

Cheltenham Borough Council Cabinet

Meeting date: Tuesday, 16 September 2025

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillors Victoria Atherstone, Paul Baker, Flo Clucas, Mike Collins, Rowena Hay, Peter Jeffries, Alisha Lewis, Izaac Tailford and Richard Pineger

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SECTION 1 : PROCEDURAL MATTERS

1 Apologies

2 Declarations of interest

3 Minutes of the last meeting (Pages 5 - 18)

Minutes of the meeting held on 15th July 2025

4 Public and Member Questions and Petitions

Questions must be received no later than 12 noon on Friday 5 September

SECTION 2 :THE COUNCIL

There are no matters referred to the Cabinet by the Council on this occasion

SECTION 3 : OVERVIEW AND SCRUTINY COMMITTEE

There are no matters referred to the Cabinet by the Overview and Scrutiny Committee on this occasion

SECTION 4 : OTHER COMMITTEES

There are no matters referred to the Cabinet by other Committees on this occasion

SECTION 5 : REPORTS FROM CABINET MEMBERS AND/OR OFFICERS

5 Civil Penalty Notice Policy under The Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 (Pages 19 - 48)

Report of Cabinet Member for Housing and Customer Services, Councillor Flo Clucas

6 Tenant and Leaseholder Voice Plan (Pages 49 - 74)

Report of Cabinet Member for Housing and Customer Services, Councillor Flo Clucas

7 CBC Housing Service - Tenancy Policy and Decant (required move) Policy (Pages 75 - 118)

Report of Cabinet Member for Housing and Customer Services, Councillor Flo Clucas

8 Notification of decisions made by the Community Infrastructure Levy (CIL) Joint Committee (Pages 119 - 130)

Report of the Leader, Councillor Rowena Hay

9 Revisions to Sexual Entertainment Venue Policy (Pages 131 - 326)

Report of Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

10 General Fund and Housing Revenue Account Budget Monitoring Report Q1 2025-26 (Pages 327 - 346)

Report of the Cabinet Member Finance and Assets, Councillor Peter Jeffries

SECTION 6 : BRIEFING SESSION

- Leader and Cabinet Members

11 Briefing from Cabinet Members

SECTION 7 : DECISIONS OF CABINET MEMBERS

Member decisions taken since the last Cabinet meeting

SECTION 8 : ANY OTHER ITEM(S) THAT THE LEADER DETERMINES TO BE URGENT AND REQUIRES A DECISION

Section 10: BRIEFING NOTES

Briefing notes are circulated for information with the Cabinet papers but are not on the agenda

12 Corporate Risk Register - update (Pages 347 - 354)

13 Local Government Act 1972 - Exempt Business

The Cabinet is recommended to approve 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 paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

14 Exempt Minutes of last meeting (Pages 355 - 356)



To approve the exempt minutes of the meeting held on 15 July 2025.



Cheltenham Borough Council

Cabinet

Minutes

Meeting date: 15 July 2025

Meeting time: 6.00 pm - 7.25 pm

In attendance:

Councillors:

Victoria Atherstone, Paul Baker, Rowena Hay, Peter Jeffries, Alisha Lewis, Izaak Tailford and Richard Pineger

Also in attendance:

Gareth Edmundson (Chief Executive), Paul Jones (Deputy Chief Executive (Section 151 Officer)), Gemma Bell (Director of Finance and Assets and Deputy S151 Officer) and Tracey Birkinshaw (Director of Community & Economic Development)

1 Apologies

Councillors Collins and Clucas sent apologies.

2 Declarations of interest

There were none.

3 Minutes of the last meeting

The draft minutes of the meeting held on 10 June 2025 were approved as a true record and signed accordingly.

4 Corporate Health, Safety and Wellbeing Policy Review

The Leader introduced the report, a legal requirement under the Health and Safety at Work Act, and evidence of how seriously the council takes the safety of staff, contractors and everyone affected by its work. The review and refresh is needed now following the return of housing services to the council, with overall responsibility for health and safety moving from the Chief Executive to the Deputy Chief Executive.

The revised document has three clear parts: the first two - the clear statement of intent and defined responsibilities across the organisation - are ready for approval, and the third – practical arrangement for how health and safety will be managed day to day – is still being finalised and will be completed later in the summer. This is about embedding a strong safety culture across the council, making sure everyone knows their role, and is proactive in managing the risks.

The policy has been shaped through consultation – staff, trades unions, and health and safety experts, and reflects a shared commitment to keep people safe and well at work. .

There were no questions and no debate.

RESOLVED THAT:

- **the updated Health, Safety and Well-being Policy – Statement of Intent (Part 1) and Responsibilities (Part 2) – is approved, and that Arrangements (Part 3) is currently under review, to be completed in Summer 2025, is noted.**

5 Review of Taxi and Private Hire Licensing Policy

The Cabinet Member for Safety and Communities introduced her report, which proposes essential changes to CBC's taxi and private hire licensing policy following consultation with a wide range of stakeholders, as set out in the report. She read out the many proposed changes, which will bring the policy in line with best practice, adding that further consultation is needed for the vehicle emissions policy, to ensure that this can deliver on the council's carbon neutral aspirations.

She offered huge thanks to the officers, in particular to Michelle Bignell, the Licensing and Public Protection Manager, for these very thorough policy updates, and to the licensing trade who serve our communities daily.

The Cabinet Member for Climate Emergency welcomed the further consultation on vehicle emissions.

The Cabinet Member for Waste and Recycling, Parks and Gardens and Open Green Space, also welcomed the excellent set of proposals which bring the policy up to date, but queried the suggestion that drivers can take the knowledge test six times before having to wait six months to take it again. The Licensing and Public Protection Manager confirmed that they can only do it three times before having to wait six months to re-sit, and that this is for private hire drivers only, not hackney carriage drivers on the taxi ranks – they have to do a topographical question test to ensure they understand the area properly.

RESOLVED THAT:

- 1. following consultation, the draft policy attached at Appendix 2 from 24 July 2025, is adopted (after call-in period);**
- 2. the feedback regarding the vehicle emissions policy and that further review is required, as set out in 3.5 of the report, is noted.**

6 Neighbourhood Community Infrastructure Levy Allocations

In the absence of the Cabinet Member for Planning and Building Control, the Leader read his introduction, in which he thanked the CIL panel and officers for their hard work. Funding is available for any group, organisation or club, towards the cost of implementing a community-based project in a non-parished area of the borough. He set out the details as in the report, highlighting the additional funding received after the initial allocations had been proposed, and the inclusion in the recommendation of two further projects for funding.

He thanked all the groups and organisation who have submitted a fantastic and diverse range of bids from all across the town, and invited Cabinet to confirm which projects should benefit.

Members made the following comments:

- credit to all the organisations who have got together, researched, and submitted very thorough applications, and to officers for their hard work to ensure all the bids are viable and deliverable, and that the money will be spent in the current year;
- the geographical spread is good, and it is great to be able to support so many excellent schemes; the map is particularly helpful in showing where investment will go;
- thanks to the community groups in St Peter's wards, where the projects will make great improvement to the infrastructure;
- the recommendations for the additional money to be allocated to the Paint Festival and the Playhouse are welcome and supported;
- there are two wards with no bids, and the council must encourage bids from those areas in future to make sure they are not left behind. There are active community groups in these areas who should be made aware, to ensure that the same groups don't receive the money every time.

The Leader considered this a valid point that should be taken on board next time – this is only the second round of CIL neighbourhood allocations, and we can learn

lessons and make improvements every time. She also suggested that ward councillors have a role to play and can use their councillor knowledge to encourage bids from their areas and help anyone who wants to make one.

RESOLVED THAT:

1. the endorsed recommendations, as set out in appendix 3 as the list of neighbourhood projects for investment, are agreed;
2. in addition to those projects recommended by the Neighbourhood CIL Panel allocates, the following funding from the unallocated Neighbourhood CIL to:
3. Scheme 19 – Murals by Paint Festival on Honeybourne Line £7,500
4. Scheme 22 – Playhouse Theatre - contribution to feasibility work for capital works £9,500
5. is agreed, with the remaining £11,645 unspent CIL monies to form part of the allocation for a future bidding round;
6. project agreements with the agreed projects will be entered into;
7. the intention to launch future funding rounds, as and when the Neighbourhood Community Infrastructure fund has built up to a sufficient level, is supported. The timing of this will be informed by regular monitoring of the fund;
8. the process used this year will be reviewed, and any best practice will be built into future bidding rounds.

7 Food Safety Service Plan

The Cabinet Member for Safety and Communities introduced her report, which outlines the Food Safety Service Plan for the year ahead and summarises work and outcomes from the previous year. It is a statutory duty to ensure public health standards are met across all food businesses, and the plan sets out how this will be done, as well as reporting on the interventions over the past year. She thanked officers for all their hard work.

Members made the following comments:

- Cheltenham's restaurant offer is outstanding and a huge factor in the town's tourism offer, as well as for local residents. All the businesses are to be congratulated, as is the team of just three officers who carry out all the inspections. The fact that there are so few complaints shows what a good job they are doing – congratulations to them and to all restaurants and food outlets in Cheltenham;
- it is important to protect residents and visitors, particularly the vulnerable, to make sure they feel as safe as possible in their choices, and from an economy point of view, the inspections give confidence and show we care about safety and quality in the town.

RESOLVED THAT:

1. the appended Food Safety Service Plan 2025-26 is approved.

8 Compliance Strategy and Policies

In the absence of the Cabinet Member for Housing and Customer Relations, the Leader introduced the report.

RESOLVED THAT:

- 1. the Compliance Strategy (Appendix 2) is adopted;**
- 2. the following Compliance Policies are adopted:**
 - i. Gas and Heating Safety (Appendix 3)**
 - ii. Electrical Safety (Appendix 4)**
 - iii. Fire Safety (Appendix 5)**
 - iv. Asbestos (Appendix 6)**
 - v. Water Safety (Appendix 7)**
 - vi. Lift Safety (Appendix 8)**

9 Cheltenham Business Improvement District (BID) - 2025 Renewal Ballot

The Leader began her report by saying how important Business Improvement District (BID) is for the Cheltenham economy, helping us to maintain, look after and provide entertainment, opportunities and events for businesses, residents and visitors. The BID team has let us know that they are planning to go ahead with a renewal ballot to secure a further five years, from April 2026 to March 2031

Under the official regulations, the council has a few key responsibilities in the process, as set out in the report, and to keep all on track, will set up monitoring group of officers, councillors, and BID representatives who will meet at least twice a year to review progress.

The report is about ensuring that the renewal process is fair, transparent and in line with our wider goals for economic growth and community development.

She ended by giving sincere thanks to Fran Inman, Chief Executive of BID, all the BID board members, and everyone who gives up their time to engage with BID.

In response, Members wished BID success with the ballot and made the following comments:

- BID provides massive support for businesses and the town centre, working alongside other organisations on many positive initiatives to improve the experience of businesses and residents; this is particularly welcome in view of the many challenges facing small businesses at the moment;

- further thanks to Fran Inman, particularly for her work on NCLB initiatives, and with Gloucestershire Police on tackling anti-social behaviour and intimidation and threatening towards women and girls in the town centre;
- it is great that BID is looking to further support independent businesses by increasing their rateable value, looking to expand to the east and west of the town, and increasing investment;

RESOLVED THAT:

- 1. it is noted that, on Monday 16 June 2025, Cheltenham BID Limited formally served notice of their intention to seek a renewal ballot for a further five-year term to both the Secretary of State and the council;**
- 2. it is noted that the Deputy Chief Executive, as returning officer, will engage the services of a suitable consultancy that provides election services to carry out the ballot on behalf of the council in accordance with the BID regulations;**
- 3. the draft Baseline and Operating Agreements between Cheltenham BID Limited and the Authority at Appendix 3 and 4 is noted;**
- 4. authority is delegated to the Deputy Chief Executive to review the details of the draft business plan when shared by Cheltenham BID Limited and ensure it does not conflict with any formal policy adopted by the council, providing feedback to the BID board;**
- 5. authority is delegated to the Director of Finance and Assets, in consultation with the Leader, to vote in favour of another BID term on behalf of the council in the ballot;**
- 6. authority is delegated to the Deputy Chief Executive, in consultation with the Director: One Legal to agree and sign the Baseline Agreement and the Operating Agreement with Cheltenham BID Limited, should the ballot be in favour of renewal for another five-year term.**

10 Anti-Social Behaviour Policy

The Leader introduced the report, which focuses on an updated anti-social behaviour policy for housing services, as part of a wider service improvement plan to make things clearer and more supportive tenants. She said the team has worked hard to make sure the policy speaks directly to residents, explaining what counts as anti-social behaviour, how different agencies work together to tackle it, and what tenants can expect from council's anti-social behaviour team. The key goal is to build trust and improve tenant satisfaction through realistic expectations and outcomes, and the policy reflects strong partnership working, shaped by feedback from internal teams, Gloucestershire Police, Victim Support, and a tenant focus group in ASB awareness week.

She said the feedback is overwhelmingly positive, and the policy is about being fair, clear and responsible, making sure anti-social behaviour is dealt with properly, in an evidence-based and focussed way, to make sure everyone feels safe in homes.

Members supported the report and the clarity provided by the updated policy, and made the following comments:

- the policy document is very clear in its definition of anti-social behaviour, which includes loud noise, shouting, drug use or dealing, threats or verbal abuse, hate crime, vandalism and fly tipping;
- anti-social behaviour can have a cumulative effect over weeks and months, and have a negative impact on people's mental health when they feel under threat in their own homes or communities;
- the anti-social behaviour team perform a very important and impressive function within the housing team, working with residents in some very difficult circumstances;
- the lower reading-age pamphlet is a very good initiative, championed by the Cabinet Member for Housing and Customer Services, and could be spread to other areas, such as licensing policy.

RESOLVED THAT:

- **adoption of the Housing Service Anti-Social Behaviour Policy is approved.**

11 Revocation of Air Quality Management Area

The Cabinet Member for Safety and Community had great pleasure in confirming that further to DEFRA guidance, the council is now in a position to successfully revoke the air quality management area around the Royal Mail sorting office at the lower end of High Street, with NO2 levels substantially decreased since 2020, following Covid lockdowns, changes in commuting habits, and the increase in hybrid and electric. The environmental protection team has agreed the proposed course of action with DEFRA and the public health team at Gloucestershire County Council, but will continue to monitor air quality across the town particularly particulate matter which arises from a wide range of sources including road vehicles, industry, agriculture and domestic combustion. This will be reduced as much as possible, but in revoking the air quality management area, the associated air quality action plan becomes obsolete. Further to DEFRA guidance, therefore, the council will develop a town-wide plan instead, and work with stakeholders to achieve its ambitions, which will have a positive effect across the town.

The Cabinet Member for Climate Emergency welcomed this excellent news and looked forward to working on the new strategy, saying reducing pollution was sometimes controversial but was important for healthy communities, particularly at traffic pinch points around the town.

The Cabinet Member for Finance and Assets also welcomed the revocation, and agreed that an air quality strategy for the whole town is needed. With new development in West Cheltenham, it will set foundations for better air quality moving forward. He thanked officers for their hard work.

The Cabinet Member for Waste, Recycling, Parks, Gardens, and Public Greenspace said he had been staggered at the amount of particulate matter in his recently-installed extractor fans, showing it to be a huge problem for anyone living near a

main road or who regularly walks in the town. He said one of the issues here is that national government policy is not strong enough and should be stronger.

He added that Charlton Kings Parish Council has introduced a trial programme to reduce traffic idling at junctions, with clear signage to remind motorists of the need to look after themselves and others. He hoped that this could be rolled out across the town at some point.

The Cabinet Member for Economic Development, Wellbeing, Culture and Public Open Space was pleased by this positive progress, arising from work done by CBC, GCC and partner organisations, as well as work and changes people are making to live healthier lives, and promote a better future from a climate point of view. He agreed that a town-wide strategy is a great opportunity to continue improving the situation, and it will provide a lot of data to provide reassurance and to build on.

The Leader welcomed all these comments, which show the importance of the issue.

RESOLVED THAT:

- 1. the revocation of the existing 2020 AQMA, based on the information provided at Annex 3, is authorised;**
- 2. subject to recommendation 1, authority is delegated to the Head of Public Protection, in consultation with the Cabinet Member Safety and Communities, to take the necessary steps to revoke the AQMA;**
- 3. production of an Air Quality Strategy is authorised.**

12 Corporate Plan Update, end-of-year performance report and Corporate Plan Refresh

The Leader began her introduction by thanking officers for their input and suggested changes. She said the council has refreshed its Corporate Plan to reflect its evolving responsibilities and reassess its priorities, particularly following the reintegration of housing services, and the updated plans sets the strategic direction for the next three years, ensuring alignment with local needs, national developments, and the council's expanded role as a housing provider and landlord. The two-year progress review of the 2023-27 plan highlights achievements and areas for improvement. In addition, national policy shifts and local developments have necessitated a refreshed focus.

She said our first strategic priorities have not changed and remain: securing our future; quality homes, safe and strong communities; reducing carbon, achieving Net Zero, creating biodiversity; reducing inequalities, supporting better outcomes; and taking care of your money.

The performance report for 2024-25 highlights strong areas such as affordable housing delivery, cyber infrastructure and innovation centre progress, ICT reliability and digital service improvements, and decarbonisation grants and energy efficient housing upgrades. It also reveals challenges such as homelessness prevention,

recruitment difficulties, and lower-than-expected income in some areas, but said that overall CBC is a council that delivers, and always looks, questions and challenges itself on what it is doing.

Members are asked to note the report today, before it goes to Full Council on Monday.

The Cabinet Member for Climate Emergency appreciated that one of the five key priorities is reducing carbon, achieving Net Zero and creating biodiversity, but said that he expects the plan will move towards adaptation to climate changes given the last six months of weather, and will be driven by the climate itself.

The Cabinet Member for Waste, Recycling, Parks, Gardens and Public Greenspace said that CBC is a progressive, well-run and managed council, and gave huge congratulations to all the staff who do such a good job in protecting front-line services.

RESOLVED THAT:

- 1. the corporate plan review and end of year performance report is noted;**
- 2. the refreshed Corporate Plan 2025 – 2028 is approved.**

13 General Fund and HRA Outturn Report 2024-25

The Cabinet Member for Finance and Assets introduced the report, which is testament to the remarkable achievement of the finance team in overcoming the overspends and turmoil of recent years to restore relative calm. The report will go to Full Council for approval, and the recommendation should reflect this.

The Cabinet Member for Major Developments and Housing Regeneration complemented the Cabinet Member for overseeing this great achievement in tough times.

RESOLVED THAT:

- 1. Council receives the financial outturn performance position for the General Fund and notes that in delivering services in 2024/25, after the application of carry forward requests and following the use earmarked reserves, there was an underspend of £913 against the 2024/25 revised budget approved by Council on 21 February 2025;**
- 2. £420,144 of carry forward, approved by the Section 151 Officer under delegated powers at Appendix 5, is noted;**
- 3. the annual treasury management report at Appendix 7 and the actual 2024/25 prudential and treasury indicators are noted;**
- 4. the capital programme outturn position as detailed in Section 7 of this report and Appendix 8 is noted, and the carry forward of unspent budgets into 2025/26 is approved;**

5. the year-end position in respect of Section 106 agreements and partnership funding agreements at Appendix 9 is noted;
6. the outturn position in respect of collection rates for council tax and non-domestic rates for 2024/25 in Appendix 10 is noted;
7. the financial outturn performance position for the Housing Revenue Account for 2024/25 in Appendix 11 is received, and the carry forward of capital budgets from 2024/25 into 2025/26 as set out in Appendix 12 is approved.

14 Briefing from Cabinet Members

The Cabinet Member for Major Developments and Housing Regeneration has happy to report two very positive items:

- the recent Planning Committee approval of the outline for part of the Golden Valley site, with Members extremely supportive of this incredible investment in Cheltenham. It will bring much-needed homes, careers, schools and more to the area, and work on the detailed application is now progressing apace;
- letters inviting neighbours of 320 Swindon Road to a 'meet the builder' event have been sent, and it is hoped that construction will commence in Autumn 2025. This development will provide 17 affordable homes and apartments, for social rent and shared ownership, and will take full advantage of the £2.8m funding.

The Leader commented that this site has stood empty for many years, and one of the key reasons for bringing CBH back in house was to deliver more affordable housing for residents – and that is what we are doing.

The Cabinet Member for Safety and Communities reported on the following:

- she is pleased to be taking forward a new, collaborative safer streets initiative, together with BID, the police, and other partners, who will be on high alert for checking anti-social behaviour, loitering, intimidation, and protecting shops and businesses in the town centre;
- a final shout-out for the Party in the Park, a free family event in Pittville Park on 06 August, with 50 free activities, including huge inflatables, theatre performances, arts and crafts, and sports. There will be a quiet hour at 10am, before the main event 11am-7pm.

The Cabinet Member for Economic Development, Culture, Wellbeing and Public Open Space said he has attended many meetings and is discussing some exciting developments to be shared soon, but in the meantime, shared the following:

- he has met with Cllr Joe Harris, County Council Cabinet Member for Highways Maintenance and Communications, and officers to reset CBC's relationship with the council, and work in a positive new direction for the town centre and public realm, together with the Civic Society, BID, residents and businesses. It is clear that residents and businesses expect and deserve an improved public realm, and this is a great opportunity to work together and get the town to the level it should be;
- 32 Lions at Large have been installed across Cheltenham and Gloucester, an interesting art trail in support of Cheltenham and Gloucester hospitals charity and The Big Space Cancer Appeal. The trail is a fun, free family activity for residents and

visitors, and will also support local businesses by attracting people to spend time in town. An app and a map are available.

The Cabinet Member for Climate Emergency reported several recent and inspiring events:

- the Changemakers Sustainability Showcase at The Wilson, involving children from five local schools. It was attended by the Mayor and a fantastic event;
- he attended Leckhampton High School to hear the results of their active travel survey, which have now been passed on to Councillor Horwood, as county, borough and parish councillor for the area. The activity among these young people is inspiring;
- a community energy day, organised by the Southwest Net 0 Hub, and attended by representatives from the Department for Energy Security and Net 0. He was impressed by the scale of some of the schemes, including a windmill on the Severn estuary, which generates huge amounts of money for the local community each year, and a solar farm on the Somerset Levels, which has been running for 10 years and has generated £1m for Bristol community organisations. Community energy groups in our community are embryonic, but he hopes to increase these and make them a reality for Cheltenham;
- the launch of the tree strategy consultation, which was excellent and well-attended;
- he has been making connections, through the Climate Leadership Gloucestershire meeting, and spent time with Councillor Horwood, the county Cabinet Member for Nature, Climate and Waste Reduction. He also spoke with Councillor Helen Davies from Babergh District Council at the excellent LGA training session for new Cabinet Members, where it was fascinating to hear about the challenges faced by councils round the country and realise that Cheltenham is doing very well.

The Cabinet Member for Waste, Recycling, Parks, Gardens, and Public Greenspace shared two positive news items:

- seven of Cheltenham's parks have recently been awarded green flag status, a great accolade which sets the bar for the quality and standard of parks across the country. CBC always performs well, reflecting the strong community involvement, and also the biodiversity, environmental management around climate change adaption, maintenance and health and safety awareness which makes our parks welcoming, safe and accessible – well done to everyone involved. There are a lot more parks in Cheltenham, and to be hoped that they might be considered in future;
- the recent launch of the tree strategy highlighted the benefits of substantial trees in many parts of the town, but also that much of the town is devoid of tree cover. Part of the strategy is to introduce tree cover to those areas, to benefit residents' mental health, increase wildlife habitat, and provide welcome shade.

He also advised the Cabinet Member for Finance and Assets that he will shortly be putting in a bid for funding to dredge the many lakes and ponds in parks which are suffering from years of silt and debris build-up. This has an impact on diversity, nature, water capacity and more, and needs some investment.

The Cabinet Member for Finance and Assets also welcomed the recent planning committee decision on Golden Valley as a monumental moment, following many years of planning and now moving forward with the vision of providing a huge boost to the local economy as well as revenue to the council for delivery of services.

The Leader had the following items to share:

- regarding the marketing of the airport, it is good to note that a preferred bidder has been found, with due diligence currently underway before the sale can be confirmed. This has created relief for businesses at the airport, to know who the bidder is and what that might entail;
- at the recent LGA conference, the Southwest Councils Network held its AGM, where she was pleased to accept the Membership Development Charter on behalf of the council. Thanks to Councillor Chelin for leading on this, and Democratic Services for supporting. A communications piece will be issued, highlighting the benefits and the importance of a good working relationship between officers and Members. She said new Members can be a little bit overwhelmed by all they have to take in, and we have a good package and offer for them;
- she corrected an earlier comment about 320 Swindon Road and the decision to bring housing services back in-house, saying that although the decision was made in 2023, the transfer was done very quickly in only seven months, so in fact bringing forward this development barely a year in is even more impressive;
- she encouraged Members and anyone watching to sign up for the local government reorganisation, saying it is important that public questions feed into what comes next. This will ultimately be a government decision, so this exercise is more engagement than consultation, but gathering people's thoughts is important;
- following on from the announcement of a local government review, the governance review consultation closes in a few days, and people are encouraged to add their thoughts if they have not already done so;
- the resident survey is now active, both via phone calls and on line. She encouraged everyone to take part, and looked forward to the results in due course.

15 Member Decisions since the last meeting

Members reported on the following decisions taken since the last meeting of Cabinet on 10 June:

i. 13 June 2025: Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

[To approve the revised Street Scene Policy and Pavement Licensing Policy for public consultation](#)

ii. 13 June 2025: Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

[To approve the Revised Statement of Licensing Policy \(Licensing Act 2004\) for Consultation](#)

iii. 16 June 2025: Cabinet Member for Safety and Communities, Councillor Victoria Atherstone

[To approve the proposed wording for the Vehicle Emissions Policy](#)

iv. 26 June 2025: Leader of the Council, Councillor Rowena Hay

[To sell the council's shares in Gloucestershire Airport Ltd and associated freehold land interests](#)

(Decision of the Leader of Cheltenham Borough Council acting as shareholder of GAL)

v. 14 July 2025: Leader of the Council, Councillor Rowena Hay

[Support to the application by Gloucestershire County Council for a correction order pursuant to Section 119 Planning Act 2008 to M5 Junction 10 Development Consent Order](#)

16 Local Government Act 1972 - Exempt Business

RESOLVED 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 paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

17 A Property Matter

Members discussed the item and approved the recommendations.

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Cheltenham Borough Council

Cabinet – 16th September 2025

Civil Penalty Notice Policy under The Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Accountable member:

Cabinet Member for Housing and Customer Services, Councillor Flo Clucas

Accountable officer:

Bernadette Reed, Public and Environmental Health Manager

Ward(s) affected:

All

Key Decision: No

Executive summary:

The power to impose a civil penalty as an alternative to prosecution for certain offences was introduced by Section 126 and Schedule 9 of the Housing and Planning Act 2016. We are revising our current policy which was agreed at cabinet on the 10 April 2018, so as to maintain the proportionate, consistent and transparent approach. A revised policy will further reduce any legal challenge by clearly defining all steps to decision making. It also covers additional regulations introduced since the last policy approval in 2018. Revision is also appropriate as we prepare for the extra duties and financial penalty provisions within the Renters Rights Bill due for Royal Assent later this year. As statutory guidance is introduced to support the new legislation this policy will need to evolve accordingly.

Recommendations: That Cabinet:

- 1. approves the Civil Penalty Notice (CPN) policy attached at Appendix 3 with immediate effect.**
 - 2. authorises the Head of Public Protection to take such actions and decisions as are necessary to facilitate the effective implementation and operation of the Authority's powers referred to in this report.**
 - 3. authorises the Head of Public Protection, in consultation with the Cabinet Member for Housing and Customer Services, to approve minor variations to the policy in line with any revised statutory guidance.**
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1. Implications

1.1 Financial, Property and Asset implications

None

Signed off by: Ela Jankowska – Finance Business Partner

ela.jankowska@cheltenham.gov.uk

1.2 Legal implications

The proposed policy complies with the requirements under Housing Act 2004, the Housing and Planning Act 2016 and the associated statutory guidance. This will assist in ensuring that penalty decisions are consistent with a reduced likelihood of a successful challenge upon appeal. The policy will also assist this Authority in complying with the proposed duties under the Renters Rights Bill. As the Bill is still being amended by the House of Lords, the authorisation of the Head of Public Protection to approve minor variations will allow the Council to ensure that the policy complies both with any of these amendments and any subsequent statutory guidance.

Signed off by: Rachael Baldwin, One Legal, Rachael.baldwin@onelegal.org.uk

1.3 Environmental and climate change implications

There are no environmental and climate change implications associated with this report.

Signed off by: Maizy McCann, Climate Officer, Maizy.McCann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities

1.5 Equality, Diversity and Inclusion Implications

See Appendix 2

1.6 Performance management – monitoring and review

The Renters Rights Bill when enacted will impose a duty on Housing Authorities such as Cheltenham Borough Council, to report to the Secretary of State on the exercise of its functions under the landlord legislation. This will include a duty to report on the number of financial penalties issued, the reason for the issue, the value of the financial penalties, the number of financial penalties appealed, and the value of the penalties recovered. The reporting interval is yet to be determined.

2 Background

- 2.1 This Authority aims to support landlords who provide safe and well-maintained homes. We are keen to strike the right balance between regulation and stifling investment in the sector. We recognise there is a small number of landlords who knowingly rent out unsafe or substandard accommodation and we are determined to address this.
- 2.2 Civil penalties were introduced by the Housing and Planning Act 2016 under Section 126 and Schedule 9 of that Act. The powers enable us to impose civil penalties of up to £30,000 in respect of the following offences:
- a. Failure to Comply with an Improvement Notice under Section 30 of the Housing Act 2004.
 - b. Offences relating to licensing of Houses in Multiple Occupation (HMO) under Section 72 of the Housing Act 2004.
 - Section 72 (1) being in control or managing an HMO which is required to be licensed but is not so licensed.
 - Section 72 (2) being in control or managing an HMO which is licensed but knowingly permitting occupation over and above the number authorised by the licence.
 - Section 72 (3) being a licence holder who fails to comply with any condition of a licence.

Page 22

- c. Offences in relation to licensing of houses under Part 3 of the Act (selective licensing).
 - Section 95 (1) being in control or managing a house which is required to be licensed but is not so licensed.
 - Section 95 (2) being a licence holder who fails to comply with any condition of a licence.
- d. Contravention of an overcrowding notice under Section 139 of the Housing Act 2004.
- e. Failure to comply with management regulations in respect of HMOs under Section 234 of the Housing Act 2004.

2.3 This revised policy will ensure we are legally compliant. It will:

- a. ensure we adhere to the principles of transparency by removing some of the current complexities of setting penalties
- b. ensure all landlords know what to expect when offences are committed
- c. aid consistency as this policy is applied in each relevant case.
- d. demonstrate proportionality as mitigating and extenuating circumstances are carefully considered.
- e. ensure that those managing and having control of rented properties in Cheltenham know how we will generally penalise relevant offences and give assurance that, generally, like cases will be penalised similarly, and different cases penalised differently.

2.4 It takes account of the statutory guidance [Civil Penalties under the Housing and Planning Act 2016](#) updated on the 6th April 2018. A revised policy will reduce the risk of legal challenge and reputational damage.

2.5 It ensures the penalty setting process has 4 stages:

- Assessing the seriousness of the offence to establish a starting level.
- Assessment of the number of residential properties controlled or managed by the landlord
- Consideration of aggravating and mitigating factors which may increase and/or decrease the penalty.
- Discounts to be applied.

2.6 The Renters Rights Bill when enacted will impose a general duty for every local Housing Authority to enforce the landlord legislation in its area. Enforcement in this context means either

- imposing a financial penalty or
- instituting proceedings against a person for an offence under the landlord

legislation.

2.7 This policy will ensure we are ready to issue robust and fair financial penalties under the new Act.

2.8 The current process for issuing a civil penalty is set out in Schedule 13A 12 of the Housing Act 2004 and Schedule 113 of the Housing and Planning Act 2016. The appeals process is set out in Schedule 13A, paragraph 10 of the Housing Act 2004 and Schedule 1, paragraph 10 of the Housing and Planning Act 2016.

3 Reasons for recommendations

3.1 To ensure a robust and demonstrable process of how the Authority determines the level of a financial penalty.

3.2 To support the increase in workload anticipated by the renters' rights reforms regarding issuing financial penalties.

4 Alternative options considered

4.1 None. This is a statutory duty.

5 Consultation and feedback

5.1 This policy has been developed thorough joint working with Justice for Tenants who have in turn worked with the Association of Chief Environmental Health Officers (ACEHO) taking into account statutory guidance, the Crown Code for Prosecutors, sentencing guidelines and 53 recent tribunal cases identified as impacting financial penalty procedural matters.

5.2 Officers are working collaboratively with our colleagues internally and externally with district and regional colleagues.

5.3 Officers will also be configuring a financial penalty generating tool to record and calculate final penalties taking into account all mitigating and aggravating factors related to harm and culpability.

5.4 The policy will be available on our website.

6 Key risks

6.1 Having a weak policy puts the authority at reputational and financial risk.

Report author:

Bernadette Reed, Public and Environmental Health Manager

Bernadette.reed@cheltenham.gov.uk

Appendices:

- i. Appendix 1: Risk Assessment
- ii. Appendix 2: Equality Impact Assessment – Screening
- iii. Appendix 3: Civil Penalties Policy under The Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Background information:

https://democracy.cheltenham.gov.uk/documents/s25303/2018_04_10_CAB_civil_penalties_appendix_2.pdf

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	Non-compliant civil penalty policy	Head of Public Protection	3	4	12	Reduce the risk	Approve and implement a robust policy	Public and Environmental Manager	End Sep 2025
2	Staff not competent to implement the policy	Public and Environmental Health Manager	4	2	8	Remove the Risk	Provide training on the policy and calculations of penalties	Public and Environmental Health Manager	End Set 2025
3	Reputational and/or financial risk through challenges to penalties through the appeals system	Public and Environmental Health Manager	4	4	16	Reduce the risk	Work in collaboration with others on policy	Public and Environmental Health Manager	End sep 2025

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible:

Bernadette Reed

Service Area:

Public Protection

iv. Title: Civil Penalty Notice Policy under the The Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Date of assessment:

31/07/2025

Signature:



b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Civil Penalty Notice Policy under The Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Is this new or existing?

**Already exists
and is being
reviewed**

Please specify reason for change or development of policy, function, strategy, service change or project

Update following recent upper tribunal and court of appeal decisions, update in anticipation of the Renters Rights Act 2025 and ensuing statutory guidance. Review of policy agreed at cabinet in April 2018.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:	This Authority wants to support good landlords who provide safe and well maintained homes. We are keen to strike the right balance between regulation and stifling investment in the sector. We recognise there is a small number of landlords who knowingly rent out unsafe or substandard accommodation and we are determined to address this. We have a statutory obligation to enforce the land lord law using either civil penalties or by initiating proceedings against those committing an offence. This policy will ensure the penalty decided is fair and proportionate and the process is transparent.
Objectives:	<p>(a) know how we will generally penalise relevant offences and</p> <p>(b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.</p> <p>Compliance with current statutory guidance.</p>
Outcomes:	Transparency proportionality consistency in the issuing of civil penalties as an alternative to prosecution. To have a policy which is legally compliant and reduces the risk of challenge through appeals.
Benefits:	<p>Everyone will know</p> <p>(a) how we will generally penalise relevant offences and</p> <p>(b) are assured that, generally, like cases will be penalised similarly, and different cases penalised differently.</p> <p>Deterrent to others</p> <p>Mitigating and extenuating factors will be taken into account in a systematic and consistent manner.</p>

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?	No impact expected
Please provide an explanation for your answer:	
<p>We have a current CPN policy so this is a review. It will build on the existing policy by increased transparency and clear examples of how a penalty is decided. We will have a penalty generating tool to reduce the complexity and give an audit trail on how the penalty was calculated in accordance with the required process set out in recent court of appeal decisions.</p>	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Please move on to Stage 2 if required ([intranet link](#)).

Appendix 3

Civil Penalties under the Housing and Planning Act 2016 and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

In this policy, the terms 'House of Multiple Occupation' or 'HMO' are defined by the Housing Act 2004.

Section 126 and Schedule 9 of the Housing and Planning Act 2016 provide local authorities with the power, through the insertion of section 249A Housing Act 2004, to impose a civil penalty as an alternative to prosecution in respect of the following offences under the Housing Act 2004:

- Failure to comply with an Improvement Notice [section 30]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) under Part 2 [section 72]
- Offences in relation to the Selective Licensing of 'houses' under Part 3 [section 95]
- Failure to comply with an Overcrowding Notice [section 139]
- Failure to comply with a management regulation in respect of an HMO [section 234]

Regulation 11 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 provides local authorities with the power to impose a civil penalty in respect of breaches of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

In addition, section 23 of the Housing and Planning Act 2016 provides that a civil penalty may be imposed in respect of a breach of a Banning Order.

The Council has the power to impose a civil penalty of up to a maximum of £30,000 for each separate offence. If multiple offenders have committed the same offence at the same property, a separate civil penalty can, and usually will, be imposed on each offender. In each case, the level of civil penalty imposed on each offender will be in line with this policy.

This document outlines the Council's policy in setting the level of a civil penalty in each case where it has been determined to issue a civil penalty as an alternative to prosecution proceedings.

The Council considers the need for transparency and consistency in the discharge of its functions under the Housing Act 2004 to be of primary importance. The general objective of this policy is, therefore, to promote both transparency and consistency in the imposition of financial penalties under the 2004 Act so that, for example, those managing and having control of rented properties in the Council (a) know how the Council will generally penalise relevant offences and (b) are assured that, generally, like cases will be penalised similarly,

and different cases penalised differently. The further objectives of using financial penalties in particular as a means of enforcing the above offences are explained below.

Statutory Guidance

The Government has issued statutory guidance under Schedule 9 of the Housing & Planning Act 2016 entitled “Civil penalties under the Housing and Planning Act 2016. Guidance for Local Housing Authorities”. The Council has regard to this guidance in the exercise of their functions in respect of civil penalties.

Paragraph 3.5 of the statutory guidance states that ‘The actual amount levied in any particular case should reflect the severity of the offence, as well as taking account of the landlord’s previous record of offending’. The same paragraph sets out several factors that should be taken into account to ensure that the civil penalty is set at an appropriate level in each case:

- a. **Severity of the offence.** The more serious the offence, the higher the penalty should be.
- b. **Culpability and track record of the offender.** A higher penalty will be appropriate where the offender has a history of failing to comply with their obligations and/or their actions were deliberate and/or they knew, or ought to have known, that they were in breach of their legal responsibilities. Landlords are running a business and should be expected to be aware of their legal obligations.
- c. **The harm caused to the tenant.** This is a very important factor when determining the level of penalty. The greater the harm or the potential for harm (this may be as perceived by the tenant), the higher the amount should be when imposing a civil penalty.
- d. **Punishment of the offender.** A civil penalty should not be regarded as an easy or lesser option compared to prosecution. While the penalty should be proportionate and reflect both the severity of the offence and whether there is a pattern of previous offending, it is important that it is set at a high enough level to help ensure that it has a real economic impact on the offender and demonstrate the consequences of not complying with their responsibilities.
- e. **Deter the offender from repeating the offence.** The ultimate goal is to prevent any further offending and help ensure that the landlord fully complies with all of their legal responsibilities in future. The level of the penalty should therefore be set at a high enough level such that it is likely to deter the offender from repeating the offence.
- f. **Deter others from committing similar offences.** While the fact that someone has received a civil penalty will not be in the public domain, it is possible that other landlords in the local area will become aware through informal channels when someone has received a civil penalty. An important part of deterrence is the realisation that (a) the local authority is proactive in levying civil penalties where the need to do so exists and (b) that the level of civil penalty will be set at a high enough level to both punish the offender and deter repeat offending.
- g. **Remove any financial benefit the offender may have obtained as a result of committing the offence.** The guiding principle here should be to ensure that the

offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

The factors detailed in the statutory guidance and policy aims will be considered by the Council when deciding where, within the Civil Penalties matrix below, a particular offence and penalty fall.

Other Policy Aims

The Council is mindful that despite its best efforts, many landlords may operate unlawfully for a significant period of time without detection, and only a proportion of landlords committing relevant offences will be discovered. The Council is, therefore, mindful that when deciding to impose a Civil Penalty, it should create an environment where it is clear to the offender and others that operating unlawfully as a landlord will be financially disadvantageous when compared to operating lawfully.

The Council intends to create an environment where landlords engage with the Council's requests and demands fulsomely, openly and honestly. This helps create a level playing field which supports the aims of transparency and consistency. No landlord should be able to financially benefit from withholding information the Council deems relevant that is, or should be, in their control to disclose. It is expected that fulsome and complete supporting evidence is provided to support any Written Representations received in response to a Notice of Intent.

Civil Penalties Matrix

In determining the level of a civil penalty, officers will have regard to the matrix set out below, which is to be read in conjunction with the associated guidance. The matrix is intended to provide indicative 'starting level' under the various offence categories, with the final level of the civil penalty adjusted in each case, taking into account aggravating and mitigating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants.

In deciding what level of penalty to impose, officers will conduct the following four stage process. First, they will consider the seriousness of the relevant housing offence to identify a starting level of the penalty. Second, an assessment of the number of rental properties controlled or owned or managed by the landlord and/or their experience in the letting/management of property will be considered, which may have the effect of increasing or decreasing the penalty. Third, aggravating and mitigating factors that may relate to a number of factors including, but not limited to, culpability, track record and harm will be considered, which may have the effect of increasing or decreasing the penalty. Fourth, if any of the Discounts, as set out below, apply, the penalty will be decreased.

Once the seriousness of the relevant housing offence has been identified, the starting level of the penalty will be identified using the table below with the headings 'Seriousness of offence' and 'Starting level [£]'. Consideration of the number and type of rental properties controlled or owned or managed may adjust the penalty.

To reflect the seriousness of the offence(s) in question, the presence of one or more mitigating factors will rarely result in the penalty being decreased in excess of a total of £5000. In exceptional circumstances, officers may determine that the presence of one or

more mitigating factors justify a decrease in the penalty in excess of £5000. The presence of numerous mitigating factors will not automatically be considered as exceptional circumstances.

The Council has not provided a list of mitigating factors in this policy because it acknowledges that there are myriad possible circumstances that might give rise to mitigation.

To ensure that any penalty imposed is proportionate to the offending behaviour the presence of one or more aggravating factors will rarely result in the penalty being increased in excess of a total of £5000. In exceptional circumstances, officers may determine that the presence of one or more aggravating factors justify an increase in the penalty in excess of £5000. The presence of numerous aggravating factors will not automatically be considered as exceptional circumstances.

The Council may, exceptionally, including for the reason given above, increase the penalty by greater than £5000 on account of aggravating factors or, again exceptionally, decrease it by greater than £5000 on account of mitigating factors. In order to meet the objectives of this policy, including the need for transparency and consistency in the use of such penalties, the Council will exercise its discretion to increase or decrease a penalty by greater than £5000 on account of aggravating or mitigating factors in exceptional circumstances only excluding any Discounts as set out below. The Council will consider on a case-by-case basis whether any such circumstances exist.

Seriousness of offence	Starting level [£]
Mild	2500
Moderate	7500
Serious	12500
Very Serious	17500
Severe	22500
Very Severe	27500

Offences where a civil penalty may be levied as an alternative to prosecution and relevant considerations as to the level of that penalty

Failure to comply with an Improvement Notice - Section 30 of the Housing Act 2004

Maximum Court fine following prosecution that can be levied for failure to comply with an Improvement Notice - Unlimited

An Improvement Notice served under Part 1 Housing Act 2004 specifies repairs/improvements that the recipient should carry out in order to address one or more identified Category 1 and/or Category 2 hazards in a property. Category 1 hazards are the most serious hazards, judged to have the highest risk of harm to the occupiers; the Council has a duty to take appropriate action where a dwelling is found to have one or more Category 1 hazards present.

In some cases, the service of an Improvement Notice will have followed an informal stage, where the landlord had been given the opportunity to carry out improvements without the need for formal action. In such cases, an identified failure to comply with an Improvement

Notice will represent a continued failure on the part of the landlord to deal appropriately with one or more significant hazards affecting the occupier[s] of the relevant dwelling.

The Council would view the offence of failing to comply with the requirements of an Improvement Notice as a significant issue, exposing the tenant[s] of a dwelling to one or more significant hazards.

The seriousness of the offence is viewed by the Council as being a Severe matter, attracting a financial penalty with a starting level of £22500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £22500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £27500.

Aggravating features/factors specific to non-compliance with an Improvement Notice

- The nature and extent of hazards that are present. Multiple hazards and/or severe/extreme hazards that are considered to have a significant impact on the health and/or safety of the occupant[s] in the property or their guests would justify an increase in the level of the civil penalty.

Generic aggravating features/factors

The Council will have regard to general factors in determining the final level of the civil penalty including, but not limited to:

- A previous history of non-compliance would justify an increased civil penalty. Non-exhaustive examples of previous non-compliance would include previous successful prosecutions [including recent convictions that were 'spent'], receipt of financial penalties, rent repayment orders, works in default of the landlord and breaches of regulations/obligations, irrespective of whether these breaches had been the subject of separate formal action.
- A failure to cooperate with a Council investigation. Non-exhaustive examples of failure to cooperate would include failing to comply with a s.16 Local Government (Miscellaneous Provisions) Act 1976 notice, failing to comply with a s.235 Housing Act 2004 notice, failing to provide a substantive response to a letter of alleged offence.
- Deliberate intent when committing the offence. Non-exhaustive examples of deliberate intent would include knowledge that the offence was occurring, committing the offence after relevant correspondence was sent by the Council.
- The number of residents placed at risk.
- Offending over an extended period of time i.e. 3 months or longer.

- Whether any vulnerable residents were in occupation at the time of the offence. Non-exhaustive examples of vulnerable residents include young adults and children, persons vulnerable by virtue of age, persons vulnerable by virtue of disability or sensory impairment, persons with a drug or alcohol addiction, victims of domestic abuse, children in care or otherwise vulnerable by virtue of age, people with complex health conditions, people who do not speak English as their first language, victims of trafficking or sexual exploitation, refugees, asylum seekers.

Failure to License offences

Maximum Court fine following prosecution that can be levied for failure to license an HMO or Part 3 House – Unlimited

Failure to license a Mandatory 'HMO' – Section 72(1) of the Housing Act 2004

Under Part 2 Housing Act 2004, most higher risk HMOs occupied by 5 or more persons forming 2 or more households are required to hold a property licence issued by the local authority. HMO licensing was introduced to allow local authorities to regulate standards and conditions in high risk, multiply occupied residential premises. Through the property licence regime, local authorities ensure that the HMO has sufficient kitchens, baths/showers and WCs and place a limit on the number of persons permitted to occupy it and the licence holder is required to comply with a set of licence conditions.

The Council would view the offence of failing to license an HMO as a significant failing; Licensing was introduced by the Government in order to regulate management, conditions, standards and safety in the properties considered to represent the highest risk to tenants as regards such matters as fire safety and overcrowding.

This seriousness of the offence is viewed by the Council as being a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

Aggravating features/factors specific to failure to licence offences

- The condition of the unlicensed property. The nature and extent of any significant hazards that are present would justify an increase in the level of the civil penalty. Equally, an HMO that was found to be poorly managed and/or lacking amenities/fire safety precautions and/or overcrowded would also justify an increased civil penalty.

- Any demonstrated evidence that the landlord/agent was familiar with the need to obtain a property licence e.g. the fact that they were a named licence holder or manager in respect of an already licensed premises.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to Comply with an Overcrowding Notice – Section 139 of the Housing Act 2004

Maximum Court fine following prosecution that can be levied for failure to comply with an Overcrowding Notice – Unlimited

Section 139 Housing Act 2004 allows the Council to serve an Overcrowding Notice in respect of an HMO that is not required to be licensed under Part 2 Housing Act 2004. The notice specifies, on a room-by-room basis, the maximum number of persons allowed to occupy each room as sleeping accommodation or that the room is not considered suitable for that purpose.

The Council would view the offence of failing to comply with the requirements of an Overcrowding Notice as a significant matter, exposing the tenant[s] of an HMO to unacceptably cramped living conditions.

The seriousness of the offence is viewed by the Council as being a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

Aggravating features/factors specific to non-compliance with an Overcrowding Notice

- The level of overcrowding present – breaches that related to over-occupation of multiple rooms or extreme over-occupation of an individual room would justify a higher civil penalty.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to Comply with a Banning Order – Section 21 of the Housing And Planning Act 2016

Maximum Court fine that can be levied for failure to comply with a Banning Order following prosecution – Unlimited. In addition, the Court can also impose a prison sentence for up to 51 weeks.

The Housing and Planning Act 2016 includes provisions and processes for a person to be banned from being involved, for a specified period, in one or more of the following activities:

- Letting housing
- Engaging in letting agency work
- Engaging in property management work

Banning Orders are reserved for what are recognised as being the most serious housing-related offences. In the event that the Council was satisfied that the offence of breaching a Banning Order had occurred, this would normally be the subject of prosecution proceedings. Where it was determined that a civil penalty would be appropriate in respect of a breach of a Banning Order, this would normally be set at the maximum level of £30,000 to reflect the severity of the offence.

Failure to Comply with The Management of Houses in Multiple Occupation [England] Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

Maximum Court fine following prosecution that can be levied for failure to comply with each individual regulation - unlimited

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on the persons managing HMOs in respect of:

- Providing information to occupiers [Regulation 3]
- Taking safety measures, including fire safety measures [Regulation 4]
- Maintaining the water supply and drainage [Regulation 5]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [Regulation 6]
- Maintaining common parts [Regulation 7]
- Maintaining living accommodation [Regulation 8]
- Providing sufficient waste disposal facilities [Regulation 9]

The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007 impose duties on the persons managing HMOs as defined by Section 257 Housing Act 2004 in respect of:

- Providing information to occupiers [regulation 4]
- Taking safety measures, including fire safety measures [regulation 5]
- Maintaining the water supply and drainage [regulation 6]
- Supplying and maintaining gas and electricity, including having these services/appliances regularly inspected [regulation 7]
- Maintaining common parts [regulation 8]
- Maintaining living accommodation [regulation 9]
- Providing sufficient waste disposal facilities [regulation 10]

It is important that the manager of an HMO complies with all regulations, but the Council recognises that a failure to comply with certain regulations is likely to have a much bigger impact on the safety and comfort of residents than others.

Failure to comply with the duty of manager to provide information to occupier

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to provide information to occupier as a Mild matter, attracting a financial penalty with a starting level of £2500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £2000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2000, attracting a civil penalty of £4500.

Aggravating features/factors specific to Management Regulation breach offences

- The number and/or nature and/or extent of the management regulation breach(es) and/or the deficiencies within each regulation.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to take safety measures

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to take safety measures as a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

Aggravating features/factors specific to Management Regulation breach offences

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to maintain water supply and drainage

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the water supply and drainage as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

Aggravating features/factors specific to Management Regulation breach offences

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to supply and maintain gas and electricity

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the gas and electricity supply as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

Aggravating features/factors specific to Management Regulation breach offences

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to maintain common parts, fixtures, fittings and appliances

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the common parts, fixture, fittings and appliances as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

Aggravating features/factors specific to Management Regulation breach offences

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty of manager to maintain living accommodation

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to maintain the living accommodation as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

Aggravating features/factors specific to Management Regulation breach offences

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Duty to provide waste disposal facilities

The Council would view the seriousness of the offence of failing to comply with the duty of the manager to provide waste disposal facilities as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing only one HMO dwelling and no more than one other dwelling that is not an HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

Aggravating features/factors specific to Management Regulation breach offences

As set out under 'Failure to comply with the duty of manager to provide information to occupier' above.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Breach of licence conditions – Section 72(3) Housing Act 2004

Maximum Court fine following prosecution that can be levied for failure to comply with a licence condition - unlimited

All granted HMO licences impose a set of conditions on the licence holder. These conditions impose a variety of obligations relating to the letting, management and condition of the rented property.

It is important that the manager of a licensed property complies with all imposed conditions, but the Council recognises that a failure to comply with certain licence conditions is likely to have a much bigger impact on the safety and comfort of residents than others.

Failure to comply with licence conditions related to:

- ***Signage or the provision of information for tenants***
- ***Provision of written terms of occupancy for tenants***
- ***Procedures regarding complaints***
- ***Procedures regarding vetting of incoming tenants***
- ***Compliance with deposit protection legislation***
- ***The recording and provision of information regarding rent payments***
- ***Procedures relating to rent collection***
- ***The provision of information regarding occupancy of the property***
- ***The provision of information regarding change of managers or licence holder details***

- ***The provision of information related to changes in the property***
- ***The provision of information relating to a change in mortgage provider***
- ***Requirements relating to the sale of the property***
- ***Attending training courses***
- ***Requirements to hold insurance***
- ***The provision of insurance documentation***
- ***The provision of or obtaining of suitable references***
- ***The provision of keys and alarm codes***
- ***Security provisions for access to the property***
- ***The provision of suitable means for occupiers to regulate temperature***

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the bullet points directly above as a Mild matter, attracting a financial penalty with a starting level of £2500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2000, attracting a civil penalty of £4500.

Aggravating features/factors specific to Licence Condition breach offences

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with licence conditions related to:

- ***Procedures and actions regarding Inspections***
- ***Procedures regarding Repair issues***
- ***Maintenance and use of common parts (including gardens, outbuildings and property exterior) and living areas***
- ***Safeguarding occupiers and minimising disruption during works***
- ***The provision of information regarding alterations and construction works***
- ***Procedures regarding emergency issues***
- ***Waste and waste receptacles, pests, minor repairs, alterations or decoration.***
- ***Giving written notice prior to entry***
- ***Allowing access for inspections***
- ***Minimising risk of water contamination***
- ***The compliance of furnishings or furniture with fire safety regulations***

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the bullet points directly above as a Moderate matter, attracting a financial penalty with a starting level of £7500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £12500.

Aggravating features/factors specific to Licence Condition breach offences

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with licence conditions related to:

- ***The provision of documentation regarding energy performance certificates, fire detection and prevention, emergency lighting, carbon monoxide detection, fire risk assessments, gas installations, electric installations and appliances***
- ***Notification of legal proceedings, contraventions and other relevant information that may affect a fit and proper person status***
- ***Procedures and actions regarding ASB***

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the bullet points directly above as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

Aggravating features/factors specific to Licence Condition breach offences

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with licence conditions related to:

- ***Minimum floor areas***
- ***Occupancy rates***
- ***Occupancy of rooms or areas that are not to be used as sleeping accommodation***
- ***Limits on number of households allowed to occupy the property or part of the property***

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the bullet points directly above as a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

Aggravating features/factors specific to Licence Condition breach offences

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with licence conditions related to:

- ***The condition or existence of smoke alarms, carbon monoxide alarms, emergency lighting, gas installations, electric installations and appliances, fire detection or other fire safety features or requirements***
- ***The prevention including provision of safe means of escape***

The Council would view the seriousness of the offence of failing to comply with a licence condition relating to the bullet points directly above as a Severe matter, attracting a financial penalty with a starting level of £22500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £22500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of

the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £27500.

Aggravating features/factors specific to Licence Condition breach offences

- The number and/or nature and/or extent of the licence condition regulation breach(es) and/or the deficiencies within each licence condition breach.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to Comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 impose duties on private landlords in relation to electrical installations. Regulation 3 is detailed below:

3. Duties of private landlords in relation to electrical installations

- (1) A private landlord who grants or intends to grant a specified tenancy must—
 - (a) ensure that the electrical safety standards are met during any period when the residential premises are occupied under a specified tenancy;
 - (b) ensure every electrical installation in the residential premises is inspected and tested at regular intervals by a qualified person; and
 - (c) ensure the first inspection and testing is carried out—
 - (i) before the tenancy commences in relation to a new specified tenancy; or
 - (ii) by 1st April 2021 in relation to an existing specified tenancy.
- (2) For the purposes of sub-paragraph (1)(b) "at regular intervals" means—
 - (a) at intervals of no more than 5 years; or
 - (b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.
- (3) Following the inspection and testing required under sub-paragraphs (1)(b) and (c) a private landlord must—
 - (a) obtain a report from the person conducting that inspection and test, which gives the results of the inspection and test and the date of the next inspection and test;
 - (b) supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test;
 - (c) supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority;
 - (d) retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
 - (e) supply a copy of the most recent report to—
 - (i) any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and
 - (ii) any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

(4) Where a report under sub-paragraph (3)(a) indicates that a private landlord is or is potentially in breach of the duty under sub-paragraph (1)(a) and the report requires the private landlord to undertake further investigative or remedial work, the private landlord must ensure that further investigative or remedial work is carried out by a qualified person within—

- (a) 28 days; or
- (b) the period specified in the report if less than 28 days, starting with the date of the inspection and testing.

(5) Where paragraph (4) applies, a private landlord must—

- (a) obtain written confirmation from a qualified person that the further investigative or remedial work has been carried out and that—
 - (i) the electrical safety standards are met; or
 - (ii) further investigative or remedial work is required;
- (b) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to each existing tenant of the residential premises within 28 days of completion of the further investigative or remedial work; and
- (c) supply that written confirmation, together with a copy of the report under sub-paragraph (3)(a) which required the further investigative or remedial work to the local housing authority within 28 days of completion of the further investigative or remedial work.

(6) Where further investigative work is carried out in accordance with paragraph (4) and the outcome of that further investigative work is that further investigative or remedial work is required, the private landlord must repeat the steps in paragraphs (4) and (5) in respect of that further investigative or remedial work.

(7) For the purposes of sub-paragraph (3)(e)(ii) a person is a prospective tenant in relation to

residential premises if that person—

- (a) requests any information about the premises from the prospective landlord for the purpose of deciding whether to rent those premises;
- (b) makes a request to view the premises for the purpose of deciding whether to rent those premises; or
- (c) makes an offer, whether oral or written, to rent those premises.

It is important that a private landlord complies with all aspects of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, however, the Council recognises that a failure to comply with certain aspects of Regulation 3 is likely to have a much bigger impact on the safety and comfort of residents than others.

Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (3)(b), 3(d), 3(e)

The Council would view the seriousness of the offence of failing to comply with (3)(b), 3(d) or 3(e) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Mild matter, attracting a financial penalty with a starting level of £2500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £2000, attracting a civil penalty of £500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £2500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £2000, attracting a civil penalty of £4500.

Aggravating features/factors specific to Electrical Safety Regulations breaches of duty

- The number and/or nature and/or extent of the Electrical Safety Regulation breach(es) within each sub-regulation.
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (5)(b), (5)(c)

The Council would view the seriousness of the offence of failing to comply with (1)(a), (1)(b), (1)(c), (3)(a), (3)(c), (5)(b) or (5)(c) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Serious matter, attracting a financial penalty with a starting level of £12500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £7500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £17500.

Aggravating features/factors specific to Electrical Safety Regulations breaches of duty

- The number and/or nature and/or extent of the Electrical Safety Regulation breach(es) within each sub-regulation.
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Failure to comply with Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 sections (4), (5a), (6)

The Council would view the seriousness of the offence of failing to comply with (4), (5a) or (6) of Regulation 3 of The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as a Very Serious matter, attracting a financial penalty with a starting level of £17500.

Under the Council's policy the civil penalty for a landlord controlling/owning/managing one or two dwellings, including no more than one HMO, with no other relevant factors or aggravating features [see below], will reduce by £5000, attracting a civil penalty of £12500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a significant property portfolio, being three, four, or five dwellings, and/or two HMOs, with no other relevant factors or aggravating features [see below], will attract a civil penalty of £17500.

Under the Council's policy, the civil penalty for a landlord controlling/owning/managing a large property portfolio, being six or more dwellings, and/or three or more HMOs and/or has demonstrated experience in the letting/management of property (irrespective of the size of the portfolio), with no other relevant factors or aggravating factors [see below], will increase by £5000, attracting a civil penalty of £22500.

Aggravating features/factors specific to Electrical Safety Regulations breaches of duty

- The number and/or nature and/or extent of the Electrical Safety Regulation breach(es) within each sub-regulation.
- Using an unqualified person lacking appropriate certification to carry out inspection, testing, investigative or remedial work.

Generic aggravating features/factors

As set out under 'Failure to comply with an Improvement Notice' above.

Process for imposing a civil penalty and the right to make representations

Before imposing a financial penalty on a person, the Council will give the person a Notice of Intent.

A person who is given a Notice of Intent may make written representations to the Council about the proposal to impose a financial penalty. Any representations must be made within a 28-day period, this period starting the day after the date on which the Notice of Intent was given. As the burden lies with the recipient of any such notice to explain why, exceptionally, the Council should, or should not, depart from the Civil Penalties Matrix and guidance above, the Council will expect the recipient of a Notice of Intent to explain and provide fulsome and cogent evidence to support the existence of any such circumstances when they make representations in response to the notice.

In the event of two or more persons receiving separate Notices of Intent for the same matter, it should be noted that acceptance/payment of a civil penalty by one person will not negate the Council's intention to impose a civil penalty on the second or further persons. Each person served with the Notice of Intent is considered individually liable to pay the civil penalty notified to them. It is therefore important that any recipient of a Notice of Intent takes the opportunity to make representations should they consider for any reason a civil penalty should not be individually imposed upon them.

After the end of the period for representations the Council will:

- (a) Decide whether to impose a financial penalty on the person, and
- (b) If it decides to impose a financial penalty, decide the amount of the penalty

In determining whether to impose a financial penalty, and the level of any penalty, the Council will consider any written representations received in the appropriate time period, and will also consider the totality principle.

Furthermore, an offender's compliance with the identified breach during the representation period would not, in itself, be reason for the Council to determine that the imposition of a financial penalty was inappropriate. However, compliance at that stage may be relevant with respect to any mitigating factors that could decrease the amount of any imposed financial penalty.

If, following the receipt of written representations and/or the expiry of the time period to make written representations, the Council decides to impose a financial penalty on the person, it will give the person a Final Notice imposing that penalty.

The Final Notice will set out and summarise:

- a) The amount of the financial penalty,
- b) The reasons for imposing the penalty,
- c) Information about how to pay the penalty,
- d) The period for payment of the penalty,
- e) Information about rights of appeal, and
- f) The consequences of failure to comply with the notice

Discounts

The Council will automatically apply the following discounted rates to any imposed financial penalties in the following circumstances:

- A discount of 15% of the original calculated financial penalty will be deducted from the penalty imposed in the Final Notice should the penalty be paid within a specified time period (normally 28 days).

Illustrative example

The landlord of a Mandatory HMO property fails to obtain a licence. They only operate two HMO properties and there are no other relevant factors or aggravating features. The offence is regarded as a Very Serious matter. Upon receipt of the 'Notice of Intent' to impose a £17500 financial penalty. Written representations are made to the Council.

On account of the written representations received by the landlord, the council imposes a financial penalty of £16000. In the event the landlord pays within the specified period a 15% discount is given so that the landlord makes a discounted payment of £13600.

Appeals

If a person appeals, the final notice is suspended until the appeal is determined or withdrawn.

Cheltenham Borough Council

Cabinet – 16 September 2025

Tenant and Leaseholder Voice Plan

Accountable member:

Cllr Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Caroline Walker, Director of Housing, Customer Services and Communities

Key Decision: No

Executive summary:

The Tenant and Leaseholder Voice Plan 2025–2028 outlines Cheltenham Borough Council's renewed commitment to placing tenant and leaseholder voices at the heart of housing services. Recognising the vital role that resident feedback plays in improving service delivery, this plan introduces a comprehensive and inclusive approach to engagement.

The plan aims to empower residents by creating more opportunities for participation, ensuring inclusivity, and demonstrating how resident input directly influences decisions.

Delivery of the plan will ensure compliance with the **Regulator of Social Housing** consumer standards (Transparency, Influence and Accountability standard).

Recommendations: That Cabinet:

- 1. recommends that the Council adopts the Tenant Voice Plan**
-

1. Implications**1.1 Financial, Property and Asset implications**

There are no implications

1.2 Legal implications

There are no implications

1.3 Environmental and climate change implications

There are no implications

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities
- Reducing inequalities, supporting better outcomes

1.5 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Reducing inequalities, supporting better outcomes

1.6 Equality, Diversity and Inclusion Implications

Please see attached Equality Impact assessment

1.7 Performance management – monitoring and review

Progress will be assessed by:

- The number and diversity of residents taking part.
 - Satisfaction scores and reduced complaints.
 - Tangible changes to policy and services driven by resident input.
 - Clear, consistent communication and transparency around decisions.
-

1.1. Planned Actions (2025–2028)

The plan includes:

- Involving residents in strategy development and service reviews.
- Expanding youth and older residents' forums.
- Developing leaseholder engagement and improving handbooks.
- Launching a new Social Responsibility Panel to guide community investment.
- Strengthening ties with organisations that support underrepresented groups.

1.2 Approach to Engagement

Residents will be able to get involved at three levels:

- **Shape:** Help influence day-to-day decisions and service design.
- **Engage:** Take part in activities, surveys, and community discussions.
- **Scrutiny:** Join formal panels that review services and shape strategies.

1.3 Key Priorities

1. **Empowerment** – Enabling residents to lead and have real influence.
2. **Inclusion** – Making it easy for everyone to take part.
3. **Communities** – Strengthening on-the-ground relationships.
4. **Improvement** – Using feedback to enhance services continuously.

2. Key risks

- 2.1 Failure to comply with this plan could lead to several failings by the housing service, including regulatory non-compliance, poor tenant satisfaction, increased complaints and service failings, and inequality in our engagement structure, and missed opportunities for service improvement.

Report author:

Caroline Walker, Director of Housing, Customer Services and Communities.
Caroline.walker@chletneham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Tenant Voice Plan
- iii. Equality Impact Assessment

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	Council are required to have a Tenant Voice plan in place to ensure tenants views are taken into account in the delivery of services. This is a legal requirement (Regulator for Social Housing Consumer Standards)	Director of Housing , Customer Services and Communities	2	3	5	Reduce	Delivery of this plan should reduce this risk	Director of Housing , Customer Services and Communities	September 2025

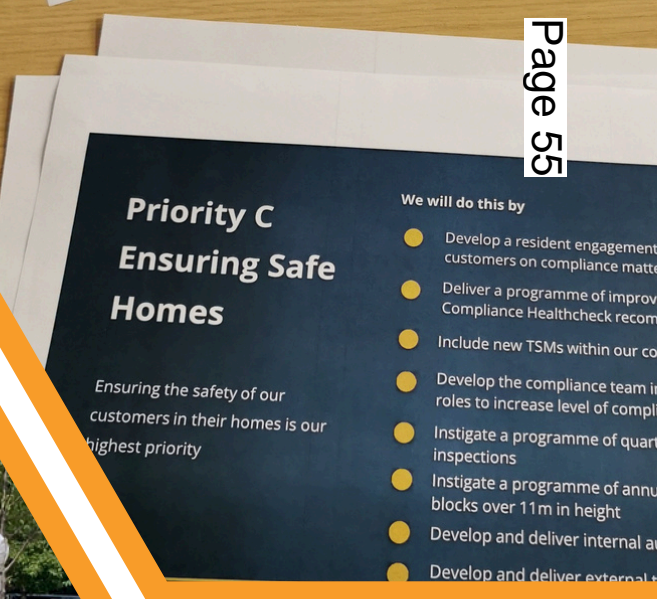
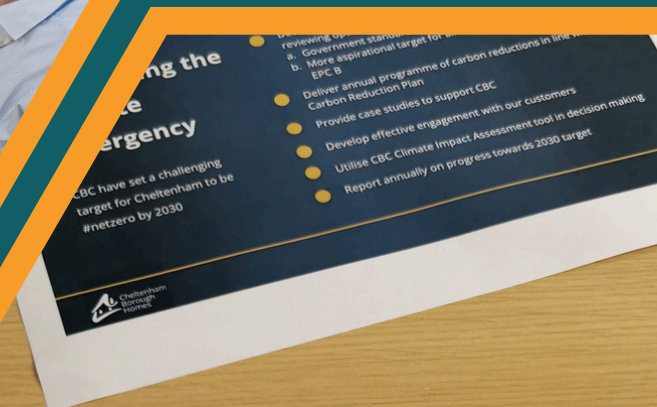
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CHEL TENHAM
BOROUGH COUNCIL

Listening and acting

Tenant and Leaseholder Voice Plan 2025-2028



Foreword



An introduction from Flo Clucas, cabinet member for housing and customer services

We're excited to tell you about our new plan to make your voice a big part of what we do. It's not just about listening — we want to work with you to make our services better, so they match what you really need and care about.

What you think is important. Your ideas help us make homes better and spend money in smart ways. That's why we're making it easier than ever for you to join in.

We've always listened to tenants, but now we're going even further. We are offering more ways to get involved. You can join in often or just now and then — whatever works best for you.

And when you speak up, we'll show you how your ideas are making a difference. Working together, we can make real and lasting change.

Best wishes,
Flo

Page 56

**Our
ambition**

"To create a structure where everyone can engage, and where tenants and leaseholders can understand the impact their feedback has had."

What has shaped this plan?

1. Consumer Standards

Starting on 1 April 2024, new rules were introduced to help protect social housing tenants and make services better.

These rules focus on four main areas:

- **Safety and quality** – Ensures homes are safe and well-maintained
- **Transparency and accountability** – Holds landlords responsible and promotes tenant involvement
- **Neighbourhood and community** – Supports community well-being and resident needs
- **Tenancy** – Focuses on tenant satisfaction and effective information management

2. Tenant Satisfaction Measures

The Regulator of Social Housing (RSH) introduced 22 Tenant Satisfaction Measures (TSMs) to assess social housing providers.

Key areas include:

- **Repairs** – Keeping homes well-maintained
- **Safety** – Ensuring buildings are secure
- **Engagement** – Listening to tenant feedback
- **Complaints** – Handling concerns effectively
- **Neighbourhood** – Maintaining shared spaces

3. Complaint handling code

The Housing Ombudsman Service has updated rules to improve how landlords handle complaints.

Key changes include:

- **Clear definition** – Everyone understands what a complaint is
- **Simple process** – Two-step system with set response times
- **Fairness** – Quick, fair resolutions for tenants
- **Fixing issues** – Landlords must resolve problems properly
- **Continuous improvement** – Regular self-assessment and learning

Our commitment



Why does this matter?

We are committed to working with you, our tenants and leaseholders, to be a better landlord. The goal is to support you to take the lead, listen more to your views, and take action based on what you say.

Your involvement lets us know our services meet your needs and helps us to build an offer we can be proud of. Together, we can create a lively and connected community where everyone has a voice and can see the real impact of their ideas.

We have four main priorities:

1. Empowerment

- Giving you a greater role in making decisions about how we run our housing and deliver our services.
- Supporting you to access training so you can progress and develop your skills with us

2. Inclusion

- We want every tenant and leaseholder to feel truly welcome and valued when sharing their thoughts. That's why we're committed to breaking down barriers and ensuring everyone has the opportunity to get involved.
- We'll take a proactive approach, reaching out to seldom heard voices and making it easier for all communities to engage and shape our services.

Page 58

3. Communities

- We want to be more than just a voice on the phone—we want to be a visible, active presence in your community. As your landlord, we're committed to being on the ground, connecting with you more often and making it easier to have real conversations.
- We're also here to support you in taking the lead—whether that's running local groups, starting resident associations, or hosting community events

4. Improvement

- We're committed to understanding your experience. We will seek your feedback so we can understand your experience of our services
- Your feedback matters—we'll listen, learn, and take action to make our services better for everyone.

Get involved!



We want to hear from you!

Your ideas and opinions matter. We’re giving you new ways to share what you think, so you can help make decisions about the services you use. Our goal is to make sure everyone gets a chance to join in—no matter who they are or where they come from. Together, we can make things better for everyone.

We engage with our customers in three ways:

Shape

We actively seek input from tenants and leaseholders to ensure our decisions meet your needs. We want to understand what’s important to you and your community and make sure our services reflect that.

Engage

There are many ways we engage and collaborate with you in your communities. We want to give you the tools for lasting change.

Scrutiny

This is our most formal way of involving you in key decisions and service improvements. It gives you a direct influence on major decisions, service development, and how resources are allocated.

Supporting you to shape the delivery of our services

Tenant and leaseholder input for policies and strategies Working with you when designing or updating services, we try to work with those with lived experiences of the topic

Keeping you safe: Working with you to identify ways to keep your buildings secure and safe.

Community surveys: Identifying community-wide priorities on a large scale to help inform our community investment projects

Customer satisfaction surveys: Independent surveys on service experiences, with follow-ups phone-calls to gain a deeper understanding

Service experience surveys and lived experience panels: In-depth exploration to understand your experiences of our services.

Tender reviews: Tenant and leaseholder representatives can be involved when we select contractors to carry out work

Input on developments and neighbourhood works: We seek customer input on neighbourhood improvements and new developments

Customer promise: CBC customers have shaped and can see what quality of service to expect

Working with you in your communities

Estate walkabouts: Inspections and discussions with the tenancy management team.

Engaging with minority groups: Partnering with county-wide organisations to break down barriers to engagement for our harder-to-reach tenants

Social responsibility: Collaborating with tenants to invest in projects that have real impact for our communities

Community groups: Supporting local action groups and resident associations, offering assistance, funding, and partnerships.

ASB advice sessions: Offering face to face drop-in support on tackling anti-social behaviour.

Training and employment support: Help with job searching, training and employment opportunities.

Online engagement: Keeping tenants informed through social media, websites, newsletters, and portals, and working with tenants to identify the best ways in which to do this.

Working with you to review and improve our services

Service improvement plans: where your feedback indicates a problem, we engage with you to improve the quality of the services we deliver.

Mystery shopping: Anonymous testing of services for quality control.

Tenant panel: Independent monthly scrutiny meeting to conduct and oversee our reviews of services and offer suggestions for improvements.

Housing committee: Tenant and leaseholder representation at a high level to shape strategic decisions with the opportunity for wider public to ask questions as part of the public questions agenda item.

Leaseholder panel: Review and scrutiny of services for leaseholders.

Youth voice and senior forums: Ensuring representation from all generations when designing and reviewing services.

Complaints and compliments: Continuously learning from your feedback to improve service delivery, held accountable through our complaints panel.

How we will support you to get involved



Ward councillors

- They work together with you, helping to address your community issues
- They will ensure your voices are heard and considered in decision-making
- They will resolve problems and address community needs by collaborating with residents and community groups

Staff responsibility

- Engagement and scrutiny will be built into service delivery and be the responsibility of every member of staff across all departments of housing

Resident engagement officer

- They facilitate customer involvement within housing services and lead on tenant and leaseholder panels
- They support other housing teams by ensuring customer feedback and involvement is central to developing and improving services

Community investment officers

- Building on the skills present within your communities, officers will collaborate with local groups to understand and support you to address your needs
- They will assist groups in setting goals and applying for funding for community projects
- They will lead community meetings and consultations to gather input from everyone in the area, regardless of whether you're a tenant of ours
- They will work closely with the equality, diversity, and inclusion lead to ensure inclusive participation, and are proactive in engaging our seldom heard voices



I went to a few meetings and it seemed a worthwhile use of my time. I was voted in as a full member shortly afterwards. The scrutiny work gives us an insight into how the housing service works and how it achieves its goals as a housing provider. Membership of the tenant panel is an opportunity to influence this.

Ed Trevena, Tenant Panel Member



How we will get there

Priorities	Action	Year one	Year two	Year three
1, 2	Share the draft tenant and leaseholder engagement strategy with tenants and leaseholders to ensure that they have the opportunity to further shape the strategy.	Action to take place ✓		
1, 2, 3	Work with tenants and leaseholders to review and develop the website, ensuring it is up to date with policies and scrutiny reviews, and adheres to CBC's high expectations around accessibility	Action to take place ✓		
1, 2, 3, 4	Expand our opportunities for engagement, by formalising our approach to capturing the views of older adults living in our homes and supporting the development of a borough wide Youth Voice Panel.	Action to take place ✓		
1, 2, 4	Develop the newly formed leaseholder forum, creating an annual work plan	Action to take place ✓		
1, 2, 4	Review and update our tenant and leaseholder handbooks, ensuring they are tailored to their needs and accessible to all	Action to take place ✓		

How we will get there

Priorities	Action	Year one	Year two	Year three
1, 2, 4	Use data from independent external surveys and text satisfaction surveys to monitor feedback around complaints, ASB, and repairs, hosting quarterly lived experience panels to gain a deeper understanding of our tenants' and leaseholders' user experience.		Action to take place ✓	
1, 2, 4	Enhance our understanding of who lives in our properties by reviewing existing data and identifying opportunities to gather more. By using this insight, we can refine our services to better meet residents' needs.		Action to take place ✓	
1, 2, 3	Support and develop residents' associations and community groups, giving them a greater voice in how we serve our communities	Action to take place ✓		
1, 2, 3, 4	Establish a new Social Responsibility Panel to oversee the allocation of funds received through social value contracts, ensuring they are invested for the maximum benefit of our communities.		Action to take place ✓	
1, 2	Strengthen our partnerships with organisations like GARAS and Alliance for Equality to better understand our under-represented customers and collaborate on reducing barriers to engagement.	Action to take place ✓		

How will we know we are getting it right?

Participation and involvement

- **Attendance and survey response numbers:** Track how many tenants engage with events, activities and surveys
- **Tenant groups:** An increase in tenant led activities
- **Diversity:** Ensure representation from diverse groups
- **Online engagement:** Monitor interactions on websites, social media, and portals

Empowerment and representation

- **Tenant involvement in decision-making:** How many tenants are involved in decision-making roles (panels, committees)?
- **Engagement with marginalised groups:** Champion the participation of underrepresented groups to ensure inclusivity

Feedback and satisfaction

- **Customer satisfaction Surveys:** Analyse survey feedback to identify trends and areas for service improvement
- **Complaints resolution:** Measure how quickly complaints are resolved and track reductions in recurring complaints over time
- **Qualitative feedback:** Collect in-depth feedback from consultations and lived experience panels to evaluate service delivery quality

Communication and transparency

- **Communication effectiveness:** Find out how well tenants feel informed through newsletters, social media, and tenant portals
- **Feedback loops:** Ensure that tenants receive regular updates about the outcomes of their input, showing them the real impact of their contributions

Action

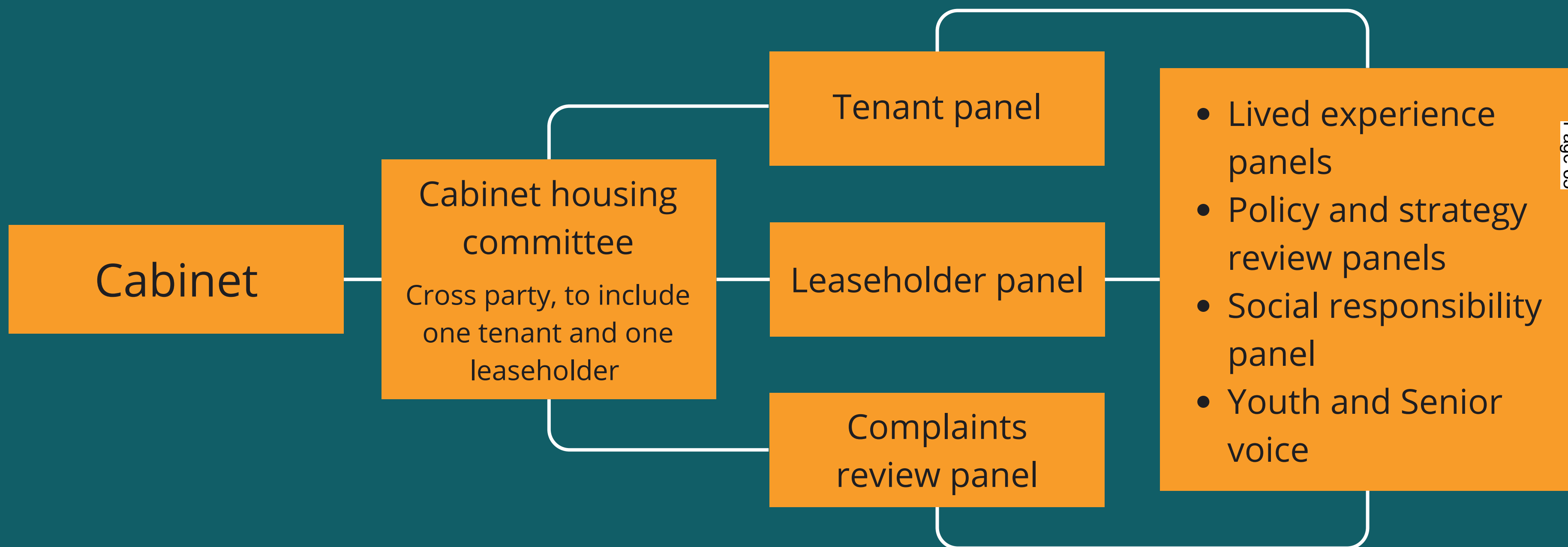
- **Policy changes and improvements:** Demonstrate how often tenant input leads to updates in housing policies and services
- **Service improvement plans:** Monitor the implementation of tenant-driven plans and their impact on service quality
- **Funding and projects:** look at the number of community projects initiated or funded through tenant input

Reviewing regularly

- **Periodic reviews:** Conduct independent reviews of tenant engagement initiatives to evaluate their effectiveness
- **Flexibility and responsiveness:** How well does the engagement plan adapts to changing needs and tenant feedback?

Our governance structure

This governance structure was approved in June 2024 as part of Cheltenham Borough Council's decision to take housing back in house.



Keep in touch

If you have ideas to share, need help starting something in your community, or want to know how you can get involved, you can reach out to us using the details below.

We look forward to hearing from you soon!



Page 66



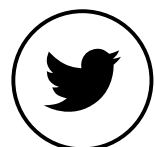
0800 408 0000



Contact us on the My CBH Portal or visit our website at www.cbh.org



liam.pem@cheltenham.gov.uk



Follow us on our social media channels



Equality Impact Assessment

Introduction

An Equality Impact Assessment (EqIA) is a method for assessing the effects or impacts of a council policy or function on removing barriers to equality.

The Equality Act 2010 includes a public sector equality duty which requires public authorities to try and eliminate discrimination; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and promote equality and good relations across a range of protected characteristics.

The protected characteristics are:

Age	Disability	Gender Reassignment
Marriage and civil partnership	Pregnancy and maternity	Race
Religion or belief (including lack of belief)	Sex	Sexual orientation

An EqIA should be completed with the full range of protected characteristics considered during the initial stages of developing new strategies, policies, functions or services, prior to starting a procurement exercise and before decisions are made.

Examples of when an EqIA should be completed are:

- | | |
|--|--|
| <ul style="list-style-type: none"> Any proposals to introduce or add to a service | <ul style="list-style-type: none"> Any proposals to adopt policy priorities, strategies and plans |
| <ul style="list-style-type: none"> Any proposals to remove, reduce or alter a service | <ul style="list-style-type: none"> Changes to staffing structure where groups of employees are likely to be negatively affected |
| <ul style="list-style-type: none"> Any new policies or changes to policies | <ul style="list-style-type: none"> Any proposals in relation to procured or commissioned services |

Stage 1 - Equality Screening

Whenever a policy/service or function is reviewed, changed, developed or removed an initial equality impact assessment stage 1 will need to be undertaken. This is a screening template and will help establish whether a full assessment is needed. This should be done at an early stage of the process so that it is part of policy development.

Stage 2 – Equality Impact Assessment

This is the full EqIA and seeks to identify the equality considerations that have been taken into account including any mitigating actions proposed and ensures decisions are based on evidence. The EqIA will need to be agreed with the appropriate Head of Service or Director and should be included on the decision making report, along with commentary on the assessment in the main body of the report.

STAGE 1 – Equality Screening**1. Identify the policy, project, function or service change****a. Person responsible for this EqIA**

Officer responsible: Ellen Pollicott	Service Area: Community Services- Housing
Title: Community Investment Manager	Date of assessment: 24.06.2025
Signature: Ellen Pollicott	

b. Is this a policy, function, strategy, service change or project?

Choose an item. Strategy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Tenant and Leaseholder Voice Plan

Is this new or existing? New

Choose an item.

Please specify reason for change or development of policy, function, strategy, service change or project

Development of plan for tenant and leaseholder engagement, meeting regulatory requirements

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims: To outline our plans for tenant and leaseholder engagement over the next 3 years.

Objectives:

- Increase engagement
- Meet regulatory requirements
- Empower tenants and leaseholders in shaping the delivery of our services

Outcomes:

- Engagement is increase and diversified
- Everyone has an opportunity to engage in a way to suit them

Benefits: All tenants and leaseholders of cheltenham borough council housing service

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Choose an item. **Proactive engagement of seldom heard voices**

Do you expect the impacts to be positive or negative?

Choose an item. **Positive**

Please provide an explanation for your answer:

The plan outlines how the housing service will be proactive in it's approach to tenant and leaseholder engagement

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

yes

Owner of Stage Two assessment

Ellen Pollicott

Completion date for Stage Two assessment

24.06.2025

Please forward this completed form to [add email address] and move on to Stage 2 if required.

STAGE 2 – Full Equality Impact Assessment**2. Engagement and consultation**

The best approach to find out if a policy etc, is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those equality groups.

a. Research and evidence

List below any data, consultations (previous, relevant, or future planned), or any relevant research, studies or analysis that you have considered to assess the policy, function, strategy, service change or project for its relevance to equality.

n/a

b. Consultation

Has any consultation be conducted?

Yes

Describe the consultation or engagement you have conducted or are intending to conduct. Describe who was consulted, what the outcome of the activity was and how these results have influenced the development of the strategy, policy, project, service change or budget option.

If no consultation or engagement is planned, please explain why.

The plan was developed with support of the tenant panel. The leaseholder and tenant panel were consulted with the finished document and given the opportunity to feedback any changes.

We worked with Campbell Tickell, an independent partner, to ensure the plan meets the needs of our tenants and leaseholders.

Feedback from tenant panel suggested the plan needed to be as short as possible and designed to be visually engaging. We made changes in line with this feedback.

3. Assessment

a. Assessment of impacts

For each characteristic, please indicate the type of impact (positive – contributes to promoting equality or improving relations within an equality group, neutral – no impact, negative – could disadvantage them).

Please use the description of impact box to explain how you justify the impact and include any data and evidence that you have collected from surveys, performance data or complaints to support your proposed changes

Protected Characteristic	Specific Characteristic	Impact	Description of impact	Mitigating Action
AGE	Older people (60+)	Positive	Introduction of older adults voice	
	Younger People (16-25)	Positive	Introduction of young people's voice	
	Children (0-16)	Neutral		
DISABILITY A definition of disability under the Equality Act 2010 is available here . <i>See also carer responsibilities under other considerations.</i>	Physical disability	Positive	Proactive engagement with people who have a disability to ensure their views are considered.	
	Sensory Impairment (sight, hearing)	Positive	As above	
	Mental health	Positive	As above	
	Learning Disability	Positive	As above	
GENDER REASSIGNMENT		Neutral	The plan does not specifically mention this.	
MARRIAGE & CIVIL PARTNERSHIP	Women	Neutral	No specific mention	
	Men	Neutral	No specific mention	
	Lesbians	Neutral	No specific mention	
	Gay Men	Neutral	No specific mention	
PREGNANCY & MATERNITY	Women	Neutral	No specific mention	
RACE* Further information on the breakdown below each of these headings, is available here .	White	Neutral		
	Mixed or multiple ethnic groups	Neutral		
	Asian	Neutral		

For example Asian, includes Chinese, Pakistani and Indian etc	African	Neutral		
	Caribbean or Black	Neutral		
		Choose an item.		
RELIGION & BELIEF** A list of religions used in the census is available here	See note	Neutral		
SEX (GENDER)	Men	Neutral		
	Women	Neutral		
	Trans Men	Neutral		
	Trans Women			
SEXUAL ORIENTATION	Heterosexual	Neutral		
	Lesbian	Neutral		
	Gay	Neutral		
	Bisexual/Pansexual	Neutral		
Other considerations				
Socio-economic factors (income, education, employment, community safety & social support)		Positive	Giving people a bigger say in our services relating to these.	
Rurality i.e. access to services; transport; education; employment; broadband		Neutral		
Other (e.g. caring responsibilities)		Neutral		

--	--	--	--	--

* To keep the form concise, race has not been included as an exhaustive list, please augment the list above where appropriate to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions in the census is available [here](#)

DRAFT

4. Outcomes, Action and Public Reporting

a. Please list the actions identified through the evidence and the mitigating action to be taken.

Action	Target completion date	Lead Officer

b. Public reporting

All completed EqIA's are required to be publicly available on the Council's website once they have been signed off. EqIA's are also published with the papers for committee and full council decisions.

Please send completed EqIA's to [email address]

5. Monitoring outcomes, evaluation and review

The Equalities Impact Assessment is not an end in itself but the start of a continuous monitoring and review process. The relevant Service or Lead Officer responsible for the delivery of the policy, function or service change is also responsible for monitoring and reviewing the EqIA and any actions that may be taken to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from Corporate Policy and Governance will be available to provide support and guidance, please email xxxx if you have any questions.

6. Change log

Name	Date	Version	Change

Cheltenham Borough Council

Cabinet - 16 September 2025

CBC Housing Service – Tenancy Policy and Decant (Required Move) Policy

Accountable member:

Councillor Flo Clucas, Cabinet Member for Housing and Customer Services

Accountable officer:

Caroline Walker, Director of Housing, Customer Services and Communities

Executive summary:

The Tenancy Policy has been developed to ensure that tenants are aware of their rights and responsibilities and understand the types of tenancies granted by the council. The policy is also a legal obligation, required by the Regulator for Social Housing Consumer Standards (Tenancy Standard) The policy includes the council's approach to key housing management activities:

- Security of tenure and ending a tenancy
- Tenancy changes and assignments
- Mutual Exchanges
- Succession
- Lodgers and Subletting
- Complaints and appeals

The Decant (required move) policy sets out the services and support offered to tenants when they are required to move out of their home (temporarily or permanently due to substantial repairs or the need for redevelopment

Both policies have been reviewed by Cabinet Housing Committee and are recommended for approval.

A summary document (attached) has been prepared to address any reading age issues.

Recommendations: That Cabinet

- 1. adopts the Tenancy policy**
 - 2. adopts the Decant (Required Move) Policy**
-

1. Implications

1.1 Financial, Property and Asset implications

There are no implications

1.2 Legal implications

There are no implications

1.3 Environmental and climate change implications

There are no implications

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality homes, safe and strong communities
- Reducing inequalities, supporting better outcomes

1.5 Equality, Diversity and Inclusion Implications

Please see attached Equality Impact statement

2 Background

2.1 Please see Tenancy Policy and Decant (Required Move) Policies

Report author:

Caroline Walker, Director of Housing, Customer Services and Communities.
caroline.walker@cheltenham.gov.uk

Appendices:

- i. Tenancy Policy
- ii. Decant (required move) Policy
- iii. Equality Impact Assessment
- iv. Policy summary
- v. Risk Assessment

Appendix V: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	Council is legally required to have policies in place to communicate how tenancies are issued and managed	Director of Housing, Customer Services and Communities	2	1	3	Monitor	Ensure compliance with policies and that policies are reviewed and updated following any legislative changes	Director of Housing, Customer Services and Communities	September 2025

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Cheltenham Borough Council policy

Tenancy Policy

Version control

Document name: Tenancy Policy

Version: 1.0

Responsible officer

- Justine Skitt, Tenancy Management Team Leader

Approved by: Housing Committee

Next review date: July 2028 (or change to relevant legislation)

Retention period:

Revision history

Revision date	Version	Description
date		

Consultees

Internal

- Caroline Walker, Director of Housing, Customer Services & Communities

External

- Tenants

Distribution

Contents

1. Introduction and purpose of the policy.....	2
2. Aims and scope of the policy.....	2-3
3. Tenancy Tenures	
• Non-secure tenancies	
• Introductory tenancies	
• Secure tenancies	
• Assured Shorthold & Assured tenancies	
• Fixed Term tenancies	
• Review of Fixed Term tenancies	
4. Ending tenancies.....	7-10
• By the tenant	
• By CBC	
• Ending a non-secure tenancy	
• Ending an Introductory tenancy	
• Ending an Assured shorthold tenancy	
• Ending an Assured tenancy	
• Ending of Fixed Term	
5. Tenancy changes and assignments.....	11-12
6. Mutual Exchanges.....	12-13
7. Successions.....	13-14
8. Lodgers & sub-letting.....	14-18
9. Complaints & Appeals.....	18
10. Monitoring & Review.....	18

Introduction and purpose of the policy

The purpose of this policy set out how Cheltenham Borough Council manages council tenancies. It ensures fairness, consistency and transparency in the management of the council-owned homes while safeguarding the rights of tenants.

This policy applies to all council tenancies owned and managed by Cheltenham Borough Council Housing Services.

Aims and scope of the policy

Aim of this policy is to:

- Provide responsive tenancy management services.
- Ensure tenants are aware of their rights and responsibilities in accordance with their tenancy conditions, legislation and regulatory guidance.
- Support and sustain tenancies.
- Make the best use of the available social housing stock, including reducing overcrowding, tackling under-occupation, and adapted housing for those with disabilities.

It also sets out CBC's approach to:

- The types of tenancy granted
- Security of tenure
- How a tenancy can be ended and advice and support when tenancies end
- Needs of those households vulnerable by reason of age, disability or illness and households with children
- Assignments and mutual exchanges
- Succession rights
- Lodgers and subletting, and
- Complaints and appeals process

Tenancy Tenures

Non-Secure tenancies

This type of tenancy is issued under the Homelessness legislation, when a homeless household is placed in temporary accommodation owned by the Council. If the household are found to qualify for permanent housing, the relevant tenancy will be issued by the landlord once permanent housing is secured.

Non-Secure tenants do not have the same statutory rights as secure tenants. They do not have the right to:

- buy their home
- assign or transfer the tenancy (some exceptions may apply)
- take in lodgers
- carry out improvements
- mutual exchange with another tenant
- the same protection from eviction for any breach of the agreement.

Introductory Tenancies

Introductory tenancies are used for all new tenants and last for a 12-month period. An Introductory tenancy can be extended for a further six-month period if necessary. Provided the introductory tenancy is completed with no tenancy breaches of tenancy conditions, a secure tenancy will be created at the 12-month anniversary. However, if a tenant is in breach of the tenancy terms, we will serve a notice before the expiry of the first 12 months. The tenant will have the right to an internal review of the notice.

Introductory tenancies will not be issued to:

- CBC tenants transferring to another CBC property.
- Tenants undertaking a mutual exchange whether they are existing CBC tenants or tenants with another Registered Provider or Local Authority.

Secure tenancies

Secure tenancies are used for all lettings where a tenant already has a security of tenure; ie they already have a secure tenancy. For example, a tenant who is moving from one CBC property to another, whether via a Choice Based Letting Scheme or mutual exchange.

Assured Shorthold & Assured Tenancies

Homes which were built by Cheltenham Borough Homes (CBH) as a registered provider are let on an Assured Tenancies. CBC will grant Assured Shorthold Tenancies to new tenants, for an initial twelve-month period. Should there be no breach within the first twelve months of this tenancy, it will automatically convert into an Assured Tenancy.

CBC will grant Assured Tenancies to existing secure tenants transferring from another CBC property, and to transferring tenants from other social landlords who had an Assured or Secure Tenancy previously.

Fixed Term Tenancies

Fixed term tenancies will be given to tenants who occupy properties that are leased by CBC from a third party who own the freehold of the building.

Fixed term tenancies are granted by CBC for a period of five years.

New tenants will be granted an Assured Shorthold Tenancy for one-year, if no action is taken for breach of tenancy during this period the tenancy will convert to an Assured Tenancy for the remainder of the five-year term.

There are certain circumstances, in which a tenancy of less than five years will be granted, these are as follows:

- At the date of tenancy commencement there is a period of less than five years before a break point in the lease agreement between CBH and the owner of the freehold is reached.
- At the date of tenancy commencement there is a period of less than five years before the expiry of the lease agreement between CBH and the owner of the freehold.
- In the case of mutual exchange, succession and a tenancy changing from joint to sole, where a tenancy for the remainder of the current five-year term will be granted.

Review of a fixed term tenancy

All fixed-term tenancies will be formally reviewed by CBC during the final year of the term, to consider whether a new tenancy should be offered at the same or another property.

It is expected that most tenancies will be renewed following a review, so tenants may have a succession of fixed terms. However, some tenants' needs may change over time, and the review will take these changes into account, the flexible nature of fixed-term tenancies will allow us to work with and support the tenant to move to more suitable accommodation.

CBC will contact tenants no later than 7 months prior to the end of the fixed term to arrange a review meeting.

The review will focus on the housing needs of the household, the way the tenancy has been conducted, any proven breaches of the tenancy agreement, and agreements to remedy those breaches, along with an inspection of the property.

CBC will provide appropriate housing advice and assistance to address these needs and, where relevant help tenants to understand the reasons why, in certain cases a new tenancy may not be offered.

The review meeting will be organised by the tenant's Tenancy Management Officer. The tenant(s) will be encouraged to invite a support worker, friend, or other representative.

Tenants are expected to participate in the review, and in the case of joint tenancies both parties must attend the review meeting.

In some circumstances, the review meeting can be held without the tenant being present. In these cases, the tenant must be living at the property and be unable to participate in the review meeting due for example due to a disability or vulnerability. A support worker or advocate, approved by the tenant, can attend the review meeting in his or her absence or written submissions can be accepted. CBC must be advised in advance of the review meeting if the above circumstances apply, and wherever possible will be flexible around rescheduling to allow the tenant to be present.

The review is intended to be a positive experience for tenants, so every effort will be made to ensure that reviews are held in a way that is sensitive to the needs of the tenant and in particular those that are disabled or vulnerable. This may involve ensuring access to additional support to help with understanding of their tenancy and the review process.

The meeting is an opportunity for the tenant to discuss any difficulties they are having in managing their tenancy or to report any nuisance or support issues. Advice may be given on a range of matters, including signposting to other services, such as employment and training and benefit and money advice.

If a tenant refuses to cooperate with invitations to arrange a review meeting, after attempts to contact them using all options available (Telephone, Email, Post, in person visits, next of kin, third party professional providing support), CBC will attempt to verify whether the tenant is still living at the address and investigate any information, which suggests that additional support is needed.

If no vulnerability is detected, the Tenancy Management Officer will discuss the case with the Tenancy Management Team Leader. If it is agreed that all avenues to contact the tenant have been exhausted, and that vulnerability is not a factor, CBC will carry out a review in the tenant's absence.

following the review, the following outcomes are possible:

- The tenant is offered a new fixed-term tenancy of up to five years at the same address. This will apply to most tenants, and notification of this will be provided in writing to the tenant(s).
- The Tenant is offered a new tenancy at an alternative address. This will apply where the home no longer meets the needs of the tenant.
- The tenancy is ended this will apply where the tenant refuses to engage in the review, where the tenant is no longer resident at the address; where there have

- been serious and persistent breaches of the tenancy agreement and legal action is already being pursued against the tenant.

The final decision not to offer a new fixed term tenancy at the same or another property will be made by the Director of Housing, Customer Services and Communities following review.

Ending Tenancies

By the Tenant

If the tenant wishes to bring a tenancy to an end, they may do so by issuing a termination of tenancy form (Notice to Quit), ensuring that this form reaches CBC at least four weeks before the Monday that the tenant intends to leave.

Alternatively, notice to terminate can be given in writing, which must include the names of each tenant, address, and the date of leaving. The letter must be dated and signed by all tenants, but a valid termination of tenancy form signed by one joint tenant is sufficient to terminate a joint tenancy.

If notice is received from one tenant in a joint tenancy, CBC will communicate with the other tenant so that the implications of the termination are understood and appropriate housing advice is provided.

By Cheltenham Borough Council

CBC may take steps to terminate a tenancy where there have been serious and/or persistent breaches of tenancy, including but not limited to serious acts of anti-social behaviour, criminality, or accumulation of rent arrears.

Ending a Non-secure tenancy.

CBC will take steps to terminate a non-secure tenancy where it is found that a household do not qualify for permanent housing. CBC may also take steps to terminate a non-secure tenancy where there have been serious and/or persistent breaches of a tenancy.

To terminate, and gain possession of, a non-secure tenancy, CBC are not required to prove any statutory ground. All that is required is for CBC to serve on the tenant a valid Notice to Quit. Following which, a claim for possession may be brought in the County Court.

Ending an Introductory Tenancy

If CBC decides to take action to end an introductory tenancy, then we will serve the tenant with a Notice of Possession Proceedings (NOPP). **The notice, also known as a 'section 128 notice', gives the tenant the opportunity to seek an internal review of the decision to commence possession proceedings.**

Any application for a review of a decision to seek possession must be:

- Made in writing.
- Made within 14 days of service of the Notice of Possession Proceedings
- Clear about whether an oral hearing is sought.
- Clear about the reason(s) for dissatisfaction with the decision to seek

possession and set out matters that the tenant wishes the reviewing manager to consider in reviewing the decision.

All reviews are carried out by a member of CBC Manager level or above who was not involved in the original decision.

If the decision to seek possession is upheld, CBC can apply to the County Court for a possession order.

Ending a Secure Tenancy – Discretionary Grounds

To end the tenancy and gain possession of a property let on a Secure tenancy, CBH must obtain a court order. To begin the process CBH must serve the required Notice of Seeking Possession (NSP) specifying the ground(s) on which possession of the property is being sought.

Discretionary grounds mean that it must be reasonable for the court to grant possession. The eight grounds for discretionary possession are:

- Ground 1 - Rent arrears or breach of the tenancy agreement
- Ground 2 - Nuisance or annoyance/illegal or immoral use of the property
- Ground 2A - Domestic violence
- Ground 2ZA - Offence during a riot
- Ground 3 - Deterioration in the condition of the property
- Ground 4 - Deterioration in furniture provided.
- Ground 5 - The tenant obtained the tenancy by knowingly or recklessly making a false statement to the landlord.
- Ground 6 - Premium paid in connection with mutual exchange
- Ground 7 - Non-housing accommodation
- Ground 8 - The property was made available during works to former accommodation

Ending a Secure Tenancy – Mandatory Grounds

Where antisocial behaviour has already been proved in another court a mandatory ground for seeking possession of a secure tenancy is available to CBC.

Mandatory grounds mean that the court must award possession if any one of five specified conditions is met, the landlord has served a Notice of Seeking Possession (NSP) and complied with its obligations in respect of the tenant's right of review.

The five specified grounds are:

- Conviction of serious offence
- Breach of an Injunction to Prevent Nuisance and Annoyance
- Breach of a criminal behaviour order
- Closure order
- Noise nuisance

If CBC serve an NSP relying on a mandatory ground for possession, we must inform the tenant of their right to request a statutory review of our decision to seek possession.

The tenant must request a review within seven days of service of the NSP, and the request must:

- Be made in writing.
- set out the grounds on which the review is sought.
- state whether an oral hearing is sought.

CBC must give the tenant five days' notice of the hearing date and/or the requirement to make written representations where the tenant has not requested a hearing.

The review must be carried out before the date after which court proceedings can start as specified in the Notice of Seeking Possession.

All reviews must be carried out by a member of CBC staff senior to the person who made the original decision to seek possession.

CBC must notify the tenant of the outcome of the review in writing, and clearly set out its reasons if the original decision is upheld.

Ending an Assured Shorthold Tenancy

To end the tenancy and regain possession of a property let on an Assured Shorthold tenancy, CBC must obtain a court order. To begin the process CBC must serve the required Notice of Seeking Possession (NSP) specifying the ground(s) on which possession of the property is being sought.

With Assured Shorthold tenancies, CBC can also obtain possession under section 21 of the Housing Act 1988, without having to prove any grounds for possession.

Ending an Assured Tenancy

To end the tenancy and regain possession of a property let on an assured tenancy, CBC must obtain a court order. To begin this process CBC must serve a notice of intention to bring proceedings on the tenant. This notice is commonly called a notice of seeking possession (NSP) or 'section 8' notice.

Ending a tenancy at the end of a fixed term

Where the fixed-term tenancy was offered on the basis that a further tenancy might be offered at the end of the term, the decision not to offer a new fixed term tenancy at the same or another property will be made by the Head of Community Services following review.

A Notice of Non-Renewal will be served at least six months before the tenancy term is due to end setting out:

- That CBC does not propose to grant a further tenancy on expiry of the term.
- Specifically, why no further tenancy is being granted. That the tenant has a right to appeal, how they can do this and the timescales for appealing.
- A Notice Requiring Possession will then be served on the tenant giving at least two months' notice that possession is required. This can be served at any time until the last day of the tenancy. If the tenant does not move out on the last day of the tenancy, a court order will be applied for to end the tenancy.

Tenancy changes and assignments

CBC will not normally change the named tenants on a tenancy unless it is on the best interests of the tenants and CBC or there is a relevant court order.

CBC will only change a single tenancy to a joint tenancy :

- Married couples
- Civil partners
- To sole tenants upon marriage, and
- To established co-habiting couples

A certificate proving marriage or civil partnership will be needed to be provided to CBC prior to a joint tenancy being approved. For established partners, evidence that the partner as lived in the property for a minimum of 12 months will be required. No other applications for a joint tenancy will be granted (for example intergenerational or sibling).

CBC will only remove a tenant's name from a joint tenancy in the following two circumstances:

- By agreement of both parties in writing, or
- As part of a court order.

In addition, CBC may remove a tenant from a joint tenancy where both parties are in agreement and all relevant paperwork is completed. Any tenant taking on a tenancy in their own right must be aware that they agree to take sole responsibility for any outstanding arrears, debts or anti-social behaviour contracts instigated during the joint tenancy.

CBC will refuse a request to change the names on a tenancy when:

- The current tenant(s) or persons applying to become a joint tenant owes money to the council for rent or former tenancy charges.
- The person applying to become a joint tenant or the person applying to have the tenancy in their own name would not qualify to join the housing register. For example, they already own a property elsewhere or do not meet the set financial criteria.
- The current tenant is not a secure tenant.
- The person applying to join the tenancy has no recourse to public funds or no right to remain in the country.
- There is a valid County Court Order for possession for existing tenant's home or elsewhere.
- Legal proceedings of any kind have been initiated against the current tenant or there is a breach of the tenancy ie any tenancy arrears.
- The current tenant is already a successor and creating a new joint tenancy would create new succession rights. If there had been a succession (including succession by surviving joint tenant) then we will not allow another change unless there is a court order directing us to do so.
- The person applying to become a joint tenant is already a secure tenant of another property.
- One of the parties does not intend to live in the property or the person applying to have the tenancy in their own name does not intend to live in the property.

Mutual Exchanges

CBC aims to reduce housing need and make the most effective use of its housing stock by encouraging appropriate mutual exchanges to help increase tenant's choice and mobility options. CBC is therefore a member of Homeswapper, a national mutual exchange organisation to enable its tenants to advertise their interest in finding a mutual exchange.

CBC encourages mutual exchanges between two or more tenants of CBC, or between two or more tenants of CBC, another Registered Provider or a Local Authority.

CBC will approve mutual exchange applications provided none of the grounds for refusing such applications in the Housing Act 1985 and the Localism Act 2011 apply.

CBC tenants who are on an Introductory or a non-secure tenancy are not able to apply for a mutual exchange until they have been a tenant for a year and their tenancies have been converted to a secure tenancy.

CBC will not withhold permission for a mutual exchange to take place unless it has good reason to do so. It may impose conditions on its permission concerning the payment of outstanding rent, the remedying of any breach or the performing of any obligation of a tenancy. Some of the reasons that CBC would not give permission are as follows.

- If a Court Order for possession has been granted to the Assignee.
- The accommodation is substantially more extensive than is reasonably required by the proposed assignee. i.e. under occupation of the property
- The accommodation is not reasonably suitable to the needs of the proposed assignee. i.e. over occupation of the property.
- The accommodation is designed to make it suitable for occupation by a disabled person.
- If the assignment were made and there would no longer be such a person residing in the accommodation.
- Where a Section 106 Agreement is in place.
- Where there are rent arrears or other CBC debt.

CBC's tenants will be informed of the decision concerning their application within forty-two days of the application being made. If the application is refused, reasons for the refusal will be provided.

Due to the changes brought about the Localism Act 2011, the type of tenancy given to tenants carrying out a mutual exchange may be different depending on the type of tenancy the applicant currently holds. The date on which their current tenancy commenced will also have an impact.

Successions

CBC acknowledges the right to succession on the death of a tenant. The tenancy may be passed on to a partner who lived with the tenant at the time of their death, whether or not they were married. This right is also granted to same sex partners. This is provided:

- The deceased tenant did not succeed to the tenancy;
- The partner lived in the tenant's home as their only or main home at the time of the tenant's death; and
- The deceased tenant held a sole tenancy.

This right applies to all tenants who hold either an Assured tenancy or a 5-year Fixed Term Tenancy.

An application to succeed to a tenancy must be made within a reasonable period from the date of the tenant's death. However, if there has been a previous succession, including succession by a surviving joint tenant, no further succession will be granted unless there is a court order directing CBC to do so.

As per the Localism Act 2011, any tenancy granted after 1st April 2012 "vests" in the person who qualifies. This means that the tenancy automatically passes by law to the qualifying person with no requirement for a new tenancy agreement to be signed. This also means any rent arrears or debt owed to CBC by the deceased tenant automatically passes to the qualifying person.

If the tenant does not have a partner, the tenancy may be passed to a member of their family as long as the property is their main/only home and they lived at the property with the tenant for at least twelve months prior to the tenant's death. The tenancy can only be passed on once. It should be noted that if the deceased tenant succeeded to their tenancy, no further succession right will be granted.

Members of a family include parents, grandparents (including those by marriage), children, grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, half-brothers or half-sisters, adopted children and stepbrothers or stepsisters. If more than one family member qualifies to succeed the tenancy, the family should agree who will take over the tenancy. If they cannot agree they must apply to the Court to decide who the tenancy will pass to.

If the tenancy does pass to someone under point and the family member is under-occupying the property at the date of the tenant's death, they will not be entitled to take

over the tenancy of the property. In these circumstances, CBC will make a maximum of two formal offers of alternative suitable accommodation.

Where there are no rights to succession, due to a previous succession being granted or no-one meeting the criteria outlined above, CBC will issue the relevant notice to gain vacant possession of the property.

Lodgers and Sub-letting

CBC understands that there may be occasions when a tenant wishes to take in a lodger or sub-tenant whether because of personal, financial or health reasons. By allowing all tenancy types the option of taking in a lodger/sub-tenant, CBC is encouraging tenants to make informed choices about managing their own tenancies in a way that can meet their own needs and aspirations.

However, CBC recognises having a sub-tenant or a lodger may not always be in the best interests of a tenant and CBC will provide information on an individual basis on how lodgers and sub-tenants may impact on tenancy agreements and affect Benefit entitlements, as appropriate.

In addition, CBC will encourage tenants to explore a range of options before making an informed decision about the type of arrangement that best suits their lifestyle and needs. Appendix 3 provides further guidance.

Tenants can take in any persons as lodgers and sub-tenants as long as they do not sublet the whole property or exceed the permitted number of people allowed to live in the home. If the tenant lives in a scheme designed for a specific purpose (e.g. sheltered housing for tenants over 60 years old) CBC will not permit the tenant to take in a lodger who themselves does not qualify for the scheme.

In relation to lodgers and sub-letting, CBC's aims are to:

- Ensure all enquiries and requests by tenants to take in a lodger or sublet part of their property are dealt with consistently and fairly;
- Prevent overcrowding;
- Ensure tenants remain responsible for all obligations under their tenancy agreement;
- Prevent properties being unlawfully sublet, illegal assignment and the creation of unintended tenancies and rights of occupation;
- Minimise the risk of unauthorised mutual exchanges;
- Ensure CBC properties are not used as commercial ventures where rooms are rented out by tenants as a business;
- Ensure CBC has a proactive approach to identifying unauthorised occupation;
- Ensure swift and effective action is taken to regain possession of properties occupied by unauthorised occupants;
- Set out the circumstances where permission to sublet will be refused;
- Alert staff and tenants/residents to the possibility of the exploitation of vulnerable tenants by lodgers or the issues for tenants of taking in vulnerable lodgers; and
- Maintain up to date records of household composition.

For clarity, CBC uses the following definitions:

- A tenant is someone who has a Tenancy agreement with CBC as the landlord in relation to a specific property. They are responsible for the whole property and all the obligations, responsibilities and rights outlined in the agreement. They have a legal relationship with CBC.
- A lodger is a person who shares the facilities of a dwelling and does not have exclusive possession of any part of the property. A lodger may also receive services such as a laundry cleaning or meals. They can be asked to go within a reasonable period of notice from the tenant. Family members are not normally treated as lodgers.
- A sub-tenant pays a charge to the tenant for exclusive rights to part of the property and will have a tenancy granted by the tenant. A tenant cannot enter a
- sub-tenant's designated space without permission from the sub-tenant. It is a breach of CBC's tenancy agreement for a tenant to sublet the whole property.
- An unauthorised occupant is someone who has no contractual right to occupy the property or whose continued occupation is unlawful because it is in breach of the express terms of the tenancy or lease.

Under the 1985 & 1996 Housing Acts, secure tenants have a statutory right to be able to take in a lodger without seeking permission. CBH grants the same right to assured and assured shorthold fixed term tenants under the terms of the tenancy agreement. Tenants on an assured shorthold starter tenancy or assured shorthold fixed term starter tenancy, however, do not have this right. Although permission is not required, CBC requests that tenants inform us if they take in a lodger and provide the following information: • Name, age & gender of the lodger(s); • The intended length of time they will be staying; • How much they will be charging (weekly, fortnightly or monthly); • Which part of the property they will be occupying; and • Confirmation that the Housing Benefit department has been advised (where appropriate).

In addition, secure tenants are also granted statutory rights under the 1985 & 1996 Housing Acts to take in a sub-tenant with the written permission of their housing association. CBH grants the same rights to assured and assured shorthold tenants under the terms of the tenancy agreement. Tenants on an assured shorthold starter tenancy or assured shorthold fixed term starter tenancy, however, do not have this right.

When a tenant wishes to sublet part of their property they must apply in writing before allowing the sub-tenant to move in and provide the following information:

- Name, age & gender of the sub-tenant(s);
- The intended length of time they will be staying;
- How much they will be charging (weekly, fortnightly or monthly);
- Which part of the property they will be occupying;
- Type of agreement that will be in place between the tenant and sub-tenant, i.e. a contractual tenancy or licence; and
- Confirmation that the Housing Benefit department has been advised (where appropriate).

CBC will not refuse permission for a tenant to have a sub-tenant without good reason. Reasonable grounds for refusal include where:

- Taking in a sub-tenant would lead to the tenant's home becoming statutorily overcrowded.
- The level of payment to be made by the sub-tenant is regarded as excessive.
- Planned repair or improvement works will affect the accommodation likely to be used by the proposed sub-tenant.
- The proposed sub-tenant is subject to action for antisocial behaviour.
- The tenant is subject to a possession order.
- It would not be appropriate for the proposed sub-tenant to live with the tenant if they live in a specific housing scheme (e.g. Housing Support) which the sub-tenant would not qualify for.
- There was substantiated evidence that a vulnerable adult or a child might be at risk if the sub tenancy was granted.

Where permission is given, an assured sub tenancy must not be used. CBC refutes any claims of a sub-tenant to security of tenure if a tenant leaves the property. Where permission is refused, the tenant will be given the reasons in writing within 10 days of the written request. If a tenant wishes to appeal against this decision they can.

Tenants are responsible for the behaviour of their lodgers and sub-tenants. If they cause nuisance, damage property or harass neighbours, CBC will investigate and may take action against the tenant for breach of tenancy.

In addition, the tenant is responsible for ensuring the lodger/sub-tenant vacates on termination of their tenancy. They are also responsible for ensuring that lodgers and sub-tenants are given a reasonable period of notice or in the case of a sub-tenant, pursuing legal action to force vacation of the property. Lodgers or sub-tenants left in occupation once the tenancy is terminated will be deemed to be unauthorised occupiers in line with this policy and as such CBC reserves the right to take action to regain vacant possession of the property. The terminating tenant will be subject to any incurred costs as a result of action taken.

Where CBC discovers that a tenant has taken in a sub-tenant without first getting permission, it will liaise with the tenant and decide whether to give retrospective permission. If retrospective permission is denied, the sub-tenant will be expected to leave the property. If

it is suspected that the tenant has sublet the whole of the property or are in breach of their tenancy agreement, CBC will investigate further and where necessary take legal action.

If a tenant is in receipt of benefits it is their responsibility to declare the rent payments received from any lodgers/sub-tenants as income to any relevant organisation, such as Her Majesty's Revenue and Customs (HMRC), Department for Work & Pensions (DWP) or local authority.

As part of the conditions of their tenancy with CBC, the tenant is still responsible for the obligations as defined in the Tenancy Agreement, such as monthly rent due or rechargeable repairs and any breaches will be enforced against the tenant, whether they are as a result of actions by the lodger/sub-tenant.

Complaint and Appeals

If a tenant/applicant is not happy with any element of CBC's service received they will be able to make a formal complaint. The complaint will be dealt with in line with CBC's Complaints and Compliments policy.

If a tenant/applicant is not happy with the type of tenancy they have been offered, had their tenancy extended or been refused a property due to its tenancy type option they can, if they wish, appeal against the decision. Tenants should notify CBC within 10 working days of receipt of the refusal letter stating their reasons for an appeal.

Equality and Diversity

CBC is committed to the principle of equality of opportunity in the delivery of its services. CBC aims to ensure all its tenants are dealt with fairly and equitably and, where possible, taking into account the diverse nature of cultures and backgrounds.

An Equality Analysis Form has been completed in the production/review of this policy.

Monitoring and Review

The Tenancy Services Team Leader is responsible for monitoring this policy ensuring it is being correctly applied, and is also responsible for ensuring reviews of this policy are carried out.

CBC will undertake regular reviews of this policy, any procedures related to it and staff training needs, ensuring service improvements are made and implemented.

There will be an automatic review of this policy whenever there is a change of policy from the government, or change to legislation. In the absence of any other trigger, the policy will be reviewed at intervals of no more than three years.



Cheltenham Borough Council

Decant (required move) Policy

Version control

Document name: Decant (required move) Policy

Version: 1.0

Responsible officer

- Justine Skitt, Tenancy Management Team Leader

Approved by: Housing Committee

Next review date: July 2027

Retention period:

Revision history

Revision date	Version	Description
date		

Consultees

Internal

- Caroline Walker, Director of Housing, Customer Services & Communities

External

- Tenant consultation

Distribution

Text

Contents

1. Introduction and purpose of the policy.....	2
2. Aims and scope of the policy.....	2
3. What is a required move (Decant)?.....	2-3
4. Equality & Diversity.....	3
5. Implementation.....	4

Introduction and purpose of the policy

The purpose of this policy is to communicate to tenants what Cheltenham Borough Council (CBC) will do when it is necessary to move tenants from their homes.

Aims and scope of the policy

CBC aims to ensure that where the tenant is required to move from their homes either temporarily or permanently, we will provide a high quality, effective, efficient service, and maintain a positive relationship with our tenants. To help achieve this we will ensure that accurate information, good communication and dedicated support are provided to make the move and re-settlement process go as smoothly as possible.

CBC recognises that moving home can often be a difficult and stressful experience, especially when the person being required to move may not want to do so. The need for us to move tenants can also put considerable pressure on our relationship with them as understandably, we are disrupting their home, lifestyle and upsetting their day-to-day routines.

CBC will ensure that offer of rehousing meet the needs of the individual and are suitable for the displaced household. We will aim to ensure that reasonable preferences for accommodation and support services are taken into account when making an offer for rehousing

What is a required move (Decant)?

CBC aims to ensure that where the tenant is required to move from their homes either temporarily or permanently, we will provide a high quality, effective, efficient service, and maintain a positive relationship with our tenants. To help achieve this we will ensure that accurate information, good communication and dedicated support are provided to make the move and re-settlement process go as smoothly as possible.

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CBC will ensure that offer of rehousing meet the needs of the individual and are suitable for the displaced household. We will aim to ensure that reasonable preferences for accommodation and support services are taken into account when making an offer for rehousing

Equality and Diversity

CBC is committed to the principles of equality of opportunity in the delivery of its services. CBC aims to ensure that all of its customers are dealt with fairly and equitably and where possible it takes into account the diverse nature of their cultures and backgrounds.

CBC will actively work towards promoting good relations, eliminating discrimination and addressing existing disadvantage in relation to different groups on the basis of race, colour, ethnic **and** national origin, nationality, gender, disability either mental or physical, religion, sexual orientation, marital status, HIV/AIDS, responsibility for dependants, trade union activity and age.

Implementation

It is the responsibility of the relevant CBC employees to ensure that their work is carried out in line with this policy and any related procedures.

CBC will ensure that this policy and the relevant procedures attached to it are implemented by experienced and qualified employees.

Monitoring

CBC will actively monitor its compliance and performance in relation to the delivery of this policy. This will be achieved by means of customer satisfaction surveys and quality assurance checks.

The Tenancy Management Team Leader will be responsible for ensuring that reviews of this policy are carried out.

CBC will undertake regular reviews of this policy, procedures related to it and staff training needs, to ensure that it continues to operate in line with best practice and that service improvements are made and implemented.

In the absence of any other triggers for a review, the policy will be reviewed at two yearly intervals, or such other period as may be determined by the Housing Cabinet Committee.

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Equality Impact Assessment

Introduction

An Equality Impact Assessment (EqIA) is a method for assessing the effects or impacts of a council policy or function on removing barriers to equality.

The Equality Act 2010 includes a public sector equality duty which requires public authorities to try and eliminate discrimination; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and promote equality and good relations across a range of protected characteristics.

The protected characteristics are:

Age	Disability	Gender Reassignment
Marriage and civil partnership	Pregnancy and maternity	Race
Religion or belief (including lack of belief)	Sex	Sexual orientation

An EqIA should be completed with the full range of protected characteristics considered during the initial stages of developing new strategies, policies, functions or services, prior to starting a procurement exercise and before decisions are made.

Examples of when an EqIA should be completed are:

- | | |
|--|--|
| <ul style="list-style-type: none"> Any proposals to introduce or add to a service | <ul style="list-style-type: none"> Any proposals to adopt policy priorities, strategies and plans |
| <ul style="list-style-type: none"> Any proposals to remove, reduce or alter a service | <ul style="list-style-type: none"> Changes to staffing structure where groups of employees are likely to be negatively affected |
| <ul style="list-style-type: none"> Any new policies or changes to policies | <ul style="list-style-type: none"> Any proposals in relation to procured or commissioned services |

Stage 1 - Equality Screening

Whenever a policy/service or function is reviewed, changed, developed or removed an initial equality impact assessment stage 1 will need to be undertaken. This is a screening template and will help establish whether a full assessment is needed. This should be done at an early stage of the process so that it is part of policy development.

Stage 2 – Equality Impact Assessment

This is the full EqIA and seeks to identify the equality considerations that have been taken into account including any mitigating actions proposed and ensures decisions are based on evidence. The EqIA will need to be agreed with the appropriate Head of Service or Director and should be included on the decision making report, along with commentary on the assessment in the main body of the report.

STAGE 1 – Equality Screening**1. Identify the policy, project, function or service change****a. Person responsible for this EqIA**

Officer responsible: Justine Skitt

Service Area: Housing Services

Title: Tenancy Management Team Leader

Date of assessment: 26th June 2025Signature: *Justine Skitt***b. Is this a policy, function, strategy, service change or project?**

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Decant (required move)

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

Policy has been developed enable tenants to know their legal rights with regards to their tenancy.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

CBC aims to ensure that where the tenant is required to move from their homes either temporarily or permanently, we will provide a high quality, effective, efficient service, and maintain a positive relationship with our tenants. To help achieve this we will ensure that accurate information, good communication and dedicated support are provided to make the move and re-settlement process go as smoothly as possible.

Objectives:

CBC recognises that moving home can often be a difficult and stressful experience, especially when the person being required to move may not want to do so. The need for us to move tenants can also put considerable pressure on our relationship with them as understandably, we are disrupting their home, lifestyle and upsetting their day-to-day routines.

CBC will ensure that offer of rehousing meet the needs of the individual and are suitable for the displaced household. We will aim to ensure that reasonable preferences for accommodation and support services are taken into account when making an offer for re-housing

Outcomes:	Cheltenham Borough Council tenants are aware of the reason when we can move someone on a Decant (required move).
Benefits:	To ensure that all individuals are treated equally and fairly.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?

No impact expected

Please provide an explanation for your answer:

Policy with ensure clear understanding and fairness to all tenants.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

Yes

Owner of Stage Two assessment

Justine Skitt

Completion date for Stage Two assessment

26th June 2025

Please forward this completed form to [add email address] and move on to Stage 2 if required.

STAGE 2 – Full Equality Impact Assessment

2. Engagement and consultation

The best approach to find out if a policy etc, is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those equality groups.

a. Research and evidence

List below any data, consultations (previous, relevant, or future planned), or any relevant research, studies or analysis that you have considered to assess the policy, function, strategy, service change or project for its relevance to equality.

Best Practice

Strategy

b. Consultation

Has any consultation be conducted?

Yes

Describe the consultation or engagement you have conducted or are intending to conduct. Describe who was consulted, what the outcome of the activity was and how these results have influenced the development of the strategy, policy, project, service change or budget option.

If no consultation or engagement is planned, please explain why.

Policy seen and reviewed by a group of Cheltenham Borough Council tenants.

3. Assessment

a. Assessment of impacts

For each characteristic, please indicate the type of impact (positive – contributes to promoting equality or improving relations within an equality group, neutral – no impact, negative – could disadvantage them).

Please use the description of impact box to explain how you justify the impact and include any data and evidence that you have collected from surveys, performance data or complaints to support your proposed changes

Protected Characteristic	Specific Characteristic	Impact	Description of impact	Mitigating Action
AGE	Older people (60+)	Neutral		
	Younger People (16-25)	Neutral		
	Children (0-16)	Neutral		
DISABILITY A definition of disability under the Equality Act 2010 is available here . <i>See also carer responsibilities under other considerations.</i>	Physical disability	Neutral		
	Sensory Impairment (sight, hearing)	Neutral		
	Mental health	Neutral		
	Learning Disability	Neutral		
GENDER REASSIGNMENT		Neutral		
MARRIAGE & CIVIL PARTNERSHIP	Women	Neutral		
	Men	Neutral		
	Lesbians	Neutral		
	Gay Men	Neutral		
PREGNANCY & MATERNITY	Women	Neutral		
RACE* Further information on the breakdown below each of these headings, is available here .	White	Neutral		
	Mixed or multiple ethnic groups	Neutral		
	Asian	Neutral		

For example Asian, includes Chinese, Pakistani and Indian etc	African	Neutral		
	Caribbean or Black	Neutral		
		Neutral		
RELIGION & BELIEF** A list of religions used in the census is available here	See note	Neutral		
SEX (GENDER)	Men	Neutral		
	Women	Neutral		
	Trans Men	Neutral		
	Trans Women	Neutral		
SEXUAL ORIENTATION	Heterosexual	Neutral		
	Lesbian	Neutral		
	Gay	Neutral		
	Bisexual/Pansexual	Neutral		
Other considerations				
Socio-economic factors (income, education, employment, community safety & social support)		Neutral		
Rurality i.e. access to services; transport; education; employment; broadband		Neutral		
Other (e.g. caring responsibilities)		Neutral		

* To keep the form concise, race has not been included as an exhaustive list, please augment the list above where appropriate to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions in the census is available [here](#)

DRAFT

4. Outcomes, Action and Public Reporting

a. Please list the actions identified through the evidence and the mitigating action to be taken.

Action	Target completion date	Lead Officer

b. Public reporting

All completed EqIA's are required to be publicly available on the Council's website once they have been signed off. EqIA's are also published with the papers for committee and full council decisions.

Please send completed EqIA's to [email address]

5. Monitoring outcomes, evaluation and review

The Equalities Impact Assessment is not an end in itself but the start of a continuous monitoring and review process. The relevant Service or Lead Officer responsible for the delivery of the policy, function or service change is also responsible for monitoring and reviewing the EqIA and any actions that may be taken to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from Corporate Policy and Governance will be available to provide support and guidance, please email xxxx if you have any questions.

6. Change log

Name	Date	Version	Change

Equality Impact Assessment

Introduction

An Equality Impact Assessment (EqIA) is a method for assessing the effects or impacts of a council policy or function on removing barriers to equality.

The Equality Act 2010 includes a public sector equality duty which requires public authorities to try and eliminate discrimination; advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it and promote equality and good relations across a range of protected characteristics.

The protected characteristics are:

Age	Disability	Gender Reassignment
Marriage and civil partnership	Pregnancy and maternity	Race
Religion or belief (including lack of belief)	Sex	Sexual orientation

An EqIA should be completed with the full range of protected characteristics considered during the initial stages of developing new strategies, policies, functions or services, prior to starting a procurement exercise and before decisions are made.

Examples of when an EqIA should be completed are:

- | | |
|--|--|
| <ul style="list-style-type: none"> Any proposals to introduce or add to a service | <ul style="list-style-type: none"> Any proposals to adopt policy priorities, strategies and plans |
| <ul style="list-style-type: none"> Any proposals to remove, reduce or alter a service | <ul style="list-style-type: none"> Changes to staffing structure where groups of employees are likely to be negatively affected |
| <ul style="list-style-type: none"> Any new policies or changes to policies | <ul style="list-style-type: none"> Any proposals in relation to procured or commissioned services |

Stage 1 - Equality Screening

Whenever a policy/service or function is reviewed, changed, developed or removed an initial equality impact assessment stage 1 will need to be undertaken. This is a screening template and will help establish whether a full assessment is needed. This should be done at an early stage of the process so that it is part of policy development.

Stage 2 – Equality Impact Assessment

This is the full EqIA and seeks to identify the equality considerations that have been taken into account including any mitigating actions proposed and ensures decisions are based on evidence. The EqIA will need to be agreed with the appropriate Head of Service or Director and should be included on the decision making report, along with commentary on the assessment in the main body of the report.

STAGE 1 – Equality Screening**1. Identify the policy, project, function or service change****a. Person responsible for this EqIA**

Officer responsible: Justine Skitt

Service Area: Housing Services

Title: Tenancy Management Team Leader

Date of assessment: 26th June 2025Signature: *Justine Skitt***b. Is this a policy, function, strategy, service change or project?**

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Tenancy Policy

Is this new or existing?

New or proposed

Please specify reason for change or development of policy, function, strategy, service change or project

Policy has been developed enable tenants to know their legal rights with regards to their tenancy.

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

- Provide responsive tenancy management services.
- Ensure tenants are aware of their rights and responsibilities in accordance with their tenancy conditions, legislation and regulatory guidance.
- Support and sustain tenancies.
- Make the best use of the available social housing stock, including reducing overcrowding, tackling under-occupation, and adapted housing for those with disabilities.

Objectives:

- The types of tenancy granted
- Security of tenure
- How a tenancy can be ended and advice and support when tenancies end
- Needs of those households vulnerable by reason of age, disability or illness and households with children
- Assignments and mutual exchanges
- Succession rights
- Lodgers and subletting, and
- Complaints and appeals process

Outcomes:	Cheltenham Borough Council tenants to understand their rights as a tenant.
Benefits:	Identify rights of the tenants with respect to their tenancy ie succession, deed of assignment, mutual exchange

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

No

Do you expect the impacts to be positive or negative?

No impact expected

Please provide an explanation for your answer:

Policy with ensure clear understanding and fairness to all tenants.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

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Owner of Stage Two assessment

Justine Skitt

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6. Change log

Name	Date	Version	Change

Cheltenham Borough Council

Tenancy Policy - Quick Guide

◆ Purpose of the Policy

To ensure fair and consistent management of council homes and support tenants to sustain their tenancies.

◆ What the Policy Covers

- Types of tenancies
 - How tenancies are ended
 - Changes to tenancy agreements
 - Mutual exchanges
 - Succession rights
 - Lodgers & sub-letting
 - Complaints & appeals
-

◆ Types of Tenancy Explained

- **Non-Secure:** For temporary housing (e.g., homelessness cases).
 - **Introductory:** For new tenants; reviewed after 12 months.
 - **Secure:** For long-term tenants with more rights.
 - **Assured/Assured Shorthold:** For homes built by CBH.
 - **Fixed-Term:** Usually 5 years; reviewed before renewal.
-

◆ Ending a Tenancy

- **Tenant:** Must give 4 weeks' written notice.
 - **Council (CBC):** May end tenancy for serious breaches (e.g., rent arrears, anti-social behaviour).
-

◆ Changing Tenancy

- Allowed for marriage, civil partnerships, or long-term cohabitation.
- Joint to sole changes only with agreement or court order.

◆ Mutual Exchanges

- CBC supports swaps with other tenants if criteria are met.
 - Must not have rent arrears or legal issues.
-

◆ Succession

- A partner or close family member may inherit the tenancy if they lived with the tenant.
 - Only one succession is allowed (unless ordered by court).
-

◆ Lodgers & Sub-letting

- Lodgers allowed with notification.
 - Sub-letting part of the home needs permission.
 - Tenants cannot sublet the whole property.
 - Tenants are responsible for lodger/sub-tenant behaviour.
-

◆ Complaints & Appeals

- Formal complaints can be made if unhappy with services.
 - Appeals allowed on tenancy decisions within 10 working days.
-

◆ Support & Fairness

CBC is committed to:

- Supporting vulnerable tenants
 - Promoting equality and diversity
 - Keeping services fair and transparent
-

📞 Need Help?

Contact your **Tenancy Management Officer** or **Housing Services** at Cheltenham Borough Council.

Cheltenham Borough Council

Moving Home (Decant) – What You Need to Know

A simple guide for tenants

What is a “Decant”?

Sometimes, we may ask you to move out of your home for a short time—or permanently—because:

- Emergency or major repairs are needed
- Improvement works are planned
- The home is being redeveloped or demolished

This is called a required move, or decant.

How We’ll Support You

We know moving can be stressful. That’s why we’ll:

- ✓ Treat you fairly and with respect
- ✓ Explain what’s happening and why
- ✓ Give you a named contact person
- ✓ Offer you suitable alternative housing
- ✓ Cover moving costs
- ✓ Keep you updated throughout
- ✓ Tell you about any compensation you may get

Your New Home

We’ll aim to offer a home that:

- Matches your needs
- Considers your preferred areas
- Takes into account your personal or support requirements

☐ If you’re moving back to your home, you may get a say in how it looks after work is done (e.g. colours and layout).

Your Voice Matters

We'll:

- Talk to you as early as possible
- Ask for your views and preferences
- Involve family or support workers if needed
- Keep you informed every step of the way

What if I Don't Want to Move?

We'll always try to reach an agreement.

But in rare cases, we may have to take legal action if a tenant refuses to:

- Move out of a property we need access to, or
- Return to their permanent home after temporary relocation

Fairness for Everyone

We are committed to treating everyone equally, whatever your:

- Background
- Culture
- Gender
- Disability
- Age
- Family or caring responsibilities

Need More Info?

Talk to your Tenancy Management Officer

We're here to help and guide you through the process.

Cheltenham Borough Council

Cabinet – 16 September 2025

Notification of decisions made by the Community Infrastructure Levy Joint Committee

Accountable member:

Cllr Rowena Hay – Leader

Accountable officer:

Tracey Birkinshaw – Director Communities & Economic Development

Ward(s) affected:

All

Key Decision: No

Executive summary:

The Community Infrastructure Levy (CIL) Joint Committee (CIL Joint Committee) met on 14 July 2025 to consider and make decisions on the allocation of funding for infrastructure projects. This report fulfils the requirements of the CIL Joint Committee Terms of Reference.

This report relates only to the 'Infrastructure Fund' portion of CIL receipts. Specifically, the twenty-five percent share of this the CIL Joint Committee has decided to ringfence (as reported to Cabinet on 8 April 2025) for use on 'local strategic infrastructure' projects and the amount of this as available to be allocated against the CIL the Infrastructure Fund receipts paid to 5 February 2025.

Following the decision to split the Infrastructure Fund receipts at the 4 March 2025 CIL Joint Committee into the 'strategic infrastructure' fund and the 'local strategic infrastructure' fund, this process left £4,587,760 of receipts up to 5 February 2025 in the 'local strategic infrastructure' fund proportion for future consideration for allocation to projects.

The decisions of CIL Joint Committee on 14 July 2025 were to allocate CIL receipts from the local strategic infrastructure fund proportion to three projects as set out in **Appendix 5**.

Recommendation: That Cabinet

- 1. notes the decisions of the Community Infrastructure Levy (CIL) Joint Committee made on 14 July 2025. (Appendix 5)**
-

1. Implications**1.1 Financial, Property and Asset implications**

The CIL Joint Committee allocation decisions relate only to the CIL payments received that are held by Cheltenham Borough Council from the 'Strategic Infrastructure' portion of CIL receipts. The payment of 15% or 25% to Parish Councils (as relevant) 15% for the unparished areas and up to 5% towards administration cost of collecting and administering the levy being unaffected.

The Community Infrastructure Levy is allocated for specific purposes, and it is not at the discretion of this Council to decide to use it for an alternative purpose. Although the inflow will have a positive impact on the Council's cash flow position, there will be no impact on the revenue or capital budget. The implications for the property portfolio will be funding for some projects which have previously paused due to budget shortfalls.

Of the strategic infrastructure fund receipts previously reported to CIL Joint Committee on 4 March 2025, paid directly to Cheltenham Borough Council, the 14 July 2025 CIL Joint Committee decision would leave £901,879 of those previously reported from Cheltenham Borough CIL receipts unallocated in the local strategic infrastructure fund portion of the infrastructure fund (see **Appendix 5**).

Signed off by: Gemma Bell, Director of Finance & Assets (Deputy Section 151 Officer) gemma.bell@cheltenham.gov.uk

1.2 Legal implications

The "strategic" element of CIL receipts (being otherwise than up to 5% for administration and the 15% to 25% neighbourhood portion) must be spent on 'infrastructure' (Regulation 59). Charging authorities can choose to pool a proportion of their Community Infrastructure Levy receipts to fund infrastructure including for out of their own area spending. Each of the charging authorities included in the pooling arrangements should be content that funding for infrastructure outside the authority's area will support development of its own area.

Under National Planning Policy Guidance (NPPG), charging authorities are encouraged to consider publishing a Memorandum of Understanding detailing the administration, principles, and governance that will be implemented for any pooled fund. The CIL Joint Committee's Terms of Reference sets out how the pooled levy

will be administered and spent.

The authorities have a variety of legislative powers relating to its governance arrangements, including the general power of competence set out in Section 1 of the Localism Act 2011. This includes the setting up of Joint Committees under Section 101(5) and Section 102 of the Local Government Act 1972 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012 which enable two or more local authorities to discharge any of their functions (other than those which are the responsibility of an authority's executive under section 13 of the Local Government Act 2000).

As set out in the agreed terms of reference for the CIL Joint Committee (See **Appendix 3**) any allocation decisions require a full consensus vote of the Committee. Further, the decisions made by the CIL Joint Committee shall be subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member Councils. Any decision by the CIL Joint Committee, except those agreed as urgent, shall not be implemented until the member Councils have formally reported back through their own Cabinet/Executive Committee. All decisions of the CIL Joint Committee (unless considered urgent) shall be subject to the "call in" process of each member Council. If not called in during that period any decision shall then be available for implementation.

Further Legal Implications in respect of the decisions made by the CIL Joint Committee are set out in the CIL Joint Committee Report 14 July 2025 (See **Appendix 4**).

Signed off by: OneLegal (legalservices@onelegal.org.uk)

1.3 Environmental and climate change implications

The Climate Change Impact Tool was a requirement for each CIL scheme submitted for assessment. Some of the projects supported for the allocation of CIL funding will contribute towards delivering against the respective councils' carbon emergency aspirations. Each submitted scheme was assessed against sustainability criteria through the applied scoring matrix.

Signed off by: Maizy McCann, Climate Officer, Maizy.McCann@cheltenham.gov.uk

1.4 Corporate Plan Priorities

This report contributes to the following [Corporate Plan Priorities](#):

Key priority 1: Securing our future

Key priority 3: Reducing carbon, achieving council net zero, creating biodiversity

Key priority 4: Reducing inequalities, supporting better outcomes

Key priority 5: Taking care of your money

1.5 Equality, Diversity and Inclusion Implications

See **Appendix 2**. Some of the projects are likely to be subject to their own separate Equalities Impact Assessment in due course (where these have not already been completed) and as appropriate this will be considered by the CIL Joint Committee.

1.6 Performance management – monitoring and review

Schemes that have been allocated funding will be awarded funding via a grant agreement. These agreements will be monitored via the CIL Officer Working Group and the Strategic Infrastructure Planning Manager and reported to the CIL Joint Committee.

2 Background

2.1 On 11 December 2023, Council approved the establishment of a Community Infrastructure Levy Joint Committee under s101(5) and s102 Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012. The decision to establish the CIL Joint Committee was also approved by the two other partner authorities of Gloucester City Council (25 January 2024) and Tewkesbury Borough Council (23 January 2024).

2.2 At the same meeting approval was given for:

- The Community Infrastructure Levy Joint Committee ‘Terms of Reference’ (see **Appendix 3**);
- The pooling of strategic infrastructure CIL monies by the three partner Councils of Cheltenham Borough, Gloucester City and Tewkesbury Borough; and
- Engagement with wider infrastructure providers, outside the local authorities, should be entered into.

2.3 The CIL Joint Committee is the decision maker subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member Councils. All decisions of the Committee (unless considered urgent) shall be subject to the “call in” process of each member Council. If not called in during that period any decision shall then be available for implementation. This is the basis of this report to Cabinet.

- 2.4 The first meeting of the CIL Joint Committee was convened on the 12 November 2024 and adopted the Terms of Reference for the Joint Officer Working Group to support the CIL Joint Committee; approved with amendments the Prioritisation Criteria Framework for schemes coming forward for funding; and setting a date for the return of bids for the first round of funding.
- 2.5 The strategic CIL receipts, which the Councils have named the Infrastructure Fund is the 70% to 80% of receipts that remain, once administration costs and neighbourhood funding has been deducted, that each Council, as an individual CIL Charging and Collection Authority, has collected and pooled together. At the CIL Joint Committee Meeting 4 March 2025 a decision was made to split the CIL Infrastructure Fund so that 75% of the Infrastructure Fund receipts are allocated to strategic infrastructure projects and 25% to be ringfenced for allocation to 'local strategic infrastructure' projects. The CIL Joint Committee proceeded to allocate all the 75% of CIL receipts paid up to the 05 February 2025 to 6 projects (as reported to Cabinet on 8 April 2025). This report relates to the remaining 25% 'local strategic infrastructure' fund receipts.
- 2.6 The amount of the CIL receipts from each charging authority to allocate to projects from this local strategic infrastructure proportion was as set out in Table 1 below.

Table 1: Local Strategic Infrastructure Fund 25% Apportionment as % of Total Infrastructure Fund Receipts 26.08.2019 - 05.02.2025

Contributing Council	Total sum as relevant % of Strategic Local Infrastructure 25% portion £	Rounded in report without pence £
Cheltenham Borough Council	976,879.05	976,879
Gloucester City Council	472,005.94	472,006
Tewkesbury Borough Council	3,138,874.95	3,138,875
Sub Total £	4,587,759.94	4,587,760

- 2.7 The CIL Joint Committee 14 July 2025 report explained in detail how the local strategic infrastructure fund proportion of the CIL receipts must be considered for allocation to projects in accordance with the legislative and regulatory requirements controlling such.
- 2.8 Of the original funding bid round 1 projects, that were previously identified under assessment as 'local strategic infrastructure' projects, only three of these were brought forward for consideration by the CIL Joint Committee on 14 July 2025, for reasons explained in the report.
- 2.9 Three other original funding bid round 1 projects which were not considered

were the Gloucester City Cemetery and Crematorium, Petersfield Community Hub and landscaping project in Cheltenham, and Cheltenham Town Centre Interchange Hub. These may be brought forward for consideration at a future CIL Joint Committee. All schemes are currently subject to review as the CIL councils review their Infrastructure List. Future updates to this list will be reported via consideration of the Infrastructure Funding Statement by Cabinet later this year.

3 Reasons for recommendations

3.1 The purpose of this report is not to debate the decisions of the CIL Joint Committee, but to note the allocation decisions made and facilitate the scrutiny provisions. The CIL Joint Committee on 14 July 2025 made the following decisions (see **Appendix 4** for the agenda and papers):

Agreed that the following allocations be made from the CIL local strategic infrastructure fund receipts:

- 1. £534,251 be allocated to Blackbridge Community Sports Hub as follows:**
 - a. £472,006 (100% of the Gloucester City Council local strategic fund receipts)**
 - b. £62,245 Tewkesbury Borough Council local strategic fund receipts**
- 2. £150,000 be allocated to the Combined Waste & Recycling Depot for Tewkesbury and Cheltenham Borough Councils (feasibility) split equally from the local infrastructure fund proportion as follows:**
 - a. £75,000 Tewkesbury Borough Council local strategic fund receipts**
 - b. £75,000 Cheltenham Borough Council local strategic fund receipts**
- 3. £120,000 be allocated to the Replacement Legion Footbridge Project (feasibility) funded 100% from Tewkesbury Borough Council local infrastructure fund receipts.**

4 Alternative options considered

4.1 None. The Terms of Reference require each partners council of the CIL Joint Committee to report back through their relevant constitutional arrangements.

5 Consultation and feedback

5.1 Not relevant for the purposes of this report.

6 Key risks

6.1 See **Appendix 1**.

Report author:

Sarah Screen, Strategic Infrastructure Planning Manager, for the JCS councils of Cheltenham Borough, Gloucester City and Tewkesbury Borough.

sarah.screen@tewkesbury.gov.uk 01684 272143

Appendices:

1. Risk Assessment
2. Equality Impact Assessment – Screening
3. [Community Infrastructure Levy Joint Committee – Terms of Reference](#)
4. [Community Infrastructure Joint Committee, 14 July 2025 – Agenda Papers](#)
5. CIL Joint Committee 14 July 2025 Allocation Decisions from the £4,587,760 local strategic infrastructure fund

Background information:

[Cheltenham Borough Council Corporate Plan Update – Council 21st July 2025](#)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	If the partner councils do not report the decisions of the CIL Joint Committee through their relevant Cabinet/Committee processes, then the funding allocated cannot be drawn down in funding agreements	CIL Joint Committee	4	1	4	Accept	Each partner council reports the decisions as required through its own constitutional arrangements	Director Communities and Economic Development	Cabinet meeting 16 September 2025

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function, or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Sarah Screen (on behalf of Tracey Birkenshaw)	Service Area: Planning
Title: Strategic Infrastructure Planning Manager (on behalf of Director Communities and Economic Development)	Date of assessment: 24 July 2025
Signature: <i>Sarah Screen (on behalf of Tracey Birkenshaw)</i>	

b. Is this a policy, function, strategy, service change or project?

Function

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Community Infrastructure Levy Regulations 2010 (as amended)

Is this new or existing?

Other

Please specify reason for change or development of policy, function, strategy, service change or project

No change. The reports facilitate the CIL Joint Committee Terms of Reference

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

Objectives:

To allocate CIL Strategic Infrastructure funding through a full and transparent assessment

Outcomes:	Decision making within the context of the CIL Joint Committee Terms of Reference.
Benefits:	The communities, businesses and visitors across Cheltenham, Gloucester, and Tewkesbury.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

CIL monies are collected under the CIL Regulations to help support development through funding relevant infrastructure. CIL awards will be monitored via the CIL Joint Committee.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required	No
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

Appendix 5

CIL Joint Committee 14 July 2025 Allocation Decisions from the £4,587,760 local strategic infrastructure fund

1. £534,251 be allocated to Blackbridge Community Sports Hub as follows:
 - a. £472,006 (100% of the Gloucester City Council local strategic fund receipts)
 - b. £62,245 Tewkesbury Borough Council local strategic fund receipts
2. £150,000 be allocated to the Combined Waste & Recycling Depot for Tewkesbury and Cheltenham Borough Councils (feasibility) split equally from the local infrastructure fund proportion as follows:
 - a. £75,000 Tewkesbury Borough Council local strategic fund receipts
 - b. £75,000 Cheltenham Borough Council local strategic fund receipts
3. £120,000 be allocated to the Replacement Legion Footbridge Project (feasibility) funded 100% from Tewkesbury Borough Council local infrastructure fund receipts.

Resulting in the following impact following allocation:

CIL Infrastructure List ID Number	Project Name	Prioritisation Score	CIL Infrastructure Fund Amount requested £	CIL Infrastructure Fund Allocation Total Agreed £	Cheltenham Borough Council Infrastructure Fund Proportion £	Gloucester City Council Infrastructure Fund Proportion £	Tewkesbury Borough Council Infrastructure Fund Proportion £
SI-15	Combined Waste & Recycling Depot for Tewkesbury and Cheltenham Borough Councils	52/65	150,000	150,000.00	75,000.00		75,000.00
SI-26	Replacement legion footbridge (Tewkesbury)	53/65	120,000	120,000.00			120,000.00
SI-33	Blackbridge Community and Sports Hub (Phase 2)	58/65	534,251 (revised request) (original request - 599,251)	534,251.00		472,006.00	62,245.00
			TOTALS	804,251.00	75,000.00	472,006.00	257,245.00
			Unallocated £		901,879.00	0.00	2,881,630.00

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Cheltenham Borough Council

Cabinet – 16 September

Revisions to Sexual Entertainment Venue Policy

Accountable member:

Councillor Victoria Atherstone, Cabinet Member for Safety and Communities

Accountable officer:

Head of Public Protection, Louis Krog

Ward(s) affected:

All

Key Decision: Yes

Executive summary:

The authority has adopted a Sexual Entertainment Venue (SEV) licensing policy with the current policy being adopted by Full Council in 2020.

A review and public consultation of the current policy has been completed and Cabinet is asked to consider feedback, approve the draft policy and recommend adoption to Full Council.

Recommendations: That Cabinet:

1. notes the consultation feedback;
 2. approves the revised policy document attached at Appendix 3; and
 3. recommends to Full Council adoption of the revised policy document attached at Appendix 3.
-

1. Implications

1.1 Financial, Property and Asset implications

Signed off by: Ela Jankowska, Finance Business Partner
Date: 17.06.2025

1.2 Legal implications

Section 27 of the Policing and Crime Act 2009 came into force on 6 April 2010. This amended Schedule 3 of the 1982 Act and created a new category of sex establishment, namely a sexual entertainment venue. This category added to the existing categories of sex establishment, namely, sex shops and sex cinemas.

The legislation provides for local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas. The Licensing Authority is required to prepare, publish and keep under review, a statement of the principles it proposes to apply when exercising its functions in licensing Sexual Entertainment Venues. Anyone liable to be affected by a licensing policy should be consulted and any feedback duly considered before it is finalised. The provisions of the legislation and the Home Office guidance were taken into account when drafting the current Licensing of Sex Entertainment Venues Policy.

The Council's policy may be challenged by judicial review proceedings.

Signed off by: One Legal, legalservices@onelegal.org.uk

1.3 Environmental and climate change implications

None arising from this report

1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Ensuring residents, communities and businesses benefit from Cheltenham's future growth and prosperity
- Being a more modern, efficient and financially sustainable council

1.5 Equality, Diversity and Inclusion Implications

As outlined in Appendix 4 of this report.

1.6 Performance management – monitoring and review

Through normal regulatory decision making.

2 Background

2.1 Sexual Entertainment Venues (“SEVs”) are regulated under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

2.2 Section 27 of the Police and Crime Act 2009 (“2009 Act”) amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“1982 Act”) to introduce a new type of sex establishment known as a sexual entertainment venue.

2.3 Any premises that want to offer “relevant entertainment” can only do so by obtaining a SEV licence.

2.4 Relevant entertainment is defined as any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

2.5 Under the 2009 Act, a premises can provide relevant entertainment on an infrequent basis without the need for a SEV licence. Infrequent relevant entertainment is defined as relevant entertainment offered for no longer than 24 hours on no more than 11 occasions a year. Any premises that want to offer relevant entertainment more frequently is required to apply for a SEV licence.

2.6 The legislation prescribes the circumstances under which the authority can refuse or revoke a SEV licence:

Mandatory grounds:

- a) to a person under the age of 18;
- b) to a person who is for the time being disqualified under paragraph 17(3)¹;
- c) to a person, other than a body corporate, who is not resident in the United Kingdom or an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made;
- d) to a body corporate which is not incorporated in the United Kingdom or an EEA state;
- e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a

¹ Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Discretionary grounds:

- a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- b) 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 themselves;
- c) that the number of sex establishments 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;
- d) 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.

2.7 The authority has the power to prescribe conditions. The authority's standard conditions are included in the current policy document.

3 Current Policy Position

3.1 The authority does not take any moral stand in relation to the regulation of sexual entertainment. The current policy recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this authority's role as the Licensing Authority to administer the licensing regime in accordance with the law.

3.2 The authority's general regulatory approach is one that prefers licensing and, therefore, full regulation of SEVs as opposed to allowing these venues to operate under the infrequency exemption (para 2.5). This general approach is driven by:

- a. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
- b. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
- c. Equally, unlicensed and unregulated SEVs will not serve to alleviate or

mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

3.3 The authority is empowered by schedule 3 paragraph 12(4) of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to set a limit on the number of licensed SEVs permitted in the relevant locality of which zero can be a number. Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

3.4 With the above in mind, the authority's existing licensing policy sets two relevant localities:

- a. An adopted "Designated Permitted Area" where the policy sets no limit on the number of licensed SEVs; and
- b. The rest of the borough where the policy sets a nil limit.

3.5 Within the "Designated Permitted Area" locality, each application is determined on its merits taking into account the statutory discretionary grounds for refusal and the policy measures supporting these grounds for refusal (i.e. providing those premises are not near properties with sensitive uses or in sensitive locations).

4 Policy revisions, consultation and feedback

4.1 The Licensing Committee undertook informal engagement sessions with key stakeholders prior to commencement of the formal policy review. Informal engagement was undertaken with:

- Objector groups
- Groups representing women's interest and safety
- Religious group objectors/representatives
- Gloucestershire Police and Police and Crime Commissioner
- Operator(s) of SEVs
- Performers/representative groups

4.2 The Licensing Committee was keen to stress that it was genuinely open to listen and hear from these stakeholders and people/groups/organisations at an early stage of the policy review process to ensure the outcomes from these sessions are fully considered. The policy proposals that were consulted on incorporated the outcome of these engagement sessions.

4.3 Attached at appendix 3 is the draft policy for adoption incorporating changes as outlined in this report.

4.4 Several policy changes were proposed and consulted on as outlined below. Attached at appendix 2 is the consultation report and redacted copies of individual responses submitted as part of the policy consultation.

4.4.1 **A preference in favour of licensing** – the authority consulted on whether its current approach in favour of licensing SEVs remains the correct approach. The majority (34 to 28) of consultees agreed. It is therefore proposed that the current approach in favour of licensing SEVs remains.

4.4.2 **Relevant localities** – the authority proposed not to change its current relevant localities (i.e. nil licensed SEVs in the borough aside from the Designated Permitted Area where no limit will be set and applications determined on its merits).

The majority (34 to 29) of consultees disagreed with this proposal. Consultee comments pointed out that existing and previously licensed SEVs have been in close proximity to properties with sensitive uses or in sensitive locations which is contrary to the policy and inappropriate. Some comments noted that the relevant localities should be reviewed and refined to avoid the aforementioned and to take into account the changing nature of the town centre being more residential.

If the authority continues with its approach in favour of licensing SEVs (4.1.1), it should define relevant localities. Listening to the comments and concerns around the Designated Permitted Area locality, the revised policy proposes additional guidance to ensure the authority's policy and approach is clear and unambiguous. The guidance is outlined in pages 11 and 12 of the proposed revised policy.

4.4.3 **Maximum number of permitted licences** – The authority consulted on a maximum number of permitted SEV licences within the Designated Permitted Area locality. It was proposed that a maximum number of two set as a matter of policy on the basis of licensing history and experience that has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity.

The majority (41 to 21) of responders disagreed with this proposal. This proposal is supported by licensed operators that agreed that evidence has supported the notion that two is sufficient to meet demand.

However, in light of the strong consultation feedback not supporting this proposal, it is proposed that this proposal be dropped. Instead of a maximum limit, the authority will continue to license SEVs in the Designated Permitted Area locality on a case-by-case basis.

- 4.4.4 **Amend the Designated Permitted Area to incorporate the Promenade (A4015)** - The authority consulted on amending the Designated Permitted Area locality to incorporate parts of the Promenade acknowledging that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area.

The majority (44 to 18) of responders disagreed with this proposal. This proposal is supported by licensed operators that pointed out that the area in question is within the town's evening and night-time economy and that the Licensing Committee has consistently deemed this area suitable for licensing.

In summary, other consultees were not in favour of increasing the area for permitted SEVs concerned that this would make the precedent permanent which will have an adverse impact on the area.

Considering the strong consultation feedback not supporting this proposal, it is proposed that the authority does not proceed with this proposal.

- 4.4.5 **Removal of licensing condition 4** – the authority consulted on removing this condition as it was substantially addressed by condition 6. This proposal sought to tidy up the policy by removing any substantial duplication.

However, the majority (35 to 27) disagreed. As a technical amendment to the policy, listening to the consultees, it is not proposed that this proposal will be taken forward and the effect of this will be minimal.

- 4.4.6 **Amendments to condition 6** – the authority consulted on amendments to condition 6. This condition states:

There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.

The consultation sought to add "with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."

The proposal sought to provide a reasonable balance that will allow greater flexibility for operators whilst ensuring public protection and safeguarding though restricting the "exempt" advertisement content.

Although safeguards were proposed via a CBC approval process, the majority (44 to 19) disagreed with this proposal. This proposal is supported by licensed operators pointing out that, in summary, the Licensing Committee has, for several years, been agreeable to amendments to this condition.

In light of the overwhelming feedback disagreeing with the proposed changes to condition 6, it is proposed that the authority does not proceed with this proposal. The implication of this that the standard condition will remain unchanged and that the Licensing Committee will need to determine applications for variation on a case-by-case basis.

- 4.4.7 Amendments to conditions 22 & 24** – the authority consulted on amendments to conditions 22 and 26 to replace "state of undress" with "display of nudity" to provide clarity of definition.

The majority (34 to 27) agreed with this proposal. As such, it is proposed that this amendment be implemented.

For the avoidance of doubt, "display of nudity" will be defined in accordance with its statutory definition set out in schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

- 4.4.8 Amendments to condition 26** – the authority consulted on amendments to conditions 24 that seeks to address suitable and adequate rest facilities for performers. The proposal outlined the requirements and expectations more clearly and with more detail.

The majority (44 to 19) agreed with this proposal. However, it was pointed out, on behalf of the operators, that whilst they are supportive of the majority of the proposals, the proposal requiring "separate and private sanitary facilities for performers" is not practical and achievable. As a consequence, it is proposed that condition 3. be amended as follows:

Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, *other arrangements ensuring restricted and protected access to performers only would be permissible subject to the approval of the authority;*

This will provide operators with some freedom to implement alternative arrangements – such as security guarding of spaces used by performers – where permanent separate and private sanitary facilities are not practical/possible.

It is proposed that this amendment be implemented as outlined on page 18 of appendix 3.

4.4.9 Amendment to condition 25 – the authority consulted on amendments to condition 25 that reads:

Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.

The amendment proposed removal of “Any bodily contact between entertainers or performers” but retain “Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.” This is to address a technical breach where accidental bodily contact between entertainer or performer could occur, for example in communal open areas.

The majority (36 to 27) disagreed with this proposal. It is however important for the authority to ensure its conditions are clear and enforceable. The wording of condition 25 is currently not clear and therefore enforceable and does require an amendment. Listening to consultation feedback but recognising the need for this proposed amendment, it is proposed that condition 25 be amended as follows:

Any bodily contact between entertainers or performers within the definition of Relevant Entertainment is strictly forbidden.

It is proposed that this amendment be implemented as outlined on page 19 of appendix 3.

4.4.10 Amendment to condition 35 – the authority consulted on a technical amendment to condition 35 to replace “Police Crime Reduction Officer” with “Gloucestershire Constabulary” for the purpose of clarity.

The majority (55 to 8) agreed with this proposal, and it is therefore proposed for adoption.

4.4.11 New Acquired Rights Policy – the authority consulted on a proposed acquired rights policy that seeks to acknowledge that there are SEVs within the borough that have been licensed for a number of years. As such, under the proposed “Acquired Rights” policy, the authority proposed to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any

objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

The majority (41 to 21) disagreed with this proposal. Whilst it is acknowledged that, on behalf of operators, there was strong support for this proposal, the overwhelming general feedback has not supported the adoption of an acquired rights policy. It is therefore not proposed that this proposal be adopted.

4.4.12 Amendments to plans accompanying applications - the authority consulted on proposed changes to the requirements for plans and drawings accompanying applications. These changes reflected the feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

The majority (51 to 12) agreed with this proposal. On behalf of operators, the implementation of the following proposals were objected to:

- a. Replace h) “The dressing room of performers” with “The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers.”
- b. New section o) “Must clearly indicate the location, layout and sizes of all booths inside the premises used for “Relevant Entertainment””.

In relation to a. above, acknowledging the proposed amendments to condition 4 (4.1.8 above), “where relevant” has been added so that the new plan requirement h) reads “The dressing room of performers” with “The room(s) allocated to allow performers to rest, dress and store personal items including, *where relevant*, any bathrooms or other facilities set aside for exclusive use by performers.”

In relation to b. above, the operators stated, in summary, that requiring specific booth size details on layout plans for a venue used only occasionally can create a significant administrative and financial burden, especially when minor annual variations in booth dimensions—caused by different demarcation methods—necessitate a variation of the SEV licence. Even changes of just a few millimetres could trigger costly and time-consuming processes involving professional, council, and publication fees, as well as hearings. Additionally, the limited setup time before events makes it impractical to submit timely variation applications, complicating compliance for the operator.

Acknowledging the practical difficulties expressed by the operators, the authority will continue to require operators to indicate the location and layout of booths within the premises but will not seek to impose a size requirement. This will be subject to further work and consultation.

4.4.13 Designated Person in charge - The authority proposed a new requirement on applicants and licensees to clearly identify a designated person in charge who will be responsible for the day to day management of the licensed SEV, including:

1. responsibility to ensure compliance with law and licensing conditions;
2. being available during inspections and;
3. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The majority (55 to 11) agreed with this proposal. On behalf of operators, it was pointed out that imposing such a requirement may be burdensome on operators when changes are necessary – which would technically require a licence variation for each change. On behalf of operators, it was submitted that a Designated Person in charge could be formally notified to the authority and Gloucestershire Police as an alternative to displaying these details on a licence.

Acknowledging the practical difficulties expressed by the operators, it is proposed that the above-mentioned alternative approach be adopted and formalised in the standard licensing conditions as outlined on page 17 of appendix 3.

4.4.14 Additional guidance on discretionary grounds - The authority consulted on proposals to supplement its licensing policy with additional guidance on the statutory discretionary grounds for refusal. This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications.

The majority (48 to 13) agreed with this proposal. Consultation responses pointed to the need for clear and stronger guidance to ensure the authority does not deviate from its policy. Consultation responses commented that previous decisions made on individual applications have been contrary to policy by licensing SEVs in inappropriate locations, for example in the vicinity of churches and locations outside the policy's permitted area.

In acknowledging these local concerns, the authority is proposing to take forward this recommendation with added guidance as outlined in pages 10 to 12 of appendix 3.

5 Reasons for recommendations

5.1 The recommendations are necessary for full consideration of the consultation feedback and to enable Cabinet to make decision on the adoption of the policy amendments.

6 Alternative options considered

6.1 The Cabinet can decide not to adopt any, or some, of proposals outlined in the report.

7 Key risks

7.1 As outlined in Appendix 1.

Report author:

Louis Krog, Head of Public Protection, louis.krog@cheltenham.gov.uk

Appendices:

- i. Risk Assessment
- ii. Consultation report and redacted copies of individual responses
- iii. Draft policy for adoption incorporating changes as outlined in this report
- iv. Equality Impact Assessment

Background information:

Background Papers – individual and other licensing consultation responses (incorporated in to appendix 2 report).

Appendix 1: Risk Assessment

[illegible]

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14/05/2025, 08:06

Microsoft Forms

Consultation - Review of Sexual Entertainment Venue Licensing Policy

58 Responses 25:59 Average time to complete Closed Status

1. Name (optional)

23
Responses

Latest Responses

"GRASAC"

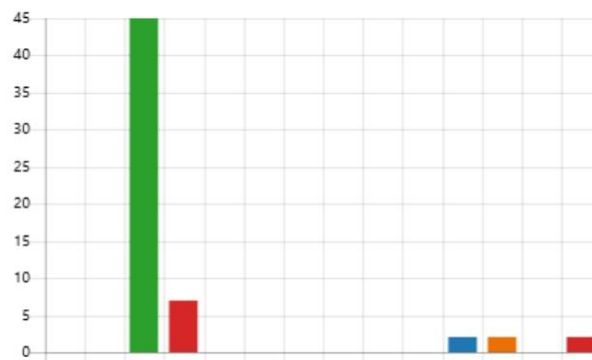


14/05/2025, 08:06

Microsoft Forms

2. Which best describes the capacity in which you are responding to this consultation:

● A councillor / committee	0
● A Member of Parliament	0
● A resident of Cheltenham	45
● A resident not of Cheltenham	7
● A performer	0
● A sexual entertainment venue ...	0
● A customer of sexual entertain...	0
● A licence holder (bars, clubs, e...	0
● A non-licensed / other busine...	0
● A statutory body (police, OPC...	0
● An advocacy or other group / ...	2
● A support service / organisati...	2
● A religious organisation, grou...	0
● Other	2



14/05/2025, 08:06

Microsoft Forms

3. Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption



From other sources:

Agree: 2 Disagree: 2

4. Please provide any further comments you wish to make in relation to your answer (optional).

32
Responses

Latest Responses

"GRASAC neither agrees or disagrees. The current workings...

"Current policy has not followed the rules to limit near sen...

"This must always be open to annual questions"

5. The authority has the discretion [5] to set a nil limit for licensed SEVs in any "relevant locality". Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority's existing licensing policy sets two relevant localities:

1. An adopted "Designated Permitted Area" [6] where the policy sets no limit on the number of licensed SEVs; and
2. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to license SEVs in or in the vicinity of, amongst others, residential areas. It is the authority's view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.

[5] 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

[6]

https://www.cheltenham.gov.uk/downloads/file/10187/sexual_entertainment_venues_designated_permitted_area

Do you agree, or disagree, with the authority's proposal to maintain the existing relevant localities and the limit(s) set for each?

● Agree	29
● Disagree	29



From other sources:

Agree:0 Disagree: 5

6. Do you have any other comments to make in relation to this? (optional)

23
Responses

Latest Responses

"GRASAC do not consider any locations within the borough...

"Area should be smaller. Cambray Place and Bath Street sh...

"Given that there are 2 locations and you wish the trade to...

7. However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed "Acquired Rights" (discussed later in this consultation document) policy.

Do you agree, or disagree, with the authority's proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre?

● Agree 21
● Disagree 37



From other sources:

Agree: 0 Disagree: 4

8. Do you have any other comments to make in relation to this? (optional)

31
Responses

Latest Responses

"GRASAC disagree with the proposal, the appropriate limit ...

"The Cambray Place venue is unsuitable, even unlawful on ...

9. Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered?



10. Do you have any other comments to make in relation to this? (optional)

28

Responses

Latest Responses

"GRASAC neither agree nor disagree with this proposal. We...

"Should not allow precedent to make it permanent. "

"Given your own clear description of the activities in these ...

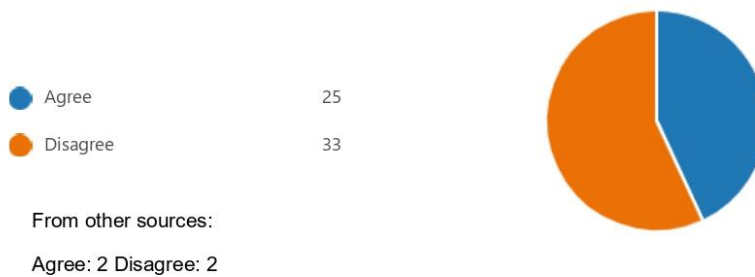
11. **Existing condition**

Condition 4 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.

Change / amendment

Remove – substantially addressed by condition 6 below.

Do you agree, or disagree, with the authority's proposal to change / amend condition 4 as stated?



12. Do you have any other comments to make in relation to this? (optional)

23
Responses

Latest Responses

"It is reasonable as the SEVs operating are temporary there..."

"Only if fully covered in cond 6 "

"There is plenty of custom - according to your earlier descri..."

13. **Existing condition**

Condition 6 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.

Change / amendment

Add - "with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."

The authority believes this provides a reasonable balance that will:

1. allow greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);
2. whilst ensuring public protection and safeguarding though restricting the "exempt" advertisement content; and
3. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.

Do you agree, or disagree, with the authority's proposal to change / amend condition 6 as stated?



14. Do you have any other comments to make in relation to this? (optional)

24
Responses

Latest Responses

- "The explanatory note indicates that the authority will app...
- "Unless the "exempt" approval explicitly state "no images, l...
- "As before. I do not see that advertising is required at all."

15. **Existing condition**

Conditions 22 & 26 references to "state of undress"

Change / amendment

Replace "state of undress" with "display of nudity".

This is to provide clarity of definition.

Do you agree, or disagree, with the authority's proposal to change / amend conditions 22 & 26 as stated?



From other sources:

Agree: 1 Disagree: 2

16. Do you have any other comments to make in relation to this? (optional)

19
Responses

Latest Responses

"The authority needs to provide a more detailed explanatio..."

"Yes, it needs to be completely explicit what these business..."

17. Existing condition

Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.

Change / amendment

Amend condition 24 to read:

An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:

1. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;
2. The location of such room(s), must be marked on the plan of the premises;
3. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority;
4. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;
5. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and
6. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.

Do you agree, or disagree, with the authority's proposal to change / amend condition 24 as stated?



18. Do you have any other comments to make in relation to this? (optional)

17
Responses

Latest Responses

" We agree with the proposed amendment to Standard Co...

"Re point 3 - separate and private sanitary facilities for per...

19. **Existing condition**

Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.

Change / amendment

Partly amend to remove "Any bodily contact between entertainers or performers or" **but retain** "Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden."

This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.

Do you agree, or disagree, with the authority's proposal to change / amend condition 25 as stated?



From other sources:

Agree: 0 Disagree: 5

20. Do you have any other comments to make in relation to this? (optional)

20
Responses

Latest Responses

"Further detail needs to be provided regarding the rational ...

"A breach is a breach. Accidental breaking of any law is no...

"Accidental contact should be noted and logged. Otherwise...

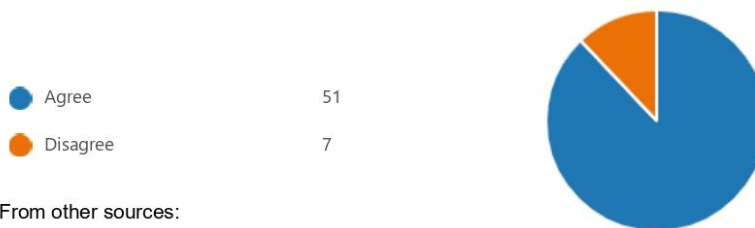
21. **Existing condition**

Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.

Change / amendment

Replace "Police Crime Reduction Officer" with "Gloucestershire Constabulary".

Do you agree, or disagree, with the authority's proposal to change / amend condition 35 as stated?



From other sources:

Agree: 4 Disagree: 1

22. Do you have any other comments to make in relation to this? (optional)

10
Responses

Latest Responses

"We assume that this amendment has been made for clarit..."

23. Do you agree, or disagree, with the authority's proposal to adopt an "Acquired Rights" Policy?



From other sources:

Agree: 0 Disagree: 5

24. Do you have any other comments to make in relation to this? (optional)

22
Responses

Latest Responses

"We are concerned that the proposed adoption of an Acqui...
"To shut down regular democratic oversight and complaint...
"As you rightly say - this would create a presumption in FA...

25. Do you agree, or disagree, with the authority's proposal to amend the policy requirements for plans to accompany applications?

Agree 46
Disagree 12



From other sources:
Agree: 5 Disagree: 0

26. Do you have any other comments to make in relation to this? (optional)

9
Responses

Latest Responses

"We agree with the proposed amendments in respect of th...

27. Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement?

Agree 47
Disagree 11



From other sources:
Agree: 5 Disagree: 0

28. Do you have any other comments to make in relation to this? (optional)

10
Responses

Latest Responses

"We feel that the requirement of a designated person in ch...

29. Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)?



From other sources:

Agree: 3 Disagree: 1

30. Do you have any other comments to make in relation to this? (optional)

9
Responses

Latest Responses

"We welcome the clarification that the inclusion of the add...

31. Do you have any comments on the Equality Impact Assessment accompanying the draft policy? If so, please provide your comments below. (optional)

15
Responses

Latest Responses

"Could the authority confirm that the Safe and Equal Bristo...

"The implication that a nil SEV limit would cause more pro...





CHEL TENHAM
BOROUGH COUNCIL

**SEXUAL ENTERTAINMENT VENUE (SEV)
POLICY STATEMENT**

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

Adopted by Full Council on xx

Contents

Preface	3
The Borough of Cheltenham	4
1. Introduction	5
2. Definitions	5
3. Waivers	6
4. Making an Application	Error! Bookmark not defined.
5. Application for the Grant of a Licence	7
6. PlansA	7
7. Public Notices	8
8. Variation of a Licence	8
9. Renewal of a Licence	9
Acquired Rights	Error! Bookmark not defined.
10. Transfer of Licence	9
11. Determination	9
11.1 Mandatory Grounds for Refusal	9
11.2 Discretionary Grounds for Refusal	9
12. Factors for consideration	10
Discretionary grounds (a) and (b)	10
Location of Premises	Error! Bookmark not defined.
Designated Permitted Area (shaded)	13
Properties with sensitive uses or in sensitive locations	Error! Bookmark not defined.
13. Granting a Licence	14
14. Objections	14
15. Hearings	14
16. Appeals	14
17. Fees	15
18. Standard Conditions	15
19. Specific Conditions	15
20. Duration of Licence	15
21. Exempt Sexual Entertainment Code of Practice	15
22. Review	16
APPENDIX 1 - Standard Conditions Regarding Sexual Entertainment Venues	16
APPENDIX 2 - Sexual Entertainment Code of Practice	21

Preface

This Policy Statement sets out the authority's requirements for premises to be licensed as Sexual Entertainment Venues ("SEVs") within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") as amended by Section 27 of the Policing and Crime Act 2009.

Adoption of Schedule 3 also allows the Authority to set terms and conditions and fees for the grant, variation, renewal and transfer of such licences and the number of premises to be licensed in an area, which may be nil.

The Authority adopted the original provisions of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops on 25th April 1983 and the new provisions for SEVs under the amendments of the Policing and Crime Act 2009 on 11th October 2010.

Consultation was conducted with local residents, existing and future potential holders of SEV licences in the Borough, the statutory responsible authorities under the Licensing Act 2003, and holders of Premises Licenses and Club Premises Certificates under the Licensing Act 2003 in the Borough.

The Authority does not take any moral stand in adopting this policy. The Authority recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. It is this Authority's role as the Licensing Authority to administer the licensing regime in accordance with the law.

In formulating this policy statement consideration has been given to:

- a) The legal requirements of the 1982 Act (as amended);
- b) The Home Office Sexual Entertainment Venues Guidance for England and Wales;
- c) Section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within the Borough;
- d) The Regulators Compliance Code;
- e) Equality Act 2010; and
- f) The Provisions of Services Regulations 2009 and associated guidance.

The Borough of Cheltenham

The Authority is one of six district authorities within Gloucestershire.

The Area

Until the late 1700s, Cheltenham was a small market town that became a fashionable resort after spa waters were discovered. Over the years it has attracted major employers and has gained a reputation for being an international festival town. This, together with its architectural heritage, educational facilities and quality environment, makes Cheltenham an attractive place to live, work and play.

The borough, which includes 5 parishes, has a population of approximately 118,000 who live in 20 wards. The borough is mainly urban with some areas of surrounding countryside. It covers an area of approximately 4,680 hectares of which 17% is designated as green belt and 22% as an area of outstanding natural beauty.

1. Introduction

- 1.1 This policy statement sets out the Authority's guidance, application procedure, terms and conditions relating to the regulation of SEVs.
- 1.2 This policy statement will guide current licence holders, potential licence holders, the public and the Authority when considering applications for SEVs.
- 1.3 This policy statement applies to every type of SEV (as defined in the Act) unless an exemption applies.
- 1.4 Whilst each application will be considered on its individual merits, this policy statement is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when determining the application. This policy statement also sets out the expectations of the Authority on the applicant when receiving an application.
- 1.5 Applications for grant or variation and opposed applications to renew and/or transfer, will be determined by the Authority's Licensing Committee. Unopposed applications to renew and/or transfer will be determined by the relevant director in accordance with the Authority's constitution and scheme of delegation.

2. Definitions

The 1982 Act - This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009.

SEV - Means Sexual Entertainment Venue as defined by section 27(3) of the Policing and Crime Act 2009.

The Policy Statement - This refers to this policy statement.

The Relevant Locality - Refers to the locality in which an application for a SEV licence has been made in respect of a premises, vehicle, vessel or stall.

The Character of the Relevant Locality - The character of the Relevant Locality where the premises is situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This is a proper matter for the Authority to consider based on local knowledge, factors and circumstances.

The Authority - Means Cheltenham Borough Council.

The Premises - This is the premises, vessel, vehicle or stall which is subject to a SEV licence. The premises will be in possession of all appropriate consents and permissions required to operate.

Permitted Hours - These are the hours of activity and operation that have been authorised under the SEV licence.

Display of nudity – means (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and (b) in the case of a man, exposure of his pubic area, genitals or anus.

3. Waivers

- 3.1 Schedule 3, paragraph 7 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the Authority to issue waivers. The effect is that it will remove the requirement for a licence.
- 3.2 The power to waive licensing requirements is not a substitute for licensing, and applicants will be expected to demonstrate exceptional circumstances in justifying why the licensing requirement should be waived in their case.
- 3.3 In considering applications for waivers, the Authority's general approach will be:
 - 3.3.1 Waivers must be sought in respect of a temporary event.
 - 3.3.2 Waivers will not be granted for events that include relevant entertainment (i.e. striptease, lap-dancing, pole dancing or similar activities) recognising that a statutory exemption already exists for infrequent sexual entertainment.
 - 3.3.3 Licensable activities (that would normally have required a licence) must principally be ancillary and kept to an absolute minimum to other activities not licensable under the provisions of the 1982 Act.
 - 3.3.4 Waivers will only be considered, on its merits, in exceptional circumstances.
- 3.4 Applications will be considered by the Licensing Committee, or delegated sub-committee thereof, and reasons shall be given of the decision taken.
- 3.5 A waiver may be for such period as the Authority sees fit. Where the Authority grants an application for a waiver, notice will be given to the applicant stating that it has granted the application. The Authority may at any time give a person who would require a licence notice that the waiver is to terminate, on such date not less than 28 days from the date on which it gives the notice, or as may be specified in the notice.

4. Making an Application

- 4.1 An application for the grant, variation, renewal or transfer of a SEV licence must be made in writing to the Authority in accordance with the requirements set out below.
- 4.2 The address at which the Authority will accept applications and notices is:
 - a) By post/personal service to Licensing Section, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 9SA;
 - b) By e-mail to licensing@cheltenham.gov.uk;
 - c) On-line via the gov.uk website.
- 4.3 For all enquiries, please contact the Licensing team on 01242 262 626.

5. Application for the Grant of a Licence

- 5.1 The Authority may grant to any applicant a licence for the use of premises as a SEV on such terms and conditions as specified by the Authority.
- 5.2 To apply for the grant of a SEV licence an applicant must:
- a) Complete an application form;
 - b) Pay the relevant fee;
 - c) Submit a plan of the premises to which the application relates showing, amongst other things, all means of ingress and egress to and from the premises, parts used in common with any other building, and
 - d) Supply details of how the premises lie in relation to the street. (See below)
 - e) Submit a site plan scale 1:1250;
 - f) Submit drawings showing the front elevation as existing and as proposed to a scale of (1:100) (see below);
 - g) Display a notice on or near the premises (see below);
 - h) Publicise the application in a local newspaper no later than 7 days after the date of the application; and
 - i) Send a copy of the application and plan to the Chief Officer of Police for the area within 7 days of making the application to the Authority.

6. Plans

- 6.1 The plan of the building, unless agreed in writing beforehand, must comply with the following:

All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible and shall show:

- a) The extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- b) The location of points of access to and egress from the premises;
- c) If different from paragraph (1)(b), the location of escape routes from the premises;
- d) In a case where the premises is used for more than one existing activity the area within the premises used for each activity;
- e) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- f) The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers;
- g) In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- h) ~~The dressing room of performers;~~ The room(s) allocated to allow performers to rest, dress and store personal items including, where relevant, any bathrooms or other facilities set aside for exclusive use by performers.
- i) The area where performances take place;
- j) Any private screened area where a performance(s) take place;

- k) In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- l) The location and type of any fire safety and any other safety equipment; and
- m) The location of a kitchen, if any, on the premises.
- n) The area(s) to be licensed must be clearly identified by outlining these areas in red.
- o) Must clearly indicate the location and layout of all booths inside the premises used for "Relevant Entertainment".
- p) All plans accompanying the application must have a clear drawn date and reference number indicated.

6.2 The plan must include a legend through which the matters mentioned are sufficiently illustrated by the use of symbols on the plan.

7. Public Notices

7.1 A notice must be displayed at or on the premises to which the application relates for a period of no less than 21 consecutive days beginning with the date of the application, where it can be conveniently read from the exterior of the premises.

7.2 Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.

7.3 The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.

7.4 The notice must state:

- a) the details of the application and activities that it is proposed will be carried on or from the premises;
- b) the full name of the applicant;
- c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified;
- d) the date, being 28 days after that on which the application is given to the authority, by which objections may be made to the authority and that the objections should be made in writing;
- e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.

7.5 A similar notice must be published in a local newspaper circulating in the area within 7 days of giving the application to the authority.

8. Variation of a Licence

8.1 The holder of a SEV licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.

- 8.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

9. Renewal of a Licence

- 9.1 The holder of a SEV licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.
- 9.2 The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.
- 9.3 The authority will not accept applications for the renewal of a SEV licence more than 3 months in advance of the renewal date.

10. Transfer of Licence

- 10.1 A person may apply for the transfer of a licence at any time.
- 10.2 The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

11. Determination

11.1 Mandatory Grounds for Refusal

11.1.1 A licence will not be granted:

- a) to any person under the age of 18 years;
- b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- d) to a body corporate which is not incorporated in an EEA State; or
- e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

- 11.1.2 If the authority finds any of these grounds apply then it must refuse the application.

11.2 Discretionary Grounds for Refusal

11.2.1 A licence may be refused where:

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

11.2.2 Applications for the transfer of an issued SEV licence may only be refused on grounds (a) and (b) above.

11.2.3 Any decision to refuse a licence must be relevant to one or more of the above grounds.

12. Factors for consideration

Discretionary grounds (a) and (b)

12.1 In considering the suitability of those persons referred to in (a) and (b) above the factors the authority may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and
 - ensure they are observed by others on the premises;
 - engage constructively with the Council and other relevant regulators

The Location of Licensed Premises

12.2 The authority takes a 'bright line approach' when considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use of any premises in the vicinity. This is so that the authority's policy and approach is clear and unambiguous.

12.3 The starting point is that the authority will strictly apply these principles and will only deviate from it in genuinely exceptional circumstances.

12.4 Whilst taking a 'bright line approach' it is acknowledged that this remains a policy, and as such does not amount to any fetter on the discretion of the authority. Each case will always be considered on its merits having regard to the policy.

12.5 Within the "Designated Permitted Area" no licences shall be granted for premises within, and/or within the vicinity of, the following locations:

- residential areas
- shops used by, or directed at families, or children, or on frontages frequently passed by the same
- parks or external areas that attract children and/or families
- schools, play areas, nurseries or children's centres
- places of worship and/or properties which are sensitive for religious reasons
- entertainment centres which have children/family focussed entertainment
- community buildings
- historic buildings or tourist attractions
- other sensitive uses that may be relevant – on a case-by-case basis
- where sex-oriented uses would change the character of an area, deter people from using the area comfortably/at all and/or raises the fear of crime or other social issues

having regard to the following factors:

- the character of any adjoining localities;
- all access routes to sensitive spaces including schools, play areas, nurseries or children's centres or other uses normally attended by children and/or families;
- any existing licensing permissions held for the premises other than sexual entertainment;

- the proximity of other licensed premises in the surrounding area and the terms of those licences;
- the planning permission for the premises and surrounding uses;
- any existing planning or regeneration policy/plan/strategy relevant to the area;
- history of complaints relevant to the premises;
- the nature of the daytime and night-time economies in the surrounding area;
- whether, as a consequence of the grant, renewal or variation of the licence, any other premises will be required to change any aspect of their normal or future operations, including but not limited to, access arrangements, operating hours and/or clientele/visitors.

DRAFT FOR ADOPTION

Designated Permitted Area with the town centre (shaded in pink)

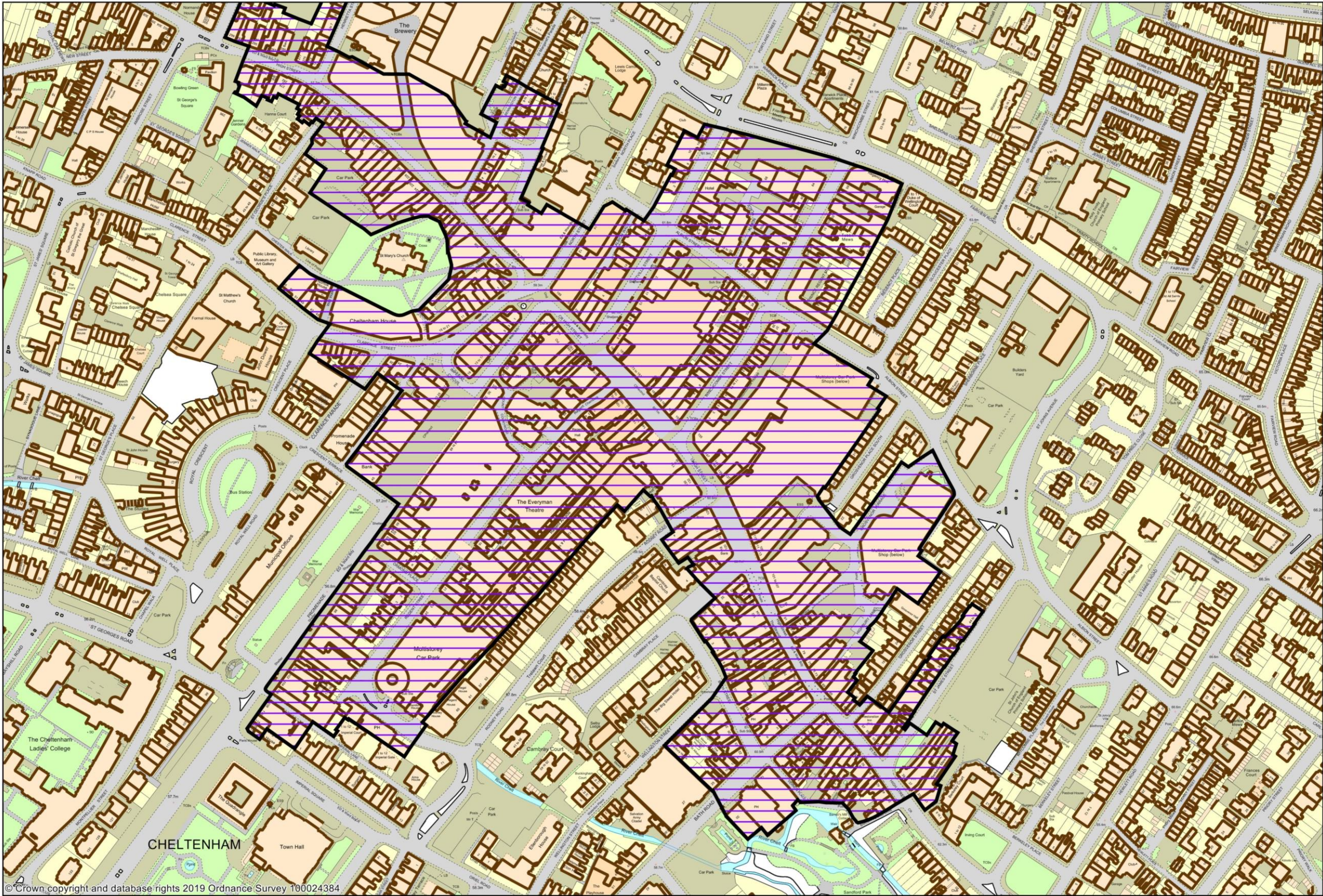


Fig 1 – Designated Permitted Area (shaded

13. Granting a Licence

- 13.1 All applications for the grant of a new SEV licence will be referred to the authority's Licensing Committee for determination.
- 13.2 In determining the application, the Licensing Committee will have regard to this policy statement, any limitation on the number of permitted SEVs, the merits of the application and any objections, if any, that have been made.

14. Objections

- 14.1 When considering an application for the grant, renewal, variation or transfer of a SEV licence the authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections that have been received from anyone else within the statutory consultation period.
- 14.2 Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.
- 14.3 Objections should not be made on moral grounds or values and the authority will not consider objections that are not relevant to the grounds mentioned above.
- 14.4 Objectors must give notice of their objection in writing, stating the general terms of the objection.
- 14.5 Where the authority receives notice of any objection it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the authority shall not without the consent of the person making the objection reveal their name or address to the applicant.
- 14.6 Objections may only be made within the period of 28 days following the date on which the application was made to the authority.

15. Hearings

- 15.1 Where applications are referred to a Licensing Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made.
- 15.2 The hearing provides all parties to the application, including those making objections, the opportunity to air their views openly and those views will be considered by the Licensing Committee.

16. Appeals

- 16.1 There is no right of appeal:



- a) Against the mandatory grounds for refusal as detailed in section 11.1.1 (a), (b), (c), (d), and (e) above, unless the applicant can prove that the ground of refusal does not apply to them, and
- b) Against the grounds as detailed in Section 11.2.1 (c) and (d) which can only be challenged by the applicant by way of judicial review.

16.2 All relevant grounds for appeal, other than these detailed at point (a) and (b) above can be made to the Magistrates Court within 21 days from the date on which the person is notified of the decision.

17. Fees

17.1 The fees set are deemed to be reasonable to cover the cost of administration, enforcement in relation to licensed operators, inspections and any hearings and are not refundable.

18. Standard Conditions

18.1 The Standard Conditions for Sexual Entertainment Venues are attached at Appendix 1.

19. Specific Conditions

19.1 Under schedule 3(8) of the 1982 Act the authority may grant to an applicant, and from time to time renew, a licence for SEV on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of SEV licence.

20. Duration of Licence

20.1 The authority, unless there are exceptional circumstances for doing so, shall grant a licence for the maximum duration of one year at a time, to provide certainty to those persons operating businesses.

21. Exempt Sexual Entertainment Code of Practice

21.1 The Government has seen fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection & safety, an increased likelihood of associated crime & disorder and an inability of regulatory bodies to respond accordingly.

21.2 Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an Exempt Sexual Entertainment Code of Practice. The intention of the code of practice is to promote responsible and properly managed exempt sexual entertainment. The authority expects any premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.

21.3 A copy of the code of practice is attached at Appendix 2 of this policy statement.

22. Policy Review

22.1 This policy statement will be reviewed at least once every three years.

APPENDIX 1 - Standard Conditions Regarding Sexual Entertainment Venues

In these conditions:

‘Relevant Entertainment’ means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

‘Authority’ means Cheltenham Borough Council.

‘Town’ means Cheltenham and refers to it in its entirety.

‘Premises’ means any vessel, vehicle, stall, building, forecourt yard, place of storage or any part of any of these where Relevant Entertainment takes place and is the subject of a licence.

In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

General Conditions:

1. The premises shall only permit adult entertainment between the hours of 20:00 hours and 04:00 hours the following morning as determined by the licensing committee.
2. Only activities which have previously been agreed in writing by the Authority shall take place.

3. The agreed activities shall take place only in designated areas approved by the Authority.
4. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
5. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.

Advertisements, solicitation and displays

6. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises, with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including in any of the following ways:
 - a) by means of personal solicitation in the locality of the licensed premises;
 - b) by means of leafleting in the locality;
 - c) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Council's administrative area.
 - d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

Premises

7. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.
8. A clear Notice shall be displayed inside the entrance to the premises in the following terms:
9. *"Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises."*
10. The performance must not be visible from the street, and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not exhibit themselves in the entrance or in the vicinity of the premises.
11. When the premises are open for Relevant Entertainment no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age

of 25 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.

Management and licensee

12. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Authority within 14 days of such change.
13. The licensee(s) shall nominate a Designated Person in charge who will be responsible for the day-to-day management of the licensed SEV, including:
 - a. responsibility to ensure compliance with all legal duties, licensing requirements and licensing conditions;
 - b. being available during inspections of the licensed SEV and;
 - c. able to respond to requests by the Authority and/or Gloucestershire Police for information, evidence (including CCTV footage) and/or addressing immediately issues arising from the operation of the licensed SEV.
14. The licensee(s) shall notify, in writing by email, the Authority and Gloucestershire Police's Licensing Section within 14 days of the start of each trading period, of the full name, mobile contact number and email address of the Designated Person in charge. It shall further notify, in writing by email and without any undue delay, the Authority and Gloucestershire Police's Licensing Section of any changes to the Designated Person in charge or their details.
15. The premises shall maintain a refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Authority.

Conditions regarding performers

16. Relevant Entertainment may only take place in 'designated areas' that are marked on the plan of the premises.
17. The audience must at all times remain fully-clothed.
18. Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.
19. A 'Signing-in' Register shall be kept at the premises that records the time that the performer starts and finishes at the premises. This shall be made available for immediate inspection by a Police Officer or authorised officers of the Authority.
20. During any performance there must be no physical contact between the performer and any member of the viewing public.
21. No performances shall include any sexual act with other performers.
22. No performances shall include any sexual act with objects.

23. There shall be no nudity by performers in public areas of the premises, unless the Authority has agreed in writing that the area may be used for performances of sexual entertainment.
24. At the completion of the Relevant Entertainment the performers shall dress themselves immediately and leave the designated performance area. There shall be no **display of nudity** by performers not engaged in performing.
25. Performers are not to solicit, exchange addresses, telephone numbers or social media contact details with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.
26. ~~An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.~~
- An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:
- Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;
 - The location of such room(s), must be marked on the plan of the premises;
 - Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, *other arrangements ensuring restricted and protected access to performers only would be permissible subject to the approval of the authority;*
 - Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;
 - Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and
 - Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.
27. Any bodily contact between entertainers or performers within the definition of Relevant Entertainment is strictly forbidden.
28. In any licensed area, there shall be no **display of nudity** by performers not engaged in performing.
29. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can at all times be easily and conveniently read by persons inside the premises.

30. Literature and contact details of organisations that provide advice and counselling on matters relating to:

- (a) Modern slavery,
- (b) Domestic abuse,
- (c) Coercive control,
- (d) Rape and sexual assault,

shall be made available to performers free of charge in their changing area.

Briefing

31. Prior to performers carrying out any activity on the premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

Door-Supervisors

32. Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the premises whilst Relevant Entertainment is taking place.

33. The licence holder, or his nominated deputy who is authorised in writing, or door-supervisors, shall carry out regular monitoring of all areas of the premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with licence conditions by customers and performers.

34. Door-supervisors shall regularly monitor the area immediately outside the premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.

35. A dedicated SIA-registered door supervisor shall remain at all times in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.

36. When performers leave the premises they are to be escorted to their cars or taxi by a door- supervisor or member of staff.

CCTV System

37. A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Gloucestershire Constabulary.

38. The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the

licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.

39. Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Cheltenham Borough Authority (who will carry identification).
40. No CCTV footage is to be copied, given away or sold (except as required by Police/Authority for investigation/enforcement purposes).
41. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.
42. Notices shall be displayed informing customers of the presence of CCTV.

APPENDIX 2 - Sexual Entertainment Code of Practice

1. Operators/licensees will notify the Authority & Police Licensing Sections of events where sexual entertainment is due to take place.
2. All sexual entertainment should only take place in one designated area inside the premises, and this shall not be visible from outside the premises.
3. Private performances should only take place inside screened-off private booths. However, the front of these booths must not be covered or obstructed, so that managers and SIA door-supervisors are able to monitor activity inside the booths.
4. A clear notice should be displayed inside the entrance to the designated area stating: "Sexual entertainment takes place on these premises. No persons under 18 shall be admitted."
5. Scantily clad individuals performing in the premises must not exhibit themselves in the entrance to or in the vicinity of the premises and individuals not performing shall not remain in any area in a state of undress.
6. Customers must at all times remain fully-clothed.

7. During any performance there must be no physical contact between the performer and any member of the viewing public/private customer.
8. No performance shall include any sexual act with other performers, customers or viewing public.
9. An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only.
10. A minimum of one SIA registered door supervisor shall be employed in the designated area where sexual entertainment is taking place and they shall intervene promptly to ensure compliance with these rules.
11. The area in which sexual entertainment is to take place shall be covered by CCTV from which footage shall be stored for a minimum of 14 days and produced to Police or Authority officers on request.
12. A list of all performers shall be available on the premises for immediate production if requested by Police or Authority officers. This list shall contain full names, dates of birth and contact details (address or telephone number).
13. Rules 2, 3, 5, 7, 8, 9 and 10 shall be drawn to the attention of all performers and promoters prior to activity commencing.

Rules 6, 7 and 8 shall be prominently displayed to customers at appropriate locations within the premises.

Review of Sexual Entertainment Venue Licensing Policy

Equality Impact Assessment

STAGE 1 – Equality Screening

1. Identify the policy, project, function or service change

a. Person responsible for this EqIA	
Officer responsible: Louis Krog	Service Area: Public Protection
Title: Head of Public Protection	Date of assessment: January 2025
Signature:	

b. Is this a policy, function, strategy, service change or project?	Policy
If other, please specify:	

c. Name of the policy, function, strategy, service change or project	
Sexual Entertainment Venue Licensing Policy	
Is this new or existing?	Existing
Please specify reason for change or development of policy, function, strategy, service change or project	
Routine policy review.	

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?	
Aims:	Regulation of licensed Sexual Entertainment Venues in accordance with statutory requirements.
Objectives:	
Outcomes:	

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Specified in Full Equality Impact Assessment

Do you expect the impacts to be positive or negative?

Specified in Full Equality Impact Assessment

Please provide an explanation for your answer:

Specified in Full Equality Impact Assessment

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

Yes

Owner of Stage Two assessment

Louis Krog

Completion date for Stage Two assessment

January 2025

STAGE 2 – Full Equality Impact Assessment

The best approach to find out if a policy etc, is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those equality groups.

a. Research and evidence

List below any data, consultations (previous, relevant, or future planned), or any relevant research, studies or analysis that you have considered to assess the policy, function, strategy, service change or project for its relevance to equality.

1. A 2023 survey conducted by the local VAWG partnership group, surveyed women and girls about their safety in Cheltenham. This survey received 114 responses, with the majority of responses being from people who identified as female (92.09%), white (88.6%) and straight (82.46%). The age range of this survey varied, with most respondents being between the ages of 30-49 (44.74%), followed by 18 to 29 (35.96%). No one over the age of 75 answered and very few below 18 answered.

The biggest concerns from participants were feeling unsafe in areas such as Boots and during race week. There was also an alarming amount of people who experienced cat calling and wolf whistling. They emphasised that these acts felt extremely normalised and often women felt like there was no point in reporting incidents.

2. There is a general body of national and international research and evidence to point to:
 - the impact of sexual entertainment on the objectification of women and girls and the links to violence against women and girls; and
 - that particularly, women and girls, avoid parts of the town during horse racing events and locations where known SEVs operate.

For example (not exhaustive) "[License to cause harm? Sex entertainment venues and women's sense of safety in inner city centres](#)", [Inappropriate Behaviour: Adult venues and licensing in London](#), Isabel Eden, [The Liliith Project 2007](#) & [Wright, P.J., Tokunaga, R.S. Men's Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women. Arch Sex Behav 45, 955–964 \(2016\)](#). It is noted that the latter is an American study and the scope was specific to "sexual assault on college campuses" with reference to "frequency of exposure to men's lifestyle magazines that objectify women, reality TV programs, and pornography" rather than sexual entertainment.

Objector groups and organisations who work with victims have raised similar issues.

The "[Safe and Equal Bristol Report](#)" was published in 2021 by Safe and Equal Bristol - an umbrella group of Bristol-based stakeholders and professionals in the field of gender equality and sexual & gender-based violence (SGBV).

This report is principally aimed at responding to Bristol City Council's SEV policy review arguing for a "nil cap" approach. Nonetheless, the report highlights the negative impacts of SEVs on gender equality and the prevalence of male violence against women, presenting evidence that suggests that regulation of SEVs does not necessarily lead to increased safety for performers.

3. “Tighter regulation of lap-dancing club” and Crime Act 2009. 2009 Act implemented specifically because the Licensing Act 2003 was inadequate as a regulatory tool to safeguard local communities and regulate the industry.

4. Regulating Strip-Based Entertainment: Sexual Entertainment Venue Policy and the Ex/Inclusion of Dancers’ Perspectives and Needs

This research on the striptease industry that explores why key stakeholders (dancers) are excluded, and ways that inclusion in policy development is achievable. This form of erotic work has undergone increased attention from policy and regulatory officials in recent years with the introduction of a new licensing process as venues are categorised as Sexual Entertainment Venues.

The article will demonstrate how community and campaign group voices were heard over that of the dancers themselves, who were not consulted in the process of the legislative change. However, the article shows how small but significant interventions into policy development by direct work with stakeholders (here Licensing Committees and officers) can make steps towards an inclusion of dancer welfare and safety issues. Finally, we propose a set of principles that can ensure dancer and sex worker voices are included in policy consultation and decision making to ensure evidence-based policy making.

- One in four lap-dancers has a degree. Those dancers with degrees had not chosen dancing in place of a career in their chosen subject after university, but instead were combining it with other forms of employment or education. One third of women interviewed were using dancing to fund new forms of education or training.
- No evidence or anecdotes of forced labour or the trafficking of women.
- No evidence of lap dancing having connections to organised prostitution.

5. Crime and Disorder – There is no evidence to suggest crime and disorder is any higher at, or in the vicinity of, licensed SEVs. To date the Chief Officer of Police has not raised any objections to any SEV application because there have been no crime and disorder is any higher at, or in the vicinity of, licensed SEVs to warrant such an objection.

There is no crime and disorder data to indicate any sexual offences linked specifically to any licensed SEVs although it is noted there is evidence to point to a more general link associated with objectification of women and girls and the links to violence against women and girls. The council does not have any evidence indicating a link between locally licensed SEVs and links to violence against women and girls from customers.

6. Complaints – A number of complaints have been received by the authority relating to both the current licensed SEVs relating to breach of licensing conditions. These have been aired and considered in full by the licensing committee during regulatory hearings.

7. Races generally v SEVs specifically – Much of the evidence held by the authority particularly from the 2023 survey and committee minutes from objector groups relate to the nature of the town during racing events (when SEVs are also licensed).

It is acknowledged that the absence of licensed SEVs during racing events is unlikely to have a substantial mitigating impact on the “feel” of the town and the concerns objector groups and VAWG organisations have raised due to:

- The likelihood that SEVs will continue to operate unlicensed; and
- With SEVs, theoretically out of the equation, the races will continue to attract large numbers of people to the town that will see a continuation of the issues raised.

b. Consultation

Has any consultation be conducted?

Yes – initial engagement sessions with key stakeholders: objector groups, religious groups, Gloucestershire Constabulary, Police and Crime Commissioner, operators and performers.

Describe the consultation or engagement you have conducted or are intending to conduct. Describe who was consulted, what the outcome of the activity was and how these results have influenced the development of the strategy, policy, project, service change or budget option.

If no consultation or engagement is planned, please explain why.

The Licensing Committee has undertaken initial engagement sessions with a range of stakeholders:

1. Objector groups
2. Police and Crime Commissioner
3. Cheltenham Inspector and police licensing PC
4. Religious groups
5. SEV operators
6. Representative of performers

In summary:

1. Objector groups and religious leaders have called on the committee to set a nil limit pointing to the evidence linking SEVs to violence against women and objectification. They have also pointed out that setting such a limit would be the right thing to do for the town and its people and will send the right message to the town's residents, visitors and businesses.

They raised concerns about the Licensing Committee's decisions that have gone against adopted policy particularly in relation to the location of SEVs to building with sensitive uses and watering down of conditions.

They acknowledged the "infrequent exemption" predicament and challenge but maintained a nil limit was appropriate. It was noted that the Licensing Act 2003 does afford some regulatory protections that will mitigate some of the concerns.

2. Police and Crime Commissioner – They police and crime commissioner also opposed the operation of licensed SEVs but preferred a public health approach as the solution recognising the wider issue of violence against women and girls and the factors that feed into this. Factors included the operation of SEVs and the objectification of women that comes from this.
3. Chief Officer of Police – on their behalf, the Cheltenham Inspector and police licensing PC preferred a licensed approach. They pointed out that there are no real crime and disorder concerns around licensed SEVs. This was in contrast to unlicensed SEVs where multiple incidents were observed so as physical contact between customers and performers, cash transactions, poor facilities for performers and lack of adequate safeguarding measures to protect performers leaving the venue at the end of their shift.

4. Both the operators and performers' representatives pointed to the fact that this was a lawful activity and undertaken fully licensed, open to scrutiny and completely by performer's free will.

It was pointed out that licensed and regulated activities gave performers assurance in terms of their protection and safeguarding.

The operator pointed out that regulation was extremely expensive, and the infrequency exemption created a situation where unlicensed operators were able to operate without these costs and risks.

The operator pointed out that they could operate unlicensed in that way they did previously but wanted to run a responsible business. However, if regulatory measures and costs increase, they may consider their position especially in light of the infrequency exemption and the unfairness this creates in competing with unlicensed operators.

3. Assessment

a. Assessment of impacts

For each characteristic, please indicate the type of impact (positive – contributes to promoting equality or improving relations within an equality group, neutral – no impact, negative – could disadvantage them).

Please use the description of impact box to explain how you justify the impact and include any data and evidence that you have collected from surveys, performance data or complaints to support your proposed changes

Protected Characteristic	Specific Characteristic	Impact	Description of impact	Mitigating Action
AGE	Older people (60+)	Negative	There is anecdotal evidence (through application objections) that older people may avoid areas where SEVs operate. The authority holds no data or specific evidence of this.	<p>Nil limit – It is not expected that a nil limit would see any significant decrease in the amount or frequency of sexual entertainment due to the statutory exemption. Therefore, a nil limit would not mitigate any equality issues that may arise for older people.</p> <p>No change to current limits - The same potential equality issues arise from this option.</p> <p>This option would allow the authority to regulate sexual entertainment through its policy including any equality issues arising and consequential safeguards required.</p> <p>Regulation allows the authority to set conditions, operating time(s) ; implement other measures that could mitigate these equality issues.</p>
	Younger People (16-25)	Negative	The same potential equality issues arise from this option.	<p>Nil limit – It is not expected that a nil limit would see any significant decrease in the amount or frequency of sexual entertainment due to the statutory exemption. Therefore, a nil limit would not mitigate any equality issues that may arise for younger people.</p> <p>No change to current limits – There is a risk that children (under the age of 18) could gain access to</p>

				<p>sexual entertainment venues operating unlicensed.</p> <p>There is evidence that, particularly women and girls, may avoid areas where SEVs operate because they feel unsafe in the vicinity of these venues.</p> <p>This option would allow the authority to regulate sexual entertainment through its policy including any equality issues arising and consequential safeguards required.</p> <p>Regulation allows the authority to set conditions, operating time(s) and implement other measures that could mitigate these equality issues. Specifically, this includes challenging 25, restricting displays and advertising that children may be exposed to and dictating hours of operation to mitigate access by children.</p>
	Children (0-16)	Negative	There is a risk that children (under the age of 18) could gain access to sexual entertainment venues operating or be exposed to them in some other way or form.	<p>Nil limit – It is not expected that a nil limit would see any significant decrease in the amount or frequency of sexual entertainment due to the statutory exemption. Therefore, a nil limit would not mitigate any equality issues that may arise for younger people.</p> <p>No change to current limits – The same potential equality issues arise from this option.</p>

				<p>This option would allow the authority to regulate sexual entertainment through its policy including any equality issues arising and consequential safeguards required.</p> <p>Regulation allows the authority to set conditions, operating time(s) and implement other measures that could mitigate these equality issues. Specifically, this includes challenge 25, restricting displays and advertising that children may be exposed to and dictating hours of operation to mitigate access by children.</p>
<p>DISABILITY A definition of disability under the Equality Act 2010 is available here.</p> <p><i>See also carer responsibilities under other considerations.</i></p>	Physical disability	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	<p>Premises where sexual entertainment takes place have a general duty to make reasonable adjustments to accommodate a range of disabilities.</p> <p>Legal redress is via civil action or enforced by the Equality and Human Rights Commission.</p> <p>Whilst the authority is not the principal enforcing authority, it is generally acknowledged that through licensing regulation the authority has an increased ability to address issues relating to disabilities where, for example, complaints of discrimination has been received.</p>

	Sensory Impairment (sight, hearing)	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
	Mental health	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
	Learning Disability	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
GENDER REASSIGNMENT		Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	<p>The licensing policy position is gender neutral.</p> <p>Legal redress is via civil action or enforced by the Equality and Human Rights Commission.</p> <p>Whilst the authority is not the principal enforcing authority, it is generally acknowledged that through licensing regulation the authority has an increased ability to address issues relating to gender or sexual orientation where, for example, complaints of discrimination has been received.</p>
MARRIAGE & CIVIL PARTNERSHIP	Women	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	

	Men	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	
	Lesbians	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	<p>The licensing policy position is gender neutral.</p> <p>Legal redress is via civil action or enforced by the Equality and Human Rights Commission.</p> <p>Whilst the authority is not the principal enforcing authority, it is generally acknowledged that through licensing regulation the authority has an increased ability to address issues relating to gender or sexual orientation where, for example, complaints of discrimination has been received</p>
	Gay Men	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
PREGNANCY & MATERNITY	Women	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	
RACE* Further information on the breakdown below each of these headings, is available here .	White	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	<p>The licensing policy position is non-discriminatory on race.</p> <p>Whilst the authority is not the principal enforcing authority, it is generally acknowledged that</p>

For example Asian, includes Chinese, Pakistani and Indian etc				through licensing regulation the authority has an increased ability to address issues relating to race or racial identity where, for example, complaints of discrimination has been received.
	Mixed or multiple ethnic groups	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
	Asian	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
	African	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
	Caribbean or Black	Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
		Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	As above.
RELIGION & BELIEF** A list of religions used in the census is available here	See note	Negative	Generally recognised that certain properties, or their uses, may be incompatible with the operation of sexual entertainment. This applies to building and premises used for religious purposes.	Nil limit – A nil limit may not mitigate these issues because it is expected that sexual entertainment will continue despite the policy position of nil.

			<p>The operation of sexual entertainment may mean people do not want/unable to visit buildings and premises used for religious purposes out of fear, feelings of safety or by objections to the activity.</p>	<p>No change to current limits – The same potential equality issues arise from this option.</p> <p>However, licensed sexual entertainment would allow the authority to make placed based decisions based on the locality of licensed SEVs and the operating conditions to mitigate any equality issues arising in relation to buildings and premises used for religious purposes.</p>
SEX (GENDER)	Men	Neutral	<p>The most relevant data (2023 VAWG survey) indicated a very small response (<8%) were from males suggesting there are no specific or general equality issues arising for this category of consideration.</p>	
	Women	Negative	<p>From local data (2023 survey) the majority of responses was from people who identified as female (92.09%), white (88.6%) and straight (82.46%). The age range of this survey varied, with most respondents being between the ages of 30-49 (44.74%), followed by 18 to 29 (35.96%).</p> <p>Most people felt unsafe during race meetings and football matches, with race meetings being the highest.</p> <p>When asked about behaviours experienced, in all locations a percentage of women had been victims of cat calling, which was usually the highest, closely followed by wolf whistling.</p>	<p>Nil limit – The potential equality issues arising from this category not be entirely mitigated by a nil limited because, as the data adjacent shows, the issues mainly relate to the general issue of races rather than specifically the operation of SEVs.</p> <p>It is also acknowledged that a policy nil limit would not result in sexual entertainment no longer taking place. There is evidence that operators will use the statutory exemption to continue to operate for the, up to, 16 days annually.</p>

			<p>Places with the highest reports where in the high street, pubs/ clubs, the street and the lower high street.</p> <p>Asked about unwanted behaviours, most places experienced low levels of unwanted behaviours but all had reports of it to some extent.</p> <p>There is no data locally to give a clear indication of any links relating to feelings of safety and/or violence against particularly women and girls at or in relation to SEVs. The data held and reported above relates more generally to the town during racing and in the general ENTE.</p> <p>There is anecdotal evidence (from objectors to applications and engagement sessions) that women and girls may avoid areas where SEVs operate thereby excluding them from part of the town for the duration of sexual entertainment venues operating.</p>	<p>Therefore, the potential equality issues arising could not be mitigated whilst the option to operate under the exemption exists.</p> <p>A further consideration is performers working SEVs. Locally, performers are exclusively female. Unlicensed sexual entertainment would not contribute to promoting equality because the unregulated environment would diminish their safeguarding and rights.</p> <p>No change to current limits – The same potential equality issues arise from this option.</p> <p>However, licensed sexual entertainment would allow the authority to make placed based decisions based on the locality of licensed SEVs and the operating conditions to mitigate any equality issues arising.</p>
	Trans Men	Neutral	<p>The most relevant data (2023 VAWG survey) indicated a very small response (<8%) were from males suggesting there are no specific or general equality issues arising for this category of consideration.</p>	<p>The licensing policy position is gender neutral.</p> <p>Whilst the authority is not the principal enforcing authority, it is generally acknowledged that through licensing regulation the authority has an increased ability to address issues relating to gender or sexual orientation where, for example, complaints of discrimination has been received.</p>

SEXUAL ORIENTATION	Trans Women	Negative	Generally, as per the above (“Women”). There is no data to link any particular issues in relation to specifically Trans Women but the general equality issues as they relate to women are likely to apply.	Generally, as per the above (“Women”).
	Heterosexual	Neutral	The most relevant data (2023 VAWG survey) indicated a small response (12%) from people who did not identify heterosexual suggesting there are no specific or general equality issues arising for this category of consideration.	The licensing policy position is gender neutral. Whilst the authority is not the principal enforcing authority, it is generally acknowledged that through licensing regulation the authority has an increased ability to address issues relating to gender or sexual orientation where, for example, complaints of discrimination has been received.
	Lesbian	Neutral	The most relevant data (2023 VAWG survey) indicated a small response (12%) from people who did not identify heterosexual suggesting there are no specific or general equality issues arising for this category of consideration.	As above.
	Gay	Neutral	The most relevant data (2023 VAWG survey) indicated a small response (12%) from people who did not identify heterosexual suggesting there are no specific or general equality issues arising for this category of consideration.	As above.
	Bisexual/Pansexual	Neutral	The most relevant data (2023 VAWG survey) indicated a small response (12%) from people who did not identify	As above.

			heterosexual suggesting there are no specific or general equality issues arising for this category of consideration.	
Other considerations				
Socio-economic factors (income, education, employment, community safety & social support)		Neutral	<p>The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.</p>	<p>The authority recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries.</p> <p>As such, this is a form of employment and income for both operators and performers. There is also acknowledgement of the wider economic impact of sex establishments as businesses that attracts people to the town and the spending that comes from this.</p> <p>Nil limit – It is not expected that a nil limit would see any significant decrease in the amount or frequency of sexual entertainment due to the statutory exemption.</p> <p>To this extent, the impact on employment and/or income opportunities for both operators and performers would, potentially, be limited.</p> <p>However, in an unregulated scenario (under the infrequency exemption) there is the potential for increased risk of operators not treating performers fairly by, for</p>

				<p>example, draconian rules, fees, penalties and not upholding fair and good employment practices and protections.</p> <p>There is also a risk of poor customer protection and fair treatment by unlicensed operators.</p> <p>No change to current limits - Whilst the authority is not the principal enforcing authority, it is generally acknowledged that through licensing regulation the authority has an increased ability to address issues relating to protections for performers and customers where, for example, complaints of discrimination has been received or there is evidence of poor and discriminatory practice by operators.</p>
Rurality i.e. access to services; transport; education; employment; broadband		Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	
Other (e.g. caring responsibilities)		Neutral	The authority holds no data, including anecdotally, to suggest there are any specific or general equality issues arising for this category of consideration.	

* To keep the form concise, race has not been included as an exhaustive list, please augment the list above where appropriate to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions in the census is available [here](#)

4. Outcomes, Action and Public Reporting

- a. Please list the actions identified through the evidence and the mitigating action to be taken.

Action	Target completion date	Lead Officer

b. Public reporting

All completed EqIA's are required to be publicly available on the Council's website once they have been signed off. EqIA's are also published with the papers for committee and full council decisions.

Please send completed EqIA's to [email address]

5. Monitoring outcomes, evaluation and review

The Equalities Impact Assessment is not an end in itself but the start of a continuous monitoring and review process. The relevant Service or Lead Officer responsible for the delivery of the policy, function or service change is also responsible for monitoring and reviewing the EqIA and any actions that may be taken to mitigate impacts.

Individual services are responsible for conducting the impact assessment for their area, staff from Corporate Policy and Governance will be available to provide support and guidance, please email xxxx if you have any questions.

6. Change log

Name	Date	Version	Change

Impact Assessment – Unlicensed SEVs

This assessment aims to quantify the public protection, community safety and safeguarding impacts of unlicensed SEVs operating under the statutory infrequency exemption. Under this exemption, sexual entertainment is exempt from licensing requirements where the premises:

- has not provided relevant entertainment on more than 11 occasions within the previous 12 months;
- no such occasion has begun within the period of one month beginning with the end of any previous occasion; and
- no such occasion has lasted for more than 24 hours.

Description of Hazard	Control Measure	Mitigating Factors	Aggravating Factors
	<p>Licensing Act 2003</p> <p>Premises that have offered unlicensed sexual entertainment were licensed under the Licensing Act 2003 for the sale of alcohol and provision of regulated entertainment. The Licensing Act 2003 is governed by four licensing objectives:</p> <ol style="list-style-type: none"> 1. Prevention of Crime and Disorder 2. Prevention of Public Nuisance 3. Public Safety 4. Protection of Children from Harm 	<ul style="list-style-type: none"> • The Licensing Act 2003 does provide a certain measure or regulatory control and protection where unlicensed sexual entertainment takes place including some rights of entry and action to be taken against the premises licence where the operation of the premises (including sexual entertainment) contravenes the licensing objectives. 	<ul style="list-style-type: none"> • Parliament has deemed the Licensing Act 2003 ineffective as a comprehensive regulatory tool for sexual entertainment hence the Policing and Crime Act 2009. • The Licensing Act 2003 offers limited regulator control (i.e. considerations restricted to licensing objectives) and restricted rights of entry (i.e. only for licensed areas, at times restricted to a constable and restricted considerations). • Where officers of the authority have no rights of

			entry, the authority relies on the support from partners to utilise their powers where these exist.
	Frequency Cheltenham does not have a market for sexual entertainment through out the year. Unlicensed sexual entertainment is likely to only occur during horse racing events throughout the year.	<ul style="list-style-type: none"> Unlicensed sexual entertainment likely to be limited to certain times a year thereby limiting the hazard(s). 	<ul style="list-style-type: none"> Acknowledged that the restricted nature of unlicensed sexual entertainment does not entirely eliminate the possible hazard(s) posed by unregulated sexual entertainment.
	Voluntary Cooperation Operators and premises connected with unlicensed sexual entertainment might be willing to voluntarily cooperate with the authority and police on safeguarding and standards.	<ul style="list-style-type: none"> Willingness to do so would have a mitigating impact on hazards associated with unlicensed sexual entertainment. 	<ul style="list-style-type: none"> This relies on the willingness of operators and premises to voluntarily cooperate with the authority and police. Ultimately, any voluntary agreements would not be enforceable unless the Licensing Act is engaged and/or criminal offences are committed.
	Local Engagement The 2009 Act sought to “empower local communities” and “give local people a greater say over where and how many lap dancing clubs open and operate in their neighbourhoods.”	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> Unlicensed sexual entertainment venues give local communities no say or empowerment over where and how they operate.

	<p>Operators</p> <p>Established and experienced operators of unlicensed sexual entertainment in Cheltenham likely to decrease the risk of harm compared to new/inexperienced/unknown operators.</p>	<ul style="list-style-type: none"> • Generally, the same operator who has been operating in the town for over 10 years. • They operate non-SEV venue outside of racing events in Cheltenham. 	<ul style="list-style-type: none"> • New & unknown operators do operate unlicensed sexual entertainment during races (most recently 2024). • No power to stop any operator from operating unlicensed sexual entertainment at any time.
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Individual Consultation Responses

Agenda item

Review of Sexual Entertainment Licensing Policy

[Meeting of Full Licensing Committee, Wednesday, 5th March, 2025 6.00 pm \(Item 9.\)](#)

Minutes:

The Licensing and Public Protection Manager introduced the report as published.

The committee provided the following feedback to the Cabinet Member of Safety & Communities on the draft policy:

- The committee thanked the Head of Public Protection and the Cabinet Member for the work carried out on a very strong policy. They also thanked everyone who has already engaged in the original consultation and encouraged people to comment on the draft policy.
- They highlighted the importance of keeping the document relevant, robust and up-to-date to promote the highest possible standards.
- Members agreed that it remained preferable to licence and regulate sexual entertainment venues as this provided the best opportunity for safeguarding everybody involved.
- The nil limit outside the town centre provided a clear steer on where venues are likely to be tolerable.
- It was recommended that the limit of 2 venues should be removed and that the market should be left to decide how many venues can be supported, particularly given the possibility that the limit may push venues to open under the infrequent use exemption rules instead of as licensed venues. It was suggested that the Cabinet Member could consider introducing a rate of change to the policy to add a limit of 2 additional venues each year, although it was noted that this might be a challenging inclusion as it could reduce the flexibility of the committee's decision making powers.
- The proposed extension to the designated permitted area makes sense following the decision to license Under the Prom.
- The suggested wording amendments were felt to have positively improved the clarity of the conditions and reduce the likelihood of technical breaches.
- It was also highlighted that the specificity of the changes to section 25 was positive as it means protections for performers have been enshrined within the policy and reflects feedback received in the original consultation. It will reduce some of the negative working conditions that the committee have seen in the past.
- Need to list what policies are included in terms of discretionary grounds.
- The work carried out on the Public Sector Equality Duty and Equality Assessments is really important to consider how this policy impacts people with protected characteristics. The Chair thanked Leo Charalambides, the editor of the Journal of Licensing, for the work he has carried out in this area.
- It should be considered how the pledge that the council will tackle violence against women and girls could be added to the policy within the legal framework it operates within.
- It was suggested that those people working for the applicant in the public realm should be required to carry out bystander training on a 3-year basis to ensure they are trained at a proportionate level.
- They welcome the integrated approach to safety as those working within the SEV industry experience unique vulnerabilities often alongside specific profiles, for example the LGBT+ community can be disproportionately impacted. These groups don't necessarily have a high standard of social mobility or education available to them, so this industry can be a useful source of work but it is important that the council seek to regulate this to a higher extent. It is valuable to link together the different work the council is doing to ensure it is as inclusive as possible so it was suggested the policy should be integrated further with the safeguarding and social standards.

- Councillor Harvey thanked Councillor Willingham for the sensitive way he has chaired this topic during his tenure and highlighted his exemplary background knowledge. He highlighted that the committee have listened to all viewpoints with an open mind within the primary legislation, which falls outside the control of the council. In the past this has led to Members being threatened and abused. The committee take the concerns and safety of women seriously and have written to both the Conservative and Labour government, and have tried engaging with the Local Government Association and Institute of Licensing to highlight the concerns that have been raised with them. Members confirmed the importance of polite discourse and active engagement and encouraged people to read and comment on the policy during the consultation.

The committee:

- Noted the proposed revisions to the authority's adopted licensing policy for Sexual Entertainment licensing policy; and
- Provided formal recommendations and responses to the Cabinet Member of Safety & Communities in relation to the proposed revisions of the licensing policy.

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional):

Which best describes the capacity in which you are responding to this consultation
(required):

☒ A resident of Cheltenham

1. An approach where SEVs are licensed and regulated

Generally, the authority continues to prefer an approach where SEVs are licensed and regulated rather than operating unlicensed under the infrequency exemption. This general approach is driven by:

1. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
2. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
3. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

☒ Disagree

Please provide any further comments you wish to make in relation to your answer.

Please see document below

2. A nil limit

The authority has the discretion¹ to set a nil limit for licensed SEVs in any “relevant locality”. Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority’s existing licensing policy sets two relevant localities:

1. An adopted “Designated Permitted Area” where the policy sets no limit on the number of licensed SEVs; and
2. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority’s view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.

Question: Do you agree, or disagree, with the authority’s proposal to maintain the existing to relevant localities and the limit(s) set for each? (required)

X Disagree

Do you have any other comments to make in relation to this?

Cheltenham should be considered in it’s entirety rather than creating hostile zones.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed “Acquired Rights” (discussed later in this consultation document) policy.

Question: Do you agree, or disagree, with the authority’s proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre? (required)

☐ Agree

☐ Disagree

Do you have any other comments to make in relation to this?

Whilst this would be an improvement, I cannot wholly agree with this proposal for the reasons outlined in the document below

¹ 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Question: Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered? (required)

X Disagree

Do you have any other comments to make in relation to this?

The DPA has been de facto extended by exemption in licensing decisions. Would the DPA actually be maintained this time or would there be further creep? Also, please see document below.

3. Amendments to Standard Licensing Conditions

The authority is proposing to amend a number of standard licensing conditions:

Existing Condition	Change/amendment
Condition 4 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.	Remove – substantially addressed by condition 6 below.
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)</p> <p>X Disagree</p> <p>Do you have any other comments to make in relation to this?</p> <p>It is important not to create a loophole whereby the claim can be made that photographs and images do not constitute advertisements.</p>	
Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.	<p>Add – "...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."</p> <p>The authority, believes provides a reasonable balance that will:</p> <ol style="list-style-type: none"> 1. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries); 2. whilst ensuring public protection and safeguarding though:

	<p>3. restricting the “exempt” advertisement content; and</p> <p>4. implementing a proposed process whereby the authority will scrutinise and approve “exempt” advertisement content.</p>
<p>Question: Do you agree, or disagree, with the authority’s proposal to change/amend condition 6 as stated? (required)</p> <p>X Disagree</p> <p>Do you have any other comments to make in relation to this?</p> <p>Given the history of licensing decisions, exemptions (e.g. of flyering and branded ‘cruising vehicles’), breaches (such as personal solicitation) and dismissal of local community objections, what confidence can residents have in relation to scrutiny of “exempt” advertisement content?</p>	
Conditions 22 & 26 references to “state of undress”	<p>Replace “state of undress” with “display of nudity”.</p> <p>This is to provide clarity of definition.</p>
<p>Question: Do you agree, or disagree, with the authority’s proposal to change/amend conditions 22 & 26 as stated? (required)</p> <p>X Disagree</p> <p>Do you have any other comments to make in relation to this?</p> <p>Current standard conditions refer (20) refers to “state of undress” in relation to performers not engaged in performing and performers in licensed areas. Clarity is welcomed here but the distinction needs to be drawn between nudity and appropriate costuming. The Conditions could refer instead to either the “scantily-clad” phrase used elsewhere in the conditions or something akin to “Performers not engaged in performing shall not remain in any area unless fully wearing their approved outfit” and “Entertainers or performers not performing must not be in a licensed area unless fully wearing their approved outfit”.</p>	
Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.	<p>Amend condition 24 to read:</p> <p>An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:</p> <ol style="list-style-type: none"> Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use; The location of such room(s), must be marked on the plan of the premises; Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented

	<p>subject to the approval of the authority;</p> <p>d. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</p> <p>e. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and</p> <p>f. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)</p> <p><input type="checkbox"/> Broadly Agree</p> <p>Do you have any other comments to make in relation to this?</p> <p>(f) suggests smoking is being allowed in the premises in the first sentence (but not the second).</p>	
<p>Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.</p>	<p>Partly amend to remove "Any bodily contact between entertainers or performers or" but retain "Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden."</p> <p>This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 25 as stated? (required)</p> <p><input checked="" type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>This creates a loophole where it can be claimed any such movement was accidental.</p>	
<p>Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be</p>	<p>Replace "Police Crime Reduction Officer" with "Gloucestershire Constabulary".</p>

installed in all areas as recommended by the Police Crime Reduction Officer.	
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 35 as stated? (required)</p> <p>X Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? Replace "it to be" with "must be"</p>	

4. "Acquired Rights" Policy

The authority is proposing to adopt an "Acquired Rights" policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed "Acquired Rights" policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority's discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed "Acquired Rights" policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

<p>Question: Do you agree, or disagree, with the authority's proposal to adopt an "Acquired Rights" Policy? (required)</p> <p>X Disagree</p> <p>Do you have any other comments to make in relation to this?</p> <p>It is important to retain, and guidance be written for Councillors and Officers, that:</p> <ul style="list-style-type: none"> a) There is no presumption that there will be automatic renewal of licences b) There is no presumption that new objections without changes in material factors should be automatically dismissed c) There is no presumption that SEV Policies should remain unamended unless new material factors arise. <p>Otherwise the process will inevitably become bogged down in argument about what constitutes "new material factors".</p>

5. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

1. 6.1 Replace “The plan shall be drawn at a scale of 1:100 and shall show” with **“All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible.”**
2. Replace h) “The dressing room of performers” with **“The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers.”**
3. **New section o) “Must clearly indicate the location, layout and sizes of all booths inside the premises used for “Relevant Entertainment””.**
4. **New section p) “All plans accompanying the application must have a clear drawn date and reference number indicated.”**

Question: Do you agree, or disagree, with the authority's proposal to amend the policy requirements for plans to accompany applications? (required)

X Agree

6. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

1. responsibility to ensure compliance with law and licensing conditions;
2. being available during inspections and;
3. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a “Designated Person in Charge” requirement? (required)

X Agree

7. Factors for consideration- Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

X Disagree

Do you have any other comments to make in relation to this?

Whilst I agree that further clarification is a good idea, the proposed clarification is less than clarifying:

- Who determines, and how, what "relevant experience" is?
- Why is "relevant education and training" not also included here?
- Who determines, and how, what is a "relevant criminal conviction"?
- How is it determined that a person has committed relevant offences outwith conviction? Is this reference to Enhanced DBS information?
- Why is the relevant courts and tribunals limited to Equalities and not worker rights?

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

X Yes

If "Yes", please provide your comments below:

- 1) Its literature base is very limited and handled inequitably – the only detailed discussion under (2) is a critique of one article but the findings of the others are summarised in just two bullet-points. Some of the literature base entries are merely recapping the legislation which is not adding to an evidence base.
- 2) It has a very limited scope which could be summarised as "Do SEVs cause a rise in Police recorded sexual offences perpetrated by SEV customers?" That is not the question that a PSED EIA should be attempting to answer as:
 - a) EIAs are about anticipating impact on equalities and protected groups, not addressing a particular discursive question
 - b) Causal links are difficult to establish even with primary research data.
 - c) The question is so limited in scope that even with primary research data, it could not be answered.
 - d) Police recorded data is not a good measure of the incidence of sexually aggressive actions or, indeed, the scope of sexual violence and sexual offences, as is clearly discussed in extensive literature.
 - e) It posits that the question to be addressed is "the public protection, community safety and safeguarding impacts of unlicensed SEVs operating under the statutory infrequency exemption". However, this is not the key questions for the PSED:
 - i) Does the continuation of the current licensing policy
 - (1) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - (2) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - (3) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
 - ii) Would a zero cap on SEVs:
 - (1) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - (2) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - (3) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.

- iii) Would alternative legislation use
 - (1) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - (2) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - (3) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
- 3) The EIA rightly acknowledges that “the races will continue to attract large numbers of people to the town” but asserts, without evidence, this is the cause of equalities issues. A more measured approach would have been to suggest that this *may* be a causal factor. However, more deep-rootedly, this suggests an attitude underpinning the EIA that violence against women and girls is inevitable where there are large numbers of people coming to the town and that it was not conducted in line with CBCs position of working to eliminate violence against women and girls and ensure equity for protected groups.
- 4) It implicitly posits that there is a paradoxical relationship between public health approaches and a zero cap which is unsupported (and unsupportable). Harm minimisation, which underpins that public health approach, may include removing access to harmful processes, services or goods.
- 5) The EIA suggests (under the auspices that the choice is licensed or unregulated provision) that incidents are wholly or in the main related to ‘unlicensed’ provision. But over the last year a number of incidents have been reported at licensed SEV premises which is not acknowledged.
- 6) Many of the detailed impacts are responded to through the same lens of licensed or unregulated and foundationally accept the contention by SEV business owners that they would use all possible legal loopholes to continue trading. That contention has not been tested. Furthermore, an EIA should not be written from the viewpoint of the business owner’s potential future actions but as a review of the Equalities Impacts of the current consultation (whether to maintain the current position or implement a zero cap) on behalf of the organisation conducting the EIA (CBC). This particularly applies in consideration of Age, Mental Health (where is lack of consideration of the potential impacts of greater feelings of unsafeness on mental health conditions protected under the Equality Act (2010)), Religion and Belief (which incorrectly says the issue is about ‘building use’ rather than ‘in the locality of buildings’) and Sex.
- 7) In Marriage and Civil Partnership Impacts section for Lesbians and the Sexuality section for all categories, the EIA says issues are mitigated by the policy being gender neutral. Additionally, transmen and transwomen are considered twice (under Gender Reassignment and under Sex). This suggests a lack of appreciation for the differences between Sex, Gender Identity and Sexuality.
- 8) It misnames VAWG (Violence Against Women and Girls) as VAGW and suggests that as less than 8% of respondents to the VAWG survey were men, this means there are no issues for men. More plausibly, it means men were not motivated to answer a survey which was directly asking about Violence Against Women and Girls.
- 9) It incorrectly states that the infrequent basis exemption is for 16 days in any one year which it is actually “for longer than 24 hours, with at least a calendar month separating each occasion, and on no more than 11 occasions over a 12 month period” and assuming premises “have the required permissions (such as performance of dance and music) under the Licensing Act 2003

either by means of a Temporary Events Notice or the premises' current premises licence".

(<https://www.cheltenham.gov.uk/info/77/licences> -

[sex establishment and sexual entertainment/921/sexual entertainment venues](https://www.cheltenham.gov.uk/info/77/licences))

- 10) Performers are not a protected category under the Equality Act (2010). Whilst it is right that attention is paid to their protections (safeguarding, employment conditions, human rights etc.) their wider equality protections come under Sex, Race, Age and Sexuality and therefore should not be considered separately to their inclusion in these protected categories in the impacts.
- 11) Furthermore, the inequity that there are no male performers in Cheltenham is not considered under "Men".
- 12) The VAWG 2023 survey did find that lesbians and, particularly, bisexual women were at greater risk of gender-based violence, this is not accurately reflected in the EIA.
- 13) The Socio-Economic Factors section misrepresents the dancers as employees and the known issues around income and contradicts earlier statements in the EIA that SEVs do not, in and of themselves, constitute an attraction into the town. There is no evidence provided that people come to Cheltenham to attend a SEV rather than coming to attend the Races (as noted on p21). This section also says that there is an increased risk of 'unregulated' operators introducing fees and penalties; however this is standard operating practice in the sector, as evidenced by prior Licensing Applications and is not regulated or licensed under the current arrangements.
- 14) There are no suggested Actions completed (including to reaffirm the current arrangements or to introduce new safeguards short of a zero cap), no Hazards identified under the Unlicensed SEVs table (p20-22) nor is the EIA email address completed.
- 15) On p22, in adjacent boxes, the EIA states "There is a range of premises closure powers that, depending on the circumstances, may be used to close down unlicensed sexual entertainment premises" and "These powers could not be used to generally close unlicensed sexual entertainment venues recognising that unlicensed sexual entertainment is lawful". Only one of these statements can be correct.
- 16) On p22, the statement is made that "Unlicensed sexual entertainment venues give local communities no say or empowerment over where and how they operate", however from the record of licensing decisions, the same is true for Licensed Sexual Entertainment Venue where repeated representations from local communities have had no impact.

Cheltenham Borough Council Sexual Entertainment Venue Consultation Response

Recommendations

1. Given the choice is not between regulation and deregulation/uncontrolled provision but about which legislation the licencing authority uses to regulate the 'entertainment', what consideration has been given to de-adopting the SEV powers and using the Local Government (Miscellaneous Provisions) Act 1982 S3 which would allow for not issuing waivers or only issuing waivers where the regulated entertainment is exceptional, ancillary and kept to a minimum in relation to other activities not licensable under the provisions of the 1982 Act.
2. CBC should consider whether incomplete or ineffective adherence to advertisement of the application in public and online should be considered during the Licensing Hearing including the implications for potential public responses to the application.
3. CBC should be clear about whether the DPA is to be rigidly enforced or whether it is more flexible guidance.
4. CBC needs to be clear about how it is operationalising "relevant locality" and the restriction relating to buildings of religious or educational use and should, at minimum, set guidance relating to distance and/or sightlines.
5. CBC should consider including, as a Standard Condition, training for (freelance, contract and directly employed) staff on relevant issues designed to reduce potential harms in relation to gender inequality, public spaces and violence, intimidation and abuse against women and girls.
6. CBC should consider whether conflating sex work with other 'retail and leisure' industries is appropriate given language use in this area is sensitive issue.
7. CBC should make clear how they assure and quality assure consistency of discussion and decision making despite inconsistent attendance of Counsellors at Licensing meetings.
8. CBC decision makers should be clear that the question to address under the PSED is:
 - a. Does the continuation of the current licensing policy
 - i. help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - ii. help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - iii. help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
 - b. Would a zero cap on SEVs:
 - i. help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - ii. help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - iii. help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
9. CBC should note and consider The King (On The Application Of) CDE v Bournemouth, Christchurch And Poole Council ruling that objections relating to the experiences of women and girls in the relevant locality during SEV hours of operation cannot be dismissed as 'moral'

objections and guidance should be written for Councillors and Officers involved in Licensing Hearings.

10. What Equality Impact Assessment (Public Sector Equality Duty) has been undertaken by CBC in relation to the licensing of SEVs and equitable sense of access to Cheltenham Town Centre spaces and SEVs and increasing precarity within women's employment?
11. CBC should be clear about whether the Standard Conditions are to be rigidly enforced or whether it is more flexible guidance.
12. CBC should consider including, as a Standard Condition, training for (freelance, contract and directly employed) staff on relevant issues designed to reduce potential harms in relation to gender inequality, public spaces and violence, intimidation and abuse against women and girls.
13. At minimum, the Licensing Committee should ask to see a total of the House Fees + per dance fee + fines taken for each performer for each shift and check this against feedback from freelance dancers.
14. At minimum, the Licensing Committee should ask applicants for an outline of how many local jobs of duration more than 5 days in any month are created by their application.
15. It is unclear how licensing premises which create a feeling of unsafety for women in the Town Centre (as demonstrated by CBCs own surveys and research showing that the presence of sexually oriented businesses is associated with high rates of turnover of nearby commercial premises and a decrease in nearby business property values (McCord & Tewksbury 2012)) will deliver the goal of more residents engaging with the cultural and nightlife of Cheltenham.
16. The Equality Impact Assessment (Public Sector Equality Duty) is problematic in its current form in that:
 - a. Its literature base is very limited and inequitably handled
 - b. It has a very limited scope and does not address the key question for a PSED EIA
 - c. It does not clearly embody CBC's commitments to work towards the eliminate violence against women and girls and ensure equity for protected groups in how it is written.
 - d. It makes a number of implicit and explicit foundational assumptions which lack direct evidence or support from wider literature.
 - e. It suggests (under the auspices that the choice is licensed or unregulated provision) that incidents are wholly or in the main related to 'unlicensed' provision which is demonstrably not the case.
 - f. It contains a number of factual inaccuracies and contradicts itself in places.
 - g. It does not appear to appreciate Equality Act (2010) categories and what they mean.
 - h. It only partially considers or fails to consider a number of relevant issues.
 - i. It is not fully completed.
 - j. It does not assess the impacts of the SEV licensing decisions since introduction.

Background

- 2) Local Government Authorities under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 amended by S27 Policing and Crime Act 2009, allows applicants to apply for, renew, vary and/or transfer a Sexual Entertainment Venue (“SEV”) licence where they wish to offer “relevant entertainment” on a frequent basis. Cheltenham has chosen to adopt these powers.
- 3) Under the term of this legislation, frequent is more than 11 times in a single year or more than two days in a single month and ‘relevant entertainment’ includes any live performance or any live display of nudity (which has been defined in the new policy) reasonably assumed to be proved for sexual stimulation of the audience (which can be a single person).
- 4) CBC should consider the option to de-adopt Policing and Crime Act 2009 S27 and return the licensing of SEVs to the provisions of Local Government (Miscellaneous Provisions) Act 1982 S3. It can, then, decide to maintain the current proposal stance to not issue waivers or decide to only issue waivers where the regulated entertainment is exceptional, ancillary and kept to a minimum in relation to other activities not licensable under the provisions of the 1982 Act. Therefore, it is important to be clear that the **choice is not between regulation and deregulation/uncontrolled provision but about which legislation the licencing authority uses to regulate the ‘entertainment’**.
- 5) Under the 2009 legislation powers (adopted by CBC), objections to an SEV licence must relate to either or both of the mandatory or discretionary grounds for refusal, namely:
 - a. Mandatory Grounds
 - i. Applicant is under 18 years of age
 - ii. Applicant has had a previous licence revoked within CBC in the past 12 months.
 - iii. Applicant is not resident in an EEA state nor was resident for the 6 months prior to the application
 - iv. The business (body corporate) is not incorporated in an EEA state
 - v. The applicant has had a licence or renewal refused in the 12 months prior to the application.
 - b. Discretionary Grounds
 - i. the applicant is unsuitable to be licenced due to conviction or any other reason
 - ii. the business is to be managed by or carried out for the benefit of another person who would be refused the license on mandatory or discretionary grounds
 - iii. the number of SEVs in the relevant locality is equal to or exceeds the number which the Council considers appropriate and nil may be the appropriate number set
 - iv. the grant or renewal of the licence would be inappropriate due to:
 - (a) the character of the relevant locality including
 - (i) residential areas
 - (b) the use to which any premises in the vicinity are put
 - (i) sites near shops used by or directed at families or children, or on frontages frequently passed by the same
 - (ii) sites near properties which are sensitive for religious use

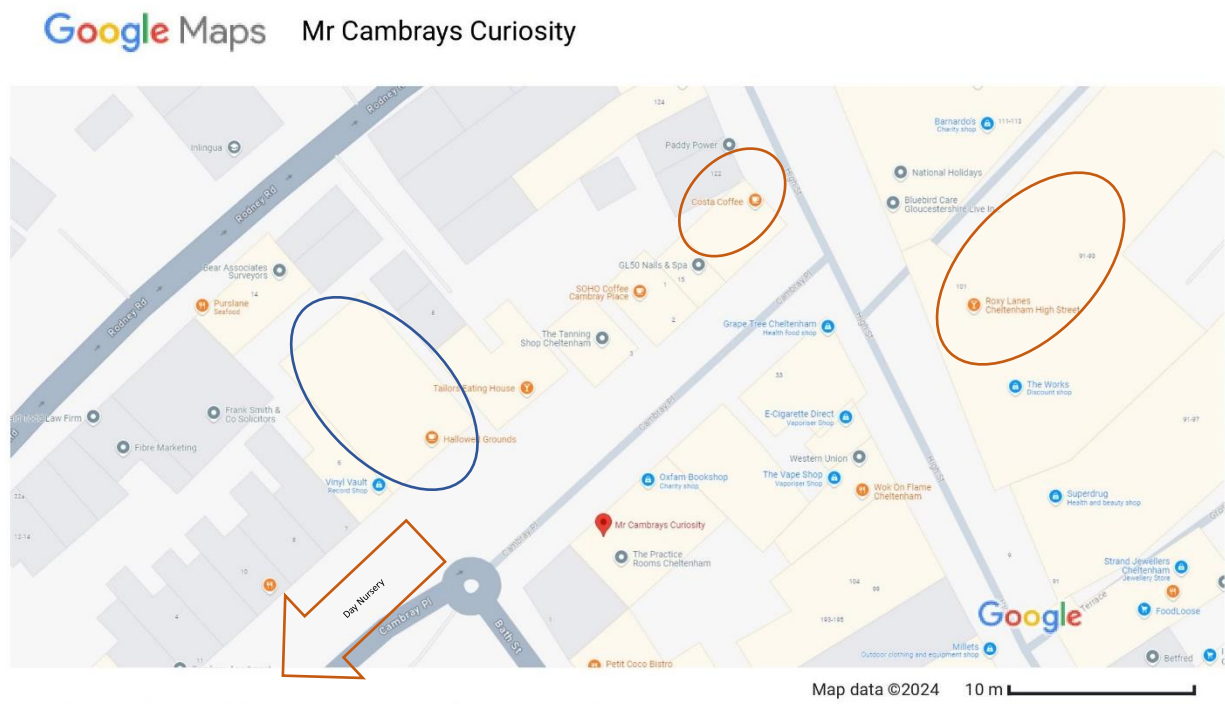
- (iii) sites near premises or areas which are sensitive because they are frequented by children, young persons or families.
 - (c) the layout, character or condition of the premises
- 6) An SEV licence application requires advertisement of the application in a local authority no later than 7 days after the application is made and display of the notice for 21 days beginning on the date of application on or near the premises and where it can be conveniently and easily read by the public. This is to enable objections to be made no later than 28 days after the date of application. This has not always been done and even online portal display has not always been fully available to members of the public – most often having broken links, incorrect “User not approved to view” or missing parts of the documentation. **CBC should consider whether incomplete or ineffective adherence to advertisement of the application in public and online should be considered during the Licensing Hearing including the implications for potential public responses to the application.**

Issues relating to ‘Locality’

- 7) CBC has adopted a nil cap for predominantly residential areas and implemented a Designated Permitted Area (DPA) with no cap on the number of SEV licences. However, subsequent licencing decisions have *de facto* extended the DPA by licencing premises “just outside” (CBCs term) the DPA. **CBC needs to be clear about whether the DPA is to be rigidly enforced or whether it is more flexible guidance.**
- 8) Schedule 3 to the 1992 Act demands that the Licensing Authority must pay attention to the nature of the relevant locality. It leaves defining the ‘relevant locality’ to the Licencing Authority with the guidance that “relevant locality” is the locality in which premises are situated, or any a vehicle, vessel or stall is to be used as a sex establishment (para. 3.33). The guidance for the 1992 Act notes that it is reasonable and useful to applicants (and objectors), for a local authority to decide *in advance* what constitutes “relevant locality”. But CBC has a history of licencing premises near to religious (St Matthew’s Minster and Cambray Baptist Church) and educational (Cheltenham Ladies College) in conflict with 8.b.iv.(b).(ii) above. Even looking at the smallest “relevant locality” (less than 300m diameter) for one licenced SEV in Cheltenham (map below) it is clear that there are premises meeting (b)(ii) (circled in blue) and (b)(iii) (outlined in orange) within this area. Given Cheltenham’s “strong retail centre” and heritage which shows traditional interweaving of retail, social, spiritual and residential premises, it is difficult to think of an area within the DPA which did not have premises meeting (b)(i)-(b)(iii). **Therefore, CBC needs to be clear about how it is operationalising “relevant locality” and the restriction relating to buildings of religious or educational use and should, at minimum, set guidance relating to distance and/or sightlines.**

9/20/24, 10:28 AM

Mr Cambrays Curiosity - Google Maps



Issues relating to Objections

- 9) Objections cannot be made on moral grounds or values not relevant to either the mandatory or discretionary grounds for refusal. CBC states that it “recognises that Parliament has made it lawful to operate SEVs and that such businesses are a legitimate part of the retail and leisure industries”. There is, however, a strong argument that SEVs are less part of retail or leisure industries and more firmly within the sex work industry and due regard should be given to this fact. In no other ‘leisure’ industry would workers or performers be allowed to provide the sort of ‘regulated entertainment’ which is provided in SEVs and, indeed, this is why it is separately regulated. **CBC should consider whether conflating sex work with other ‘retail and leisure’ industries is appropriate given language use in this area is sensitive issue.**
- 10) In deciding on an SEV application, members of the licencing authority must pay due regard to any observations made by the Police and comments made by other business/premises in the locality and by members of the public. This has recently been tested in *The King (On The Application Of) CDE v Bournemouth, Christchurch And Poole Council* where it was found that Bournemouth, Christchurch And Poole Council was not conscientious in taking into account of objections in terms of their Public Sector Equality Duty and in terms of material grounds for objection. The decision made clear that Bournemouth, Christchurch And Poole Council had wrongly determined relevant PSED and material objections were ‘moral’ in nature by effectively conflating objections which stated “SEVs will detrimentally impact the freedoms of women and girls to access the town centre” with “lap dancing is wrong”. **CBC should note and consider this Ruling carefully in the operation of Objection Hearings.**
- 11) CBC should consider whether their Subcommittee has demonstrated the ability to conscientiously consider applications and objections given that from 1st September 2023-30th

September 2024 there were 11 scheduled Licensing Sub-Committee meetings, of which 9 took place as scheduled. Of the members of the Sub-Committee over that period, none attended all the meetings. Attendance frequency by number of meetings is given below. Whilst it is accepted that not all of the Councillors would have been appointed to the committee for the whole year, the fact that there is such inconsistent attendance could be argued to impair quality and consistency of decision making.

Frequency	Number of Councillors	Frequency	Number of Councillors
9	0	4	0
8	1	3	1
7	1	2	2
6	1	1	6
5	1	0	0

CBC should make clear how they assure and quality assure consistency of discussion and decision making despite inconsistent Councillor attendance.

12) Although non-statutory guidance states “local authorities should not consider objections that are not relevant to the mandatory and discretionary grounds” this does not mean, however, that the authority is not bound by primary legislation and statutory requirements including the Public Sector Equality Duty.

- a) The statutory PSED places a requirement on the council to have due regard to the need to:
 - i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010
 - ii) advance equality of opportunity between persons who share a relevant protected characteristic² and persons who do not share it
 - iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question here thus becomes

(1) Does the continuation of the current licensing policy

- (a) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?**
- (b) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it**
- (c) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.**

(2) Or, would a zero cap on SEVs:

- (a) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?**
- (b) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it**
- (c) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.**

² Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- b) The King (On The Application Of) CDE v Bournemouth, Christchurch And Poole Council reiterated this fact. **As such, and at minimum, objections relating to the experiences of women and girls in the relevant locality during SEV hours of operation cannot be dismissed as ‘moral’ objections.**
- c) Potential (but not exhaustive) equality issues which may be relevant include:
 - i) The need to protect performers from harassment and threat
 - ii) The need to ensure that any protected characteristic group is not more, or less, welcome than another
 - iii) The need to properly consider the fear of any protected characteristic group using and accessing public spaces, facilities and infrastructure
 - iv) The need to properly understand the relevant locality and to ensure, taking into account the relevant locality, any protected characteristic group’s view is taken into account such as those relevant to religion or belief or race
 - v) The need to consider the views and experiences of people with disabilities as a protected characteristic group.
- d) The licensing policy is one way to achieve good outcomes with regard to these and appropriate conditions and robust enforcement may also assist. However, it is not clear how conditions are being monitored and enforced, particularly around the safety of people in the town centre. For example, one SEV had conditions for women’s safety including
 - i) Anti-sexual harassment training and Bystander Intervention Training – the training on 12-3-23 was a taster not a full training and no request for full training has been made to the trainer or, as far as she is aware, any of the other trainers in County.
 - ii) Implementation of results of discussions with GRASAC re: best practice, additional literature provision and safety measures.
- e) In regard to iii above, it is important to pay due regard to the voices of affected individuals in a protected characteristic group. CBCs Women’s Safety Survey found in 2021 that 75% of women did not feel safe in the town centre during Race Weeks. By the 2023 iteration this has risen to 92%. The area in which SEV licenses have been approved were, in the 2023 survey, hotspots for street harassment, stalking and other forms of sexual harassment³.
- f) In terms SEVs, the PSED sex characteristic and iii above, a BBC article on Cheltenham (December 2023) recounted one young woman saying of street sexual harassment saying "It makes me feel really unsafe because you never know quite what to expect from the people saying it." (Rebecca Jones, 20).
- g) Whilst, to date, there has been no Equalities Impact Assessment for licensing policy the EIA for Culture Strategy says "Cheltenham is a vibrant place and cultural destination where the fusion of arts, digital and heritage innovation fosters creative and inclusive communities where everyone has the chance to thrive". This is in support of the #ILoveCheltenham ‘Place Vision’ which states “We want Cheltenham to be a place: where all our people and the communities they live in thrive; where culture and creativity thrives, is celebrated and enjoyed throughout the year; where businesses and their workforces thrive; where everyone

³ This was an amalgamated category for all incidents other than stalking, sexual assault, sexual harassment, indecent exposure, spiking, upskirting, catcalling and wolf-whistling.

thrives". The impact of SEVs on the first, third and fourth of the Place Vision statement and on the EIA Culture Strategy aim should be given due conscientious consideration.

13) Guidance for Councillors and Officers should be written to clarify that:

- a) There is no presumption that there will be automatic renewal of licences
- b) There is no presumption that new objections without changes in material factors should be automatically dismissed
- c) There is no presumption that SEV Policies should remain unamended unless new material factors arise.

Issues relating to compliance with additional legal requirements and duties

14) The variations and relaxing of the PDA arguably constitutes a blurring of the conditions under the Provisions of Services Regulations (2009). As noted above, there is little evidence for, and some against, SEVs generating economic progress which thus means that this would not breach the Regulatory Reform Act's (2006) Regulatory Compliance Code. A zero cap would better demonstrate commitment to S17 Crime and Disorder Act 1998 and taking seriously duties under the Public Sector Equality Duty in relation to gender equality⁴.

Issues relating to variation of Standard Conditions

15) Once a decision has been made on the maximum number of SEVs in an area, the licensing authority can impose standard conditions on all SEVs being licensed. CBC has chosen to do so and these are reproduced in Appendix A. However, CBC has a history of repeated variations of the Standard Conditions in licensing SEVs particularly pertaining to:

	Jan 22	Nov 22	Feb 23	Oct 23	Dec 23	Jan 24 ⁵	Sept 24 ⁶
Solicitation of customers in locality (Appendix A 6a)	✓	✓	✓		✓	✓	✓
Provision of a cruising courtesy vehicle (Appendix A 6d)	✓	✓	✓		✓	✓	✓
Advertising for cruising courtesy vehicle (Appendix A 6d)	✓	✓					✓
Hours of operation (Appendix A 1)		✓	✓	✓	✓		✓
Leafletting in Town (Appendix A 6d)			✓		✓	✓	✓
Bodily contact or movement that indicates simulated/sexual activity between performers (Appendix A 24).							✓

CBC should be clear about whether the Standard Conditions are to be rigidly enforced or whether it is more flexible guidance.

⁴ Indeed, former Police and Crime Commissioner for Somerset and Avon, Sue Mountstevens argued that SEVs undermined progress on gender equality because they "cultivate and actively encourage objectification and the attitude of entitlement and access to women's bodies" (Hearty 2018).

⁵ Note this was a renewal of licence application which sought to also (automatically) renew previous variations.

⁶ Note this was a renewal of licence application which sought to also (automatically) renew previous variations and added a new variation.

- 16) Herefordshire has recently reviewed its SEV and included provisions on staff training in licensed SEVs. They mandate training in relation to responsibilities in relation to running such establishments, Local Government (Miscellaneous Provisions) Act 1982, basic public safety, housekeeping arrangements relative to premises and, depending on job role, first aid, age verification, basic health and safety etc. Such training must be agreed with the licensing authority, completion recorded and made available to an officer of the licensing authority on demand. **CBC should consider including, as a Standard Condition, training for (freelance, contract and directly employed) staff on relevant issues designed to reduce potential harms in relation to gender inequality, public spaces and violence, intimidation and abuse against women and girls⁷.**

Issues relating to alignment with other CBC Policies and Plans

- 17) CBC should give appropriate consideration as to whether SEV licensing is paying appropriate heed to their own research about Women's Safety Survey results, is ensuring the ability of all people to move around the centre with ease and whether they reinforce the character and identity of the area.
- 18) **The Equality Impact Assessment (Public Sector Equality Duty) is problematic** in its current form in that:
- a) Its literature base is very limited and handled inequitably – the only detailed discussion under (2) is a critique of one article but the findings of the others are summarised in just two bullet-points. Some of the literature base entries are merely recapping the legislation which is not adding to an evidence base.
 - b) It has a very limited scope which could be summarised as “Do SEVs cause a rise in Police recorded sexual offences perpetrated by SEV customers?” That is not the question that a PSED EIA should be attempting to answer as:
 - i) EIAs are about anticipating impact on equalities and protected groups, not addressing a particular discursive question
 - ii) Causal links are difficult to establish even with primary research data.
 - iii) The question is so limited in scope that even with primary research data, it could not be answered.
 - iv) Police recorded data is not a good measure of the incidence of sexually aggressive actions or, indeed, the scope of sexual violence and sexual offences, as is clearly discussed in extensive literature.
 - v) It posits that the question to be addressed is “the public protection, community safety and safeguarding impacts of unlicensed SEVs operating under the statutory infrequency exemption”. However, this is not the key questions for the PSED:
 - (1) Does the continuation of the current licensing policy
 - (a) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?

⁷ This should be kept separate from the developing Cheltenham Pledge which is designed as a voluntary organisational development scheme which relies on building the desire of organisations to contribute to the safety of public spaces rather than an enforcement approach.

- (b) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - (c) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
- (2) Would a zero cap on SEVs:
 - (a) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - (b) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - (c) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
- (3) Would alternative legislation use
 - (a) help eliminate discrimination, harassment, victimisation and other conduct prohibited under the Equality Act 2010?
 - (b) help advance equality of opportunity between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it
 - (c) help foster good relations between persons who share a relevant protected characteristic (such as sex, age etc) and persons who do not share it.
- c) The EIA rightly acknowledges that “the races will continue to attract large numbers of people to the town” but asserts, without evidence, this is the cause of equalities issues. A more measured approach would have been to suggest that this *may* be a causal factor. However, more deep-rootedly, this suggests an attitude underpinning the EIA that violence against women and girls is inevitable where there are large numbers of people coming to the town and that it was not conducted in line with CBCs position of working to eliminate violence against women and girls and ensure equity for protected groups.
- d) It implicitly posits that there is a paradoxical relationship between public health approaches and a zero cap which is unsupported (and unsupportable). Harm minimisation, which underpins that public health approach, may include removing access to harmful processes, services or goods.
- e) The EIA suggests (under the auspices that the choice is licensed or unregulated provision) that incidents are wholly or in the main related to ‘unlicensed’ provision. But over the last year a number of incidents have been reported at licensed SEV premises which is not acknowledged.
- f) Many of the detailed impacts are responded to through the same lens of licensed or unregulated and foundationally accept the contention by SEV business owners that they would use all possible legal loopholes to continue trading. That contention has not been tested. Furthermore, an EIA should not be written from the viewpoint of the business owner’s potential future actions but as a review of the Equalities Impacts of the current consultation (whether to maintain the current position or implement a zero cap) on behalf of the organisation conducting the EIA (CBC). This particularly applies in consideration of Age, Mental Health (where is lack of consideration of the potential impacts of greater feelings of unsafeness on mental health conditions protected under the Equality Act (2010)), Religion and Belief (which incorrectly says the issue is about ‘building use’ rather than ‘in the locality of buildings’) and Sex.

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- j) Performers are not a protected category under the Equality Act (2010). Whilst it is right that attention is paid to their protections (safeguarding, employment conditions, human rights etc.) their wider equality protections come under Sex, Race, Age and Sexuality and therefore should not be considered separately to their inclusion in these protected categories in the impacts.
- k) Furthermore, the inequity that there are no male performers in Cheltenham is not considered under “Men”.
- l) The VAWG 2023 survey did find that lesbians and, particularly, bisexual women were at greater risk of gender-based violence, this is not accurately reflected in the EIA.
- m) The Socio-Economic Factors section misrepresents the dancers as employees and the known issues around income and contradicts earlier statements in the EIA that SEVs do not, in and of themselves, constitute an attraction into the town. There is no evidence provided that people come to Cheltenham to attend a SEV rather than coming to attend the Races (as noted on p21). This section also says that there is an increased risk of ‘unregulated’ operators introducing fees and penalties; however this is standard operating practice in the sector, as evidenced by prior Licensing Applications and is not regulated or licensed under the current arrangements.
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- o) On p22, in adjacent boxes, the EIA states “There is a range of premises closure powers that, depending on the circumstances, may be used to close down unlicensed sexual entertainment premises” and “These powers could not be used to generally close unlicensed sexual entertainment venues recognising that unlicensed sexual entertainment is lawful”. Only one of these statements can be correct.
- p) On p22, the statement is made that “Unlicensed sexual entertainment venues give local communities no say or empowerment over where and how they operate”, however from the record of licensing decisions, the same is true for Licensed Sexual Entertainment Venue where repeated representations from local communities have had no impact.

19) In giving due regard to issues of locality, CBC should also align its SEV Policy with a range of other CBC Policies, Plans, Strategies and Initiatives including:

a) **Overall Cheltenham Plan and locality**

2.7 refers to safe and well-connected communities, however the presence of SEVs deters women from transversing or using such areas because of their feeling of lack of safety. Indeed, a US study found that SEV presence was “significant associated with violent crime” which increased the more prevalent SEVs were in a location (study controlled for rates of poverty and numbers of alcohol outlets in the same areas) (Hipp et al 2015)⁸. Another US study found that increasing of transient populations in urban areas erodes social cohesion and increases violence crime (Ke, O’Brien & Haydari 2021) whilst a third showed sexually oriented businesses had higher crime rates (acquisitive, violent and property crimes) near to them than other licensed alcohol venues due to the vulnerable state of sexually oriented business clients and the fact their presence attracted motivated offenders (Tewksbury & McCord 2014).

2.8 refers to increased economic output but it is not clear what economic value previous SEVs have brought in terms of:

a) *increasing people who live in the locality using the business areas* – evidence it has deterred, not increased, economic output. Additionally, the *Plan* refers to “creating socially sustainable communities” but this effect from SEV licensing makes it less likely that women, in particular, will see Cheltenham as socially sustainable.

b) *increasing visitor numbers* – the current SEVs have ‘piggybacked’ on the Races which happened before current SEVs were licensed and would still happen whether the decision was taken to apply a zero cap.

c) *increased employment in Cheltenham* – it is not clear how many (if any) local jobs have been created given that most SIA staff are contracted (usually from outside Cheltenham) and the performers are freelance and often travel long distances to work at SEVs across the country. That leaves the licensee a small number of bar staff. **At minimum, the Licensing Committee should ask applicants for an outline of how many local jobs of duration more than 5 days in any month are created by their application.**

d. *increased stable and safe employment in Cheltenham* – dancing at SEVs is recognised as being “profoundly precarious” offering no job or income security (Standing 2011) and where high numbers of women working as dancers report losing money by attending work (Sanders & Hardy 2012) due to the exploitative business model and working conditions (Hardy & Sanders 2015). In February 2023, one SEV seeking licensing stated their House Fee was £60 per evening (paid whether or not any customers are present; a higher House Fee was mentioned if performers arrive late) + 25% (cash sales) or 35% (credit card payment) of each dance + any fine under Code of Conduct (not specified) + Early Check Out Fee (if leaving before

⁸ The other study frequently cited on this issue (Ciacci & Sviatschi 2021) has been roundly critiqued and debunked for having conclusions which were not supportable by the data collected as they did not collect the necessary variable and lacked construct validity. Ciacci, R. & Sviatschi, M. (2022) “The Effect of Adult Entertainment Establishments on Sex Crime: Evidence from New York City,” *The Economic Journal*, 132(641), pp. 147–198. For a summary critique see del Pozo, B., Moskos, P., Donohue, J. & Hall, J., “Registering a proposed business reduces police stops of innocent people? Reconsidering the effects of strip clubs on sex crimes found in Ciacci & Sviatschi’s study of New York City” *Police Practice and Research*, 25(3), pp. 376–385

close of business). It is therefore easy to see how a performer could lose money by attending work (when adding in transport and potential childcare costs). **At minimum, the Licensing Committee should, on this point, ask to see a total of the House Fees + per dance fee + fines taken for each performer for each shift.**

Added to this, earnings for dancers in SEVs have been declining with a drop from £285 per shift to £232 per shift between 2008 and 2015 (Hardy & Sanders 2015). Most performers (60.3%) are unable to support themselves solely through their SEV work (Hardy & Sanders 2015). Whilst some were doing SEV work whilst studying (14.9%) most of the other work undertaken is low paid, low skilled and frequently feminized, for example retail, hospitality, modelling, administration and care or cleaning work (Hardy & Sanders 2015). Thus, SEV work can be seen to be contributing to the increasing precarity within women's employment. g) Encourage knowledge-intensive services businesses in high-value sectors – SEVs are not knowledge-intensive businesses and SE is not a high-value sector.

2.9 refers to conserving and enhancing Cheltenham's architectural, townscape and landscape heritage both within and out of the town's conservation areas – it is significantly unclear how the presence of SEVs contributes positively to this.

5.1. states that "the Council seeks to ensure that all new buildings and spaces make a positive contribution to Cheltenham and to the lives of its residents and visitors" – again it is significantly unclear how the presence of SEVs can be balanced with this positive duty particularly as 5.2 refers to "good design which also helps to create lively communities and streets and public spaces that are safe, accessible, and pleasant to use".

5.3 refers to "careful urban design [which] can contribute to a reduction in crime and anti-social behaviour". But research has shown that the presence of sexually oriented businesses are linked to around 16% higher police demand (McClearly & Meeker 2006, McCord & Tewksbury 2012).

b) **Retail & Town Centre Development Plan**

"Cheltenham town centre is a particularly strong retail centre which supports traditional high street stores alongside independent retailers and high-end boutiques and galleries; this forms an important element along with its heritage assets for tourism. As such, it performs within the sub-regional context and is second only to Bristol in the South West in terms of shopping choice on offer. It is important therefore that this is recognised, protected and, where possible, enhanced. Investment is ongoing, focused on bringing forward improvements to create better linkages between the High Street, Promenade and Lower High Street shopping areas". **It is unclear how licencing premises which create a feeling of unsafety for women in the Town Centre will deliver this goal. Added to which research has shown that the presence of sexually oriented businesses is associated with high rates of turnover of nearby commercial premises and a decrease in nearby business property values (McCord & Tewksbury 2012).**

c) **#ILoveCheltenham 'Place Vision'**

"We want Cheltenham to be a place:

- where all our people and the communities they live in thrive
- where culture and creativity thrives, is celebrated and enjoyed throughout the year
- where businesses and their workforces thrive

- where everyone thrives”

Inconsistency as noted above.

d) Purple Flag (NTE⁹) Criteria

THE POLICY ENVELOPE - An after-hours policy that shows a clear strategy based on sound research, integrated public policy and a successful multi-sector partnership.

WELLBEING - Successful destinations are all safe and welcoming with all sectors playing their part in delivering high standards of customer care.

MOVEMENT - Getting home safely after an evening out is crucial, as is the ability to move around the centre on foot with ease.

APPEAL - Successful destinations offer a vibrant choice of leisure and entertainment for a diversity of ages, groups, lifestyles and cultures.

PLACE - Successful areas are alive during the day, as well as in the evening. They contain a blend of overlapping activities that encourage people to mingle and enjoy the place. They reinforce the character and identity of the area as well as flair and imagination in urban design for the night

Inconsistency as noted above.

Dr Louise Livesey

4th March

2025

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Hearty, K. (2018) “PCC calls for strip club ban to ‘support health and equal attitudes to women’” *Police Professional* March 1st

Hipp, T., Borgman, R., Gilmore D. & Swartout, K. (2021) “Exploring the relationship between strip clubs and rates of sexual violence and violent crime” *Journal of Community Psychology* V49(4), pp.962-979.

Ke, L., O’Brien D. & Heydari, B. (2021) “Airbnb and neighborhood crime: The incursion of tourists or the erosion of local social dynamics?” *PLoS ONE* 16(7)

McCleary R. & Weinstein A. (2009) “Do “off-site” adult businesses have secondary effects? Legal doctrine, social theory, and empirical evidence” *Law & Policy*, V31, pp.217-235.

McCord, E. & Tewksbury, R. “Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analyses” *Crime & Delinquency* V59(7)

Sanders, T. & Hardy, K. (2012) “Devalued, deskilled and diversified: explaining the proliferation of the strip industry in the UK” *British Journal of Sociology* V63(3), pp.513–32

⁹ NTE is used to differentiate the ATCM Purple Flag scheme from the NHS Purple Flag for safety of students in clinical settings.

Standing G (2011) *The Precariat: A New and Dangerous Class*. London: Bloomsbury Academic.

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pp.349-360

Appendix A

CHELTENHAM BOROUGH COUNCIL STANDARD CONDITIONS REGARDING SEXUAL ENTERTAINMENT VENUES

General Conditions:

1. The premises shall only permit adult entertainment between the hours of 20:00 hours and 06:00 hours the following morning as determined by the licensing committee.
2. Only activities which have previously been agreed in writing by the Licensing Authority shall take place.
3. The agreed activities shall take place only in designated areas approved by the Licensing Authority.
4. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
5. Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the club.
6. There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere with the Town and advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including any of the following ways;
 - a) by means of personal solicitation in the locality of the licensed premises
 - b) by means of leafleting in the locality
 - c) by means of externally displayed advertisement (such as on billboards or posters) in any parts of the Council's administrative area
 - d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

Premises

7. Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the plan, including any change in the permitted signs on display shall not be made except with the prior approval of the Council.
8. A clear Notice shall be displayed inside the entrance to the premises in the following terms: "Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises."
9. The performance must not be visible from the street, and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not exhibit themselves in the entrance or in the vicinity of the premises.
10. When the premises are open for Striptease/Lap/Pole Dancing no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age of 25 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.

Management & Licensee:

11. Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Authority within 14 days of such change.
12. The premises shall maintain a refusals log whereby any occasion a person is refused entry shall be recorded and available upon request by the Police or an authorised officer of the Authority.

Conditions regarding Performers:

13. Relevant entertainment may only take place in 'designated areas' that are marked on the plan of the premises.
14. The audience must at all times remain fully-clothed.
15. Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.
16. A 'Signing-in' Register shall be kept at the premises that records the time that the performer starts and finishes at the premises. This shall be made available for immediate inspection by a Police Officer or authorised Officers of the Cheltenham Borough Council (who will carry identification).
17. During any performance there must be no physical contact between the performer and any member of the viewing public. A safe distance of 90cms (36 inches) should be maintained between performers and customers during all performances.
18. No performances shall include any sexual act with other performers.
19. No performances shall include any sexual act with objects.
20. There shall be no nudity by performers in the designated 'public' areas of the premises, performers shall at all times wear at least a 'G-string' or similar piece of clothing, on the appropriate part of the body, which shall not be removed as part of the performance. The 'G-string' shall not be 'see-through'. Performers shall only perform nude in the 'private' designated area which shall be clearly marked on the plan of the premises.
21. At the completion of the dance the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any area in a state of undress.
22. Performers are not to solicit, exchange addresses or telephone numbers with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.
23. An appropriate room shall be set aside to provide changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.
24. Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.
25. Entertainers or performers not performing must not be in a licensed area in a state of undress.
26. There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of relevant entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can at all times be easily and conveniently read by persons inside the premises.
27. Literature and contact details of organisations that provide advice and counselling on matters relating to: (a) Modern slavery, (b) Domestic abuse, (c) Coercive control, (d) Rape and sexual assault, shall be made available to performers free of charge in their changing area.

Briefing

28. Prior to performers carrying out any activity on the premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

Door-Supervisors:

29. Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the premises whilst Striptease/Lap/Pole-dancing activity is taking place.
30. The licence holder or his nominated deputy who is authorised in writing or door-supervisors shall carry out regular monitoring of all areas of the premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with Licence conditions by customers and performers.
31. Door-supervisors shall regularly monitor the area immediately outside the premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.
32. A dedicated SIA-registered door supervisor shall remain at all times in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.
33. When performers leave the premises they are to be escorted to their cars or taxi by a door-supervisor or member of staff.

CCTV System:

34. A digital CCTV system shall be installed and be maintained in good working order, shall record at all times and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.
35. The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.
36. Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Cheltenham Borough Council (who will carry identification.)
37. No CCTV footage is to be copied, given away or sold (except as required by Police/Council for investigation/enforcement purposes).
38. Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.
39. Notices shall be displayed informing customers of the presence of CCTV.

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional): _____

Which best describes the capacity in which you are responding to this consultation **(required)**:

- ☐ A councillor/committee
- ☐ A Member of Parliament
- ☒ A resident of Cheltenham
- ☐ A resident not of Cheltenham
- ☐ A performer
- ☐ A sexual entertainment venue operator/licensee
- ☐ A customer of sexual entertainment venues in Cheltenham
- ☐ A licence holder (bars, clubs etc)
- ☐ A non-licensed/other business in Cheltenham
- ☐ A statutory body (police, OPCC, council departments, NHS etc.)
- ☐ An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
- ☐ A support service/organisation (commissioned or otherwise)
- ☐ A religious organisation, group or body
- ☐ Other not specified (please specify): _____

3. An approach where SEVs are licensed and regulated

Generally, the authority continues to prefer an approach where SEVs are licensed and regulated rather than operating unlicensed under the infrequency exemption. This general approach is driven by:

4. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
5. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
6. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

- ☒ Agree
- ☐ Disagree

Please provide any further comments you wish to make in relation to your answer. **(optional)**

Yes licenced operation is more preferable to unlicensed as this will give better control for the local authority. However, licensing SEV operation must NEVER be to the detriment of the sensitive users within/adjacent/close to the proposed SEV.

Therefore, the Council should keep the Designated Area Boundary under thorough review before proposing new areas with little robust justifications.

4. A nil limit

The authority has the discretion¹⁰ to set a nil limit for licensed SEVs in any “relevant locality”. Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority’s existing licensing policy sets two relevant localities:

8. An adopted “Designated Permitted Area” where the policy sets no limit on the number of licensed SEVs; and
9. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority’s view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.

Question: Do you agree, or disagree, with the authority’s proposal to maintain the existing to relevant localities and the limit(s) set for each? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

The current Designated Permitted Area needs to be reviewed as it is not working. In the first instance, the boundary of the existing Designated Permitted Area should be reviewed and redrawn to AVOID/REDUCE the risk of SEVs being located near sensitive uses, which are lying at the periphery of, or within easy walking distance from, the Designated Area. Once this review/redrawing exercise is completed, then there is a better chance of implementing the Council SEV policy with the Designated Permitted Area without contradicting its own policies (under Para 12) or causing unnecessary grief to the local sensitive users.

Notable example of this policy contradiction is the licenced SEV at Cambray Place (a pedestrianised area) within the Designated Permitted Area. Allowing the continual presence of an SEV in this location makes (and will make) a mockery of the Council’s own SEV policy particularly under para 12. Cambray Baptist Church is only a few metres

¹⁰ 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

outside the Designated Permitted Area boundary and the church's main entrance directly faces the licensed SEV on the opposite side of the pedestrian area at Cambray Place.

We urge the Council to take this opportunity to redraw the Designated Permitted Area in this area to EXCLUDE the block of properties (including Mr Cambray Place) in the pedestrianised Cambray Place, which contains sensitive uses (residential neighbourhood, religious establishment, local shops used by children, local residents and families).

The Council should not seek to maintain the status quo as this question implies, which is not working for existing sensitive users particularly those on Cambray Place. Each SEV proposal should be determined on its own merit, even for proposals that are close (adjacent) to / within the Designated Permitted Area. This will be fairer to the local residents, and other sensitive users within/in close proximity to (but outside of) the Designated Permitted Area.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed "Acquired Rights" (discussed later in this consultation document) policy.

Question: Do you agree, or disagree, with the authority's proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

We urge the Council to take this opportunity to redraw the Designated Permitted Area in this area to EXCLUDE the block of properties (including Mr Cambray Place) in the pedestrianised Cambray Place, which contains sensitive uses (residential neighbourhood, religious establishment, local shops used by children, local residents and families).

No set limits. Each SEV proposal should be determined on its own merit, even for proposals that are close (adjacent) to but outside / within the Designated Permitted Area. This will be fairer to the local residents, and other local sensitive users within/in close proximity to (but outside) the Designated Permitted Area.

Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Question: Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

Before the Council wants to expand the boundary of the Designated Permitted Area, there should be a thorough review of the existing boundary to EXCLUDE premises (eg commercial properties on pedestrianised Cambray Place) that would be close to sensitive uses. By tightening the current boundary to make it fit for purpose from the perspective of the local sensitive users (as listed under Paragraph 12.1 (a to d) in the Council's own SEV Policies).

How can the current boundary be fit for purpose when an SEV licence has been granted and renewed at Cambray Place immediately opposite Cambray Baptist Church for the last two years, despite representations from the church and residents? Is this contradicting the Council's own Policy under 12.1(c)?

The Consultation document does not appear to provide any strong justification for extending the Designated Permitted Area boundary other than a minor reference to some ad hoc licences being granted in the past. An SEV license was granted at another premises based on its merit at that time. Previous SEV consent does not provide a valid reason for extending the Designated Permitted Area to include this property and other adjacent public open space, land/premises . One might speculate that if the Council owned properties (including the Municipal Offices) comes with an SEV licencing right, it may perhaps improve the any future disposal prospects?

The extended area is too large and it includes an attractive area of public open space (including Neptune's Fountain and the War Memorial) which is very popular with children and families. The extended area will also be close to the residents at Royal Crescent and Clarence Road, as well as the Ladies College (educational use).

10. Amendments to Standard Licensing Conditions

The authority is proposing to amend a number of standard licensing conditions:

Existing Condition	Change/amendment
Condition 4 - There shall not be displayed outside the premises, in the immediate	Remove – substantially addressed by condition 6 below.

<p>vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.</p>	
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>No. It should be retained to respect the sensitive uses that are located within the Permitted Designated Area, or in its immediate vicinity (including those uses that are located a just a few metres outside the boundary of the Designated Area). Some materials including trade names, symbols and/or ad hoc marketing display materials may be inappropriate and cause offence to sensitive users including local residents, schools, and religious establishments.</p>	
<p>Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.</p>	<p>Add – "...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."</p> <p>The authority, believes provides a reasonable balance that will:</p> <ol style="list-style-type: none"> 5. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries); 6. whilst ensuring public protection and safeguarding though: 7. restricting the "exempt" advertisement content; and 8. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p>	

It is not necessary to amend Condition 6. Keep Condition 4 as is and retain Condition 6.

The Council's priority should be more concerned with the fundamental need to respect local sensitive users (as stated in Council Policy under para 12), rather than making it easy to approve SEV licences.

Conditions 22 & 26 references to "state of undress"

Replace "state of undress" with "display of nudity".

This is to provide clarity of definition.

Question: Do you agree, or disagree, with the authority's proposal to change/amend conditions 22 & 26 as stated? (required)

- ☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Yes, but not enough. The wordings of 'no display of nudity' (Condition 22) should be TIGHTENED to include 'near nudity'.

For instance, if the entertainers/performers (while not engaging in performance) were to wear see-through flimsy garments that cover the body, is this enough to satisfy the revised condition of 'no display of nudity'?

Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.

Amend condition 24 to read:

An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:

- g. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;
- h. The location of such room(s), must be marked on the plan of the premises;
- i. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary

	<p>facilities may be implemented subject to the approval of the authority;</p> <ul style="list-style-type: none"> j. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment; k. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and l. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>The amended condition 24 is too prescriptive and will have direct implications on the size (footprint) of the venue. It will not offer any flexibility to the choice of premises suitable for SEVs within the Permitted Designated Area, and could potentially be viewed by operators as unnecessary costs for only a temporary licence.</p> <p>As it stands, we think the text under current condition 24 is sufficient safeguard for the welfare of the performers and should be retained.</p>	
Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.	Partly amend to remove "Any bodily contact between entertainers or performers or" but retain "Any movement that indicates sexual activity or simulated sex between

	<p>entertainers or performers is strictly forbidden.”</p> <p>This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.</p>
<p>Question: Do you agree, or disagree, with the authority’s proposal to change/amend condition 25 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>Revised Condition 25 is unclear and must also explain what constitutes ‘accidental bodily contact’ because this is very subjective. In reality, it is quite conceivable that inside the SEV, bars or nightclub environment, someone (entertainers, staff or otherwise) might ‘accidentally’ bump into or touch another person with some ulterior motives (which are sexually related).</p> <p>Unless this term ‘accidental bodily contact’ is explained in a clearly defined manner, the current text under Condition 25 should be retained.</p>	
<p>Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.</p>	<p>Replace “Police Crime Reduction Officer” with “Gloucestershire Constabulary”.</p>
<p>Question: Do you agree, or disagree, with the authority’s proposal to change/amend condition 35 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>No, the proposed text is restrictive as it could be a Police Crime Reduction Officer or Gloucestershire Constabulary, depending on availability of FUTURE resources. Can the proposed words be revised to include ‘Police Crime Reduction Officer or Police Constabulary’?</p>	

11. “Acquired Rights” Policy

The authority is proposing to adopt an “Acquired Rights” policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed “Acquired Rights” policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority’s discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed “Acquired Rights” policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

Question: Do you agree, or disagree, with the authority’s proposal to adopt an “Acquired Rights” Policy? (required)

☐ Agree

☒ Disagree

Do you have any other comments to make in relation to this? (optional)

No, absolutely not! If this ‘Acquired Rights’ policy were to be adopted, it is equivalent to the removal of democratic rights of the sensitive users (listed under Council Policy para 12) to object. This is wrong.

The Acquired Rights Policy implies a presumption in favour of current licences in situ, which is unfair to the sensitive uses. Is this therefore contradicting the Council’s own policy under para 12? The Council should adhere to the policy of each proposal (for renewal) should be determined based on its own merits. No blanket approval should be given as it will lead to complacency and promote bad neighbour attitude/feelings as it is already happening.

12. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

5. 6.1 Replace “The plan shall be drawn at a scale of 1:100 and shall show” with **“All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible.”**
6. Replace h) “The dressing room of performers” with **“The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers.”**
7. **New section o) “Must clearly indicate the location, layout and sizes of all booths inside the premises used for “Relevant Entertainment””.**
8. **New section p) “All plans accompanying the application must have a clear drawn date and reference number indicated.”**

Question: Do you agree, or disagree, with the authority’s proposal to amend the policy requirements for plans to accompany applications? (required)

- ☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Yes, clear plans should be provided, similar to the requirements for planning applications/renewal of temporary permissions.

Any information submitted by the applicant must be uploaded to the Council website ready for public scrutiny and debate. This is our democratic right. The Council must continue to demonstrate openness, fairness and transparency in this respect.

13. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

4. responsibility to ensure compliance with law and licensing conditions;
5. being available during inspections and;
6. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a “Designated Person in Charge” requirement? (required)

- ☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

In addition, the name of the Designated Person in Charge and the contact details should be clearly display outside the premises, so that any bad neighbour anti-social behaviour could be reported to this designated person and acted upon with minimum delay to maintain harmony within the neighbourhood.

14. Factors for consideration- Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- c) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- d) 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 themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;

- understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
- engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

- ☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Agreed, but how will this be enforced and who will be enforcing this? Is this going to rely on 'self-enforcement' (i.e. goodwill of the operator), because if it is self-enforcing, then it will not be enough or effective.

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

- ☒ Yes
☐ No

If "Yes", please provide your comments below: (optional)

We are happy that it an equality impact assessment has been undertaken. However, we do not think it is detailed enough to identify interviews or specific case studies e.g. re impacts on Cambray Church, other sensitive uses, or local residents on Cambray Place. As it stands, the assessment looks like a very high level tick box exercise.

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional): ____ I do not consent to my personal information being shared so have chosen not to include my name _____

Which best describes the capacity in which you are responding to this consultation **(required)**:

- ☐ A councillor/committee
- ☐ A Member of Parliament
- ☒ A resident of Cheltenham
- ☐ A resident not of Cheltenham
- ☐ A performer
- ☐ A sexual entertainment venue operator/licensee
- ☐ A customer of sexual entertainment venues in Cheltenham
- ☐ A licence holder (bars, clubs etc)
- ☐ A non-licensed/other business in Cheltenham
- ☐ A statutory body (police, OPCC, council departments, NHS etc.)
- ☐ An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
- ☐ A support service/organisation (commissioned or otherwise)
- ☐ A religious organisation, group or body
- ☐ Other not specified (please specify): _____

5. An approach where SEVs are licensed and regulated

Generally, the authority continues to prefer an approach where SEVs are licensed and regulated rather than operating unlicensed under the infrequency exemption. This general approach is driven by:

7. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
8. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
9. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

- ☐ Agree
- ☒ Disagree

Please provide any further comments you wish to make in relation to your answer. **(optional)**

I believe that this question conflates two issues. It is possible for Cheltenham Borough Council to set a nil limit for SEV's in Cheltenham if it chooses to do so. This is a strategic decision for the council to make as to whether it wishes strip clubs to operate in the town.

This is not the same as the day-to-day operation of the Licensing Committee who are tasked with deciding each SEV application on its merits.

Outside of race events there is no demand for strip clubs in Cheltenham, it is therefore reasonable for elected officials to assume, as a democratic mandate, that a sufficient number of residents do not want strip clubs and to base your strategic decision making on this.

We are all aware of the impact of the frequency exemption (not the infrequency exemption) and its impact in Cheltenham but this policy decision is a question for Councillors to decide their vision for Cheltenham – is it one where the council condone men's entitlement to objectify and commercially exploit women for their (men's) sexual gratification or not?

If the Council wishes Cheltenham to be a progressive town where equality matters and where women and girls are truly valued then it needs to create a vision and set of values where strip clubs are not condoned.

It seems at odd that via this consultation the council appear to have invented a new term "the infrequency exemption" to describe the "frequency exemption". The acknowledged expert on SEV licensing Philip Kolvin KC uses the term "frequency exemption". I would suggest that the council runs the risk of creating confusion by choosing to adopt terms that are not used in everyday conversation.

6. A nil limit

The authority has the discretion¹¹ to set a nil limit for licensed SEVs in any "relevant locality". Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority's existing licensing policy sets two relevant localities:

15. An adopted "Designated Permitted Area" where the policy sets no limit on the number of licensed SEVs; and
16. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is

¹¹ 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority's view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.

Question: Do you agree, or disagree, with the authority's proposal to maintain the existing to relevant localities and the limit(s) set for each? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

The challenge here is that the licensing committee has chosen to licence strip clubs outside of the DPA and also to license strip clubs within the DPA even though they are close to Churches and on the edge of residential areas.

With this in mind I'm not clear how meaningful proposed areas are when the licensing committee does not adhere to the council's adopted policy without any compelling rationale.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed "Acquired Rights" (discussed later in this consultation document) policy.

Question: Do you agree, or disagree, with the authority's proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

I believe that the limit should be Nil, there is no demand for strip clubs outside of race events and I believe that this should guide the council's decision making.

Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Question: Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

I do not believe that the DPA should be extended. There is no justification for the council to extend this area.

17. Amendments to Standard Licensing Conditions

The authority is proposing to amend a number of standard licensing conditions:

Existing Condition	Change/amendment
Condition 4 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images	Remove – substantially addressed by condition 6 below.

<p>that indicate or suggest that striptease-type dancing takes place on the premises.</p>	
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)</p> <p>x <input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p>	
<p>Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.</p>	<p>Add – "...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."</p> <p>The authority, believes provides a reasonable balance that will:</p> <ul style="list-style-type: none"> 9. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries); 10. whilst ensuring public protection and safeguarding though: 11. restricting the "exempt" advertisement content; and 12. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 as stated? (required)</p> <p>x <input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p>	

Conditions 22 & 26 references to “state of undress”	<p>Replace “state of undress” with “display of nudity”.</p> <p>This is to provide clarity of definition.</p>
<p>Question: Do you agree, or disagree, with the authority’s proposal to change/amend conditions 22 & 26 as stated? (required)</p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>I’m unclear what this consultation is seeking to achieve with these proposed amendments - a state of undress is generally taken to mean “not fully dressed” which is not the same as a “display of nudity”.</p> <p>These clauses from Tower Hamlets appear clearer</p> <p>“Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the XXXXX of the Premises, other than during the course of a performance].</p> <p>Performers must re-dress at the conclusion of a performance”.</p>	
Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.	<p>Amend condition 24 to read:</p> <p>An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:</p> <ul style="list-style-type: none"> m. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use; n. The location of such room(s), must be marked on the plan of the premises; o. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary

	<p>facilities may be implemented subject to the approval of the authority;</p> <ul style="list-style-type: none"> p. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment; q. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and r. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)</p> <p><input type="checkbox"/> XAgree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>Terms such as “appropriate” and “decent standard” are subjective and open to interpretation. Further clarification / definition of what the expected standards are should be provided.</p>	

<p>Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.</p>	<p>Partly amend to remove "Any bodily contact between entertainers or performers or" but retain "Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden."</p> <p>This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 25 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> X Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>I do not agree that reference to bodily contact should be removed entirely – it is possible that there could be bodily contact (which is not movement) between performers that could indicate sexual activity. I would therefore ask that the clause is reviewed and reworded to reflect this.</p> <p>Strip clubs exist purely for the sexual gratification / stimulation of its customers and so any conditions do need to bear this in mind.</p> <p>I would also suggest that the following clarification is also added –</p> <p>"Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation".</p>	
<p>Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.</p>	<p>Replace "Police Crime Reduction Officer" with "Gloucestershire Constabulary".</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 35 as stated? (required)</p> <p><input checked="" type="checkbox"/> X Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p>	

So long as the person providing the guidance around CCTV is competent to provide such guidance

18. “Acquired Rights” Policy

The authority is proposing to adopt an “Acquired Rights” policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed “Acquired Rights” policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority’s discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed “Acquired Rights” policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

Question: Do you agree, or disagree, with the authority’s proposal to adopt an “Acquired Rights” Policy? (required)

☐ Agree

☒ Disagree

Do you have any other comments to make in relation to this? (optional)

I do not agree with the inclusion of acquired rights on the basis that there is no demand within Cheltenham for strip clubs outside of race events. I further understand that the inclusion of acquired rights will make it more difficult for objections to be successful which I believe is undemocratic.

The clause itself is problematic in that it seems to say that if the character of the area has not changed, then licences will be renewed in any event – i.e. even if (say) the premises have been grossly mis-managed. I would hope this is not what was intended.

If such as clause is adopted it should be amended to read

“9.4 It is acknowledged that there are currently licensed Sexual Entertainment Venues within the borough that have been continuously licensed for a number of years.

9.5 It has been determined that these existing licences will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period, and no other reason not to renew them, for example breaches of conditions, etc. If there are any objections to an application to renew such a licence, it will be considered by the Licensing Committee in accordance with the relevant statute. This essentially provides acquired rights and a rebuttable presumption in favour of granting renewal applications to these existing operators for the current time.”

19. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

9. 6.1 Replace “The plan shall be drawn at a scale of 1:100 and shall show” with “**All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible.**”
10. Replace h) “The dressing room of performers” with “**The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers.**”
11. **New section o) “Must clearly indicate the location, layout and sizes of all booths inside the premises used for “Relevant Entertainment””.**
12. **New section p) “All plans accompanying the application must have a clear drawn date and reference number indicated.”**

Question: Do you agree, or disagree, with the authority’s proposal to amend the policy requirements for plans to accompany applications? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Both the licensing team and the licensing committee have long had the ability to ask for plans with these details on and have chosen to ignore concerns and queries raised multiple times by those engaging with the licensing process including me.

Unless you all chose to enforce the terms of this licensing policy then the problems you highlight above will not be resolved.

20. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

7. responsibility to ensure compliance with law and licensing conditions;
8. being available during inspections and;
9. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

21. Factors for consideration- Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- e) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- f) 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 themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Why not include having an enhanced DBS? (this might include any warnings that have been issued to the persons but which are not a criminal conviction)

What do you consider to be a relevant conviction?

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

☐ Yes

☐ X No

If "Yes", please provide your comments below: (optional)

I don't believe that the EIA adequately covers sex-based concerns of women either in the vicinity of the club or more widely in society which is required per the Bournemouth judicial review.

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional): **EUROPEAN EVENTS CONSULTANTS LTD**

Which best describes the capacity in which you are responding to this consultation **(required)**:

- ☐ A councillor/committee
- ☐ A Member of Parliament
- ☐ A resident of Cheltenham
- ☐ A resident not of Cheltenham
- ☐ A performer
- ☒ A sexual entertainment venue operator/licensee
- ☐ A customer of sexual entertainment venues in Cheltenham
- ☐ A licence holder (bars, clubs etc)
- ☐ A non-licensed/other business in Cheltenham
- ☐ A statutory body (police, OPCC, council departments, NHS etc.)
- ☐ An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
- ☐ A support service/organisation (commissioned or otherwise)
- ☐ A religious organisation, group or body
- ☐ Other not specified (please specify): _____

7. An approach where SEVs are licensed and regulated

Generally, the authority continues to prefer an approach where SEVs are licensed and regulated rather than operating unlicensed under the infrequency exemption. This general approach is driven by:

10. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
11. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
12. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

- ☒ Agree
- ☐ Disagree

Please provide any further comments you wish to make in relation to your answer. **(optional)**

Licensed and regulated SEV's mean that there are robust conditions and rules which operators must comply with and this in turn helps to maintain high standards of operation.

SEVs which operate under the infrequency exemption are no subject to the same rigorous standards and as such the risk to public protection and public safety is far greater when SEV activity is unregulated.

The SEV renewal process means that licensed operators are subject to robust checks at each renewal.

The transparency of licensed SEV operation means that that the authorities are able to have meaningful dialogue with operators prior to and after operating periods of the SEVs which again aids safe and responsible operation.

8. A nil limit

The authority has the discretion¹² to set a nil limit for licensed SEVs in any “relevant locality”. Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority's existing licensing policy sets two relevant localities:

22. An adopted “Designated Permitted Area” where the policy sets no limit on the number of licensed SEVs; and
23. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority's view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.

Question: Do you agree, or disagree, with the authority's proposal to maintain the existing to relevant localities and the limit(s) set for each? (required)

- ☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

¹² 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

Keeping SEVs within designated night economy area is a sensible approach taking into account that the SEV businesses form part of the wide mix of venues available to the public.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed “Acquired Rights” (discussed later in this consultation document) policy.

Question: Do you agree, or disagree, with the authority’s proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

The historic trading information from our operational experience shows that 2 SEV venues are sufficient for demand within the nighttime economy during the event periods with the two existing venues serving two clear and separate locations within the night time economy zone. Meaning that the venues can operate discreetly without the town centre becoming saturated with licensed SEV operations.

Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Question: Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

The additional area the Council has identified as being an area to incorporate into the Designated Permitted Area is within the established nighttime economy area of Cheltenham. The Licensing Committee has consistently granted us the SEV licence in this location despite it falling outside the designated area and as such has set some precedence to justify the proposed change.

24. Amendments to Standard Licensing Conditions

The authority is proposing to amend a number of standard licensing conditions:

Existing Condition	Change/amendment
Condition 4 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.	Remove – substantially addressed by condition 6 below.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

No comment

Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.

Add – "...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."

The authority, believes provides a reasonable balance that will:

13. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);
14. whilst ensuring public protection and safeguarding through:
15. restricting the "exempt" advertisement content; and
16. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 as stated? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

We have a query as to whether the rest of the wording condition 6 is also to remain as this is unclear from the above information given.

As an operator we have to vary condition 6 at each renewal application for the condition to read as follows:

"There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises. This includes the display of

any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) by means of externally displayed advertisement (such as on billboards or posters) within the Authority's administrative area.

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

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

The use of the Courtesy vehicle has been an accepted practice for a number of years and the Licensing Committee has heard over the years how the courtesy vehicle is an important part of ensuring safety for performers and customers. Is the Council giving any consideration as to whether this condition will still be required to be varied at each renewal application, or can it provide clarity that where a standard condition has been amended to take into account the specific operation of a particular venue that it is the varied version of that condition that will be subject to the renewal process.

Conditions 22 & 26 references to "state of undress"

Replace "state of undress" with "display of nudity".

This is to provide clarity of definition.

Question: Do you agree, or disagree, with the authority's proposal to change/amend conditions 22 & 26 as stated? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

What would be required is a definition of what nudity means to ensure that as an operator this provides clarity in respect of the requirement of the condition which in turn assists with compliance and regulation.

Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.

Amend condition 24 to read:

An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:

- s. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;
- t. The location of such room(s), must be marked on the plan of the premises;
- u. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority;
- v. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;
- w. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and
- x. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

Disagree only in respect of the below proposed condition wording.

"c. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority;"

Regarding separate and private sanitary provisions being exclusively available for performers, due to our premises being licensed for only a limited number of days in a year, and not purpose built SEV venues, it would not be possible for separate sanitary provisions for exclusive use by performers to be provided. We operate single sex sanitary provisions at this venue with female toilets being private cubicles.

The performers have used the current sanitary provisions at the SEV licensed venue with no issues or concerns raised to us as an operator by authorities or performers. No evidence has been provided within the consultation document to suggest any issues or support the rationale for this change to the policy.

We refer to the Regulators Code: <https://www.gov.uk/government/publications/regulators-code>

"Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best: • understand and minimise negative economic impacts of their regulatory activities; • minimising the costs of compliance for those they regulate; • improve confidence in compliance for those they regulate, by providing greater certainty; and • encourage and promote compliance."

If the existing sanitary provisions were to be demarcated for exclusive use of performers, then then the operators would be in a position of not being able to provide sufficient sanitary provision for female customers for example and this would create an equality issue in respect of female customers not being able to access our venues. There is no option for creating alternative separate sanitary provisions for exclusive use by performers due to the layout of the building, so any changes, even if temporary, would come at a huge cost burden.

Implementing this condition (c) would effectively prevent the operator from being able to operate the venue as a licensed SEV venue at Under The Prom as there is no ability to create a whole set of sanitary provisions for the limited SEV trade period within the building that is licensed.

As an alternative the council could consider requiring that operators have a policy in place for managing and monitoring the sanitary provisions for performers. This would be a less burdensome method of regulation.

Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.

Partly amend to remove "Any bodily contact between entertainers or performers or" **but retain** "Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden."

This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 25 as stated? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

This provides much needed clarity in respect of the intention of the condition and assists both operators and authorities in enforcing conditions where the meaning is clear.

Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.

Replace "Police Crime Reduction Officer" with "Gloucestershire Constabulary".

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 35 as stated? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

In order to ensure consistent application of this condition we would suggest that the replacement wording is "A Licensing Inspector of Gloucestershire Constabulary". The Rationale being that it would need to be an officer of sufficient authority to have the knowledge and understanding of the licensed venue and the SEV operation that would recommend any CCTV requirements.

25. "Acquired Rights" Policy

The authority is proposing to adopt an "Acquired Rights" policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed "Acquired Rights" policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority's discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed "Acquired Rights" policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

Question: Do you agree, or disagree, with the authority's proposal to adopt an "Acquired Rights" Policy? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

The Acquired Rights Policy is important so that due weight is given to the fact that the existing operators have held licence for a number of years especially where that operator has a history of good compliance.

26. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

13. 6.1 Replace "The plan shall be drawn at a scale of 1:100 and shall show" with **"All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible."**
14. Replace h) "The dressing room of performers" with **"The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers."**
15. **New section o) "Must clearly indicate the location, layout and sizes of all booths inside the premises used for "Relevant Entertainment"".**
16. **New section p) "All plans accompanying the application must have a clear drawn date and reference number indicated."**

Question: Do you agree, or disagree, with the authority's proposal to amend the policy requirements for plans to accompany applications? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

We disagree with showing any bathrooms set aside for exclusive use by performers for the reasons given to part 3 – 'amendment to licensing conditions'

Setting specific booth size information to be shown on the layout plans for a venue that is only used on a limited number of days per year and where the size of the booth can have minor

fluctuations dependant on the type of demarcation used year on year could lead to significant administrative burden. Even if the measurements change by only by a couple of mm, this would mean a variation of the SEV licence. This would lead to a huge cost burden for the operator due to professional fees, council fees , newspapers fees and the fees associate to the cost of a hearing. There are also significant time constraints due to the venue set up only being completed within a short period prior to the event days which means not enough time to issue a variation application and will lead to it being difficult for the operator to be compliant.

No evidence has been provided within the consultation to support the rationale for having booth sizes stated upon the licence plans.

The Regulators Code as stated above should be taken into consideration:

<https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

The Regulators Code states that Regulators should encourage and promote compliance – adding in a further plans requirement with no administrative pathway for making minimal changes to plans where there are small changes is at odds with this.

27. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

10. responsibility to ensure compliance with law and licensing conditions;
11. being available during inspections and;
12. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

We agree that having a Designated Person is a sensible approach, however we disagree that the designated person in charge should be specified on the licence. This would mean that should we be required to change the Designated Person, a variation of the SEV licence may be required and this would create an overly burdensome requirement for an application, with the associated application fee, newspaper advert fee and potential for a hearing being required. It would also leave operator open to noncompliance if a change of Designated Person is needed with short notice. This is at odds with the regulators code.

We suggest that the Designated Person be notified in writing to the Licensing Authority and Police and maintained on the operators record. This can then be updated if the Designated Person changes by communication being sent to the Licensing Authority and Police.

We would suggest that if the Council required the Designated Person to be named on the licence that if this needs to be changed at any point, the update to the named person must be able to be changed by way of a simple administrative notification to the Licensing Authority and Police without the requirement for a full variation of the SEV licence and that any administrative fee be carefully considered so as not to be a significant cost burden to operators.

28. Factors for consideration- Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- g) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- h) 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 themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

No comment

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

☐ Yes

☒ No

If "Yes", please provide your comments below: (optional)

No comment

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional): **_RED APPLE ASSOCIATES LTD**

Which best describes the capacity in which you are responding to this consultation **(required)**:

- ☐ A councillor/committee
- ☐ A Member of Parliament
- ☐ A resident of Cheltenham
- ☐ A resident not of Cheltenham
- ☐ A performer
- ☒ A sexual entertainment venue operator/licensee
- ☐ A customer of sexual entertainment venues in Cheltenham
- ☐ A licence holder (bars, clubs etc)
- ☐ A non-licensed/other business in Cheltenham
- ☐ A statutory body (police, OPCC, council departments, NHS etc.)
- ☐ An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
- ☐ A support service/organisation (commissioned or otherwise)
- ☐ A religious organisation, group or body
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9. An approach where SEVs are licensed and regulated

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13. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
14. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
15. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

- ☒ Agree
- ☐ Disagree

Please provide any further comments you wish to make in relation to your answer. **(optional)**

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Question: Do you agree, or disagree, with the authority’s proposal to maintain the existing two relevant localities and the limit(s) set for each? (required)

☒ Agree

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Do you have any other comments to make in relation to this? (optional)

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Keeping SEV within designated night economy area is a sensible approach taking into account that the SEV businesses form part of the wide mix of venues available to the public.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

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Do you have any other comments to make in relation to this? (optional)

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Do you have any other comments to make in relation to this? (optional)

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Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)

☒ Agree
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Do you have any other comments to make in relation to this? (optional)

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Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.

Add – “...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be.”

The authority, believes provides a reasonable balance that will:

17. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);
18. whilst ensuring public protection and safeguarding though:
19. restricting the “exempt” advertisement content; and
20. implementing a proposed process whereby the authority will scrutinise and approve “exempt” advertisement content.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 as stated? (required)

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Do you have any other comments to make in relation to this? (optional)

We have a query as to whether the rest of the wording condition 6 is also to remain as this is unclear from the above information given.

As an operator we have to vary condition 6 at each renewal application for the condition to read as follows:

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

means of externally displayed advertisement (such as on billboards or posters) within the Authority's administrative area.

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

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

The use of the Courtesy vehicle has been an accepted practice for a number of years and the Licensing Committee has heard over the years how the courtesy vehicle is an important part of ensuring safety for performers and customers. Is the Council giving any consideration as to whether this condition will still be required to be varied at each renewal application, or can it provide clarity that where a standard condition has been amended to take into account the specific operation of a particular venue that it is the varied version of that condition that will be subject to the renewal process.

Conditions 22 & 26 references to "state of undress"

Replace "state of undress" with "display of nudity".

This is to provide clarity of definition.

Question: Do you agree, or disagree, with the authority's proposal to change/amend conditions 22 & 26 as stated? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

What would be required is a definition of what nudity means to ensure that as an operator this provides clarity in respect of the requirement of the condition which in turn assists with compliance and regulation.

<p>Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.</p>	<p>Amend condition 24 to read:</p> <p>An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:</p> <ul style="list-style-type: none"> y. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use; z. The location of such room(s), must be marked on the plan of the premises; aa. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority; bb. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment; cc. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and dd. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.
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Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

Disagree only in respect of the below proposed condition wording.

"c. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority;"

Regarding separate and private sanitary provisions being exclusively available for performers, due to our premises being licensed for only a limited number of days in a year, and not purpose built SEV venues, it would not be possible for separate sanitary provisions for exclusive use by performers to be provided. We operate single sex sanitary provisions at this venue with female toilets being private cubicles.

The performers have used the current sanitary provisions at the SEV licensed venue with no issues or concerns raised to us as an operator by authorities or performers. No evidence has been provided within the consultation document to suggest any issues or support the rationale for this change to the policy.

We refer to the Regulators Code: <https://www.gov.uk/government/publications/regulators-code>

"Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best: • understand and minimise negative economic impacts of their regulatory activities; • minimising the costs of compliance for those they regulate; • improve confidence in compliance for those they regulate, by providing greater certainty; and • encourage and promote compliance."

If the existing sanitary provisions were to be demarcated for exclusive use of performers, then then the operators would be in a position of not being able to provide sufficient sanitary provision for female customers for example and this would create an equality issue in respect of female customers not being able to access our venues. There is no option for creating alternative separate sanitary provisions for exclusive use by performers due to the layout of the building and it is also a listed building, so any changes, even if temporary, would come at a huge cost burden.

Implementing this condition (c) would effectively prevent the operator from being able to operate the venue as a licensed SEV venue at Jessop House Cambray Place as there is no ability to create a whole set of sanitary provisions for the limited SEV trade period within the building that is licensed.

As an alternative the council could consider requiring that operators have a policy in place for managing and monitoring the sanitary provisions for performers. This would be a less burdensome method of regulation.

Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.

Partly amend to remove "Any bodily contact between entertainers or performers or" **but retain** "Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden."

This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 25 as stated? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

This provides much needed clarity in respect of the intention of the condition and assists both operators and authorities in enforcing conditions where the meaning is clear.

Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.

Replace "Police Crime Reduction Officer" with "Gloucestershire Constabulary".

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 35 as stated? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

In order to ensure consistent application of this condition we would suggest that the replacement wording is "A Licensing Inspector of Gloucestershire Constabulary". The Rationale being that it would need to be an officer of sufficient authority to have the knowledge and understanding of the licensed venue and the SEV operation that would recommend any CCTV requirements.

32. "Acquired Rights" Policy

The authority is proposing to adopt an "Acquired Rights" policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed "Acquired Rights" policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority's discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed "Acquired Rights" policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

Question: Do you agree, or disagree, with the authority's proposal to adopt an "Acquired Rights" Policy? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

The Acquired Rights Policy is important so that due weight is given to the fact that the existing operators have held licence for a number of years especially where that operator has a history of good compliance.

33. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

17. 6.1 Replace "The plan shall be drawn at a scale of 1:100 and shall show" with **"All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible."**
18. Replace h) "The dressing room of performers" with **"The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers."**
19. **New section o) "Must clearly indicate the location, layout and sizes of all booths inside the premises used for "Relevant Entertainment"."**
20. **New section p) "All plans accompanying the application must have a clear drawn date and reference number indicated."**

Question: Do you agree, or disagree, with the authority's proposal to amend the policy requirements for plans to accompany applications? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

We disagree with showing any bathrooms set aside for exclusive use by performers for the reasons given to part 3 – 'amendment to licensing conditions'

Setting specific booth size information to be shown on the layout plans for a venue that is only used on a limited number of days per year and where the size of the booth can have minor fluctuations dependant on the type of demarcation used year on year could lead to significant

administrative burden. Even if the measurements change by only by a couple of mm, this would mean a variation of the SEV licence. This would lead to a huge cost burden for the operator due to professional fees, council fees , newspapers fees and the fees associate to the cost of a hearing. There are also significant time constraints due to the venue set up only being completed within a short period prior to the event days which means not enough time to issue a variation application and will lead to it being difficult for the operator to be compliant.

No evidence has been provided within the consultation to support the rationale for having booth sizes stated upon the licence plans.

The Regulators Code as stated above should be taken into consideration:

<https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

The Regulators Code states that Regulators should encourage and promote compliance – adding in a further plans requirement with no administrative pathway for making minimal changes to plans where there are small changes is at odds with this.

34. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

- 13. responsibility to ensure compliance with law and licensing conditions;
- 14. being available during inspections and;
- 15. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement? (required)

☐ Agree

x Disagree

Do you have any other comments to make in relation to this? (optional)

We agree that having a Designated Person is a sensible approach, however we disagree that the designated person in charge should be specified on the licence. This would mean that should we be required to change the Designated Person, a variation of the SEV licence may be required and this would create an overly burdensome requirement for an application, with the associated application fee, newspaper advert fee and potential for a hearing being required. It would also leave operator open to noncompliance if a change of Designated Person is needed with short notice. This is at odds with the regulators code.

We suggest that the Designated Person be notified in writing to the Licensing Authority and Police and maintained on the operators record. This can then be updated if the Designated Person changes by communication being sent to the Licensing Authority and Police.

We would suggest that if the Council required the Designated Person to be named on the licence that if this needs to be changed at any point, the update to the named person must be able to be changed by way of a simple administrative notification to the Licensing Authority and Police without the requirement for a full variation of the SEV licence and that any administrative fee be carefully considered so as not to be a significant cost burden to operators.

35. Factors for consideration- Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- i) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- j) 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 themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

No comment

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

☐ Yes

☒ No

If "Yes", please provide your comments below: (optional)

No comment

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional): ___ Gloucestershire Women's Liberation Collective
(‘GlosWomen’)_____

Which best describes the capacity in which you are responding to this consultation
(**required**):

- ☐ A councillor/committee
- ☐ A Member of Parliament
- ☐ A resident of Cheltenham
- ☐ A resident not of Cheltenham
- ☐ A performer
- ☐ A sexual entertainment venue operator/licensee
- ☐ A customer of sexual entertainment venues in Cheltenham
- ☐ A licence holder (bars, clubs etc)
- ☐ A non-licensed/other business in Cheltenham
- ☐ A statutory body (police, OPCC, council departments, NHS etc.)
- ☒ X An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
- ☐ A support service/organisation (commissioned or otherwise)
- ☐ A religious organisation, group or body
- ☐ Other not specified (please specify): _____

1. An approach where SEVs are licensed and regulated

Generally, the authority continues to prefer an approach where SEVs are licensed and regulated rather than operating unlicensed under the infrequency exemption. This general approach is driven by:

1. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
2. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
3. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

- ☐ Agree
- ☐ Disagree

Please provide any further comments you wish to make in relation to your answer.
(optional)

GlosWomen neither agree nor disagree with the authority's preferred approach towards SEV licensing.

Licensed vs Unlicensed

We are concerned about the risks posed both to women working in SEVs and women in the wider community when SEVs operate under the frequency exemption. However, whilst we recognise that the licensing regime allows for additional regulation and scrutiny, we do not believe that this regime sufficiently reduces the risks posed to women (both working in SEVs and in the wider community) or addresses the wider societal harms that SEVs (as part of the sex trade) contribute to.

Sex Equality Concerns

The authority states that unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised by objectors and that unlicensed and unregulated SEVs will likely have the opposite effect. This position suggests that the licensing regime does address equality concerns raised by objectors.

The sex equality concerns that we have raised during licensing committee meetings have not been adequately addressed by the committee and we do not accept that the current licensing regime (or any of the proposed changes being considered as part of this consultation) alleviate or mitigate any of the sex equality concerns that we have raised. This is because there is nothing that can mitigate the reinforcement of unequal power relations between men and women, which is central to the lap dancing/strip club business model. Strip and lap dancing clubs - where women are sexually objectified and the idea that men are entitled to access women's bodies is reinforced - contribute to harmful sexist and misogynistic attitudes that underpin the endemic abuse, harassment and violence against women and girls in society.

Breaches

Breaches of licensing conditions in respect of touching (both between performers and between customers and performers) were observed at both licensed and unlicensed venues during Race Week 2024. Little detail has been provided about the context and nature of these breaches but we remain concerned that women working in these venues

may have been harmed and are at additional risk of assault and harassment, as a result. Such breaches indicate that the licensing regime cannot mitigate the inherent risks of lap dancing/stripping.

Use of the Frequency Exemption

The authority considers there to be a high probability that SEVs would continue to operate regardless of a nil limit set in policy. We note that despite the authority's preference for licensing SEVs, unregulated and unlicensed SEVs already operate in Cheltenham. One venue (Moo Moo) operated under the frequency exemption in Race Week 2024 and we understand that unlicensed lap dancing (relying on the frequency exemption) may have taken place at two venues during Race Week 2025 (Moo Moo and Popworld). The current licensing regime does not prevent unlicensed and unregulated SEVs and we do not believe that anything proposed as part of this consultation will prevent unlicensed and unregulated SEVs in the future. We support the repeal of the frequency exemption to close this exploitable loophole.

Terminology – Frequency Exemption

Finally, we are confused by the authority's use of the term 'infrequency exemption'. The statutory exemption which allows for sexual entertainment to be provided up to 11 times a year within any 12 month period, provided that each occasion lasts no longer than 24 hours and no such occasion begins less than a month from the end of the last, is commonly known as the **frequency exemption** (as detailed in Phillip Kolvin KC's book, 'Sex Licensing'). We are concerned that this change to widely used and understood terminology may confuse those responding to the consultation.

2. A nil limit

The authority has the discretion³ to set a nil limit for licensed SEVs in any "relevant locality". Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority's existing licensing policy sets two relevant localities:

1. An adopted "Designated Permitted Area" where the policy sets no limit on the number of licensed SEVs; and
2. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority's view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.



Question: Do you agree, or disagree, with the authority's proposal to maintain the existing to relevant localities and the limit(s) set for each? (required)

☐ Agree

☒ Disagree

Do you have any other comments to make in relation to this? (optional)

GlosWomen do not consider any locations within the borough appropriate for the licensing of SEVs due to the sex equality concerns that we have set out in the above section.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed "Acquired Rights" (discussed later in this consultation document) policy.

Question: Do you agree, or disagree, with the authority's proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre? (required)

☐ Agree

☒ Disagree

Do you have any other comments to make in relation to this? (optional)

GlosWomen disagree with the proposal to set a limit of two licensed SEVs within the Designated Permitted Area. Whilst this may meet the needs of current licence holders, (by creating the potential for a monopoly in respect of available licences) we would argue that due to the sex equality concerns that we have raised on numerous occasions, the appropriate limit of licensed SEVs should be nil.

The sex equality concerns that we have raised during licensing committee meetings have not been adequately addressed by the committee and we do not accept that the current licensing regime (or any of the proposed changes being considered as part of this

consultation) alleviate or mitigate any of the sex equality concerns that we have raised. This is because there is nothing that can mitigate the reinforcement of unequal power relations between men and women, which is central to the lap dancing/strip club model. Strip and lap dancing clubs - where women are sexually objectified and the idea that men are entitled to access women's bodies is reinforced - contribute to harmful sexist and misogynistic attitudes that underpin the endemic abuse, harassment and violence against women and girls in society.

As equality law expert Karon Monaghan KC put it to the Women and Equalities Committee in 2018, Sexual Entertainment Venues "have an impact on the wider community because they promote the idea that sexual objectification of women and sexual harassment commonly in those environments is lawful and acceptable...How are we [licensing SEVs] in the 21st century? We are not going to get rid of sexual violence if we mandate the sexual objectification of women in licensed venues."

Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Question: Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered? (required)

- ☐ Agree
- ☐ Disagree

Do you have any other comments to make in relation to this? (**optional**)

GlosWomen neither agree nor disagree with this proposal. We believe that the appropriate limit of licensed SEVs within the borough of Cheltenham should be nil.

3. Amendments to Standard Licensing Conditions

The authority is proposing to amend a number of standard licensing conditions:

Existing Condition	Change/amendment
Condition 4 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.	Remove – substantially addressed by condition 6 below.
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)</p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>Please see our comments below in respect of proposed Condition 6.</p>	

<p>Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.</p>	<p>Add – "...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."</p> <p>The authority, believes provides a reasonable balance that will:</p> <ol style="list-style-type: none"> 1. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries); 2. whilst ensuring public protection and safeguarding though: 3. restricting the "exempt" advertisement content; and 4. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.
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Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 as stated? (required)

- ☐ Agree
☒ X Disagree

Do you have any other comments to make in relation to this? (optional)

The explanatory note indicates that the authority will approve any form of trademark, trading name or trading symbol that an applicant proposes to display within the borough (either outside the premises, in the immediate vicinity or elsewhere within the Town) as part of the application/renewal process. However, the proposed additional wording is not clear on this point. The additional wording indicates that applicants will be permitted to display trademarks/trading names/trading symbols that have been **provided** to the authority not that these trademarks/trading names/trading symbols will also be subject to the **approval** of the authority. We would suggest that the words 'and approved by' should be added following the words 'provided to' in this clause.

It is not clear from the detail provided above whether the remainder of Standard Condition 6 (which relates to solicitation, leafleting, cruising vehicles etc) will remain as drafted. This needs to be clarified.

Conditions 22 & 26 references to "state of undress"

Replace "state of undress" with "display of nudity".

This is to provide clarity of definition.

Question: Do you agree, or disagree, with the authority's proposal to change/amend conditions 22 & 26 as stated? (required)

- ☐ Agree
- ☒ x Disagree

Do you have any other comments to make in relation to this? (optional)

The authority needs to provide a more detailed explanation as to why replacing 'state of undress' with 'display of nudity' provides greater clarity. The inclusion of 'display of nudity' in conditions 22 and 26 now make these conditions difficult to understand. We would suggest that using the phrase 'engaged in a display of nudity' might improve clarity.

We would suggest that the definition of 'display of nudity' as contained in paragraph 2A of Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982 is clearly incorporated into the SEV policy.

We assume that the authority prefers the use of the term 'display of nudity' to 'state of undress' as women working in SEVs as performers will generally be in what would commonly be understood to be a state of undress (i.e. wearing lingerie) before they engage in a performance with a customer.

<p>Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.</p>	<p>Amend condition 24 to read:</p> <p>An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:</p> <ul style="list-style-type: none"> a. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use; b. The location of such room(s), must be marked on the plan of the premises; c. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority; d. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment; e. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and f. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for
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	<p>performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)</p> <p><input checked="" type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>We agree with the proposed amendment to Standard Condition 24, which we feel improves requirements regarding changing and rest areas for performers.</p>	
<p>Condition 25 - Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.</p>	<p>Partly amend to remove "Any bodily contact between entertainers or performers or" but retain "Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden."</p> <p>This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.</p>

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 25 as stated? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

Further detail needs to be provided regarding the rational for this amendment. Avoiding a technical breach, where accidental bodily contact between performers, could be achieved by some additional wording to this effect.

We assume that the licensing team would not enforce a technical breach which was the result of accidental bodily contact, as that is not the purpose of this condition and would be a disproportionate response. We suspect that the purpose of the proposed amendment is to allow for bodily contact (which is not accidental) between performers but which does not go so far as indicating sexual activity or simulated sex. If this is the case, then this needs to be stated clearly and the rationale for such a relaxation of the original standard condition needs to be explained and justified.

Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.

Replace "Police Crime Reduction Officer" with "Gloucestershire Constabulary".

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 35 as stated? (required)

- ☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

We assume that this amendment has been made for clarity and accuracy.

4. "Acquired Rights" Policy

The authority is proposing to adopt an "Acquired Rights" policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed "Acquired Rights" policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority's discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed "Acquired Rights" policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

Question: Do you agree, or disagree, with the authority's proposal to adopt an "Acquired Rights" Policy? (required)

- ☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (optional)

We are concerned that the proposed adoption of an Acquired Rights policy will have the effect of limiting local peoples' engagement with the SEV licensing process and is at odds with the aims of the legislative provisions relating to SEVs, which envisaged a greater say for local people in the licensing of such venues.

If an Acquired Rights Policy is adopted, it must make absolutely clear that members of the public can still object to licence applications, whether they are new applications or applications to renew.

In addition, any Acquired Rights Policy must clarify that the presumption of renewal will be rebutted not only where there is a material change in the character of the area in the intervening period but where other relevant matters, such as breaches of conditions, have occurred or complaints have been received, in the intervening period.

5. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

1. 6.1 Replace "The plan shall be drawn at a scale of 1:100 and shall show" with **"All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible."**
2. Replace h) "The dressing room of performers" with **"The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers."**
3. **New section o) "Must clearly indicate the location, layout and sizes of all booths inside the premises used for "Relevant Entertainment"."**
4. **New section p) "All plans accompanying the application must have a clear drawn date and reference number indicated."**

Question: Do you agree, or disagree, with the authority's proposal to amend the policy requirements for plans to accompany applications? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

We agree with the proposed amendments in respect of the provision of plans. It is imperative that applicants provide accurate plans so that the public and committee members can assess whether proposed measures for the privacy, dignity and safety of women performing in the SEVs are adequate.

6. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

1. responsibility to ensure compliance with law and licensing conditions;
2. being available during inspections and;
3. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement? (required)

☒ X Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

We feel that the requirement of a designated person in charge is a useful change to SEV licensing requirements. We note, however, that the authority has not provided any detail as to whether the designated person is required to have relevant qualifications or measures for declaring and/or checking for criminal convictions/criminal proceedings.

7. Factors for consideration - Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers; o ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue; o prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

We welcome the clarification that the inclusion of the additional guidance brings. It is not clear however what steps the authority will take to establish such matters/obtain relevant information. We also note that the factors contained in the additional guidance are optional - there is nothing to compel the authority to consider these factors in deciding the outcome of an application.

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

☒ Yes

☐ No

If "Yes", please provide your comments below: (optional)

a. Research and Evidence:

Section 2. - Could the authority provide their methodology for selecting and reviewing relevant research as part of the EIA? Only two studies are listed in this section.

GlosWomen and other objectors have provided links to the Safe and Equal Bristol Report:

Sexual Entertainment Venues Policy Review from November 2021 (also referenced in [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#)), which includes research evidence relating to the following sex equality concerns which are relevant to SEVs:

- the link between sexual objectification of women, harmful attitudes towards women and girls and men's violence against women and girls
- SEVs and the wider sex trade, as a conducive context for sexual assault and harassment of women

Could the authority confirm that the Safe and Equal Bristol Report has been reviewed as part of this EIA?

Section 3. (Legislation)– It would be useful to set out how the provisions of the Police and Crime Act 2009 changed the regulation of SEVs.

Section 4. (Research on dancers' experiences) – This section seems to include the abstract of a specific piece of research and is therefore confusing to read. As noted above, there is evidence of SEVs as a conducive context for sexual assault and harassment. There are also testimonies of women who have had negative experiences of working in SEVs - See the Not Buying It website.

We feel strongly that the authority needs to consider how insecure lap dancing/stripping work is, as part of this EIA. Women working in SEVs are self-employed (they are not employees) and therefore do not benefit from legal protections afforded to employees. Women pay house fees, as well as a percentage of each dance to the house. They are

also subject to numerous house rules, which, if breached, can result in them being fined and/or having their contracts terminated. We are not aware of any other form of self-employment (other than in the sex trade) which operates in this way.

Section 5 (Crime and Disorder)- Whilst Gloucestershire Police state that there has been no increase in **reported** crime and disorder or, more specifically, **reported** sexual offences in or in the vicinity of the licensed SEVs, this cannot be taken as evidence that incidences have not occurred. We know that women and girls do not routinely report sexual violence to the police. We live in a society where rape is effectively decriminalised, confidence in the police and the wider criminal justice system amongst women and girls is incredibly low and a society where men's violence against women and girls is normalised.

Section 7 – This section makes for depressing reading. It seems to be the authority's position that because race meets already make the town a hostile environment for many women, the presence of SEVs should be tolerated. Reducing and preventing men's violence against women and girls requires cultural and social change. Instead of regulating inequality between the sexes (in the form of licensed SEVs), the authority could show real leadership and refuse to endorse particularly acute manifestations of sex inequality. An authority that cared about the lives of women and girls would take all available opportunities to tackle and prevent sexual violence towards women.

b. Consultation

Section 3 (Chief Officer of Police) – The police representative explained their preference for a licenced approach to SEVs, citing issues that have been observed at venues operating under the frequency exemption, including touching between customers and performers. Of course, touching between performers and customers has also been observed at licensed venues – it is not an issue that only occurs at unlicensed venues.

We would also repeat our comments outlined at Section 5 above in respect of crime and disorder. Although reported crime and disorder may not be significant, this does not mean that incidents that meet criminal thresholds have not occurred. The authority needs to be mindful that women do not routinely report sexual violence to the police.

Section 4 – Whilst the operator and performers' representative assert that women engage in performance within SEVs of their own free will, they cannot make this statement on behalf of all women performing in SEVs. The authority needs to engage with a broader range of testimony from women who have been involved in lap dancing and stripping, explaining many of the socio-economic factors that influence their decision to engage in stripping and lap dancing and which limit agency and autonomy. The authority must also be mindful that the production of certain papers /documents cannot be taken as proof that a woman has not been subject to trafficking or coercion.

We note the statement that licensed and regulated activities give performers assurance in terms of their protection and safeguarding. Whilst we welcome provisions that improve protection, we would comment that licensing and regulation cannot guarantee the elimination of harm. For example, there have been breaches of conditions relating to touching in a licensed venue (Race Week 2024) which may have harmed women working in the club.

3. Assessment

Note about anecdotal evidence – There are two mentions of anecdotal evidence in the ‘Description of Impact’ sections for the Protected Characteristics of age and sex. We are concerned that there is an insinuation that ‘anecdotal evidence’ is not reliable. Whilst we accept that it is not possible to make claims that such evidence is representative of all members of a protected characteristic, the evidence described is experiential, from objectors and groups that have been invited to take part in the consultation process and therefore should not be dismissed.

Mitigating Action – The authority suggests repeatedly that setting limits (other than a nil cap) in respect of issuing SEV licences allows the authority to regulate sexual entertainment. Whilst this action allows the authority to regulate **licensed** sexual entertainment, it does not prevent other operators from providing sexual entertainment under the frequency exemption. Therefore, the equality issues that the authority feel that they can mitigate via licensing and regulation (we contest this assertion as we do not believe it is possible to mitigate the sex equality concerns through licensing and regulation) could still be present because of the operation of SEVs under the frequency exemption.

Mitigating Action in respect of sex equality concerns – The authority asserts that *‘equality issues arising from this category will not be entirely mitigated by a nil limit because the issues mainly relate to the general issue of races rather than specifically the operation of SEVs.’*

The issues experienced by women and girls during Race Week, that have been highlighted by GlosWomen’s Race Week survey and the Council’s own surveys, are rooted in unequal power relations between men and women. Sexual entertainment venues- where women are objectified and men pay for access to women’s bodies - are a particularly concentrated and powerful example of such inequality and are therefore inextricably linked to the sexual violence that women and girls face during Race Week. The authority should target activities that strongly reinforce inequality between the sexes (i.e lap dancing and stripping) and send the message to Race Week visitors that the objectification of women and girls is not tolerated by Cheltenham Borough Council. CBC seem to take the position that women and girls will face hostility, harassment and violence anyway, so granting SEV licences is an acceptable course of action.

It seems that the authority has totally failed to engage in the broader evidence base (such as the evidence detailed in the Safe and Equal Bristol Report: Sexual Entertainment Venues Policy Review from November 2021) in respect of the sex equality concerns (objectification, harmful sexist and misogynistic attitudes and links to violence against women and girls) that relate to sexual entertainment. The judgement in [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) was clear that a focus on public safety and dancer welfare is insufficient to discharge the Public Sector Equality Duty. In this case, the Judge agreed with the Claimant’s solicitor that the relevant authority should have undertaken further research to understand the impact of attitudes on women and girls which are reinforced by

sexual entertainment and cited the Safe and Equal Bristol Report as an example of relevant research. The Public Sector Equality Duty requires consideration of the impact on **all** women in wider society (not just those working in or in the vicinity of the SEV).

The authority suggests that sex equality concerns can be addressed and mitigated through licensing and regulation of SEVs, yet provide no detail as to which of the measures or conditions do so and in what respect.

The authority states that female performers' safeguarding and rights will be diminished if unlicensed sexual entertainment were to go ahead. Whilst we share the authority's concerns about risk to female performers under the frequency exemption, we remain concerned that the licensed regime cannot eliminate the risks to women performing in SEVs. We know that there have been breaches of standard conditions in licensed SEVs which could have harmed women performing there.

Could the authority clarify which performers' rights are strengthened under the SEV licensing regime? Women working in the SEV clubs are self-employed and do not benefit from employment rights and are subject to house rules, which if they breach could lead to them being fined or having their contracts cancelled.

Socio-economic factors – Could the authority provide evidence that sex establishments attract people to the town? Is it not the case that the racing attracts (mainly male) visitors to the town and SEV operators attempt to capitalise on the presence of these men to make money in SEVs? We know that SEVs spend a lot of time and effort soliciting customers during race meets, which would suggest that they need to create interest in the SEV/drum up custom.

As mentioned previously, the authority needs to consider the lap dancing/stripping business model and how insecure this is as a form of income for women who perform. The authority's comments in this respect (e.g. fees, penalties, rules and employment practices and protections) indicate that there is not a good understanding of how these businesses operate. The women who work in SEVs are self-employed and therefore do not benefit from legal protections afforded to employees. Women pay house fees, as well as a percentage of each dance to the house. They are also subject to numerous House Rules, which, if breached, can result in them being fined and/or having their contracts terminated. We are not aware of any other form of self-employment (other than in the sex trade) which operates in this way. The authority seems to believe that such practices are only likely to occur in SEVs operating under the frequency exemption. The reality is that this is the business model and this is the basis on which women engage with SEVs whether they are licensed or not.

Policy Proposals

This section of the consultation documents **outlines the proposed policy changes and amendments that the authority is specifically seeking feedback on** as part of the consultation.

About You

Name (optional): ____ I do not consent to my personal information being shared so have chosen to include my name _____

Which best describes the capacity in which you are responding to this consultation **(required)**:

- ☐ A councillor/committee
- ☐ A Member of Parliament
- ☐ A resident of Cheltenham
- ☐ A resident not of Cheltenham
- ☐ A performer
- ☐ A sexual entertainment venue operator/licensee
- ☐ A customer of sexual entertainment venues in Cheltenham
- ☐ A licence holder (bars, clubs etc)
- ☐ A non-licensed/other business in Cheltenham
- ☐ A statutory body (police, OPCC, council departments, NHS etc.)
- ☒ An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
- ☐ A support service/organisation (commissioned or otherwise)
- ☐ A religious organisation, group or body
- ☐ Other not specified (please specify): _____

11. An approach where SEVs are licensed and regulated

Generally, the authority continues to prefer an approach where SEVs are licensed and regulated rather than operating unlicensed under the infrequency exemption. This general approach is driven by:

16. Acknowledgement that there is a high probability that SEVs would continue to operate regardless of a nil limit set in policy;
17. The fact that SEVs would continue to operate unlicensed and unregulated also means the public protection and public safety risks are substantially increased.
18. Equally, unlicensed and unregulated SEVs will not serve to alleviate or mitigate the equality concerns raised. Unlicensed and unregulated SEVs will likely have the opposite effect as an unregulated activity.

Question: Do you agree, or disagree, with the authority's continued preference towards licensing and regulation as opposed to SEV operating unlicensed under the infrequency exemption? (required)

- ☒ Agree
- ☐ Disagree

Please provide any further comments you wish to make in relation to your answer. **(optional)**

I believe that this question conflates two issues. It is possible for Cheltenham Borough Council to set a nil limit for SEV's in Cheltenham if it chooses to do so, this is a strategic decision for the council to make as to whether it wishes strip clubs to operate in the town or not.

This is not the same as the day-to-day operation of the Licensing Committee who are tasked with deciding each SEV application its merits.

It is reasonable for elected officials to take, as a democratic mandate, that a sufficient number of residents do not want strip clubs and to base your strategic decisions making on this.

This policy decision is a question for Councillors to decide their vision for Cheltenham – is it one where the council condone men's entitlement to objectify and commercially exploit women for their (men's) sexual gratification or not?

If the Council wishes Cheltenham to be a progressive town where equality, and women and girls are truly valued then it needs to create a vision and set of values where strip clubs are not condoned.

12. A nil limit

The authority has the discretion¹⁴ to set a nil limit for licensed SEVs in any "relevant locality". Relevant locality could be defined as the entire borough of Cheltenham or different parts within the borough.

The authority's existing licensing policy sets two relevant localities:

36. An adopted "Designated Permitted Area" where the policy sets no limit on the number of licensed SEVs; and
37. The rest of the borough where the policy sets a nil limit.

The authority is not proposing a change to the existing two relevant localities.

The authority is of the view that the existing policy rationale for the two relevant localities remains relevant. That is that Cheltenham is a relatively small urban borough that is predominantly residential in nature. The authority has already resolved that it is inappropriate to licence SEVs in or in the vicinity of, amongst others, residential areas. It is the authority's view therefore that there is no locality outside of the Designated Permitted Area in which it would be appropriate to license a SEV.

¹⁴ 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

Question: Do you agree, or disagree, with the authority's proposal to maintain the existing to relevant localities and the limit(s) set for each? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

The challenge here is that the licensing committee has chosen to licence strip clubs outside of the DPA and also to license strip clubs within the DPA even though they are on the edge of residential areas.

With this in mind I'm not clear how meaningful proposed areas are when the licensing committee does not adhere to the council's adopted policy.

However, the authority recognises that the Designated Permitted Area within the town centre offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area.

Within the Designated Permitted Area the town centre, the authority is proposing to set a maximum limited of two licensed SEVs.

The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed "Acquired Rights" (discussed later in this consultation document) policy.

Question: Do you agree, or disagree, with the authority's proposal to set a maximum limit of two licensed SEVs within the Designated Permitted Area the town centre? (required)

☐ Agree
☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

The Council's statement says "There is no demand for SEV's outside race meetings". Why should inappropriate attitudes to women be condoned just because some people who arrive from out of the area have those attitudes. Would the non licensing of the SEV's affect the race meeting going ahead, I don't think so.
I believe that the limit should be Nil, there is no demand for strip clubs outside of race events.



Additionally, the authority is proposing to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered.

The rationale for this is the acknowledgment that the Licensing Committee has consistently granted a SEV licence in this location despite it falling outside the designated area. Whilst each application is determined on its individual merits, the licensing in this proposed area has set some precedence to justify the proposed change.

Question: Do you agree, or disagree, with the authority's proposal to amend the Designated Permitted Area within the town centre so to extend that area to incorporate parts of the Promenade (A4015) not currently covered? (required)

☐ Agree

☒ Disagree

Do you have any other comments to make in relation to this? (**optional**)

I do not believe that the DPA should be extended. There is no justification for the council to extend this area.

38. Amendments to Standard Licensing Conditions

The authority is proposing to amend a number of standard licensing conditions:

Existing Condition	Change/amendment
Condition 4 - There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.	Remove – substantially addressed by condition 6 below.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 4 as stated? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Condition 6 – There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Town any advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the premises.

Add – "...with the exception of any registered trademark, trading name or trading symbol that has been provided to the authority in connection with the most recent application for licence, its renewal or variation as the case may be."

The authority, believes provides a reasonable balance that will:

21. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);
22. whilst ensuring public protection and safeguarding though:
23. restricting the "exempt" advertisement content; and
24. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.

Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 as stated? (required)

☒ Agree
☐ Disagree

Do you have any other comments to make in relation to this? (optional)

<p>Conditions 22 & 26 references to “state of undress”</p>	<p>Replace “state of undress” with “display of nudity”.</p> <p>This is to provide clarity of definition.</p>
<p>Question: Do you agree, or disagree, with the authority’s proposal to change/amend conditions 22 & 26 as stated? (required)</p> <p><input type="checkbox"/> Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>I’m unclear what this consultation is seeking to achieve with these proposed amendments - a state of undress is generally taken to mean “not fully dressed” which is not the same as a “display of nudity”.</p> <p>These clauses from Tower Hamlets appear clearer</p> <p>Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].</p> <p>Performers must re-dress at the conclusion of a performance.</p>	
<p>Condition 24 - An appropriate room shall be set aside to provide a changing and rest area for performers. Access to this room shall be restricted to performers only, whilst the performers are on the premises and shall be marked on the plan of the premises.</p>	<p>Amend condition 24 to read:</p> <p>An appropriate room, or rooms, shall be set aside to provide a changing and rest area for performers. As a minimum:</p> <ul style="list-style-type: none"> ee. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use; ff. The location of such room(s), must be marked on the plan of the premises; gg. Such room(s) should provide separate and private sanitary facilities for performers. Where direct access to separate and private sanitary facilities for performers is not available or practical, other arrangements for separate and private sanitary facilities may be implemented subject to the approval of the authority;

	<p>hh. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</p> <p>ii. Such room(s) must be of decent standard, including, but not limited to, general condition and safety, occupiable space, seating provision, access to free drinking water or other non-alcoholic refreshments and sufficiently heated; and</p> <p>jj. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for performers is not available or practical, other arrangements for separate and private smoking facilities may be implemented subject to the approval of the authority.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)</p> <p><input type="checkbox"/> XAgree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>Anything that improves the facility for performers has my support – terms such as “appropriate” and “decent” are subjective and open to interpretation. Further clarification should be provided.</p>	
Condition 25 - Any bodily contact between entertainers or performers or any	Partly amend to remove “Any bodily contact between entertainers or performers or” but

<p>movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.</p>	<p>retain “Any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.”</p> <p>This is to address a technical breach where accidental bodily contact between entertainers or performer could occur.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 25 as stated? (required)</p> <p><input type="checkbox"/> Agree <input checked="" type="checkbox"/> X Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p>I do not agree that reference to bodily contact should be removed entirely – it is possible that there could be bodily contact (which is not movement) between performers that could indicate sexual activity and I would therefore ask that the clause is reviewed and reworded to reflect this.</p> <p>I would also suggest that the following clarification is added –</p> <p>Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.</p>	
<p>Condition 35 - A digital CCTV system shall be installed and be maintained in good working order, shall record at all times the premises are open, and recordings shall be kept for 14 days. The CCTV system is to be installed in all areas as recommended by the Police Crime Reduction Officer.</p>	<p>Replace “Police Crime Reduction Officer” with “Gloucestershire Constabulary”.</p>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 35 as stated? (required)</p> <p><input checked="" type="checkbox"/> X Agree <input type="checkbox"/> Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p>	

In Manchester this year , an SEV had a faulty and non repaired for weeks CCTV system , which was not functioning while there was an assault on club premises. I would suggest making such a breach of licensing condtions a reason for refusing the renewal of a license to the premises in the future.

39. “Acquired Rights” Policy

The authority is proposing to adopt an “Acquired Rights” policy. Under such a proposed policy, the authority seeks to acknowledge that there are currently licenced Sexual Entertainment Venues within the borough that have been licensed for a number of years.

As such, under the proposed “Acquired Rights” policy, the authority proposes to determine that these licensed SEVs will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period. If there are any objections to an application, it will be considered by the Licensing Committee in accordance with the relevant statute.

This essentially provides acquired rights to these existing operators for the current time.

The High Court on [CDE v Bournemouth, Christchurch and Poole Council \[2023\] EWHC 194 \(Admin\)](#) ruled such a policy lawful if applied correctly. Such a policy would not fetter the authority’s discretion because the statutory grounds for refusal would continue to apply, and the proposed policy does not preclude objections. The implications of the proposed “Acquired Rights” policy would create a presumption in favour of renewal if there were no material change in the character of the area in the intervening period.

Question: Do you agree, or disagree, with the authority’s proposal to adopt an “Acquired Rights” Policy? (required)

☐ Agree

☒ Disagree

Do you have any other comments to make in relation to this? (optional)

I do not agree with the inclusion of acquired rights on the basis that there is no demand within Cheltenham for strip clubs outside of race weeks. I further understand that the inclusion of acquired rights will make it more difficult for objections to be successful which is undemocratic.

The clause itself is problematic in that it seems to say that if the character of the area has not changed, then licences will be renewed in any event – i.e. even if (say) the premises have been grossly mis-managed. I would hope this is not what was intended.

If such as clause is adopted it should be amended to read

“9.4 It is acknowledged that there are currently licensed Sexual Entertainment Venues within the borough that have been continuously licensed for a number of years.

9.5 It has been determined that these existing licences will continue to be renewed, on application, by the existing operators during the lifetime of this policy if there is no material change in the character of the area in the intervening period, and no other reason not to renew them, for example breaches of conditions, etc. If there are any objections to an application to renew such a licence, it will be considered by the Licensing Committee in accordance with the relevant statute. This essentially provides acquired rights and a rebuttable presumption in favour of granting renewal applications to these existing operators for the current time.”

40. Plans

The authority is seeking to strengthen the policy requirements as it relates for plans accompanying applications for SEVs. The authority acknowledges feedback from those who have engaged in the licensing process that, at times, plans accompanying applications have not been sufficiently clear, up to date and/or sufficient for the purpose of commenting on individual applications.

Section 6 of the existing policy outline the policy requirements as they relate to plans accompanying applications. Proposed changes (where in bold sections indicate the proposed changes):

21. 6.1 Replace “The plan shall be drawn at a scale of 1:100 and shall show” with **“All plans submitted must be drawn at a scale of 1:100, clearly indicate the scale and must be clear and fully legible.”**
22. Replace h) “The dressing room of performers” with **“The room(s) allocated to allow performers to rest, dress and store personal items including any bathrooms or other facilities set aside for exclusive use by performers.”**
23. **New section o) “Must clearly indicate the location, layout and sizes of all booths inside the premises used for “Relevant Entertainment””.**
24. **New section p) “All plans accompanying the application must have a clear drawn date and reference number indicated.”**

Question: Do you agree, or disagree, with the authority’s proposal to amend the policy requirements for plans to accompany applications? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

At the end of the day both the licensing team and the licensing committee have long had the ability to ask for plans with these details on and have chosen to ignore concerns and queries raised multiple times by those engaging with the licensing process.

Unless you all chose to enforce the terms of this licensing policy then the problems you highlight above will not be resolved.

41. Designated Person in Charge

The authority is proposing to implement a new requirement on applicants for SEV licenses, including subsequent/renewal applications, to clearly identify a designated person in charge.

Similar to the role of a Designated Premises Supervisor under the Licensing Act 2003, the designated person in charge will be the key person who will be responsible for the day-to-day management of the licensed SEV, including (but not limited to):

- 16. responsibility to ensure compliance with law and licensing conditions;
- 17. being available during inspections and;
- 18. able to respond to requests by the police or authorised officers of the council for information, evidence (i.e. CCTV footage) and/or addressing immediately issues arising from the operation of the SEV.

The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement? (required)

☒ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

42. Factors for consideration- Discretionary grounds (a) and (b)

The authority is proposing to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b).

This is to assist licence holders, potential licence holders, the public and the Licensing Committee with further guidance on relevant matters to consider when determining applications. Grounds (a) and (b) are:

A licence may be refused where:

- k) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;*
- l) 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 themselves.*

The proposed supplementary guidance is:

In considering the suitability of those persons referred to in (a) and (b) above, the factors the Council may take into account includes:

- relevant experience;
- relevant criminal convictions;
- whether the person has committed relevant offences;
- relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises;
- relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equality Act 2010)
- information germane to the person's ability to, among other things:
 - ensure the safety and wellbeing of performers;
 - ensure the proper protection of the public;
 - ensure the suitability of employees, performers and others using the venue;
 - prevent performance by or for those who may thereby be harmed, including minors;
 - understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises; and/or
 - engage constructively with the Council and other relevant regulators.

Question: Do you agree, or disagree, with the authority's proposal to supplement its licensing policy with additional guidance on discretionary grounds (a) and (b)? (required)

☐ Agree

☐ Disagree

Do you have any other comments to make in relation to this? (optional)

Why not include having an enhanced DBS? (this might include any warnings that have been issued to the persons but which are not a criminal conviction)

What do you consider to be a relevant conviction?

Equality Impact Assessment

In accordance with the authority's duties under the Equality Act 2010, an Equality Impact Assessment has been undertaken to inform the policy proposals outlined in this document.

As part of this consultation, the authority is seeking feedback on the Equality Impact Assessment that underpins the various policy proposals.

The Equality Impact Assessment is a separate document (to this consultation document) but forms part of the overall SEV policy consultation.

Question: Do you have any comments on the Equality Impact Assessment accompanying the proposed draft policy? (required)

☐ Yes

☐ X No

If "Yes", please provide your comments below: (optional)

I don't believe that the EIQ adequately covers sex-based concerns of women either in the vicinity of the club or more widely in society which is required per the Bournemouth judicial review.

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Cheltenham Borough Council

Cabinet – 16 September 2025

Budget Monitoring Report 2025-26 – position at 30 June 2025

Accountable member:

Councillor Peter Jeffries – Cabinet Member for Finance and Assets

Accountable officer:

Gemma Bell - Director of Finance, Assets & Climate (Deputy Section 151 Officer)

Accountable scrutiny committee:

Budget Scrutiny Working Group

Ward(s) affected:

All

Key/Significant Decision:

No

Executive summary:

This report provides the monitoring position statement for the financial year 2025/26 against the budget approved by Council on 21 February 2025. The purpose of this report is to notify members of any known significant variations to the budget for 2025/26 and highlight any key issues.

Regular budget monitoring exercises for services are carried out in liaison with Directors and cost centre managers. The budget is also regularly discussed with the Lead Member for Finance and Assets and the Cabinet. One of the key purposes of this exercise is to identify any major variations from the current approved budget that are anticipated to occur in the financial year. Any variations of more than £50,000 to revenue budgets identified at 30 June 2025 are outlined in this report.

The 2025/26 general fund budget forecast that £560,803 would be added to general

balances by the 31 March 2026. This was based on a Section 25 report prepared by the Section 151 Officer which assessed the level of general balances required to support the budget as £1.764m. This monitoring report shows that we are currently reporting estimated overspend in the general fund of £295,000. This means that by 31 March 2026 the forecast general balance would still increase to £1.561m but that the balance would be below the optimum level.

This is due to a number of conditions set within the Section 25 risk assessment coming to fruition. There are three services where volume of activity is impacting the income that they are contributing to the general fund. These are planning, building control and cremation income and the net impact is a pressure of £274,000 against the target budget. The assessment of the balance in the Section 25 report means we have made provision of £200,000 in the 2025/26 budget to allow for this but it does mean the contribution to general balances would need to be reduced to accommodate the fluctuation. It is therefore expected that the 2026/27 budget will need to make provision for another contribution to general balances to offset this.

The position of the Housing Revenue Account (HRA) revenue and capital budgets are currently under review. There are a number of known cost pressures as a result on ongoing resource issues with re-letting of void properties and addressing the high priority areas of the housing improvement plan including addressing actions relating to fire safety. Budget and forecasting activity is ongoing and additional resource is being on boarded within the finance team to support our capacity to support service managers to complete this work.

Underpinning this work is our commitment to close all outstanding fire actions by the end of October and as a result, the budget is subject to a detailed review to ensure resources are available to do this. A detailed report on the forecast position and actions taken to support the priorities of the housing improvement plan will be presented as part of the quarter two budget monitoring. This may include new targets for savings and efficiencies as the detailed costs of required work is understood.

Recommendation: That Cabinet:

- **notes the contents of this report, including the key projected variances to the general fund and update on the Housing Revenue Account ("HRA") 2025/26 revenue and capital budgets approved by Council on 21 February 2025 and the actions to ensure overspends are reduced as far as possible by the end of the financial year.**
-

1. Implications

1.1 Financial, Property and Asset implications

As detailed throughout this report.

Signed off by: Gemma Bell, gemma.bell@cheltenham.gov.uk, 01242 264124

1.2 Legal implications

None arising from the report recommendations

Signed off by: One Legal, legalservices@onelegal.org.uk, 01684 272012

1.3 Environmental and climate change implications

The investment set out in the capital programme and through the countywide Climate Co-ordinator role will help progress countywide carbon reduction initiatives. However, increased revenue investment is needed to maintain progress against the actions set out in the Climate Emergency Action Plan and this will continue to present a challenge for the council's budget without further funding support from central government.

Signed off by: Maizy McCann, Climate Change Officer

1.4 Corporate Plan Priorities

Taking action to ensure overspends are reduced as far as possible by the end of the financial year will help ensure that the council can continue to deliver its corporate objectives as set out in the 2025-2028 Corporate Plan.

Signed off by: Ann Wolstencroft, Head of Performance, Projects and Risk

2. Background

- 2.1. On 21 February 2025, Council approved the general fund revenue budget for 2025/26, including setting the Council Tax. The 2025/26 approved budget identified a savings target of £1.130m.
- 2.2. This report draws together the Council's budget forecast for 2025/26 at 30 June 2025 against the general fund revenue and capital budgets approved on 21 February 2025. It also summarises the status of the Housing Revenue Account (HRA) revenue and capital budgets for the same period.

3. General Fund Net Revenue Budget Position

- 3.1. The current net forecasted overspend for 2025/26 is £295k. This is made up of the total budget variances against all the current service expenditure and the forecast position of the savings programme for 2025/26. Service expenditure is forecast to be underspent by £110k and the slippage on the savings programme is currently expected to be £405k. This means the net position on the budget at year end is currently forecast to be a £295k overspend. The table below details the breakdown of the variances against the approved budget with further

explanation provided in Sections 3, 4 and 5.

Significant budget variances	Overspend / (Underspend) £	Para. Ref.
All Directorates		
Staffing Costs	(300,000)	8.1
Planning	110,000	8.2
Bereavement Services	264,000	8.3
Waste and Recycling	(153,000)	8.4
Investment Property Income	70,000	8.5
Building Control	(100,000)	8.6
Base Budget Variances	(110,000)	
At Risk Savings	405,000	9.1 – 9.5
Net projected overspend for the year	295,000	

4. Base Budget Variances

- 4.1. Due to the vacancies being carried across the organisation, staffing budgets are estimated to be £300,000 underspent based on the figures for the first three months of the year. The organisation is working to integrate shared teams across the organisation following the transfer of housing services back into the Council on 1 July 2024. Consequently, a number of vacancies are being held within both the general fund and housing revenue account. The 2025/26 pay award for the NJC has now been agreed and paid. It has come in above the budgeted 2% increase, at 3.2% across all grades. This underspend includes the net impact of covering the additional 1.2%.
- 4.2. The planning budget includes income from both planning applications and pre planning advice. A key element of the Council's medium term financial strategy is around supporting applications for development from across the town in order to generate economic growth in Cheltenham. Income from planning applications is currently forecast to be £70,000 below the budget set in February 2025. This is due to application numbers being lower than expected

when budget numbers were set. There are also a number of major applications awaiting decision on outline applications, however the time taken to process them, including s106 agreements, will defer the reserve matters applications into the next financial year.

Additionally, there is currently no expectation of any pre planning advice this year meaning that £40,000 of income will not be achieved. The planning service received a growth bid of £129,147 for 2025/26 to fund service re-design to meet the Government's National Planning Policy Review requirements and support growth in the town. Some of the additional pressure will be offset by staffing underspend where new posts have not been filled and this is included in 4.1. above. A report on the performance of the planning service against the business case for the additional growth will be prepared for review by the Leadership Team.

- 4.3. Bereavement services are currently forecasting a £264,000 overspend on the base budget. This is mainly attributable to a fall in sales and subsequent pressure on the achievement of the budgeted income targets for 2025/26. After the first quarter of the year, income is £101,000 behind the budgeted target – as a result of cremation numbers being 5.4% down on the same period for the previous year. Assuming that the same trend is experienced for the full year this would equate to a full year variance of £264,000.
- 4.4. Waste and recycling was included as part of a review of environmental services which was undertaken as part of the savings programme in 2024/25. One of the new measures which was introduced as part of the savings plan was charging for the delivery of recycling receptacles. This was further reviewed in December 2024 and charges were subsequently limited to once per order rather than once per receptacle. This has resulted in a forecast spend of £370,000 on receptacles, representing an overspend of £250,000 on the base budget. This is due to the increase in order volumes.

If receptacle purchases are capitalised as part of the approved capital budget for waste and recycling at year end, this will remove the revenue spend altogether. There are further projected underspends against waste and recycling as follows:

- £97,000 forecast underspend on the overall Ubico contract;
- £283,000 underspend on asset charges as vehicle replacement

placed against £347,000 pressure on material sales. With a reduction in kerbside collections, this results in a projected net underspend on waste and recycling of £153,000.

- 4.5. The Council have a diverse portfolio of investment properties which includes

retail, office space and a supermarket. The diversification of the portfolio meant the impact of the pandemic on the returns generated for the general fund were minimal. Ellenborough House is an office space in the town centre which has carried vacant space following changes to working habits which meant tenants reduced the space they had previously been leasing. A new tenant moved into occupation in June 2024 and rental income is now meeting the budgeted levels. However, there is some areas of vacant space for which the Council are currently bearing the cost of the service charge and business rates. These pressures are forecast to create a £70,000 overspend on budgets in 2025/26.

- 4.6. Building control income has exceeded the budgeted target in the first three months of the year by £100,000. This is a result of the service successfully bidding for a number of large contracts for significant new developments in the area and reflects the additional investment made into the team to differentiate themselves in the market. The forecast assumes that activity levels for the remainder of the year will be consistent with 2024/25 and any additional new work will have a positive impact on the current projection.

5. Delivery of the 2024/25 Savings Strategy

- 5.1. As part of the 2025/26 approved budget, a four-year savings strategy was approved which was weighted towards delivering £1.130m of base budget savings in 2025/26. This is an incredibly ambitious target, particularly in the current economic environment and the Council cannot afford complacency in the urgency of the delivery. Below is a table categorising the progress to date

Description	Deferred to 2025/26 due to timing £	Additional Savings/Income 2025/26 £	Total Savings 2025/26 £	Expected Delivery 2025/26 £
Sale of the Airport - current cost of debt and debt repayments	200,000		200,000	400,000
Repayment of a debt premium to reduce annual revenue cost	-	25,000	25,000	25,000
Commercial income generation from increased demand on our car parks	-	200,000	200,000	200,000
Income from EV charging points	35,000	25,000	60,000	
Income generated from property portfolio	80,000		80,000	
Disposal of property interests in line with the Council's Asset Management Strategy - cost savings and contribution to property resources	-	50,000	50,000	50,000
Channel shift of services to digital platform	35,000		35,000	
Review and re-alignment of resources for discretionary services	150,000		150,000	
Transition of housing services back in-house	-	200,000	200,000	50,000

Environmental Services Review	130,000	-	130,000	
			-	-
Total	630,000	500,000	1,130,000	725,000

- 5.2. Action has already been taken by officers and Members on the £725,000 of savings forecast as on track in the table above and these will continue to be monitored through the rest of the financial year. The current expectation is that these will be delivered and the budget adjustments made by 31 March 2026.
- 5.3. There is significant work to do on £405k of savings which are forecast as amber and red or, in the case of the environmental services review and EV charging points, where the original plans have changed and no longer generate the savings expected.
- 5.4. Likewise, although significant work has been undertaken on the transition of the housing services back to the Council, some of the financial benefits will not be experienced until 2026/27 and beyond. Some of the at risk £150,000 may be delivered in year through salary underspend and then fully accounted for in 2026/27 although this is very much dependent on the pressures experienced in resourcing as a result of Local Government Reorganisation which both requires resource and has also created a very difficult market in which to recruit to vacancies.
- 5.5. Senior Officers have been working with the Cabinet to review spend across all service areas against the Corporate Plan to determine whether services can be delivered differently and ensure our resources are aligned with key priorities. Proposals and options will continue to be discussed through the year to ensure that any unachieved savings have alternative plans or clear options for delivery in 2026/27.

6. The 2025/26 Capital Programme

- 6.1. A monitoring exercise has been carried out to ensure that the capital programme, approved by Council on 21 February 2025, are being delivered as planned within allocated capital budgets, some of which are timetabled to straddle two or more financial years. The approved 2025/26 capital programme totals £41.420m which includes unspent budgets from 2024/25 which were approved to be carried forward as part of the 2024/25 outturn report to Council. See Appendix 2 attached to this report for a breakdown of the individual capital projects.
- 6.2. During the 2025/26 financial year, other projects and schemes may come to light which require investment by the Council. These proposals will be considered by the Cabinet and approval will be requested through the relevant channels in line

with the Council's Budget and Policy Framework Rules.

7. Community Infrastructure Levy (CIL) and Section 106 Contributions

7.1 In December 2023, the Council agreed to pool its strategic CIL monies with its Strategic and Local Plan partners Gloucester and Tewkesbury through the governance of a [Joint Committee](#). The first meeting of the CIL Joint Committee took place on 12th November 2024 and agreed the prioritisation methodology for the future allocation of CIL monies. At a meeting on the 4 March 2025, the CIL Joint Committee considered CIL bids for fundings against a combined infrastructure fund of £18,351,039. It was agreed that this would be split as follows:

- 25% future CIL income will be ringfenced for allocation to projects which the districts consider of local strategic significance. At the time of the Joint Committee, this value was £4,587,760
- 75% of the current Infrastructure Fund (£13,763,280) will be allocated to be applied to, and funding agreements entered into with Gloucestershire County Council in respect of:
 - a. M5 Junction 10 Scheme – up to £10,000,000.
 - b. M5 Junction 9 and A46 (Ashchurch) Transport Scheme - £1,000,000.
 - c. Mass Rapid Transport - £1,000,000.
 - d. Cheltenham Spa Railway Enhancements (Honeybourne Line cycle path extension) - £770,424.
 - e. Cheltenham Cycle Spine (Extension to Bishops Cleeve) - £592,856; and
 - f. Gloucester to Haresfield Cycle Spine Design - £400,000.

7.2 At a further meeting on 14 July 2025 the CIL Joint Committee made allocations of CIL funding as follows:-

- £150,000 be allocated to the Combined Waste & Recycling Depot for Tewkesbury and Cheltenham Borough Councils (feasibility) split equally from the local infrastructure fund proportion as follows:
 - a. £75,000 Tewkesbury Borough Council local strategic fund receipts
 - b. £75,000 Cheltenham Borough Council local strategic fund receipts; and
- £120,000 be allocated to the Replacement Legion Footbridge Project (feasibility) funded 100% from Tewkesbury Borough local infrastructure fund receipts.

- 7.3 The parish element of CIL monies is paid directly to the Parish Councils, the neighbourhood element is held by the Council and spent on the community's behalf via the CIL Neighbourhood Panel. The Neighbourhood CIL element committed £128,355 in June 23 and £119,938 in July 2025.
- 7.4 5% of CIL is allocated to the administration of CIL and this contributes to staff costs, purchase and management of software and supporting administrative activities.
- 7.5 Section 106 has over £3.568m carried over from 2024/25. The bulk of this sum is set aside for affordable housing and has to be spent between five and 15 years from when received. In relation to public art contributions, there are a number of commitments, one is against the Honeybourne project with a committed spend of £86,500. The project scope is currently being refined to ensure that the S106 outputs meet existing commitments. The remaining £153,351 has to be spent within ten years from when it was received in November 2023.
- 7.6 See Appendices 3 & 4 for a breakdown of the amounts held in Section 106 and CIL contributions respectively.

8. Conclusion

- 8.1. The current monitoring position of the 2025/26 budget demonstrates that even with the financial planning decisions taken by Officers and Members over recent years, we are still facing volatility in managing the resources available to the Council to deliver services to our residents and communities.
- 8.2. The 2025/26 general fund budget forecast that £560,803 would be added to general balances by the 31 March 2026. This was based on a Section 25 report prepared by the Section 151 Officer which assessed the level of general balances required to support the budget as £1.764m. This monitoring report shows that we are currently reporting estimated overspend in the general fund of £295,000. This means that by 31 March 2026 the forecast general balance would still increase to £1.561m but that the balance would be below the optimum level.

9. Consultation

- 9.1. Appropriate members and officers were consulted in the process of preparing the monitoring position and associated reports and appendices.

10. Performance management – monitoring and review

- 10.1. The budget position will continue to be monitored by the Finance team throughout the year and a revised budget will be presented to the December Cabinet with the 2026/27 draft budget proposal. The Budget Scrutiny Working

Group are also due to meet in the Autumn to discuss the position outlined in this report.

Report author:

Gemma Bell, Director of Finance, Assets and Climate

Appendices:

1. Appendix 1 - Risk Assessment
2. Appendix 2 - General Fund Capital Programme Monitor to 30 June 2025
3. Appendix 3 - Section 106 Statement Q1 2025/26
4. Appendix r - CIL Statement Q1 2025/26

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
52	If the Council is unable to come up with long term solutions which close the gap in the medium term financial strategy then it will find it increasingly difficult to prepare budgets year on year without making unplanned cuts in service provision.	Cabinet	5	4	20	Reduce	<ul style="list-style-type: none"> - Commercial strategy & activities - Quarterly budget monitoring - Cabinet engagement - budget proposals - Increased capacity in the finance team - Cabinet Away Day challenge and decisions - Ongoing monitoring of targets for workstreams/services 	Director of Finance & Assets	Ongoing
403	Prioritisation of capital resources – If CBC are unable to prioritise medium term projects and programmes which require significant capital financing, then it will increasingly have to rely of borrowing to fund service	Cabinet	5	4	20	Reduce	<ul style="list-style-type: none"> - Ongoing review and alignment of the capital programme with the Corporate Plan - Quarterly budget monitoring - Cabinet engagement - budget proposals 	Director of Finance & Assets	Ongoing

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
	investments increasing the pressure on our revenue budgets to fund repayments.						<ul style="list-style-type: none"> - Gateway reviews of all projects through the Corporate Programme office - Cabinet Away Day challenge and decisions - Business case and approval for all new projects, including allocation of resource and budgets 		
53	If General Balances are not strengthened then insufficient reserves will be available to cover unanticipated spend or deficits resulting in the levels which will consequently fall below the minimum required level as recommended by the Section 151 Officer in the council's Medium Term Financial Strategy	Director of Finance & Assets	5	3	15	Reduce	The MTFs is clear about the need to enhance reserves and identifies a required reserves strategy for managing this issue. In preparing the budget for 2025/26 and in ongoing budget monitoring, consideration will continue to be given to the use of fortuitous windfalls	Director of Finance & Assets	Ongoing

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
							and potential future under spends with a view to strengthening reserves whenever possible.		
199	If the Government review concludes significant changes to business rate retention, Government grant funding or Council Tax generation for Cheltenham then the MTFS budget gap may increase, requiring greater savings than already planned.	Director of Finance & Assets	5	4	20	Reduce	<p>The Council joined the Gloucestershire pool to share the risk of fluctuations in business rates revenues retained by the Council.</p> <p>The Gloucestershire S151 Officers continue to monitor business rates income projections and the performance and membership of the pool / pilot.</p> <p>Work with members and Gloucestershire LEP to ensure Cheltenham grows its business rate base.</p>	Director of Finance & Assets	Ongoing

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Code	Directorate / Scheme	Scheme Description	Budget 2025/26 £	Forecast 2025/26 £	Budget 2026/27 £	Budget 2027/28 £	Budget 2028/29 £
	<u>FINANCE, ASSETS & REGENERATION</u>						
CAP026	IT Infrastructure	5 year ICT infrastructure strategy	100,000	100,000	175,000	100,000	100,000
CAP035	Civic Events Space	Funding for an event space to become a potential Council Chamber and meeting space following the sale of the Municipal Office building.	500,000	-			
CAP036	Resurfacing of the Regent Arcade Car park	To meet the obligations of the lease, resurfacing of the car park.	13,379	13,379			
CAP529	Floor strengthening work and survey at the Pittville Pump Rooms	To strengthen the sprung flooring and ensure the appropriate surveys can be carried out on the ceiling of the Pump Rooms	258,720	258,720			
CAP037	Decarbonisation of Leisure@	To finance the investments in LED lighting and pool covers.	327,365	327,365			
CAP038	Fixed Power Installation in Festival Gardens	To deliver a fixed power supply and distribution in the Festival Gardens.	500,000	-			
CAP014	Digital Platform for Cem & Crem	To develop a digital platform to replace the current records system used by Bereavement Services	-	5,539			
CAP209	Asset Management Strategy Implementation	To provide funding for the implementation of strategies to increase the profitability and longevity of our fixed assets.	100,000	100,000	100,000	100,000	100,000
CAP227	Housing Delivery	Enabling the delivery of Private Rented Sector (PRS) Housing.	4,500,000	-	4,500,000	4,500,000	
CAP402	National Cyber Innovation Centre Delivery	Delivery of the National Cyber Innovation Centre at Golden Valley.	28,643,752	28,643,752	70,330,330		
CAP228	Housing Enabling	Expenditure in support of enabling the provision of new affordable housing in partnership with registered Social Landlords and the Homes and Communities Agency (HCA)	252,746	252,746			
CAP515	Minster Innovation Exchange	20,000 sq ft purpose-built commercial space adjacent to the Minster	14,600	14,837			
CAP015	Excavator Purchase	To purchase an excavator for the cemetery to deliver a revenue saving in the existing cost of hiring plant.	33,250	33,250			
CAP518	Sandford Park toilets	Provide for new public toilet provision at Sandford Park	150,000	-			
CAP606	Crematorium Scheme - existing chapel	Redevelopment of existing chapel	50,000	50,000			
			35,443,812	29,799,588	75,105,330	4,700,000	200,000
	<u>PLACE & COMMUNITIES</u>						
CAP030	- Carbon Neutral agenda	Seed funding to deliver the actions needed, as outlined in the report to Full Council in October 2019, to facilitate the Council's ambition to become carbon neutral by 2030.	68,691	68,691			
CAP102	Play Areas Enhancement	We are tendering one large playground improvement contract.	159,522	159,522	80,000	80,000	80,000
CAP229	Noise Monitoring Equipment	The replacement of two noise monitoring systems required for the Council to undertake it's statutory duty to survey noise.	24,000	24,000			

CAP135	Commercialisation opportunities within the Cheltenham Trust	Invest a sum of £1m to pump prime the commercial opportunities identified by The Cheltenham Trust (including investment which both sustains and grows income at the Town Hall);	87,990	104,922			
CAP201	CCTV	Additional CCTV in order to improve shopping areas and reduce fear of crime	75,000	75,000			
CAP221	Disabled Facilities Grants	County Council Grant funding for the provision of building work, equipment or modifying a dwelling to restore or enable independent living, privacy, confidence and dignity for individuals and their families.	500,000	500,000	500,000	500,000	500,000
CAP224	Warm & Well	A Gloucestershire-wide project to promote home energy efficiency, particularly targeted at those with health problems	58,600	-	18,400	18,400	18,400
CAP301	Vehicles and recycling equipment and receptacles	Replacement vehicles and recycling equipment	4,803,523	3,000,000	455,132	1,574,600	74,500
CAP306	In Cab Technology	The introduction of an In-Cab system would reduce the mileage required to be completed by Ubico, because it would guide the crew around their collection route and would largely eliminate mistakes.	20,000	20,000			
CAP158	Pest Control Van Replacement	To replace one of the existing end of life vans with a more efficient model.	25,000	25,000			
CAP501	Allotments	Allotment Enhancements - new toilets, path surfacing, fencing, signage, and other improvements to infrastructure.	154,608	-			
			5,976,934	3,977,135	1,053,532	2,173,000	672,900
	TOTAL CAPITAL PROGRAMME		41,420,746	33,776,723	76,158,862	6,873,000	872,900

Funded by:					
General Fund Capital Receipts	6,123,683	4,032,484	810,132	1,854,600	354,500
Capital Reserve	-	-			
RCCO (funded from reserves)	-	5,539			
Prudential Borrowing	5,841,965	342,202	4,500,000	4,500,000	
Partner Funding	-	-			
Borrowing/Capital Receipts	14,017,632	14,017,632	70,330,330		
Levelling Up Round 3 Funding	14,626,120	14,626,120			
Capital Grant or Contribution	292,946	252,746			
Better Care Fund	518,400	500,000	518,400	518,400	518,400
Total	41,420,746	33,776,723	76,158,862	6,873,000	872,900

APPENDIX 3: SECTION 106 STATEMENT 2025/26

Detail	Contributions	YEAR of receipt	Balance @ 1/4/25 £	Accounting Adjustment	Receipts/ Refunds in year £	Amounts Applied to fund Cap expend £	Transferred to Revenue £	Grants & Contributions @ 30/6/25 £
RECEIPTS IN ADVANCE								
Long Term								
DEV008	Newland Homes Prestbury Road - affordable housing	20/21	(39,637.20)					(39,637.20)
DEV009	Vistry Homes- Starvhall Farm-affordable homes	22/23	(2,184,947.30)					(2,184,947.30)
DEV010	Bromford Dev Ltd - Village Road	22/23	(5,000.00)					(5,000.00)
DEV011	Pate Court S106 Contribution	22/23	(397,995.61)					(397,995.61)
DEV012	Miller Homes re Shurdington Road	23/24	(4,000.00)					(4,000.00)
DEV013	Brookworth Homes Ltd - Parabola Rd development	23/24	(209,640.72)					(209,640.72)
B7410 CAPITAL			(2,841,220.83)		-	-	-	(2,841,220.83)
TOTAL GRANTS RECEIPTS IN ADVANCE			(2,841,220.83)	-	-	-	-	(2,841,220.83)
CAPITAL GRANTS UNAPPLIED SECTION 106								
Housing Enabling (affordable housing)								
DEV004	Pegasus Life - John Dower House	16/17	(466,550.00)					(466,550.00)
			(466,550.00)		-	-	-	(466,550.00)
Public Art								
DEV101	Dunalley St-Public Art	10/11	(3,299.47)					(3,299.47)
DEV106	12/13 Hatherley Lane (B&Q) - Public Art	12/13	(7,371.68)					(7,371.68)
DEV107	Devon Avenue - Public Art	12/13	(1,414.96)					(1,414.96)
DEV110	Spirax Sarco St Georges Road	13/14	(6,500.00)					(6,500.00)
DEV111	Public Art - Midwinter site	14/15	(50,000.00)					(50,000.00)
DEV112	Wayfinding - University Pittville Campus	14/15	(1,257.05)					(1,257.05)
DEV113	Taylors Yard, Gloucester Road - Public Art	17/18	(30,000.00)					(30,000.00)
			(99,843.16)		-	-	-	(99,843.16)
PlaySpaces								
DEV010	Bromford Dev Ltd - Village Road	23/24	(153,351.00)					(153,351.00)
			(153,351.00)		-	-	-	(153,351.00)
Other								
DEV302	Former Gas Club flood defence maintenance contribution	18/19	(8,000.00)		-			(8,000.00)
			(8,000.00)		-	-	-	(8,000.00)
Section 106 Totals - Capital Grants Unapplied (BAL101)			(727,744.16)		-	-	-	(727,744.16)
TOTAL Section 106			(3,568,964.99)		-	-	-	(3,568,964.99)

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			Invoices Raised	TBC Admin	Parish Share	Neighbourhood Share	CBC Strategic Share
2019/20	From Exacom Sytem		£325,856.37	£16,292.82	£13,729.53	£34,391.43	£261,442.60
	Paid out in 19/20			£3,699.14			
	Carrying amount			£12,593.68	£13,729.53	£34,391.43	£261,442.60
2020/21	Opening Amount			£12,593.68	£13,729.53	£34,391.43	£261,442.60
	From Exacom Sytem		£328,584.41	£16,429.22	£24,647.03	£24,574.61	£262,933.55
	Paid out in 20/21			£9,958.79	£11,556.20		
	Carrying amount			£19,064.11	£26,820.36	£58,966.04	£524,376.15
2021/22	Opening Amount			£19,064.11	£26,820.36	£58,966.04	£524,376.15
	From Exacom Sytem		£540,805.62	£27,040.28	£13,601.29	£66,649.55	£433,514.50
	Paid out in 21/22			£47,616.23	£10,821.33		
	Carrying amount			-£1,511.84	£29,600.32	£125,615.59	£957,890.65
2022/23	Opening Amount			-£1,511.84	£29,600.32	£125,615.59	£957,890.65
	From Exacom Sytem		£2,183,807.75	£109,190.39	£306,523.05	£17,540.11	£1,750,554.21
	Paid out in 22/23			£69,578.97	£156,218.47		
	Carrying amount			£38,099.58	£179,904.90	£143,155.70	£2,708,444.86
2023/24	Opening Amount			£38,099.58	£179,904.90	£143,155.70	£2,708,444.86
	From Exacom Sytem		£1,007,490.26	£50,374.51	£98,810.30	£43,409.47	£764,771.12
	Paid out in 23/24			£50,238.50	£162,210.02	£62,972.26	
	Carrying amount			£38,235.59	£116,505.18	£123,592.91	£3,473,215.98
2024/25 Qtr1	Opening Amount			£38,235.59	£116,505.18	£123,592.91	£3,473,215.98
	From Exacom Sytem		£213,009.97	£10,650.50	£19,432.45	£11,739.05	£171,187.98
	Paid out in 24/25			£43,154.91	£16,629.54	£2,500.00	
	Carrying amount			£5,731.18	£119,308.09	£132,831.96	£3,644,403.96
2024/25 Qtr2	Opening Amount			£5,731.18	£119,308.09	£132,831.96	£3,644,403.96
	From Exacom Sytem		£5,695,048.56	£284,752.43	£826,529.83	£27,352.16	£4,556,414.14
	Surcharges		£7,651.96				
	Paid out in 24/25			£43,154.91	£65,263.30	£16,882.74	
2024/25 Qtr3	Opening Amount			£247,328.70	£880,574.62	£143,301.38	£8,200,818.10
	From Exacom Sytem		£633,960.27	£31,698.01	£72,436.00	£21,356.50	£508,469.76
	Paid out in 24/25			£43,154.91			
	Carrying amount			£235,871.80	£953,010.62	£164,657.88	£8,709,287.86
2024/25 Qtr4	Opening Amount			£235,871.80	£953,010.62	£164,657.88	£8,709,287.86
	From Exacom Sytem		£2,453,778.77	£122,688.94	£49,968.95	£315,796.92	£1,965,323.96
	Paid out in 24/25			£43,154.91		£13,000.00	
	Carrying amount			£315,405.83	£1,002,979.57	£467,454.80	£10,674,611.82
2025/26 QTR1	Opening Amount			£315,405.83	£1,002,979.57	£467,454.80	£10,674,611.82
	From Exacom Sytem		£270,500.06	£13,525.03	£4,273.84	£35,757.80	£216,943.39
	Paid out in 25/26			£172,098.84	£395,454.64	£21,500.00	
	Carrying amount			£156,832.02	£611,798.77	£481,712.60	£10,891,555.21

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Briefing Note

Cheltenham Borough Council corporate risk register – update

Committee: Cabinet

Date: 16/09/2025

Responsible officer: Victoria Bishop – Governance, Risk and Assurance officer

This note provides information to keep Members informed of matters relating to the work of the Cabinet or a committee but where no decisions from Members are needed.

If Members have questions relating to matters shown, they are asked to contact the officer indicated.

There are currently 42 risks on the corporate risk register.

- Five risks were added to the corporate risk register this quarter
- Three risks were closed and archived this quarter
- One risk was suspended
- Two risks increased since their last assessment
- 11 risks reduced since their last assessment

Below is a summary of some of these recent changes.

New risks:

Five risks were added to the corporate risk register this quarter:

1. **Demand for Housing accommodation:** If the number of asylum seekers and refugees and homelessness generally continues to increase in Cheltenham, and there is insufficient accommodation to meet the demand for housing then there will be increased pressures on homelessness and rough sleeping services.
 - a. Raw risk score - 20
 - b. Current risk score – 16
2. **Lifeline alarm service:** If we continue to experience delays in answering times with the lifeline alarm services then this delays emergency response times which could have a potential risk to life, safeguarding concerns and reputational damage.

- a. Raw risk score - 20
- b. Current risk Score – 15 when added to risk register early in August but as of 20/08/2025 has been reduced to 10

Three of those added were confidential risks and so cannot be shared in a public forum.

Closed risks

Three risks were closed and archived:

- 1. **Golden Valley:** If Southern Parcel Outline Planning Approval is delayed, or not granted, then this would have a significant impact on the delivery of Golden Valley
 - a. Risk Score when closed – 20
 - b. Closed because the risk did not materialise
- 2. **Cheltenham Carbon Neutral:** If we fail to make the Council carbon neutral by 2030 then we will not achieve our corporate objectives.
 - a. Risks Score when closed – 12
 - b. Closed because of amendments to the corporate strategy, risk has been merged, other carbon neutral risk still remains on risk register
- 3. **Energy costs (Gas and Electric):** If energy costs keep rising / fluctuating as per the current market then it impacts on our ability to accurately budget/forecast expenditure & may impact on the investments we can make in projects / programmes whilst still being able to achieve our MTFS.
 - a. Risk Score when closed – 8
 - b. Closed because of low risk and updated controls, is now managed at service level

One risk score was suspended:

- 1. If there is insufficient emergency accommodation for households to access in times of emergency (e.g. extreme cold weather) or overnight emergency, then there could be injury to the household.
 - a. Risk score when suspended – 12
 - b. This risk is now being managed on a service level risk register, as it is a seasonal risk it is possible it will be added to the corporate risk register again at a later date, hence why it is suspended and not completed and archived.

Overview of change in risk score:

Two risks increased since their last assessment.

- **Housing Revenue Account:** If the housing revenue account becomes unviable then this may result in the council being unable to fund service delivery, investment in existing homes and the delivery of new housing
 - 01/07/2025 - Raised this risk to a 20 but could go down to a 16 when all mitigating actions are in place and effective
- **Void Properties:** If the management of void properties does not improve then this will lead to increased costs associated with additional use of temporary accommodation, reduced rent collection and failure to comply with the statutory timescales in relation to the use of temporary accommodation
 - 27/06/2025 - Updated the risk scores, risk has increased in terms of raw risk and we think that previous current risk was an underestimate so have brought up to 12, likely to reduce at next assessment as the mitigation's improve in effectiveness.

11 reduced since their last assessment. This is higher than previous quarters due to a change in the risk assessment process (documented in annual report to cabinet), the improvement in how we are documenting mitigating actions has allowed us to better assess the difference between the raw risk score (without mitigating actions) and the current risk score (with mitigating actions).

Those that reduced were:

- **Prioritisation of capital resources:** If CBC are unable to prioritise medium term projects and programmes which require significant capital financing, then it will increasingly have to rely of borrowing to fund service investments increasing the pressure on our revenue budgets to fund repayments.
 - 01/07/2025 - Current risk reduced from 20 to 16 due to mitigating actions
- **M5 J10 Planning:** If CBC and TBC do not come to an agreement with GCC as Local Highways Authority, in regard to the highway capacity in advance of the full build out of M5 J10, then this may have a major impact on how planning applications are considered and impact on meeting the councils 5-year housing land supply.
 - 23/06/2025 - Reduced current risk slightly to a risk of 16 given the mitigating actions that are in place.
- **Medium Term Financial Strategy:** If CBC is unable to come up with long term solutions which bridge the gap in the medium-term financial strategy, then it will find it increasingly difficult to prepare revenue budgets year on year without making unplanned cuts in service provision.

- 01/07/2025 - Current risk reduced from 20 to 16 due to mitigating actions
- **Government's Fair Funding Review:** If the Government review concludes significant changes to business rate retention, Government grant funding or Council Tax generation for Cheltenham then the MTFS budget gap may increase, requiring greater savings than already planned.
 - 01/07/2025 – Risk amended from 16 to 15
- **Cheltenham Carbon Neutral:** If we fail to make Cheltenham carbon neutral by 2030 then we will not achieve our corporate objective.
 - 01/07/2025 – Risk reduced from 20 to 12 - Changes to reflect ongoing recruitment, procurement activity as part of transition into finance and assets. Have updated the current risk, risk mitigation and residual risk.
- **Publica Information Technology (IT):** If the Councils do not effectively manage the changes to Publica then we may lose valuable IT Staff putting the councils IT systems at risk.
 - 10/07/2025 - Reduced risk from 16 to 12 as a result of updated mitigating actions
- **Stock Condition Data:** If there is a failure to maintain accurate, in date stock condition data then this means we are unable to plan spend, evidence investment, demonstrate accurate decent homes data and provide assurance that tenant's homes are safe.
 - 27/06/2025 - Reduced risk from 16 to 12 as a result of updated mitigating actions
- **Cost of living crisis:** If medium term risk of inflation continues then this may impact on the councils financial stability, our ability to deliver services & major developments and have a negative impact on our residents & team members
 - 0/07/2025 - Risk reduced from 16 to 12
- **Rough Sleeping Initiative funding:** If there are external financial changes to jointly commissioned arrangements for Rough Sleepers, then the council may have to increase its funding via the General Fund in order for the service provision to continue at current standards.
 - 23/06/2025 - Changed the risk wording, updated the risk scoring from 12 to 9 and updated the mitigating actions.
- **Failure to support nature and biodiversity:** If we fail to deliver projects to support nature, then there will be a potentially irreversible impact on local biodiversity due to climate change, with implications for the well-being of our communities.

- 23/06/2025 - Reduced the risk score to 6 from 9. Some controls in place but not all.
- **Ability to resource/manage multiple concurrent incidents:** If we have multiple concurrent incidents we may not be able to resource them all & this will impact effectiveness of response & impact business continuity.
- 10/07/2025 – updated current risk to a 5 as a result of updated mitigating actions, previous assessment considered too high

The highest risks on the corporate risk register are:

The below risks have a risk score of 20 overall.

Risk ID	Risk Status	Risk Title	Risk Description	Risk Manager	Date Raised	Risk Category (Multi-Select)	Proximity	Raw Likelihood & Impact	Current Likelihood & Impact
142	Active	Leisure & Culture Venues	If the council does not have a long term vision & investment plan in place for its leisure & culture venues then significant unplanned maintenance, repairs & investment may be required to keep the venues running & it may undermine the ability of the Trust (or any future provider) to run leisure & culture services in a profitable way.	Richard Gibson	14/01/2025	Financial Reputation Customer satisfaction H&S wellbeing Contractual governance	Over 1 year	20	20
159	Active	Housing Revenue Account	If the housing revenue account becomes unviable then this may result in the council being unable to fund service delivery, investment in existing homes and the delivery of new housing.	Gemma Bell	21/01/2025	Financial Customer satisfaction Performance Governance	Within 6 months	20	20
145	Active	Prioritisation of capital resources	If CBC are unable to prioritise medium term projects and programmes which require significant capital financing, then it will increasingly have to rely of borrowing to fund service investments increasing the pressure on our revenue budgets to fund repayments.	Gemma Bell	20/02/2025	Financial Capacity Reputation Governance	Within 6 months	20	16
146	Active	M5 J10 Planning	If CBC and TBC do not come to an agreement with GCC as Local Highways Authority, in regard to the highway capacity in advance of the full build out of M5 J10, then this may have a major impact on how planning applications are considered and impact on meeting the councils 5 year housing land supply.	Tracey Birkinshaw	07/05/2025	Contractual governance Performance	Within 6 months	20	16
147	Active	Property Compliance	If there is ineffective management of property compliance then this will result in regulator intervention and reputational damage.	Claire Hughes & Paul Jones	14/01/2025	Governance Reputation Customer satisfaction H&S wellbeing	Over 1 year	16	16
151	Active	Impact of lack of 5 Year housing land supply	If the housing delivery action plan, which seeks to address the lack of a 5 year housing land supply, is ineffective then will need to consider alternative actions.	John Spurling	14/01/2025	Reputation Capacity Performance	Over 1 year	16	16

152	Active	Cheltenham Trust	If the Trust is unable to deliver on its five year business plan & run leisure & culture services in a profitable way (within context of cost of living crisis) then the council may incur financial costs to ensure the organisation remains solvent.	Richard Gibson	14/01/2025	Financial Reputation	Over 1 year	16	16
153	Active	Cheltenham, Gloucester & Tewkesbury Strategic & Local Plan	If there is a failure to gain political consensus across the partners to reach key milestones & failure to adequately resource work then this would impact on reaching milestones which would lead to delay, costs, lack of delivering statutory part of development plan & potential special measures.	John Spurling	21/01/2025	Reputation Contractual governance Financial Performance Capacity Governance Legal	Within 6 months	25	16
157	Active	Cyber Security	If CBC have a cyber security breach then this could impact the Council's ability to deliver services leading to resident hardship, financial loss & reputational damage.	Ann Wolstencroft	21/01/2025	Reputation Governance Financial	Within 6 months	20	16
158	Active	Local Government Reorganisation	If local government re-organisation is not managed effectively then it may impact on financial viability, services to residents and staff motivation and retention.	Gareth Edmundson	12/12/2024	Employee Financial Capacity Reputation Customer satisfaction Performance Governance	Over 1 year	16	16
160	Active	Medium Term Financial Strategy	If CBC is unable to come up with long term solutions which bridge the gap in the medium-term financial strategy, then it will find it increasingly difficult to prepare revenue budgets year on year without making unplanned cuts in service provision.	Gemma Bell	21/01/2025	Financial Capacity Customer satisfaction Governance Reputation	Within 6 months	20	16
188	Active	Demand for Housing accommodation	If the number of asylum seekers and refugees continues to increase in Cheltenham, via the home office and there is insufficient accommodation to meet the demand for housing then there will be increased pressure on homelessness and rough sleeping services.	Claire Hughes	25/06/2025	Financial Capacity Customer satisfaction Performance Reputation	Within 6 months	20	16

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