

Cheltenham Borough Council Full Licensing Committee

Meeting date: 4 December 2024

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

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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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 - 8)

To approve the minutes of the last meeting held on 4th September 2024

5 Minutes of sub-committee meetings (Pages 9 - 34)

To approve the meetings of the Licensing Sub Committee Alcohol and Gambling held on 4th September 2024 and 2 October 2024 and of the Licensing Miscellaneous 2nd October 2024 and 6th November 2024.

6 Review of previous decisions

7 Local Government Act 1972

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

8 Review of a Hackney Carriage Driver's Licence (Pages 35 - 52)

9 Review of a Hackney Carriage Driver's Licence (Pages 53 - 74)

10 Review of a Hackney Carriage Driver's Licence (Pages 75 - 100)

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

12 Date of next meeting

Next meeting – 5th March 2025

13 Briefing Note - Update on Driver Appeals (Pages 101 - 102)

14 Briefing Note - Response from Home Office to Chair's Letter (Pages 103 - 104)



Cheltenham Borough Council

Full Licensing Committee

Minutes

Meeting date: 4 September 2024

Meeting time: 6.00 pm - 7.00 pm

In attendance:

Councillors:

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

Also in attendance:

Vikki Fennell (Senior Lawyer) and Louis Krog (Head of Public Protection and DEPLO)

1 Apologies

Apologies were received from Councillor Pineger.

2 Declarations of interest

There were none.

3 Public questions

There were none.

4 Minutes of the previous meeting

Minutes for the full committees were approved.

5 Minutes of sub-committee meetings

Minutes from all the sub committees were approved.

6 Taxi Policy Review

Louis introduced the report as published.

Members made the following comments:

- There was a query raised with regard to the consultees that were consulted, as people who need a wheelchair adapted vehicle (WAV) will be very engaged and people who don't need to use a WAV will be indifferent. The Member had reservations about the general access with people that are wheelchair bound. It was confirmed that there had been consultation with the disability forum.
- The draft states that CCTV is to be encouraged in vehicles, what is the reason for it not being mandatory. It was explained that this is an ongoing piece of work and that the matter of making CCTV mandatory will be brought to Cabinet and the Licensing Committee next year.
- There is a mixed fleet in the policy at the moment – saloon vehicles will be phased out eventually, are there plans for the fleet to remain a mixed fleet or will the fleet be fully WAV? The aim is to have the whole fleet as WAVs by 2030.
- There was satisfaction with the safeguarding and DPS part of the policy. It was questioned whether when a driver's DPS is going through and there is an incident would the Council be informed and it was confirmed that the Council would be notified.

The Chair made the point that GLOG (third party checking on behalf of local authorities.) needs to engage re carbon neutral vehicles, It would be advantageous to align across the County. It would also be advantageous to find a reasonable price for processing card payments across the County.

There were no further questions or comments.

7 SEV Policy Review

The Head of Public Protection introduced the report.

The Members made the following points:

- It is really good that SEV's are being regulated. It would be advantageous to talk to organisers re recruitment processes.
- It would be a good idea to check with the venues that health and safety procedures are being followed.
- The committee has previously taken evidence from a performer and that has proved helpful.
- Public Protection do an outstanding job. It needs to be noted that one of the venues has 14 door staff to assist them during the operation of the SEV which is above and beyond what is required.
- There was a concern that the populous of Cheltenham does not understand the operation of SEV's there needs to be more publicity that Cheltenham are doing the right thing.

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- It is welcome that GDAS and GRASAC are being invited to take part in the consultation.
- The council has to show that they are genuine in their consultation, there was confidence that officers and Members will approach the matter properly.
- The committee will need a calm and informed debate using no pejorative language, the sex of the performer nor the sex of the audience should be specified.
- The Chair offered to write to the Home Secretary with regard to the challenge that we have in Cheltenham. Previously wrote in 2020 to the previous Home Secretary.

The committee were then asked to volunteer to be on the consultation panel for the policy. Councillor Wheeler and Councillor Joy volunteered alongside Councillor Willingham and Councillor Boyes.

8 Review of previous decisions

There were none.

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

There were none.

10 Date of next meeting

The next Full Committee will be held on the 4th December 2024.

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Cheltenham Borough Council

Licensing Sub Committee-Alcohol and Gambling

Minutes

Meeting date: 4 September 2024

Meeting time: 18.00 – 19:15

In attendance:

Councillors:

Dilys Barrell, Dr Steve Steinhardt and Dr David Willingham

Also in attendance:

Vikki Fennell (Senior Lawyer) and Louis Krog (Head of Public Protection and DEPLO)

1 Election of Chair

Councillor Willingham was elected Chair of the committee.

2 Apologies

There were no apologies.

3 Declarations of interest

There were none.

4 Bargain Booze Review

The Head of Public Protection introduced the report as published.

The Members were then given the opportunity to ask the officer questions. The responses were as follows:

- The authority is not the enforcing authority for the sale of tobacco.

- A suspension would have to be for a specific purpose, the decision needs to be made in line with the licensing objectives.
- There have been no complaints from the licence holder to the authority or the police with regard to anti social behaviour.

There were no questions from the police.

The licence holder's solicitor stated that he had only been given the case at the last minute and asked if the committee would consider looking at the amended conditions he had copies of. He was informed that he would have the chance to address the committee and the proposed conditions were circulated to the committee and officers with the legal officer's permission.

The police officer then addressed the committee. His report was as published. He made the following additional points:

- Within a 3-month period alcohol has been sold to minors twice by the DPS. One of those occasions was part of a police operation.
- The licence holder has been asked on several occasions to mend their CCTV.
- One of the underage purchases that was made caused the buyer to be unwell and his parents contacted the police and provided the details of the purchase.
- The licence holder, who is also the DPS has repeatedly had non-working CCTV and has had numerous warnings.

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

- They have now been told that if a person looks underage then they must ask for ID. There have been no other incidents reported to the police since they have been told to ask for ID.
- the DPS was very open when she received a visit from the police. There is possibly a lack of understanding and knowledge.
- The police officer confirmed that they would be looking for the DPS to be removed and another appointed, online training would have to be completed and the new DPS would have to have training, 2 months would be a sufficient suspension as this would cover the training.
- There have been no complaints made to authorities with regard to anti social behaviour.
- The incident log will record both physical and emotional abuse.
- If there is any anti-social behaviour then the best person to contact is the police.

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

- If the licence was revoked then the current licensee would be homeless.
- The solicitors provided new conditions for example: ensuring CCTV is working at all times, there will be clear signage with regard to respecting neighbours, no one who is intoxicated will be served, the Challenge 25 posters will be displayed, there will be staff training and a refusal book,

- A month suspension is enough to make the changes and to get a new DPS in place.

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

- The solicitor appointed undertook to ensure that the changes happen (now they have been appointed)
- With the solicitors help the application for a new DPS should go through smoothly.
- The licensee will remember it is illegal to sell to under 18's.

The Members then went into closed session to form the decision.

The decision was made unanimously with the revised conditions that the licensee solicitors proposed.

The licence will be suspended for a minimum of 2 months and until there is a new DPS and the new training has been undertaken.

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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Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 2 October 2024

Meeting time: 4.30 pm - 6.20 pm

In attendance:

Councillors:

Angie Boyes, Simon Wheeler and Dr David Willingham

Also in attendance:

Vikki Fennell (Senior Lawyer), Louis Krog (Director of Public Protection)

1 Election of Chair

Councillor Boyes was elected to chair the meeting.

2 Apologies

There were none.

3 Declarations of interest

There were none.

4 Determination of Application for a Premises Licence

The Head of Public Protection introduced the report.

In response to Members' questions, he confirmed that:

- neither the police nor any local residents have objected to the application. The only relevant objection comes from the council's environmental health team;

- if the committee is minded to grant the licence, the licensing objectives set out on Page 21 of the report will be reviewed and rephrased to ensure that they are all enforceable.

The applicant's solicitor said his primary question was what aspects of the building did environmental health officers consider to be inappropriate for the granting of a licence; the Head of Public Protection said this would be explained in their representation.

Comments from Environmental Health Officer

The Chair invited environmental health officers to present their objections to the application. The following concerns were highlighted:

- officers propose that licensable activities should cease at midnight, in pursuance of the licensing objective to prevent public nuisance;
- the premises are situated in a mixed-use, town centre area, with two residential blocks to the rear and further flats adjacent on Imperial Square. Residents will have direct sight lines into the premises, specifically the proposed conservatory. With single-glazed windows and minimal insulation, any late-night noise in the area is likely to cause disturbance;
- the existing licence of Pizza Express, transferred to the new owners, permits alcohol sales until midnight Monday-Saturday, and until 23.30 on Sunday; Settebello is seeking longer and later hours for supply of alcohol and live and recorded music, including in the conservatory which will provide very little noise attenuation;
- environmental health officers consider permitting licensable activities until 2.00am and closing at 2.30am is likely to cause a public nuisance and potential disruption to nearby noise-sensitive residential homes. Background noise in the area drops well before 2.30am, and most people are likely to be asleep at that time. Protection of local residents from noise at this time is supported by guidance in the 2003 Licensing Act, and will be best achieved by limiting the hours of licensable activities;
- officers have proposed timings for licensable activities that they consider suitable for this type of business - which is advertised as a cocktail bar and restaurant, with the emphasis on dining, not on late-night drinking and music. This view is supported by the business model for Settebello in Gloucester Quays, which is licensed until 23.00 Monday to Saturday and until 22.00 on Sundays;
- the police licensing officer has put forward a condition to ensure there will be no dancing within the premises when licensable activities are taking place, which supports environmental health officers' view that the premises is primarily a restaurant;
- in addition, the hours proposed by officers are based on those granted to Sef Steakhouse opposite in June 2022, although the opening hours of this very similar business demonstrates that it does not use all its permitted hours for licensable activities;
- although other premises in close proximity, such as Imperial Haus cocktail bar, hold premises licences for later activities, these predate the new Licensing Act and were therefore transferred without consultation; they do not set a precedent as premises licence applications are considered on a case-by-case basis;

- the majority of events at Cheltenham Town Hall end by 22.00, occasionally extended to 23.00, but even allowing 30 minutes for customers to leave the premises, the full permitted licensing hours are not utilised, and there are very few noise complaints in the area;
- there is scope under the Licensing Act for Settebello to apply for an occasional extension to the hours proposed by officers, by utilising the 'non-standard timings' on their licence, or applying for a temporary event notice (TEN). This simple option offers the opportunity to operate for longer hours at agreed times of year, such as Christmas, New Year's Eve, and Race Week.

In conclusion, the professional view of officers is that the hours they propose are more suitable for the noise-sensitive receptors in the area and the advertised business type, and comply with legislative guidance which states that the approach of licensing and responsible authorities should be one of prevention.

Questions

In response to Members' questions, environmental health officers confirmed that:

- a temporary event notice can last up to seven days, and can be applied for at key times in the year;
- the environmental health officers both have BSc degrees, one has a Masters, and both are registered with the Chartered Institute of Environmental Health;
- the main impact of any noise would be on the residences in the same row;
- although conditions can be useful as a means of control, the terminal hour is the best way to control noise and public nuisance;
- officers are concerned about the combined impact of late-night music and intoxicated people – statutory nuisance is measured by officers, not by decibels, and neither is current legislation governed by decibels.

The applicant's legal representative thanked Members for raising some of his concerns in their questions, and asked officers for information about any recent incidents in the area, saying the police licensing officer had not been able to provide any data. He said that the applicant has offered for live music to end at midnight rather than 2.00am during mediation – an offer which still stands – but the bar only holds 34 people, the restaurant is over three floors, and there is no proposal to have live music in the conservatory. The business is a trattoria with background music, not a live-music, late-night dance venue.

In response to Members' questions, he confirmed that:

- the music will be background only, similar to that found in continental venues;
- the applicant would be prepared to terminate live music at midnight.

The Head of Public Protection confirmed that recorded music would not be licensable if it is incidental background music.

The applicant's legal representative reiterated that the intention is not to create a live music venue, but to have the option for an occasional live singer or guitar player, as in the Gloucester restaurant; this would be unamplified if required.

The applicant's legal representative was invited to make their submission. He said the applicant has had a personal licence for the last 15 years, and his high-quality restaurant will have a relaxed ambience which will not encourage loud music. Belgrave House is a solid stone building with curtains at all windows; the applicant has spent a huge amount of money refurbishing it and wants the restaurant to fit in and be a success. There will be door supervisors during raceweek and for other events, and no room for large groups. The business opposite is licensed to 02:00, and he is asking the committee to accept that the nature of the business will not encourage loud music. The hours requested will give flexibility as unfortunately it can be difficult to get the timing right when applying for a the TEN process and book live music.

Debate

In debate, Members made the following points:

- these are high-class premises, and the intention is clearly to use music to create an ambience which will enhance the dining experience. A condition restricting amplified music after midnight could be added, which seems reasonable, particularly as background music can be played without any licence;
- there are noise-sensitive premises in the area, and council policy suggests 01:00 as the terminal hour with later hours as an option during raceweek, for example, when the town is particularly busy; going beyond this as a general rule seems excessive for a restaurant;
- 131 The Promenade has issues with noise and there are other night-time venues close by;
- there needs to be good reason to deviate from the policy; the environmental health officers are experts in their field, and weight should be given to their opinions. Prevention of public nuisance is paramount, and although this appears to be a well-run business, and there are currently no police or resident objections, it may be best to stick with 01:00 as the terminal hour, with live music ceasing at midnight;
- there could be objections to a TEN, from the police or environmental health officers, in which case it would be referred to committee;
- the issue isn't the sale of alcohol, although a condition requiring drinking-up time by 02:00 could be included; the issue is whether live entertainment should cease at midnight or 01.00pm;
- providing neighbours with contact details for the designated premises supervisor is a good idea;
- it is important to include the standard condition for recycling, as the noise from this is invasive and disturbing;
- a condition for closed windows and doors also seems appropriate here;
- if live music won't be amplified, will end at midnight, and will not take place in the conservatory, the question is how to deal with recorded music: environmental health officers suggest a midnight limit, policy seems to suggest 01:00 and the applicant has asked for 02:00.

The Director of Public Protection said the committee has discretion to have this discussion, and non-standard timings can be added to the premises licence; if not, the applicant will need to apply for a licence variation at a later date.

The Chair gave the applicant the final right of reply; he confirmed the following points:

- if music is confirmed, there will be no live music in the conservatory;
- there will be no live amplified music after midnight;
- there will be no recorded music after 01:00;
- ambience is the primary concern;
- regarding alcohol sales, this is a new business, the applicant needs to compete and is looking for a level playing field. Unlike 131 The Promenade, the building is entirely enclosed with no outside activities and the cocktail bar is limited to 34 people;
- the applicant is looking for flexibility. Cheltenham is multi-cultural, and it is normal for people to dine later than they used to. A terminal hour of 02:00 is a reasonable compromise, but the applicant will be happy to consider 01:30, and would prefer to agree non-standard timings than need to apply for TENs;
- there might be an occasional disturbance, but the applicants will manage their business professionally

Decision

Members adjourned to consider the application, and took the following issues when making their decision:

- the licensing act, statutory guidance and the council's licensing policy;
- environmental health officers have objected to the application because it is their professional and expert opinion that it will cause a nuisance to noise sensitive premises and in close proximity to residences;
- the committee understands that the prevention of noise nuisance is better than the matter coming for a licence review before a sub-committee;
- the business is a high-class restaurant, not a nightclub, and music will be commensurate to the food and ambience it is providing;
- the applicant has offered to have no live music in the conservatory and no amplified music after midnight – this is to be conditioned;
- in view of potential noise disturbance, a condition for recycling is also requested, to be limited to 07:00 – 21:00;
- the building is enclosed and there are no external activities; the committee would request a condition requiring all windows and doors to be kept shut after 23:00 when any regulated entertainment is taking place;
- neighbours should be provided with contact details for the designated premises supervisor so that they can be contacted directly in the event of any noise issues;
- a sign requesting that patrons leave quietly is requested.

Members understood the objection from environmental health officers, but felt it would be unreasonable not to grant a licence to 02:00 given that this was granted by the committee to very similar premises directly opposite just under a year ago.

They therefore voted unanimously to grant the permission as requested, with conditions offered and their additional suggested conditions included. The Director of Public Protection advised the parties that there was a right of appeal to the local magistrate's court within 21 days of the decision.

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: 2 October 2024

Meeting time: 3.00 pm - 4.20 pm

In attendance:

Councillors:

Dilys Barrell, Angie Boyes, Simon Wheeler and Dr David Willingham

Also in attendance:

Vikki Fennell (Senior Lawyer)

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 Local Government Act 1972

The Members 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:

Paragraph 1; Information relating to any individual

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

Carried unanimously.

5 Determination of Application for a Personal Licence

The matter was discussed and debated by Members.

Their decision was made to grant the personal licence and the applicant was to be notified of the decision within 5 days of the meeting.

For: 2

Against: 1

Granted.

6 BRIEFING NOTES

There were none.

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

There were none.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 2 October 2024

Meeting time: 18:30

In attendance:

Councillors:

Angie Boyes, Helen Pemberton, Julie Sankey, Simon Wheeler and
Dr David Willingham

Also in attendance:

Louis Krog (Head of Public Protection and DEPLO) and Vikki Fennell (Senior
Lawyer)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Application for a Hackney Carriage Vehicle

The Licensing Officer introduced the report as published.

In response to a Member question it was confirmed that the Council is moving
towards a more mixed vehicle fleet.

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

- He has been a driver for Cheltenham Borough Council for 15 years.

- There were financial issues with him getting a WAV and he had been struggling with it.
- His car was very uncomfortable.
- When doing airport transfers a WAV is not suitable.

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

- The uncomfortable seats in the vehicle have given him sciatica, he has no real problems now with his private hire vehicle.
- The driver stated that he did not know that the policy had changed until other people had changed their vehicles.

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

- The drivers health condition has improved since he has been driving a private hire.
- It seems rational to allow the non WAV vehicle as the policy is in the middle of being changed.
- We have recently dealt with a similar case and granted it so there does not seem to be a reason to not grant this application.

The applicant was then given the final right of reply where he commented that he has a much more comfortable vehicle with heated seats. He also has received massage treatment for his sciatica.

The matter then went to the vote on 1.4.1 – to grant
5 in favour to grant (unanimous)

4 Local Government Act 1972

Voted unanimously to enter exempt session.

5 Review of a Hackney Carriage Drivers Licence

The driver asked for an adjournment due to his lack of legal representation.

The committee considered the Human Rights Act and the offence that had been committed.

After much discussion and debate it was agreed to go to the vote to suspend the drivers licence with immediate effect until the next committee when he can bring legal representation.

For: 5

Against: 0

6 BRIEFING NOTES

There were none.

7 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: 6 November 2024

Meeting time: 6.00 pm - 8.25 pm

In attendance:

Councillors:

Dr Helen Pemberton, Julie Sankey, Simon Wheeler, Dr Steve Steinhardt and Dr David Willingham

Also in attendance:

Louis Krog (Head of Public Protection and DEPLO) and Vikki Fennell (Senior Lawyer)

1 Apologies

Apologies were received from Cllr Boyes and Cllr Steinhardt attended as a substitute.

2 Declarations of Interest

Cllr Sankey declared a personal interest as she knew one of the speakers.

3 BRIEFING NOTES

The Chair addressed the committee with regard to the letter that he sent to the Secretary of State (that has been published as part of the agenda) on behalf of the committee. He confirmed that as at the time of the meeting he has received no response.

4 Application for a Renewal of a Sexual Entertainment Venue Licence

The Head of Public Protection introduced the report as published.

There were no questions either from the Members or the representatives who were speaking on the application, both in favour or objectors speaking against.

One of the objectors addressed the committee stating that she had an exchange with the licensing team the day before the committee and had raised concerns about the late delivery of the disclosure from the applicant. She stated that it was unfair that the evidence was only put in at the last minute. She requested that the hearing adjourned so that the objectors can respond appropriately.

The Head of Public Protection confirmed that the applicant had complied with the requirements of submitting the information within 2 days of the hearing. In the interest of fairness the applicant was asked to respond, although it was deemed to be perverse to defer when the applicant complied with the Councils requirements.

The barrister on behalf of the applicant stated that this is an administrative hearing where you have an application and they have responded to the objections within the time frame and as the applicant that they get the last word. The article 6 rights are covered and it seems a dreadful waste of peoples time and money to adjourn. The Members of the committee were then asked if they had read the information.

The Chair confirmed that he had read the papers and didn't find it excessively long and was not minded to adjourn. The other Members on the committee confirmed that they had all read the papers – ranging from retired Members and Member who works full time. The matter went to the vote and the Members voted unanimously to proceed.

There were 6 speakers in objection and 1 speaker in support. Members asked questions after each speaker. Speakers were reminded to be courteous with their language.

The first speaker was objector 35, they made the following points:

- With reference to touching - the licences issued in Cheltenham contain conditions 18-25 prohibiting touching between performers and between performers and customers. These are good conditions and essential for the regulation of SEV's and protects the performers and customers.
- Despite the above conditions during March race week there was touching observed by police and council officials at Under the Prom and a written warning was issued to the licence holder. Touching was also observed at Moo Moo who operate under the exemption.
- With regard to condition 25 a variation has been requested appearing to ask that sexual or simulated sexual activity between performers outside of the performance area be permitted. Given the breaches that occurred in March any variation of this condition does not seem justifiable.
- Currently the licence stipulates that signage has to be erected and moved within 20 minutes of opening and closing, they are now asking for a 60 minute

window which seems too long. The objector felt that there were no exceptional circumstances that justified that amount of time.

- With regard to the opening hours the objectors could see no reason for these to be as early as they are (opening from 6pm).
- In conclusion the objector asked the committee to amend the following: 1) performers are not permitted in booths as it is evident that the non touching condition is not being complied with, 2) Opening hours revert to 8pm as in the Councils policy, 3) The condition in relation to signage is amended to reflect that it applies to all signage in the vicinity of the premises, 4) That the variation requests in relation to condition 25 and the special condition in relation to signage are refused.

Objector number 46 (on behalf of GRASAC) then addressed the committee and made the following points:

- That although part of the disclosure that was provided referenced that they provided material to the venue it did not mean that they in anyway condoned the licence application.
- In 2021 the Council's own research found that 75% of women do not feel safe in Cheltenham during race week. The women employed at the venue may feel safe but women do not feel safe enough to walk through or go out in Cheltenham during race week. This does not seem to fit with the Councils public sector equality duty.
- The Interim Chief Constable of Gloucestershire has declared violence against women and girls a national emergency.
- A study has shown that "Men who viewed women as sex objects had attitudes more supportive of violence against women."
- Approving the suggested conditions, particular those relating to touching is not taking the concerns about safety seriously.

The Chair asked the objector that could the figure (that is not much higher than the figures when it isn't race week) of women not feeling safe during race week be due to the fact that there is a lot of intoxicated people in the town rather than the fact that there is an SEV in town. The objector responded that the point she was making was based on studies that have been done on the issue.

The next objector to address the committee was number 59 in the representations and a trustee and elder of the Baptist church. He made the following points:

- That he was at the committee to represent the congregation of the church and other people around the area.
- He expressed his sadness at having to attend the committee to discuss an SEV again.
- There was a lot of hurt expressed that the Council might allow an SEV opposite the church.
- The church fights for marriage and a secure home life, they are faced with something that is designed to undermine the sanctity of marriage which is wholly inappropriate and makes the area a no go area.

- The Church feel like they are unequal citizens to a town which they have served for over 180 years.
- The written submission gives clear and actionable reasons for 4.5d and 4.10 a-d to refuse this application and any future applications.
- To refuse would require bravery and fortitude and determination which is at the heart of being a councillor.
- The church urged the committee to make a bold decision and send a new message and bring hope to the town,

The responses to Member questions to this objector were as follows:

- The clubs at the church meet between 5 & 6 and 7 & 9 on more than one day a week.
- People access the church from both the Rodney Road entrance and the Cambray entrance.
- If the Cambray entrance is used you will see people who are the clients of the SEV.

Objector 60 addressed the committee and made the following points:

- As discussed in previous meetings there needs to be a change in the law, the objector thanked the committee for the letter that was sent to the Secretary of State on behalf of the committee.
- There was a request that the Council should enforce standards.
- The point was made that females feel intimidated in the vicinity of SEV's.
- There should be no form of soliciting, especially leaflets.
- The document provided by the applicant states that the performers don't use the vehicle but would like to know the proportion of performers who do use the vehicle.

The response to a Member question was as follows:

- The leaflets contents should be within the regime, they are fairly basic at face value. The applicant will need to apply for a new permit for leaflets.

The next objector number 45 addressed the committee and made the following points:

- She stated that she wanted to oppose the application as she was a Christian, woman, mother and a children's worker at the church.
- The genre of the business has caused disruption and bad behaviour has been witnessed by children at the church. It remains unacceptable to have this behaviour.
- The antisocial behaviour was witnessed by church attendees. It is unacceptable to subject others to this type of behaviour.
- The SEV devalues women and girls causes great concern within the community.
- There is an increased perception that women feel unsafe in Cheltenham particularly during race week.

The responses to Member questions were as follows:

- The proof that the antisocial behaviour was from the SEV was that adults and children from the church saw it happen.
- As part of the Christian faith she has the view about the acts taking part in the venue. Christians should have the freedom to study their faith and not witness what is going on outside.
- The police were called when there was the antisocial behaviour outside the property.
- Religious beliefs are close to moral grounds – so that cannot be used as a reason to not have an SEV.

Objector 96 then addressed the committee and made the following points:

- More and more people are joining the dots between the sexual objectification of women which underpins the sex trade.
- There was disappointment that the Committee have not given detailed consideration as part of their Public Sector Equality Duty to the sex based equality raised by objectors.
- There is more than sufficient evidence to show how strip clubs impact on the wider community.
- Disappointed that there was a request for a change in conditions, this should not be allowed.

The responses to Member questions were as follows:

- It is mainly women who work in the club and is being marketed to male clients. The poster talks about gentlemen treating ladies with respect, therefore transgender does not seem to be relevant in this application.
- There is respect for women's choice however women need to be protected.
- Whether a premises operates under the exemption or not there is no safe way for an SEV to operate.

The supporter representation number 8 addressed the committee and made the following points:

- She has worked with Eroticats since the beginning as both a performer and a senior house mother.
- The company takes the safety of the women very seriously and she works alongside a well-run operation.
- Wants to make sure that visitors to the SEV have a positive experience as well as the performers.
- The same performers attend every year,
- She stated that she feels unsafe in Cheltenham and that is not the applicants fault.
- They spend hours getting performers home either in the mini bus or taxis.

The responses to Member questions were as follows:

- She confirmed that she has received no legal training, but reads all the documents that are provided.
- She stated that a house mother should have been a performer before as they know the procedure and the problems that can crop up.

- She explained that as the house mother she deals with everything – shows performers round, explains the rules, checks all documentation, if anything happens during the evening she is responsible for dealing with the issue.
- She took the opportunity when questioned to state that working under a licence is better than working under the exemption, the performers at least will know what they are coming to each time.

It was then the applicants barrister's opportunity to address the committee, he made the following points:

- He stated that it was helpful to hear from everyone but as had been pointed out by officers it is a strict legal regime and the factors the committee are considering are discretionary as none of the mandatory grounds to refuse were invoked.
- They have heard a lot of passionate feelings in regard to religious views, there also seems to be an assumption that certain individuals are in a better place to speak for the good of the town. What we are trying to do is engage balance.
- This is an application for a renewal, the SEV has been operating from the premises for 2 years already, but the operator has been in business since 2012.
- Adults find SEV's entertaining, and they should be allowed in the town on the odd occasion.
- On the evening of the committee the Dream Boys were operating at the Town Hall under the exemption. They are being advertised as unadulterated pleasure, stripped back and where desires come alive. There is also touching encouraged at this event.
- There is a balance in life, some people might want to pray whilst others may want to go into a venue and be entertained by dancers.
- The Council asked Eroticats to find a venue and stick to it, that has been done at the Council's request and now the applicant is being criticised for it.
- The applicant is asking for 16 occasions a year by doing this they are sacrificing operating in an unregulated way in order to engage.
- The applicant is investing in CBC, there is nothing secret, sordid, or inappropriate in what we are asking to do. This is a lawful activity being carried out in the way that we have been asked to do it.
- The application has been matched to the race days and the opening hours are in line with the last race finishing on the Friday. 18.00 and 20.00 on a Friday.
- It was discovered previously that opening at 18.00 meant that the churn would be less obvious from the outside, the barrister also stated that he was fascinated to know what an SEV customer looks like as they are just normal people.
- The advertising does not offend as they have reached an appropriate compromise which is an innocuous flyer advertising a bus not lap dancing.

- The 20 minute timescale for the banner is too tight, the reason for this is that the staff have to go up onto a narrow balcony, the increase in time is to help keep the staff safe.
- The private dances happen in designated areas.
- There are minor items of housekeeping that reflect the regulatory concerns of the police and local authority.
- There is no issue with the applicant himself, he is a Cheltenham Safety Representative.
- There were representations from staff who felt safe in a well run regulated environment. Patrons also made the same representations saying that they enjoy themselves and choose to go back.
- It is a well run well regulated premises that 3 separate security companies have commented on the safety of.
- The premises is within the designated area.
- The committee were happy to grant a licence in 2022 & 2023 so what has changed? The operation and the location have not changed. Your legal advisor will tell you that it would be inappropriate to be inconsistent with the Council's approach.
- The police have not objected to the application and they are experts in ASB.
- The committee asked the performer if there was anything else that CBC could do to make it safer and the performer stated that there was not.
- It was the first time that the barrister has had a Chair write to the Home Office and was praised for taking a bold step to engage.
- If the application is granted – it will be granted with a clear conscience and know that they will be back next year.
- The hours have been agreed by the police.
- No one has suggested something useful other than shutting down.
- The barrister ended by commended the application to the committee as requested with the amendments.

The responses to Member questions were as follows:

- With regard to the booths, the patron is one end of the booth by the wall and the performer is by the curtain that is see through and someone patrols the area at all times.
- There is lots of training given with regard to soliciting individuals to get people to attend the club. They look to older people as they have deeper pockets.
- It is purely practical to ask for extended hours to give them maximum flexibility.
- With regards to the bus it picks people up to take them to the venue and is also used to make sure the performers are safe – customers and performers are never in the bus together at the same time.
- The performers don't always use the transport provided , they are adults who come and go into the premises dressed in their civilian clothes. They can't be forced to go home a certain way.
- There has been no change in booth size since the last application.
- There was a female clergy who used to visit the SEV's but she no longer does.

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

- There are 2 main considerations safety and security of those in the venue and patrons. The house mother is happy that the performers are well looked after. If the patrons aren't happy they will not attend the club.
- The other consideration is the general public who were represented by the objectors. I think that is important having the conditions on the licence and the comments made by the applicant to ensure that the business is held within the building and every effort is made to prevent any spill out of the building to effect the general public.
- Someone walking by at night might just think that the building is one of the many pubs or clubs that are in Cheltenham.
- Thought that the signage on bus is not that offensive either.
- There was appreciation for the fact that women do not feel safe at night.
- The committee doesn't really have a choice other than to grant the application until the government does something about the exemption.
- Have to disregard any moral arguments that you might have as this is not a reason to object.
- There is obviously a loop hole with regard to the pop up operations and a licensed venue. The feeling was that it is better to licence an SEV rather than they operate under the exemption.
- There was thanks to everyone who took part in the committee.
- Reassured that the applicant has taken every step to ensure everyone's safety.
- Parliament has said that this is a legitimate business and it can advertise, there are regulations in place to minimise offence as best it can be.
- Until the government decide to review the situation it is hard to see how it would be safer for anyone if the SEV was in a different location every night.
- With regard to the opening hours, people can leave the racecourse and go straight into the venue rather than congregating on the street.
- With regard to the Public Sector Equality Duty, religion and beliefs, no one is being prevented from practising their faith and freedom of expression also includes freedom to offend.
- Under the exemption people have been clearly visible from the doorway, with a licence this is a condition and will not happen.
- The Equality Assessment shows a lot of what the committee has to consider, the Public Sector Equality Duty does not mean that the application should be refused.
- Those in support have addressed the good character of the applicant.
- The venue is within the permitted area as per the policy.
- The only grounds to refuse the application are under section d, it is irrational for the Council to say that an SEV in the area is not allowed and then male performers are allowed at the Town Hall which is out of the permitted area.
- It was stated that it would be very difficult for the committee to refuse the application.
- With regard to taking down the banner, it is better to have a condition that is enforceable and workable rather than an exact amount of time.

It was then the applicants right of reply – they had nothing else to add.

The matter went to the vote:

For: 5 UNANIMOUS

-

5 Local Government Act 1972

This vote was not taken to enter exempt session as the matters that were due to be heard at the committee were deferred at the request of the legal representatives to the next committee in December.

6 Review of Hackney Carriage Drivers Licence - deferred

This item was deferred to the Full Committee in December.

7 Review of Hackney Carriage Drivers Licence - deferred

This item was deferred to the Full Committee in December.

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

There were none.

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Home Office

Jess Phillips MP
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Chair of Licensing Committee
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GL50 9SA

DECS Reference: MIN/1208527/24
Your Reference: 2024-10-03 LGMPA1982 SEV

25 November 2024

Dear Councillor Willingham,

Thank you for your letter of 3 October to the Home Secretary on behalf of Cheltenham Borough Council's Licensing Committee about sexual entertainment venue licensing. I am replying as the Minister for Safeguarding and Violence Against Women and Girls.

Thank you for sharing your experiences of the licensing regime in Cheltenham. I am grateful for your detailed description of how it is operating in practice.

As you note in your letter, the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, sets out the licensing requirements for sexual entertainment venues (SEVs), and the legislation excludes certain premises from requiring a license, including where relevant entertainment takes place infrequently and for a relatively short duration. As you recognise, this is intended to provide both local areas and local businesses with some flexibility.

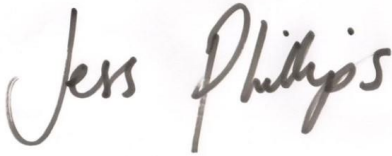
Where a local area has concerns about anti-social behaviour, including in relation to events, as you may be aware, the Anti-Social Behaviour, Crime and Policing Act 2014 provides the police, local authorities and other local agencies with a range of flexible tools and powers that they can use to respond quickly and effectively. These tools and powers can be deployed depending on the specific circumstances and taking into account what is driving the behaviour in question and the impact that it is having.

More broadly, the Government has committed to halving violence against women and girls in a decade. We will do everything in our power to achieve this, overhauling every aspect of society's response to these devastating crimes and using every tool available to target perpetrators and address the root causes of abuse and violence.

While the Government does not have any current plans for a formal review of the licensing regime, we will keep it under review as part of our wider work to ensure that local people are able to contribute to the development of their community and our Safer Streets Mission.

Thank you again for writing to the Government on this issue.

Yours sincerely,

A handwritten signature in black ink that reads "Jess Phillips". The signature is written in a cursive, flowing style.

Jess Phillips MP
Minister for Safeguarding and Violence Against Women and Girls