

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous

Meeting date: 4 October 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

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

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

Agenda

1 Apologies

2 Declarations of Interest

3 Application for a variation to an existing Sexual Entertainment Venue Licence (Pages 5 - 42)

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

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Miscellaneous Licensing Sub-Committee – 4th October 2023

Local Government (Miscellaneous Provisions) Act 1982

Application for a variation to an existing Sexual Entertainment Venue Licence

European Events Consultants Ltd.

Report of the Licensing Team Leader

Case reference number: 23/01277/SEXA

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 a variation application for an existing SEV licence was submitted on 14 August 2023 for Under the Prom at 109 Promenade, Cheltenham, Gloucestershire. GL50 1NW
- 1.3 The current licence runs from 7th February 2023 until 6th February 2024. The days and hours for the existing licence for Relevant Activities are the following:-

Cheltenham Festival in March 2023 13th,14th,15th, 16th and 17th March
2023 5 days only:-

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

1.4 The applicant is requesting a variation of days and hours as shown below:-

Friday, Saturday and early hours of Sunday for the Cheltenham Racecourse November Meeting each year. Dates to be confirmed in writing 1 month prior to each Cheltenham Racecourse November Meeting event to the council and Police.

Friday of the November Meeting - 8pm - 5am the day following.

Saturday of the November Meeting - 8pm - 5am the day following.

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

**Contact officer: One Legal
E-mail: legalservices@onelegal.org.uk**

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 2014.

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 **It should be noted that under the law any 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.**

- 3.1 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 the following:-
 - 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 It should be noted that officers had recently agreed to notify a local representative body - GRASAC (Gloucestershire Rape and Sexual Assault Centre) - that has had a great deal of dialogue with the council regarding SEV applications over the years, and did do so.
- 3.6 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.
- 3.7 Objections made on moral grounds or values are not relevant to either the mandatory or discretionary grounds for refusal and should therefore not be considered relevant.

Consultation – Chief Officer of Police

- 3.8 The Chief Officer of Police did not raise any objections in relation to this application.

Consultation – Other Persons

- 3.9 In relation to this application the licensing authority received 15 objections and 11 emails of support from residents and others during the statutory consultation period. Copies of these are attached at **ANNEX 1 and 2 respectively.**
- 3.10 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.

- 4.1 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;

- Page 9
- 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 (shown on **ANNEX 3** attached) 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.
- 4.9 It must be noted that this venue is situated outside of that area but that the authority decided to grant the original application. It will be for the committee to determine whether they believe that the increase in the number of days for this venue is relevant in the context of that decision.

Properties with sensitive uses or in sensitive locations

- 4.10 In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put, the 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.

5. National Guidance (March 2010)

- 5.1 The Government has issued non-statutory guidance to aid local authorities carrying out their functions under Schedule 3, as amended by section 27.
- 5.2 Although it is non-statutory guidance, local authorities are encouraged to have regard to the guidance when exercising their functions (although there is no statutory requirement to do so) in order to promote best practice and consistency across England and Wales.
- 5.3 Below (para. 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

- 5.4 Paragraph 2A of Schedule 3 as inserted by section 27 sets out the meaning of a ‘sexual entertainment venue’ and ‘relevant entertainment’ for the purposes of these provisions. A sexual entertainment venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.” (para 2.1)
- 5.5 The meaning of ‘relevant entertainment’ is “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).” An audience can consist of just one person (e.g. where the entertainment takes place in private booths). (para 2.2)

Refusal of a Licence

- 5.6 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief

officer of police and any objections that Page 11 received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection. (para. 3.23)

- 5.7 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights. (para. 3.30)
- 5.8 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it on one or more of the above grounds, it must provide the applicant with reasons for the decision in writing. (para. 3.31)

Relevant Locality

- 5.9 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined, the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number. (para. 3.32)
- 5.10 Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:
- a. in relation to premises, it is the locality where they are situated; and
 - b. in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment. (para. 3.33)
- 5.11 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application. (para. 3.34)
- 5.12 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits. (para. 3.35)

Licence Conditions

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

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

6. Public Sector Equality Duty (PSED) (attached at ANNEX 4)

6.1 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.

6.2 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

6.3 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.

6.4 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.

6.5 The starting point for the authority is the fact that it cannot take any moral stand in relation 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.

6.6 When setting policy or determining individual applications, the authority must have regard to its PSED taking into account the individual merits of each application.

6.7 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 **Page 13** protected characteristic group using and accessing public spaces, facilities and infrastructure;
- d) The need to properly understand the relevant locality and the need 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.

6.8 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.

6.9 **High Court Decision - THE KING (on the application of) CDE and BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL [2023] EWHC 194 (Admin)**

6.10 In February 2023 the High Court considered a judicial review of the decision to adopt a new SEV policy. This case was stemmed from the following considerations (note - ground 3 does not seem relevant to the variation before Members):-

The Claimant contends that the Defendant erred in that it failed to have regard to and/or conscientiously engage with these SEB concerns by dismissing them as amounting to "moralistic" objections which could not be considered in determining whether to adopt the Policy and the NCP in particular. In so doing, the Defendant is also said to have failed to comply with the Public Sector Equality Duty ("PSED") under s. 149 of the Equality Act 2010 ("the 2010 Act"). These two matters form the basis of Grounds 1 and 2 of the Claimant's challenge. ~~The Claimant further contends that the effect of the ARP is unlawfully to fetter the Defendant's discretion in respect of licensing decisions which Parliament has decreed should be reviewed on an annual basis. That is Ground 3.~~

6.11 This case is referenced to ensure that Members consider the High Court decision as far as it would be relevant and appropriate to do so. The key points of focus would seem to be that the PSED, in the context of local authority decision making generally, must be given 'rigorous consideration' of the PSED based on a 'proper and conscientious focus on the statutory criteria'

6.12 The case can be found in full at - <https://www.bailii.org/ew/cases/EWHC/Admin/2023/194.html>

6.13 A summary and analysis of the case can be found here - <https://www.localgovernmentlawyer.co.uk/licensing/399-licensing-news/52893-high-court-judge-quashes-decision-to-introduce-no-cap-strip-club-licensing-policy>

- 7.1 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.
- 7.2 In particular, the committee must bear in mind that its grounds for considering this application seem less restricted than for the grant of a new or renewal application. The legislation is silent on the grounds for consideration of a variation application, which is not helpful. However, one could assume that the grounds considered as relevant should relate to the statutory purpose of this legislation and promote public protection in line with the grounds for consideration of new and renewal application, in so far as they relate to an existing licence. Moreover, the committee should consider the Public Sector Equality Duty and ultimately act in the public interest.
- 7.3 The committee is 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. However, it must be cognisant of any relevant considerations in this respect in relation to the recent court case on the setting of SEV policy, although it should be noted that the case was not related to an application. Members should ensure that they only consider the elements of that case, as far as they believe they are relevant to the determination of a variation application.
- 7.4 Furthermore, the committee must be mindful of its Public Sector Equality Duty under the Equality Act 2010 in any event. The committee is reminded of this point in objections against the application and must consider this duty in respect of this application.
- 7.5 As mentioned previously this venue sits outside the council's Designated Permitted Area and was granted a licence. The council's policy is to not grant applications in this location and if the committee does decide to grant this variation it should give clear and cogent reasons for continuing to depart from that policy principle.
- 7.6 Having considered all the relevant matters, the committee must decide whether to:
- a) Grant the variation 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.

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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ANNEX 1 - OBJECTIONS

1

Dear Licensing team,

I hope this letter finds you well. I am writing to bring your attention to how lap dance clubs can have a detrimental direct and indirect impact on girls like me. I wish I didn't have to send you this objection, but I feel that there is little equality between men and women.

Lap dance clubs portray women as commodities for male pleasure. This can undermine efforts to achieve gender equity and sends a message to young women and girls that their worth is primarily tied to their physical appearance and sexuality, rather than their skills and capabilities. Lap dance clubs can also contribute to a broader culture of sexual harassment. Men who frequent such establishments may be more likely to engage in disrespectful and harassing behaviour towards women outside of these venues, including in public spaces. This poses a direct threat to the safety and well-being of young women and girls.

In light of these practical concerns, I urge you to consider the broader societal implications of permitting lap dance clubs in Cheltenham. While individual freedoms and business interests are important, we must also prioritise the safety, dignity, and well-being of women, including young women and girls.

Thank you for your time and consideration.

Sincerely,

2

Dear Council member

As a resident of Cheltenham I wish to raise an objection to the SEV license request 23/01277/SEXA.

This objection is raised as I believe the number of premises licensed should be nil. This is especially true given this request is very close to a religious building (namely St Andrews Reformed Church). It is also near some family friendly restaurants which could have young people in at club opening times.

I do not believe that the sexual entertainment licenses are good for the moral standing of Cheltenham and indeed gives the town a bad name. Women don't feel safe going in to town during Race Week and granting this license would increase the sex tourism of race week to all other race meets. I understand that I can't object on moral grounds, but I do believe that the number of licenses should be reduced to nil and the license request should be denied.

Thank you

3

As a Gloucestershire resident and as a woman, I was very concerned about the granting of licence for Lap Dancing during next years Race Week.
Events such as this threaten the safety of women and girls. It creates an atmosphere where men feel entitled to harass women.

4

Dear Sir/Madam,

I am writing to object to the Application for a Sex Establishment Licence; 23/01277/SEXA on the grounds of

The prevention of crime and disorder
Public safety
The prevention of public nuisance
The protection of children from harm

According to a local publication, the 'Punchline', earlier in the year 'hordes of racegoers flocked to the pop-up venue' for a similar event and 'Bosses are now hoping to attract hundreds more punters to the venue during the November Meet'.

It is clear that the hordes of punters will all be men, flocking to a venue in order to pay to watch women..

Aside from any moral objection which is not allowed, I would argue that allowing an event of this kind which is so specifically geared towards men and is of a sexual nature will be a public nuisance to any women who are in the vicinity. The area around this event will become unsafe for any women and girls who will be forced to stay away for fear of becoming a victim of crime. I also object on the grounds of the safety of the women employed for this event.

Yours sincerely,

5

Dear Sir or Madam,

I am writing to object to application reference 23/01277/SEXA to Steven Burrows for the 17th and 18th November this year.

As a woman and a mother, I feel lap dancing and prostitution has no place in modern society. It is degrading to women and girls and encourages their objectification.

Local women have spoken of not feeling safe at night in Race Week and as it will be dark in November, they are likely to feel particularly vulnerable.

In addition, a high number of women working in this industry have been trafficked or otherwise coerced into taking part. This is not something the Council should be supporting.

Please can you consider the wider impact on the women and girls of Cheltenham when deciding whether to grant this licence.

Yours sincerely

6

Dear All,

I have tried numerous times today to submit an objection on the CBC website to the above application but I am told there is a system error. It is my understanding that the deadline of the consultation is Monday

Please confirm receipt of my objection.

Yours faithfully

6 continued

I am writing to object to this application which I understand is to vary the current licence to allow this venue to operate as a sexual entertainment (SEV) venue each year in November (as well as in March).

When deciding whether to issue a licence for an SEV Cheltenham Borough Council (CBC) have the following duties under the Public Sector Equality Duty (PSED):

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act – of women and girls
- Foster good relations between people who share a protected characteristic and those who do not – so between men and women

The PSED that CBC have applies to:

- Women working in the SEV
- Women and girls in the vicinity of the SEV
- Women and girls in wider society

This was confirmed in the King (on the application of) CDE versus Bournemouth, Christchurch and Poole Council judicial review earlier in 2023.

Sexual Violence in Cheltenham

CBC were provided with crime data by Gloucestershire Constabulary which shows a spike in sexual violence and offences against the person in Cheltenham around 13/03/2019 and 16/03/2019 which is during the races. The data also showed a high number of incidents being reported during the races.

The Council have confirmed to me (via an FOIA response) that they do not hold any more contemporaneous data than that which was provided in 2019.

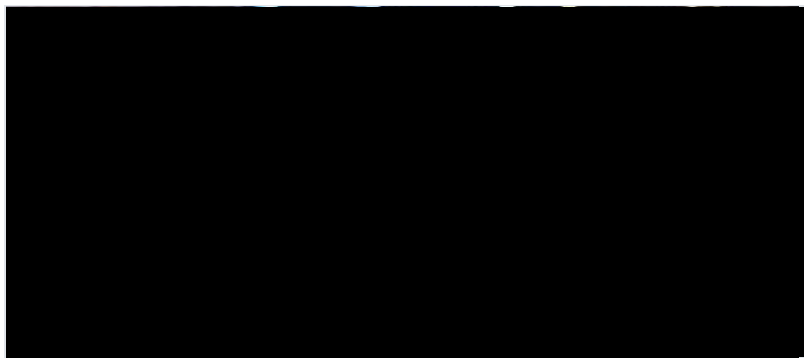
CBC's 2023 Purple Flag submission includes the following paragraph:

“Violence against women and girls is of particular concern at present. This can be justified by the responses to recent resident surveys and a 50% increase in the number of sexual offences reported within the Purple Flag area in the last year. Our vision for Cheltenham’s ENTE is that it be safe and welcoming for all.”

It is reasonable to conclude, based on well-established evidence, that the vast majority of perpetrators of sexual violence being committed in Cheltenham are men (male), with the majority of victims/ survivors being women and girls (female). CBC have, themselves, acknowledged that increasing levels of violence against women and girls related to the night time economy is a concern. (2023 Purple Flag submission).

Rape Crisis England and Wales (RCEW) advise that 1 in 4 women have been raped or sexually assaulted as an adult. 98% of adults prosecuted for sexual offences are men. In March 2021, UN Women UK conducted a poll of over 1000 women in the UK and found that 97% of women aged 18-24 had faced harassment, with 80% of these incidents taking place in public spaces.

It is also well established that sexual violence is under reported, with RCEW quoting that 5 in 6 women who are raped do not tell the police. Again, in 2021, UN Women published data from YouGov stating that 80% of survivors of sexual harassment never report their experience. In addition, street harassment has become ‘normalised’



Street harassment 'relentless' for women and girls

Being harassed has become 'normal' - and it's time for the government to act, a group of MPs say.

for many women, further decreasing reporting rates.

CBC's own 2021 survey regarding women's safety at night confirmed that women feel less safe in Cheltenham during the night.

The survey which had 638 responses, 95% of which are alarming:

72% of respondents stated that they didn't feel safe at night, rising to 75% not feeling safe during the March race week

39% of respondents had experienced some form of sexual assault

30% of respondents reported being regularly harassed

Based on the conclusions of UN Women and RCEW it is beyond doubt that the statistics Gloucestershire Constabulary have provided to CBC will not provide anywhere near the full scale of men's sexual violence against women and girls that occurs in Cheltenham.

From this data it is reasonable to conclude that women and girls might feel unsafe in Cheltenham during the night time and that anything that increases inequality between men and women (such as the objectification of women at a sexual entertainment venue) might increase these fears and lead to women restricting their movements.

PSED duty to eliminate harassment of women and girls

On 1 February 2023 the CEO of GRASAC confirmed to the licensing committee that "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 crime statistics provided above also confirm that sexual violence against women and girls is a "particular concern at the moment".

PSED duty to foster good relations between men and women

Strip clubs create a social environment that allows male privilege and domination over women and where women are objectified for the sexual arousal and pleasure of men. This increases the view, for some men, that they are entitled to seek access to women's bodies whenever they wish regardless of whether the woman consents.

It is unrealistic to expect that (some) men who pay women to dance naked for their sexual gratification in one part of Cheltenham will not be influenced by this experience in other parts of Cheltenham and indeed in their interactions more widely with other women and girls in society.

This is borne out by national newspaper headlines in March 2023. The Sun and the Daily Star referred to this venue as a "Pleasure palace" with one "punter" being quoted by both papers as saying "It's 3 floors of whores".

The dictionary definition of a whore is "prostitute" and "a woman who has many casual sexual encounters or relationships". It states that these definitions are "derogatory" and

“offensive” and supports the argument that (some) men who frequent SEVs have a derogatory view of the women who perform there. This is in direct conflict with the PSED duty that CBC have to foster good relationships between men and women.

PSED duty to women working in the SEV.

“Research shows that women who work in stripping are subject to high levels of abusive behaviour by customers: research in the U.S. (Holsopple, 1998) found that 100% of the women working in lap dancing who were surveyed reported that they had experienced physical violence from customers. All the women had been sexually abused in the club. All the women had been verbally harassed.” (Source Safe and Equal Bristol report: Sexual Entertainment Venues Policy Review (November 2021)).

I have been told that a number women from other parts of England work in the SEVs in Cheltenham as there is a lot of money, but there is also a significant amount of harassment and abuse. This is in line with existing evidence that regulation of SEVs does not support the safety of performers.

The Sun reported that “There are reports some girls offer extras in private booths.” Whilst anecdotal, these reports are of great concern regarding the activities of the SEVs within Cheltenham.

PSED duty to women and girls in the vicinity and PSED duty to women and girls more widely in society

It is not sufficient for CBC to only consider women working in the SEV or in the vicinity of the SEV. The PSED requires CBC to consider the impact on women and girls more widely in society. This was confirmed in the Bournemouth 2023 judicial review.

I believe that the evidence of the GRASAC CEO from February 2023 included above supports these PSED duties.

Many women (myself and my friends included) will not venture into Cheltenham in the evening when racing is being held, and indeed other women elect to work from home as the atmosphere towards women is found to be intimidating and we feel unsafe. Women working in restaurants in Cheltenham have told me that harassment by men during race week is an unpleasant and frightening aspect to their working lives. Women’s self-exclusion from Cheltenham during race weeks is arguably a breach of their human right to free movement which CBC has a duty to seek to prevent.

This is supported by extensive evidence that women’s “sense of security and entitlement to public space” are reduced when strip clubs are present. (Object UK). No go zones for women are in effect created. Again, this is arguably discrimination.

The following is an excerpt from the Safe and Equal Bristol report: Sexual Entertainment Venues Policy Review (November 2021)

“In the largest ever multinational study of male violence against women published in 2013 by the United Nations, the most common motivation of men who have admitted to rape is the belief that they are entitled to sex, even without the female partner’s consent. This study

interviewed 10,000 men and 1 in 4 had raped their wife, their partner or another woman. That is not an insignificant minority of men. Entitlement, which is the stock in trade of lap dancing clubs, is the main motivation given by men who rape. 70-80 percent of men who had raped reported that they believed they had the right to sex. The second most frequently reported motivation was related to entertainment-seeking – interpreting forced sexual access to women’s bodies as fun or as something to alleviate boredom. The most commonly identified attitudinal risk factor for men’s sexual and domestic violence and coercion against women globally stems from gender inequality - a belief in the dominance of men, and their needs or wishes and bodies, over women”

There is clear evidence at a local, national and indeed international level that the presence of SEVs is harmful towards women whether they work within the SEV or are in the vicinity of it. Additionally, the reinforcement of male entitlement and objectification of women harms women in wider society.

Conclusion

I believe that if CBC approve this licence application, they will be in contravention of their PSED and ask that it is refused in its entirety.

7

Hello,

I’m registering my objection to the application from Steven Burrows for a license to run “Eroticats” lap dancing at Under The Prom, reference 23/01277/SEXA

I notice in Punchline (8 Sept) that Mr Burrows has been granted a license previously and “Police did not object to the application and the council could not object on moral grounds as sex establishments are lawful businesses which are a legitimate part of the retail and leisure industries.”

I don’t think the failure of the police to object should sway councillors. We know that women’s trust in the police is at an all-time low, for very good reasons. Rape and sexual abuse have effectively been decriminalised, police fail to support victims of stalking and two to three women a week are murdered by current and former partners. Of course they’re not going to object to lap dancing.

The council said it could not object on “moral grounds”. What a strange use of terminology. You were presented with evidence of the harm caused to women and girls in the area, as well as those working in the clubs. Those aren’t “moral grounds”, it’s about safety.

I’ve checked the statements for and against a previous license and many of the 59 in favour seem bogus at best – and one of them is in the wrong section (no33).

Most come from those who either work in the club, or they’re customers – including 7 apparently “sceptical” customers that have been invited to the club. Others, including residents, are supportive in principle of lap dancing, and don’t see it as harmful. Or they make facile statements about it being “just like Magic Mike or The Dreamboys”, forgetting that women are way more vulnerable than men.

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I don't think these supportive comments should carry as much weight as the objections, several of which have a more substantial evidence base. This includes council surveys of how safe women feel, a reminder about the Public Sector Equality Duty, and reports from those who worked as lap dancers in the past and didn't see the harm at the time.

Finally I want to appeal to the council on behalf of the men (including those I know) who go to Race Week and perhaps get dragged into a lap dancing club against their better judgement – maybe because of their peer group, or even the clients they're paid to "entertain".

Remember how smoking used to be a routine part of a night out, and smoking adverts were everywhere? Everyone smoked, or it felt like it. So it was very hard not to. Nothing really changed until adverts were banned, warning labels appeared on packaging and smoking was banned in public places.

How about treating lap dancing in the same way. You shouldn't be normalising and enabling this sleazy and dangerous trade. Of course some men will still seek out, and profit from, lap dancers but why should the council make it easy for them?

Best wishes

7 continued

Just to confirm, my objection is for the November 2023 race dates. Eroticats are already advertising they will be open before the license has even been granted.

Thank you

8

Dear Cheltenham Borough Council (CBC) Licensing Team,

The Nelson Trust is writing to oppose the license variation application submitted by European Events Consultants Limited that would allow for lap dancing during Autumn race events. We believe that where Sexual Entertainment Venues (SEVs) operate there are always multiple harms that cannot be mitigated. Our objection to this application is based on years of frontline professional experience supporting women involved in the sex trade.

The Nelson Trust is a gender-responsive and trauma-informed organisation that works with women involved in the sex trade in Gloucestershire to help address their complex and multiple needs. There are strong links between lap dancing and selling sex, with a UK Home Office report finding that the majority of lap dancers also sell sex. The longer a woman has been stripping, the more likely it is she will be selling sex

(Prostitution_and_Sex_Work_Report.pdf). Other research studies also indicate that alcohol and drug abuse is standard in the lap dancing industry, if not integral to the job (The occupational milieu of the nude dancer: Deviant Behavior: Vol 18, No 2 (tandfonline.com)), both by dancers and punters. This places women both in and outside of SEVs at even more risk of assault. Research also indicates considerable use of Class A drugs, initiated after entering the trade.

This published evidence supports our experience on the ground; most women we support have been through adverse childhood experiences, have been involved in domestic abuse relationships and often use drugs and alcohol as a coping mechanism. Women often are unable to realise the harms of the sex trade until they are out of it. One of the women we

supported to exit wrote her story in her own words, and here is an extract of how someone might end up involved in the sex trade: 'I was forced into selling sex at the age of 17 and it then became a choice I made with an addict's insane mind that I could fund my habit selling my body. But what I didn't realise is that I was not just selling my body, but I was selling a part of my soul each time I did this. And chipping away at my self-worth, my self-esteem and slowly but surely losing any empowerment as a woman I had or could have.' This woman's story is not uncommon, and it is a voice that does not often get heard, as many women do not have access to support to address their unmet needs and increase their life choices, including the opportunity to exit the sex trade.

We are also aware of CBC's intention to develop a 'pledge for women's safety' linked to findings of their 'Safety of women in the evening and at night-time survey 2021', that highlighted the impact of sexual harassment on the lives of women and girls in the community. However, it is not clear what progress has been made in this regard. Finally, the CBC's responsibility to have due regard to 'foster good relationships between men and women', in accordance with their Public Sector Equality Duty seems to conflict with the granting of new and/or variation of licenses for SEVs.

After carefully considering the published evidence, the CBC's legal responsibilities, our professional experience, and the voices of women who have exited, The Nelson Trust vehemently opposes the granting of SEV licenses and/or variations to licenses as we believe they are incompatible with women's rights, safety & equality.

We stand with GRASAC and the Office of Police and Crime Commissioner of Gloucestershire and many local people who are objecting to this application. Should the Licensing Committee decide to approve the current application they would have failed to consider the impact of SEVs on the local community, especially on women in and out of SEVs.

CBC has an opportunity to show leadership and enforce their Public Sector Equality Duty by rejecting this licence variation application.

With kind regards,

9

Re License Application Reference: 23/01277/SEXA

I write with regard to the above referenced application for a variation to the Licence to provide a Sexual Entertainment Venue. As an organisation committed to supporting those who have been sexually abused, raped or exploited at any point in time in their lives, we have serious concerns regarding the licensing of these venues, and we strongly oppose the Council awarding a licence. GRASAC expects and hopes that the Council will do all in its power to ensure the safety of women, girls, men and transgender peoples in the town. As a town that prides itself on being 'intimate and friendly, a civilised place of culture, learning and discovery', and with education, culture and connectivity highlighted amongst its best attributes. (VisitCheltenham.com) the awarding of a licence for a SEV during the October Racing Festival seems counter the very attributes that Cheltenham likes to promote itself. We understand there is no 'market' for SEVs during the weeks outside of race festivals, so it is purely for the entertainment of men from outside the area that these licenses are sought. I'm unclear why the Council would want to condone such an attitude from large groups of men from outside of the area. Added to this the venue will presumably (as in previous years) encourage patronage by shipping in racegoers via transport: Which all seems rather

unsavoury and encourages men to attend the sex. GRASAC is a specialist organisation that works to increase understanding and recognition of sexual violence through our education and training activities. The Office of Police and Crime Commissioner (OPCC) for Gloucestershire has just released its Sexual Violence Strategy for the coming three years - with its overall priority being to effectively tackle the stereotypes that contribute to sexual violence in our society. GRASAC has recently, with the OPCC, submitted a bid to the Home Office for funding for engagement workers to go into schools to educate young people from Year 7 upwards on misogyny, healthy relationships and bystander engagement. We are all working towards a world (or in our case county) free of sexual violence. Why isn't the Council? I am aware that the Applicant makes every effort to protect staff from sexual violence in the course of their work and train door staff in interventions. The issue we have is during these events there is a shift in the culture in the community; the University tells female students to not go out during the nights of the festival, bar and pubs escort female staff or do not roster them on shift for those nights; the media just want to interview and report on the sexual harassment that takes place during race festivals - so I am unclear why the council wants to add fuel-to-the-fire by awarding a licence Gloucestershire Rape and Sexual Abuse Centre PO Box 3292, Gloucester GL1 9HW Charity No. 1155902 application/variation for an entertainment venue that contributes to the misogynistic view that women and girls are there to be objectified and used by men? We are concerned and strongly believe that sexual entertainment venues in the town spreads harmful attitudes that pose a risk to women around the area. Verbal reports from women either working in bars and restaurants as waiting staff, or patrons of the venues – none of which are related to sexual entertainment venues, recount sexual harassment as well as aggressive behaviour and intimidating behaviour. GRASAC also opposes the application on the grounds that men having attended the venue and paid for 'entertainment' from women, then leave the venue intoxicated with no regard for women in the local area, who are then at greater risk of sexual harassment or sexual assault.

Yours sincerely

Gloucestershire Rape & Sexual Abuse Centre (GRASAC)

10

Dear Licencing Committee and Licencing Officers

I am very concerned to hear that permission is being granted for lap-dancing at "Eroticats" at Under the Prom, during Cheltenham Races, licencing application no: 23/01277/SEXA

As you know, sadly trust in the police is weak at the moment, as many women and girls doubt how seriously they take abuse and exploitation of women

I understand that you cannot refuse permission when you judge that it would go against the law, but serious safeguarding issues are raised when men buying sexual "entertainment" enters the culture of a town.

People who stand to make money about this enterprise, or who enjoy being around near naked women, are naturally expressing their support, but I ask you to give substantial weight to the objections, particularly in the light of your Public Sector Equality Duty.

We love visiting Cheltenham, and visiting during Race Week is exciting, but this sort of sleazy activity is tarnishing the reputation and atmosphere of your beautiful town. Instead of being a pleasure, for women and girls, walking around certain areas of the city in the evening

will be a really nasty experience, simply because we are apparently reluctant to put safety, pleasure, peace and equality before the demands of a certain kind of man.

Please think carefully about your decision, and the reputation of the city

Thank you very much for your attention.

Best Wishes

11

Dear Licensing Team

10 September 2023 SEV Licence Variation - ref: 23/01277/SEXA

We are writing on behalf of our members to object to the application submitted by European Events Consultants Limited to vary their existing SEV licence, to allow for lap dancing at Under the Prom during the autumn race meetings.

Impact on the lives of women and girls

As previous objections to SEV licences have pointed out, lap dancing clubs, where women are sexually objectified and the idea that men are entitled to access women's bodies is reinforced, contribute to harmful sexist and misogynistic attitudes that underpin the endemic abuse, harassment and violence against women and girls in society.

There are a number of research studies, as well as research carried out by the United Nations and our own government, that show the link between these harmful attitudes, a culture that perpetuates and reinforces these messages and the perpetration of sexual violence. Please see the following report, for details of this research 'Safe and Equal Bristol Report: Sexual Entertainment Venue Policy Review' 2021.

(<https://www.bristolwomensvoice.org.uk/wp-content/uploads/2021/11/SEVReport2021FINAL.pdf>)

Cheltenham Borough Council's (CBC) own research from 2021 ('Safety of women in the evening and at night-time survey 2021') revealed the impact of sexual harassment on the lives of women and girls. From a sample of 638 responses:

- 75% of respondents said that they do not feel safe during race week;
- 30% of respondents said that they get regularly sexually harassed
- Women said that they do not want to be blamed or asked to change their behaviours, instead they want to see a culture created where sexual harassment is unacceptable.

Our own research into the experiences of women and girls during Race Week, found that:

- 78% of respondents said that they do not feel safe in Cheltenham during race week;
- 84% of respondents said that they change what they usually do in Cheltenham during race week, with many avoiding the town centre;
- 53% of respondents said that they had experienced sexual comments or noises during race week;

Women told us of routine harassment from drunk men, their experiences of fear and powerlessness and feeling 'like an object just for men's amusement'. Others complained about the SEVs stating that, 'Turning the pubs into strip clubs again only reinforces objectifying women' and 'The SEVs make the atmosphere really unpleasant and unsafe for women.'

A culture where sexual harassment is unacceptable cannot be created when CBC enables the continued sexual objectification and dehumanisation of women and girls through the grant of SEV licences.

Following the results of the 'Safety of women in the evening and night-time survey', CBC promised that they would develop a 'pledge for women's safety'. However, we do not believe there has been any significant progress on this.

Instead, CBC have continued to grant SEV licences, stating that if they don't, lap dancing will happen anyway (using the legal loophole), without the scrutiny that the licensing framework imposes. Could CBC provide evidence that sexual entertainment goes underground if SEV licences are not granted? If this evidence exists, why aren't CBC working to reduce demand for sexual entertainment and lobbying central government to close the legal loophole that we are told is so influential in CBC's decision making each year? Why aren't CBC considering other solutions, such as making a prohibition on hosting sexual entertainment a condition of alcohol licensing?

Concerns about the negative impact on women and girls of entrenching the sex trade in Cheltenham have been waved away by the licensing committee and described as 'moral objections'. The effect of this is the silencing of women and girls. We are denied the opportunity to actively participate in local democracy and decision making and CBC send a very loud and clear message that women and girls do not matter and CBC does not support equality between the sexes.

The group of women who must not be forgotten, are the women performing in the lap dancing clubs. Whilst some may freely choose to participate in this trade, we know that many others do not have complete freedom in their choices. Poverty and insecure immigration status are undoubtedly factors that drive many women into the sex trade. Many others may be coerced into such work. The impact of working in an environment where sexual objectification and women's dehumanisation are deeply entrenched, should not be underestimated. We implore CBC to engage with the research on why many women begin to work in the sex industry, the very significant and often traumatic impact it has on their lives and links between sexual entertainment and abuse through prostitution. Links to a number of useful reports can be found in the 'Safe and Equal Bristol Report: Sexual Entertainment Venue Policy Review' 2021. (<https://www.bristolwomensvoice.org.uk/wp-content/uploads/2021/11/SEVReport2021FINAL.pdf>)

Purple Flag Scheme

Given the results of CBC's and our own research into women's safety at night, we find it surprising that Cheltenham retains accreditation under the Purple Flag Scheme. The core standards of the scheme state that destinations should be 'safe and welcoming' and that leisure and entertainment should be for a 'diversity of ages, groups, lifestyles and cultures'. Can CBC not see that endorsing the sex trade by continuing to grant SEVs, thereby creating a hostile environment for women and girls, is incompatible with these standards?

Public Sector Equality Duty

CBC may be aware that the High Court has recently ruled, in *The King* (on the application of) *CDE v Bournemouth, Christchurch and Poole (BCP) Councils*, that Bournemouth, Christchurch and Poole Councils' policy of having no limit on the number of SEVs was unlawful. The Court found that the Council was wrong to ignore concerns that strip clubs contribute to the abuse, harassment and violence towards women and girls in society. Just as CBC does repeatedly, the concerns of women and girls in Bournemouth, Christchurch and Poole were dismissed as 'moral objections'.

The Court also found that the Council's ^{equalities} assessments failed to sufficiently consider the need to tackle discrimination against women or the requirement for public bodies to have due regard to 'foster good relations between men and women', in accordance with their Public Sector Equality Duty.

Where is the evidence that CBC are working towards eliminating discrimination and harassment of women, advancing equality of opportunity for women, as well as fostering good relations between men and women, in accordance with their Public Sector Equality Duty? How is the granting of SEV licences compatible with these obligations?

We hope that CBC will listen to the voices of women and girls and finally show a commitment to their Public Sector Equality Duty and refuse this variation licence application.

Yours faithfully

Gloucestershire Women's Liberation Collective (GlosWomen)

12

Dear CBC

I am writing in relation to the above SEV application. This is notification of my objection to the granting of this licence to Steve Burrows.

I am shocked and disappointed to hear that CBC may grant this licence on grounds that 'it isn't illegal'. To hang the decision on this, which seems an excuse to simply grant a businessman a way to make money, flies in the face of CBC's prized acquisition of a purple flag status.

To use the legal loophole as your only consideration over and above the safety of women, simply means that CBC is enabling and colluding with the sex industry which fuels itself off the objectification and dehumanisation of women. This lap dancing outfit has its place on the same spectrum of human and sex trafficking where women are used and abused simply for the sexual gratification of men.

Does CBC really want to align itself to the industry of violence against women and girls? Does CBC want to be an ally and an advocate of the degradation of women for man's pleasure? Because by granting this licence, using the legal reason in its entirety, is exactly what you are doing. And you are placing that above the voices of women who have a human right to feel safe and free of violence and abuse.

Yours sincerely

13

(Awaiting address)

Hello, i dont think it is appropriate to license this as i think that it will lead women and especially children to feel and potentially be unsafe.

(Awaiting address)

I am writing to object to the possibility of a lap dancing licence being issued.

We no longer live in the sexist 1970s and I find it repugnant that women dancing sexually to titillate men is being reconsidered as entertainment in the 21st century; especially as it goes completely against the image that Cheltenham wants to project to the outside world.

I am also concerned about the impact it will have on the local area and its reputation, including noise levels. Even more important is the potential impact on women and girls who risk being seen as sexual objects, and potentially fair game. This risks increasing the amount of sexual harassment they receive, and potentially also sexual assaults.

I implore you to not approve this licence.

Yours

(Awaiting address)

Dear Councillors

I am writing in objection to the proposed lap dancing licence in Cheltenham.

It should be an ambition of every politician of any party or none, at any level of democratic representation, to ensure that the communities and environments they represent, are safe, respectable and do everything possible to ensure that the employment and recreation opportunities available to the residents and visitors offer better security, safety and value than these jobs do.

As local councillors it should be an inherent ambition to promote the wellbeing of women and girls, reduce the risk of abuse and violence of any kind, an escalating problem rather than a diminishing one.

This offers you the opportunity to send a positive message out to your community and show respect for the women of Cheltenham, by refusing the licence.

Many thanks for your consideration

ANNEX 2 - EMAILS OF SUPPORT

1

Licensing Section Cheltenham

To whom it may concern,

Being a regular member of Staff at Under the Prom in Cheltenham and having worked in Cheltenham during the Cheltenham Gold Cup in March, I would like to offer my support to Philip and Ross on the granting of a lap dancing application on their behalf by Steven Burrows / Eroticats

It is a well run club, that doesn't have any trouble, which has provided Cheltenham lap dancing via a temporary event notice for the last 7 years. I feel that granting a proper license for the week of March would benefit Cheltenham greatly

I would like to support the granting of this licence

Kind Regards,

2

Dear Licensing,

I've seen the application from Philip and Ross at Under the Prom to acquire a license for sexual entertainment and would like to support it.

I know Philip really well and how hard he works to ensure that events go ahead effectively, safely and inline with the law. I have friends that have owned strip clubs and they have highlighted that regulating this activity is crucial to ensure it is run properly.

Philip makes regular sacrifices for The BID, Nightsafe and Purple Flag and clearly loves Cheltenham and wants it to succeed. I think he and the business that he and Ross own are the best choice of doing this activity, which is something the clientele base that attend the races need and want.

3

Licensing Section Cheltenham Borough Council

I would like to support the granting of the Sexual Entertainment Licence at Under the Prom during the Cheltenham November festival 2023.

I'm fully supportive of the owner's decision of the proposed SEL during the Cheltenham November festival 2023 and the use of Steven Burrows and the Eroticats dancers.

Having worked with Steven and dancers during the March & November Festivals (under the exemption rule) I believe they are a credit to Cheltenham going above and what is expected with this much needed entertainment during the Cheltenham March & November festivals.

I have experienced Cheltenham during March and November festivals for many years now.

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Having witnessed the positive and negative side to this sort of entertainment regulating and controlling this sort of entertainment can only be a positive.

Please give this application credit and consideration I believe it deserves

Your Sincerely

4

Dear licensing,

I have seen the application for the November races and would like to support it.

Philip has been the best tenant we have had to date and everything that he does is for the betterment of the locale, guests of Cheltenham, his team and his neighbours. He conscientiously works to ensure that people are happy and their enjoyment of their home or work location is undisturbed. He has been a tenant of ours for 8 years and we hope he continues to be a tenant for many years to come. To his credit he has created a community between the other offices on the promenade and built relations with all the property owners on imperial gardens, so we only get compliments about the activity at under the prom, whereas with his predecessors we'd be getting complaints.

Regards,

5

To whom it may concern,

I hope you are well.

Being a resident of Cheltenham I've also been fond of Under the Prom and how they run a multitude of events for all manner of age ranges, musical tastes and customer backgrounds - there is something for everyone.

I have spent many weekends with my friends having fun in the venue and have always felt safe and never had any problems at all.

I was invited to attend by Philip and Ross, an Eroticats event night at the venue and I have to say I was equally impressed with the set up. My friends who attended with myself felt the same and will be attending other similar events in the future.

I learnt of their intent to apply for a licence to run the event in November, which I think is also a great idea.

I would like to support the granting of the licence for the November races.

6

Hi,

I've been to the eroticats events with my girl mates and we've always felt safe and secure, whilst it's a great bit of fun. It has my full support.

7

To whom it may concern,

I would like to express my support for the November race meeting SEV license applied for by Eroticats to be held at under the prom nightclub in cheltenham.

I am a Cheltenham resident and have visited previous events held by Eroticats in the past. I have spoken with some of the performers and customers during my visits and feel that it's a very well run and organised operation. I feel that the licence is essential for these kind of events as I know that without it we may see an increase in unregulated pop up events in the town which is something I would not be in support of.

I have also visited under the prom nightclub many times and feel it's a safe venue and therefore make it perfect for this event.

Many thanks

8

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I have also visited under the prom nightclub many times and feel it's a safe venue and therefore make it perfect for this event.

Many thanks,'

11

Hello licensing team

I've attended many events at Under the Prom and have always been impressed with their attention to safety with particular reference to female attendees. They use the Ask Angela procedure and have processes that have helped my partner when she had been followed by a male that made her feel uncomfortable.

I think this attention to detail is crucial for events like this to be run well and as such I support their application.

Designated Permitted Area (shaded)



Fig 1 – Designated Permitted Area (shaded)

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Equality Act 2010

2010 CHAPTER 15

PART 11

ADVANCEMENT OF EQUALITY

CHAPTER 1

PUBLIC SECTOR EQUALITY DUTY

149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under 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.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Changes to legislation: There are currently no known outstanding effects for the Equality Act 2010, Section 149. (See end of Document for details)

- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
 - age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to—
 - (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.

Changes to legislation:

There are currently no known outstanding effects for the Equality Act 2010, Section 149.

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CHELTENHAM
BOROUGH COUNCIL

Addressee
Applicant and all parties to the
consideration of the application

ask for: Licensing

01242 262626
licensing@cheltenham.gov.uk
23/01277/SEXA
20/09/23

PRIVATE & CONFIDENTIAL

Dear Sir or Madam

Licensing Sub - Committee - Miscellaneous – Under the Prom Eroticats - Variation of a Sex Entertainment Venue Licence 23/01277/SEXA

We are writing to inform you that the variation application for Sex Entertainment Venue Licence 23/01277/SEXA by European Events Consultants Limited will be heard before the Cheltenham Borough Council Licensing Sub - Committee - Miscellaneous on the 4th October 2023 at 18:00 hours in the Council Chamber.

The papers for this meeting are attached to the accompanying email.

Yours sincerely

J Kirkwood
Team Leader Licensing

PUBLIC PROTECTION

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