

Cheltenham Borough Council

Full Licensing Committee

Meeting date: 7 March 2024

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

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

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Agenda

1 Apologies

2 Declarations of interest

3 Public questions

These must be received no later than 12 noon on the fifth working day before the date of the meeting

4 Minutes of the previous meeting

To approve the minutes of the last meeting held on

5 Minutes of sub-committee meetings (Pages 5 - 50)

To approve the meeting(s) of the Licensing Sub Committee Miscellaneous held on 4th October, 8th November, 6th December, 18th December, 17th January and the 7th February.

And the Licensing Sub Committee Alcohol and Gambling held on 11th October, 18th October and 20th February.

6 Application for Street Trading Consent (Pages 51 - 64)

Application for Street Trading Consent.

7 Review of previous decisions

8 Policy Review (Pages 65 - 68)

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

10 Local Government Act 1972 Exempt Information

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

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

11 Exempt Minutes Approval (Pages 69 - 76)

To approve the exempt minutes on the Licensing Miscellaneous Committees held on 6th December and 17th January

12 Purple Flag update (Pages 77 - 168)

13 Date of next meeting



Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 4 October 2023

Meeting time: 18:00- 20:45

In attendance:

Councillors:

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

Also in attendance:

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

1 Apologies

There were no apologies received.

2 Declarations of Interest

There were none.

3 Application for a variation to an existing Sexual Entertainment Venue Licence

The Licensing Team Leader introduced the report as published.

Members were given the opportunity to ask the Licensing Team Leader questions, the responses were as follows:

- There have not been any complaints made to the team with regard to the performers at the premises within the last 18 months plus that the Licensing Team Leader has been leading on these cases.

Page 6

- The Licensing Team are not aware of any complaints that have been received from the police at the venue. There have also been no representations made by the police.
- The exemption that applies to SEV's was then explained. Whether the licence is granted or not there is the option to move to different venues each evening. When licences are granted the premises are visited at least once an evening. If an operator operates under the exemption then they can do what they like, the police or CBC will not know where the clubs are operating and are not able to impose conditions unlike it there was a licence in place.

There were no questions for the licensing team leader from the objectors.

There were no questions from the applicant for the licensing team leader.

The Chair then asked the objectors when they addressed the committee to say which number they were in the representations. The first objector was number 2 on the representations in the published agenda and made the following points:

- The application is for outside the designated permitted area.
- The question was raised that if the extra November dates had been included in the original application would the licence still have been granted.
- The objector had received correspondence from Alex Chalk MP regarding the application and the fact that he does not support SEV's.

The licensing team leader explained that the committee had to be very careful when considering variations however they can consider the point made by the MP, although if he had wanted to make a representation there was plenty of time for him to have done so.

The Chair also stated that for the time that he has been Chair of the committee the MP has never presented a representation when he has had every opportunity to have done.

The next objector was number 7 on the representations and made the following points:

- The lack of reporting to the police with regard to crimes against women could be a response to the lack of compassionate policing. Although it is encouraging that police officers and staff have now been banned for paying for sex. The objector asked if the lead that the Police have put in place was something that will be considered?
- The hours of opening and closing seem to be excessively long from 6pm-5am.
- It was a shame that the fees weren't shared with the committee.

The next objector was number 11 on the representations and made the following points:

- There are an increasing number of objections to applications of this type.
- In a recent report (that was part of their written representation) a connection was made between SEV's and how people enjoy race week.
- The current legal system is not agile enough for these circumstances.

The Chair then asked the objector whether they would prefer it if properties operated under the exemption or whether they would prefer a licensed and controlled establishment. The objector stated that they would prefer that nothing happened at all and that the Council work to close the loophole. A Member commented to the objectors that listening to their objections it appears to be things that the local MP can look to change rather than the licensing committee.

The next objector to address the committee was number 8 on the representations and made the following points:

- There is evidence to link sex work with lap dancing.
- Her organisation does work with women to assist them leaving the sex trade if they wish to.
- The Council appears to be pulling in both directions whilst awarding a grant to work for safer streets and tackling anti-social behaviour, the Council appears to be pulling in 2 different directions where SEV's are concerned – working towards safer streets and granting SEV licences.

The Licensing Team Leader explained that the Council has to act in the interest of the public and has to give a reason why a licence is granted or not. The Council has to follow the law.

A member asked the question of this objector as to if any of the people that they referred to as being recused worked for this establishment and it was confirmed that none of them had.

The final objector then addressed the committee and was number 9 in the representations. They made the following points:

- There is a rise in disorder linked to SEV's.
- The Glos OPCC have developed strategies with regard to engaging with young people and awarding these licences seems incongruous with what is being worked towards.
- Other councils have made the brave decision not to permit SEV's and Cheltenham should follow suit.

Two of the supporters then addressed the committee, the first – Guest 1 who is employed as a senior house mother by Eroticats. She made the following points:

- She used to be a performer for them, she has worked over the country in many clubs.
- Allowing the applicant to be in one place is the least stressful to them.
- Dancers are often judged in the media and feel like their voices don't matter.
- Granting the licence can only be a positive for the staff in her opinion.

In response to Member questions Guest 1 confirmed that she had never felt unsafe and had never witnessed any coercive behaviours. She stated that she has always felt safe working for the Eroticats and that she can not think of anything that could be improved with a condition.

The owner of the property was then given the opportunity to address the committee and made the following points:

- He explained that he is a member of the purple flag committee and night safe and he is the deputy chair of the BID.
- He has an impeccable record because he follows the law, he stated that the licence stipulates 4 door staff whereas they always have 8. There will be added security for Eroticats (who also provide their own extra security)
- Licence stipulates 16 security cameras but they have 48. Eroticats also provide their own whilst they operate on the premises.
- The staff are all well briefed and this is maintained at all times. They also use "Ask Angela".
- 30% of attendees are female and 70% are male – they work tirelessly with neighbours and stakeholder to ensure that everyone is happy.

In response to a Member question the owner confirmed that there is nothing outside the premises that they are not happy with, they enjoy a good relationship with the taxi firms and the transporting of the performers is taken very seriously.

The solicitor on behalf of the applicant then addressed the committee and made the following points:

- The additional documents that were published illustrate the robust policies and procedures.
- There have been no codes included on the refusal logs as they can contain quite sensitive information.
- They appreciate the application is outside the designated area, however the original application was permitted.
- There has been no opposition from the Purple Flag and the police have not objected either.
- The only difference in this application to the previous one is the extra two days.
- The committee members visited the site in February and were happy with the arrangements.
- With regard to the reputation of the operator there have been no issues over the last 6 years, they have been an active member of Night Safe over that period and there have been no issues raised during the last (March) race week and no link to crime and disorder over that period. The operator continues to work collaboratively with CBC and GRASAC.
- There is no evidence that there is any increase in assaults attributable to the premises and if there was the police would have made an objection.
- There will be a spike in the crime rate during race week due to the increase of people in the town.
- Looking at the key points from the objections, there is no direct evidence that there is a direct threat from the SEV.
- The operations at the SEV can not be held responsible for the increase of incidents in the Purple Flag area. Women feeling unsafe at night can also not be attributed to the SEV.

- In 2008 the Commons Committee were told that there is a high staff to visitor ratio in these establishments and that alcohol consumption is not as high as in normal bars.

The matter then went to Member Debate where the following points were raised:

- Most of the objections are against the fact that SEV's exist, not this specific application. The government has decided that this is a lawful activity . The objectors should be talking to the government to change the law.
- There are 2 choices open to the committee, let the SEV operate with the recommendations in place and work with a company that is known and trusted by the committee or the committee turns their back on it and let the SEV travel around lots of venues with no conditions attached and no real control from the Council.
- As the committee granted the licence previously there is no reason to refuse for the extra 2 days.
- A Member stated that she has been a member of the committee for a number of years and felt that it was important that the committee explained their thinking. The licence has already been approved and there was much discussion at the time which was minuted. It has to be remembered that the government has made this a legal practice.
- There have been no objections from the police.
- It was also felt that it was better to have a licensed premises rather than use the exemption.
- The Member explained that she has visited the applicants venues during race week and has always been impressed with them, she was also pleased to note that the applicant has a good relationship with GRASAC.
- The venue is only 15 meters outside the permitted area with no sensitive areas to the front.
- Extended thanks to the supporters and the objectors and wanted to show that the committee members take the safety of women very seriously. There have been conversations with the performers and they have never been given any reason to doubt that they are not being looked after.
- Earlier this year there has been money awarded for lighting and CCTV in the park and in the Minster areas. As a Council everything is being done to ensure the safety of people in the town.
- The Chair explained that the committee take public sector equality duty seriously.

The committee then went to the vote on 7.6

The decision was unanimous and the variation was granted. The Licensing Officer confirmed that a decision notice would be issued.

The Chair summed up by confirming that the committee take the safety of women and young girls seriously. He stated that as a committee they have tried to change the legislation, the legislation is from 1982. The committee want to work for the safety of everyone in the town and are happy to work with people and have them attend hearings.

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

There were none.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 8 November 2023

Meeting time: 6.00 pm - 6.55 pm

In attendance:

Councillors:

David Willingham (Chair), Angie Boyes (Vice-Chair), Diggory Seacome and Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

Apologies received from Councillor Chidley.

2 Declarations of Interest

There were none.

3 Public Questions

There were none.

4 Application for permission to place an object on the highway – ‘A’ Board

The Licensing Team Leader introduced the report as published.

There was one Member question to the licensing team leader which confirmed that in the appendix of the report it would be width of 1.65m between the edge of the ‘A’

board and the kerb. The policy does mention a requirement of 1.8m between the kerb and the edge of the 'A' board.

The applicant was given the opportunity to speak and made the following points:

- The 'A' boards are a real necessity for advertising due to its location and that the business is still recovering from side effects of lockdown policies.
- The business has had the 'A' boards for 10 years and have never experienced any problems with prams or wheelchairs going past them.
- The business is happy to move the 'A' board to the other entrance where the pavement is wider.
- It would damage the business not to have the 'A' boards.

The applicant provided the following responses to Member questions:

- They have tried advertising in the windows but considers it not as effective as 'A' boards. They considered that it detracts from and is not in keeping with the building.
- They have only been at the Strand since 2021 and was not aware that a license was required.

The matter then went to debate where Members raised the following issues:

- The 'A' boards do not comply with the policy and as the business already has street frontage and is in a prominent position, There was no reason to deviate from the policy.
- 'A' boards are difficult for people with sight issues.
- Passing trade is limited as there is greater footfall on other side of the street. However, there is street frontage and large windows. Feel the 'A' boards are unnecessary.
- Objection from Chair of Cheltenham Access Forum which raises the Councils Public Equality Sector Duty (PESD). The policy is there for accessibility and to avoid street clutter which effects the visually impaired.
- The 'A' boards being fitted to the building itself would take it into planning territory.

The matter then went to the vote to refuse.

Refuse: Unanimous

5 Application for a Street Trading Consent

The Licensing Team Leader introduced the report as published.

The Licensing Team Leader gave the following responses to Members questions:

- The needs of the area are something that the licensing team look at and the objection needs to be considered. The objection was not from any businesses

in the area which would have received notification and would have had opportunity to object.

- A similar street trading license was granted for the same spot but that licensee is no longer there.

The Applicant was given the opportunity to speak and made the following points:

- There is no allocated street trading license in the area. They are looking to utilise the location used by the previous street trader.
- The horse box can be locked and left if it is unsafe to move it whilst events are going on due to footfall. Would not like conditions to require them to close earlier as this would reduce their hours of trading.
- Would bring to the committee's attention a letter of support for their application and offer from Chair of Business Improvement District.

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

- Previously agreed to licence a street trader in the same location so would be difficult to refuse this one.
- Application is well presented and giving back to Cheltenham is a nice touch.
- The horse box itself will fit well in the area and there is nothing else in the park like it and there is no substantial risk of nuisance or risk to the public. Therefore, see no reason to refuse.
- The gardens are consistently used for events throughout the year, not sure this is needed and would detract from the beautiful gardens and cannot support it for aesthetic reasons. There are also coffee shops in close proximity to park already.
- The objection is weak, it would not be directly outside any of the other businesses and have previously granted a license in the same location.
- Have minor concerns about public safety in regards to the tow hitch but do not see this as a reason to refuse.
- No issue with horse box being left in location if they are unable to move it due to an event or footfall provided it is safe.

Applicant confirmed the following:

- There was no 'A' board with the application, it was only in test photo and tow hitch is painted luminous yellow.
- The LPG canister is in a cage and was installed by engineers. It has a camera on it at all times with appropriate signage.

Vote to delegate to officers the safety of the tow hitch and moving of horse box during events:

Unanimous

The matter went to the vote to permit:

For: 3

Against: 1

6 BRIEFING NOTES

There were none.

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

There were none.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 6 December 2023

Meeting time: 17.30-20.00

In attendance:

Councillors:

Diggory Seacome, Simon Wheeler, Julie Sankey (Reserve) and Tim Harman (Reserve)

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Application for a Private Hire Vehicle Proprietor's Licence

The Licensing Team Leader introduced the report as published. He explained that the reasons for allowing this vehicle are critical as it would be a departure from the policy, there are some drivers that do the amount of mileage that is on the clock of this car in a year. The MOT history for the vehicle in question shows that it has been looked after.

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

- He made a mistake when he bought the vehicle and thought that the age limit was 8 years and not 5.

- The car has been purchased for airport runs and to seaports. He also does work for Cheltenham Ladies College and GCHQ.
- The car is immaculate and is outside should Members wish to view it.

In response to a Member question the applicant stated that although he had been a driver for 15years he had misunderstood the information on the age of the vehicle.

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

- The applicant has been to the committee before and he obviously takes his job seriously and is respected by customers.
- The vehicle is obviously a high quality vehicle and has a very low mileage therefore would agree to deviate from policy on this occasion.
- The car has had several MOT's in short period of time, these were done by the garage and the applicant had another one done when he first purchased the vehicle.
- There was concern about setting a precedent if this vehicle is allowed.

The Licensing Team Leader then responded and explained the question regarding the age of the vehicle which is asked upon application. Once a vehicle reaches 8 years it will go to 6 monthly testing. If this vehicle is deemed appropriate as it meets the aims of the policy other than age then it is not setting a precedent and will be based on this individual case only. Every application is considered on its merits, and applicants are always informed that when purchasing a vehicle this should be discussed with the Licensing Team.

The chair summed up by informing the driver that once the vehicle reaches 8 years old it will have to be tested 6 monthly.

The matter then went to the vote.

The vote was unanimously in favour to grant the licence.

4 Local Government Act 1972 Exempt Information

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

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

The motion was carried unanimously to enter exempt session.

5 New Private Hire Driver's Licence

The Licensing Team Leader introduced the report as published.

After Member questions, a statement from the driver and Member debate the matter went to the vote.

To Grant – 4 – Unanimous Granted.

6 Review of a Hackney Carriage Driver's Licence

The Licensing Team Leader introduced the report as published. He re iterated to Members that the issue was not something that would cause revocation, however there are concerns that there have been repeated issues. The driver needs to reassure the Council that he is fit and proper.

After Member questions, a statement from the driver and Member debate, the matter then went to the vote to take no further action:

For: 3

Against – 1

No further action to be taken.

7 BRIEFING NOTES

There were none.

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

There were none.

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Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 18 December 2023

Meeting time: 17:30-20:15

In attendance:

Councillors:

David Willingham (Chair) and Angie Boyes (Vice-Chair), Julie Sankey, Simon Wheeler and Diggory Seacome

Also in attendance:

Jason Kirkwood (Licensing Team Leader) and Sarah Farooqi (One Legal)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Application for a renewal of and variation to an existing Sexual Entertainment Venue Licence

The Chair introduced the Committee and officers present. He explained that some of the public speakers did not want to be seen on the broadcast.

The Licensing Team Leader introduced the report as published and explained that there was an error in the report. The premises is within the permitted area, the outside pavement is outside of the permitted area.

In response to Member questions the Licensing Team Leader confirmed the following:

- There was no awareness that the mandatory grounds are triggered by this application.
- There have been no complaints in respect of any venues run by the applicant to licensing but cannot speak for other departments.
- The Legal Officer explained that the exemption would exist regardless of the decision made at the committee. It was also explained that the committee would need to have due regard to Public Sector Equality but the legislation does not prescribe a specific decision.

Prior to the objectors being asked to address the committee the Chair explained that the application is for a Sexual Entertainment Venue and that there is no evidence of prostitution or coercion. He stated that if such claims were made then he would interject.

The objectors spoke and made the following points:

- The activity has a negative impact on women and girls, the committee need to consider the impact of the trade on women and girls.
- The council needs to consider the fact that with this activity there is a possibility that it will cause violence against females.
- The Councils own policy states the grounds that the application could be refused.
- Does not feel assured that the safety of the girls is the main concern of the operator.
- The purpose of attending this activity is to stimulate, the survey that the Council held stated that people do not feel safe at night in the town.
- There is evidence that women do suffer from harassment.
- There is also evidence that shows that there is an increase in sexual crime around these venues.
- This application goes against the policy to eliminate discrimination.
- There was understanding that it is a difficult decision for the committee.
- It was strongly felt that there are good reasons for the committee to use their discretionary powers to refuse regardless of there then being grounds for appeal.
- There should be sensitivity that the venue is close to a church and it has definitely caused offence that there is such a venue in such close proximity to a place of worship.
- The Church see the venue as discrimination against the Christian community.
- As the location is so close to a church it is offensive, the speaker urged the committee to be bold and refuse the application.

There were 2 Councillors representing the College Ward who had not registered to speak prior to the committee the Chair gave permission to address the committee.

Collectively they made the following points:

- The local MP has said that the application can be turned down and believed that was what the committee should do.
- The belief is that there is coercion where the performers are involved.
- The venue is only just within the permitted area.

- It is close to both a church and a residential area.
- There is also a premises nearby that offers counselling to the victims of sexual violence.
- How does a venue of this nature sit with the town having the Purple flag. It seems to be at odds with this sort of application.

The Licensing Team Leader explained that in this instance the guidance note that was issued with the agenda is not helpful as the committee cannot override the legislation by condition on the licence.

One of the objectors raised a point about some of the information on the website being incorrect, the Licensing Team Leader responded by stating that he thought this matter had been sorted via email earlier in the day.

The supporter was then asked to address the committee and made the following:

- Has worked for Eroticats for a long period of time and finds them to be a good employer.
- Satisfied that there is always security.
- Tired of the comments that are made every time this matter comes to the committee.
- Safeguarding is a key issue and the conditions and regulations are welcome.
- In response to a question by the Chair she confirmed that there were no conditions that she could think of that the committee could put in place to improve things. It was also confirmed that she felt it was safer to have the activity in one place rather than travelling around.

The applicant then had the opportunity to address the committee and made the following points:

- There have been no concerns raised by the police, the applicant meets with the police during race week in March and there have never been any issues raised.
- The policy has a permitted area which is multi use so should not affect the application. The location has not changed since the first application.
- The frontage of the premises is discreet and therefore the impact on the area is minimal.
- With regard to the church in Cambray Place, the venue is not visible from the church.
- People are not being stopped from exercising their faith and the premises doesn't operate on a Sunday.
- The behaviour of the people who visit the premises is very closely monitored by the staff and security.
- Some of the representations talk about women's safety, there has been no objection from the police and if this was a concern they would have objected.
- Although the survey statistics are disappointing the results need to be considered alongside the fact that there are more people in the town during the race meets.
- This is not a vertical drinking establishment.
- The same performers return year after year, which indicates that they are a good and reputable establishment.

- This is not a 365 day operation, the premises is operated tightly.
- Failure to grant the licence could lead to a negative impact on the performers and their ability to earn a living.
- The applicant has worked with GRASAC.
- The activity is lawful and it is better to work under licence than to use the exemption.

The responses to Member and objector's questions were as follows:

- Noise that comes from the premises is minimal as there needs to be communication.
- Each complaint of bad behaviour is dealt with on its own merits, if the behaviour cannot be dealt with by security then the police will be called.
- There are a maximum of 180 customers in the premises at any one time – but there can be a maximum of 500 visitors in any evening.
- The mini bus is parked on the road outside the property and the bin store is at the rear of the premises.
- The banners are taken in every evening.
- The opening hours were agreed at the previous meeting and are earlier in the evening based on advice from the police.
- The leafletting is dealt with in the policy, it does not advertise the venue just the mini bus.
- There is very little casual footfall in the area.
- The total of days that this application for is 17.
- Part of the reason for the earlier opening hours is to stop people queueing outside the premises.
- There is no real evidence of any anti social behaviour at the premises.
- Other premises use the Rodney Road entrance rather than the Cambray entrance if they feel uncomfortable.
- Conditions require that the activity cannot be seen from the street, if the premises is not licenced and operates under the exemption this will not be a condition.

One of the Members who spoke in objection suggested that it might be a good idea to issue a resident's survey to the people who live near the property, it was explained that this was not something for the committee to consider but was for the appropriate Cabinet Member.

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

- Having made 2 visits to previous premises, they have all been well run and organised and the performers are well looked after.
- There should be no impact on the church.
- There were some concerns with regard to the noise when entering and leaving the premises.
- As the activity is permitted in law, then there is little choice but to grant. It is better to have a licensed premises rather than a non-licensed one.
- It seems to be a very well run establishment.
- There are no mandatory reasons to refuse as Parliament has made this a lawful activity. A well run establishment is the way forward.

- This licence has been granted before and there appears to be very little cross over with the activities of the church.
- It was seen as important to regulate these type of activities.
- It is material that the police have not objected, there have been 36 objections in the representations, this is a small amount of the population.
- The variation that we are talking about is for a maximum of 17 days in the year.
- There have previously been complaints about the bins and this has been addressed and no longer seems to be an issue.
- The activity is lawful and with the conditions gives better protection.
- The performers are all over 18 and moral issues are not a licensing issue.
- If the application is refused this could have an impact on the safety of performers.

There was some further discussion around the opening hours and the banners. It was stated that the 6pm start is only for the March race week and as the police support the opening hours that are suggested there is no reason to vary them.

The Chair then advised Members that the option for consideration was to consider whether to grant the application for renewal and the variation as requested subject to the previously agreed condition re leafleting and a condition on the placement of the banner that requires the banner to only be in place 20 minutes before opening time and to be removed within 20 minutes of the closing of the premises. The standard conditions would also be in place.

The matter went to the vote to grant

UNANIMOUS – Granted.

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

There were none.

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Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 7 February 2024

Meeting time: 6.00 pm - 6.20 pm

In attendance:

Councillors:

David Willingham (Chair), Angie Boyes (Vice-Chair), Simon Wheeler, Ed Chidley and Tim Harman (Reserve)

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

Apologies received from Councillor Seacome and Councillor Harman is acting as substitute.

2 Declarations of Interest

Councillors Willingham and Harman informally visited the site.

3 Public Questions

There were none.

4 Application for permission to place an object on the highway - 'A' Board

The Licensing Team Leader explained that the reason this application has come to committee is that the policy that is place was not clearly publicised and that we were publicising the previous stance which was that these applications would come to committee. In addition there were two objections made against the application.

In future any application that is not compliant with policy in respect of size of the 'A' board and where it is in a conservation area and has a shop frontage then those applications would not come to committee and would be determined at officer level.

The Licensing Team Leader then introduced the report as published.

The following response was provided to a member question:

- According to the policy the requirement for the 'A' board still arises, whether the land upon which the 'A' board will sit is private land or adopted public highway. Although the payment is slightly different, the applications would still be dealt with in the same way.

In the absence of the applicant the matter then went to debate where Members raised the following issues:

- Would not hold too many concerns about the 'A' board as the pavement is significant, the structure, size and image used. However, having said that would feel that any clutter on footpaths is difficult for people with poor vision and would like to restrict any unnecessary obstructions on the footpath.
- Do not see a reason why the 'A' board is necessary and it is obscuring the view of the signage in the window and feels counterproductive.
- Signage on shop front is clear from a distance away. The 'A' board is not needed and see that it would be a problem as an obstruction on the footpath.
- Do not see an exceptional reason for the 'A' board and nature of business is different to others in the area.
- The 'A' board conflicts with the policy, as the business is on the ground floor, has shop frontage, and the applicant is not present to offer reasons for the committee to deviate from policy.
- It is in a conservation area and the objections are relevant and not minded to approve.
- The 'A' board does not meet any exceptions and a business in the same area a few months ago was refused for similar reasons.
- Would highlight our equality act considerations and overarching policy of not having 'A' boards as street clutter as it is difficult for the people who are mobility impaired, parents with prams and those who are visually impaired. Any item that is not fixed causes more issues for people than fixed infrastructure.
- The applicant was invited to attend and submit exceptional reasons and they have not done so.
- Do not consider financial impact on business as a licensing matter.
- The 'A' board does not comply with policy and there are clear reasons for not granting license.

The matter then went to the vote to refuse:

Refused: Unanimous

5 BRIEFING NOTES

There were none.

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

There were none.

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Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 17 January 2024

Meeting time: 6.00 pm - 9.00 pm

In attendance:

Councillors:

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

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

There were none.

2 Declarations of Interest

There were none declared.

3 Public Questions

There were none.

4 Application for a renewal of an existing Sexual Entertainment Venue Licence

The Licensing Team Leader introduced the report as published.

The responses to Members questions were as follows:

- There have been no reports of any incidents at the property, the police have not objected to the renewal application and there have been no other crime and disorder issues.
- The Licensing Team Leader stated that he was not aware of any mandatory grounds for refusal.
- Discretionary grounds are discretionary, they are a may not a must and the committee have to balance that out.
- The Public Sector Equality Duty (PSED) must be given due regard and the committee must show that they have considered these matters,

The solicitor on behalf of the applicant was then given the opportunity to ask a question of the Licensing Team Leader, she had no questions but stated that in terms of the renewal they had updated the drawing on the layout. There are no structural changes being applied for.

The objectors were then given the opportunity to address the committee.

The first objector could not attend the meeting so her representation was read by a democratic services officer. She was objector number 5 and made the following points:

- In the SEV policy that Cheltenham Borough Council adopted in 2020 it states that there should be no SEV's outside of the permitted zone, this application is outside the zone, therefore there are grounds to refuse the application.
- A licence has already been granted to a premises within the permitted zone – therefore there is no rationale for granting this licence.
- From the plans it is not possible to establish if the customers are far enough away from the performers to allow no touching. There needs to be assurances that this is not possible.
- It would be good to know how many booths are included in the area.
- The temporary structure looks like performers and customers will both be in close proximity to each other, the committee needs to satisfy itself that this is not the case.

Objector number 8 then addressed the committee and made the following points:

- Lap dancing is harmful , can cause emotional, physical and financial harm.
- The authority is aware that females feel disadvantaged by the licence of SEV's.
- People feel unwelcome near SEV's, it is inappropriate for children, old and young people to feel unsafe.
- The objector believed that SEV's should be treated as a public protection issue like smoking.
- Controls that are in place are not enough to mitigate harm.
- Surely an unmarked car would be better than the branded mini bus that travels around the town and surely the performers are in very close proximity to the customers in the bus.
- The applicant will claim that the leaflet distributors are trained, however if you google the telephone number then you will immediately find Eroticats. If leaflets get into the wrong hands this is an issue.

A Member explained to the objector that the performers were not in the mini- bus with the customers.

Objector number 10 then addressed the committee. The following points were made:

- Objection to Eroticats asking for permission to operate.
- Lap dancing clubs where people are objectively treated is not the way to treat women.
- There is a link between SEV's and a misogynistic attitude.
- Derogatory language can be used by men to performers.
- Very few will report abuse etc as the criminal justice system can let people down.
- Objectors have previously been marked out as wanting women to stop earning a living, some women have a positive experience whilst others do not.
- Wants women to live without misogyny, we want the abuse of women and girls to end.

One Member asked if the term lap dancing should be used and asked what the appropriate term for the performers would be. The Licensing Team Leader explained that table dancing is different to lap dancing.

The next objector (objector 12) made the following points:

- Sexual violence is a widespread issue.
- Women between 18-24 have many complaints about harassment, females need to be made to feel safe.
- The PCC is on board with the work that her organisation does.
- The objection is not so much about the grant of the licence but the growing evidence that SEV's have a growing amount of reports of sexual harassment against women.
- It is known that 80% of women will never report what happens to them.
- There is a reported increase of crime against women in London Boroughs near these venues.
- Not suggesting that the venue is the problem rather the men that attend the venue.
- SEV's increase sexual feelings by the men that visit.

The supporters were then asked to address the committee, supporter number 43 made the following points:

- Started working for the applicant 10 years ago when they first started, started firstly as a performer and is now a house mother.
- She looks after the performers and deals with any problems.
- She works alongside security who are there at all times.
- She has certainly encountered questionable behaviour from other operators, she never has whilst being employed by the applicant.
- The performers are not selling their bodies for sex, they have other jobs.
- As long as this applicant is in operation she will continue to support and work for them.

In response to a Member question she stated that there is nothing that the committee can do to make her and the performers feel safer, it is much safer to have the SEV in one venue rather than using the exemption and moving from place to place. It is hard to train the performers and make them feel safe if you move around, she feels that is 100% safer to be in one place.

Supporter 42 then addressed the committee and made the following points:

- Worked for the venue on several occasions and always found it completely professional and a full ID check is carried out.
- She has never met anyone who has been forced to perform.
- She had read all the objections and she believed that people don't want to believe that women choose to work in the business and that they are safe and looked after.
- People who object don't believe that women would choose to do this as a job, and like all work places there needs to be conditions in place.
- The grant of a licence for an SEV is needed as it offers protection to the performers.
- She has been groped on nights out in Cheltenham when there hasn't been an SEV in operation, it is not the SEV that's the problem as it happens in Cheltenham anyway.

The Licensing Team Leader then addressed the committee and made the point that they have a duty to ensure that the licensing process is fair and that the speaker had expanded significantly on her written objection. Members should disregard anything that was said above and beyond that.

One Member then asked the supporter to clarify if the groping incident happened as part of the SEV or just a normal night out, she reiterated that it was just a normal night out.

The owner of the premises then addressed the committee and made the following points:

- He has been operating clubs for 27 years and has been carrying these events out for the last 8 years.
- He is passionate about Cheltenham and invests a lot of time working with Cheltenham BID, Nightsafe and Purple Flag.
- He would not do anything that he thought would undermine Cheltenham in any way.
- The current licence states that the premises should have 16 cameras and the premises and he has 48, the minimum number of door staff that he should have is 3 and the premises has 6.
- Very happy with additional scrutiny and the conditions in place protect everyone.

The solicitor on behalf of the applicant then addressed the committee and made the following points:

- The application is outside the permitted zone but it is in a commercial location.
- SEV's have been lawful since 2009 and there is no direct correlation between SEV's and an increase in disorder.
- They will operate on a small number of days in the year and there is no evidence to show that it causes crime and disorder.
- The police have not raised any objection and they are experts in their field. They have visited the property on numerous occasions and seen the policies and procedures, if there was any doubt of this they would have objected.
- The applicant is an experienced operator, the application is only for a limited number of days, there is no change to the locality as the venue operates the rest of the year as a late night venue.
- Much better to be licensed rather than rely on the exemption.
- There are over 40 conditions that the applicant has to operate under if the licence is granted.
- The plan that was included in the documents was an example plan to give an idea of the flow of the business.
- The male toilets look like they are near the changing rooms, there is an external temporary structure and an office between the toilets and the changing rooms.

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

- All the booths in the property will be the same size. There is only ever one performer in the booth.
- The booths are a curtain and rail construction, the net curtain you can see through at all times.

In the applicants right to reply the following points were made:

- All the evidence has been set before the committee, the police have made no representations which speaks volumes
- Although the location is outside the permitted area it is a commercial area.
- It is a well-orchestrated operation, the committee has heard from the performers and how safe they feel.

It was agreed with the objectors, supporters and the applicant that the Member debate would take place in open session. Members raised the following points:

- Thanks were given to the attendees for taking the time to be at the meeting.
- Parliament has made it legitimate to operate an SEV and the committee need to administer in accordance with the law.
- There are no mandatory grounds for refusal, the police have not objected. It has been noted that there has been concern from the PCC but he has not formally objected and he is not at the meeting.
- The applicant has proved to be suitable for years and holds a current licence.
- The owner has lots of experience and is chair of the BID and Nightsafe.
- The venue is outside the permitted area but only by approximately 50 metres. It comes within the purple flag. The premises is part of the night time economy with 131 at one end.
- There is a school to the rear of the property, but there are not boarders in that building and the rear of the building is only being used as an accessible entrance.

- A moral stand cannot be taken on the application as parliament has made it lawful.
- Members have visited the property and felt safe, they have spoken to the performers and they feel very safe.
- It is the Council's duty to protect all the public, safety is paramount, would far prefer the premises to be licenced. The licence should be approved.
- The danger of refusing the licence outweighs the perceived dangers of not granting it.
- Much is made of the suffering of women in the town in race week and has been attributed to the SEV. Felt fairly-safe saying that the establishment is well run internally, once you have left the premises and moved away from the venue how can you attribute anything to that establishment, race week is a town full of people not the issue of the SEV.
- There is a please behave like gentlemen poster that is used in the premises.
- There has only been 12 objections to the application – there were 4 times more statements in support. Most of the support was on discretionary ground A and the objections were on ground C (area) and D (character of the locality).
- There has been no issues identified to the committee, absence of evidence is something that the committee needs to consider.
- The application is for 7 days of the year for the other dates it is not performing as an SEV and less than 11 days that they could operate using the exemption.
- Performers think it is safer to be in one place, acknowledge that there are concerns from the objectors with regard to the courtesy vehicle being branded.
- It is a lawful and legitimate business.
- We need to ensure that it is a safe activity, performers would rather be in one place and given the existence of the exemption it is better that they stay in one place.
- The Council can not take a moral stand on the activities.
- There are age limitations in place.
- If people do not report issues there is no evidence, the PCC and the police have not objected. There are no real reasons why the committee can reasonably refuse the application.

The matter then went to the vote to grant the application:

For: 5 unanimous.

Granted the application as applied for.

5 Local Government Act 1972 Exempt Information

The committee voted unanimously on the following:

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view

of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

6 New Hackney Carriage Driver's Licence

The Licensing Team Leader introduced the report as published.

After the applicant addressed the committee and the matter went to Member questions and debate.

The Members then the following decision:

- That the committee are satisfied that the applicant is fit and proper to hold a licence and that it was just an error on his part.
- The applicant was not advised correctly, he was new to the country and was unlucky with the insurance product that he chose.
- He was not dishonest he bought the insurance thinking that it was the correct product, he did not knowingly purchase the wrong product and Go Peri did not tell him that the insurance he had was incorrect.
- The applicant made a genuine mistake and the committee do not believe that he was a safety risk to the public subject to all other tests being passed.
- The applicant had gone above and beyond and had bought extra documents to the committee which had been very helpful.
- Members decided that the applicant would be asked to sit with licensing officers to check his insurance before he starts driving.
- The applicant is to bring his documents to the Council in 6 months time for checking to ensure that he has the correct documentation and that the payments are being made.

The matter went to the vote on the decision above to grant:

For: 5 – unanimous.

7 BRIEFING NOTES

There were none.

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

There were none and the meeting ended at

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 20 February 2024

Meeting time: 6.00 pm - 6.55 pm

In attendance:

Councillors:

Tim Harman, Izaak Tailford and Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

It was agreed prior to the meeting that Councillor Wheeler would Chair the committee.

2 Apologies

There were none.

3 Declarations of interest

Councillors Tailford and Harman visited the site.

4 Determination of Application for a Premises Licence- 284 High Street

The Licensing Team Leader introduced the report as published.

There were no Member questions for the Officer and none from the agent on behalf of the applicant.

In response to a question from the objector the Officer explained that they could present their objection as it only amplifies and clarifies the representation that they made.

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

- The police report does not reflect what it is like living in the area with broken bottles, homeless people on the doorstep, needles, and windows that have been smashed.
- At the weekend groups of teenagers hang around outside the shop next door to the entrance of our home. This feels unsafe as there are kids dumping bikes and behaving badly. Have had to navigate around drunks and have had to call the police on a number of occasions.
- Drunk race goers have found their way into the alleyway and urinate and defecate there.
- A Sri Lankan super-market to one that sells alcohol changes the type of clientele and problems it will bring. These venues that sell alcohol do not deal with the aftermath of drunk people.
- There are several children that live above the shop and suffer disturbed sleep as a result, nothing is more important than children's welfare. The longer opening hours would have further impact on this.
- Current freeholder added residences above the business. The business should reflect tenants' rights. By offering these long opening hours they do not believe the landlord will be fulfilling their own covenants.
- Selling alcohol will bring trouble to the entrance of the property and the other family were unaware of the licence application along with other next-door neighbour.
- Granting a licence will cause public nuisance in the area, there are already two other stores which sell alcohol and they have people who can disperse trouble and there are no residential buildings above Tesco. The Family Shopper is far removed and they have concrete dividers which gives better soundproofing than we have.
- The lack of soundproofing in our property would be in contravention of building control regulations.

A Member asked the objector about the gate at the property and provided the following response:

- Through the gate there is no passageway there is the stairs up to our flat and the other flat. The council installed gates in the community behind us which, has lowered the crime rate of people passing through but people now hang out rather than being an escape route.

The agent on behalf of the applicant addressed the committee and made the following points:

- Convenience store with off licence provision is a pleasantly designed store, will be a benefit for residents.
- The applicant has invested a lot into the layout and design of the shop, additional lighting, further employment. Applicant has similar stores in Tewkesbury, 10 years' experience and none of his businesses have attracted the attention of any responsible authorities.

- Each application should be decided on its merits, it is a quality application correctly conditioned and minimises the potential of any licensing objectives being undermined.
- Operating schedule shows it will promote the licensing objectives, can only refuse if the evidence shows business cannot meet licensing objectives.
- No evidence to criticise the operating schedule applicant and no history of disorder involving this shop.
- The police, trading standards, children services, and environmental health have all not objected.
- Neighbours objections are based on grounds of anti-social behaviour and lack of need for another shop selling alcohol. Availability of alcohol changes nothing and will not cause more issues. What happens away from the shop is not the applicants responsibility. Applicant has not sold alcohol to anyone under-age, implementation of challenge 25 and staff are regularly trained. No evidence to show that the applicant has sold to wrong people.
- Business cannot be blamed for existing problems in the area with anti-social behaviour. There will be notices asking customers to leave quietly.
- Applicant has served information on evidence of sound insulation being fitted to the roof of the premises. As there is no entertainment included in the application the sound insulation is not relevant to the licensing objectives.
- The need for another premise selling alcohol is not a licensing matter.
- May have been historic issues with alley but is nothing to do with the applicant and the applicant will offer to put a keypad on the gate for residents use only.

A Member welcomed the two areas of comfort regarding the sound insulation and the keypad for the gate.

A Member asked the applicant about the offer of putting a keypad on the gate and the applicant provided the following response:

- The applicant is not sure who owns the alleyway, many people use it and it is left open. If it gives the committee reassurance he has offered to put key fob on so - that everyone can use it and it will deny unauthorised access to the alley.

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

- Walked past the shop and is aware of the anti-social behaviour in the area.
- Welcomes the keypad on the gate, if that is possible.
- Good news on the gate and hopes it can come to fruition as unable to condition it.
- Having CCTV and the premises being open will add presence which may deter anti-social behaviour.
- Does the shop need to be open before 9am, would this alleviate neighbours' concerns.

The applicant has asked for hours from 7am due to people working shifts. We would like 7am-11pm, alcohol sales between 7&9am is not the substance of the objection before you.

A Member said we cannot blame a future business for problems that currently exist. However, if it is proven in the future that the business is causing harm, the committee has the authority to review its licence.

The applicant was given final right of reply and made the following points:

- Building regulation inspectors have already been into the premises and the sound insulation is sufficient to mitigate any noise.
- Not insensitive to neighbours' concerns as applicant has made the offer for the keypad on the gate.
- Request that you grant licence with the conditions and any others the committee sees fit to impose.

The matter then went to the vote grant the premise licence:

The vote was unanimous to grant.

The legal officer said for clarity that the committee cannot condition the keypad on the gate. However, it is minuted that the applicant has offered this and will liaise with the neighbours.

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

There were none.

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 11 October 2023

Meeting time: 18.00 – 21.15

In attendance:

Councillors:

Ed Chidley, Diggory Seacome (Reserve) and David Willingham (Reserve)

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

Councillor Dr David Willingham was elected as Chair of the committee.

2 Apologies

There were none.

3 Declarations of interest

There were none.

4 Determination of Application for a Premises Licence Review

The meeting started and then was adjourned until 18.35 as the applicant wanted to add additional papers to the hearing. These had not been received prior to the committee. The Chair along with the Legal Officer gave permission for the papers to be circulated to all parties.

The Licensing Team Leader introduced the report as published. He also explained the options that were available to the committee which were: removal of the DPS, suspend the licence for up to 3 months or revoke the licence. It was also explained that any action will not take place until 21 days of the written decision.

The Immigration Officer addressed the committee and made the following points:

- The visit to the premises was intelligence led as they had received an allegation that there was 3 named males employed illegally and living at the address.
- When the raid occurred there were 12 workers in the property in total. 2 of them being the people that were named on the warrant a further 3 who had an adverse reaction to the visit. All 6 of those people were not allowed to be present in the UK and confirmed to the officer that they had been supplied with wages and somewhere to live. They were escorted from the premises and into police custody.
- Mr Hussain fully admitted to having employed the 6 men and Koloshi Gold was issued with a fine of £90,000, the decision was not appealed therefore they accepted liability.
- The business has the statutory obligation to promote the licensing objectives, that had not happened in this case as 6 illegal persons who had no status in the UK were employed, the right to work checks had not been carried out and disregard for the legislation was shown.
- Employing people who have no status in the UK has a huge negative impact on the UK and is harmful to legitimate businesses, it is also a breach of the national minimum wage. The Home Office is committed to tackling illegal working.
- Mr Hussain was aware of the checks that he was supposed to undertake and has carried them out for the other staff members.

The committee then had the opportunity to ask the Immigration Officer questions and the responses were as follows:

- It was stated that the names on the late documents were unlikely to be the people involved in the raid.
- It was confirmed that the company that was prosecuted was Koloshi Gold Ltd.
- It was confirmed that the DPS was not present at the time of the raid.
- The thought was that there had been a change of staff at the property since the raid.

The legal representative for the licence holder then addressed the committee and made the following points:

- Everything that the immigration officer has said with regard to the raid cannot be commented on by him as the current licensee did not become the owner until after the raid.
- They have no issue with what has been said as they were not the owners at the time and it is a reflection on the previous owner.
- The transfer of the ownership has been a bonafide change of hands, the new owner has numerous businesses and has had no issues in the 25 years that he has been trading, he takes the issues that have been discussed very seriously.

- If the licence is revoked it will no longer be a viable business. The options are between a revocation and a continuation of the licence.
- There is now a marker on the business. The legal representative suggested that a condition could be attached to the business to illustrate the sincerity of the new owner.
- Revocation will put the business out of business and the new owner had no knowledge of any of the problems caused by the old owner and now faces losing his licence.
- He is not the current DPS but will be, he is also the director of the company and has supplied his documents.

The matter then went to Member questions for the licensee, the responses were as follows:

- After the raid the previous company had ceased trading, the previous business was Koloshi Gold Ltd the new business is 3 Gold Ltd. The owner of Koloshi Gold approached the new owner to buy the business in April, the new owner agreed not knowing the background to the business.
- The website has not yet been updated, and still shows Koloshi with an award winning chef who is no longer there.
- The chef was A Hussain – he was also the owner but G Azam had the lease.
- The Hussains mentioned on all the paperwork are not related and that it is a common name in the community.
- The question regarding the September payslip for G Azam could not be answered.
- They didn't know how the other business operated, the new licensee is not a sophisticated man but he does know the curry trade. He found the business viable he is a businessman with various businesses that can support the new business if needed. The deal was done by word and bond, he visited the business, saw the books and agreed the price of £100,000 to be paid at the end of the tax year. The agreement is that if the business doesn't do well then that amount will not be paid.
- The Home Office raided the property on the 1/4/23 and the sale was signed on the 6/4/23, he had no idea regarding the raid.
- The new licensee started running the business on the 10th or 12th April and employed a total of 10 people including those who work part time on Fridays and Saturdays only.
- Juno Begum was the director until 9th October 2023 as listed at Companies House, the formal transfer did not occur as there was a need to establish the companies liabilities first. The new owner assumed the role as shadow director.
- It was stated that there was no-one by the name of N Islam linked to the property, however when this was questioned further as N Islam is named as the DPS it was confirmed that he is not an employee. It was explained to them that the DPS has to be an employee.
- There is a G Asam named on the sub lease and is also referred to in the papers as the secretary of Koloshi Gold, it was confirmed that he has nothing to do with the new business and is just the main leaseholder.

- There is no document that states that payment will be made for the business next April, the payment is agreed by the parties involved. The reason the owner accepted the offer is that they trust him.
- Koloshi Ltd as a business may still exist but it does not have anything to do with 3 Gold Ltd.
- The new owner was made aware that the business was for sale via a friend who is also in the curry house business. £100,000 is not a lot of money in the restaurant business, he thought that it was a bargain added to that was buying the business on interest free credit.
- The new owner did not know of the Home Office action and review until August when he received the papers from the Council and it would have been kept from him and kept within the community.
- With regard to making the payment in April he has businesses here and abroad and is selling a property. There is no problem with him getting the money and he believes the business is a bargain.
- The new owner will get to keep the Koloshi name as part of the business as the name is worth something, customers know of the restaurant because of the name.
- B Hussain and G Asam are not part of the business, the reason that they keep appearing in documents is that they have an interest in just the building.
- The legal representative of the owner stated that they would be happy with any conditions being imposed if it meant that the licence would not be revoked. He gave the example of submitting all the employee records to the licensing authority and having CCTV installed to monitor employees.
- If the licence is revoked then he could lose his business that he has invested money in already.
- In his 25 years of operation he has never had any problems.
- The owner intends to be the DPS at the restaurant, and to make his son the DPS at the current restaurant he owns in Birmingham.
- It was confirmed that the restaurant was open that evening in his absence as he felt that the committee was more important.
- In summing up the legal representative stated that it was at the committee's discretion whether to permit the licence to remain. The new owner is the person in control regardless of what the documents state. He is an official director and feels that he has a bargain and wishes to maintain the business.

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

- There is no dispute with the Home Office evidence.
- There are 6 cases of failing to check documents and complicity by the previous owner. There was intention to deceive in the report and there is national minimum wage issues, no national insurance has been paid and those issues would relate to crime and disorder issues which are strong grounds to revoke.
- The other option appears to be that the new owner has failed to do good due diligence, or has been duped by the old owner. Is the new owner the victim or whether the names on the documents are names by proxy and that is a matter for the committee to consider?
- Is there any clear evidence that the new owner is the bona fide owner and the transfer is correct or is there controlling influence from the old company?-

- Need to look at the date of the raid and the date that the transfer took place and decide if that's an issue.

The licensee's legal representative was then given the final right to reply and made the following points:

- The new owner bought the business due to the position of the restaurant he lives in Rowley Regis, in less than 3 minutes he can be on the M5 and on his way to Cheltenham.
- The committee cannot prove that he is in anyway related to the raid.

The Licensing Team Leader stated that there would not be any financial loss to the new owner as no money has exchanged hands. The legal representative stated that the new owner had put money into renovating the property so that money would be lost. He also stated that if the licence is revoked then there will have to be redundancies which would also cost money.

The meeting then adjourned for the committee to take the decision and write the notice.

The decision was taken unanimously to revoke the licence.

The reasons were as follows:

- The committee considered the Licensing Act 2003, the Section 182 guidance and the licensing objectives and were confident that the prevention of crime and disorder objective is engaged.
- Six workers with migration issues suggests complicity in providing work for trafficked individuals. This raises questions about exploitation, failure to pay national insurance and tax and the national minimum wage, these further grounds are related to the Crime and Disorder objective.
- Given the rapid sale of the business, the principle of caveat emptor applies and for £100,000 a lot more due diligence should have been undertaken.
- A considerable number of documents were given to the committee on the day of the hearing making it difficult for the committee to properly assess the evidence supplied.
- The documents that were supplied seemed to suggest that on the balance of probability people related to Koloshi Gold are still involved with 3 Gold.
- The DPS has not been changed and when questioned there were a lot of discrepancies in the answers.
- On balance of probability the committee thought that the new owners and the documentation showed evidence of control by Koloshi Gold and KBS properties Ltd. The committee was concerned that these are all interconnected with 3 Gold. This related to transfer date and people with controlling influence.
- On the balance of probability there was concern that the current owner could still facilitate illegal working.
- Finely balanced conclusion that not doing due diligence and the time line and lack of documentation alongside the amount of money was a concern.

- The committee believed that G Azam (who was complicit in hiring the illegal workers and running the shifts) is still involved in both companies and was still being paid as of September 2023. There does not seem to be enough distance between the previous business who employed illegal workers and the current business.
- The committee did not have the confidence that the crime and disorder objective will be met.
- The other options available, including the conditions suggested did not seem to provide sufficient remedy for the committee's concerns.

The Senior Lawyer then advised that there was 21 days to appeal from the date of the decision.

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

There were none.

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 18 October 2023

Meeting time: 6.00 pm - 7.00 pm

In attendance:

Councillors:

Tim Harman, Julie Sankey and Diggory Seacome (Reserve)

Also in attendance:

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

1 Election of Chair

Councillor Seacome was elected as chair for the committee.

2 Declarations of interest

There were none, however Councillors Harman and Seacome had been on a site visit.

3 Determination of an Application for a Variation of a Premises Licence

The Licensing Team Leader introduced the report as published.

There were no Member question for the Officer and none from the applicant.

The legal representative for the applicant then addressed the committee and made the following points:

- The Nook is a high end up market restaurant operating on the 5th floor of the Quadrangle.

- It has been operating for 12 months already and has been successful in the region and is a popular place to go.
- It is not a cheap place to go in that - it is priced keenly and this will continue going forward.
- They feel that in line with the needs of the local area they need to alter their current licence
- The premises is known locally for its high end offering.
- They are not surprised that there have been complaints from the local residents as the media publicised the extended hours as the Nook turning itself into a night club which is not the case, they will continue to offer the same as they do now just for an extra 2 hours.
- They are a fine dining and drinking establishment with occasional entertainment.
- There is a large electric piano which is a hint of the style of operation that they run.
- The aim is definitely not to turn the property into a night club.
- The residents were right to express their concerns, noise, nuisance and public disorder go hand and hand with the night time economy, but these worries are not attributable to this premises.
- They have engaged with environmental health and the police and those conversations helped frame the application and the licensing objectives were at the forefront of its mind.
- To date there have been no complaints to either the police or environmental health and they wish that to continue.
- They wish to continue to run the business as they always have and they want to be good neighbours to their neighbours. It is a nice part of the town and they wish to protect the tranquillity.
- They have used TEN's already for private weddings, parties and hosted the jazz festival until 2am without incident.
- They have tested music at a loud volume and been outside on the ground of the premises and there was no sound at street level.
- Not everyone leaves the premises at the same time and they believe that the extended hours will dilute people leaving further. The lift only holds 6 people at a time so at its busiest 6-7 people leave every few minutes.
- There is a robust dispersal policy in place and noise nuisance is at the forefront of the operation.
- There are notices displayed and security staff.

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

- Although they are asking for extended hours every day the reality is that will probably not happen.
- Operationally there will be circumstances where it will be impractical to open those hours and there will be no market for it. However there will be circumstances within the year when it will be helpful – especially Cheltenham Festivals.
- There is no vertical drinking on the property and there has been no serious complaints that would affect the licensing objectives.
- When the papers were submitted they did consider entering an incident log – however there is nothing on it.

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

- The property bears no resemblance to any nightclub.
- People are often influenced by experiences of other establishments which are not run as well as they might be.
- The outside area has no impact on the neighbouring area, there has been no complaints. There are no speakers outside the property and there are no plans to install them.
- There is no vertical drinking outside where the tables are so there is no extra noise.
- The piano inside is nice and will not impact the outside areas.
- They have agreed at the residents meeting that there will be a phone number available to residents if there are any complaints. This was already discussed at a meeting with the residents.
- There has never been anyone escorted from the premises, and admittance has only been refused once.

The matter then went to the vote to grant with the police condition that had been previously agreed being added to the licence.

The vote was unanimous to grant.

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

There were none.

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Licensing Committee – 7th March 2024

Local Government (Miscellaneous Provisions) Act 1982

Application for a Street Trading Consent

Mr Ali Selcuk

Report of the Licensing Officer

1. Summary and recommendation

- 1.1 We have received an application from Mr Ali Selcuk for a street trading consent to sell kebabs, burgers and chips from a Trailer measuring 10ft x 6ft x 6.6ft.
- 1.2 Mr Selcuk has applied to trade at Tommy Taylors Lane, Cheltenham. **Appendix 1.1 and Appendix 1.2** shows the location of the proposed trading pitch.
- 1.3 Mr Selcuk has applied for an annual consent on the following days and times:

Monday	17:00 - 23:00
Tuesday	17:00 - 23:00
Wednesday	17:00 - 23:00
Thursday	17:00 - 23:00
Friday	17:00 - 23:00
Saturday	17:00 - 23:00
Sunday	17:00 - 23:00

- 1.4 An image of the trading unit is shown in **Appendix 2**.
- 1.5 **The Committee may:-**
 - 1.5.1 **Approve the application because Members are satisfied that the location is suitable, or**
 - 1.5.2 **Refuse the application because it does not comply with the provision of the Street Trading Policy and/ or they are not satisfied the location is suitable on the basis of objections received.**

Legal The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Any application should be considered in line with the Council's policy on Street Trading.

Contact officer: One Legal
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272015

2. Background

2.1 The current street trading policy was adopted by Council on 11 February 2020. A copy of the policy is available at https://www.cheltenham.gov.uk/downloads/file/7332/street_trading_policy_-_revised_and_amended.

3. Purpose of the Policy

3.1 This policy sets out Cheltenham Borough Council's ("the authority") framework and approach for the management of street trading in the borough.

3.2 Through the street trading scheme the authority aims to control:

1. the location of street traders;
2. the number of street traders; and

3.3. The scheme also aims to:

1. prevent unnecessary obstruction of the highway by street trading activities;
2. sustain established shopkeepers in the town;
3. maintain the quality of the townscape and add value to the town; and
4. encourage inward investment.

3.4 In doing so, the authority recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause public or statutory nuisance to the people in the area.

3.5 This policy will guide the authority when it considers applications for street trading consents. It will inform applicants of the criteria against which applications will be considered.

Assessment Criteria

3.6 In considering applications for the grant or renewal of a consent, the following factors will be considered:

- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other established retailers within vicinity. This criterion permits the authority to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The authority does however recognise that the surrounding retail offer is subject to change, therefore, it will apply this criterion to applications for new or renewal applications.

- **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public, or properties in the vicinity, from noise, misbehaviour, emissions, smells etc.
- **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

The authority would expect a minimum of 6 feet (1.8m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location.

- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street and street scene rather than detract from it and be constructed in a suitable scale, style and using appropriate materials. It should also be designed to be fully accessible for all customers and advertising material must be limited to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed.

The authority will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established retailers in the vicinity.

Any street trading operation which negatively impacts public access by walking, cycling or public transport will not generally be accepted.

- **Environmental Credentials** - The impact of the proposed operation on the local environment, including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers.

The authority will encourage the use of sustainable products and will consider the trader’s environmental credentials in respect of these when considering whether or not to approve applications. The authority will expect applicants to submit environmental statements setting out how the applicant will operate in an environmentally sustainable way.

4. Consultee Comments

- 4.1 Summary of objection and comments provided in **Appendix 3**
- 4.2 Applicants reply to comments from Health and Safety and Trees departments in **Appendix 4**
- 4.3 GCC Streetworks, LI- GCC Highways / Amey, Planning Enforcement, Townscape CBC, Ubico and - No objections received.

5. Licensing Comments

- 5.1 The Committee must determine the application with a view to promoting the council’s adopted policy and Members should not arbitrarily deviate from the council’s policy.
- 5.2 The policy takes into account a number of factors when determining the permitted trading types. These are outlined above (“Permitted Locations”) and Members should take these into account when determining this application.
- 5.3 Whilst the policy creates a presumption against the grant of an application if the application does not comply with the policy, this position should not fetter the committee’s discretion to take into account the individual merits of the application and any circumstances that may warrant a deviation from the policy.
- 5.4 Members are reminded that clear and thorough reasons should be given for decisions made by the committee particularly where the decision is contrary to adopted policy.
- 5.5 Members should also consider the potential impact of this van being sited at this location, when the March race meeting takes place. This is because of the likely heavy footfall of persons in the area,

and the Committee may feel additional coPage 54 necessary at that time, for example security staff, if they were to grant the application.

- 5.5 In coming to a determination, the committee must take into consideration the representations received. The objections received are attached at **Appendix 3**.

6. Officer recommendation

- 6.1 The officer recommendation is that this application be refused, although Members are asked to consider this application on its merits, and in light of the objections received.

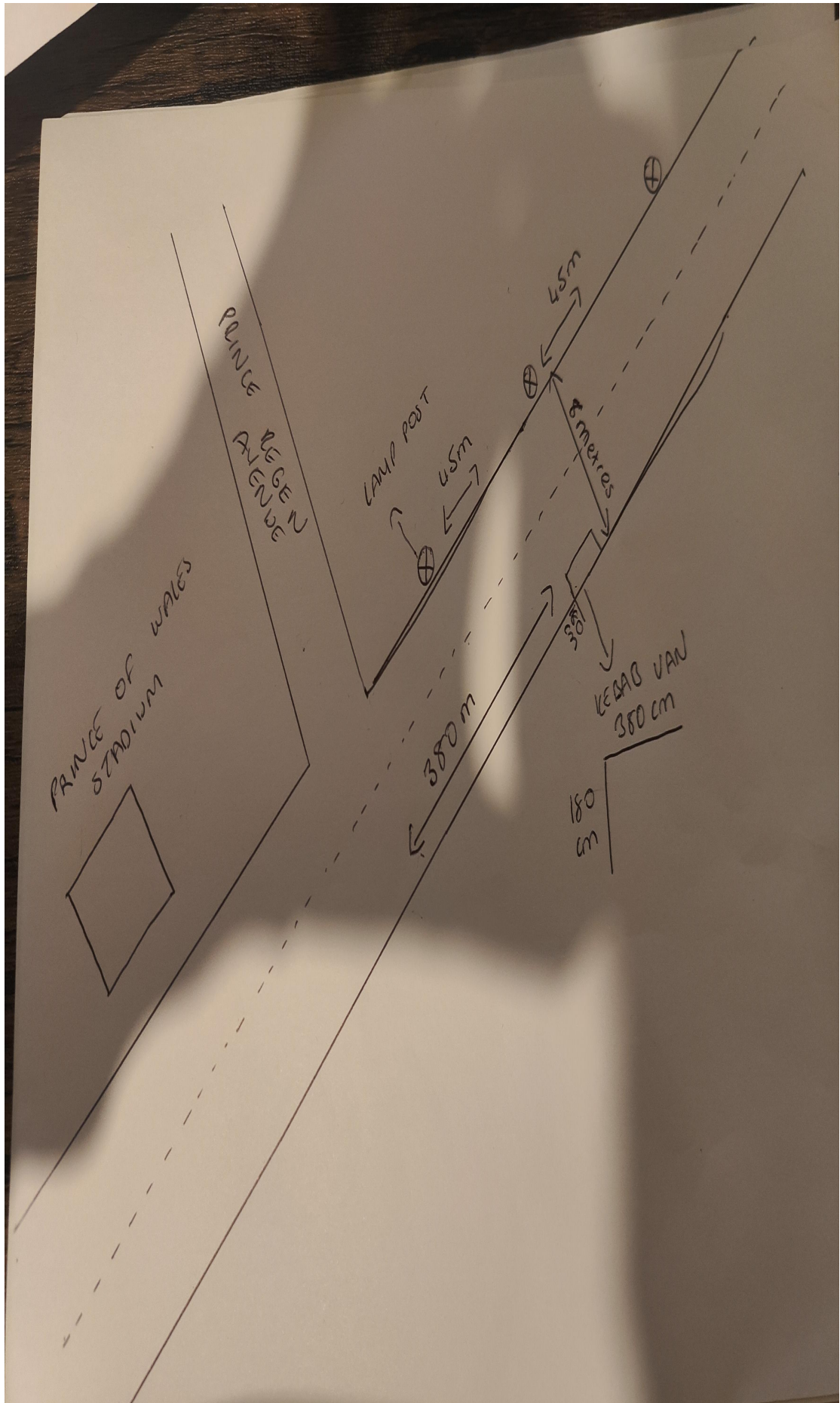
Reason(s): Objections have been received relating to public nuisance and public safety, with concerns relating to odour nuisance, air quality, sanitation and waste disposal.

Background Papers

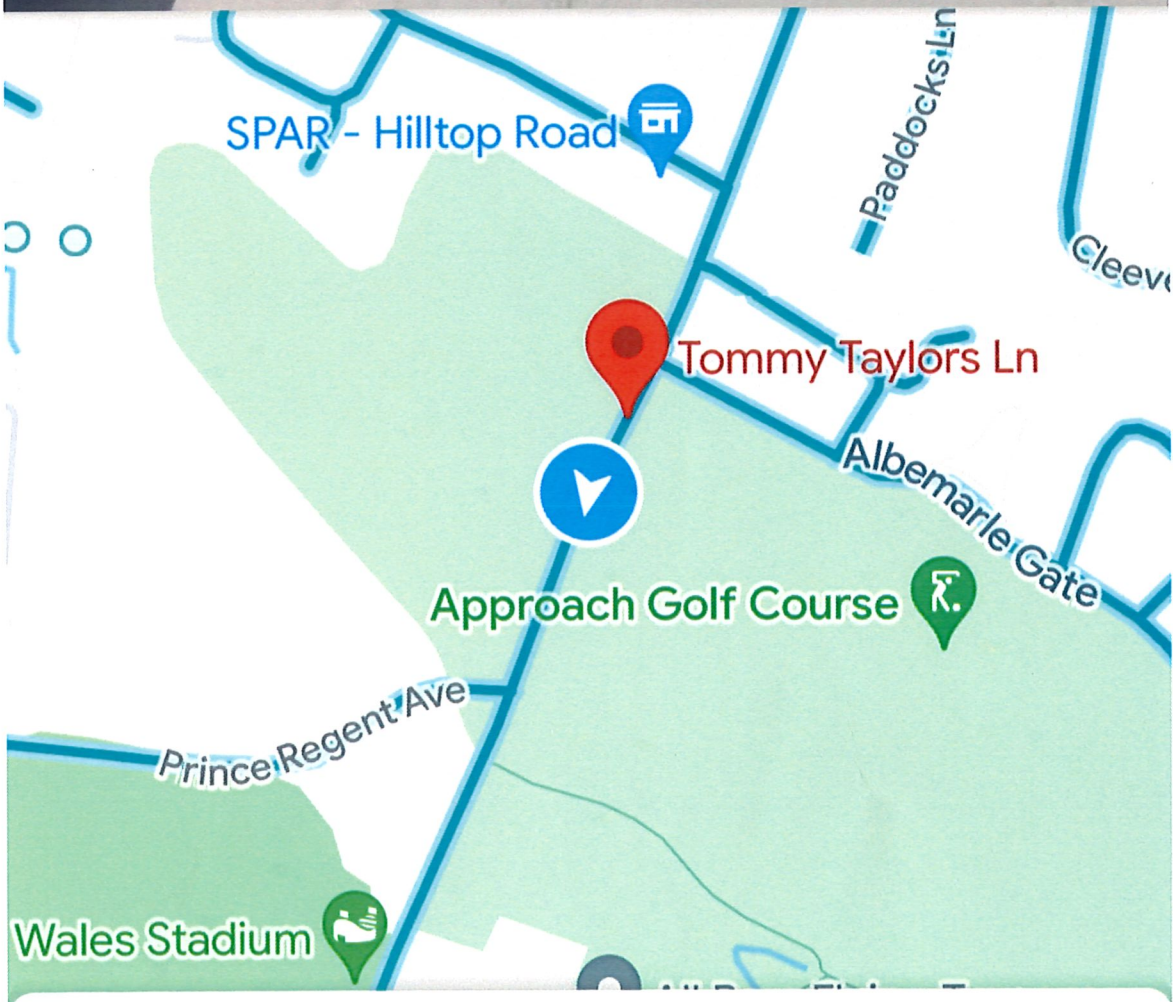
Service Records

Case Officer

Contact officer: Mr Jake Johnstone
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200



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Summary of consultation objections and comments: 23/01929/STA

1. Environmental Health objection

Licensing

It is rare that this team feels a need to object to a street trading application, however in this case it is necessary, due to the following reasons:

Odour nuisance

The vehicle proposed will prepare food without the provision of suitable odour control equipment which would be expected at a fixed location. Therefore there is potential for cooking fumes from this vehicle to adversely affect nearby residential property.

Use of generator

The site does not have access to mains electricity, so will need to use a portable generator. We seek to discourage the use of generators as a power source due to their adverse effect on air quality.

Lack of sanitation provision for staff.

The location of the proposed street trading does not have any provision for sanitation or access to public facilities for use by staff.

Waste disposal

It may be feasible for the unit operator to remove solid waste from the site. This will meet the definition of trade waste, and suitable collection arrangements will need to be confirmed. There is no facility for the disposal of liquid waste at this site.

Disposal of water from equipment cleaning and food preparation is likely to enter the local surface water sewer system and hence local watercourses.

2. Health and Safety Officer Comments

the plan does not include the Trees in that part of the park. There is an opening in the tree canopy on [google](#) and the angle on the van location on the plan may be to take into account a tree, but this is unclear. Where exactly will the van would be? There are quite a lot of options in that general space. As the proposed location is off the highway it is also unclear how the trailer would be moved into position each night. There is no drop curb (highways may comment).

There is nothing which would stop the Van being present on a H&S at work or Public safety side from the documents submitted but I would specifically like further information on:

- use/location and storage of LPG on/around the vehicle
- Traffic mitigation measures to prevent / reduce the risk of inebriated customers stepping into the road (Tommy Taylors is often unfortunately considered a race track)
- How the trailer will be positioned in place, considering manual handling over the curb, if a vehicle is not allowed on the verge/park (dependent upon Parks comments).

I have also include Gareth Jones as it is not clear if the van will have a generator or not. If there is provision for a generator, it may require further input from an Environmental Protection Duty officer regarding Noise. Do any carbon neutral policies kick in?

If EP don't comment on it, considering the allegations which occurred last year for the kebab van on the Evesham Road clear information on:

- Liquid and oil waste storage information and disposal should also be sought.

I have included Parks in this email as the location is on Pittville park (I guess they may already have it through Public Spaces consultation). Protection of the ground from vehicle movements and from customers, all of which would turn the ground over and compact it, may be appropriate.

Lots to think about on this one.

Let me know about the further information requested

3. Trees comments

I would not want the van (or any generator) situated under the canopy of trees.

Strictly no tree pruning.

Ideally the van will not leave the hard standing. However if it does have to drive/park on the grass, ground protection/anti compaction boards are necessary.

A clause should be put in that all damage to ground has to be rectified.

Similarly, procedures need to be put in place for waste oil, hot water etc (such procedures are not to pour on tree roots but to take it away!)

From: Ali Selcuk
Sent: Wednesday, February 21, 2024 11:34 AM
To: Licensing (CBC)
Subject: Re: Consultation response - 23/01929/STA

Hello,

- 1- It will be powered by Honda generator (Petrol).
- 2- Van's door side will be looking towards pavement Side so customers will be on pavement to order.
- 3- It won't be fully on the road. The road is very wide and it will be right next to pavement's edge. Based on measurements it won't affect both lane traffic.
- 4- At the end of each day we will take it to our storage and next morning it will be taken to waste site.

Trees

- 1- Van won't be under trees. There is a quiet distance between the van and trees. It will be between trees (trees are further on right not close to road)
- 2- It won't be. If we get the licence, I am happy for you to monitor our van. There will be no complaints anything at all about environment.
- 3- Van won't damage the ground. It is not too heavy. Think it as a breakfast van. Nothing too big or heavy. It is not going to be close to the ground. It's quiet high.

Please do let me know if any of those informations are missing.

Thank you

[Android için Outlook](#) ile gönderildi

From: Licensing (CBC)
Sent: Wednesday, February 21, 2024 11:15:01 AM
To: Ali Selcuk
Subject: Consultation response - 23/01929/STA

Good morning, Mr Selcuk

We have heard back from one of our Health and Safety officers concerning your application, as well as one of our trees officers.

Please provide answers/confirmations to the below.

H&S

1. **Please confirm how your trailer will be powered. You have mentioned a generator, please confirm the model and if any petroleum or gas will also be used to power your trailer.**
2. **Please demonstrate the Traffic mitigation measures to prevent / reduce the risk of inebriated customers stepping into the road**
3. **Please confirm the exact location the trailer will be positioned. Will it be fully on the road, if not consider any consider any manual handling over the curb. Please bear in mind that a vehicle may be prohibited from being on the verge/park depending on further consultee comments**

4. Please also confirm how any liquid or oil waste storage and disposal will take place.

Page 64

Trees

1. There is an objection to the van being situated under any trees
2. Please confirm there will be strictly no tree pruning
3. If the van should be consented to be situated on the land, there should be a clause that any damage to the ground would be rectified.

Please confirm answers to the above along with a picture demonstrating the exact location of your planned pitch to demonstrate that your trailer will not be situated under any trees or on double yellow line.

Kind regards

Jake Johnstone

Licensing Officer
Cheltenham Borough Council
licensing@cheltenham.gov.uk

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Licensing Committee – 6th December 2023

Licensing Policy Reviews

Report of the Head of Public Protection

1. Executive Summary

- 1.1 There are a number of licensing policies due for review in 2024.
- 1.2 This report provides the committee with information on these policies and sets out a proposed approach to undertaking the reviews for endorsement by the committee.
- 1.3 **The Committee is recommended to:**
 - 1.3.1 Endorse the approach as set out in this report noting the delayed implication due to the impact of the pre-election period due to commence on the 22nd of March.

2. Policy Reviews

- 2.1 The following policies are due for review in 2024:

Policy	Due by	Notes
Licensing Act 2003 Statement of Licensing Policy	2025	Statutory requirement to review, at least, every 5 years.
Sex Establishment Licensing Policy	Overdue - 2023	The policy statement due to be reviewed at least once every three years.
Street Scene Policy	Overdue - 2023	The policy statement due to be reviewed at least once every three years.
Street Trading Policy	Overdue - 2023	The policy statement due to be reviewed at least once every three years.

- 2.2 Members will note a number of policy reviews are overdue. Due to organisational changes and restructuring within the Public Protection division, this work was delayed. None of the overdue policies carry a statutory review period and therefore affords the authority some discretion.
- 2.3 A brief overview of the various policy aims and regulation:
 - 2.3.1 Licensing Act 2003 Statement of Licensing Policy – Sets the authority’s licensing and regulatory approach to the sale/supply of alcohol, regulated entertainment and the provision of late-night refreshment (i.e. hot food and drink).

- 2.3.2 Sex Establishment Licensing Policy - Sets **Page 66**'s licensing and regulatory approach to the range of regulated sex establishments, particularly Sexual Entertainment Venues.
- 2.3.3 Street Scene Policy - Sets the authority's licensing and regulatory approach a number of miscellaneous activities including objects obstructing the highway (i.e. Aboards and tables and chairs), charity collections etc.
- 2.3.4 Street Trading Policy - Sets the authority's licensing and regulatory approach relating to street trading in the borough.

3. Proposed Approach to Undertaking Reviews

- 3.1 It is proposed that the Sex Establishment Licensing Policy and Licensing Act 2003 Statement of Licensing Policy be prioritised in that order. This is because both are complex policies that will require substantial time, resources and engagement. Additionally, the Licensing Act 2003 Statement of Licensing Policy has a statutory deadline to adhere to.

Sex Establishment Licensing Policy

- 3.2 With regards to the Sex Establishment Licensing Policy review, it is proposed that the Committee establish a sub-committee to facilitate the review. The purpose of the proposed sub-committee is to invite input from a wide range of stakeholders to help shape the policy review. The issue of Sexual Entertainment Venues licensing has proven controversial and complex, and it is important for the authority to consider the different views and opinions when shaping its policy for up to the next three years.
- 3.3 Similar to previous years, it is envisaged that Members from the full committee will nominate a politically balanced sub-committee who will invite representation from stakeholders including opposition groups, regulators and operators.
- 3.4 Nominations for the sub-committee will be sought at the first available committee meeting following selection Council.

Licensing Act 2003 Statement of Licensing Policy

- 3.5 The Licensing Act policy is an important document that shapes, mainly the town's hospitality sector and the evening and night-time economy.
- 3.6 Historically, this policy review has, initially, been an officer led process with input from key responsible authorities such as the police, planning and environmental health.
- 3.7 This is followed up with a whole committee discussion to consider the evidence and data to support the revised policy proposals and officer recommendations.

Street Scene & Street Trading Policy

3.8 These policies deal with very local matters **Page 67** that have an impact on the town's public realm and public spaces including accessibility, aesthetics and use.

3.9 Given the above, input from Members is key at an early stage to review the existing policies. It is proposed that, following the conclusion of the Sex Establishment Licensing Policy review, another licensing Member sub-group be established to facilitate this policy review.

4. **Consultee to Cabinet Member**

4.1 When considering this report, Members of the committee is reminded that the Licensing Committee acts as lead consultee to Cabinet Member on recommendations/responses relating to adoption and review of licensing policy by virtue of Part 3C of the constitution.

Background Papers

Service Records

Report Author**Contact officer:** Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk

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