

# Cheltenham Borough Council Full Licensing Committee

**Meeting date:** 4 September 2024

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Dilys Barrell, Councillor Dr Helen Pemberton, Councillor Steve Harvey, Councillor Richard Pineger, Councillor Julie Sankey, Councillor Dr Steve Steinhardt, Councillor Simon Wheeler and Councillor Tabi Joy

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## **Important notice – filming, recording and broadcasting of Council meetings**

This meeting will be recorded by the council for live broadcast online at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk) and <https://www.youtube.com/@cheltenhambc/streams>. The Chair will confirm this at the start of the meeting.

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

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## **Speaking at Licensing Committee**

To find out more about Licensing Committee or to register to speak, please click [here](#) or contact Democratic Services.

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

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)

**Phone:** 01242 264 130

# 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 (Pages 5 - 16)**

To approve the minutes of the last meeting held on 6<sup>th</sup> September 2023 and 7<sup>th</sup> March 2024.

## **5 Minutes of sub-committee meetings (Pages 17 - 88)**

To approve the meeting(s) of the Licensing Misc Sub Committees held on 4<sup>th</sup> October 2023, 8<sup>th</sup> November 2023, 6<sup>th</sup> December 2023, 18<sup>th</sup> December 2023, 17<sup>th</sup> January 2024, 7<sup>th</sup> February 2024, 3<sup>rd</sup> April 2024, 16<sup>th</sup> June 2024 and 11<sup>th</sup> July 2024.

Alcohol and Gambling held on 11<sup>th</sup> October 2023, 18<sup>th</sup> October 2023, 20<sup>th</sup> February 2024 and 7<sup>th</sup> August 2024.

## **6 Taxi Policy Review (Pages 89 - 102)**

Taxi Policy Review.

## **7 SEV Policy Review (Pages 103 - 106)**

SEV Policy Review

## **8 Review of previous decisions**

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

## **10 Date of next meeting**

Next meeting – 4<sup>th</sup> December 2024.

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# Cheltenham Borough Council

## Full Licensing Committee

### Minutes

**Meeting date:** 7 March 2024

**Meeting time:** 6.00 pm - 7.40 pm

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**In attendance:**

**Councillors:**

Councillor Dr David Willingham (Chair), Councillor Tim Harman, Councillor Richard Pineger, Councillor Diggory Seacome, Councillor Izaac Tailford and Councillor Simon Wheeler

**Also in attendance:**

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

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#### **1 Apologies**

Apologies were received from: Cllrs Boyes, Chidley, Fisher and Sankey.

#### **2 Declarations of interest**

There were none.

#### **3 Public questions**

There were none.

#### **4 Minutes of the previous meeting**

#### **5 Minutes of sub-committee meetings**

The minutes of all previous meetings were approved.

## 6 Application for Street Trading Consent

The Licensing Team Leader introduced the report as published.

There were no Member questions for the officer.

The applicant was then asked to address the committee. He made the following points:

- The family has been selling fast food for a long time and have previously been at a site in Bishops Cleeve.
- When they made the application they were 70% sure that the application would be refused.
- The applicant studied engineering at university and understands how generators work and the best type of generator that would work the best in the area.
- The applicant knows the area well and thinks that it would be appropriate.
- The applicant stated that he had provided a business plan with his application as he is not used to public speaking.

The Chair then stated that the committee would ask questions of the applicant and that those answers would supply the further information that they need to help with their decision.

The answers in response to Member questions were as follows:

- The applicant had read the report that had been made by environmental health in response to his application.
- There are water tanks in the van and it can dispense hot and cold water. It is an electric system for heating water.
- The applicant's home is very near to the proposed site and as it is a family run business there will be no problem using the toilet facilities in his home.
- There is a tank under the sink for the water and this can be emptied every day.
- The fryers are cleaned every 2-3 days. The oil is collected in buckets and stored, it will then be taken away by a company, therefore there is no oil that will be disposed of incorrectly.
- The positioning of the van will only take up about a quarter of the lane as it be parked close to the kerb. The cycle lane and bus stop will not be effected.
- The packaging that will be used for the food will be the standard packaging and there will be 2 bins on the site to ensure that there are plenty of opportunities to dispose of rubbish. The applicant will also ensure that the area is clear of any rubbish after he closes.
- The van will be parked on the road, mostly on the pavement side. There will be mats put down to avoid harm to the grass.
- The applicant stated that the area had changed and there were no longer problems with anti social behaviour but if the van attracted that type of behaviour he would call the police.
- He stated that as this is a particularly busy road during race week he would be happy not to trade then as his regular customers will return when the van does.

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

- Although this is a family run business and it is a commendable business and business plan, there are concerns that the park will suffer as a result from the van trading there, and however hard the applicant tries there will be a litter problem.
- There was some sympathy for the applicant, and a Member thought that a 6 month grant of the licence would be a compromise, the Licensing Team Leader explained that this would put the applicant under financial stress and authorities were no longer using a trial as an option.
- The Chair stated that he had more concerns than he did reasons to support the application ie the generator and litter.
- It was also pointed out that the Friends of Pittville Park would not be happy if there was litter that they had to deal with.
- Food smells and generator fumes will prevent people from enjoying the park.

Before the matter went to the vote, the applicant was given the final right to reply where he stated that he would be happy if he was granted a 6 month trial period.

The matter then went to the vote on 1.5.1

For – 1

Against – 5

REFUSED

### **7 Review of previous decisions**

There were none.

### **8 Policy Review**

There was discussion on the upcoming policy review which was agreed will be dealt with after the May election and the new member licensing training session. Ideally the policy review would start in late May or early June.

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

There were none.

### **10 Local Government Act 1972 Exempt Information**

Member voted unanimously on the below:

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if

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

Paragraph 1; Information relating to any individual

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

The meeting then entered exempt session.

### **11 Exempt Minutes Approval**

All minutes were approved as a true and correct record.

### **12 Purple Flag update**

The Licensing Team Leader introduced the report as published.

There was a large amount of thanks given to Colin Pilsworth for all his hard work on the Purple Flag project, good wishes were passed to him for a happy retirement.

### **13 Date of next meeting**

The next Full Licensing Committee will be held on 5<sup>th</sup> June 2024.



# Cheltenham Borough Council

## Full Licensing Committee

### Minutes

**Meeting date:** 6 September 2023

**Meeting time:** Time Not Specified - Time Not Specified

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**In attendance:**

**Councillors:**

**Also in attendance:**

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#### **1 Apologies**

Apologies were received from Councillors Harman and Boyes.

#### **2 Declarations of interest**

There were none.

#### **3 Public questions**

There were none.

#### **4 Minutes of the previous meetings including miscellaneous and alcohol and gambling committees**

#### **5 Review of previous decisions**

There were none.

#### **6 Application for permission to place an object on the Highway - 'A' Board**

The Licensing Officer introduced the report as published.

The applicant was not present.

It was confirmed to Members that the A board that was being requested was larger than the policy allows and the property does have a street frontage.

There was one objector who spoke on behalf of the Cheltenham Access Forum and the Sight Loss Council and she made the following points:

- The A board that is being requested does not fit with the policy.
- The premises is visible as it has two entrances.
- There is good footfall at its location due to the surrounding premises eg pubs.
- The visually impaired tend to use walls as a guide when walking which is why the national charity supports the idea of tables and chairs having defined physical surroundings.
- A boards tend to wander across the pavements and are never in exactly the same place twice.
- The A board causes a hazard for those in wheelchairs and also buggies. It really does not seem appropriate to have an A board in this location.

The Chair then confirmed with the Licensing Officer that the applicant had been invited to attend, there had been attempted contact over the last three days (aside from the initial invitation) and also a further email sent on the day of the meeting with no response.

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

- There are definite concerns about accessibility as the pavement can be quite narrow by the premises, the board sticks out and is quite wide which is an easy tripping hazard.
- They have frontage on both sides and are very visible, the size exceeds the policy, the policy is there for a reason and if the a board is allowed it sets a precedence.
- An A board is used to advertise a business and in this instance is not required as you can smell the fish and chips being cooked.
- There are already two planters and two tall thin tables on the pavement, both of which it should be assumed need permission. Five items on the pavement when they do have street frontage and you can see through the window is excessive.
- Not in favour of granting and a suggestion that the other items need investigating.
- It was confirmed that Montpellier Walk is private.
- The policy was put together to limit street clutter and there is no reason to deviate.

The Chair drew the committees attention to sections 5.3 and 5.4 of the officer report, the A board does not comply with the policy, the property does have direct frontage, the board is too big and the area is classed as a conservation area. He also stated that the objector had drawn their attention to the difficulties of the visually impaired

and also buggies. He also noted that the applicant had failed to attend so the committee had not been given any compelling reason to deviate from the policy.

The matter then went to the vote on 1.7.2:  
Against : 7 UNANIMOUS

Application refused and no right to appeal.

## **7 Local Government Act 1972**

The committee then voted 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:

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UNANIMOUS

## **8 Approval of Exempt Minutes**

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

There were none.

### **10 Date of next meeting**

Next meeting 6<sup>th</sup> December 2023.

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# Cheltenham Borough Council Full Licensing Committee Minutes

**Meeting date:** 7 March 2024

**Meeting time:** 6.00 pm - 7.40 pm

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**In attendance:**

**Councillors:**

Councillor Dr David Willingham (Chair), Councillor Tim Harman, Councillor Richard Pineger, Councillor Diggory Seacome, Councillor Izaac Tailford and Councillor Simon Wheeler

**Also in attendance:**

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

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## **1 Apologies**

Apologies were received from: Cllrs Boyes, Chidley, Fisher and Sankey.

## **2 Declarations of interest**

There were none.

## **3 Public questions**

There were none.

## **4 Minutes of the previous meeting**

## **5 Minutes of sub-committee meetings**

The minutes of all previous meetings were approved.

## 6 Application for Street Trading Consent

The Licensing Team Leader introduced the report as published.

There were no Member questions for the officer.

The applicant was then asked to address the committee. He made the following points:

- The family has been selling fast food for a long time and have previously been at a site in Bishops Cleeve.
- When they made the application they were 70% sure that the application would be refused.
- The applicant studied engineering at university and understands how generators work and the best type of generator that would work the best in the area.
- The applicant knows the area well and thinks that it would be appropriate.
- The applicant stated that he had provided a business plan with his application as he is not used to public speaking.

The Chair then stated that the committee would ask questions of the applicant and that those answers would supply the further information that they need to help with their decision.

The answers in response to Member questions were as follows:

- The applicant had read the report that had been made by environmental health in response to his application.
- There are water tanks in the van and it can dispense hot and cold water. It is an electric system for heating water.
- The applicant's home is very near to the proposed site and as it is a family run business there will be no problem using the toilet facilities in his home.
- There is a tank under the sink for the water and this can be emptied every day.
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- The van will be parked on the road, mostly on the pavement side. There will be mats put down to avoid harm to the grass.
- The applicant stated that the area had changed and there were no longer problems with anti social behaviour but if the van attracted that type of behaviour he would call the police.
- He stated that as this is a particularly busy road during race week he would be happy not to trade then as his regular customers will return when the van does.

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

- Although this is a family run business and it is a commendable business and business plan, there are concerns that the park will suffer as a result from the van trading there, and however hard the applicant tries there will be a litter problem.
- There was some sympathy for the applicant, and a Member thought that a 6 month grant of the licence would be a compromise, the Licensing Team Leader explained that this would put the applicant under financial stress and authorities were no longer using a trial as an option.
- The Chair stated that he had more concerns than he did reasons to support the application ie the generator and litter.
- It was also pointed out that the Friends of Pittville Park would not be happy if there was litter that they had to deal with.
- Food smells and generator fumes will prevent people from enjoying the park.

Before the matter went to the vote, the applicant was given the final right to reply where he stated that he would be happy if he was granted a 6 month trial period.

The matter then went to the vote on 1.5.1

For – 1

Against – 5

REFUSED

### **7 Review of previous decisions**

There were none.

### **8 Policy Review**

There was discussion on the upcoming policy review which was agreed will be dealt with after the May election and the new member licensing training session. Ideally the policy review would start in late May or early June.

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

There were none.

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The meeting then entered exempt session.

### **11 Exempt Minutes Approval**

All minutes were approved as a true and correct record.

### **12 Purple Flag update**

The Licensing Team Leader introduced the report as published.

There was a large amount of thanks given to Colin Pilsworth for all his hard work on the Purple Flag project, good wishes were passed to him for a happy retirement.

### **13 Date of next meeting**

The next Full Licensing Committee will be held on 5<sup>th</sup> June 2024.





# Cheltenham Borough Council

## Licensing Sub-Committee - Miscellaneous Minutes

**Meeting date:** 4 October 2023

**Meeting time:** 18:00- 20:45

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**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)

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### 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.

- 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

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**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)

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## **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

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**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)

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## **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

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**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)

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## **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 leafletting 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:** 17 January 2024

**Meeting time:** 6.00 pm - 9.00 pm

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**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)

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## **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 - Miscellaneous Minutes

**Meeting date:** 7 February 2024

**Meeting time:** 6.00 pm - 6.20 pm

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**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)

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## **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:** 3 April 2024

**Meeting time:** 6.00 pm - 6.40 pm

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**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)

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## **1 Apologies**

Apologies received from Councillor Chidley.

## **2 Declarations of Interest**

There were none.

## **3 Application for a Hackney Carriage Vehicle Proprietor's Licence - Bailey PHV451**

The Licensing Team Leader introduced the report as published.

There were no Member questions for the Officer.

The applicant addressed the committee and made the following points:

- Needed to replace the vehicle as it was tired and had done over 300,000 miles.

- Question of whether to relicence the hackney vehicle for a few months or to go private hire as he did a mixture of rank work, airport and semi executive work.
- Prospect of driving a van not suitable for the majority of customers, therefore forced to go down private hire route.

The applicant provided the following responses to Member questions:

- Wasn't aware that the policy had changed as didn't have hackney licence and had no reason to come into town. As private hire didn't have contact with other drivers to be aware of change in policy. Only discovered after noticing a saloon car with hackney licence plate and then contacted the licensing team. Only gave up licence on basis of the previous policy.
- Had an operator's licence and always worked independently.
- Would replace the vehicle as soon as possible, will need to find one and test it.
- Would be dependent on the result of this committee.

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

- Would be pragmatic to operate a mixed fleet.
- Feel convinced that the applicant has only just realised things have changed and that they would not have to change their vehicle. Do not see the harm in allowing the applicant to change back to hackney licence.
- Concerned it will open up to more of these cases.
- Driver has explained that they have a mixture of work which would lend itself to a saloon vehicle.
- Each case on its own merits and this is an exceptional case and think the applicant has been very genuine and wants to keep working.
- In broad agreement with everyone else.
- Concerned about the delay but applicant has addressed that as not a resident of Cheltenham and didn't work for an operator so unaware of policy change.
- Need to consider impact of this for equality duty and one vehicle going back to hackney licence will not have huge impact.
- Key takeaway is that if there are other cases like this have no doubt that officers will carry out due diligence in checking information presented to them.

The Licensing Team Leader clarified the following:

- To differentiate from any similar future cases this applicant has demonstrated variances in their circumstances, doesn't live in Cheltenham and has worked independently without any interaction or engagement with other taxi drivers who would have been likely to be aware of policy change.

The applicant was given final right of reply and had nothing further to add.

The matter then went to the vote on 1.11a:

Unanimous – application granted.

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

There were none.

The Chair thanked Councillor Seacome for all his work on the licensing committee past and present.

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# Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

**Meeting date:** 18 June 2024

**Meeting time:** 5.30 pm - 9.05 pm

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**In attendance:**

**Councillors:**

Julie Sankey, Simon Wheeler (Chair), Dilys Barrell, Tabi Joy and Dr Steve Steinhardt

**Also in attendance:**

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

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## **1 Apologies**

There were apologies received from Councillors Willingham and Boyes.

## **2 Declarations of Interest**

There were none.

## **3 Request to revert to saloon vehicle from WAV - WITHDRAWN**

This item was withdrawn from the agenda prior to the start of the meeting.

## **4 Application for Street-Trading Consent**

The Licensing Officer introduced the report as published.

A representative from Cheltenham BID then addressed the committee and made the following points:

- Reiterated the points that had been made by the Licensing Team Leader and the importance of Cheltenham having had Purple Flag status for 8 years.

- It is important that public safety is taken into account with regard to the application.
- The proposed site will attract anti social behaviour due to its proximity to the pubs, clubs and taxi rank. There does not need to be an increase in anti-social behaviour in the town.
- A number of restaurants in the area have contacted the BID and have raised concerns that the ambience of the promenade would be spoilt and for people going to and from the theatre.
- The proposed application is not suitable for the suggested area of town.
- The vehicle is not suitable and there may be a problem with access for emergency vehicles.

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

- Has been in the business for 20 years.
- Traded in Bristol City from 2008-2012.
- He uses a power bank and not a generator.
- There will be a minimum of 3 people working with the applicant each evening.
- He will make sure that all the rubbish is removed from the site at the end of every evening.
- He also confirmed that he has public liability insurance.

The responses to Member questions from both the BID and the applicant were as follows:

- The BID confirmed that the anti-social behaviour that had been occurring in the area were things like flowers that had been planted being ripped out, bins have been tipped over, there is a large amount of vomit on the streets leading from the end of Regent Street and by Yates'.
- The applicant confirmed that he previously had been trading from Evesham Road for approximately 3 months but did not make any money in that area. He has had experience of working in town centres before and has never had any trouble.
- The applicant stated that he would improve the area by having a nice looking trailer that would only open at night time.
- The applicant stated that he could be flexible with the hours if 18:00-04:00 is not considered appropriate.
- It was explained to the applicant that the position of the trailer is an issue and although it was appreciated that the applicant needed to make an income this is not the right place for it.
- The applicant re iterated that there will be a minimum of 3 people working and if needed will employ security.
- The applicant stated that although he had applied for a 365 day a year licence he would be happy to closed at Christmas or maybe relocate.
- The Chair informed the applicant that if the application is refused he will have to find a new location and come back to the committee.

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

- There was a question as to whether the applicant had understood what was being discussed, it is important that there is clarity in the discussion. It was

confirmed that the applicant had had the opportunity to bring representation with him.

- There was sympathy that the applicant wanted to build the business but the location that he wanted to use was not suitable.
- Anti – Social behaviour is a real issue in the area and there is a real concern that it will increase if the application is granted.
- The trailer might cause damage to the Promenade which is also a concern.
- There are no exceptional circumstances to deviate from the policy, the application will not add or enhance the area.
- The application would also not be fair to other businesses in the area.
- It is unfair to blame anti-social behaviour on the application, however there is a real concern that the anti-social behaviour will increase.
- There will be conflicts with the other traders and there will be problems during race week and Christmas markets.
- It was explained to the applicant that if he wants to persist with this site he will have to come back to the committee with answers to the concerns that the committee have.

The applicant was then given the right to reply:

- He stated that he had checked the area and found this to be the best spot, he thought that it would be good for his trading. He stated that he would be flexible with times and would like to be given an opportunity to try it for 6 months. If there were any issues he would close the site himself.

The matter went to the vote to grant:

For: 0

Against : 5

Refused.

### **5 Review of Hackney Carriage Driver's Licence**

Prior to this item the following was voted on :

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

This was carried unanimously. The public broadcast was then ended and the remainder of the meeting was held in closed session.

The Licensing Team Leader introduced the report.

After the driver addressed the committee and Member Questions and Member debate the matter went to the vote.

The matter then went to the vote on 1.5.1 to take no further action:

For : 5 UNANIMOUS – no further action

## **6 Review of Hackney Carriage Driver's Licence**

The Licensing Team Leader introduced the report.

After the driver addressed the committee and Member Questions and Member debate the matter went to the vote.

UNANIMOUS for the driver to receive a written warning and to undertake safeguarding training at his own expense within 6 weeks of the hearing.

## **7 Application for Hackney Carriage Driver's Licence**

The Licensing Team Leader presented the report.

After a statement from the applicant, Member questioning and debate the matter went to the vote to grant.

For : 5 – granted unanimously.

## **8 Briefing Notes**

There were none.

## **9 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:** 11 July 2024

**Meeting time:** 6.00 pm - 8.15 pm

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**In attendance:**

**Councillors:**

Helen Pemberton, Simon Wheeler, Dr David Willingham, Richard Pineger and Steve Harvey

**Also in attendance:**

Sarah Farooqi (Head of Law), Jason Kirkwood (Licensing Team Leader) and Jake Johnston (Licensing Officer)

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## **1 Apologies**

Apologies were received from Cllrs Boyes and Sankey.

## **2 Declarations of Interest**

Cllr Willingham declared an interest in agenda item 4. As a County Councillor he had assisted the school in their representation. Cllr Wheeler took the Chair for that item.

## **3 Public Questions**

There were none.

## **4 Application for Street Trading Consent**

The Licensing Team Leader introduced the report as published.

There were no questions for the Licensing Team Leader from either the Committee or the applicant.

The applicant addressed the committee and made the following points:

- He has lived in the town all of his life and has been an ice-cream seller for over 30 years.
- The representative that he bought with him to the committee has now taken over the running of the business from him.
- During Covid he bought and delivered food to people who couldn't get out. He didn't charge more than he paid and he saw it as a good deed for the community.
- He stated that he thought that an ice cream van put a smile on most people's faces, it's a treat and makes people think of summer.
- He has had cases when a group of children come to the van and one of the group can't afford an ice cream he will give them one. One of the great things in life is that kindness is free.
- He had only received 8 complaints in 6 years, with regards to the chimes he has now trained his staff not to play their chimes too loud.
- His vans are doing children's parties at the end of the month, his staff really want to work.

The applicants representative was then given the opportunity to address the committee, he made the following points:

- There has been additional training for the staff since complaints were received.
- Each member of staff has been given a training sheet telling them what roads they can go down. There were separate sheets with regards to the chimes.
- They have also brought into effect that all vans must display their licence to trade within Cheltenham.
- They have reinforced with their drivers that they have to park 75 meters away from any school gates and they are not allowed to use the chimes outside schools as they are very visible,
- As soon as the vans arrive at the schools they must turn their engines off and the engines will only be turned back on when they need to use the Mr Whippy machine.
- They only attend a school once or twice a week (they only visit a second time if there is the business)

In response to a Member Questions the Licensing Team Leader confirmed that there are special conditions for mobile ice cream traders and that the chimes should last no longer than 12 seconds and can be used once on the way to the location and once when the van was stationary. Chimes cannot be used near places of sensitivity such as hospitals and churches.

Members then had the opportunity to ask questions of the applicant, the responses are as follows:

- The sanctions that the applicant has in place is a more thorough monitoring the driver, there is a possibility that they will put a tracker on their vans. If a driver is breaking the rules then the applicant will look at a warning system,

they will remove people from the area they are working from and look to put them in a different part of town.

- The vans are 20-24 years old, they are insured for around £20,000 if you buy one new they are about £100,000. In regards to pollution there are big battery packs being developed to power the Mr Whippy machine. The chair then pointed out that green credentials cannot be taken into consideration at the meeting.
- It was confirmed that the vans go out between the hours of 2-7, they have 4 vans and have split the town into 4 so that the driver know exactly where to go.

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

- Although the report recommends refusal, it doesn't feel that there is sufficient grounds. There was the issue that operated without a licence but they have addressed the issue and it was felt that it was unlikely to be repeated.
- Initially had concerns about non compliance and rule breaking, but it seems that you have put in place some stringent training and monitoring regime with the drivers. Felt that this would be carried on and wasn't just for show. If the vendors flout the rules it will be the applicant that will lose the business. Confident to agree the licence.

The applicant was then given the right to reply where he stated that this has been a wakeup call to him, the drivers know that this is a serious issue and are now in no doubt what is expected of them.

The matter then went to the vote on 1.5.1 to grant the licence

For: 3

Abstention: 1 GRANTED

### **5 Local Government Act 1972 Exempt Information**

The committee took the vote on the below and unanimously voted to enter exempt session.

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 Application for a New Hackney Carriage Drivers Licence**

The Licensing Officer introduced the report.

There were no Member questions or questions from the applicant for the Licensing Officer. The applicant then addressed the committee, then there was a Member debate.

The matter went to the vote on resolution 1.5.1 to grant:

For : 4

Against : 1

Granted.

## **7 BRIEFING NOTES**

There were none.

## **8 Any Other Items the Chairman Determines 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

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**In attendance:**

**Councillors:**

Tim Harman, Julie Sankey and Diggory Seacome (Reserve)

**Also in attendance:**

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

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## **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 5<sup>th</sup> 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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# **Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes**

**Meeting date:** 11 October 2023

**Meeting time:** 18.00 – 21.15

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**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)

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## **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 10<sup>th</sup> or 12<sup>th</sup> 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 9<sup>th</sup> 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:** 20 February 2024

**Meeting time:** 6.00 pm - 6.55 pm

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**In attendance:**

**Councillors:**

Tim Harman, Izaak Tailford and Simon Wheeler

**Also in attendance:**

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

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## **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 CommitteeName Minutes

**Meeting date:** MeetingDate

**Meeting time:** MeetingActualStartTime - MeetingActualFinishTime

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**In attendance:**

**Councillors:**

MembersPresentShortRolesList

**Also in attendance:**

OfficersInattendanceTitlesList

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# Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

**Meeting date:** 5 June 2024

**Meeting time:** 4.00 pm - 6.40 pm

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**In attendance:**

**Councillors:**

Dr David Willingham, Simon Wheeler and Julie Sankey

**Also in attendance:**

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

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## **1 Election of Chair**

Councillor Willingham was elected to act as Chair.

## **2 Apologies**

There were none.

## **3 Declarations of interest**

There were none.

## **4 Application for a Premises Licence - Admiral, 218 High Street, Cheltenham**

The Licensing Team Leader introduced the report and set out the options available to Members, highlighting the fact that no specified hours are requested in the licensing application, but Christmas Day opening will not be permitted, and that there were no representations from responsible authorities. Advice to the applicant from environmental health officers is not relevant to the sub-committee's consideration today.

In response to a Member question, the Licensing Team Leader confirmed that there were no representations from the police; one of the public representations makes reference to crime and disorder in the area, and it is up to Members to consider this evidence and how much weight to give it accordingly.

There were no questions from the objectors at this stage.

In response to questions from the applicant, the Licensing Team Leader confirmed that:

- the police were notified of the application, together with other responsible authorities, and raised no objections;
- planning permission for the change of use was granted by the Planning Inspectorate earlier this year, but planning considerations of amenity and heritage are separate matters and not relevant to the licensing application under consideration.

### **Statement from the objectors**

The solicitor on behalf of the St Matthew's and the Minster made the following points:

- the objectors are seeking a refusal of the licence;
- the application is not clear as to the total number of high-stake machines that could be installed here. Higher stakes machines will be more attractive to vulnerable gamblers;
- following refusal of the original planning application, which included 24-hour opening, the current opening hours (Monday to Saturday 9.00am-midnight, Sunday 10.00am-10.00pm) were granted by the planning inspector. If Members are minded to grant the licence, requiring the licensing hours to mirror the planning application hours would mean the applicant would have to come back and request 24-hour gambling hours, rather than have an automatic right;
- the Minster is very close, making this an unsuitable site for premises licensed for gambling; it has first-hand experience of crime and disorder in the area, with specific incidents referenced on Gloucestershire Police website, providing evidence that this is classed as a high-crime area; it is perverse to say that the crime risk is low;
- this is a sensitive location with regard to protecting children and other vulnerable persons – in the town centre, near McDonalds and fashion outlets, YMCA, and the Saturday Kitchen operating at the Minster;
- Bettfred closes at 11.00pm, and people are likely to move on to Admiral to continue gambling if opening hours permit;
- there are concerns about staffing numbers which appears to be a grey area. If a single person is on duty and focussed on denying entry to children and intoxicated or homeless people, as is proposed as a control measure for anti-social behaviour, who will be looking after the gamblers? If granted, there should be a condition for at least two members of staff to be on duty at all times, given the location and the precedent at other Admiral premises;
- recognising that Admiral premises licences already have a number of conditions, but in recognition of the town centre location, he asked that the following elements should be conditioned: a maglock, minimum staffing levels,

requirement to join Betwatch or local equivalent, adequate lighting, monitors and hold-up system for staff protection, adherence to Challenge 25, maintenance of a refusals book, staff training re. social responsibility, trigger indicators and most importantly the manning and door supervision key.

Noting that the aim is to permit, he asked Members to consider carefully the location, issues and risks. He said Admiral have had applications refused previously, but if Members are minded to grant, he would request these additional conditions to address the main concerns.

A representative of the Minster added the following:

- she had first-hand knowledge of the crime incidents raised in the representations, and of the regular drug and alcohol abuse in the Minster grounds; rough sleepers who have occasionally lit small fires, and vulnerable people congregating on the north side to drink and smoke weed is quite normal, as is the ongoing problem of graffiti on the listed Minster and surrounding walls – the Friends of Minster Gardens group have to clean up every Monday;
- Minster staff do what they can to support people by offering a friendly ear, shelter and hot food through the Saturday kitchen, but are concerned that more vulnerable people may congregate here due to the outlet. the churchyard is a thoroughfare to all parts of the town with no gates, and the late proposed hours could exacerbate the situation;
- the Minster holds family-friendly services and uses the churchyard for events, always carrying out a sharps sweep beforehand;
- the MX project is coming to fruition, representing significant investment in the town, and the Heritage Watch scheme has resulted in some improvements to the churchyard area, but on any sunny day, people continue to congregate here for alcohol and drug use.

In response to a Member question, the Chair confirmed that any conditions regarding hours of opening attached the planning permission are immaterial to the licensing decision, and the Licensing Team Leader reiterated that the overriding consideration of the sub-committee is the merits or otherwise of the licensing application; they should determine it accordingly, not consider the planning application or predict what might happen in the future. The objector's solicitor said his point was that if the planning hours of operation are mirrored in the licence, the applicant would need to come back for an extension to 24-hour trading; if granted today, a further application would be required to extend the hours after six months' trading to extend planning hours, at which point any impact on crime and disorder could be taken into consideration.

In response to a Member's question, the objector confirmed that any heritage crime at the Minster is reported under the Heritage Watch Scheme, and that bigger incidents, such as the fire by the west door, are also reported – though nothing usually comes of it. As a result, Minster staff tend not to report the regular, minor anti-social behaviour in the churchyard.

### **Statement from the applicant**

After introducing the applicant's representatives, the barrister on behalf of the applicant considered the background to the application:

- the existing adult gaming centres on the High Street currently trade 24/7, with no conditions or door staff, and have not been subject to review or complaint - they have not caused any additional disorder or disturbance;
- Admiral is a national brand leader with 280 outlets, none of which have ever had their licences reviewed, despite being located in some challenging districts around the country. An application in Westminster was initially refused, then granted on appeal, and there have been no subsequent issues or complaints. There is no reason to think there will be any crime and disorder issues with this site;
- planning permission is clearly granted under a separate regime, and Members must address their minds to the licensing objectives and not restrict the licence hours, particularly as the other High Street premises have 24/7 opening hours;
- occupancy of the premises, formerly a retail unit but currently closed and redundant, is to be welcomed. It is a single, clean site, with a good shape and structure to allow proper staff surveillance, unlike the other adult gaming centre on the High Street;
- although the problem with some degree of crime and disorder in the Minster gardens is acknowledged, it is not right or fair to suppose the adult gaming centre premises will have any connection to that. The average age of customers is 40-50, under-18s are not admitted, and Admiral has a vigorously-enforced Challenge 25 policy. There is no reason to think people using the premises will have anything to do with crime and disorder.

He went on to highlight some of the points set out in the report:

- the Gambling Act requires applications to be permitted unless there are clear reasons demonstrating that the licensing objectives won't be met;
- the applicant has a longstanding and positive relationship with the Gambling Commission and plays a leading role in BACTA (British Amusement Catering Trade Association);
- staff are trained extensively and continuously, and encouraged to circulate and engage with customers to ensure they are the correct age and not problem gamblers, as well as working with the police and charities;
- the premises have good access and site-lines, and a double-door lobby system to manage noise and access;
- CCTV operates in every outlet, and due to concerns about the Minster, Admiral will happily install additional cameras along the alleyway from the front corner to the rear, to give comfort to the local community;
- the type of machine is irrelevant and fixed by statute, and there will be no B2 machines;
- no alcohol is served – only tea, coffee and soft drinks;
- the objectors have not provided evidence to show that crime, disorder and anti-social behaviour will increase – the police have been engaged and made no objection – and it is not right to connect typical customers of adult gaming centres with the kinds of problems of crime and disorder which currently occur around the Minster. Admiral operates premises near to schools, hospitals and churches around the country, with no complaints, and the frontages and games



are not attractive to children and vulnerable people. Staff are trained to spot anyone who may have a problem;

- the 24/7 licence is in keeping with elsewhere around the country, and the planning restriction is currently in place;
- Admiral units are well run, with a Challenge 25 policy strictly observed; these premises are ideal, and not likely to be a hub or focus of disorder.

He asked that the application should be granted as made.

In response to Members' questions, the applicants confirmed that:

- 24-hour CCTV and motion-sensitive lighting of the alleyway can be installed;
- the operating licence is governed by overarching legislation and any extra conditions would be duplicating those already in place; a very small minority of premises, mostly in central London, operate with any additional conditions;
- the law requires anybody setting up a gambling business to apply for an operating licence, a long and tortuous process of investigation and personal management licences; once granted, information is provided to the Gambling Commission every quarter to ensure that everything is being done correctly. Members can rest assured that the company's operating licence will ensure high and correct standards are being maintained;
- they are aware that the March Gold Cup and other race meetings bring large numbers of people to the town, are proactive in monitoring such things, and would ensure additional security if necessary at such times. The company also subscribes to Betwatch and council schemes around the country and could seek to enrol here;
- top-quality maglock and internal CCTV are installed at all Admiral premises, with potential for further door security if needed.

The Chair wondered whether the conditions requested by the objectors could be added for reassurance, even though the applicant says these fall within current practice. The applicant's barrister said that conditions should not be imposed unless they are absolutely necessary; this is a good operator, with a good record, looking to licence an unremarkable site, making any additional conditions unnecessary. The Licensing Team Leader added that it would be *ultra vires* to apply conditions here - the details and options available to Members are comprehensively set out in the report.

In response to further questions, the applicants stated that:

- Admiral is aware of the possibility of vulnerable people using loans or credit to gamble; they don't offer credit themselves, and shop-floor staff are trained to a high level, encouraged to understand the issues around vulnerability, build relationships with customers, notice any changes in their playing and actions, and act accordingly by logging interactions and escalating concerns to senior managers. Measures are in place to ensure the safety and wellbeing of customers, and any type of money-lending activity in the venues is not tolerated;
- whilst Admiral occasionally operates promotional and marketing offers, staff will be vigilant, managing and controlling vulnerable customers, understanding

changing habits, with processes in place to cover every aspect of social responsibility; people will be excluded from venues if necessary;

- the highest category of machine at the venue is B3; there will be no B1 or B2 category machines.

In response to a request from the Licensing Team Leader, conscious of the fact that Members rarely consider this sort of application and are probably not aware of the customer dynamic at an adult gambling centre, the applicant stated that:

- on a typical Friday evening, there will be a wide variety of customers; the average customer is male and 40-45 years old, though this varies depending on location and looks slightly different in some city centre locations;
- throughout the day, the clientele tends to be slightly older, with more females earlier in the day, often calling in during a shopping trip; shop workers and shift workers drop in throughout the day and night, and during later hours, people finishing work such as taxi drivers, bar and restaurant workers, and cleaners call in;
- the sort of people who congregate in the churchyard are definitely not Admiral's customer base. It is not a cool venue for teenagers, and people are not allowed to loiter; anyone on the premises is taking part in the activities;
- in most locations, Admiral is a community hub for like-minded people, which grew massively over the Covid period, becoming a touchpoint for older clientele, an enhancement to the high street, and a safe, social environment facilitating low-stakes gambling;
- typical numbers within the premises are low at any one time, from five to 10-12 as a maximum at any one time.

There were no further questions.

The sub-committee adjourned to consider the case.

On its return, the legal officer read the following statement:

## **DECISION**

**The unanimous decision of the committee is to grant the licence as applied for with the mandatory conditions**

There is no reason to refuse the application based on what the sub-committee has read and heard today

The sub-committee has read the report of the licensing team leader, all of the documentation, listened to the oral submissions from the objectors and from the applicant and its representatives

The sub-committee has given due regard to:-

1. The provisions of the Gambling Act 2005 which confer the powers of the Licensing Authority to deal with the application where there is a presumption to permit the application under section 153(1)

2. The obligation to promote the three licensing objectives.
3. The relevant sections of the council's Statement of Licensing Policy and Statutory Guidance.
4. The PSED
5. the fact that there were no objections from any of the responsible authorities, in particular the police in relation to crime and disorder
6. the fact that the applicant is a vastly experienced and responsible operator with a longstanding relationship with the Gambling Commission and very detailed policies, procedures and training in place for its staff

Considering the representations in turn, the sub-committee concluded that:

Number 4: no weight can be applied as it does not meet any of the licensing objectives and gambling is a lawful activity.

Number 3: some weight can be given but the reported crime and disorder has not been evidenced in an objection by the police, and if there is already crime and disorder in the area not associated with gambling, the new adult gaming centre is unlikely to have any impact – it is there irrespective of the gambling. The sub-committee hopes that the applicant's undertaking to add light and CCTV will help alleviate some of the existing crime and anti-social behaviour.

Number 2: some weight is given but there is no reference to any of the licensing objectives.

Number 1: this representation is very well put together, and Members appreciate that the objectors have taken the time to attend and put their objections over carefully and succinctly. However, as crime already exists and has done for a long time, the applicant cannot be blamed for this or expected to solve the problem. The Westminster example is not relevant to this application and was overturned on appeal. Members are sympathetic to the concerns raised but lack the evidence to put any conditions on the licence at this stage.

All parties are reminded of their right to appeal and should there be any new evidence of any additional issues once the business is up and running, the licence can be called in for a review

**5 Briefing Notes**

There were none.

**6 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:** 7 August 2024

**Meeting time:** 18:00-18:45

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**In attendance:**

**Councillors:**

Tabi Joy, Julie Sankey and Dr David Willingham

**Also in attendance:**

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

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## **1 Election of Chair**

Councillor Dr David Willingham was elected as Chair.

## **2 Apologies**

There were no apologies.

## **3 Declarations of interest**

It was declared that Councillors Willingham and Joy attended a site visit along with Councillor Steinhardt (as the reserve for the hearing).

## **4 Determination of a New Application for a Premises Licence**

The Licensing Officer introduced the report as published.

There was one Member question to the Licensing Officer and the response was as follows:

- That the conditions agreed between the applicant and the police are mostly relating to the installation of CCTV.

The objector sent her apologies and sent in a statement which was read by the democratic services officer. The objector made the following points:

- She was concerned that with extended licensing hours this would cause an increase in noise and antisocial behaviour.
- There is quite often large groups at the petrol station at night waiting for their friends who have gone in to the shop and this creates noise.
- The problems that occur at the moment are usually worse in the school holidays and weekends.
- There was a concern that serving hot food will make people go late at night and make more noise.
- The area would not benefit from a late night drinking culture.

The Chair stated that had the objector attended he would have asked her if she had contacted the police with regard to the antisocial behaviour or if she had contacted the Council with a complaint with regard to littering.

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

- The objector could have approached them with their concerns/complaints and they have no record of having received anything, they have not received any complaints at all.
- The property is wholly owned by Asda, they have never faced prosecution in any of their stores under the licensing act, this is due to staff training.
- The shop has traded for 24 hours for approximately 22 years, they have never received any complaints.
- The property is on a main road and currently sells ready meals, household goods and normal convenience store goods.
- They are asking to sell a pack of beers or a bottle of wine.
- The application for late night refreshments is for for the coffee machine. There will be no hot food after 23:00 hours other than coffee.
- There will be full CCTV at the site.
- The company fully trains it's staff in relation to proxy sales.
- Spirits will be sold from the premises but they will behind the counter.
- There will be no split multipacks sold, no individual cans will be sold, they will also not hold hard liquor or anything that will encourage street drinking.
- There is a prompt on the checkout for staff to challenge 25.
- Night sales will be between the hours of 22.00-06.00 and they will be through the night hatch.
- The police have set conditions which the applicant is happy with.
- The applicant offered to meet with the objector, they had hoped that mediation would be an option but it was refused.

The responses to Member questions were as follows:

- There are usually 2 members of staff on duty at the shop, a manager and an assistant, however the night shift is only 1 member of staff.
- There was confirmation from the applicant that the late night refreshment would only be coffee, there are no drinks that are going to be sold that would attract alcoholics and the area that would be used to stock the alcohol is in sight of the cashier.
- There is currently no signage stating that it is a residential area and for patrons to respect their neighbours.
- The protocol if someone who is intoxicated tries to buy alcohol is to refuse the sale and should the customer have driven to the premises then the staff member would notify the police. There is also ANPR on the forecourt.

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

- Would like to add a condition to add a sign stating being respectful of neighbours.
- Confirmation from the applicant that they will action the existing conditions and the new ones.
- A great application and have been reassured that there is a risk assessment in place with regard to race week.
- This is a really good application and all the worst case scenarios have been considered.

The applicant was then asked if they wanted to add anything in the final right to reply, they had nothing further to add.

The matter then went to the vote:

7.4 vote to approve: grant with the additional condition re notice  
3 for – approved.

If there are any incidents the applicants are happy to be contacted at any time, by phone or email.

## **5 BRIEFING NOTES**

There were none.

## **6 Any other items the Chairman determines to be urgent and which requires a decision**

There were none.

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## Licensing Committee – 4 September 2024

### Review of Licensing policy, guidance and conditions for private hire and taxis

#### Report of the Head of Public Protection

**1. Introduction**

- 1.1 The authority is currently consulting on revisions to its adopted licensing policy, guidance and conditions for private hire and taxis.
- 1.2 This report outlines the revised policy proposals for the Licensing Committee to consider these and provide a response as it sees necessary and appropriate.
- 1.3 The Licensing Committee acts as consultee to Cabinet Member on recommendations/responses for the adoption and review of licensing policy. It is with this in mind that the Licensing Committee is asked to consider the policy proposals and provide a response to these.

**Recommendations:**

- 1.4 The Licensing Committee is recommended to:
  - 1.4.1 Note the proposed revisions to the authority’s adopted licensing policy, guidance and conditions for private hire and taxis; and
  - 1.4.2 Provide formal recommendations and/or responses to the Cabinet Member Safety & Communities in relation to the proposed revisions of the licensing policy.

**Implications**

Legal	<b>One Legal</b> E-mail: <a href="mailto:legalservices@onelegal.org.uk">legalservices@onelegal.org.uk</a>
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**2. Licensing policy, guidance and conditions for private hire and taxis**

- 2.1 The substantive existing licensing policy was adopted in March 2018, although has seen a number of minor changes and updates since. A copy of the existing adopted policy is available [on the authority’s website](#).
- 2.2 The licensing policy, as it relates to licensing of drivers and operators, is largely based on common standards for Gloucestershire. This is not the same for vehicle licensing where individual licensing authorities retained their own policies based on local issues and circumstances.
- 2.3 As is outlined below, most proposed changes relate to vehicle licensing matters. Where proposals relate to driver licensing, it is to reflect the recently published Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England.

**3. Proposed Policy Changes**

3.1 The points below summarise the proposals being consulted on by the authority:

- Requirement for drivers of licensed vehicles to display approved information advising passengers how that can submit comments (either complaints or compliments) in relation to the driver or vehicle.
- Technical clarification of the type of DBS checks licensed drivers should apply for when supporting their applications to this authority.
- The frequency of medical fitness assessments to be brought in line with the recommendations of the DfT best practice guidance.
- Clarification on the specification of temporary replacement vehicles.
- Lessening the burden on vehicle proprietors for hackney carriage taximeter tests by reducing the frequency of these tests by proposing to remove the requirement to undertake a taximeter test when submitting renewal applications.
- Lessening the maximum period of time a vehicle test may be carried out before the start date of a new vehicle licence to 1 month. Currently vehicle fitness testing can be done up to 2 months prior to a licence application being submitted. Reducing the requirement to 1 month prior to the licence application is considered more appropriate to promote public safety by ensuring the mechanical soundness and/or safety of the vehicle in question does not deteriorate in the lead up to the application being submitted.
- Clarification of the approved Hackney Carriage roof sign dimensions.
- Implementing a requirement that all taximeters in hackney carriages must be calendar controlled by 1st January 2025.
- Implementation of requirements for a director or person with management responsibility for each PHV operator to have carried out safeguarding training.
- Clarification of the situations where first aid kits and fire extinguishers should be used - where it is safe to do so, and the driver has sufficiently competence to use.
- Implementation of requirement for hackney and PHV proprietors to fit and ensure a card machine or device is available to take card payments, and sanctions for non – compliance without good cause or in certain situations, such as loss of mobile data signal.
- Changes proposed to make the medical exemption process less burdensome, whilst ensuring the system remains robust and is not open to abuse.

**Specific matters relating Wheelchair Accessible Vehicles (WAV)**

3.2 In addition to the more general proposals above, the policy consultation also seeks views on a number of specific matters relating to the licensing of wheelchair accessible (WAV) Hackney Carriages.

3.3 The authority’s previous policy that aimed to ensure a 100% wheelchair accessible taxi fleet was postponed in December 2021 following further consultation with the licensed trade. An interim policy was adopted while a more comprehensive review of the Hackney Carriages fleet’s future accessibility requirements is undertaken in conjunction with work to transition the licensed fleet to a carbon neutral fleet by 2030.

Review of Licensing policy, guidance and conditions for private hire and taxis		
	Page 2 of 4	Last updated 27 August 2024

- 3.4 As part of this comprehensive review, the authority undertook engagement with residents and disability groups. There was a clear response that a mixed fleet was the most appropriate option. Furthermore, the newly published Department for Transport’s “Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England” (November 2023) made clear that a “truly inclusive transport system is one where a mixed fleet is available”.
- 3.5 Considering the above, the authority has taken the view that a mixed licensed fleet with an appropriate mix of WAV and non-WAV vehicles is the correct policy. To this end, the authority is proposing to make the following changes to the current policy, with the exemption as outlined in 3.6:
  - 3.5.1 The authority will only licence new hackney carriages from 1st January 2030 where they emit zero emissions.
  - 3.5.2 The authority will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions.
  - 3.5.3 Where a hackney carriage is currently licensed as a WAV, it can only be replaced with another WAV, that meets the policy criteria.
- 3.6 With effect from 1st July 2025, the only exception will be for vehicle proprietors who can demonstrate to the satisfaction of the Licensing Section that they changed their previously licensed non-WAV for a WAV in the lead up to 31st December 2021 (the postponed policy).
- 3.7 The authority proposes that in such instances, the WAV should continue to be licensed as a hackney carriage vehicle (providing it meets the requirements of this policy) but that the vehicle proprietor concerned will be permitted to licence an additional non-WAV as a hackney carriage. The authority may allow such a vehicle to be licensed as a new private hire vehicle and would exempt it from the relevant maximum age on first licensing.
- 3.8 The proposed exemption exists to recognise that certain vehicle proprietors acted to comply with the December 2021 policy that was postponed and liable to change under this consultation.

**4. Consultation**

- 4.1 The [draft revised policy document is available on the authority’s website for reference](#).
- 4.2 The public consultation is open until 15 September 2024 with consultees able to respond using an online form or a downloadable form that can be sent to the licensing section.
- 4.3 To assist the committee with considering its response, a copy of the downloadable form is attached at appendix 1.
- 4.3 Cabinet will consider the policy proposals and consultation feedback in due course following the conclusion of the consultations.

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**Background Papers**

Service Records

**Report Author**

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Review of Licensing policy, guidance and conditions for private hire and taxis		
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Review of Licensing policy, guidance and conditions for private hire and taxis		
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Consultation on proposals to amend the  
Authority's Licensing Policy, Guidance and  
Conditions for Private Hire and Taxis  
Operating Within the Borough of  
Cheltenham

Cheltenham Borough Council (the authority) has previously adopted a document – the Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating Within the Borough of Cheltenham - that supports the Licensing Authority in carrying out its responsibilities in administering, monitoring, and carrying out enforcement in respect of the taxi and private hire licensing regimes. These responsibilities primarily come from primary legislation, namely the Local Government (Miscellaneous Provisions) Act 1976 and the Police and Town Clauses Act 1847.

As one will note this legislation is quite dated, however the government has produced statutory guidance to support Licensing Authorities in carrying out their functions. The Statutory Taxi and Private Hire Vehicle Standards was published in July 2020, and the authority has previously taken steps to reflect several priorities contained therein.

More recently, the government published an updated version of the Taxi and Private Hire vehicle Licensing Best Practice Guidance for Licensing Authorities in England in November 2023. The authority has considered this best practice guidance in reviewing its existing taxi and private hire policy, and this is reflected in some of the amendments proposed.

This consultation sets out a wide range of proposals with a view to promote the following:

- To ensure that Cheltenham Borough Council licences a mixed fleet of hackney carriages (also referred to as “taxis”), that is to say a good proportion of Wheelchair Accessible Vehicles (WAVs) and non – WAVs. This is in response to feedback through a recent survey that many disabled customers prefer to travel in vehicles without a relatively high step to enter and exit the vehicle and/ or to travel in more comfort, ideally not remaining in their wheelchair (where this is possible).
- To ensure that the authority meets its priorities in respect of vehicle emissions and lowers them further over this policy period, but also confirms the authority’s intention to have a zero-emissions hackney fleet from 2030 and aspires for a zero emissions private hire fleet from that time.
- To continue to reduce or remove unnecessary regulatory burdens on the taxi and private hire trades, where it does not undermine public protection.
- To better target regulation of the taxi and private hire trades. This is in response to a disproportionate number of complaints made by the public and/or more appropriate regulation drawing from best practice elsewhere.
- To confirm certain matters that are effectively outside of the authority’s control and effect the administration or enforcement of the regimes. For example, changes that have happened in relation to the way DBS checks.

### **The Key Policy Principles**

The bullet points below summarise the proposals being consulted on by the authority:

- Confirmation of the existing requirement to display information to make a complaint in licensed vehicles.
- Clarification around DBS checks for new applicants for a driver licence and existing licence holders, namely that only an enhanced level check for ‘other workforce’ will be accepted and that all drivers must subscribe to the update service through the

DBS. Furthermore, that the authority will carry out a check for any changes to such subscriptions on a 6 monthly frequency.

- Medical assessment frequency brought into line with DVLA guidelines for bus and lorry drivers and the frequency reduced – see Annex 1 for details.
- Vehicles – confirmation of the aspiration for a mixed hackney carriage fleet of WAVs and non – WAVs; confirmation that from 2030 only zero emissions vehicles will be licensed as hackney carriages and confirmation that this is the authority's *aspiration* for the PHV fleet; WAV requirements to be relaxed in the hope of seeing more WAV vehicles licensed as hackneys and PHVs; vehicle emissions standards clarified for existing and new proprietors for hackney carriages and PHVs – the standard being Euro 6 or better and phasing out higher emission emitting vehicles.
- Confirmation that WAV hackney carriages licensed as such since first licence must remain as a WAV.
- However, WAV proprietors that changed their vehicle from a non – WAV to a WAV in anticipation of the final implementation date for the then authority policy of 31<sup>st</sup> December 2021 (that all hackneys carriages were being required to be WAV from that date – that was reviewed in September 2021) will be permitted to licence a non – WAV, whilst ideally keeping their WAV licensed.
- Clarification on what vehicles must be provided for a temporary replacement.
- Lessening the burden on vehicle proprietors for hackney carriage taximeter tests by reducing the frequency of these tests.
- Lessening the maximum period a vehicle test may be carried out before the start date of a new vehicle licence to 1 month.
- Clarification on roof sign dimensions.
- Confirmation that all taximeters in hackney carriages will be required to calendar controlled.
- Implementation of requirements for a director or person with management responsibility for each PHV operator to have carried out safeguarding training.
- Clarification of the situations where first aid kits and fire extinguishers should be used.
- Implementation of requirement for hackney and PHV proprietors to fit and ensure a card machine or device is available to take card payments, and sanctions for non – compliance without good cause or in certain situations, such as loss of mobile data signal.
- Changes proposed to make the medical exemption process less burdensome, whilst ensuring the system remains robust and is not open to abuse.

## **Consultation**

The authority believes that the proposals outlined in this consultation document will provide balanced and comprehensive improvement to the way it regulates the taxi and private hire industries.

However, the authority is keen to hear your views on these proposals, and is consulting with the trades it regulates, relevant stakeholders and the wider public.

We will host and facilitate at least 2 public engagement sessions for anyone with an interest in these proposals to attend in person or virtually.

We will also use the authority website to publicise the consultation taking place and our proposals. A pro forma to respond to the consultation will be available on our website and in

paper form available from the authority reception area at the Municipal Offices. In addition, we will discuss the proposals at our trade liaison meetings to explain our proposals.

We will also consult directly with the following:

- The Cheltenham Borough Authority – Licensing Committee
- The local MP
- Glos Police
- Gloucestershire School Transport
- Cheltenham Borough Members
- Cheltenham BID
- Cheltenham Safe
- Disability Groups
- Taximeter calibrators

### **How you can contribute**

To help us consolidate all responses in a meaningful way, we ask you to use the attached pro forma for your responses.

Please note the basic administration elements of the review are not incorporated into ANNEX 1, nor is confirmation of existing controls that are being reaffirmed and nor are the confirmations in relation to DBS checks.

We are focussing the consultation on the substantive elements of this review. Although of course respondents may feedback to us on any matters addressed through the review of the policy or even in areas that we have not discussed, where you believe that we should have put forward proposals.

*For example, the authority is bound by several factors in only being able to accept 'other workforce' enhanced level DBS checks from drivers. This has changed over recent years, but we cannot use any different workforce type on a DBS because our assessment of the driver's suitability for the role is not directly linked to the driver carrying out 'regulated activity' in relation to carrying children and/ or vulnerable adults even though they are very likely to carry out that work – as part of their role as a licensed driver.*

### **Responding to this consultation**

The consultation is open for comments until noon on 30<sup>th</sup> August 2024.

Your comments can be sent to [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk) or in writing to:

Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade  
Cheltenham. GL50 9SA

[Licensing consultations privacy statement](#)

If you have any questions about this consultation, please contact [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk).

### **ANNEX 1**



**Give Us Your Views**

Please use this form to let us know what you think.

Underneath each proposal below please let us know how strongly you support or object to each one by using the scoring below.

*5 = strongly support the idea*

*4 = you generally support the idea*

*3 = you have no view either way*

*2 = you generally disagree with an idea*

*1 = you strongly disagree with an idea*

In addition, please give your reasoning for you taking that position on the issue by using free text in the box provided.

There is also a box for general comments and for you to feedback on anything not otherwise picked up in the form.

**Key Policy Principles****1. Vehicles**

The authority's previous policy that aimed to ensure a 100% wheelchair accessible taxi fleet was postponed in December 2021 following further consultation with the licensed trade. An interim policy was adopted while a more comprehensive review of the taxi fleet's future accessibility requirements is undertaken in conjunction with work to transition the licensed fleet to a carbon neutral fleet by 2030.

As part of this comprehensive review, the authority undertook engagement with residents and disability groups. There was a clear response that a mixed fleet was the most appropriate option. Furthermore, the newly published Department for Transport's "Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England" (November 2023) made clear that a "truly inclusive transport system is one where a mixed fleet is available".

In light of the above, the authority has taken the view that a mixed licensed fleet with an appropriate mix of WAV and non-WAV vehicles is the correct policy. To this end, the authority is proposing to make the following changes to the current policy:

- The authority will only licence new hackney carriages from 1st January 2030 where they emit zero emissions.
- The authority will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions.
- Where a hackney carriage is currently licensed as a WAV, it can only be replaced with another WAV, that meets the policy criteria.

However, please note the exception below:

With effect from 1st July 2025, the only exception that will be permitted is where a vehicle proprietor can demonstrate to the satisfaction of the Licensing Section that they changed

their previously licensed non-WAV for a WAV licence lead up to 31st December 2021, (the postponed policy). The authority proposes that in such instances, the WAV should continue to be licensed as a hackney carriage vehicle (providing it meets the requirements of this policy) and that the vehicle proprietor concerned will be permitted to licence an additional non-WAV as a hackney carriage. The authority may allow such a vehicle to be licensed as a new private hire vehicle and would exempt it from the relevant maximum age on first licensing.

Score	Reasons

2. Medical assessment frequency brought into line with DVLA guidelines for bus and lorry drivers and the frequency reduced, except for drivers over 65 years of age must carry out a medical assessment every year.

The rationale for this proposal is based on the [updated taxi and private hire best practice guidance for licensing authorities](#) that makes this recommendation.

Score	Reasons

*Note - All initial licence applications require a medical assessment by a registered medical practitioner (recorded on the authority's form). The same assessment is required again at 45 years of age and then every 5 years until the age of 65 years of age when they must be provided every year.*

3. Lessening the burden on vehicle proprietors for hackney carriage taximeter tests by reducing the frequency of these tests to initial application, vehicle transfer applications and when the approved schedule of fares is changed by the authority.

We are proposing to remove the requirement to undertake a hackney carriage taximeter test when submitting renewal applications.

Score	Reasons

4. Lessening the maximum length of time a vehicle test may be carried out before the start date of a new vehicle licence to 1 month, this will be the same for temporary replacements, renewals, and replacement applications. Currently there is no such limit for new applications and on renewals the testing can be done up to 2 months before the renewal date. It is felt to be appropriate to have a more recent test carried out before a vehicle licence starts to better promote public safety. Where a test is not carried out for 2 months or more before the licence starts, the mechanical soundness and/ or safety of the vehicle in question could deteriorate over such a period, particularly in the case of vehicles undertaking relatively high mileage.

Score	Reasons

5. Clarification on roof sign dimensions. See page 22 – 23 of draft new policy for detailed dimensions.

Score	Reasons

6. Confirmation all taximeters in hackney carriages must be calendar controlled by 1<sup>st</sup> January 2025.

Score	Reasons

7. Implementation of requirements for director(s) or person(s) with management responsibility for each PHV operator to have carried out safeguarding training of a standard approved by the authority.

Score	Reasons

8. Clarification of the situations where first aid kits and fire extinguishers should be used. That is to say only where it is safe to do so, and the driver has sufficient competence to use.

Score	Reasons

9. Implementation of a mandatory requirement for hackney and private hire proprietors to fit and ensure a card machine or device is available to take card payments, and sanctions for non-compliance without reasonable excuse as outlined in the draft card payment policy. See pages 49 – 50 of draft new policy for details.

Score	Reasons

10. Changes proposed to make the medical exemption process less burdensome, whilst ensuring the system remains robust and is not open to abuse. See pages 69 – 70 of draft new policy for the details.

Score	Reasons

Please let us know your views on the proposals in general terms, anything we have not covered that you believe needs consideration and any other points that you believe are relevant to this review.

Please note your contact details given below will not be shared publicly, but we will include your name and other descriptors referred to below when the authority considers all responses received and determines its final policy.

Name: .....

Email address: .....

If you do not have an email address what is your home/ business address:

The data we capture from these forms will be summarised and anonymised to assist in determining the final proposals to be adopted. The information provided below will be considered as relevant to your feedback, as it helps put your comments into context, which will be important for the authority in deciding the final proposals to go forward and be implemented.

Are you a licence holder with us?

Yes / No

If yes, which licence type(s) do you hold – please tick all that you hold?

- Hackney carriage vehicle
- Private hire vehicle
- Hackney carriage driver
- Private hire driver
- Private hire operator

Do you consider that you have a disability or disabilities?

.....

What type(s) of disability affect(s) you?

.....

Do you use a wheelchair in your daily life?

.....

Do you use an assistance dog in your daily life?

.....

Do you use taxis or private hire vehicles?

Yes / No

If so, how frequently?

- More than twice a week
- Once a week or less

- Once a month or less
- Once every 6 months or so
- Once a year or so
- Very rarely
- Never

Please let us know the main reasons for you using our licensed taxis and/ or private hire vehicles:

Is there anything that would be likely to increase the frequency that use a licensed vehicle?

Please let us know of positive and/ or negative experiences that you have had using licensed vehicles in Cheltenham.

Thank you for taking the time to respond. Your views are important to us, and will be considered prior to us making the final decision in respect of these proposals.

## Licensing Committee – 4 September 2024

### Review of Sexual Entertainment Licensing Policy

#### Report of the Head of Public Protection

#### 1. Introduction

- 1.1 The authority’s Sexual Entertainment Venue (SEV) licensing policy is due for a review. The current policy was adopted by Full Council in July 2020.
- 1.2 The SEV licensing policy sets out the authority’s approach to the regulation of licensed SEVs in the borough including, but not limited to, the considerations the authority will apply when determining applications for licensed SEVs.
- 1.3 This report intends to brief the committee on the current policy position and statutory context, outline the proposed approach to undertaking the review and seek nominations from the committee to participate in the review process as outlined in this report.

#### Recommendations:

- 1.4 The Licensing Committee is recommended to:
  - 1.4.1 Note the current policy on licensed SEVs as outlined in this report at 3.1 to 3.8;
  - 1.4.2 Approve the proposed approach to undertaking the review as outlined in this report at 4.1 to 4.5;
  - 1.4.3 Nominate Members of the committee to participate in the review process as outlined in this report at 4.1 to 4.5;
  - 1.4.4 Delegate authority to the Head of Public Protection, in consultation with the chair and/or vice-chair of the Licensing Committee to produce the terms of reference and other relevant arrangements to facilitate the review process.

#### Implications

Legal	One Legal E-mail: <a href="mailto:legalservices@onelegal.org.uk">legalservices@onelegal.org.uk</a>
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#### 2. Statutory Context

- 2.1 SEVs are regulated under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
- 2.2 Under the relevant legislation above, lap dancing and other sexual entertainment venues fall within two categories, licensed and exempt sexual entertainment.
- 2.3 Premises where lap dancing and other sexual entertainment takes place is exempt from any licensing requirements if, the provision of this type of entertainment, takes place no more than on eleven occasions within the period of 12 months, and no such occasion has lasted for more than 24 hours, and no such occasion has begun within the period of one month beginning with the end of any previous occasion. This is referred to as infrequent sexual entertainment.

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- 2.4 Premises where lap dancing and other sexual entertainment takes place on a more frequent basis requires a licence from the local licensing authority.
- 2.5 The legislation prescribes circumstances where the licensing authority must refuse an application for a SEV licence (referred to as mandatory grounds for refusal). In addition, the same legislation also provides the licensing authority with discretionary grounds for refusal:
  - 2.5.1 that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
  - 2.5.2 that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
  - 2.5.3 that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality; and/or
  - 2.5.4 that the grant or renewal of the licence would be inappropriate, having regard:
    - i. to the character of the relevant locality; or
    - ii. to the use to which any premises in the vicinity are put; or
    - iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 2.6 Nil may be an appropriate number for the purposes of 2.5.3.
- 2.7 Much of the policy issues arising stems from these discretionary grounds for refusal including the authority’s discretion to set a nil limit for the whole borough.

**3. Current Policy**

- 3.1 Much of the authority’s licensing policy follows the statutory provisions. It acknowledges that the authority does not take any moral stand in adopting this policy and that Parliament has made it lawful to operate a sex establishment. As such, these businesses are a legitimate part of the retail and leisure industries. It is this authority’s role as the licensing authority to administer the licensing regime in accordance with the law.
- 3.2 However, the discretionary grounds for refusal does provide the authority with opportunity to sets its own licensing policy around these grounds, most notably in relation to the discretion to adopt a nil limit for the whole borough.
- 3.2 The authority’s current policy position is that, for most of the borough, it has set a nil limit. However, the policy recognises that the “Designated Permitted Area” (as outlined in the policy) offers a unique position and therefore requires a different approach. For this area, the licensing policy is to determine each application on its merits taking into account, for example, properties with sensitive uses or in sensitive locations.
- 3.3 The principal policy issue that generates the most debate and strong feeling surrounds the current policy position not to set a nil limit for the whole borough given that the authority has the discretion to do so.
- 3.4 The authority’s position in relation to the above is that, setting a nil limit for the whole borough will not result in lap dancing and other sexual entertainment not taking place in the borough due to the licensing exemption for infrequent lap dancing and other sexual entertainment.

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- 3.5 The practical implications of a nil limit, whilst the licensing exemption is in place, is that operators will use this exemption to continue to offer lap dancing and other sexual entertainment but with the crucial difference that it will be unregulated which will provide no safeguards for anyone.
- 3.6 Therefore, with the licensing exemption in place, a nil limit is not expected to have a significant impact on the amount of lap dancing and other sexual entertainment. With this in mind, the authority prefers an approach where premises are licensed and therefore regulated to safeguard performers, customers and wider public.
- 3.7 The authority has lobbied Government, the Institute of Licensing and the Local Government Association on the issue and to seek a closure of the licensing exemption loophole.
- 3.8 The policy position as outlined above, and other policy measures, will of course be all subject to review as part of this review.

**4. Proposed Policy Review Process**

- 4.1 The authority is fully aware of the strong feeling, views and opinions on the licensing and operation of SEVs both locally and nationally.
- 4.2 As such, the authority is keen to listen to the broad range of views and opinions on the issue as part of this policy review process.
- 4.3 To this end, the chair and vice-chair of the Licensing Committee has, subject to full committee approval, agreed to hold a number of face-to-face engagement sessions with a range people, organisations and stakeholders at the outset of the policy review. These include:
  - Objector groups;
  - Groups representing women’s interest and safety;
  - Religious group objectors/representatives
  - Gloucestershire Police, Gloucestershire Police and Crime Commissioner, Elected MPs & elected members for the affected wards;
  - Operators of SEVs; and
  - Performers (separate from operators).
- 4.4 As outlined, this report seeks endorsement from the Full Committee on the approach set out above and to delegate authority to officers, in consultation with the chair and/or vice-chair, to produce the terms of reference and other relevant arrangements to facilitate the review process.
- 4.5 The committee can decide how many Members should be nominated and whether the same Members should be present on both sessions. It is important that the nominations are representative, as far as is practical, and Members may wish to consider this when deciding on nominations.

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