicle with a new vehicle.
- 2.15 The legislation is silent on the idea of a replacement vehicle application, and yet this is a process that most if not all councils follow to allow a change of vehicle whilst protecting the continuity of licence from that existing vehicle.

3. Policy Considerations

- 3.1 Decision making in relation to licensing is an onerous duty, dealing with both the livelihood of the licensee/applicant and the risks to the safety and comfort of the public.
- 3.2 Each case will be decided on its own merits. The authority will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision.
- 3.3 The overriding consideration is the safety of the public. Any vehicle application must meet the usual requirements of an application, in any event, such as meeting the council's age policy, provision of a valid MOT and council fitness test. It is felt there is no risk to public safety in connection with this matter.
- 3.4 The council has adopted a local policy to reflect the manner in which it will carry out its licensing responsibilities under the hackney carriage and private hire legislation. The sub - committee must have regard to this policy in making its decision, but it may depart from it where it is considered appropriate to do so. If the sub – committee do depart from it they should provide cogent reasons for doing so.
- 3.6 The council policy permitted replacement and/ or renewal of non – WAVs provided they did not expire after 31st December 2021, during the transitional period prior to that previously planned date for the provision of a fully WAV licensed hackney fleet.
- 3.7 The council has not yet produced a new vehicle policy and will consult fully on it prior to adoption. However, where reasonable reasons are given to the council a non – WAV is currently permitted to be replaced like for like provided it is Euro 6 or better in terms of emissions and a renewal of such a vehicle is currently permitted, until a new policy is implemented.

4.1 The sub-committee is asked to consider the matter and determine whether to:-

- a) It gives delegated authority to officers to grant an application for a new vehicle when it is made in due course by treating it effectively as a late renewal with a change of vehicle (as if it was a replacement application made on renewal) or
- b) Decide not to recognise any continuity rights because of the lateness in contacting the council in respect of this matter and refuse to provide such delegated authority for an application where the vehicle does not comply with current policy, such as it not being a WAV.

Report Author

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Licensing Team Leader
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Case Specifics

Name of applicant: Mr Aditya Rai

Previously HCV licence number: HCV073

Previous vehicle registration number: HE57 NNA

Uniform case reference number (internal use only): 20/00458/HACKVA

Date previous licence last expired: 21.02.21

Previous vehicle: Mercedes C220

New vehicle details: to be confirmed on application

The applicant is seeking an in principal decision regarding whether he will benefit from continuity rights on the application for a new vehicle or be required to purchase a WAV

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"Miscellaneous" Licensing Sub-committee – 3 November 2022

Local Government (Miscellaneous Provisions) Act 1982

Application for a new Sexual Entertainment Venue Licence

Red Apple Associates Ltd.

Report of the Licensing Team Leader

1. Summary and recommendation

- 1.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”), as amended by section 27 of the Policing and Crime Act 2009, allows applicants to apply for, renew, vary and/or transfer a Sexual Entertainment Venue (“SEV”) licence where they wish to offer “relevant entertainment on a frequent basis.
- 1.2 In this case an application for a new SEV licence was submitted on 12 September 2022 Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP
- 1.3 The application is for Relevant Activities for the following dates and times during the 2022 Festival:-

Hours to be applied for:

Cheltenham Festival in March 2023 dates to be confirmed in writing 1 month prior to the event to the Council and Police (estimated to be 13th,14,15th, 16, 17th and 18th March 2023) 6 days only with hours to be:

Monday 8pm until 5am the day following
Tuesday 6pm to 5am the day following
Wednesday 6pm to 5am the day following
Thursday 6pm to 5am the day following
Friday 6pm to 5am the day following
Saturday 8pm to 5am the day following

This includes the amendment of standard condition number 1:-

Disapplication of Standard Condition 1

The applicant wishes to disapply Standard Condition 1 which reads : “ The premises shall only permit adult entertainment between the hours of 20:00 and 04:00 hours the following morning as determined by the licensing committee.

- 1.4 A copy of the application form is attached at **Appendix 1** along with the premises layout **Appendix 2** and a location map **Appendix 3**.
- 1.5 The applicant has also requested to disapply standard condition number 6:-

Removal of Standard Condition 6

As part of the new Sexual Entertainment Licence the applicant also wishes to disapply standard condition 6 regarding advertisements, solicitations and displays which reads as follows:

“6. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere with the Town and advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including any of the following ways;

- a. by means of personal solicitation in the locality of the licensed premises
- b. by means of leafleting in the locality
- c. by means of externally displayed advertisement (such as on billboards or posters) in any parts of the Council’s administrative area
- d. by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.”

The reason for the disapplication of this condition is permit a vehicle to transport clientele to and from the venue at all times and for staff to be permitted to give out leaflets for the courtesy bus in the Town.

1.5 Implications

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

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

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

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2. Background

- 2.1 On 1 October 2014, 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 that want 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 wishing to offer relevant entertainment more frequently are required to apply for a SEV licence.

3. Consultation

- 3.1 An applicant for a Sex Establishment Licence must give notice of their application in accordance with the requirements set out in schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The advertising requirements are:
 - 3.1.1 Publishing an advertisement in a local newspaper circulating in the appropriate authority’s area, not be later than 7 days after the date of the application; and
 - 3.1.2 Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.
- 3.2 Schedule 3, paragraph 10(15) of the Local Government (Miscellaneous Provisions) Act 1982 states:

“Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, **not later than 28 days after the date of the application.**” [Emphasis Added]
- 3.3 The applicant has advertised the application in accordance with the statutory requirements set out above.
- 3.4 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.
- 3.5 Members are to note in particular that any objection must relate to both or either of the mandatory or discretionary grounds for refusal set out below.
- 3.6 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.

- 3.7 The Chief Officer of Police did not raise any objections in relation to this application.
- 3.8 However, they have liaised with the applicant regarding various points. The email conversation between the Police and applicant is attached at **Appendix 4**.

Consultation – Other Persons

- 3.9 In relation to this application the licensing authority received 26 objections and 10 emails of support from residents and others during the statutory consultation period. Copies of these are outlined in **Appendix 5**.
- 3.10 Members are to note that a small number of additional emails of support were received outside the statutory deadline for comments.
- 3.11 There is no discretion for the authority to extend the statutory deadline for consultation therefore, the objections received outside the statutory deadline for comments has not been included in this report.

4. Policy Considerations

- 4.1 The authority's adopted policy statement in relation to the regulation and control of SEVs was adopted by Full Council on 29 July 2020, and this policy statement sets out the authority's guidance, application procedure, terms and conditions relating to the regulation of SEVs.
- 4.2 Below (para. 4.4 – 4.15) 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.
- 4.3 As a regulatory matter, the authority does not take any moral stand in adopting this policy. The authority recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this authority's role as the Licensing Authority to administer the licensing regime in accordance with the law.

Determination (Section 11)

Mandatory Grounds for Refusal

- 4.4 A licence cannot be granted:
- a) to any person under the age of 18 years;
 - b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application made;
 - 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

4.5 A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of SEVs in the relevant locality at the time the application is made is equal to or exceeds the number which the Council consider is appropriate for that locality (nil may be an appropriate number for these purposes);
- d) the grant or renewal of the licence would be inappropriate, having regard:
 - 1) to the character of the relevant locality; and/or
 - 2) to the use to which any premises in the vicinity are put; and/or
 - 3) 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 12)

- 4.6 In deciding the appropriate number of premises to be licensed, the authority 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'.
- 4.7 Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority's policy therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV. Accordingly the appropriate number of SEVs for outside of the Designated Permitted Area is nil.
- 4.8 The authority recognise however that the Designated Permitted Area offers a more varied 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 authority has therefore resolved that it will not set a limit on the number of permitted SEVs in the Designated Permitted Area providing those premises are not near properties with sensitive uses or in sensitive locations

Properties with sensitive uses or in sensitive locations

4.10 In considering if the grant, renewal or **Page 18** 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 authority shall consider, amongst other things, 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; 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.

Objections (Section 14)

4.11 When considering an application for the grant, renewal, variation or transfer of a SEV licence the authority 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. Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.

4.12 Objections should not be made on moral grounds or values and the authority will not consider objections that are not relevant to the grounds mentioned above.

4.13 Objectors must give notice of their objection in writing, stating the general terms of the objection.

4.14 Where the authority 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 authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

4.15 Objections may only be made within the period of 28 days following the date on which the application was made to the authority.

6. National Guidance (March 2010)

6.1 The Government has issued non-statutory guidance to aid local authorities carrying out their functions under Schedule 3, as amended by section 27.

6.2 Although it is non-statutory guidance, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.

6.3 Below (para. 6.4 – 6.14) are relevant extracts from the policy to highlight relevant issued to Members. However, Members should read these in conjunction with the guidance document for completeness and contextual understanding.

Meaning of Sexual Entertainment Venue

6.4 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a 'sexual entertainment venue' and 'relevant entertainment' for the purposes of these provisions. A

sexual entertainment venue is defined **Page 19** premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.” (para 2.1)

- 6.5 The meaning of ‘relevant entertainment’ is “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person (e.g. where the entertainment takes place in private booths). (para 2.2)

Refusal of a Licence

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

Relevant Locality

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

6.12 Therefore, it is reasonable and potentially Page 20o future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits. (para. 3.35)

Licence Conditions

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

The Services Directive

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

7. Public Sector Equality Duty (PSED)

7.1 The PSED places a statutory duty on the council, in the exercise of its functions, to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.

7.2 Protected characteristics are:

- a) age
- b) disability
- c) gender reassignment
- d) pregnancy and maternity
- e) race
- f) religion or belief
- g) sex
- h) sexual orientation

7.3 The licensing and regulation of SEVs does fall within the authority’s PSED and therefore the authority must have regard to the matters listed above when, for example, setting policy and issuing licences.

7.4 The licensing and regulation of SEVs often creates a tension between the statutory right to operate such a venue and equality issues relating to discrimination and objectification of primarily women.

- 7.5 The starting point for the authority is that it cannot take any moral stand in relation to SEVs in recognition that Parliament has made it lawful to operate a sex establishment. This starting point however does not mean that the authority is therefore bound by the primary legislation at the expense of other statutory requirements.
- 7.6 When setting policy or determining individual applications, the authority must have regard to its PSED taking into account the individual merits of each application.
- 7.7 Equality issues may be relevant to (not exhaustive):
- a) The need to protect performers from harassment and threat;
 - b) The need to ensure that any protected characteristic group is not more, or less, welcome than another;
 - c) The need to properly consider the fear of any protected characteristic group using and accessing public spaces, facilities and infrastructure;
 - d) The need to properly understand the relevant locality and the need to ensure, taking into account the relevant locality, any protected characteristic group's view is taken into account such as those relevant to religion or belief or race;
 - e) The need to consider the views and experiences of people with disabilities as a protected characteristic group.
- 7.8 Some or all of these equality issues may be addressed through appropriate conditions and robust enforcement. Equally, the licensing process may also be an important tool to achieve the same outcome, for example, licence reviews and policy changes.

8. Officer Comments

- 8.1 When determining an application for a sexual entertainment venue licence, the committee must have regard to the relevant statutory provisions, the authority's adopted policy, the relevant guidance issued by the Home Office and any objections or comments made by the Chief Officer of Police and other persons.
- 8.2 In particular, the committee must bear in mind that its grounds for refusal of this licence application is restricted to those specified under the statutory mandatory and discretionary grounds. For reference these are outlined at paragraphs 4.4 and 4.5 respectively. As such, the relevance of representations made in relation to this application must therefore also relate to either the statutory mandatory and discretionary grounds for refusal.
- 8.3 The committee is also reminded that the authority does not take any moral stand in relation to operation of sex establishments such as sexual entertainment venues because the authority recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this authority's role as the Licensing Authority to administer the licensing regime in accordance with the statutory provisions.
- 8.4 The committee must also be mindful of its Public Sector Equality Duty under the Equality Act 2010.

8.5 Having considered all the relevant material, 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

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

Cheltenham Borough Council Sexual Entertainment Venue Policy Statement adopted Full Council on 29 July 2020

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

Case Officer

Contact officer: Mr Jason Kirkwood
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Tel no: 01242 262626



Main Offices
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LICENCE APPLICATION

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

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

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

SECTION A

Application type (please tick ✓)
 New application Renewal of existing licence
 Transfer of licence Variation of licence

If renewal please state existing licence number _____

Applicant's details:
Surname _____

Forename(s) _____

Address: _____

Post Code: _____

Date of birth [dd/mm/yyyy] _____

National Insurance number _____

Daytime telephone number _____

Fax number _____

Email address

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

Name of agent:

POPPCESTON ACCEN SOLICITORS

Address of agent:

37 STONEY STREET
THE LACE MARKET
NOTTINGHAM

Post code NE1 1LS

Daytime telephone number of agent

Email address of agent

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

RED APPLE ASSOCIATES LTD

Address of premises for which this application is made

GINSTICCOM
JESSOP HOUSE
30 CAMBRIDGE PC

CHELTENHAM
Post code GL50 1JP

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

SEXUAL ENTERTAINMENT VENUE

Do you have planning consent to use the premises stated above for the purpose intended?
(please provide details, and forward appropriate documentation to evidence this)

YES

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

Proposed days and hours of operation

(please tick ✓ and specify times for each day using the 24 hour clock)
eg: 23:00 that day or 02:00 on the day following

- Sunday - from until hours
- Monday - from until hours
- Tuesday - from until hours
- Wednesday - from until hours
- Thursday - from until hours
- Friday - from until hours

SEE ATTACHED

SEE ATTACHED

Saturday - from until hours

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

Yes
 No
 (please tick ✓ as appropriate)

If **Yes**, please give details
 All unspent convictions must be disclosed (if renewal application, since you last applied for a licence)

(please continue on a separate sheet if necessary)

Date of Conviction	Name of Convicting Court	Nature of Offence

Are there any criminal proceedings against you pending?

Yes
 No
 (please tick ✓ as appropriate)

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

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

Yes
 No
 (please tick ✓ as appropriate)

If **yes**, please give details

TWO PIGS
 CHURCH STREET
 CHELTENHAM
 GLOUCESTERSHIRE GL50 3HA

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

REGO APPLE ASSOCIATES LTD

Company address

UNIT 3 Ambrose House,
METEOR COURT, BARNETT WAY,
BARNWOOD, GLOUCESTER

Post code GL4 3GG

Company telephone number

01684 773 875

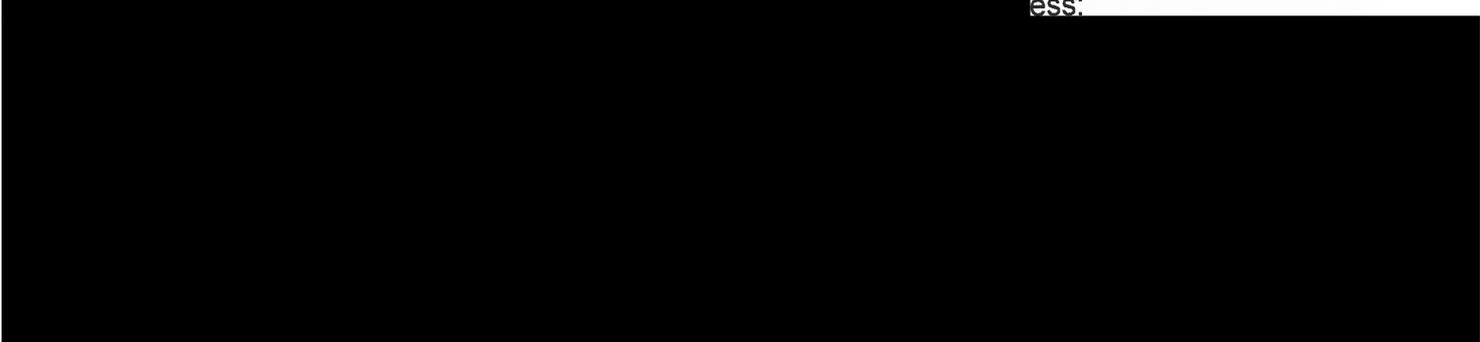
Company fax number

Company email address

europaevans@live.vic

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

1	2	3
Name	Name:	Name:
STEVEN [REDACTED] TRIMMIS		
Address:		



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) Poppeston ACCG

Name (s) in BLOCK CAPITALS POPPESTON ACCG

Capacity in which application is signed Solicitors For & on Behalf of THE APPLICANT
(see note above)

Date 12/19/22

How to apply for a sexual entertainment venue licence

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

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

The following are required in order to proceed with the application:-
please tick the boxes below ✓ to confirm you have sent them

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

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

Disapplication of Standard Condition 1

The applicant wishes to disapply Standard Condition 1 which reads : “ The premises shall only permit adult entertainment between the hours of 20:00 and 04:00 hours the following morning as determined by the licensing committee.

Days/ Hours to be applied for:

- Cheltenham Festival in March 2023 dates to be confirmed in writing 1 month prior to the event to the Council and Police (estimated to be 13th,14,15th, 16, 17th and 18th March 2023) 6 days only with hours to be:

Monday 8pm until 5am the day following
Tuesday 6pm to 5am the day following
Wednesday 6pm to 5am the day following
Thursday 6pm to 5am the day following
Friday 6pm to 5am the day following
Saturday 8pm to 5am the day following

Removal of Standard Condition 6

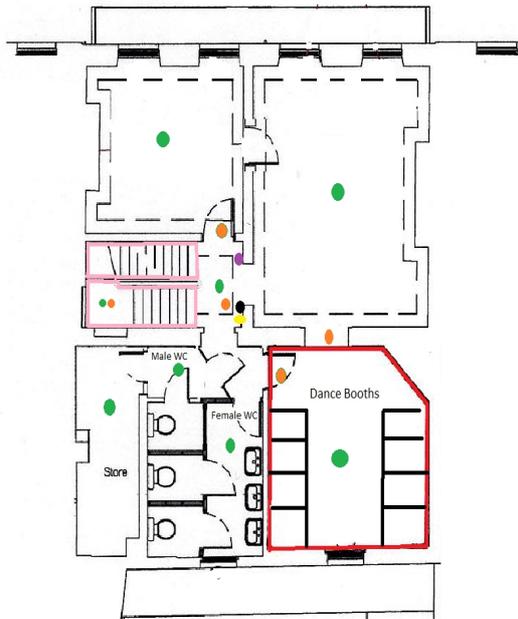
As part of the new Sexual Entertainment Licence the applicant also wishes to disapply standard condition 6 regarding advertisements, solicitations and displays which reads as follows:

“6. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere with the Town and advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises. This includes the display of any advert8isment, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including any of the following ways;

- a) by means of personal solicitation in the locality of the licensed premises
- b) by means of leafleting in the locality
- c) by means of externally displayed advertisement (such as on billboards or posters) in any parts of the Council’s administrative area
- d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.”

The reason for the disapplication of this condition is permit a vehicle to transport clientele to and from the venue at all times and for staff to be permitted to give out leaflets for the courtesy bus in the Town.

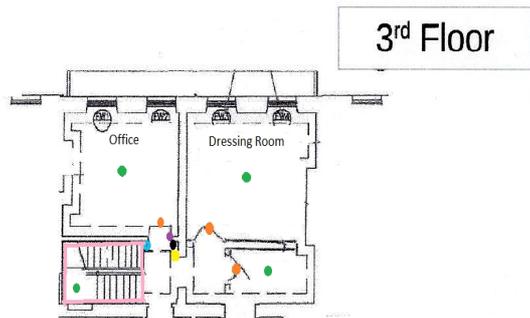
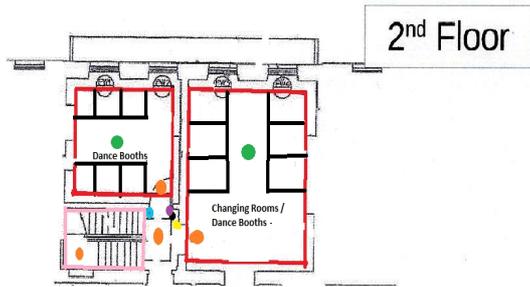
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Fire Extinguisher Co2	●
Fire Extinguisher Foam	●
Fire Extinguisher Water	●
Smoke Dector	●
Emergency Light	●
Break Glass Call Point	●
Fire Alarm Sounder	●
Fire Alarm Panel	■ F1
Stairs	—
Access and Egress	—
Area of Performance	—

Ref:	
Project:	20 Canbury House Cheltenham
Date:	
Rev:	As Proposed First Floor Plan
Project No:	1419-20-B
Scale:	
Issue:	A3 6-1333

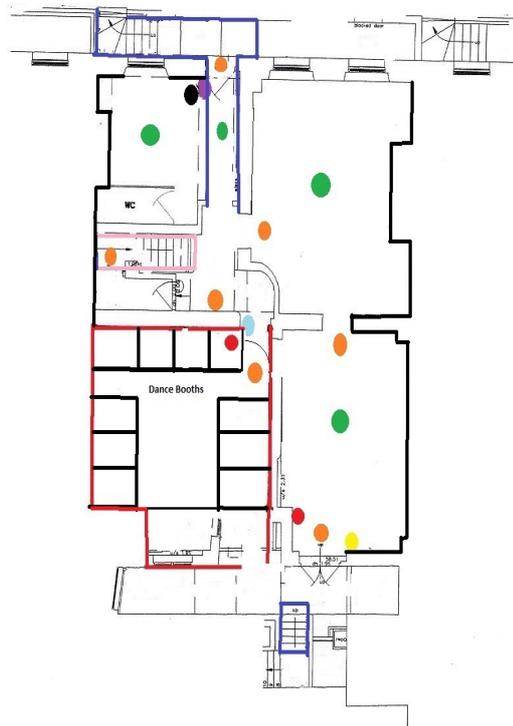
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Fire Extinguisher Co2	●
Fire Extinguisher Foam	●
Fire Extinguisher Water	●
Smoke Dector	●
Emergency Light	●
Break Glass Call Point	●
Fire Alarm Sounder	●
Fire Alarm Panel	■
Stairs	—
Access and Egress	—
Area of Performance	—

Client	
Project	200 County Road Chatham
Date	
Design	As Proposed/First Floor Plan
Sheet No.	10249 B
Scale	
Rev.	A3/B.100

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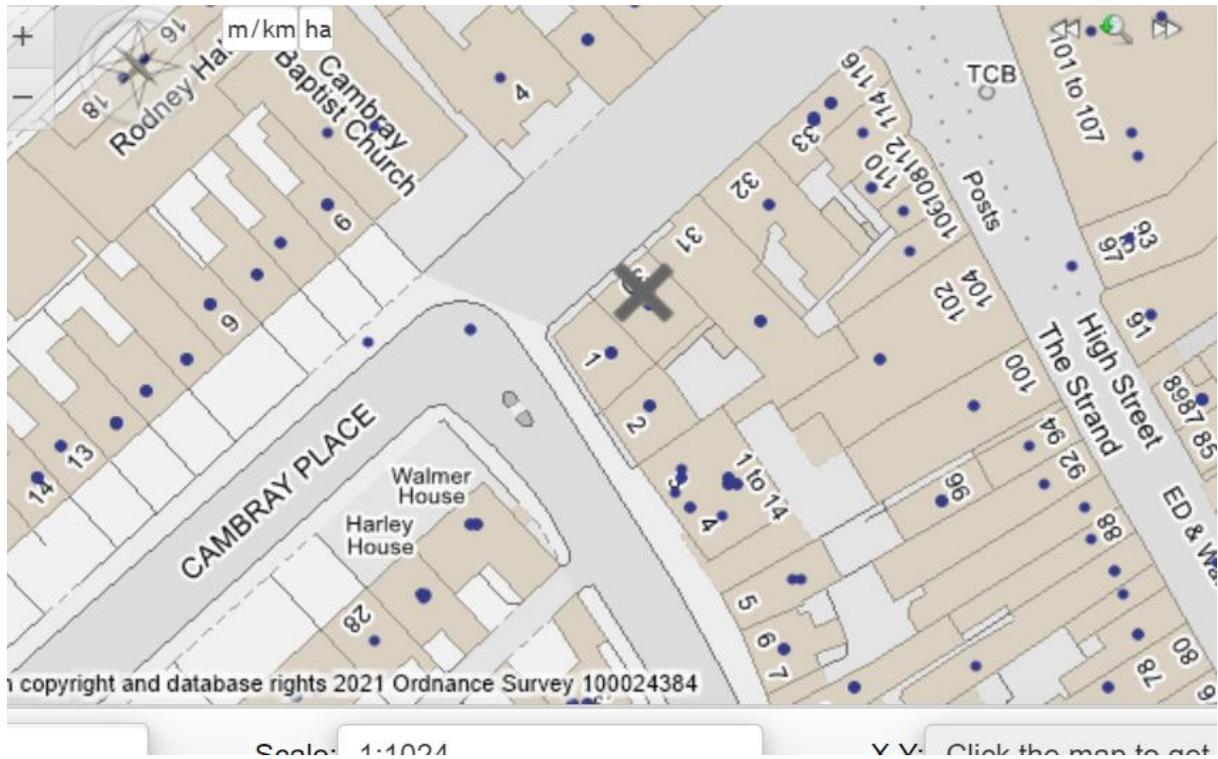


Fire Extinguisher Co2	●
Fire Extinguisher Foam	●
Fire Extinguisher Water	●
Smoke Detector	●
Emergency Light	●
Break Glass Call Point	●
Fire Alarm Sounder	●
Fire Alarm Panel	■
Stairs	—
Access and Egress	—
Area of Performance	—

Rev	
Project	30 Conboy Place Camberley
Sheet	As Proposed Basement Layout
Drawing No	1178-01-B
Scale	A1 @ 1:100

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APPENDIX 3



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Police comments

05/10/22 12.54 h

Good Afternoon,

Please see the below agreed conditions for the Sexual Entertainment Venue Licence at 30 Cambray Place.

Regards
Jeremy

Jeremy Sansom
Police Constable 2309

From: Sansom, Jeremy
Sent: 05 October 2022 12:45
To: 'Imogen Moss'
Subject: RE: Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP - Sexual Entertainment Venue Licence

Afternoon Imogen,

I accept the conditions wording, thanks for your time in resolving it.

Kind regards
Jeremy

From: Imogen Moss
Sent: 05 October 2022 12:28
To: Sansom, Jeremy
Subject: RE: Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP - Sexual Entertainment Venue Licence

Hi Jeremy,

Thank you for your time earlier.

Following on from our call please can you confirm if you are happy to agree the following conditions:

“There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) by means of externally displayed advertisement (such as on billboards or posters) within the councils administrative area.

- 1. The Applicant is allowed to solicit individuals to attend the premises during the hours the licence is in operation, provided that no solicitation takes place to anyone who appears to be under the age of 25.**

2. The Applicant is allowed to operate a vehicle to transport dancers and clientele to and from the venue at all times. Further to be allowed to advertise, including by way of leaflets, the courtesy vehicle at all times during the permitted licence hours. No music will be played that can be heard from outside the vehicle. The use of the name 'Eroticats' is permitted."

Best regards

Imogen Moss | Solicitor
Popleston Allen

From: Sansom, Jeremy
Sent: 03 October 2022 12:30
To: 'Imogen Moss'
Subject: RE: Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP - Sexual Entertainment Venue Licence

Good afternoon Imogen,

As discussed earlier today, I would like standard condition 6 to remain other than it be amended to allow the conditions proposed by your client;

1. The Applicant being allowed to solicit individuals to attend the premises during the hours the licence is in operation provided that no solicitation takes place to anyone who appears to be under the age of 25
2. The Applicant be allowed to operate a courtesy vehicle to transport dancers and clientele to and from the venue at all times. Further to be allowed to advertise the courtesy vehicle at all times during the permitted licence hours.

In essence, I would like conditions to remain that prevent advertisement of the Relevant Entertainment without prior approval from the Police / LA.

Regards
Jeremy

Jeremy Sansom
Police Constable 2309

From: Imogen Moss >
Sent: 22 September 2022 11:03
To: Sansom, Jeremy
Subject: RE: Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP - Sexual Entertainment Venue Licence
Importance: High

Hi Jeremy

Thank you for your email.

- There are 30 booths in total.

22/01366/SEXA		
	Page 2 of 5	Last updated 25 October 2022

- Page 41
- Should the SEV application at Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP be successful, the SEV at the Two Pigs would be surrendered.

In respect of the disapplication of standard condition 6 our client is happy to offer the following 2 conditions as replacement:

1. The Applicant being allowed to solicit individuals to attend the premises during the hours the licence is in operation provided that no solicitation takes place to anyone who appears to be under the age of 25
2. The Applicant be allowed to operate a courtesy vehicle to transport dancers and clientele to and from the venue at all times. Further to be allowed to advertise the courtesy vehicle at all times during the permitted licence hours.

I would be grateful if you can please advise if the above addresses your queries and if the above 2 offered conditions are agreed?

Best regards

Imogen Moss | Solicitor

Poppleston Allen

From: Sansom, Jeremy

Sent: 21 September 2022 16:28

To: Imogen Moss

Subject: Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP - Sexual Entertainment Venue Licence

Importance: High

Dear Imogen,

I hope you are well.

Would you be able to clarify the following questions for me please in regards to the SEV Licence for 30 Cambray Place.

- On viewing the provided plans, could you confirm there are 30 performance booths in total?
- If the SEV Licence is granted for 30 Cambray Place, would the Two Pigs SEV Licence be surrendered?
- In reference to the request for disapplication of standard condition 6, and the reason stated 'The reason for the disapplication of this condition is permit a vehicle to transport clientele to and from the venue and for staff to be permitted to give out leaflets for the courtesy bus in the Town' I do have concerns around the whole condition being removed. This is a sensitive application and the PCC has already raised in the past concerns and questions around the current SEV Licence and following a hearing certain conditions were added around the advertisement of the business. I would ask for you to propose amendments to this condition to allow the advertisement of the courtesy bus subject to agreement from the Police and Council and leave some of the current conditions in place.

If you wish to discuss anything with me please don't hesitate to contact me.

Kind Regards

Jeremy

From: Imogen Moss
Sent: 12 September 2022 12:38
To:
Subject: Jessop House, 30 Cambray Place, Cheltenham, GL50 1JP - Sexual Entertainment Venue Licence
Importance: High

Dear Licensing

We have been instructed by Red Apple Associates Limited to apply for a Sex Establishment Licence for the above premises.

You will receive our application via email and payment on 12 September 2022 We therefore calculate that the last date for representations will be 10th October 2022. The Police have also been copied into this email by way of service.

As discussed with your officers, we understand that as part of the application for the SEV Licence we are able to request for the disapplication of certain standard conditions. As such and as part of our application we request the following conditions (highlighted) to be amended or dis-applied;

Disapplication of Standard Condition 1

The applicant wishes to disapply Standard Condition 1 which reads : “ The premises shall only permit adult entertainment between the hours of 20:00 and 04:00 hours the following morning as determined by the licensing committee.”

Days/ Hours to be applied for:

Cheltenham Festival in March 2023 dates to be confirmed in writing 1 month prior to the event to the Council and Police (estimated to be 13th,14,15th, 16, 17th and 18th March 2023) 6 days only with hours to be:

Monday 8pm until 5am the day following
Tuesday 6pm to 5am the day following
Wednesday 6pm to 5am the day following
Thursday 6pm to 5am the day following
Friday 6pm to 5am the day following
Saturday 8pm to 5am the day following

Disapplication of Standard Condition 6

As part of the new Sexual Entertainment Licence the applicant also wishes to disapply standard condition 6 regarding advertisements, solicitations and displays which reads as follows:

“6. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere with the Town and advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises. This includes the display of any advert&isment, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including any of the following ways;

Page 43

- a) by means of personal solicitation in the locality of the licensed premises
- b) by means of leafleting in the locality
- c) by means of externally displayed advertisement (such as on billboards or posters) in any parts of the Council's administrative area
- d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises."

The reason for the disapplication of this condition is permit a vehicle to transport clientele to and from the venue and for staff to be permitted to give out leaflets for the courtesy bus in the Town.

Should you have any queries or require any further information please do not hesitate to contact the writer on the above telephone number.

Best regards

Imogen Moss | Solicitor

Poppleston Allen

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APPENDIX 5

Please note the 'line number' references below refers to the line of data on our control spreadsheet containing the details of each person that made representations. This is not published but provides an audit trail for representations received and is for office use only.

Representations against the application

No 1

Line 2

We strongly oppose the application from Red Apple Associates Ltd for a Sexual Entertainment Venue to be held at Jessop house 30, Cambray Place Cheltenham. GL50 1JP for Race Week 2023.

We operate a children's Day Nursery at 19 Cambray Place, and we do not feel that this type of business is appropriate for our children & parents. We understand that the venue will run from evening until early morning, and we are concerned for our parents and children entering the building at 8.00am, where customers may still be present in the area. We are also concerned for the implications to our Local Church which is opposite Jessop House.

No 2

Line 8

I am safeguarding lead at Cambray Baptist Church central Cheltenham.

Childrens activities run regularly at this venue and children and young people access the church to attend these activities.

Has due consideration has been taken regarding the safety of our children and young people that they should have to run the gauntlet of race goers, often in increasing states of intoxication and attending sex entertainment venue almost immediately opposite the front gates of the church.

Older teenagers may leave our premises unaccompanied and certainly don't want the unwanted attention of such visitors and Im sure parents waiting for their children would feel similarly discomforted.

On a more sensitive note, are there any checks on the people who service these clubs to ensure their safety , are you sure they aren't trafficked or working under duress ?

I would hope the council would feel it is inappropriate to grant these licences for the indulgence and sexual gratification of men, particularly in this unsuitable venue.

No 3

Line 28

Re Premises: Jessop House, 30 Cambray Place, Cheltenham. GL50 1JP

As a Member of Cambray Baptist Church, a small business owner in Cambray Place and a concerned citizen, I am writing to express my objection to the proposed sex establishment at the aforementioned address.

I am concerned on multiple levels; however, my main objections are:

1. The application is for a building located directly from a religious establishment.
2. The "business" and clientele it attracts could create a safe-guarding issue for the young people and vulnerable groups attending the church for evening activities, including our youth & children a ministries.
3. With the "not on our turf" campaign reaching National recognition for anti-trafficking & being well supported by Cheltenham, a sex establishment where vulnerable women are imported into the town centre, seems to fly in the face of this effort.
4. Lastly, I'm concerned about vandalism and broken bottles littering the church courtyard as a result of excessive alcohol consumption with the proposed hours until 5:00AM.

I urge you to reject this proposal as it's not good for Cheltenham, Cambray Place or the House of Worship.

No 4

Line 45

I wish to register my strong objection for a sexual entertainment license for Jessop House,

Further to my email I would also like to give more reasons.

7 Cambray Place is a dental practice, offering treatment to everyone from children to elderly patients.

We are on call every day, and if we are called out, a female dental nurse goes in alone to prepare the surgery.

I am a female dentist and go in myself sometimes, to get antibiotics for patients.

We do not want to be alone at night, opening up a practice to help people with toothache or after accidents, in the same street as a sex venue. We wouldn't feel safe.

We are always busier with Race week because people fall over when they are drunk and can break their teeth. We do not close, unlike some dental practices, instead we continue to offer our medical services.

I am appalled to even consider that sexual entertainment could be offered close to where we are operating a clinical dental practice.

I strongly object to this, and query that this was even considered in Cambray Place.

Cambray Court is also a large residential block of flats with many of my patients, who are mobile elderly ladies.

It's a terrible thought that people who are looking to pay for sexual services could be travelling to Cambray Place , where there are so many elderly vulnerable people.

I am hopeful that this application is refused. Cambray Place is not suitable for this at all, on so many levels.

No 5

Line 69

I would like to object to the proposed sexual entertainment licence at the above address in Cambray Place.

It is just NOT suitable as its next to both residential homes and Childrens Nursery

Please accept this as my objection.

No 6

Line 73

Re: Use of Jessop House, 30 Cambray Place Cheltenham GL50 1 JP as a Sexual Entertainment Venue 13th to 19th March 2023

As a business owner opposite the venue, I wish to oppose the granting of a licence for the above site and use. I am not happy about this site being used for this purpose.

I am concerned that there will be an increased risk of noise to the surrounding residents overnight. I am also concerned that this venue being open all night will increase foot fall to the area late at night especially during the Race week when it is generally busier anyway.

This venue will also increase the risk of damage to my business property and bins with more chance of drunken loitering in the vicinity and potential for urination in the basement site of the property which does occasionally happen during race week without this additional entertainment venue.

I am also not comfortable with the increase in the number of this type of venue in the town during race week especially opposite my business and do not think it is the type of entertainment that Cheltenham should be encouraging.

No 7

Line 79

We have received details of the application for the above premises to be used as a Sexual Entertainment Venue licence for The Festival.

Unfortunately we were not sent details of this application direct but by a neighbour.

We wish to object to the application on the grounds of the disturbance that this venue will cause to this neighbourhood and in particular the noise, nuisance, litter and sexual activity that will rise as a result of granting permission for this licence.

We already have considerable sexual activity at night in the rear car park to our property (to which the Police turn a blind eye) as well as considerable issues with litter, fouling, noise and drunken behaviour.

The litter in our car park, parking area and basement areas is immense following a normal Saturday night at the best of times and we would not wish to increase the footfall further.

We support the Festival however do not support this application.

No 8

Line 86

The grant of the licence would be inappropriate, having regard to the locality and its close proximity to a place of worship, Cambray Baptist Church.

The licensing committee will no doubt argue that it is better that the venue operates within the constraints of an SEV licence than under the statutory exemption as it will be better regulated. I contend that the statutory licence is preferable as in that case it will operate for only one night, rather than for six.

Red Apple have often stated in their applications for an SEV licence for the 2 Pigs that this will enable to consolidate their entertainment in one venue. Clearly that is not the case as they are now applying for an SEV licence for another venue. Not to mention the other venues they operate from under the statutory exemption.

Just because something is legal, does not mean it is right. The operation of these venues is an anachronism in the age of #MeToo and at odds with the idea that boys and men should not see women as objects for their sexual entertainment. Lap dancing venues contribute to the unpleasant 'stag party' atmosphere which pervades the town during race week, with large groups of men acting like we are still in the 1970s. The same toxic masculinity which also treats our parks and public spaces like giant urinals and worse. The same toxic masculinity which leads more women and girls to complain about sexual harassment and assault during race week than other times of year, and many more women and girls who avoid the town altogether during this time.

Moving away from enabling and supporting sex tourism during race events will hopefully lead to a less male dominated crowd in the town centre which will create a better atmosphere for everyone living in and visiting Cheltenham.

No 9

Line 99

I object to the use of Jessop House, 30 Cambray Place, Cheltenham. GL50 1JP as a sexual entertainment venue, as any such use may encourage human trafficking.

No 10

Line 101

I am writing to you today in objection to the application for a license proposed for Jessop House by Red Apples Associate limited.

The reasons behind my objections for a sexual entertainment venue at Jessop House between March 13th-18th is as followed

-The venue is directly opposite a place of worship

-It is opposite a church that has regular children and youth events in the evening - this is a safeguarding risk for children and youth that attend the church in the evening. The service users won't be vetted on entrance so anyone can access the sexual entertainment venue which will leave young people attending events are church extremely vulnerable.

-There is also a children's nursery close to the venue – the proposed hours are close to the nursery closing time with parents picking up their children at this time.

-There is a high risk of human-trafficking. Cheltenham has received national attention for the not on our turf anti trafficking campaign

-It is also in a residential area with flats opposite which will attract noise disturbance during unsocially hours

-The proposed licence will not support other local businesses in the area

The festival that brings people into Cheltenham should be supporting local businesses to help support the economy in town.

No 11

Line 111

I wish to object in the strongest possible terms to the application for the above licence.

There is enough sexual depravity in the town already without the addition of another sex industry establishment in a street which contains small independent businesses, residential housing and coffee shops frequented by children and young people. In addition it is located directly opposite a large, vibrant church full of families.

People in Cheltenham are well aware what goes on in the town during race week. What are the Council doing to prevent the residents and business owners of the town being exposed to this kind of behaviour?

Cambray Square is a town centre street and we do not want this kind of degradation in our faces. The residents and business owners pay high rates of council tax to live and work in a pleasant, respectable environment. They really don't need this kind of establishment on their doorstep, alongside the noise, heavy drinking and loitering which will accompany it.

I would strongly urge you to reject this application in the interests of protecting our children and young people from yet more exposure to the seedy world of the sex industry and potential people trafficking and sexual exploitation.

No 12

Line 117

I would like to object to the licencing of this venue for sexual entertainment. While I understand the legality of these events, it is also widely accepted that there are inherent risks with seeing people as sex objects for entertainment.

There is a dance school just round the corner and girls are often dropped off and collected by parents in Cambray Place. Dance lessons run from 4:30-8:30pm Mon-Fri, including race week, so licencing a premises in this location from 6pm seems highly irresponsible. We should not be thinking of allowing sexual entertainment in a location where young girls are likely to be walking through.

In addition to this, the Church in Cambray Place is well used during the week and the licensing of a venue in such close proximity does not show respect for those attending events there.

I do hope you will support the rejection of this licence.

No 13

Line 122

For your information, I am a member of Cambray Baptist Church which is opposite to 30 Cambray Place.

The reasons for my objection are as follows:-

1. As a Christian, I object for moral reasons. I believe that Sexual Entertainment is wrong and contrary to the teaching of the Lord Jesus Christ.
2. I believe that sexual entertainment causes unnecessary mental and possibly physical hurt to both the customers and the people involved with the sexual entertainment.
3. The venue is opposite the Tailors eating house. A per Google, their opening hours are 12 – 11.00pm on the days that the Venue application is proposed. This means that it will be open at the same time as the Sexual Entertainment

Venue. Because of this people at the Tailors eating house, who otherwise would not go to Sexual Entertainment Venue, may be enticed there and be involved in unnecessary mental and possibly physical hurt.

4. Likewise there are other pubs and clubs nearby, so people who otherwise would not go to Sexual Entertainment Venue, may be enticed there be involved mental and possibly physical hurt.

No 14

Line 129

I would like to object to the proposed venue at 30 Cambray Place.

No 15

Line 131

I would like to raise my objection to allow this premises to be used for sexual entertainment. Giving such licence raises serious concerns about the safety and well being of the local residents and the people who use the near by buildings and town centre facilities

No 16

Line 133

I wish to register my objection to the application for an Entertainment venue application for Cambray Place. The position of the venue is unacceptably close to the Baptist Church where activities take place for young people.the venue may well attract people loitering waiting for it to happen.

No 17

Line 145

I am writing to express my objection to the application for a licence at Jessop House, 30 Cambray Place, GL50 1JP, to use the premises as a Sexual Entertainment Venue during race week.

I live in Bath Street. We already suffer an excess of noise and alcohol-related problems at night (urinating in the street, vomiting, aggressive behaviour) in an ordinary week and this is only exacerbated by the crowds that arrive during race week. We are surrounded by bars and clubs, we do not need another one, especially of this nature which will attract even more crowds of young, inebriated men.

I note that the patio area at the rear of No. 30 has recently been renovated. Is this connected to the licence? I believe there is a prohibition on the use of that outside area after midnight - will this be upheld? The licence application seeks to use the venue through the night. How is noise coming from the building to be kept to a minimum through the night hours?

There are documented cases of sex trafficking in Cheltenham. Any venue of this kind will be vulnerable to such activity.

No 18

Line 157

I am most unhappy that there is an application in for a sexual entertainment venue in Cambray Place, opposite Cambray Baptist Church. The church is frequented by all ages, including children and young people. It is also very near the main shopping street and it would not be appropriate to see men hanging around in that area waiting for sexual entertainment.

I strongly object to this application.

No 19

Line 160

I would like to kindly very much object disapprove to the business here opposite a warm friendly welcoming Cambray Church with evening events

No 20

Line 162

Please record my objection to the application for sexual entertainment at 30 Cambray Place.

No 21

Line 164

Cheltenham is such a beautiful town and in such a distinct location of the Cotswolds. It's lovely to walk around and see the thriving businesses, unique street vendors, and musicians and Artists that line the promenade.

Our family lives in Colesbourne just to the south end visit Cheltenham stores at least once a week. It would be a shame if we allowed this sexual entertainment venue to come into our beautiful town. Always but mostly in today's world our children see sex everywhere and it needs to stop somewhere. Letting this venue go forward in the centre of our lovely town and across from the church would be a shame. I hope you consider our town community and its people and choose more positive venues in the one that has been proposed.

No 22

Line 167

I would like to register my objection to the application for 30 Cambray place to be used as a venue for sexual entertainment during race week.

I feel it is a huge imposition on the residents ,business owners and local church attendees within the area.

I also feel that Cheltenham, as a historic regency town, should not have debased inappropriate entertainment and venues within its area .

Please add this objection to the growing list that I,m sure you must have,

No 23

Line 172

We have just been sent an image of a public notice that has been put up in the window next to my business in Cambray Place and I vehemently oppose this!!!!

This is a bridal boutique in a residential area and we already have to move people off our premise on an evening when we are open along with clearing up bodily fluids on a regular basis – NOT HAPPY AT ALL

No 24

Line 240

I am strongly opposed to granting a licence for 30 Cambray Place during race week. It is well known that these venues are closely linked to prostitution and human trafficking and Cheltenham Council should not encourage this.

I trust that you will reject this application.

No 25

Line 248

I would like to express my objection to this application.

Myself and my family (including 11 and 13 year old children) belong to Cambray Baptist Church, which is directly opposite the venue. We do not feel that this is an appropriate offering for Cheltenham, with the potential for involvement of human and sex trafficking and underage sex. It also has the potential to raise safe guarding issues for the many children and young people who attend events and services at our church, including in the evenings.

I ask you to take the views of the many people who oppose this application and refuse to grant it.

No 26

Line 252

Goodness me! What on earth are they thinking!? I wish to object in the strongest possible terms as this is not what Cheltenham is about. Give an inch and they will take a mile.

Thank you for listening to my views and please dismiss this application.

Representations in support of the application

No 1

Line 16

The granting of a licence can only be a positive for all lap dancers and the customers who enjoy lap dancing clubs. I have worked as a dancer throughout the UK and have also worked in

Cheltenham previously and look forward to working again in March 2023.

After the bad publicity lap dancing receives in relation to morality, a well organized club with rules and regulations in place removes the potential of all the issues of an underground club.

I will always support in my chosen profession, any controlled and regulated club. I, along with the other dancers, urge you to grant this licence application knowing that our safety and working environment and conditions have been taken into account.

No 2

Line 58

I have been made aware of a recent application for lap dancing, during the Cheltenham race meeting in March 2023. Having on occasions worked for Steven Burrows, found him a very responsible person. Myself and my husband attend the majority of the race meetings held at Cheltenham, along with a mixed group of friends the highlight being the March meeting.

Having notice a change of the people attending the race meetings mostly during the evenings socialising in Cheltenham after a day at the races. Using lap dancing entertainment as the main reason for the anti-social actions of some individuals is totally unfounded and not supported by any evidence. I feel it is unfair to put the blame on such a club.

I don't believe that refusing a licence of a well-run club offering lap dancing would solve any problems during March and benefit Cheltenham in any way.

Myself and friends all enjoy the lap dancing club, not for the lap dancing but the friendly and relaxed atmosphere where a club is not just full of men who are greatly under the influence of alcohol, which has become all too common recently at Cheltenham race meeting.

It would be unfair to restrict a club providing entertainment of this nature from objections from people who do not attend the races or socialise in Cheltenham. I urge you to consider this application on its merits..

No 3

Line 22

The granting of a licence can only be a positive for all lap dancers and the customers who enjoy lap dancing clubs. working as a dancer throughout the UK and having worked in Cheltenham previously and look forward to working again in March 2023.

After the bad publicity lap dancing receives on a moral ground. A well organize club with rules and regulations in place removes the potential of all the issues of an underground club. I will always support in my chosen profession any controlled and regulated club. I with other dancers urge you to grant this licence application and knowing that our safety and working environment and conditions have been taken into account.

No 4

Line 38

I am a cheltenham resident and I'd like to Express my full support of lapdancing events in our town. I'd much rather support a licensed event over the badly run ones thar have occurred in other places with awful consequences.

No 5

Line 43

I am a cheltenham resident and I'd like to Express my full support of lapdancing events in our town. I'd much rather support a licensed event over the badly run ones that have occurred in other places with awful consequences.

No 6

Line 64

Having worked for Mr Steven Burrows over the past 5 years as a *member of staff* (JK removed job title to protect the identity of the respondent) at the lap dancing during the March and November Cheltenham festivals. I would like to give my full support for the new application for a lap dancing club.

Having worked at other venues during the Cheltenham festival, I would not work for any other club or bar after working for Steven at his lap dancing club. The support and care he showed myself, all the girls and dancers, not tolerating any bad behaviour from any customers towards any of his staff. This does not happen very often in many clubs.

I can honestly say I enjoy working even though it can be a long night. Transport to and from the club, which I had never experienced at any club or bar in Cheltenham before. Waiting for an expensive taxi that might not even turn up! May be some of the other owners of managers should be encouraged to follow his lead, with the care he shows his staff as a responsible employer.

I would appreciate you considering the granting of his application for a well-run club. The alternative is a not so well-run club, by a not so responsible person.

No 7

Line 92

Being a Cheltenham girl and former lap dancing performer.

I have performed as a lap dancer at Cheltenham festival during the March and November festivals. Now employed by Red Apple Associates Ltd during the Cheltenham festivals in the capacity as the senior house mother.

The reputation Red Apple and Cheltenham has in the lap dancing industry with the duty of care shown by Red Apple with the dancer's safety and welfare being paramount, this being supported by the number of dancers and customers who return each year being a testimony in itself, of which I am proud to be associated with.

Myself and other dancers appreciate the difficult decision on the granting of a sexual entertain licence with the negative media coverage received each and every year.

The granting of such a licence gives dancers and customers the reassurance rules and regulations have been adhere to and operator being a responsible company, working with Cheltenham licensing and the police .

Which I believe Red Apple Associates has proved it is such a company having been granted SEL at previous hearings.

No 8

Line 135

With reference to the application for a SEL, by Red Apple Associates & Mr Steven Burrows/Eroticats.

I have worked in hospitality in Cheltenham for over 40yrs, having previously held a premises licence, SIA security licence & still hold a personal licence, working through many race meetings.

I have worked alongside this company & would fully support the granting of this licence to them, having found them extremely professional. These nights are held with a regulated & responsible operator as opposed to unregulated & can only be a positive decision & also beneficial to Cheltenham Town, working to a purple flag accreditation each year to have a local company running this kind of entertainment, can only be positive & take some of the pressure off the police, working along side them providing their professional support.

I have sat with lapdancers & chatted with them during their working hours & found them intelligent women, trying to earn money to pay off student loans etc & provide better lives for themselves, many returning to work for Mr Burrows due to the respect they receive from his company & the safe , relaxed atmospere they can work in within this industry.

No 9

Line 140

1 /I am a personal licence holder and work during gold cup week

2 /After work myself and other members of staff and customers have called for the free courtesy bus service and had a very safe enjoyable night out,

3 /Having used the services of Steve Burrows/ Eroticats for Ladies and Gentlemens evenings found him to be a very professional responsible gentleman and I would fully support his license application.

4/ I found the closed-knit security and teamwork of this company put there customers safety first which can only be beneficial to Cheltenham town entertainment during the horse racing festivals.

No 10

Line 177

As a personal licence holder and owner of 2 licensed premises in Cheltenham, (COCO and Under the Prom), the chairperson of the Cheltenham night-safe and director of the Cheltenham BID I wanted to convey my support for the SEL application made by Mr Steven Burrows and Red Apple Associates Ltd.

I have first-hand experience, (7 years), of how Steven Burrows and Red Apple Associates operate. Throughout that time I have always been impressed with their professionalism and exemplary attitude towards security, safety and employee and guest well-being at Under the Prom. I look forward to working with them in this capacity for the duration of my tenancy at Under the Prom.

I understand and appreciate that not everyone shares the same perspective regards this type of operation. And as a religious man myself, I was initially sceptical, as it made me question elements of my morality. However, I have noted, (through experience), attendance of lap dancing entertainment has become popular with females and couples during Cheltenham festivals. I have also observed that this facility has had a positive impact on levels of anti-social behaviour during this increasingly popular March festival, which invariably supports the resources of Cheltenham and Gloucestershire's police force.

In my humble opinion there is a definite requirement for lap dancing entertainment during the March festivals, where the population in Cheltenham increases dramatically. The granting of a regulated licence with all restrictions in place gives the police, Cheltenham licensing and it's population the confidence that a responsible person and company would be operating in this capacity in March 2023, which would be a constructive and positive move forward.

I would urge this to be considered for all involved in process of reviewing this licence application.

No 11

Line 243

I'm a local girl who has danced at the Cheltenham race festival. I feel this licenced application should be granted and some credit given to the applicant who has operated in Cheltenham for a number of years.

Every year the same objections are made with unsubstantiated claims and some untruths.

Never have I heard of any objections or complaints about males taking their clothes off for women. Which has included the Dreamboys hosted at Cheltenham town hall on a number of occasions.

The next male strip show being THE FORBIDDEN NIGHTS at Cheltenham Town Hall Thursday 23rd January 2023.