

# Cheltenham Borough Council Council

**Meeting date:** 22 June 2026

**Meeting time:** 2.30 pm

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

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## **Membership:**

Councillors Martin Horwood (Chair), Glenn Andrews, Victoria Atherstone, Paul Baker, Adrian Bamford, Garth Barnes, Graham Beale, Angie Boyes, Jackie Chelin, Barbara Clark, Julia Chandler, Flo Clucas, Mike Collins (Vice-Chair), Ashleigh Davies, Chris Day, Cathy Dearden, Iain Dobie, Callum Eldridge, Jan Foster, Steve Harvey, Rowena Hay, Cecily Henderson, Sandra Holliday, Jamie Jamieson, Peter Jeffries, Tabi Joy, Richard Lawler, Alisha Lewis, Tony Oliver, Dr Helen Pemberton, Richard Pineger, Karen Priest, Julie Sankey, Stan Smith, Arthur Snell, Dr Steve Steinhardt, Izaak Tailford, Julian Tooke, Simon Wheeler and Suzanne Williams

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

**Phone:** 01242 264 246

## **1 Apologies**

## **2 Declarations of interest**

## **3 Minutes of the last meeting (Pages 5 - 10)**

Minutes of the Extraordinary meeting held on 4 June 2026.

## **4 Communications by the Mayor**

## **5 Communications by the Leader of the Council**

## **6 To receive petitions**

## **7 Public Questions**

These must be received no later than 12 noon on Thursday, 11 June 2026

## **8 Member Questions**

These must be received no later than 12 noon on Thursday, 11 June 2026.

## **9 Revisions to Sexual Entertainment Venue (SEV) Licensing policy (Pages 11 - 232)**

Report of the Leader

## **10 The 'making' of the Leckhampton with Warden Hill Neighbourhood Plan (Pages 233 - 296)**

Report of the Cabinet Member for Planning and Building Control

## **11 Notice of Motions**

## **12 Any other item the Mayor determines as urgent and which requires a decision**

## **13 Local Government Act 1972 -Exempt Information**

**The Council is recommended to approve the following resolution:-**

“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

**14 Exempt Minutes (Pages 297 - 306)**

Exempt minutes of the Extraordinary meeting held on 4 June 2026

Gareth Edmundson  
Chief Executive

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# Council Minutes

Meeting date: 4 June 2026

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## In attendance:

### Councillors:

Martin Horwood (Chair), Mike Collins (Vice-Chair), Glenn Andrews, Paul Baker, Adrian Bamford, Garth Barnes, Graham Beale, Angie Boyes, Jackie Chelin, Barbara Clark, Julia Chandler, Ashleigh Davies, Cathy Dearden, Callum Eldridge, Jan Foster, Steve Harvey, Rowena Hay, Cecily Henderson, Sandra Holliday, Jamie Jamieson, Peter Jeffries, Richard Lawler, Alisha Lewis, Tony Oliver, Dr Helen Pemberton, Richard Pineger, Karen Priest, Julie Sankey, Stan Smith, Dr Steve Steinhardt, Izaac Tailford, Julian Tooke, Simon Wheeler and Suzanne Williams

### Also in attendance:

Claire Hughes (Director of Governance, Housing and Communities), Gareth Edmundson (Chief Executive), Adele Taylor (Interim Director of Finance and Operations (S151 Officer)) and Martin Chastney (Head of Development - Major Developments & Regeneration)

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## 1 Apologies

Councillors Atherstone, Clucas, Day, Dobie, Joy, and Snell

## 2 Declarations of interest

There were none.

## 3 Minutes of the last meeting

The minutes of the Annual and Selection Council and the Extraordinary meeting of Council held on 18 May were approved and signed as a correct record.

## 4 Communications by the Mayor

The Mayor informed Council that he had attended the ceremony to mark the awarding of National Nature Reserve status, as part of the King's Series, to the

Cheltenham Escarpment, known locally as Leckhampton Hill and Charlton Kings Common.

He emphasised that the NNR status will help protect and celebrate the hill and the escarpment for future generations, while strengthening Cheltenham's reputation as a town where nature, wellbeing and heritage are deeply valued.

### **5 Communications by the Leader of the Council**

The Leader provided an update on Local Government Reorganisation (LGR), focusing specifically on the Structural Changes Order (SCO) process recently initiated by Government. A background briefing note on the SCO process had been circulated to all Members which provided useful context to the matters outlined.

She made the following points :

- Government has requested that all Gloucestershire councils submit representations on the SCO by 16 June, allowing less than one month to respond. Councils have been required to comment on all three LGR proposals, rather than a preferred option only.
- Concern was raised regarding:
  - The short timescale, which was considered insufficient.
  - The sequencing of the process, with the SCO proceeding prior to confirmation of the LGR outcome.

She felt that this approach is unacceptable given the scale of work required.

In terms of Member Engagement, the Leader said that, due to these time constraints, no scheduled Council meetings aligned with the consultation period to allow formal debate. As a result, she set out the Council's provisional position as follows to ensure transparency with the full submission to be presented to Council at a future meeting:

### **Continuing Authority vs New Council**

- Strong preference for a new unitary council rather than continuing Gloucestershire County Council as the authority.
- Rationale:
  - Original agreement anticipated all seven councils ceasing.
  - A new council would enable a clear cultural and structural break from existing arrangements.

### **Joint Committees**

- Limited timeframe likely allows formation of one or two joint committees.
- Agreed principle:

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- Equal representation (50/50 split): 6 County and 6 District Members.
- Governance arrangements:
  - Single unitary: One committee, chaired by the County Council Leader.
  - Two unitary model: Two committees, each chaired by a District representative.

### **Naming of Authorities**

- Broad agreement on naming conventions:
  - Single unitary: Gloucestershire Council
  - Two unitaries: East Gloucestershire and West Gloucestershire
- Importance highlighted of selecting appropriate names at the outset to avoid future disruption.

### **Parish and Town Council Election Alignment**

- General support for aligning parish and town council elections with new unitary arrangements for administrative simplicity.
- parish and town councils should have a direct say, as it is not appropriate for principal councils to determine this unilaterally.

### **Ward Boundaries**

- For both single and East/West models:
  - Interim use of existing County divisions, pending a future boundary review.
- The Greater Gloucester proposal was noted to include:
  - A higher councillor-to-electors ratio for Gloucester compared to other areas.
- CBC position:
  - Strong support for parity of representation across Gloucestershire.
  - concern that unequal representation would be unacceptable in principle.

### **Civic Arrangements**

- Importance stressed of preserving Cheltenham's borough status, including maintaining Civic traditions and the role of the Mayor
- Alignment noted with the Council's ongoing Community Governance Review.

### **Implementation Arrangements**

- A single unified officer team will be established regardless of the chosen model.
- This will be chaired by the Chief Executive of Gloucestershire County Council
- Certain statutory roles will vary depending on the final model:

The Leader acknowledged the complexity and volume of information involved and welcomed Member feedback on the briefing.

Members were thanked for their understanding given the constraints imposed by Government. It was hoped that outlining the Council's position publicly was both useful and necessary for the public record.

**6 To receive petitions**

None received.

**7 Public Questions**

None received.

**8 Member Questions**

None received.

**9 Any other item the Mayor determines as urgent and which requires a decision**

None.

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

**RESOLVED THAT**

**The Council is recommended to approve the following resolution:-**

“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

**11 A Property Matter (2601)**

The Cabinet Member Major Developments and Housing Delivery introduced the report.

Members had the opportunity to ask questions and then moved to debate.

The Leader requested a recorded vote and with seven Members standing in their seats, this was approved.

**RESOLVED (unanimously) THAT**

The recommendations as laid out in the report be approved.

**VOTING:**

FOR: Councillors Andrews, Baker, Bamford, Barnes, Beale, Boyes, Chandler, Chelin, Clark, Collins, Davies, Dearden, Eldridge, Foster, Harvey, Hay, Henderson, Holliday, Horwood, Jamieson, Jeffries, Lawler, Lewis, Oliver, Pemberton, Pineger, Priest, Sankey, Smith, Steinhardt, Tailford, Tooke, Wheeler, Williams

AGAINST 0;

ABSTAIN 0

**12 A Property Matter (2602)**

The Cabinet Member Major Developments and Housing Delivery introduced the report.

Members had the opportunity to ask questions and then moved to debate.

**RESOLVED (unanimously) THAT**

The recommendations as laid out in the report be approved.

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## Cheltenham Borough Council

### Full Council – 22 June 2026

### Revisions to Sexual Entertainment Venue Policy

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**Accountable member:**

Leader, Councillor Rowena Hay

**Accountable officer:**

Licensing and Public Protection Manager, Michelle Bignell

**Ward(s) affected:**

All Saints, College, Lansdown and St Paul's

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**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 have been completed, and Council is asked to adopt the draft policy.

**Recommendations: That Council:**

1. notes the consultation feedback;
2. adopts the revised policy document attached at Appendix 6.

#### 1. Implications

##### 1.1 Financial, Property and Asset implications

If we were to not license SEV's, the financial impact would be a loss of around 9k income.

**Signed off by:** Ela Jankowska, Finance Business Partner

**Date:** 03.06.2026

## 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.

3. **Signed off by:** Alison McKane, Interim Deputy Monitoring Officer **Date:** 01.06.2026

## 1.3 Environmental and climate change implications

Non arising from this report

**Signed off by:** Maizy McCann, Climate Officer **Date:** 01.06.2026

## Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Quality Homes, safe and strong communities

## 1.4 Equality, Diversity and Inclusion Implications

As outlined in Appendix 7 of this report.

## 1.5 Performance management – monitoring and review

Through normal regulatory decision making.

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## 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 on a frequent basis.

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)<sup>1</sup>;
- 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 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;

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<sup>1</sup> 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.

- 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 (DPA)" 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 DPA 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, first 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 6 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. The consultation ran for 6 weeks and ended on 24 March 2025. Attached at appendix 3 and 4 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 DPA 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

DPA locality, the revised policy proposes additional guidance to ensure the authority's policy and approach is clear and unambiguous.

Please refer to section 5.1.2 of this report for further consultation.

- 4.4.3 **Maximum number of permitted licences** – The authority consulted on a maximum number of permitted SEV licences within the DPA 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 DPA locality on a case-by-case basis.

- 4.4.4 **Amend the DPA to incorporate the Promenade (A4015)** - The authority consulted on amending the DPA 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.

Please refer to section 5.1.1 of this report for further consultation.

- 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 24 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 26 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 19 of appendix 6.

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 6.

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 9 to 10 of appendix 3.

## **5 Cabinet meeting, working group and second consultation**

- 5.1 The outcome of this consultation was considered by the authority's Cabinet in September 2025. Following the September 2025 Cabinet meeting, and considering the consultation feedback, two further proposed changes to the policy were proposed and were the subject further consultation.

- 5.1.1 The first change was to the DPA and that it should be defined as the Purple Flag area. Purple Flag is an externally assessed accreditation for town and city centres that have safe, welcoming, and well-managed nightlife and evening economies.

In proposing to change the DPA, the authority recognises that the Purple Flag accredited area:

- Is recognised as the borough's evening and night-time area;
- Offers a more varied situation in as much as it has a much wider mix on offer, particularly in the night-time economy and it may therefore be appropriate to consider applications for SEVs in the area;
- Provides further options for venue locality that adhere to avoiding 'sensitive locations' within the policy
- Is externally assessed as safe, accessible and generally well managed; and
- Is an area that is already subject to high levels of regulation, monitoring and enforcement.

Furthermore, the proposed amended DPA will provide greater opportunity for licensed operators to carefully consider the location of their venues so to not offend locations/premises or uses deemed sensitive as outlined in the policy.

The majority (156 to 16) disagreed with extending the current DPA to be defined as the Purple Flag area.

Summarizing the main comments in relation to this proposal (Appendix 5),

- Strong calls for a zero SEV policy across all of Cheltenham
- Concerns that SEVs increase fear of crime and reduce safety, especially for women and girls
- Belief that SEVs are linked to sexual exploitation and human trafficking
- Moral and ethical objections, viewing SEVs as degrading and misogynistic
- View that SEVs conflict with Cheltenham's family-friendly, cultural identity
- Opposition to expanding the designated area, seen as unnecessary and harmful
- Concern that changes would normalise and legitimise the sex industry
- Objections to SEVs being located near homes, schools, churches, and community spaces
- Fears that SEVs worsen behaviour during events like race week (e.g. alcohol, disorder, "sex tourism")
- Perception that proposals prioritise economic gain over community wellbeing and dignity

**Concerns that the Purple Flag accreditation promotes safety and that SEVs do not demonstrate this.** The authority disagrees with this. There is no local evidence that shows the operation of SEVs contribute to an increase in crime and/or disorder including sexual exploitation and human trafficking. This is reflected in the operational police's evidence during the Licensing Committee's engagement sessions, the authority's own data and by the robust data - that is independently assessed – required for the Authority to gain accreditation. SEVs are robustly and highly regulated in the ENTE, therefore incidents of crime and/or disorder, directly attributable to SEVs are very low.

The authority recognises that sexual entertainment venues (SEVs) may contribute to the perception and/or fear of crime, and this is acknowledged. This issue is also

reflected in the accompanying Equality Impact Assessment, which notes that such activities are likely to continue, either unlicensed or, preferably, within a licensed and regulated framework. Where these venues operate under a licensing regime, the authority, in partnership with the police, can ensure they are appropriately inspected, subject to robust conditions, and effectively monitored. This enables the authority to scrutinise their operation and address any concerns relating to crime and disorder, whether actual or perceived.

**SEVs as degrading and misogynistic that normalise and legitimise the sex industry** – The authority acknowledges these concerns. However, it is under a statutory obligation to disregard moral considerations when adopting this policy. The authority recognises that Parliament has made the operation of sex establishments lawful and that such businesses form a legitimate part of the retail and leisure industries. Accordingly, the authority's role, as Licensing Authority, is to administer the licensing regime in accordance with the law. The authority understands the broader concerns regarding SEVs. Nevertheless, in the interests of public safety and protection, it considers that a system in which SEVs are licensed and properly regulated is preferable. The authority will continue to adopt this approach unless and until the Government takes steps to address the infrequency exemption.

**Objections to SEVs being located near homes, schools, churches, and community spaces** – As part of the wider policy review and consultation, and in response to concerns raised, the authority sought to strengthen its guidance and policy approach in relation to equality (particularly Protected Characteristics) and buildings or premises with sensitive uses or located in sensitive areas. While each case will continue to be determined on its own merits, the authority considers that these strengthened measures will address concerns previously raised by residents, objectors and businesses.

In light of the above and the rationale for the proposed changes, it is recommended that Council adopts the revised licensing area as set out.

- 5.1.2 The second proposal was to the list of considerations of the location of licensed premises. The current policy's list of considerations can be found under paragraph 12.4 of the existing policy. It was proposed to make some changes to the list of relevant considerations. These proposed changes are highlighted below (**bold and underlined**).

These proposed changes seek to address issues and considerations raised by both operators and objectors since the last policy review that the authority deems necessary to reflect and promote the overall policy and legislative aims.

- *The fact that the premises are sited in a residential area*
- *Whether the premises are sited near shops used by or directed at families or children, or on frontages frequently passed by the same*
- Whether the premises are sited near properties which are sensitive by virtue of their use **during operating hours, deemed to be so by the authority, on a case-by-**

**case basis and with particular reference to protective characteristics where these are known by the authority:**

- **age**
  - **disability**
  - **gender reassignment**
  - **marriage and civil partnership**
  - **pregnancy and maternity**
  - **race**
  - **religion or belief**
  - **sex**
  - **sexual orientation**
- *Whether the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families*
  - **The characteristics of any adjoining localities**
  - **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;**
  - **Any existing planning or regeneration policy/plan/strategies relevant to the area;**
  - **History of complaints relevant to the premises;**
  - **Whether, as a direct consequence of the grant, renewal or variation of the licence, any other premises will be required to change their operating hours.**

The majority (136 to 36) disagreed with these amendments.

A summary of the main points and comments made by the consultees are (Appendix 5):

- Strong opposition to SEVs, with many calling for zero venues in Cheltenham.
- Resistance to issuing new licences or expanding the permitted area (Purple Zone).
- Concerns that SEVs would damage the town's reputation and identity as a cultural, family-friendly destination.
- Fears that expansion would shift the town centre toward a late-night economy and deter visitors and investment.
- Significant safety concerns, particularly regarding risks to women, children, and vulnerable people.
- Beliefs that SEVs are linked to exploitation, coercion, and broader criminal or harmful activity.
- Concerns about impacts on residents, especially given the town centre's residential population.
- Objections that SEVs would negatively affect key community, cultural, and public spaces.
- Criticism that current policy and safeguards are inadequate, inconsistent, or difficult to enforce.

- Moral and social objections that SEVs undermine community values and provide limited public benefit.

Whilst there was strong opposition to the proposals to strengthen the guidance and policy approach in relation to equality and buildings or premises with sensitive uses or located in sensitive areas, none of the comments were directly relevant to the specific issue. From the summary of comments above, Members will note that these largely reflect the points made in relation to paragraph 5.1.1, which have already been addressed. In light of this, it is recommended that Council adopts the proposed strengthened guidance and policy approach in relation to equality and buildings or premises with sensitive uses or located in sensitive areas, as outlined.

### **6 Other comments**

6.1 The Authority recognises that this is a sensitive subject and fully commits to protecting its residents and visitors. The Authority is heartened to see that, after years of lobbying, the government have committed through its publication of its strategy to build a safer society for women and girls, that was published in December 2025, that it will '*consider whether the licensing regime for Sexual Entertainment Venues should be amended to prevent sexual exploitation in the night-time economy and during festivals and sporting events*' and will continue to advocate for this.

### **7 Reasons for recommendations**

7.1 The recommendations are necessary for full consideration of the consultation feedback and to enable Full Council to make decision on the adoption of the policy amendments so that that the authority can continue to effectively regulate SEVs in the interest of public safety and protection

### **8 Alternative options considered**

8.1 The Full Council can decide not to adopt any, or some, of proposals outlined in the report.

### **9 Key risks**

9.1 As outlined in Appendix 1.

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#### **Report author:**

Michelle Bignell, Licensing and Public Protection Manager,  
[michelle.bignell@cheltenham.gov.uk](mailto:michelle.bignell@cheltenham.gov.uk)

**Appendices:**

- i. Risk Assessment
- ii. Consultation report and responses (Feb/March 2025)
- iii. Individual responses (Feb/March 2025)
- iv. Consultation report and responses (January 2026)
- v. Individual responses (January 2026)
- vi. Draft policy for adoption incorporating changes as outlined in this report
- vii. Equality Impact Assessment

**Background information:**

[Cheltenham Borough Council's Cabinet meeting – 16 September 2025](#)

[Cheltenham Borough Council's current Sexual Entertainment Venue Policy Statement](#)

[UK Government Strategy to build a safer society for women and girls – December 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 authority does not approve draft changes to the policy it would be less able to effectively regulate sexual entertainment venues in the borough.	Licensing and Public Protection Manager	2	3	6	Accept	Adoption of draft policy	Accept	
	If the authority is not mindful of its Public Sector Equality Duty in reviewing the policy it risks a breach of this duty and the risk of reputational damage and legal challenge.	Licensing and Public Protection Manager	2	3	6	Accept	Adoption of draft policy	Accept	Page 26
	If the authority does not consider consultation comments robustly it may put the authority at risk of judicial review.	Licensing and Public Protection Manager	2	3	6	Accept	Adoption of draft policy once comments have been considered.	Accept	

## Consultation - Review of Sexual Entertainment Venue Licensing Policy

58 Responses 25:59 Average time to complete Closed Status

### 1. Name (optional)

23 Responses

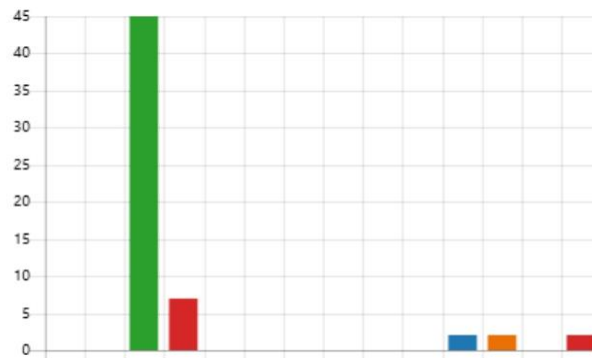
Latest Responses

"GRASAC"



## 2. Which best describes the capacity in which you are responding to this consultation:

<span style="color: blue;">●</span> A councillor / committee	0
<span style="color: orange;">●</span> A Member of Parliament	0
<span style="color: green;">●</span> A resident of Cheltenham	45
<span style="color: red;">●</span> A resident not of Cheltenham	7
<span style="color: purple;">●</span> A performer	0
<span style="color: brown;">●</span> A sexual entertainment venue ...	0
<span style="color: magenta;">●</span> A customer of sexual entertain...	0
<span style="color: grey;">●</span> A licence holder (bars, clubs, e...	0
<span style="color: olive;">●</span> A non-licensed / other busine...	0
<span style="color: cyan;">●</span> A statutory body (police, OPC...	0
<span style="color: blue;">●</span> An advocacy or other group / ...	2
<span style="color: orange;">●</span> A support service / organisati...	2
<span style="color: green;">●</span> A religious organisation, grou...	0
<span style="color: red;">●</span> Other	2



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

● Agree 32  
● Disagree 26



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](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?**



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?**



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?



From other sources:

Agree: 2 Disagree: 2

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?

- Agree 27
- Disagree 31



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...



# 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 discretion<sup>1</sup> 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)**

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**

<sup>1</sup> 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><b>It is important not to create a loophole whereby the claim can be made that photographs and images do not constitute advertisements.</b></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"> <li>1. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);</li> <li>2. whilst ensuring public protection and safeguarding though:</li> </ol>

	<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?  <b>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?</b></p>	
<p>Conditions 22 &amp; 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 &amp; 26 as stated? (required)</p> <p>X Disagree</p> <p>Do you have any other comments to make in relation to this?  <b>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”.</b></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> <ol style="list-style-type: none"> <li>a. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;</li> <li>b. The location of such room(s), must be marked on the plan of the premises;</li> <li>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</li> </ol>

	<p>subject to the approval of the authority;</p> <ul style="list-style-type: none"> <li>d. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</li> <li>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</li> <li>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.</li> </ul>
<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"/> <b>Broadly Agree</b></p> <p>Do you have any other comments to make in relation to this?</p> <p><b>(f) suggests smoking is being allowed in the premises in the first sentence (but not the second).</b></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" <b>but retain</b> "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>X Disagree</p> <p>Do you have any other comments to make in relation to this? (optional)</p> <p><b>This creates a loophole where it can be claimed any such movement was accidental.</b></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?  <b>Replace "it to be" with "must be"</b></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"> <li>a) There is no presumption that there will be automatic renewal of licences</li> <li>b) There is no presumption that new objections without changes in material factors should be automatically dismissed</li> <li>c) There is no presumption that SEV Policies should remain unamended unless new material factors arise.</li> </ul> <p>Otherwise the process will inevitably become bogged down in argument about what constitutes "new material factors".</p>
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## 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 licencing 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 it's 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.

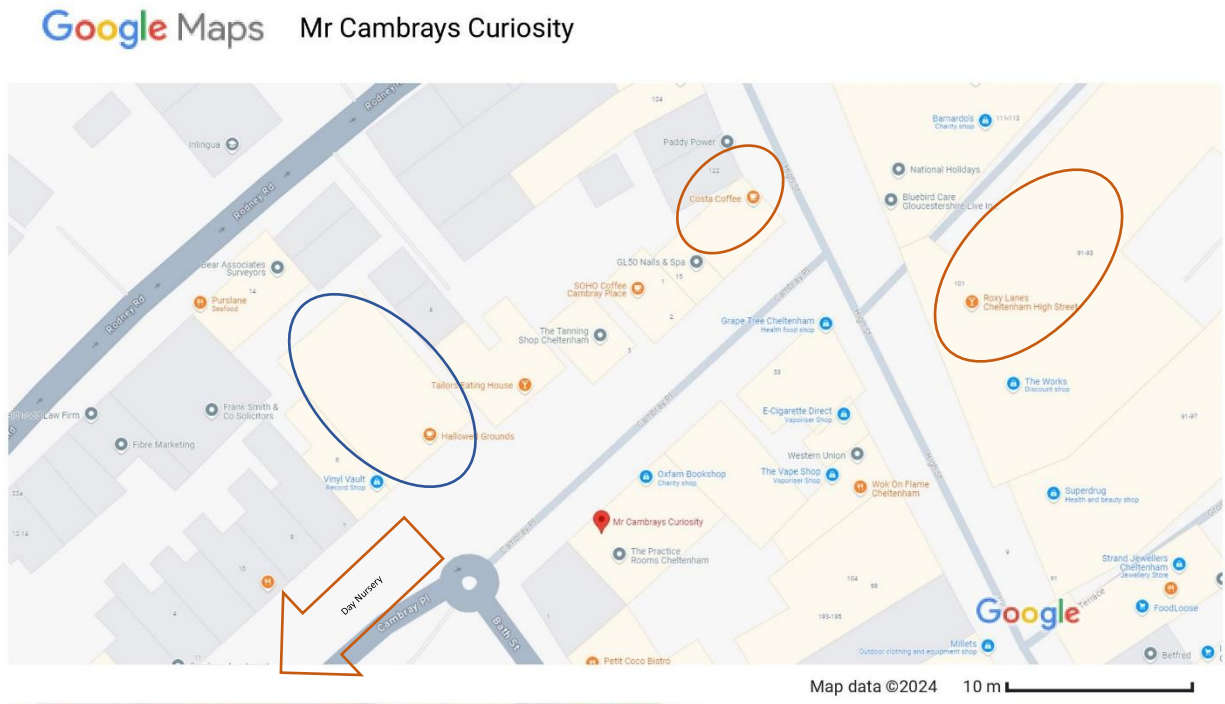
## Background

- 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.**



**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 1<sup>st</sup> September 2023-30<sup>th</sup>

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 characteristic<sup>2</sup> 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.**

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<sup>2</sup> 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 harassment<sup>3</sup>.
- 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

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<sup>3</sup> 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 equality<sup>4</sup>.

**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 <sup>5</sup>	Sept 24 <sup>6</sup>
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.**

<sup>4</sup> 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).

<sup>5</sup> Note this was a renewal of licence application which sought to also (automatically) renew previous variations.

<sup>6</sup> 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 girls<sup>7</sup>.**

### 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?

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<sup>7</sup> 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.

- g) 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.
- h) 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.
- i) 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_-_sex_establishment_and_sexual_entertainment/921/sexual_entertainment_venues))
- 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.
- n) 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.
- 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)<sup>8</sup>. 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

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<sup>8</sup> 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 (NTE<sup>9</sup>) 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  
2025

4<sup>th</sup> March

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<sup>9</sup> NTE is used to differentiate the ATCM Purple Flag scheme from the NHS Purple Flag for safety of students in clinical settings.

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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 leafletting 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 unlicenced 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 discretion<sup>10</sup> 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

<sup>10</sup> 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"> <li>5. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);</li> <li>6. whilst ensuring public protection and safeguarding though:</li> <li>7. restricting the "exempt" advertisement content; and</li> <li>8. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.</li> </ol>
<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"> <li>j. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</li> <li>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</li> <li>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.</li> </ul>
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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)

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.

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.</p>	<p>Partly amend to remove "Any bodily contact between entertainers or performers or" <b>but retain</b> "Any movement that indicates sexual activity or simulated sex between</p>
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	<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 <b>FUTURE</b> 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 discretion<sup>11</sup> 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

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<sup>11</sup> 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><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>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"> <li>9. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);</li> <li>10. whilst ensuring public protection and safeguarding though:</li> <li>11. restricting the "exempt" advertisement content; and</li> <li>12. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.</li> </ol>
<p>Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 6 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>Conditions 22 &amp; 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 &amp; 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>	
<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"> <li>m. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;</li> <li>n. The location of such room(s), must be marked on the plan of the premises;</li> <li>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</li> </ul>

	<p>facilities may be implemented subject to the approval of the authority;</p> <ul style="list-style-type: none"><li>p. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</li><li>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</li><li>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.</li></ul>
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Question: Do you agree, or disagree, with the authority's proposal to change/amend condition 24 as stated? (required)

- XAgree
- Disagree

Do you have any other comments to make in relation to this? (optional)

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>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” <b>but retain</b> “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 discretion<sup>12</sup> 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)

<sup>12</sup> 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 though:
- 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.***

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**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.

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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:*

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*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  
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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.*

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## 28. Factors for consideration- Discretionary grounds (a) and (b)

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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
- Other not specified (please specify): \_\_\_\_\_

9. [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:

- 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)**

***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.***

#### 10. A nil limit

The authority has the discretion<sup>13</sup> 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:

29. An adopted “Designated Permitted Area” where the policy sets no limit on the number of licensed SEVs; and
30. 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)

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<sup>13</sup> 12(3)(c) of the Local Government (Miscellaneous Provisions) Act 1982

***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.

**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 a SEV licence in this location despite it falling outside the designated area and as such has set some precedence to justify the proposed change.*

### 31. 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:

- 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)

- 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:

- 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.

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.***

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Do you have any other comments to make in relation to this? (optional)

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*A licence may be refused where:*

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- 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.)
- 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 discretion<sup>3</sup> 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.



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**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 21<sup>st</sup> 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:

<b>Existing Condition</b>	<b>Change/amendment</b>
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)

Please see our comments below in respect of proposed Condition 6.

<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"><li>1. allow the greater flexibility for operators (recognising SEVs are a legitimate part of the retail and leisure industries);</li><li>2. whilst ensuring public protection and safeguarding though:</li><li>3. restricting the "exempt" advertisement content; and</li><li>4. implementing a proposed process whereby the authority will scrutinise and approve "exempt" advertisement content.</li></ol>
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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
- 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"> <li>a. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;</li> <li>b. The location of such room(s), must be marked on the plan of the premises;</li> <li>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;</li> <li>d. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</li> <li>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</li> <li>f. Such room(s) should provide separate and private smoking facilities for performers. Where direct access to separate and private smoking facilities for</li> </ul>
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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” <b>but retain</b> “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 rationale 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.

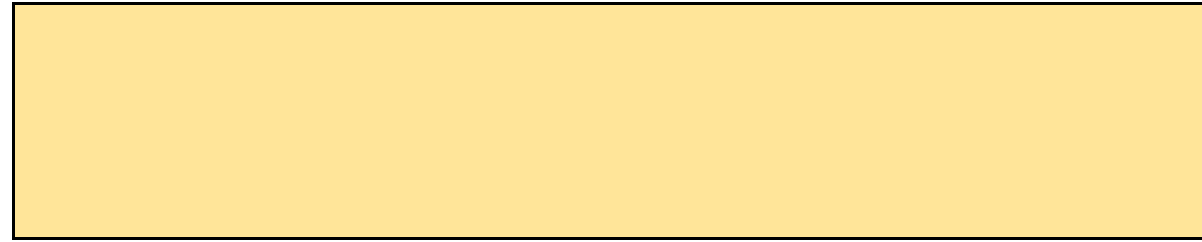
The designated person in charge will be specified on the licence.

Question: Do you agree, or disagree, with the authority's proposal to implement a "Designated Person in Charge" requirement? (required)

- 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 discretion<sup>14</sup> 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.

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<sup>14</sup> 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.**

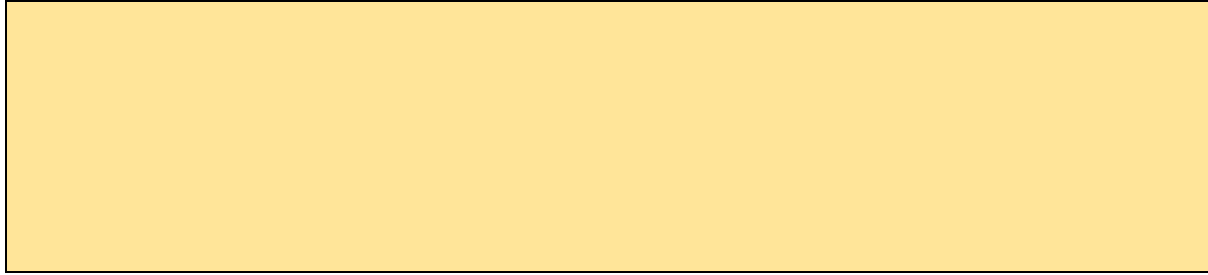
The rationale for setting this maximum limit is based the fact that licensing history and experience has suggested two licensed SEVs are sufficient to satisfy demand for this type of licensed activity and supports the proposed "Acquired Rights" (discussed later in this consultation document) policy.

**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 &amp; 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 &amp; 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"> <li>ee. Access to such room(s), must be restricted to performers only and reasonable measures put in place to ensure security and exclusive use;</li> <li>ff. The location of such room(s), must be marked on the plan of the premises;</li> <li>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;</li> </ul>

	<ul style="list-style-type: none"> <li>hh. Such room(s) must be fully accessible and unrestricted to performers during all times the premises is open and operating for Relevant Entertainment;</li> <li>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</li> <li>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.</li> </ul>
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Question: Do you agree, or disagree, with the authority’s proposal to change/amend condition 24 as stated? (required)

- XAgree
- Disagree

Do you have any other comments to make in relation to this? (optional)

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.

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><b>retain</b> “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>
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Question: Do you agree, or disagree, with the authority’s proposal to change/amend condition 25 as stated? (required)

Agree  
 X Disagree

Do you have any other comments to make in relation to this? (optional)

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.

I would also suggest that the following clarification is added –

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>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>
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Question: Do you agree, or disagree, with the authority’s proposal to change/amend condition 35 as stated? (required)

X Agree  
 Disagree

Do you have any other comments to make in relation to this? (optional)

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

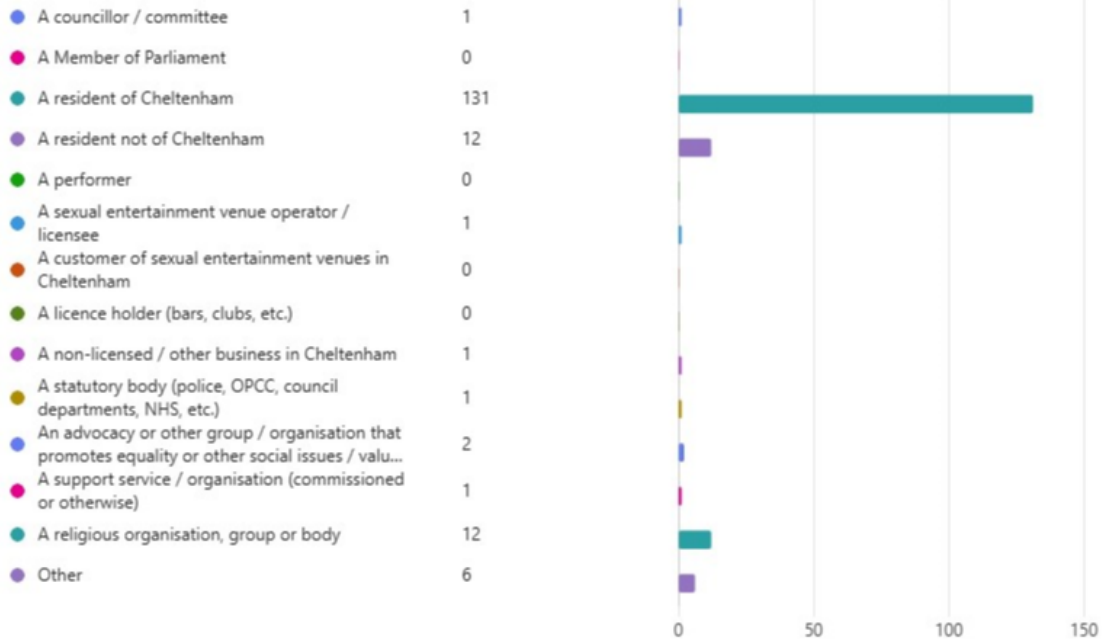
If "Yes", please provide your comments below: (optional)

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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## Respondents

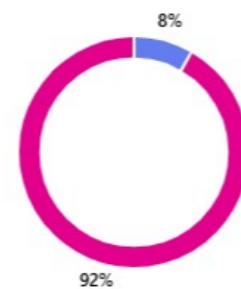
2. Which best describes the capacity in which you are responding to this consultation:



## Designated Permitted Area (DPA) responses

3. Do you agree, or disagree, with the proposed changes to the "Designated Permitted Area"?

● Agree	14
● Disagree	154



1. It makes sense to align like this

2. I don't think it should even be allowed at all.

3. SEVs should be in town where the punters, police and no residents would be. This would make it safer for the workers themselves as they can be picked up in well lit,

<p>public areas, where the public and police are present, reducing the chance of abuse. The purple area looks like a logical area to me</p>
<p>4. Not appropriate for a regency spa town After being at these SEVs just endangering the safety of women both in public and in the home</p>
<p>5. Cheltenham should have zero Sexual Entertainment Venues</p>
<p>6. Why? Cheap thrills to those who have money to spend but degrading to those expected to perform in need of money. We are currently becoming a sex on show, rewind life back before social media and show some self respect to us who live around and to those who perform!</p>
<p>7. These venues are way too obvious during the time they are open and make town very unwelcoming and unsafe for young women and children.</p>
<p>8. I would potentially agree if you had put any effort in to making this process clear and easy to read. I'm not clear on what it's being changed to, I can see the proposed area but not the current area.</p>
<p>9. The entire Cheltenham Borough area should have NIL SEV licenses. To allow SEVs in the town centre area means that people will feel unsafe visiting in the evening in an atmosphere charged with toxic masculinity. Fiddling about with the area will do nothing to improve the current situation....merely pass the buck on decision making to some unelected external body. I want our Councillors to take a brave stand not shrug their shoulders and say their hands are tied.</p>
<p>10. If it is a legitimate business which is ran properly. With security and well fair of employees and customers. I feel this is welcome and should be supported.</p>
<p>11. Looking at the different boundaries, to extend to the Purple Flag Area would massively increase the designated area. It would include all of Montpellier, further down each end of the High Street and all the way to the large Post Office. Conversely to the Purple Flag scheme being about keeping people safe at night, this would mean that there is nowhere in town that people (predominantly woman, who are already more at risk of male violence) can go that would be away from these Sexual Entertainment Venue. There were serious breaches reported from the clubs last year and there are always a large number of complaints about the licenses, and the surrounding behaviour of race attendees on local people's feelings of safety during the races. We are told time and time again that the Council's hands are tied as the licenses are legal. The Council have full control over the geographic area that they can be found in, so why make it easier and more attractive for more of these controversial venues to operate?</p>
<p>12. Massively extends the area which is unnecessary and will make it a "no go" area for women, it's bad enough that Cheltenham is full of drunk men on race days never mind if they've been to a sex show and been massively overstimulated.</p>
<p>13. The changes would increase the area of the town that would be made unsafe for women and girls by the licensing of more SEV's over a greater area of town. Men who come to Cheltenham to avail themselves of these disgusting and misogynistic services should not be encouraged. Increasing the area may be discriminatory for women,</p>

<p>either directly or indirectly, as it would increase the size of the no-go area for women wishing to avoid SEV's. It may also lead to claims of harassment by women as more men on the streets seeking this "entertainment" may harass women going about their normal business.</p>
<p>14. I have lived here for 25 years and i will never live anywhere else, race week is exactly what it is and its madness we do not have Designated Permitted Area already.</p>
<p>15. I think the appropriate number of SEVs in Cheltenham is zero for any part of the town at any time. The inclusion, safety and respect for the female half of the town's population should take precedence over an exploitative commercial enterprise during handful of days' horse-racing. CBC has an opportunity here to show some leadership and make a decision appropriate for our society in 2026.</p>
<p>16. We are swamped with sexual entertainment which is not a good thing as it is invariably skewed towards voyeurism, homosexuality or worse.</p>
<p>17. This should not be tolerated in any format in the town</p>
<p>18. There shouldn't be adult entertainment areas in Cheltenham. Even if for a few days during race meetings - it is degrading to women.</p>
<p>19. It should not be in the vicinity of places of worship in particular churches.</p>
<p>20. I strongly disagree with the proposal to redefine the Designated Permitted Area as the Purple Flag accredited area.</p> <p>Cheltenham's town centre is valued for its character as a family-friendly, cultural, and community-oriented place, not simply as a night-time economy zone. Purple Flag accreditation is intended to recognise safe and well-managed evening activity, but it should not be interpreted as an invitation to introduce sexual entertainment venues into the centre of town.</p> <p>The presence of SEVs would risk changing the tone and identity of the locality, with potential negative impacts on residents, visitors, and nearby businesses that do not align with this type of venue. A well-regulated area is not automatically an appropriate area for such premises.</p> <p>Cheltenham's existing nil limit outside the currently designated area reflects the importance of protecting sensitive locations and maintaining public standards. Expanding the permitted area would increase the likelihood of venues being placed near places used by families, young people, and vulnerable individuals, even if technically compliant with distance rules.</p> <p>This proposal would also normalise sexual entertainment in a way that many residents do not feel reflects the values or reputation of Cheltenham.</p> <p>For these reasons, I believe the current policy should remain in place, and the Designated Permitted Area should not be expanded.</p>
<p>21. I don't believe it is the nature of Cheltenham to be a host places for SEV's. Regardless of the event being hosted SEV's celebrate promiscuity, an attribute that does not align and should not align with Cheltenham character</p>

<p>22. Please don't allow this to take place.</p>
<p>23. It's awful</p>
<p>24. Sexual entertainment encourages mis treatment of women</p>
<p>25. Cheltenham has long benefited from a reputation as a refined, cultural, and commercially diverse town, attracting families, visitors, independent retailers, and professional services. The formal designation of a Purple Zone risks altering this perception, repositioning the town centre primarily as a late-night entertainment destination. Such a shift may undermine the town's established identity and deter daytime visitors, families, and higher-value retail activity.</p> <p>Evidence from other UK towns shows that Purple Zones often accelerate the displacement of independent retailers, drive rising commercial rents, and encourage a concentration of hospitality and late-night venues at the expense of balanced, mixed-use commerce. This results in reduced retail diversity, increased vacancy rates for non-hospitality units, and a gradual erosion of the character that makes town centres commercially resilient.</p> <p>There is also a reputational risk. Associating Cheltenham more closely with night-time drinking economies may negatively affect investor confidence, visitor perception, and the appeal of the town as a safe, high-quality destination for shopping, leisure, and cultural activity.</p> <p>For these reasons, I strongly urge the Council to reconsider the proposed Purple Zone designation and instead prioritise policies that protect Cheltenham's reputation, support diverse independent commerce, and promote a balanced town centre economy that benefits all residents, visitors, and businesses.</p>
<p>26. We do not need this in our town. It increases danger for women, it makes me, a young woman, feel unsafe around my own town I've grown up in. I think it is disgusting that we think because it brings in money we should be promoting activities such as this.</p>
<p>27. Many people, including families, live in the centre of town, in the areas indicated above, and whilst general entertainment venues are welcome and can enliven the area, particularly economically, sexual entertainment venues are a very different matter. I completely disagree with the normalisation and legitimisation of these kind of premises. The mob mentality of race week crowds (or just general groups out in town at night) can already be frightening and unpleasant, encouraging people's worst instincts and behaviours. Adding in the encouragement of sexual entertainment would only amplify this. I fear it promotes a very damaging message to both residents and visitors to Cheltenham</p>
<p>28. While framed as a protective or regulatory measure, the creation of a "purple area" would in reality amount to the Council actively facilitating and legitimising the sex industry within Cheltenham. Such a decision risks fuelling the very lust, exploitation, and moral harm it claims to mitigate, while reducing serious ethical concerns to a matter of management rather than principle. If adopted, this policy will place the Council on the wrong side of Cheltenham's history. Imagine if the person being objectified were your own daughter or someone you love; legitimising such treatment under the banner of regulation is not protection, but moral abdication.</p>
<p>29. This proposal is not inline with our town dignity and will effect families and communities that are living in the area</p>

<p>30. I strongly believe we should as a society be championing healthy sexual relationships within the context of loving relationships and nit through satisfying men's serial urges. We also must fight against the exploitation of women.</p>
<p>31. I'm a child. Please protect my town - preserve the dignity of Cheltenham.</p>
<p>32. I strongly object to this and is not suitable for Cheltenham</p>
<p>33. As a resident of Cheltenham and as a Christian, I cannot condone any licensing of this sort, let alone expanding its freedoms. It is degrading of human value and should not be promoted in any means.</p>
<p>34. I believe this change would result in further exploitation of women, potentially being trafficked int the area for race events and other large events that take place in Cheltenham. Women and men being sexually exploited need to be protected and the individuals that arrange these events should be subject to greater scrutiny.</p>
<p>35. I want to live in a place that feels safe for me and my daughters - that respects women as human beings rather than 'sexual entertainers'. My sons are also exposed to the message that women and sex are 'entertainment'. Which in the light of how children are being influenced by the likes of Andrew Tate is horrific, in 2026! Everything about this makes me feel more unsafe and vulnerable in Cheltenham. Especially during busier times like Cheltenham Races which sees the town flooded with mostly men from outside the area, drinking and betting. I know there are benefits to holding events like this for our town (I have lived here all my life) but offering sexual entertainment only gives the message that we don't value women here and 'anything goes'. We have to stay home during those weeks and avoid Cheltenham. Why encourage and promote so much harm for the sake of money?</p>
<p>36. I would agree that these venues are limited to a safe area, and that they be vigorously prevented in other locations. However, I would rather the Council prevent 'sexual entertainment' venues from opening at all. How do we maintain respect or positive culture for women, when men are paying to be 'sexually entertained' by women?</p>
<p>37. Hate it</p>
<p>38. As a valued member of the community, a qualified nurse at Leckhampton hospice for 20years , and widow having brought up 2 girls I am shocked to see the proposals. As a country with horrendous sexual exploits documented, I am aghast that further sexualisation in this way would be allowed. The races bring in trafficked girls already...morally shocking and dehumanising in a country supposed to be civilised. Please do not endanger women and our young people any more to satisfy the appetites of many in a way that can only cause shame and danger. Thankyou for reading this</p>
<p>39. Don't need this. I believe it would be bad for the town</p>
<p>40. As a Christian, I believe that local laws should do as much as possible to protect the victims of sexual trafficking into Cheltenham.</p>
<p>41. There is no need to expand the area</p>

42. I want Cheltenham to be a safe and wholesome environment and hope my political leaders will help ensure this. The proposed changes will not help in this aim. Please do not go down this road.
43. We don't want a permitted area in our town where this 'entertainment' (often at the expense of the vulnerable) can take place.
44. Cheltenham should be a safe and welcoming environment for women and men, both in the daytime and at night. Youth and children should be safe to be out in the evenings and witness good role models and society making upright and healthy lifestyles choices. To actively promote and encourage anything other than this is, in my opinion, is wrong.
45. Although I can see the desire to control the types of venue, this policy seeks to expand the amount of adult entertainment establishments. I don't believe we should allow Cheltenham to become a centre for sex tourism during races. That is not what Cheltenham should be and the Council should not be encouraging that.
46. I do not want to promote any sexual activity in Cheltenham which could promote crime against women or human trafficking. The council should not want this either.
47. These institutions perpetuate violence against women and encourage the moral degradation of society.
48. This is for Cheltenham to be a safe place for residents and visitors. It is to uphold values that are for the good of all in our society, whatever their age, demographic and ethnicity. It is to stand for what is right and wholesome and then experience the good consequences of such a stance.
49. Clients of these venues cannot be guaranteed to act in one manner within the venues and another once outside the doors. As such, the inclusion of the main campus of Cheltenham Ladies' College within the permitted area is completely inappropriate, as are any footpaths that might be used by clients going from the centre of Cheltenham to or from these venues coinciding with routes normally used by these female students (Bayshill Road south of St George's Road and adjacent areas.) I disagree with any expansion to the currently permitted area for SEVs beyond that in the July 2020 policy.
50. Im against such license
51. As I responded to the last survey on this, it is not the right thing for Cheltenham, we need a smaller not larger area. As a mother to young children, I want to preserve the dignity of Cheltenham so that it is a safe and pleasant place to live and socialise. I also care about women's rights and do not feel that pandering to the racegoer's whims is the right message to give to women in cheltenham.
52. The number of SEVs to be 3. I understand there may be a need for some but should not be pop-up and should be heavily regulated.
53. Whatever SEV policy is in place, Cheltenham town centre will be extremely busy during race weeks and provide vital income for Cheltenham businesses, especially pubs/bars/nightclubs. Allowing SEVs, even in limited numbers via a licence, surely has a negligible impact on this, and comes at the cost of risking increases in sexual harassment or assault, making areas of Cheltenham feel unsafe to women (both local and visiting), and creating a poor image of Cheltenham during its most important

<p>weeks of the year for tourism. Therefore, whilst I am glad that the “infrequency exemption” loophole is being removed, I believe it is in Cheltenham's best interests to not be licensing SEVs.</p>
<p>54. I think SEVs are detrimental to the reputation of our town. These venues often prey on vulnerable women and cannot guarantee their safety. I think it's wrong to use women for monetary gain and therefore I oppose SEVs in our town.</p>
<p>55. Subjects impressionable young people, upright residents and visitors to an increasingly unhealthy and seedy culture in what should be an honourable town of good character. Sends a signal of moral degeneration in the historic town of Cheltenham Spa.</p>
<p>56. As a resident of Cheltenham, I am concerned about the proposed expansion of the permitted area for Sexual Entertainment Venues in the town centre. With Cheltenham Races approaching and our community about to be especially busy, I believe this is the wrong direction for our town. Cheltenham should be a place that reflects dignity, safety, and respect for all people. Expanding this policy risks normalising an environment that undermines those values. I urge the council to consider what is truly good for the wellbeing of our community and to uphold what is honouring in the sight of God.</p>
<p>57. This should not happen and will be damaging to Cheltenham</p>
<p>58. This is Cheltenham. Do we really want more sexual entertainment venues for the Races? Would it not be signalling the further disintegration of the moral tone of the town?</p>
<p>59. The last thing we need is anything which could corrupt our teenagers.</p>
<p>60. Rather than reducing the number of SEVs in our town, this proposal would significantly increase the geographical area in which they could operate. I do not believe Cheltenham needs an expansion of SEVs, and I am concerned that broadening the permitted zone risks normalising and increasing their presence in key parts of the town centre.</p> <p>The existing permitted area does not include sensitive and prominent locations such as the Town Hall and the Montpellier area. Expanding to the Purple Flag zone would change this, allowing SEVs in areas that are widely used for community events, cultural activities, family gatherings, and tourism. This would fundamentally alter the character of those spaces.</p> <p>I strongly believe that the Council should instead be seeking to reduce the number of SEVs and introduce tighter controls, not expand opportunities for further licences. There are also wider concerns about the potential exploitation of vulnerable individuals who may become involved in the sexual entertainment industry. Any policy change should prioritise safeguarding and community wellbeing over commercial expansion.</p> <p>For these reasons, I do not support the adoption of the Purple Flag zone for SEVs and urge the Council to reconsider this proposal.</p>
<p>61. How should I explain to a young child i.e. our family living in this area what these establishments are all about? Better still, let's have our children attend a presentation given by Cheltenham Borough Councillors on the purpose of these establishments.</p>

Go on... you explain it. You're considering licensing these premises exactly where we live.

62. It is degrading and encouraging the sexual abuse of people. Prostitution and people trafficking at race week is already well established and this will just perpetuate it further

63. I want to start by saying I am an 18 year old male.

Does this make Cheltenham better? It's a very straight and obvious "no". No one will benefit and no one will win. This will only deface Cheltenham. This will result in more depression, not joy, more loneliness, not social wellbeing, more suffering, not success.

This lowers the standards of living in such a great place like Cheltenham. It's unsafe for both women and men to have this in the area, encouraging objectification and gender-based violence. There is no need for making something like this available, and it's solely for money-making and success via manipulation. This is not something anyone (resident or not) should be exposed to, young people in particular.

You know the crowd which will be manipulated by this. Young, impressionable people. If introduced, there will be the temptation for it to grow and grow.

There are so many better areas to grow, to invest in. Don't force Cheltenham to stoop this low. Preserve the beauty you know it has.

64. What type of society are we allowing our children and young adults to grow into. These venues must stop . They are exploiting women . If this doesn't stop now then what will be next?

So No to any venues or zones in town for sexual entertainment.

65. Although only anecdotal to my ears, I am assured by those in the know that the law has been broken by those using SEVs around race days in the town, principally in the form of the sex trafficking of some of the women involved in the venues. I am sure that there will be those in the town who would be able to provide prima facie evidence of this having happened historically. It is a breach of the law and a principal reason for my disagreement

66. I wouldn't want to see any expansion of the permitted area. The races for example seem to attract high levels of excess which in my view don't add anything to Cheltenham being a safe, friendly town. Expanding the permitted area just seems to encourage more of the bad stuff that comes with the races. Why do we want to encourage that?

67. Sex trade is appalling. We can't permit it. It puts women, men, girls, daughters, nieces, future wives etc at massive risk and treats humans as commodities, we are not. The fact that this is even being considered is utter madness. What on earth?

68. I don't think this helps the violence against women campaign - at its heart I think it's a way to make money fundamentally and it's hiding under regulation claiming this is a better way to protect women.

I think we should be aiming higher for our town and the women who live and visit here.

69. Cheltenham already has an appropriate SEV ratio to maintain its reputation as a decent and alluring town
70. I am concerned about the safety of women. I am also concerned about families being able to access parts of the town without being exposed to very adult scenes which are completely unsuitable.
71. As a women who was approached once myself, by someone looking to coerce a young naive girl into a job 'dancing with free accommodation', I am so keenly aware of the darker side that goes on at race week (the tradition of which I do love).  I am certain that to expand the 'permitted zone' would only encourage more people to be attracted to Cheltenham that week, not for the races, but to take advantage of the opportunities of the party alongside it, for human trafficking, forced a labour and all the grey around area it.
72. I would want no sexual entertainment venues to exist in Cheltenham.
73. I'm opposed to there being sexual entertainment venues in Cheltenham.
74. This undermines the safety in they area for my family and especially my young adult daughter.
75. The current area is enough. There are school sites within the proposed area.
76. I am opposed to the licensing of sexual entertainment venues in Cheltenham Borough due to the risk of sexual exploitation and human trafficking
77. I disagree with this provision due to high risks of trafficked individuals to meet the demand
78. I see no reason to change the designated area.
79. The proposed extension is in effect licensing an extension to the exploitation of women and the commodification of sexual relationships
80. Enabling licensed operators to consider the location of their premises within the Designated Permitted Area "so to not offend locations/premises or uses deemed sensitive" is to allow them to mark their own homework and remove responsibility for this from the council to private companies with no elected role and no reason to undertake these considerations if it is not in the interest of their business.  Rather than a simple Designated Permitted Area consisting of a polygon, the council should identify sensitive locations and have buffers around them within the DPA so as to be able to maintain control over planning applications.
81. I do not believe that extending the designated permitted area is consistent with the current usage of the area subject to expansion. These licences should be kept within a very tight area of the town centre where they can be monitored managed and any difficulties addressed. The new area includes spaces that are primarily residential.
82. To allow more flexibility in location of venues to avoid sensitive areas but not to increase no. of venues
83. we need to make Cheltenham SPA again - not SEV again, this whole matter is desperately sad and regressive, impossible to prevent abuse, particularly for the

slaves, on matters relating to:

- (a) Slavery,
- (b) Abuse,
- (c) Coercive control,
- (d) Rape and sexual assault,

84. I am writing as a 29 year old, female, resident of Cheltenham. I wish to formally object to the proposal to redefine the Designated Permitted Area for Sexual Entertainment Venues (SEVs) to align with the Purple Flag accredited area.

While I appreciate the effort to align policy boundaries with recognised night-time economy zones, I do not believe this change serves the long-term wellbeing of Cheltenham.

#### 1. Character of the Locality

The authority is required to consider the character of the relevant locality. Cheltenham is widely known for its cultural festivals, Regency heritage, and family-oriented events. Although the town has a night-time economy, it is not defined by it.

Expanding the Designated Permitted Area risks further embedding sexual entertainment into the identity of the town centre. In my view, this does not reflect the character many residents value or wish to promote.

#### 2. Increasing Sexualisation of the Town

Cheltenham already experiences periods, particularly during high-profile events such as race week, where the town becomes visibly more sexualised. Many residents express discomfort about this shift in atmosphere, myself included.

Rather than widening the area in which SEVs may operate, I believe the council should consider whether the appropriate number for the locality is in fact nil.

The law explicitly allows the authority to determine that the appropriate number of SEVs is zero. Given Cheltenham's size, character, and community profile, that option should be seriously considered.

#### 3. Impact on Community Wellbeing

This consultation is framed in terms of locality and regulation. However, the wider social impact should not be ignored.

Sexual entertainment venues contribute to the normalisation of commercialised sexual objectification. There is increasing public debate and research linking such environments to:

- Harmful attitudes towards women
- The commodification of intimacy
- Negative impacts on relationships and marriages

- Broader cultural sexualisation

Even if such impacts are difficult to quantify, they are not irrelevant when considering the character and wellbeing of a community.

Cheltenham should aspire to be a healthy town, not only economically, but socially and relationally.

#### 4. Purple Flag Accreditation

Purple Flag accreditation recognises safety, management, and vibrancy within the night-time economy. It does not require or depend upon the presence of sexual entertainment venues.

Linking the Designated Permitted Area to the Purple Flag boundary risks implying that SEVs are a natural or necessary component of a well-managed evening economy. They are not.

A safe and vibrant town centre can exist, and often thrives, without sexual entertainment venues.

#### 5. Sensitive Locations and Cultural Identity

While the policy references avoidance of sensitive locations, Cheltenham is a relatively compact town. Expanding the permitted area increases the likelihood of proximity to:

- Churches and places of worship
- Family-oriented venues
- Residential areas
- Community spaces

As someone working within a church context, I am particularly concerned about the cultural message this sends and the normalisation of sexualised entertainment within close proximity to community and faith settings.

#### 6. Conclusion

For these reasons, I urge the authority:

Not to expand the Designated Permitted Area; and

To seriously consider whether the appropriate number of SEVs for Cheltenham is nil.

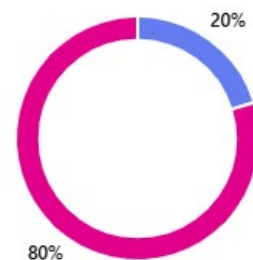
Economic vibrancy and cultural health are not the same thing. Cheltenham's

reputation, community wellbeing, and long-term social health should take precedence over widening opportunities for sexual entertainment venues.
85. Unpleasant environment for therapy clients next door
86. I believe extending the designated permitted area will only allow for greater problems to occur in our town regarding sexual exploitation and trafficking. It is a sad fact that particularly the Gold Cup Race Week in March brings in a lot of sexual trafficking and exploitation particularly of vulnerable women. I do not think it is a good idea to be promoting anything that would lean into these types of things happening more, as a resident of Cheltenham I wish for it to be a safe environment for everyone. I don't think it is currently a well managed issue in our town and so I think extending the permitted area will not help in monitoring the safety and wellbeing of people out particularly at night-time in our town, I think the council need to seriously think about the current permissions in our town and how it is not promoting safety or promoting a high level of human value. I work with teenagers in this town and I think it is very dangerous to be extending such permissions when we have so many teenagers who are often around the town centre in the night-time hours. I hope our council takes this policy and decision very seriously.
87. I strongly believe the number of SEV in the designated area should be nil

## Relevant considerations

Do you agree, or disagree, with the proposed changes to the relevant considerations?

● Agree 34  
 ● Disagree 134



1. I think the distinction of "during operating hours" is important, the granting of a licence to a premises shouldn't impact the operation of a sensitive premises but simple proximity to a building shouldn't be a consideration if it is not in use at the same time as the proposed SEV
2. None of the above is relevant if SEVs only operate at night and are within the designated area. Children, religions and people of a sensitive nature would not be able to see any of the activities in these buildings anyway so would only cause offence if they decide they don't like something they can't even see. Offence is a personal opinion and is down to the individual, who should be able to regulate their emotions and actions, such as their location at night when they know SEVs are operating, for example, as ENTERING a SEV, which are well sign posted to avoid such situations.
3. Cheltenham should have zero Sexual Entertainment Venue
4. I don't like that Mr Cambrays turns into one during race week makes me not want to go back to a place I once had drinks/afternoon teas at, knowing what happens there. Places like Under the Prom and 2 Pigs are vile anyway and I would never go there. It's like saying The Botanist will turn into one.
5. Pay grant to something more needed, not feed the pockets of those who already have money
6. Councillors seem to forget that the town centre is ALSO a residential area with high numbers of children residing.
7. Since the entire town centre is a "residential area" with flats above businesses, does this mean that the SEVs can be banned?
8. Why don't you protect women for a change?
9. I think these considerations should go further, as per my earlier comments. Proximity to premises or areas frequented by women on their own should also be included in the list ideally. They are the most unsafe as a result of this - not families.
10. We are hidebound by rules and regulations, many of a highly dubious nature.
11. Sexual entertainment is not welcome in cheltenham
12. Please do not grant any further licences. It tarnishes the image of the town. I know when race week starts as I see the promotional cards for the adult venue on the pavement.
13. I agree in particular that it should be on a case by case basis looking to what is in the best interests of those living in, or using facilities particularly close by.
14. as before Cheltenham has long benefited from a reputation as a refined, cultural, and commercially diverse town, attracting families, visitors, independent retailers, and professional services. The formal designation of a Purple Zone risks altering this perception, repositioning the town centre primarily as a late-night entertainment destination. Such a shift may undermine the town's established identity and deter daytime visitors, families, and higher-value retail activity. Evidence from other UK towns shows that Purple Zones often accelerate the displacement of independent retailers, drive rising commercial rents, and encourage a concentration of hospitality and late-night venues at the expense of balanced, mixed-use commerce. This results in reduced retail diversity, increased vacancy rates for non-hospitality units, and a gradual erosion of the character that makes town centres commercially resilient. There is also a reputational risk. Associating Cheltenham more closely with night-time drinking economies may negatively affect investor confidence, visitor perception, and the appeal of the town as a safe, high-quality destination for shopping, leisure, and cultural activity. For these reasons, I strongly urge the Council to reconsider the proposed Purple Zone designation and instead prioritise policies that protect Cheltenham's reputation, support diverse independent commerce, and promote a balanced town centre economy that benefits all residents, visitors, and businesses.

15. I agree that these extra considerations should be made but I believe that when taking these into account, it would not be permissible to license anywhere in Cheltenham. (Personally though, I believe it shouldn't be allowed anywhere anyway for numerous reasons.)
16. I don't believe this will be 'policed' or 'protected' - it feels like you're opening the flood gates, not closing them.
17. These venues by their nature exist in the public space, and people who have been 'sexually entertained' then leave these venues and pass through the remainder of the town, where the full range of society live, work and walk. Concern about protected characteristics should take second place to our town and society.
18. Just don't expand area
19. No licences for adult venues should be permitted anywhere in town.
20. These institutions perpetuate violence against women and encourage the moral degradation of society.
21. Should be well hidden and not obvious.
22. Please don't allow SEVs to operate in Cheltenham.
23. Only a tiny minority of people want this, either to satisfy debased desires or to capitalise by exploiting people. This is not what good governance looks like on behalf of the good citizens of Cheltenham.
24. Rather than reducing the number of SEVs in our town, this proposal would significantly increase the geographical area in which they could operate. I do not believe Cheltenham needs an expansion of SEVs, and I am concerned that broadening the permitted zone risks normalising and increasing their presence in key parts of the town centre. The existing permitted area does not include sensitive and prominent locations such as the Town Hall and the Montpellier area. Expanding to the Purple Flag zone would change this, allowing SEVs in areas that are widely used for community events, cultural activities, family gatherings, and tourism. This would fundamentally alter the character of those spaces. I strongly believe that the Council should instead be seeking to reduce the number of SEVs and introduce tighter controls, not expand opportunities for further licences. There are also wider concerns about the potential exploitation of vulnerable individuals who may become involved in the sexual entertainment industry. Any policy change should prioritise safeguarding and community wellbeing over commercial expansion. For these reasons, I do not support the adoption of the Purple Flag zone for SEVs and urge the Council to reconsider this proposal.
25. Who is being considered? Children? If children were being considered at all, this wouldn't be being proposed. You know this!
26. These "considerations" don't make proposals objectively right or justify such things. Considerations can be a force for good, to protect and serve. So, "consider" us all, not just the owners of these premises, and disregard this proposal.  Again, ask yourself this question: Does this make Cheltenham better? Does this make you happier with your town? It's your town as well as mine. And if this is not a town you consider yourself to be a part of, how much more unjust are your intentions.
27. No to any venues
28. Agree with considering the number of other licensed premises in the surrounding area (although it would be better if that were nil), the history of complaints and whether other premises may have to change their operating hours. Disagree with adding the caveat of operating hours of sensitive properties
29. I do not agree with any of the legislation being considered, so the above is not relevant.

30. This doesn't consider the elderly, the homeless, healthcare services or religious organisations to name a few
31. Cheltenham already has an appropriate SEV ratio to maintain its reputation as a decent and alluring town
32. I am concerned for the safety of women. I am also concerned for the safety of families with younger children being exposed to extremely adult scenes and atmosphere that is completely inappropriate.
33. As a women who was approached once myself, by someone looking to coerce a young naive girl into a job 'dancing with free accommodation', I am so keenly aware of the darker side that goes on at race week (the tradition of which I do love). I am certain that to expand the 'permitted zone' would only encourage more people to be attracted to Cheltenham that week, not for the races, but to take advantage of the opportunities of the party alongside it, for human trafficking, forced a labour and all the grey around area it.
34. I believe we should not have sexual entertainment venues in Cheltenham, therefore defining acceptable locations is superfluous.
35. I'm opposed to there being sexual entertainment venues in Cheltenham.
36. Cheltenham should not encourage business from these services by permitting licences. Undermines our towns value.
37. The impact of sexual entertainment venues is hard to measure, and my concern is not only children/families, but also vulnerable adults may be in the vicinity during operating hours. Also vulnerable adults may also be involved in the provision of sexual entertainment, either by free will or under duress, therefore robust safeguarding cannot be ensured by the provision of temporary (or permanent) licenses.
38. There must be additional considerations
39. I don't agree that current/ previous licenses held should be included.
40. Operating hours of locations supporting protected characteristics are often variable and not predictable so this additional clause is arbitrary. The authority is also not an authority on opening hours nor should seek to dictate opening hours based on the siting of an SEV - "deemed to be so by the authority" is therefore both an overreach and an arbitrary decision.
41. we need to make Cheltenham SPA again - not SEV again, this whole matter is desperately sad and regressive, impossible to prevent abuse, particularly for the slaves, on matters relating to: (a) Slavery, (b) Abuse, (c) Coercive control, (d) Rape and sexual assault
41. The extensive list of location-based restrictions within the policy illustrates that Sexual Entertainment Venues are recognised as a high-impact land use requiring careful mitigation. Where a use necessitates significant control to avoid harm to residential areas, children, sensitive premises, and community facilities, the authority is entitled to consider whether the more proportionate approach is to determine that the appropriate number for Cheltenham is nil. The legislation expressly permits such a determination. Cheltenham's character as a cultural, heritage and family-oriented town does not require SEVs to sustain its evening economy, and economic arguments alone are insufficient to justify their presence.

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Individually submitted responses

1. **Who** – An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
2. **Do you agree, or disagree, with the proposed changes to the "Designated Permitted Area"?**

Disagree

Despite the majority disagreeing with this proposal in the original consultation, **by 44 to 18**, the council are now proposing to extend the DPA even further than they initially suggested. In Cheltenham Borough Council's (CBC) [report to its Cabinet](#) on 16th September, it said '*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.*'

What has changed between September 2025 and this consultation to warrant this? In the initial consultation, the reasoning seemed to be that an SEV has regularly been licensed outside of the DPA, so the council may as well acquiesce and alter the DPA – this seems tenuous at best. It appears it is now being justified on the basis that this will reflect the town's Purple Flag designated area. According to [The Association of Town and City Management](#) to attain and retain Purple Flag accreditation, there are **five** core standards that must be achieved and maintained for an accreditation:

**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:**

- We would question how CBC could retain their Purple Flag if it ignores the responses to its own consultation, their own Equality Impact Assessment (EqIA) and local, national and international research, which confirms the negative impact of SEVs on the women and girls of Cheltenham (see also below under equality concerns).

**WELLBEING: Successful destinations are all safe and welcoming with all sectors playing their part in delivering high standards of customer care.**

- From [CBC's own EqIA](#): '*A 2023 survey conducted by the local VAWG partnership group, surveyed women and girls about their safety in Cheltenham... 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.*'
- Local women's group, **GlosWomen**, have consistently highlighted how unsafe women and girls in Cheltenham feel during Race Week. [Their surveys](#) reveal that '*more than three-quarters of females did not feel safe in Cheltenham during race week, with 85 per cent avoiding the town centre and more than half experienced sexual comments or catcalling, half said they had been stared at by men or been subject to suggestive looks, while a third had had unwanted physical contact.*'

**MOVEMENT: Getting home safely after an evening out is crucial, as is the ability to move around the centre on foot with ease:**

- As above, the body of research and the council's own consultation responses provide evidence that women and girls **do not feel safe** in the town centre during race week, and many will and do self-exclude. The fact that Gloucestershire Police have to [increase patrols each year](#) should indicate to the council that extending the DPA is the antithesis to a Purple Flag accreditation. Maggie Stewart, of Gloucestershire Rape and Sexual Abuse Centre, said *'women she has spoken to avoid walking through the streets alone, take the week off work or don't go into town at all [during the festival](#) and during the Gold Cup festival'* in March 2024, the local SARC (Sexual Assault Referral Centre) had a team present on [Cheltenham High Street](#).

**APPEAL: Successful destinations offer a vibrant choice of leisure and entertainment for a diversity of ages, groups, lifestyles and cultures**

- As above, if the town is a dangerous and unwelcoming place for women, girls and other communities, how can the council be considering extending the DPA and think that this would still fit their Purple Flag accreditation?

**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:**

- As above, if women and girls and other communities are self-excluding already, why would CBC consider extending the DPA, which would only worsen this situation?

**3. Do you agree, or disagree, with the proposed changes to the relevant considerations?**

We neither agree nor disagree with these changes – in that, we feel the proposal to 'consider the location of premises within the permitted area during opening hours against protected characteristics' fails to address a fundamental inconsistency within the Council's own policy framework and evidence base.

The Council's published January 2025 EqIA expressly acknowledges:

- A general body of national and international research linking sexual entertainment to the objectification of women and girls and to violence against women and girls;
- Local evidence that women and girls avoid parts of the town during race meetings and in locations where SEVs operate; and
- A recorded negative impact in relation to the protected characteristic of sex.

These findings are not neutral. They amount to a formal recognition that SEVs have adverse equality impacts on women in Cheltenham. In addition, the Cabinet report recognises that the authority must remain mindful of its Public Sector Equality Duty, and the risk of breach if it fails to do so.

Taken together, these documents establish that:

1. The Council has accepted evidence of harm linked to SEVs
2. It has recognised avoidance of public space by women
3. It has recorded a negative equality impact under the protected characteristic of sex.

In those circumstances, it is not sufficient to propose merely 'considering' location against protected characteristics. The Council already has a mandatory duty under section 149 of the Equality Act 2010 to have due regard to eliminating discrimination and advancing equality of opportunity. The EqIA demonstrates that this duty is actively engaged.

Where a public authority has identified a negative equality impact, continuing to license the activity giving rise to that impact requires robust and transparent justification. No such justification is provided in this consultation.

Allowing further SEV licensing within the Designated Permitted Area is inconsistent with:

- The Council's own Equality Impact Assessment findings
- The acknowledgment of research linking objectification and violence against women and girls
- Evidence that women avoid parts of the town where SEVs operate
- The Council's Corporate Plan commitment to ensuring residents and communities benefit from Cheltenham's growth in a way that promotes safety and wellbeing
- Its engagement with, and reliance upon, the local Violence Against Women and Girls partnership evidence base
- Its stated preference for regulation in order to mitigate safeguarding and public protection risks.

Avoidance of public space by women is not a marginal concern – it goes directly to equality of opportunity and participation in civic life. A licensing framework that perpetuates that exclusion cannot be reconciled with the Council's equality duties. If the Council accepts that SEVs contribute to an environment in which women feel unsafe or excluded, the logical policy response is not refinement of location criteria, but cessation of further licensing.

For these reasons, the appropriate course is:

- No further SEV licences to be granted
- A review of the Designated Permitted Area
- Alignment of SEV policy with the Council's equality findings and stated commitments regarding violence against women and girls

Anything less risks inconsistency between evidence and policy and exposes the Council to legitimate criticism that it has failed to give meaningful effect to its own equality analysis. Conclusion We note that CBC maintains that there is a high probability that SEVs would continue to operate, even if a 'nil cap' was set in their policy. However, despite licensing SEVs each year, unregulated and unlicensed SEVs continue to operate in Cheltenham. Therefore, this current licensing regime **has not prevented** unlicensed and unregulated SEVs and, like local campaigners, we do not believe that anything proposed as part of this consultation will prevent unlicensed and unregulated SEVs from continuing to operate in the future.

We therefore support the campaign to repeal the so-called 'frequency exemption' but would also endorse GlosWomen's response in the original consultation: *'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.'*

---

1. **Who** – An advocacy or other group/organisation that promotes equality or other social issues/values (i.e. VAWG, gender equality etc.)
2. **Do you agree, or disagree, with the proposed changes to the "Designated Permitted Area"?**

\*\*\* disagree with the proposed amendment to the SEV Policy to significantly extend the 'Designated Permitted Area' to mirror the extent of the Purple Flag accredited area.

We note that the majority of respondents to the original SEV policy consultation did not agree with the original proposal to extend the Designated Permitted Area to include parts of the Promenade (44 to 18).

Given this strong feedback against extending the Designated Permitted Area, it is puzzling that the Council have decided to launch a further SEV policy consultation regarding a significant increase in the size of the Designated Permitted Area. We assume that the proposal to extend the Designated Permitted Area in line with the Purple Flag accredited area has been made following representations made outside of the original SEV policy consultation and endorsed by the Council working group formed following the Cabinet meeting in September 2025. In the interests of transparency, it would be useful to understand the context and decision-making process that has led to this new consultation in respect of the extent of the 'Designated Permitted Area'.

The Council has stated that they prefer licensing of SEVs, rather than allowing operation under the 'frequency exemption'. In addition, we understand that the Council proposes to DRAFT continue to licence SEVs within the Designated Permitted Area on a case-by-case basis. Given the proposal to increase the size of the Designated Permitted Area, we are concerned that this will lead to a significant increase in the number of SEVs being licensed within the Designated Permitted Area.

### **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.

### **Government Male Violence Against Women and Girls Strategy**

The Government have committed, as part of their VAWG Strategy, to review the licensing regime for Sexual Entertainment Venues; engaging with relevant individuals, communities and stakeholders, to consider how the regime should be changed 'with the protection of women and girls at the forefront' (p.21 [VAWG strategy](#)). We hope that the Council will engage in this process. \*\*\* are of the opinion that the 'frequency exemption' needs to be repealed, so that local communities can fully engage in decisions relating to SEV licensing and sex equality concerns can be properly considered, as part of the Council's Public Sector Equality Duty.

**3. Do you agree, or disagree, with the proposed changes to the relevant considerations?**

Agree.

We welcome the inclusion of additional specific criteria for consideration, as part of SEV licensing decision making processes.

- 
1. **Who** – A sexual entertainment venue operator/licensee
  2. **Do you agree, or disagree, with the proposed changes to the "Designated Permitted Area"?**

Agree.

It may be helpful on the map for the Designated Permitted Area to include more street names, so area is clear.

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 a SEV licence in this location despite it falling outside the designated area and as such has set some precedence to justify the proposed change.

**3. Do you agree, or disagree, with the proposed changes to the relevant considerations?**

Agree.

History of complaints needs further clarification as it should be that history of complaints must only be in respect of SEV activities at any premises as sites can have one or more use that is separate and distinct to occasional SEV use.

Change in operational hours for any other premises would also need to be carefully considered and robust evidence provided by any party stating that they would be required to change operational hours and compelling evidence as to the reasons why this change is thought to be necessary.

**Additional comments:**

Proposed condition 26c "Such room (s) should provide separate and private sanitary provisions for performers. Where direct access to separate 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."

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 26 (c ) would effectively prevent the operator from being able to operate the venue as a licensed SEV venue 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.

- 
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Agree.

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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.

---

### **From a resident**

Dear Elected Councillors of Cheltenham, and especially Angie Boyes, Dr.Helen Pemberton , Julie Sankey. Simon Wheeler, Dr.David Willingham, Dr. Steve Steinhardt and all those past and present who have had to spend precious Council time on the consideration, exploration, investigation, study, scrutiny and issuing of the relevant documentation, implementation and inspection of all things relating to SEVs,

I am writing, as a resident of Cheltenham town centre, who daily walks through the Purple Flag Zone and am a member of an extended family covering four generations who live and work in Cheltenham. Speaking on behalf of all of them and other families, I wish to point out that they include those who are under 18 years old. Therefore it is totally inappropriate for them to have to walk past any SEV when they are in town visiting a restaurant, cinema, gym or sports venue. Birthdays , anniversaries, Christmas and weekend gatherings, sometimes into the late evening, are part of normal family life.

Over three days I have spent hours going into all the information available to me concerning CBC's work on SEVs.

From what I have read and observed I want to make known my objections to the decisions regarding the issuing of SEVs to

Cheltenham Borough Council's obligation to PSED(Public Sector Equality Duty)

I see that there is by far a bias to the rights of men and a few women against women and girls' rights relating to discrimination and objectification. I include girls which is normally those under 18 years old. Unfortunately your inspections cannot be everywhere all of the time so there is a real risk not worth taking, that girls will be involved. Women and girls, half of the population, are more than their bodies, but I am sure you appreciate that. Therefore let us consider the situation in that light.

SEVs exist to provide a space for men and a few women to be sexually aroused but not gratified. 'Is it safe?' I ask myself, and you, to create this situation where men and a few women leaving SEVs and walking our streets are in this state of sexual arousal. Even one incident of sexual misbehaviour is one too many. There is also the likelihood that alcohol will add to the dangerous mix.

Cheltenham is a small town, known as a place of education, culture, architectural interest, beautiful parks with many amazing Festivals and Sporting events. To be seen as a place where young women are brought in to provide sexual titillation for a relatively small minority of racegoers is uncomfortable and distasteful .

Many more think as I do, but haven't been aware of or had the time to wade through all the information needed to make a meaningful and acceptable objection to the decisions made by our elected Councillors.

Though not a town of dreaming spires like others we do nonetheless have many buildings devoted to many faiths for worship. These are uncomfortable neighbours within or close to the Purple Flag Zone. Unfortunately discomfort can lead to dissatisfaction and a feeling of betrayal when their sensitivities are ignored.

In Cheltenham residents live in close proximity to businesses and commercial activity. The streets are populated from very early morning with those who are preparing for the day ahead: shopkeepers, office cleaners, postal employees, travellers making for the station or Royal Well to catch a coach.

I live above Honeybourne Way and believe me there is always someone walking or cycling into or out of the town centre. Then of course there are those unfortunately having to sleep in doorways. I have spoken to Diane and Mihaela recently, one sleeping in the unoccupied Star bucks entrance and the other in the Primark entrance. We cannot guarantee there will not be others similarly at risk during horse racing events. All of these mentioned are at risk from those visiting our town who may be in a state of heightened sexual tension.

The character of Cheltenham matters. Are you, our Borough Councillars, representing us and caring about the future of this town. Perhaps you live nowhere near the town centre? We are they who live here, pay our taxes, bring up our families, work, enjoy and love this town.

Though visitors have the right to give an opinion they shouldn't be the ones who shape our home town. They leave and go back to the place they have chosen to live and I hope protect from unwelcome decisions which undermine reputation, atmosphere and safety in their village, town or city.

These are my objections and I hope they will be suitably considered.

---

### **From an elected Councillor**

I didn't complete the online form as I only wanted to comment on the following proposal and couldn't skip giving a view on the first proposal in the online consultation form:

- To consider the location of premises within the permitted area during opening hours against protected characteristics as set out by Equalities Act 2010 e.g. disability, age, religion etc.

This might be pedantic but the name of the legislation is the Equality Act 2010 not the Equalities Act 2010. I think getting the name correct gives any assessment of compliance a bit more credibility.

My comment is that my understanding is that all public bodies in discharging their functions must have “due regard” to the Public Sector Equality Duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Therefore, consulting on the location of SEV premises against protected characteristics appears to be redundant, as the Council has had an existing longstanding duty to do this when assessing SEV licence applications? This is an existing legal obligation and is not something that the Council can choose to include or exclude from its consideration of SEV premises licences. Therefore, it's not clear to me why this is something the Council considers necessary to include in the consultation?



**CHELTHENHAM**  
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



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## 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 25<sup>th</sup> April 1983 and the new provisions for SEVs under the amendments of the Policing and Crime Act 2009 on 11<sup>th</sup> 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 121,739 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.

DRAFT FOR ADOPTION

## **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](mailto: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

## Location of Premises

In deciding the appropriate number of premises to be licensed, the authority must consider the character of the relevant locality and what is the appropriate number of SEVs for the relevant locality. The number can be 'nil'.

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 policy therefore that there is no locality outside of the town's Purple Flag accredited area (hereafter referred to as the "Designated Permitted Area") in which it would be appropriate to license a SEV. Accordingly, the appropriate number of SEVs for outside of the Designated Permitted Area is nil.

The authority recognises however that the Designated Permitted Area, that reflects the town's Purple Flag accredited area, offers a more varied situation in as much as it has a much wider mix on offer, particularly in the nighttime economy and it may therefore be appropriate to consider applications for SEVs in the area. This area provides options for venue placement that avoid sensitive locations, is externally assessed as safe, accessible, and well managed, and is already subject to high levels of regulation, monitoring, and enforcement.

The authority has therefore resolved that it will not set a limit on the number of permitted SEVs in the Designated Permitted Area.

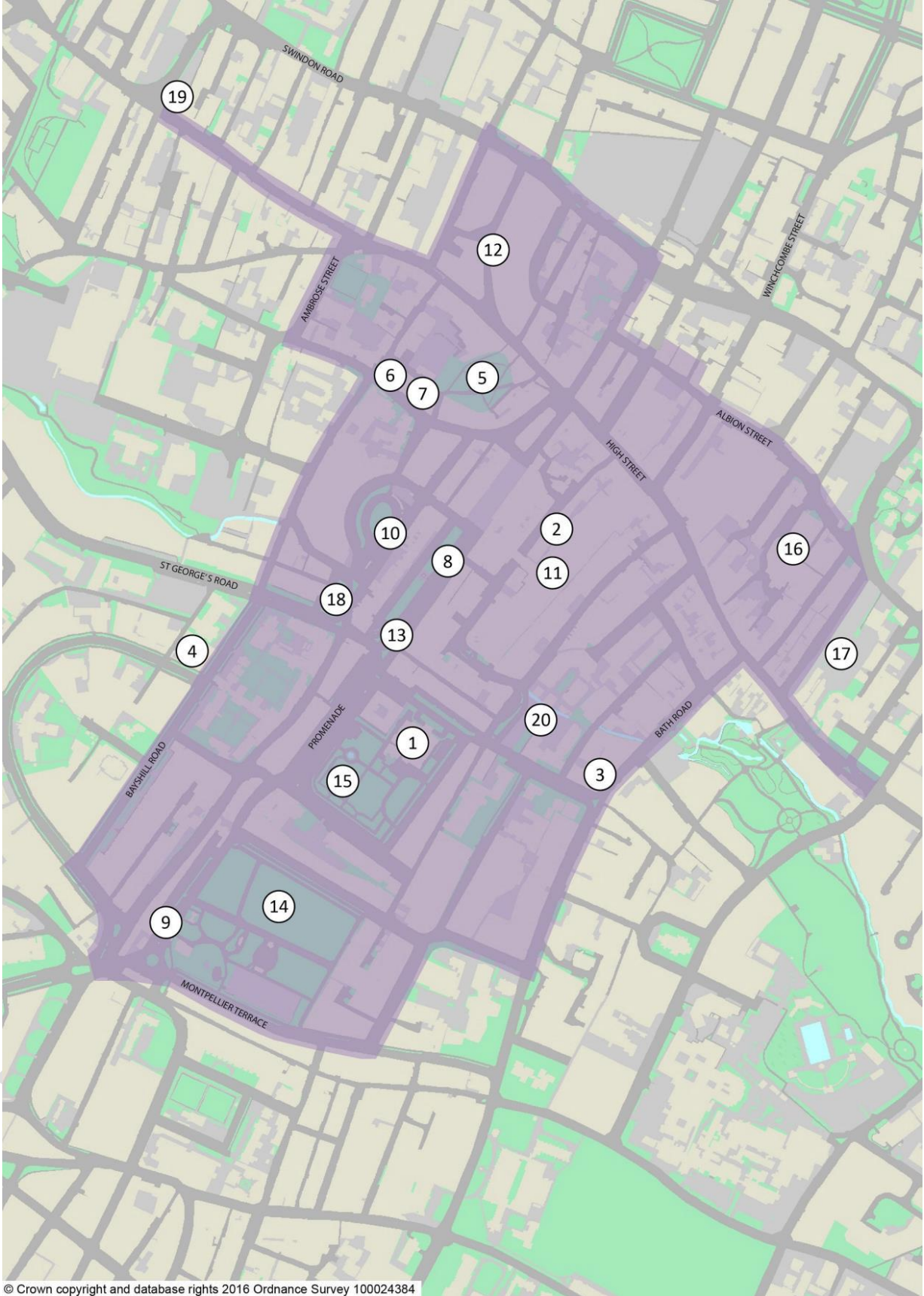
In considering if the grant, renewal or variation of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put, the authority shall consider, amongst other things, whether the grant of the application would be appropriate, having regard to:

- The fact that the premises are sited in a residential area
- Whether the premises are sited near shops used by or directed at families or children, or on frontages frequently passed by the same
- Whether the premises are sited near properties which are sensitive by virtue of their use during operating hours, deemed to be so by the authority, on a case-by-case basis and with particular reference to protective characteristics where these are known by the authority:
  - age
  - disability
  - gender reassignment
  - marriage and civil partnership
  - pregnancy and maternity
  - race
  - religion or belief
  - sex
  - sexual orientation

- Whether the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families
- The characteristics of any adjoining localities
- 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;
- any existing planning or regeneration policy/plan/strategies relevant to the area;
- history of complaints relevant to the premises;
- whether, as a direct consequence of the grant, renewal or variation of the licence, any other premises will be required to change their operating hours.

DRAFT FOR ADOPTION

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:

- 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 ensuring restricted and protected access to performers only would be permissible 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 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.

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# Review of Sexual Entertainment Venue Licensing Policy

## Equality Impact Assessment

### STAGE 1 – Equality Screening

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

<b>a. Person responsible for this EqIA</b>	
Officer responsible: Michelle Bignell	Service Area: Public Protection
Title: Licensing and Public Protection Manager	Date of assessment: May 2026
Signature:	

<b>b. Is this a policy, function, strategy, service change or project?</b>	Policy
If other, please specify:	

<b>c. Name of the policy, function, strategy, service change or project</b>	
Sexual Entertainment Venue Licensing Policy	
Is this new or existing?	Existing
<b>Please specify reason for change or development of policy, function, strategy, service change or project</b>	
Routine policy review.	

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

Michelle Bignell

Completion date for Stage Two assessment

May 2026

**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 Page 216<sup>rd</sup> 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.

Second consultation that was run for a period of 6 weeks.

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 – The 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' representative 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.

5. The second consultation sought views on the proposed Designated Permitted Area (DPA) covering the same area as the Purple Flag area and listed proposed sensitive locations. Many of the comments submitted were against the licensing of SEV's and respondents did not feel the need to increase the area.

### **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><b>Nil limit</b> – 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><b>No change to current limits</b> - 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.</p>
	Younger People (16-25)	Negative	The same potential equality issues arise from this option.	<p><b>Nil limit</b> – 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><b>No change to current limits</b> – 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	<p>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>	<p><b>Nil limit</b> – 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><b>No change to current limits</b> – 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><b>DISABILITY</b> A definition of disability under the Equality Act 2010 is available <a href="#">here</a>.</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.
<b>GENDER REASSIGNMENT</b>		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>
<b>MARRIAGE &amp; CIVIL PARTNERSHIP</b>	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.
<b>PREGNANCY &amp; MATERNITY</b>	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.	
<b>RACE*</b> Further information on the breakdown below each of these headings, is available <a href="#">here</a> .	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.
<b>RELIGION &amp; BELIEF**</b> A list of religions used in the census is available <a href="#">here</a>	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.	<b>Nil limit</b> – 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><b>No change to current limits</b> – 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>
<b>SEX (GENDER)</b>	Men	Neutral	<p>The most relevant data (2023 VAWG survey) indicated a very small response (&lt;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><b>Nil limit</b> – 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><b>No change to current limits</b> – 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 (&lt;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>

	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”).
<b>SEXUAL ORIENTATION</b>	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.	
<b>Other considerations</b>				
<b>Socio-economic factors</b> (income, education, employment, community safety & social support)		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 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><b>Nil limit</b> – 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><b>No change to current limits -</b>          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>
<p><b>Rurality</b>          i.e. access to services; transport; education; employment; broadband</p>		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><b>Other (e.g. caring responsibilities)</b></p>		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



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## Cheltenham Borough Council

### Full Council – 22 June 2026

### To formally ‘make’ the Leckhampton with Warden Hill

### Neighbourhood Plan 2022 – 2031

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**Accountable member:**

Cllr Paul Baker, Cabinet Member Planning and Building Control

**Accountable officer:**

Tracey Birkinshaw, Director of Planning & Building Control

**Ward(s) affected:**

Leckhampton and Warden Hill

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**Key Decision:** Yes

**Executive summary:**

Leckhampton with Warden Hill Parish Council has drafted a Neighbourhood Plan (the Plan) which they submitted to Cheltenham Borough Council (the Council) in 2023 for public consultation. Following consultation, the Plan underwent examination by an Independent Examiner in July 2025 who subsequently recommended that the Plan could go forward to a referendum subject to modifications. A ‘referendum version’ of the Plan was produced incorporating the recommended modifications made by the Examiner.

The referendum was held on 7 May 2026. In order for a neighbourhood plan to be ‘made’ (adopted) by Cheltenham Borough Council, it needs to gain approval of the majority of voters (more than 50%) in the area.

The Plan received the required majority ‘Yes’ vote, achieving 3005 ‘Yes’ votes to 464 ‘No’ votes. Therefore, a majority vote in favour for the Council to use the Plan to help decide planning applications in the designated neighbourhood area. Following the

positive result of the Referendum, the Council must 'make' the neighbourhood plan as part of the statutory Development Plan so it can be brought into legal force under Section 38A (4) of the Planning and Compulsory Purchase Act 2004.

The Council will be required to publish a decision statement after deciding to 'make' the Plan and this must be publicised on the website.

### **Recommendations:**

#### **1. Council is asked:**

- a) **To 'make' the Leckhampton with Warden Hill Neighbourhood Plan at Appendix 3, as part of Cheltenham Borough Council statutory Development Plan following the outcome of the positive referendum result;**
  - b) **To delegate authority to the Director of Planning and Building Control, in agreement with the Qualifying Body (Parish Council), to correct any minor errors such as spelling, grammar, typographical formatting, and clarify policy mapping that do not materially affect the substantive content of the Plan;**
  - c) **To delegate authority to the Director of Planning and Building Control, to prepare the decision statement for publication.**
- 

## **1. Implications**

### **1.1 Financial, Property and Asset implications**

This stage of the process should have no impact on the general funds for the Council.

A decision to make the Plan will ensure that the Parish Council qualifies for the increased neighbourhood share of the Community Infrastructure Levy (CIL), which increases from 15% to a full 25%.

**Signed off by:** Ela Jankowska – Finance Business Partner  **Date:** 04.06.2026

### **1.2 Legal implications**

Pursuant with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (the Act 2004) (as amended), a local planning authority is required to 'make' a Neighbourhood Plan 'if more than half of those voting having voted in favour of the plan'. Section 38A(6) of the Act 2004 stipulates that a local planning authority is not to be subject to the duty under subsection 38A(4) if they consider that the making of the

plan would breach or would be otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). Officers have reviewed and raised no concerns with regard to this matter. Therefore, the Council can proceed to 'make' the Plan in compliance with the legislative requirements

Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended), prescribes the date for making a neighbourhood plan as 'the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held. As such, the Council are required to 'make' the Plan within 8 weeks from the date of the referendum (7 May 2026).

Under Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the local planning authority must produce a decision statement and publicise this together with the Plan on their website after 'making' a neighbourhood plan under section 38A(4) of the 2004 Act.

**Signed off by:** Alison McKane, Interim Deputy Monitoring Officer

[alison.mckane@cheltenham.gov.uk](mailto:alison.mckane@cheltenham.gov.uk)

**Date:** 01/06/2026

### 1.3 Environmental and climate change implications

The plan gives consideration to local flooding, climate adaptation, sustainable transport, and green infrastructure on a local level. The positive associated co-benefits have been detailed in the Climate Impact Assessment Tool, attached as appendix 3.

**Signed off by:** Maizy McCann, Climate Officer [maizy.mccann@cheltenham.gov.uk](mailto:maizy.mccann@cheltenham.gov.uk)

### 1.4 Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Key priority 2: Quality homes, safe and strong communities
- Key priority 3: Reducing carbon, achieving council net zero, creating biodiversity
- Key priority 5: Taking care of your money

### 1.5 Equality, Diversity, and Inclusion Implications

Annex 3 of the Plan sets out the demographic, social and economic profile of the local community. This includes data on age, gender, ethnicity, country of birth, household language, religion, belief, and vulnerability. This data is then summarised within the neighbourhood profile section of the plan. The plan has a number of policies, some of which will contribute to wider social objectives. These links are summarised in table 2 of the Basic Conditions Statement.

In addition, the Basic Conditions Statement sets out that the Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights including the prohibition of discrimination. The statement also sets out that all reasonable attempts were made to ensure that all Leckhampton with Warden Hill Parish residents, including those living outside the Neighbourhood Area but within the Parish, and all relevant stakeholders, were given the opportunity to contribute to and comment upon the Plan

### **1.6 Performance management – monitoring and review**

The Plan contains a section on monitoring and review. Amongst other aspects, it refers to monitoring local conditions so that information supporting policies in the Neighbourhood Plan remain up to date.

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## **2 Background**

2.1 The Leckhampton with Warden Hill Neighbourhood Development Plan (the Plan) has been produced by Leckhampton with Warden Hill Parish Council. All of the consultation requirements under Regulation 14 and 16 of the Neighbourhood Planning Regulations (2012) as amended (the Regulations), were undertaken respectively by the Parish Council and the Council. In accordance with Regulation 17 of the Regulations the Plan was submitted for examination following the appointment of an Independent Examiner by the Council, in collaboration with the Parish Council in July 2025.

2.2 The examination of the Plan concluded following receipt of the Examiner's report on 28 November 2025. The Examiner recommended to the Council that, subject to modifications, the Plan meets the basic conditions and other statutory requirements and recommended the Plan can go forward to a referendum.

2.3 Following a Cabinet meeting on 24 February 2026, the Council resolved to accept the Examiner's recommended modifications of the Plan and that the Plan can proceed to a referendum. At this meeting it was also agreed to produce a 'referendum version' of the Plan incorporating the Examiner's modifications together with consequential and other minor corrections for accuracy. Subsequently, the 'referendum version' of the Plan was published on the Council's website on 25 March 2026 together with other key important documents the Council must provide at the referendum stage.

2.4 The local referendum was held on Thursday 7 May 2026 for the entire area of the Leckhampton with Warden Hill Parish Council. Local residents within the referendum area were asked: “Do you want Cheltenham Borough Council to use the Neighbourhood Plan for Leckhampton with Warden Hill to help it decide planning applications in the neighbourhood area?.” A majority of voters (more than 50%) in the referendum area required for the Plan to be formally ‘made’ and subsequently used by the Council as the local planning authority in decision making purposes.

2.5 A total of 3586 residents participated in the referendum. Of these, 3005 residents voted in favour (Yes) of the Plan, and 464 residents voted against (No), and 117 votes was rejected. The voter turnout was 51.6%. The formal declaration of the poll result can be viewed here <https://www.cheltenham.gov.uk/about-the-council/elections-and-voting/election-results/>

2.6 The Council has a neighbourhood planning protocol which was first published in 2015 and updated in March 2025. This protocol sets out that at the ‘Adoption of Neighbourhood Plan or Order’ stage, it is for Council to decide whether to formally ‘make’ (adopt) the Plan and then publicise their decision together with the adopted Plan in accordance with Regulations 19 and 20 of the Regulations. In line with this and the referendum result, a decision statement in respect to the Plan will be produced.

### **3 Reasons for recommendations**

3.1 In accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to ‘make’ the Plan given that more than 50% of those participating in the referendum poll voted in favour of the Plan. The Council is not subject to the above duty if it considers that the making of the Plan would break retained EU obligations, or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3.2 The Council has previously considered that the Plan meets the necessary basic conditions and other legal requirements, including the retained EU obligations, or any of the Convention Rights. Officers consider that there is no new evidence submitted, no new fact or a different view that has been presented following the referendum result that would warrant the Council to deviate from this.

3.3 Pursuant to the Planning and Compulsory Purchase Act 2004 (as amended) and the Regulations the Plan should be brought into full legal force, be formally ‘made’ (adopted) as part of the Development Plan for Cheltenham Borough Council and as such be used for determining planning applications in the Leckhampton with Warden Hill neighbourhood designated boundary area alongside national and other local planning policy.

3.4 By formally making the Plan as part of the Councils Development Plan, the Leckhampton with Warden Hill Parish Area will benefit from 25% of the revenue from CIL arising from the development that takes place within the neighbourhood plan area. The Plan has also enabled the Parish Council to play a much stronger role in shaping the areas in which they live and work by putting in place planning policies that will help support deliver their vision for new development.

#### **4 Alternative options considered**

4.1 There are narrow circumstances where the Council is not required to formally make the Plan if the majority of those who vote in the referendum are in favour of the Plan being made. Section 38A(6) of the Act 2004 stipulates that the Council as the local planning authority can decide not to make the Plan if they consider that it would breach or would be otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

4.2 Since the Plan was submitted to the Council for public consultation in 2023, Officers have been satisfied that the retained EU and human rights obligations have been met and note that no concerns were raised by the Independent Examiner during the Plan examination stage. For this reason, it is considered that formally making the Plan is the only realistic option available.

#### **5 Consultation and feedback**

5.1 The Plan has already been consulted on, including at Regulation 14 and 16 stages, and has therefore met the necessary statutory consultation process.

#### **6 Key risks**

6.1 As set out in Appendix 1.

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**Report author:**

Tracey Birkinshaw, Director of Planning and Building Control.

**Appendices:**

1. Risk Assessment
2. Equality Impact Assessment – Screening
3. Climate Impact Assessment Tool
4. Leckhampton with Warden Hill Neighbourhood Plan 2022 - 2031

**Background information:**

[Localism Act 2011](#)

[The Neighbourhood Planning \(General\) Regulations \(2012\) \(as amended\)](#)

[The Planning and Compulsory Purchase Act 2004](#)

[Neighbourhood Planning Protocol \(2025\)](#)

[Leckhampton with Warden Hill Neighbourhood Plan Appendix 1-3 & Annexe 1-6](#)

## 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
	The Council as the local planning authority has a duty to support Parish Councils in the development of neighborhood plans. If Council decide not to 'make' the Plan following the positive referendum result than it would mean that the Council would be in breach of their legal duty.	Director of Planning and Building Control	3	2	6	Avoid the risk	Close	The risk will be mitigated by the Council 'making' the Plan.	03 July 2026

## 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: Tracey Birkinshaw	Service Area: Planning and Building Control
Title: Director of Planning and Building Control	Date of assessment: XX XXXX 2026
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

Leckhampton with Warden Hill Neighbourhood Development Plan

Is this new or existing?

New or proposed

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

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

Aims:	To 'make' the Leckhampton with Warden Hill Neighbourhood Plan, as part of the Councils statutory Development Plan, following the positive result of local referendum poll
Objectives:	See above

Outcomes:	To 'make' the Leckhampton with Warden Hill Neighbourhood Plan
Benefits:	The wider community within the Neighbourhood Plan area

**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.	<b>No</b>
Do you expect the impacts to be positive or negative?	<b>No impact expected</b>

Please provide an explanation for your answer:

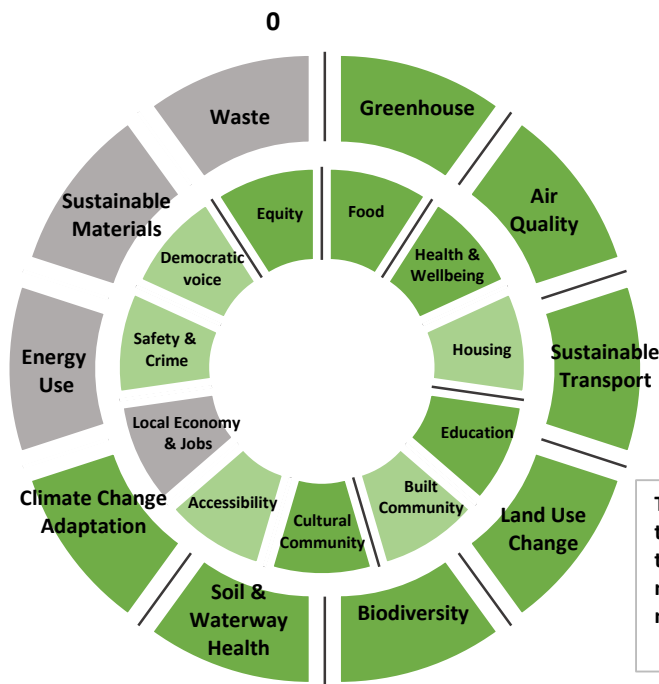
The decision will only determine whether the Leckhampton with Warden Hill Neighbourhood Plan can be formally made as part of the development plan for the Borough following a positive referendum result where residents within the Parish area voted to approve the Plan.

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

**f. Identify next steps as appropriate**

Stage Two required	<b>No</b>
Owner of Stage Two assessment	
Completion date for Stage Two assessment	

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



**Key**

	Significant and/or long-term positive impact identified. No changes needed.
	Slight or short-term positive impact identified. No changes needed but could be reviewed to improve.
	Not applicable or no cause for concern.
	Slight or short-term negative impact identified. Review to identify possible improvements.
	Significant and/or long-term negative impact identified. Changes needed before proceeding.

This summary of the CIAT should be used to aid your decision making. Please note that red/amber segments simply mean that mitigations and changes should take place not that the project cannot go ahead.

Environmental	Scores	Justification	Recommendation
GHGs	4	Through supporting the modal shift towards sustainable travel this will inturn reduce emissions and the strong empathsis on designating green infrastructure will support carbon sequestration.	0
Air quality	8	The proposals to reduce traffic volumes in high congestion areas, focusing on designing out congestion and idling will have a positive impact of air quality. The use of green infrastructure can also act as a pollution buffer.	0
Sustainable Transport	8	Appendix Sustainable Transport Priorities for Leckhampton with Warden Hill Parish aims to create safe, connected walking and cycling routes suggesting links between key services and infrastructure. By co-locating services this will also reduce the need to travel and avoid car-dependent layouts. The integration of the neighbourhood plan with bus routes and stops with supports the modal shift towards public transport.	1-0

<b>Land use change</b>	8	Appendix 2 - Green Infrastructure List avoids the loss of crucial habitat such as green corridors and hedgerows, as well as informal and leisure green spaces with local community importance. Importance and prioritisation have been placed on areas which are permeable surfaces and Sustainable urban Drainage schemes.	0
<b>Biodiversity</b>	4	By protecting wildlife corridors, hedgerows and tress this will enhance habitat connectivity and urban biodiversity.	0
<b>Soil and waterway health</b>	4	The use of permeable surfaces, SuDS, vegetation buffers will avoid run off into watercourses such as Hatherly Brook, having a further impact on water quality across the borough.	0
<b>Climate Change Adaptation</b>	4	Enhances climate resilience through green infrastructure, which provides urban cooling, and natural flood management and mitigation. This adaptation is increasingly important as we start to experience more server weather (extreme heaat and heavy rainfall), more often. POLICY LWH5 – Protection of dwellings against Future Flooding and Climate Change provides local considerations for flood risk matters for new development.	0
<b>Energy Use</b>	0	0	0
<b>Sustainable Materials</b>	0	0	0
<b>Waste</b>	0	0	0

<b>Social</b>	<b>Scores</b>	<b>Justification</b>	<b>Recommendation</b>
<b>Food</b>	4	The emphasis on ensuring residents can access nearby shops and services encourages shorter food supply journeys and reduces dependence on car-based trips for everyday shopping. This can contribute to lower transport emissions associated with food access.	0

<b>Health</b>	4	There are associated climate related co-benefits between the improvements to traffic congestion and poor air quality, which improves respiratory health. Better active travel connectivity encourages walking and cycling, reducing carbon emissions while improving physical fitness, cardiovascular health and mental wellbeing, similar benefits result from increased access to nature. The plan aims to ensure that both existing and future residents can safely access schools, GP surgeries and local services. This becomes increasingly important during climate-related disruptions and extreme weather events when proximity to essential services improves community resilience.	0
<b>Housing</b>	2	The plan seeks to balance new housing delivery with environmental protection. This supports the creation of communities that can accommodate population growth without undermining climate and biodiversity objectives.	0
<b>Education</b>	4	Supports positive educational outcomes by promoting safe and sustainable access to schools	0
<b>Community</b>	2	There is a direct link between what the aims of the plan are and the positive impact on the built community.	0
<b>Culture</b>	4	Providing community ownership in town planning.	0
<b>Accessibility</b>	2	Improving physical access routes and access to services via public transport. Reducing financial barriers through reducing reliance on individual need for a car and fuel.	0
<b>Local Economy and Jobs</b>	0	0	0
<b>Safety</b>	2	Reduced traffic incidents and safer/more connected walking and cycling routes.	0
<b>Equity</b>	4	0	0

<b>Democratic Voice</b>	2	All of the consultation requirements under Regulation 14 and 16 of the Neighbourhood Planning Regulations (2012) as amended (the Regulations), were undertaken respectively by the Parish Council and the Council	0
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Leckhampton  
with Warden Hill  
Neighbourhood Plan



Referendum Version

**March 2026**

## Foreword

Welcome to the Leckhampton with Warden Hill Neighbourhood Plan.

We are lucky enough to live in a friendly and attractive neighbourhood with excellent local schools, convenient local shops and rich biodiversity and green spaces, framed by the dramatic Cotswold escarpment at Leckhampton Hill. We enjoy relatively low levels of deprivation compared even to the rest of Cheltenham.

But we still have our challenges. An older population in Warden Hill has higher levels of ill health and disability. Housing affordability is a real problem in Leckhampton. We have concerns about flooding and the traffic that often blocks our roads and threatens our air quality and wellbeing. And the prospect of new development means we have to balance the need for new homes and more educational facilities with the impact of extra people and cars. We need to protect our treasured local environment while addressing the twin global crises of the Climate Emergency and species loss. And we need to make sure our new residents will also be able to safely get to school and to a GP surgery and to nearby shops.

This plan, developed in consultation with local people and ultimately voted on by them, is our attempt to address these issues alongside the National Planning Policy Framework, the Cheltenham Gloucester & Tewkesbury Joint Core Strategy and the Cheltenham Plan. It provides another important tool for decision-makers at all levels that allows local people's voice to be heard on the decisions that affect them.

I would like to thank earlier Neighbourhood Plan working group chair and co-chair former councillors Ian Bickerton, Graham Beale and Martin Horwood for their work in getting the plan to this stage, our parish clerk Arlene Deane and assistant clerk Kim Riley for their patient support and assistance, our lead consultant Lee Searles of Andrea Pellegram Limited and Rebecca Gregory of Lepus Consulting who prepared the important and authoritative evaluation of local landscape value, and many other local people and parish and other councillors for their comments and contributions, particularly Dr Adrian Mears, Stephen Cooke, Ian White, Viv Matthews and Alan Bailey.

**Councillor Martin Hutchings**  
**Neighbourhood Plan working group chair**  
**March 2026**

## Acronyms & abbreviations

<b>AONB</b>	<b>Area of Outstanding Natural Beauty (as in 'Cotswolds AONB', also known as the Cotswold National Landscape)</b>
<b>BEIS</b>	<b>Department for Business Enterprise &amp; Industrial Strategy (UK government)</b>
<b>CBC</b>	<b>Cheltenham Borough Council</b>
<b>CP</b>	<b>County parish (as in 'Leckhampton CP')</b>
<b>DWP</b>	<b>Department for Work &amp; Pensions (UK government)</b>
<b>GCC</b>	<b>Gloucestershire County Council</b>
<b>ha</b>	<b>Hectares (1ha = 2.47 acres)</b>
<b>HRA</b>	<b>Habitats Regulation Assessment</b>
<b>JCS</b>	<b>Joint Core Strategy (joint Cheltenham Gloucester &amp; Tewkesbury strategic local plan)</b>
<b>KWh</b>	<b>Kilowatt Hours (units of energy used)</b>
<b>LGS</b>	<b>Local Green Space (a designation in the NPPF, in our case used by CBC to protect the Leckhampton Fields)</b>
<b>LPA</b>	<b>Local Planning Authority, in our case Cheltenham Borough Council</b>
<b>LWH</b>	<b>Leckhampton with Warden Hill (so Policy LWH1 is the first policy in the Leckhampton with Warden Hill Neighbourhood Plan)</b>
<b>MHCLG</b>	<b>Ministry of Housing Communities &amp; Local Government (UK government, currently called the Department for Levelling Up, Housing &amp; Communities)</b>
<b>NHS</b>	<b>National Health Service</b>
<b>NP</b>	<b>Neighbourhood Plan</b>
<b>NPPF</b>	<b>National Planning Policy Framework</b>
<b>OCSI</b>	<b>Oxford Consultants for Social Inclusion</b>
<b>ONS</b>	<b>Office for National Statistics</b>
<b>PROW</b>	<b>Public Rights of Way</b>
<b>SEA</b>	<b>Strategic Environmental Assessment</b>

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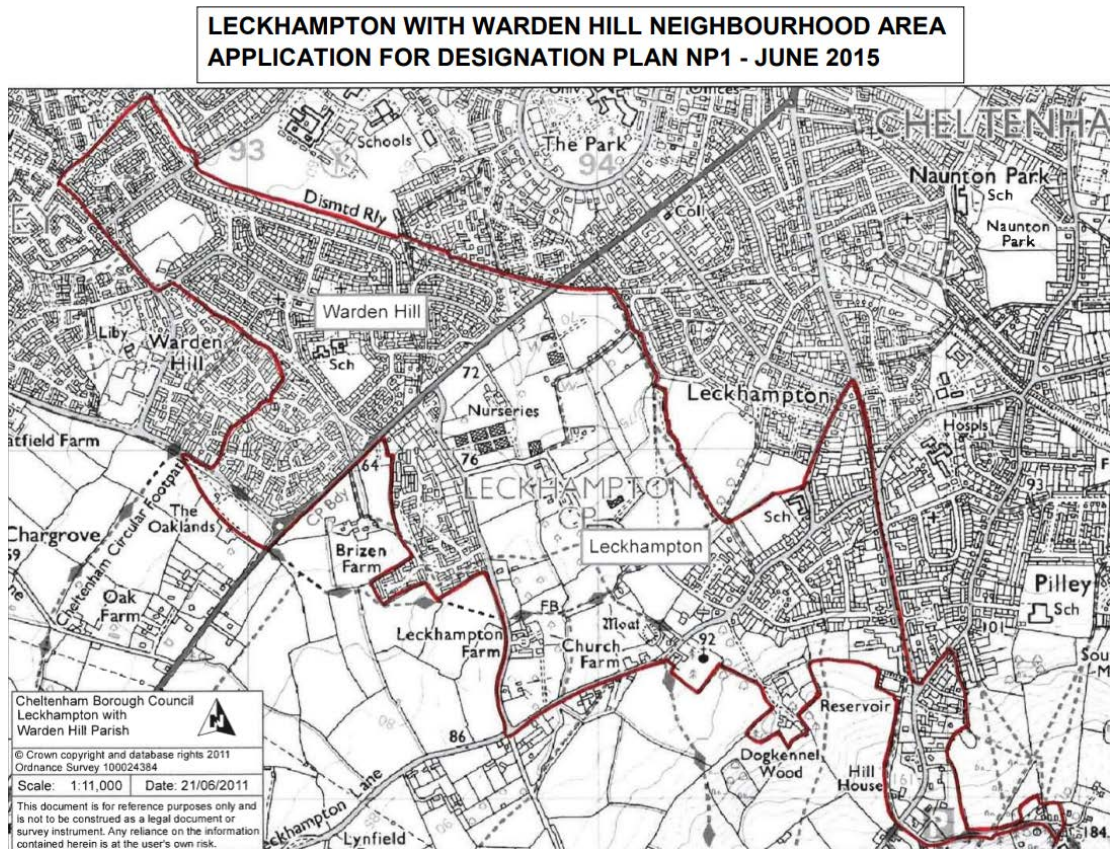
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## Neighbourhood Planning Area

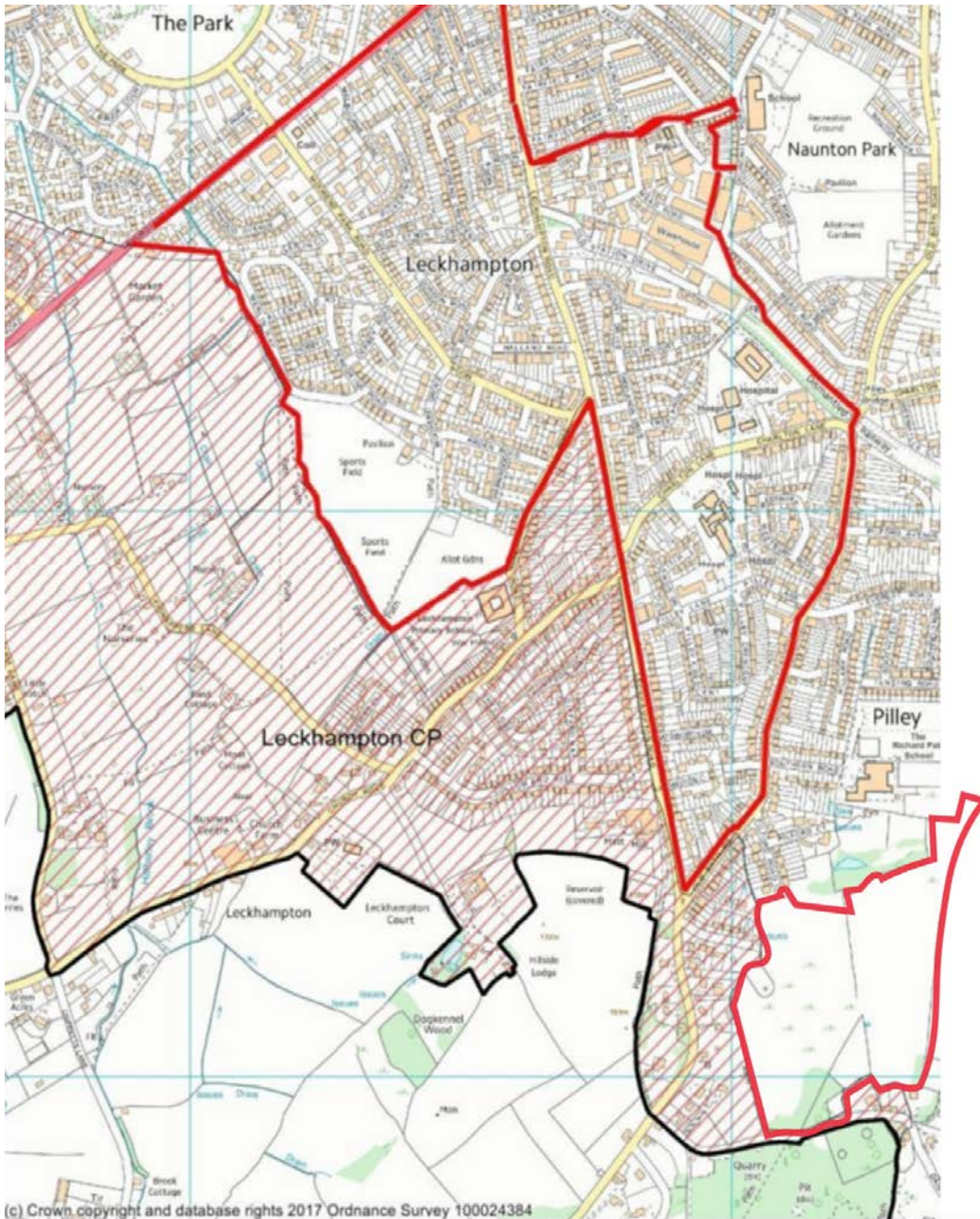
1. Leckhampton with Warden Hill Parish Council applied for designation of the Neighbourhood Plan Area for its Neighbourhood Plan in June 2015 with an area based on the whole of the Parish at that time, and with Leckhampton with Warden Hill Parish Council as the Qualifying Body. This was approved by Cheltenham Council on 15 September 2015 Council. The Neighbourhood Plan Area is set out in **Figure 1**.

**Figure 1 - Leckhampton with Warden Hill Neighbourhood Plan Area Boundary**



2. The Cheltenham Borough Council (Reorganisation of Community Governance) (Leckhampton with Warden Hill Parish) Order 2018 later altered the boundaries of the parish, making it significantly larger (see **Figure 2** which shows the areas added to the parish). Given the advanced state of technical work supporting Neighbourhood Plan preparation, Leckhampton with Warden Parish Council, as the Qualifying Body, decided to proceed to progress the Neighbourhood Plan on the basis of the existing Neighbourhood Plan Area, without modification. The Parish Council committed to consult the whole Parish on the emerging Neighbourhood Plan and recommends to the Examiner of the plan that the whole Parish be allowed to vote in the referendum at the end of the process.

Figure 2 - Areas added to the Parish in 2018 (red outline)



3. In the longer term, the Parish Council has also committed to seek designation of the whole new parish for future iterations of this Neighbourhood Plan. The Parish Council intends this Neighbourhood Plan on the former parish boundaries, and the principles and policies contained within it, to provide the basis for the development of the future Neighbourhood Plan incorporating the whole new parish.

## The Role and Scope of the Neighbourhood Plan

4. The Neighbourhood Plan must operate in accordance with the guidance set out in the NPPF which says that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings. This applies to plans at all levels and so Neighbourhood Plans should play their part in the planning system in the same way.
5. A role of neighbourhood planning is set out in Paragraph 29 of the NPPF. Here, it says Neighbourhood Plans give communities the power to develop a shared vision for their areas and through them shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.
6. NPs are required to meet Basic Conditions and other legislative requirements. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
  - a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or Neighbourhood Development Plan).
  - b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
  - c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
  - d) the making of the order (or Neighbourhood Development Plan) contributes to the achievement of sustainable development.
  - e) the making of the order (or Neighbourhood Development Plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
  - f) the making of the order (or Neighbourhood Development Plan) does not breach, and is otherwise compatible with, EU obligations.
  - g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or Neighbourhood Development Plan)

Following the UK's departure from the European Union we can assume that f) above will apply to any successor legislation.

7. Importantly, Neighbourhood Plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies. A key requirement is that

Neighbourhood Plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

8. At a later stage, this Neighbourhood Plan will be subject to an independent examination to assess whether it has been prepared in accordance with legal and procedural requirements.
9. Once the Neighbourhood Plan has been brought into force, its policies will be considered alongside Local Plan policies under section 38(6) of the 1990 Act unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

#### NEIGHBOURHOOD PLAN PERIOD

10. The time period for the Neighbourhood Plan is informed by the status of adopted and emerging local plans.
11. The version of the National Planning Policy Framework (NPPF) against which the neighbourhood plan has been examined was published in December 2023. The NPPF sets out national planning policies in a single document and in so doing sets the framework for plan-making and decision-making on development proposals. The Framework explains the relationship between the NPPF, Local Plans and Neighbourhood Plans. This influences how local planning authorities approach the development of local plan policies and how they regard policies as strategic or non-strategic in nature. The NPPF identifies matters on which the government thinks local communities through Neighbourhood Plans can contribute to the achievement of national policy goals and also express their own ambitions and objectives.
12. The adopted local plan for the area is made up of the following development plan documents:
  - The **Joint Core Strategy**, adopted in adopted in 2017. This plan runs until 2031.
  - The Adopted **Cheltenham Plan**, adopted in 2020. This plan runs until 2031
  - Saved policies from Cheltenham Local Plan, 2006
  - The Gloucestershire Waste Core Strategy 2012-2027
  - Saved Waste Local Plan Policies
  - Minerals Local Plan 2018-2032
  - Cotswolds National Landscape Management Plan, 2023-2025 (relating to the Cotswolds National Landscape).
13. In view of the adoption of the Cheltenham Plan in 2020, and the more recent work undertaken to prepare an updated Neighbourhood Plan for a repeated Regulation 14 Consultation, it makes sense to set the time period for the Neighbourhood Plan from 2022 until 2031 in alignment with the Local Plan and Joint Core Strategy.

#### COTSWOLDS NATIONAL LANDSCAPE

14. Part of the Cotswolds National Landscape designation lies within the southeast part of the Leckhampton with Warden Hill Neighbourhood Area and is also immediately adjacent to it along the eastern part of the southern border of the area covered by the Neighbourhood Plan.

15. In landscape terms the Cotswolds escarpment provides a high-quality backdrop to the Neighbourhood Area and the area covered by the Neighbourhood Plan plays an important contribution to the setting of the National Landscape. The requirement for neighbourhood plans to reflect National Landscape designations is set in legislation with the 2023 Levelling Up and Regeneration Act (s245) and subsequent 2024 Government guidance, placing a duty on those bodies preparing a neighbourhood plan to further the purposes of the National Landscape.
16. Therefore, this Neighbourhood Plan must consider how the duty has been met. Since its inception in 2012, local volunteers have sought to create a Neighbourhood Plan that recognises, protects and enhances the unique characteristics of the Neighbourhood Area in relation to the Cotswolds National Landscape. It has placed the role that development within the Neighbourhood Area plays in affecting the National Landscape at the heart of the Neighbourhood Plan. This is evident in the discussion of key challenges for the Neighbourhood Plan which overall seeks to positively support key outcomes sought in the Cotswolds National Landscape Management Plan 2025-2030 prepared by the Cotswolds National Landscape Management Board.

#### STRATEGIC ENVIRONMENTAL APPRAISAL

17. The NPPF says that neighbourhood plans may require Strategic Environmental Assessment (SEA), but only where there are potentially significant environmental effects. The area covered by the Leckhampton with Warden Hill Neighbourhood Plan includes Green Belt land and the Cotswolds National Landscape, so the potential for impacts on sensitive landscape receptors arising from development is clear. On the other hand, the policies of the Neighbourhood Plan do not propose additional development to that already set out in adopted plans and do not seek to allocate new land for development, which limits the potential for such impacts. Most policies within the Neighbourhood Plan are geared to protecting and improving key elements of local character which provide an important setting for the National Landscape, or seek to reduce the traffic and other impacts associated with development which would also contribute to National Landscape and Green Belt.
18. Nevertheless, in view of the proximity of sensitive sites within the Neighbourhood Plan area, a request for a screening opinion on whether SEA is required was prepared on behalf of Leckhampton with Warden Hill Parish Council and submitted to the Local Planning Authority for its formal opinion. A request for a Screening Opinion was made on 3 August 2022 and it has been confirmed that SEA is not required.
19. A request was also submitted at the same time for a formal screening opinion on the need for a Habitats Regulation Assessment (HRA). Confirmation was received that a HRA is not required.

#### SUSTAINABLE DEVELOPMENT

20. The National Planning Policy Framework (NPPF) requires that plans seek to contribute to the achievement of sustainable development through meeting economic, social and environmental objectives (set out in paragraph 8 of the NPPF). The Leckhampton with Warden Hill Neighbourhood Plan has been prepared with these requirements in mind. **Table 1** demonstrates how each of the policies within the plan contribute to the achievement of one

or more of the overarching objectives which mutually support the achievement of sustainable development.

**Table 1 – Achievement of Sustainable Development objectives**

<b>Neighbourhood Plan Policy</b>	<b>Economic objective</b>	<b>Social Objective</b>	<b>Environmental Objective</b>
LWH1 - Local Commercial and Community Facilities	Promotes more economic activity locally	Seeks to retain facilities providing valuable social function	Encourages local facilities so that car use can be reduced.
LWH2 - walking and cycling links	Promotes home-working and locally based employment opportunities accessible on foot and by bike	Promotes good quality and safe links to facilitate wider use of walking and cycling routes	Encourages more walking and cycling in order to reduce the need to use the car for local journeys
LWH3 green infrastructure	Seeks to establish better quality environment in key economic locations	Better quality green infrastructure promotes more use by all sections of the community	Connected habitats and green management practices will improve the area for wildlife
LWH4 local heritage	Retaining and improving local heritage assets can provide economic benefits by improving the quality of the built environment	Generating a better understanding and appreciation of local heritage assets generates important social benefits	
LWH5 flood risk		Less flood damage improves domestic insurability and improves mental wellbeing.	Improvements in local flood avoidance and resilience measures will contribute to environmental benefits through avoidance of flooding. Sustainable/natural flood risk management schemes can also contribute to biodiversity/habitat under environmental objectives.

## Consultation with the Community

21. Engagement of the local community is regarded as essential in developing a vision and objectives for the future development of neighbourhoods and to provide the detailed information to support non-strategic policies that can make a difference to localities.
22. The Leckhampton with Warden Hill Neighbourhood Plan has been supported by engagement and consultation in a variety of forms over the period of its development. These are detailed below. Responses received during two major Regulation 14 consultations on Draft Neighbourhood Plan are detailed in a separate Consultation Report. The results of the 2023 Regulation 14 Consultation have directly informed changes to the draft Neighbourhood Plan to respond to issues and views raised.
23. Leckhampton with Warden Hill Parish Council engagement with the community is detailed below:

### 2013 CONCEPT STATEMENT AND LOCAL GREEN SPACE APPLICATION

24. A concept statement and Local Green Space application was compiled in 2012/13 and submitted to Cheltenham and Tewkesbury Borough Councils in July 2013, this document was countersigned by Shurdington Parish Council. This Concept Statement was prepared by the Neighbourhood Forum. In responding to significant local concerns over traffic congestion and traffic generation, the Leckhampton with Warden Hill Parish Council undertook extensive traffic surveys and traffic modelling of traffic flow on the A46 in order to understand the scale of the existing peak workday periods of congestion.

### 2014 THE CHELTENHAM PARTNERSHIP – CONNECTING WARDEN HILL

25. A survey was conducted in 2014, with a Task and Finish Group delivering to approximately 850 homes of over 50s and receiving responses from 55 in total. The survey aimed to explore people's interests and skills with a view to enabling setting up of more activities for over 50s in the ward and encourage volunteering. Questions also explored extent of loneliness and feelings of personal safety. This was an initiative by Cheltenham Borough Council, Leckhampton with Warden Hill Parish Council and local churches in Warden Hill to strengthen the local community.

### SUMMER 2015 NEIGHBOURHOOD PLAN CONSULTATION SURVEY

26. A survey was undertaken by Leckhampton with Warden Hill Parish Council to ask residents what their priorities were for the development of the Neighbourhood Plan. The survey and the results were set out in full in the Cheltenham Borough Council Engaging Communities Project Report prepared by Gloucestershire Rural Community Council, published in January 2017 (included in the Neighbourhood Plan document library). The survey informed development of the draft Neighbourhood Plan consulted upon in 2021.

### SEPTEMBER-NOVEMBER 2021 REGULATION 14 CONSULTATION ON DRAFT NEIGHBOURHOOD PLAN

27. The previous draft Neighbourhood Plan (included in the Neighbourhood Plan document library) consultation period ran from 1 September 2021 to 15 November 2021, meeting the requirement for a consultation period of at least six weeks. A consultation survey was made

available online. This could be completed online or printed, completed by hand and posted to the Parish Council offices. All residents in the Parish were written to regarding the consultation and residents within the Neighbourhood Area were posted information a second time also.

28. Two public consultation events were held during the consultation period. Postcards were produced and distributed to the whole parish to advertise the two events. Across the two events, over 50 people attended with some leaving comments at the venue and others taking away survey forms to complete separately. Other consultation activities included the following:
- Consultation posters were printed and put on the Council's noticeboards and in shops, schools, doctor's surgeries and other public places.
  - Large banners were produced and placed in prominent places locally such as the Norwood Arms, at the entrance to Burrows Field and the Multi-Use Games Area in Warden Hill.
  - The consultation and the online link were promoted on the council's website and the Cheltenham consultation website itself which hosted the online survey.
  - It was also publicised on the council's Twitter and Facebook accounts.
  - All councillors were encouraged to promote the consultation through their own channels
  - Including at least one councillor's local free literature distribution of circa 5,000 as well as via Twitter (13.6k followers).
29. 272 responses to consultation were received via the survey and 8 further written submissions were made. The Consultation Report included at **Annex 1** summarises the issues raised in responses to this consultation.
30. These have informed an update to the Vision and Objectives in a revised draft Neighbourhood Plan published for a further Regulation 14 consultation.

#### **NOVEMBER 2022-JANUARY 2023 SECOND REGULATION 14 CONSULTATION ON DRAFT NEIGHBOURHOOD PLAN**

31. A public consultation was undertaken on a revised Regulation 14 Draft Neighbourhood Plan from 18th November 2022 to 20<sup>th</sup> January 2023. Consultation documents were published on <https://haveyoursay.cheltenham.gov.uk/parish/lwwh-neighbourhoodplan/>, Cheltenham Borough Council's consultation website.
32. Consultees were notified of the publication of the draft Neighbourhood Plan – a list of consultees is included within the Consultation Report.
33. An online survey provided an opportunity for residents and other interested parties to indicate their views on the proposed vision, objectives and policies. There were 31 responses to the survey. A summary of survey responses is included in the Consultation Report.

34. Leaflets were distributed to all households in the wider Parish. A community event was held on 7<sup>th</sup> January which 22 people attended.
35. Separate written responses were made to the consultation from developers and from Cheltenham Borough Council.
36. Comments on the draft plan have been copied into a table within the Consultation Report at Annex 1 and responses to the comments made have been set out in the table. Changes to the draft plan resulting from the comments are indicated in the table.

## Profile of Neighbourhood Area

37. The Neighbourhood Area within Leckhampton with Warden Hill Parish is a mature residential and fairly rural area to the south of Cheltenham town centre. It is one of five parishes in Cheltenham Borough. It is the southernmost part of the Borough, adjoining Shurdington Parish to the south (within Tewkesbury District), Up Hatherley to the west, Charlton Kings to the East and the unparished centre of Cheltenham to the north).
38. This section of the Neighbourhood Plan describes the history and socio-economic profile of the Neighbourhood Area. Local volunteers have provided the historical perspective and an updated socio-economic profile of the Neighbourhood Area has been prepared by Oxford Consultants for Social Inclusion (OCSI).

### HISTORY OF LECKHAMPTON WITH WARDEN HILL

39. Settlement in Leckhampton dates back to Anglo-Saxon times and there are many surviving historic buildings and features. The area was a market gardening area which gave rise to its distinctive village and field development, the remaining agricultural landscape of which makes a significant contribution to the setting for the Cotswold Escarpment. Warden Hill is a more modern community dating back to the 1950s complete with planned community centre in Salisbury Avenue. A fuller account of the historical development of both Leckhampton and Warden Hill is provided in **Annex 2**.

### DEMOGRAPHIC, SOCIAL AND ECONOMIC PROFILE

40. A fuller profile is included in **Annex 3** based on 2022 reports supplied by Oxford Consultants for Social Inclusion (OCSI) using the census data and additional government, NHS, Police and ONS data. It is based on the boundaries of two Census Lower Super Output Areas (LSOAs) that approximate to the Leckhampton and Warden Hill wards of the former parish respectively and, in combination, to the Neighbourhood Plan area. It includes data on age and gender, household type, ethnicity and origin, religion and belief, income, health, education and crime.
41. Census data presented in the profile uses 2011 Census information and so this remains relevant until publication of 2021 Census sub-parish level information (expected in 2023) after which the profile will be updated. Initial data from the 2021 Census has been published at Local Authority level and is not yet available at the required output area level to enable more up to date information to be presented here. The government, NHS, Police and ONS data in the profile is more up to date, in some cases 2022 data.
42. The profile reveals that, overall, Leckhampton and Warden Hill enjoy higher incomes, lower unemployment, better health and better educational outcomes than the rest of England and even the rest of Gloucestershire. 52.3% of people were in managerial or professional occupations compared with 41.2% for England, rising to 62.2% in Leckhampton. The largest employment sector in Leckhampton was education. In Warden Hill it is health & social work<sup>1</sup>.
43. But there are significant variations within that fortunate overall picture. Minorities are vulnerable to poverty, ill health and disability and energy use is higher than the national

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<sup>1</sup> Census 2011

average. Housing affordability in Leckhampton is four times worse than the national and Warden Hill estimates.

44. The over 65 population is higher than the national average, particularly in Warden Hill. This may also contribute to Warden Hill's relatively high levels of ill health and disability and lower levels of degree level education and qualifications generally.

#### POPULATION

45. The approximate Neighbourhood Plan area was home to 4,610 people in 2011<sup>2</sup>. The population under 15 and of working age was rather below the England and county averages. The proportion over 65 was well above the England average at 30.7% and even higher in Warden Hill. 35.5% of households were pensioner households - 39.4% in Warden Hill - compared with 20.7% nationally.<sup>3</sup>
46. The area had numbers of one person households and lone parent families well below the England average. Nearly 95% were white British, well above the England average.<sup>4</sup>
47. The population was 48.2% male and 51.8% female.<sup>5</sup>

#### VULNERABILITY

48. Far fewer than the England average were claiming unemployment, housing or incapacity benefits or Universal Credit although the levels were higher in Warden Hill than Leckhampton.
49. Levels of disability benefit claims in Leckhampton were also lower than average but higher in Warden Hill and the percentage claiming Attendance Allowance in Warden Hill was higher than the England average<sup>6</sup>.
50. 28 households (4.6%) had children living in low-income families, much lower than the England average. While still low, Warden Hill's rate was nearly double that of Leckhampton.<sup>7</sup>
51. Based on 2017/18 data, 120 households (7.9%) were already living in fuel poverty and the percentage was higher in Warden Hill<sup>8</sup>.

#### INCOME AND DEPRIVATION

52. Overall, the data shows that both Leckhampton and Warden Hill are amongst the least deprived 10% of neighbourhoods in England according to the Index of Multiple Deprivation<sup>9</sup>. But there are significant variations within that overall picture.

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<sup>2</sup> Census 2011

<sup>3</sup> Census 2011

<sup>4</sup> Census 2011

<sup>5</sup> Census 2011

<sup>6</sup> DWP Attendance Allowance claimants (Feb-22)

<sup>7</sup> Children in low-income families, Department for Work and Pensions (2020)

<sup>8</sup> Households living in 'Fuel Poverty' Department for Business, Energy and Industrial Strategy (2020)

<sup>9</sup> Ministry of Housing, Communities and Local Government (Indices of Deprivation 2019)

53. Leckhampton had the higher average income at £50,800 while Warden Hill's was just above the England average at £44,600<sup>10</sup>.
54. Warden Hill was slightly worse off for employment, and Leckhampton much worse off for housing affordability – in the fourth decile nationally<sup>11</sup>. The 'affordability gap' between the cost of local houses and the average amount residents can borrow is higher than the England average in Warden Hill at £52,910 but in Leckhampton it is £226,948<sup>12</sup>.

#### EDUCATIONAL ACHIEVEMENT

55. Leckhampton had a much higher proportion of adults with a degree-level qualifications, almost double the England average, and a lower-than-average proportion of people with no qualification at 7.9% compared with 22.5% nationally. 25.3% of people in Warden Hill had degree-level qualifications and 25% had no qualifications, probably reflecting its older profile and the relative rarity of degrees amongst older generations, amongst whom it was also less common for women to have qualifications<sup>13</sup>.
56. Both Leckhampton and Warden Hill children have better than the England average progress against Early Learning Goals and better attainment at Key Stage 4. Warden Hill children show slightly better progress in early years while Leckhampton's attainment statistics are better by Key Stage 4<sup>14</sup>.

#### CRIME

57. Recent Police crime data show both Leckhampton and Warden Hill well below the England average at 30.7 recorded crimes per 1000 population. Reported crime was higher in Leckhampton than Warden Hill, particularly in the category of anti-social behaviour<sup>15</sup>.

#### EMPLOYMENT

58. The Neighbourhood Area is almost exclusively residential and therefore has few employment opportunities within it, with people travelling to work outside the area. The data shows 52.3% of people in managerial, professional or associated professional occupations (compared with 41.2% for England)<sup>16</sup>.
59. The largest employment sector in Leckhampton is education. In Warden Hill it is health and social work.

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<sup>10</sup> Annual household income (Office for National Statistics 2017/18)

<sup>11</sup> Ministry of Housing, Communities and Local Government (Indices of Deprivation 2019)

<sup>12</sup> ONS House Price Statistics for Small Areas Oct16-Sep17; ONS earnings data 2015/2016

<sup>13</sup> Census 2011

<sup>14</sup> Department for Education (2013-2014)

<sup>15</sup> Recorded crime offences – <https://data.police.uk/> (2021/2022)

<sup>16</sup> Census 2011

## Key Challenges, Vision and Objectives

60. This section of the Neighbourhood Plan outlines the key challenges as raised by the local community during the development of the Neighbourhood Plan. It then sets out the Neighbourhood Plan Vision and Objectives.

### KEY CHALLENGES IN THE NEIGHBOURHOOD PLAN AREA

61. The issues raised by the local community in response to surveys and consultation go wider than the remit of a Neighbourhood Plan, which is primarily about the use and development of land and buildings. Nevertheless, a Neighbourhood Plan provides an opportunity to set the wider framework of parish council and partners' actions to deliver on the concerns of local people to show how, alongside planning policies, further initiatives will be explored.
62. Significant housing allocations have been made within the Neighbourhood Area. Cheltenham Local Plan site allocation MD4 has recently secured detailed planning consent for 350 homes (application reference APP/B1605/W/22/33091563). Through this, the Neighbourhood Area is making a contribution towards meeting housing needs across Cheltenham Borough. Additional speculative housing developments have already occurred on smaller sites within the area and significant 377 homes development just outside the Neighbourhood Area Boundary.
63. Community awareness of planning issues has grown over decades in response to development pressure from local plans and major housing applications. Initially through community activism and more recently through specific engagement and consultation by the Parish Council, a clear understanding has emerged of how local people want to see development in the neighbourhood managed.
64. **Local Green and Open Spaces.** From the development of the Concept Statement in 2013, there was a clear commitment to secure a designation of the Leckhampton Fields as Local Green Space in support of the local environment and landscape, the mental and physical wellbeing of local people and to make a local contribution to the twin global crises of climate change and species loss. A submission was made in 2015 to Cheltenham Borough Council requesting designation. Leckhampton was removed from the Joint Core Strategy list of strategic allocations following examination which addressed this specific issue. The Cheltenham Borough Plan adopted in 2020 duly provided this designation for a part of Leckhampton Fields totalling around 26 hectares. In the light of this, a key task for the Neighbourhood Plan is to identify how a clear set of principles that would manage and enhance the Local Green Space will be developed. The Cheltenham Plan already identifies and protects some other open spaces and this Neighbourhood Plan sets out to identify more green infrastructure and open spaces that need to be considered in development decision-making.
65. There is a desire to explore the provision of additional allotments within the Neighbourhood Plan Area. The Neighbourhood Plan will seek to secure allotments through new development where appropriate.
66. **The Climate Emergency, global warming and changes to weather patterns in the UK.** Climate change will likely bring extreme summer temperature to the UK, increased flooding and severe weather events. UK homes and infrastructure are not suited to high summer

temperatures, prolonged heavy rainfall or snow and ice accumulation. Clearly, we are limited in what can be done to protect vulnerable people and families living in older properties.

67. In comparison to the older parts of Leckhampton Village, the newer parts of Leckhampton have fewer trees in the public realm and so do not benefit as much from cooling and shading that trees bring. Opportunities to plant trees in this area will be explored to provide shade and cut pollution levels for residents. The community would support tree planting in support of action on the climate emergency and to reduce air pollution. The Parish Council could play a role in offering advice on which types of trees are best for the garden, trees requiring low maintenance of the right size and with a low risk of causing subsidence.
68. In accordance with national policy requirements and Local Plan policies, and forthcoming changes to Building Regulations requirements, it is important that development within the Neighbourhood Area contributes to the achievement of Net Zero Carbon through the adoption of high environmental standards for new buildings including passivhaus or similar where possible.
69. **Traffic Congestion and Air Quality.** The development of allocated sites for housing, other consented housing developments and the new school are likely to significantly increase car traffic on roads throughout the area. Over the course of ten years, local community groups working closely with Leckhampton with Warden Hill Parish Council have carried out significant technical work to better understand existing and likely future traffic conditions in the Neighbourhood Plan Area. This work was originally focused on influencing emerging local plans and responding to significant development proposals but has continued as part of an ongoing commitment to monitor and protect air quality.
70. Highways impact matters have now been fully considered by Gloucestershire County Council and Cheltenham Borough Council who have determined in an adopted local plan that allocated sites are deliverable, subject to consideration of detailed consideration of traffic impacts. Planning applications have been consented involving traffic generation. Whilst the Neighbourhood Plan has no scope to question these allocations or to reopen debate on consented applications, the local community is clear that action is needed to do as much as possible at the local level to minimise these impacts.
71. The Neighbourhood Plan includes a transport and travel plan to encourage action by all stakeholders and identifies key walking and cycling connections that will be supported to maintain and improve opportunities for a more sustainable travel network so that more local journeys can be undertaken without the car, and which provide independence for young people to travel safely to school.
72. Responses to consultation on this plan highlight the limits on the ability of some people in the community to take advantage of active travel opportunities when these are over 500m distance. They highlight a need for local bus services to connect to key local shopping and service destinations within the Neighbourhood Area and in adjacent areas. The Parish Council is supportive of proposals to provide bus services to meet this need and will explore this further.

73. Local people want the Parish Council to use the Neighbourhood Plan to promote broader actions on measures to address traffic congestion and to promote a safer environment for active, non-motorised, travel around the Neighbourhood Area.
74. **Improving Health and fitness** is linked to the provision of better walking and cycling routes and to the improvement of Local Green Space and other green infrastructure. The Neighbourhood Plan seeks to capitalise on the area's green resources to ensure that their role in providing a green infrastructure is maintained and enhanced, and links to efforts to improve resilience against flood risk and encourage healthy, active lifestyles.
75. Leckhampton with Warden Hill Parish Council has sponsored walks around the Leckhampton Fields and on Leckhampton Hill and Charlton Kings Common, providing some funding and effort for footpath maintenance. The Leckhampton Local History Society have produced free leaflets providing information on local walks and routes. The Council aims to add to its website descriptions of local walks to encourage more people to walk in the countryside. The Cotswold Voluntary Wardens and the Ramblers organize regular local walks. The local footpath infrastructure is maintained by the Friends of Leckhampton Hill and Charlton Kings Common (FOLK), by the Cotswold Voluntary Wardens, by the parish councils and by the County Council.
76. **Housing.** Leckhampton and Warden Hill are well-established residential communities where there is a natural cycle of households moving into and out of the area. Like many areas there is an issue of an ageing population. This is due not only to people living longer but also to a net inward migration of people in the over-60 and over-75 age groups and by net outward migration of younger people and loss of local employment. Higher house prices are making this cycle more difficult to sustain, especially in Leckhampton, and there is a need for people living locally to access affordable and social housing, or to downsize to smaller housing. New housing development must deliver on these needs and work on this is being led by Cheltenham Borough Council through its adopted Cheltenham Plan and decision-making on planning applications and target of 40% affordable housing in new developments. It is important that the positive engagement by Leckhampton with Warden Hill Parish Council with developers and Cheltenham Borough Council occurs to ensure that housing delivery in the area meets local housing needs as well as broader Cheltenham requirements.
77. **Shopping and Community Facilities.** The Neighbourhood Plan Area relies on shopping centres both outside the Neighbourhood Plan Area (such as at Bath Road) and inside the area, such as local shops on Leckhampton Road and at Salisbury Avenue. The village hall in Church Road is very well used and is well supported financially by local people. A large hall is available at Leckhampton Primary School able to take public meetings of over 300 people and we hope the new High School Leckhampton will also provide valuable community facilities. St Peter's is sometimes used for concerts and the Glebe Cottages provide a room and facilities for small events.
78. The Neighbourhood Plan identifies a need to retain existing shopping and community facilities and to ensure that new developments provide facilities where appropriate.
79. **Youth facilities and Unemployment.** Whilst there are sufficient facilities for youth work, cuts in funding have reduced the availability of youth leaders. Some facilities which play a valuable role in the providing social and community space and interaction, need improvement. The

scout hut in Leckhampton needs a major upgrade. The Brizen Young People's Centre is available for general use as well as for youth work. The local schools also provide activities. Revenue funding is needed to make the most of these facilities and support professional youth workers and volunteers.

80. **Supporting local businesses.** The cycle of change in the neighbourhood relies to some extent on the availability of local employment to incoming younger residents. Providing a more sustainable neighbourhood where people need to drive less in order to live their lives daily, could benefit from greater places of local employment which people can access on foot. Rapidly advancing communications technology means that for many enterprises there is increased flexibility for working from home and from local premises. The Covid-19 pandemic during 2020 and 2021 has given society a firm nudge in the direction of greater home working. All of this could lead to changing requirements for the design of homes to provide space for home working. It could support the development of neighbourhood shared-serviced employment spaces. Existing local businesses may need to develop to maintain their competitive.
81. **Landscape** – The area has traditionally formed an important transition between the urban and rural area, consisting of a mixture of urban development and green fields which have been described as 'a mosaic of land uses, varied topography, landscape history, dense network of footpaths, small to medium sized fields, mature vegetation, established hedgerows, isolated specimen trees, orchard remnants, streams and frequent glimpses of or views to the National Landscape' (see Annex 6, page 4), which combine to make a memorable landscape. These characteristics remain largely unchanged amidst more recent development.
82. **Maintenance of the Local Area:** Local residents want the Neighbourhood Plan Area to present a high quality and attractive environment. To achieve this, the basics need to be got right – maintaining roads and pavements, gardening the public spaces, cleaning up litter, avoiding dog fouling, reducing fly-tipping, and ensuring that lampposts, bins, benches, fences, signposts and the whole range of paraphernalia in the public realm are properly maintained and kept tidy.
83. The community needs to play its part and is doing so. FOLK has frequent volunteer working parties that keep Leckhampton Hill pristine. Cheltenham Borough Council and volunteers maintain the flower bed across the area with funding support from the Parish Council. In Warden Hill there has been strong volunteer activity through 'In Bloom for Warden Hill' maintaining the attractiveness of the area. More volunteer effort like this is going to be very important.
84. The area has a considerable number of non-designated heritage assets and building of local interest. These are not protected by statutory heritage protections and so are at risk of loss or harm from new development, and from neglect.
85. The Neighbourhood Plan can support and encourage good quality design and ask that new developments have appropriate arrangements in place to manage and maintain public spaces and infrastructure. The plan can also ensure that the importance of local non-designated heritage features and buildings of local interest is recognised in planning decisions.

86. **Increased Flood Risk in Leckhampton and Warden Hill.** The community have highlighted their concern that the area is experiencing an increasing flood risk owing to changes in rainfall patterns compounded by surface water runoff due to the close proximity of Leckhampton Hill and the clay soil conditions south of Farm Lane. Localised flood events have occurred several times across the Neighbourhood Plan area in particular in Warden Hill and across the Leckhampton Fields.
87. Site Allocations in the Cheltenham Plan and subsequent planning permissions have deemed further development on some open areas to be safe in terms of flood risk from surface water run-off and in relation to flood risk from the Hatherley Brook and Moorend Stream.
88. Locally, the community want to ensure that remaining open areas can continue to provide valuable flood storage functions. They want development to adopt design principles which reduce the risk of run off. They want a clear commitment to a strategic approach to the maintenance of flood defence systems from a multiplicity of developments and a commitment to monitoring their operation and effectiveness.

#### **VISION AND OBJECTIVES**

89. From the challenges discussed above, a vision and objectives are proposed for delivery through the Neighbourhood Plan.
90. The Vision underlying this Plan, which has guided the development of the Neighbourhood Plan since 2012 is set out below:

**By 2031, the Leckhampton with Warden Hill Neighbourhood Plan Area will look and feel better than it does today. Essential valued landscape and visual characteristics of the area, and areas of tranquility, will remain in place. The area will be greener, more sustainable and better protected from flood risk. More people will be able to find a home that meets their needs. More people will work locally. They will be able to walk and cycle to a good network of local shops and community facilities. People will be able to live healthier lives.**

91. To achieve this Vision the following objectives have been set for the Leckhampton with Warden Hill Neighbourhood Plan.

**LWH OBJECTIVE 1 To promote a good quality of life for all of the area's residents.**

**LWH OBJECTIVE 2 To protect and enhance the Leckhampton Local Green Space and other green infrastructure to secure a range of benefits including the tackling of climate change, physical and mental well-being, flood resilience, cleaner air, areas of tranquility, landscape and improvements to habitats.**

**LWH OBJECTIVE 3 To seek ongoing improvements to travel and transport to reduce traffic congestion and promote alternatives to the use of private cars by providing safe walking and cycle routes and by encouraging the provision of local bus services.**

**LWH OBJECTIVE 4 To involve local people in an ongoing basis in the process of place-making, monitoring and delivery of development.**

92. As discussed earlier, the work undertaken to support this Neighbourhood Plan began and has been focused on responding to the specific issues arising from the development pressures felt

within the Neighbourhood Plan Area. Whilst consultation in 2021 has revealed a wide range of additional matters that the Neighbourhood Plan could address, and some are addressed within the plan, these would be best examined across the wider area in a future Neighbourhood Plan for the whole parish and the Parish Council has agreed to this as future objective. This would require a new consultation and engagement process tailored to the wider area and the wider population of the whole parish. Matters for future inclusion within the Neighbourhood Plan would include support for the local economy and more actively responding to the Climate Emergency which would need to be supported with relevant work to inform local policies.

## Shopping And Community Facilities

93. To maintain and improve the provision of local shopping and community facilities is an important challenge expressed in LWH Objective 1 which seeks to promote a good quality of life for all residents in the area. A good quality of life means being able to access local shops for daily food and other needs, and to access community facilities for shared activities, socialising, health and fitness and other important personal and community needs.
94. Within the Neighbourhood Plan Area, the pattern of grocery shopping and community facilities that are available to meet local residents' daily needs is important to fulfilling complementary objectives to promote more walking and cycling and less driving in cars, contributing to better health, less pollution and the tackling of climate change. If people walk and cycle more, then by and large, healthier lifestyles are promoted. The need to make walking and cycling routes attractive provides further complementary benefits to the look and feel of the local built environment and potentially supports the connection of green spaces to form green space network. In turn, these are better connected habitats for local wildlife. At a neighbourhood level, such things are inter-connected.

### GROCERY SHOPPING FACILITIES

95. Feedback from local community consultation on the development of the Neighbourhood Plan has highlighted strong support for local policies which can safeguard and promote new essential facilities and services which help to sustain walkable, liveable neighbourhoods. A general yardstick is that for local amenities to be accessible on foot, they should be located within 800m<sup>17</sup> of their customers or users.
96. The Government's permitted development rights order was updated in 2020 and has changed how retail provision is viewed in development terms. All retail and high street non-retail uses are now placed within one Commercial Use Class E. Change from this class to a mixed use within Class E and up to two flats without planning permission (which may be supported if located above shops). A shop can change to a house under Class MA permitted development, subject to prior approval from the Local Planning Authority.
97. There are some exceptions. A shop with not more than 280 square metres of floorspace, mostly selling essential goods, including food, where there is no other such facility within a 1000 metres radius of the shop's location is regarded as a Class F2 Local Community Use, from which there are no permitted development rights changes to other use classes.
98. Saved policy RT 8 from the 2006 Cheltenham Plan covers individual convenience shops and supports proposals for new retail floorspace of up to 100 square metres outside defined shopping areas. Predating recent changes to permitted development rights, it sought to protect existing shops outside the defined shopping areas from change of use, except where the continued use of the building or land is not viable or there are other shops within a walking distance of 500 metres. It is notable that the 2006 policy adopts a much shorter distance for the availability of local convenience shops.

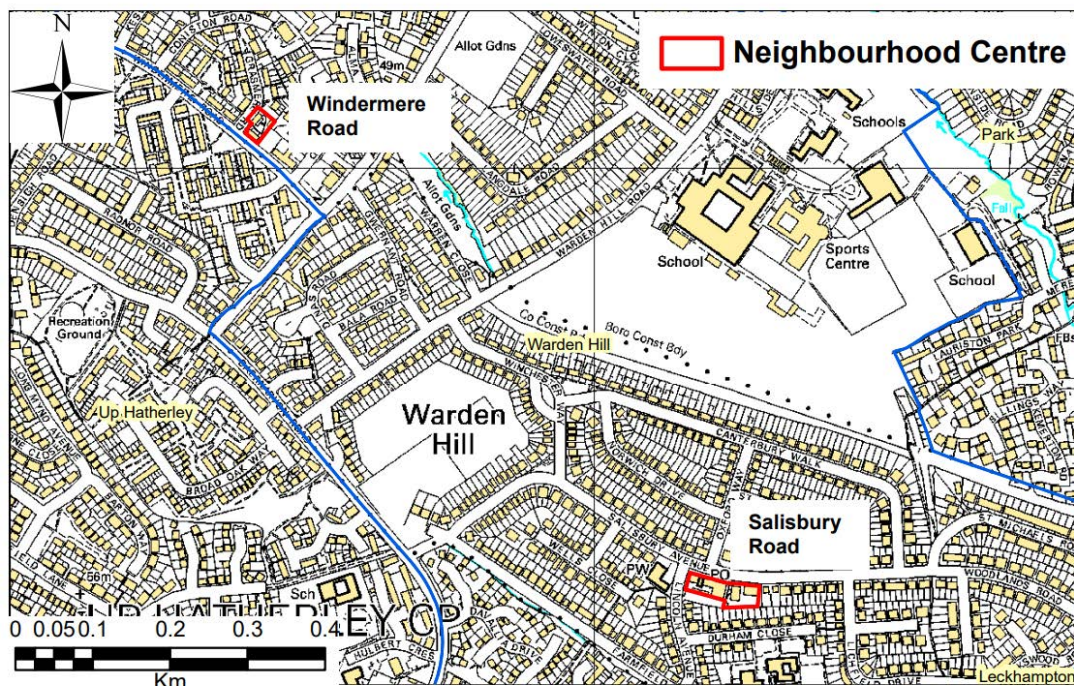
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<sup>17</sup> Walkable Neighbourhoods (Sustrans, May 2022), 20-Minute Neighbourhoods (TCPA, March 2021), Planning for Walking, (CIHT, March 2015)

99. The 2006 Plan designates Salisbury Avenue as a Neighbourhood Centre within the Neighbourhood Area. The boundary of the Neighbourhood Centre (shown on **Figure 3**) does not accord with the current extent of the centre, given the development of the Co-op store and post office on the opposite side of the road outside the centre boundary. Also, the centre boundary is retail-based and is not reflective of modern policy objectives to plan for wider activities in centres - the community facilities and services provided at the United Reformed Church and St Christopher’s Church are both located just outside the boundary of the neighbourhood centre. Windermere Road centre is located outside the Neighbourhood Area. The map shows the location of the current Neighbourhood Centre at Salisbury Avenue (incorrectly labelled Salisbury Road in the 2006 Plan) in Warden Hill.
100. The centre contains a mix of businesses mixing retail and services and community services including post office, co-op food store and ten other commercial units. Additionally, there is Veterinary Clinic, and outside the boundary two churches, a multi-use games area and a children’s playground. Flats are located above shops. This area is served by bus services and contains 43 off street parking spaces to the rear, 14 serving the co-op and 29 on street spaces (not including parking for St Christopher’s).

**Figure 3 - Neighbourhood Centre (as designated by Cheltenham Plan)**

**APPENDIX 6: NEIGHBOURHOOD CENTRES (WARDEN HILL)**



Ordnance Survey Crown copyright all rights reserved Cheltenham Borough Council, 100024384 2007

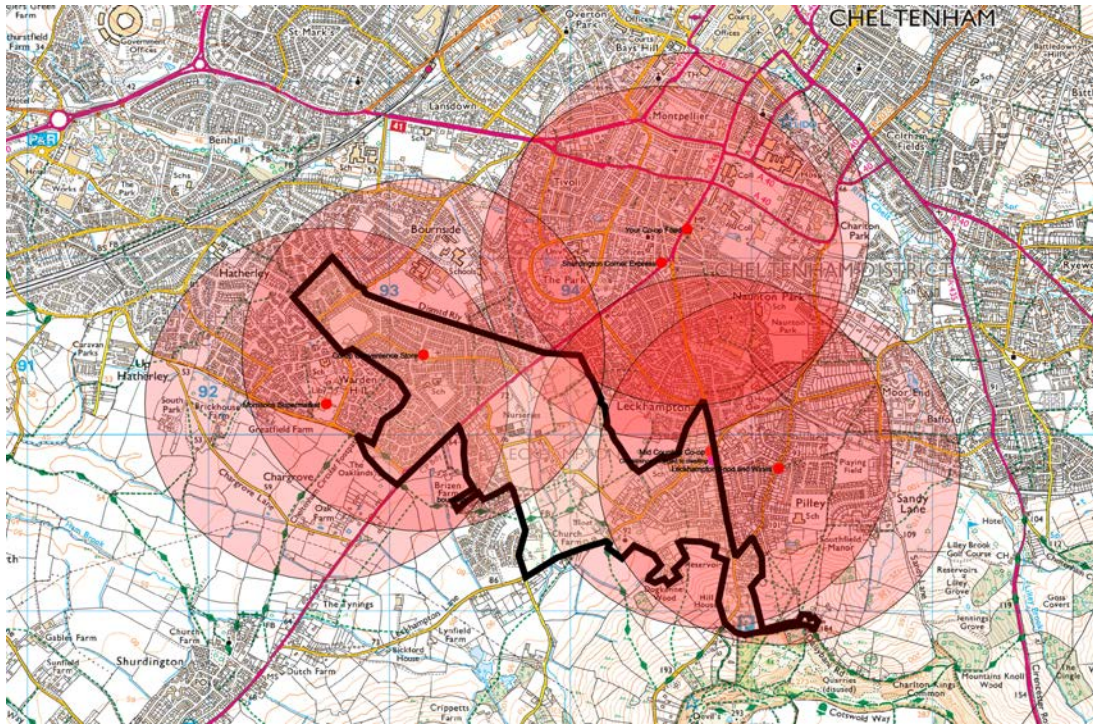
**STRENGTH OF LOCAL GROCERY SHOPPING PROVISION**

101. The aim of the Neighbourhood Plan is to understand the level of provision in the local area based on the Government’s threshold and against the Government’s walkable neighbourhoods objectives. The maps show grocery shop provision serving the Neighbourhood Area, using the Government’s 1,000m catchment (**Figure 4**), a walkable

Neighbourhood's 800m catchment (**Figure 5**) and areas outside an 800m walk to the nearest shop, or reliant on just one shop (**Figure 6**).

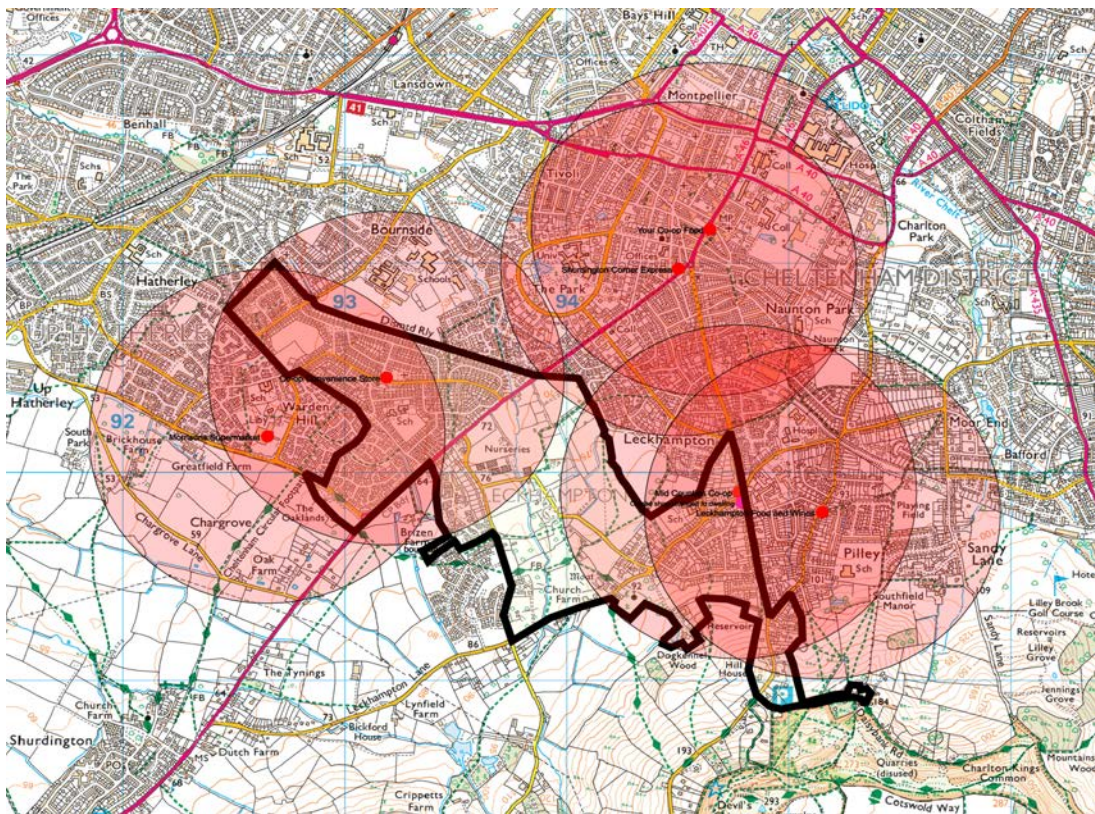
102. A 1,000m catchment is considered as a worst-case scenario as this is 200m more than the generally acceptable 800m walking limit and is also based on straight line distance whereas people must walk on streets and paths which tend to elongate routes.
103. The intention is to measure what existing local grocery shopping facilities are available to support a walkable neighbourhood, to understand the effects if they were to be lost, and to identify areas within the plan area which lack provision. Because the focus is on shopping for grocery essentials on foot, other types of shop, or cafés, pubs and restaurants are not shown on the map.
104. The adopted Cheltenham Plan proposals maps shows a retail facility located at the Leckhampton Convenience Stores, 149 Leckhampton Road, GL53 0AD. This shop has permanently closed and has changed use to a dwelling house (Shown on the map with magenta dot).
105. Apart from the Mid-Counties Co-op on Leckhampton Road and another Co-op Convenience store at Salisbury Avenue, the Neighbourhood Area is reliant on grocery shops located outside the plan area (and also outside the Parish – Shurdington Corner Express at 17 Shurdington Road and Leckhampton Food and Wines on Old Bath Road are just outside the boundary in adjacent parishes and wards, with the Bath Road district centre and Morrisons also located outside the Parish).
106. The Catchments of available facilities therefore extend into the Neighbourhood Area, based on the following shops identified on the maps which follow with red dots:
- Leckhampton Food and Wine (formerly Everest Stores), 254 Old Bath Rd, Cheltenham GL53 9AP - open
  - Mid-Counties Co-operative, 43 Leckhampton Road, Cheltenham GL53 0DQ – open
  - Co-op, 192 Bath Rd, Cheltenham GL53 7NE – open
  - Shurdington Corner Express, 17 Shurdington Rd, Cheltenham GL53 0JA – open
  - Co-op, Salisbury Avenue, Cheltenham, GL51 3BY
  - Morrisons Supermarket and Pharmacy, Caernarvon Rd, Cheltenham GL51 3BW – open
107. No other Bath Road grocery shops are within 1000m of the Neighbourhood Plan area. Even the Co-op and Shurdington Corner Express on Shurdington Road barely come within 1000m of the northernmost tip of the Neighbourhood Area and neither are within 800m of any of its actual households. So, the shops in the Bath Road area do not serve the Neighbourhood Area if a Walkable Neighbourhoods catchment of 800m walking distance is used.
108. Two other local facilities sell food to the public, but these are incidental to other operations and in one case only for limited hours, so are not mapped:
- Padstow Fish, Burley Fields Lake, Shurdington GL51 4XT – open.
  - Collicutt Meats Limited, Leckhampton Dairy, Church Road, Cheltenham GL53 0QJ – open.

Figure 4 - 1,000 metre radius from shops serving the Neighbourhood Area



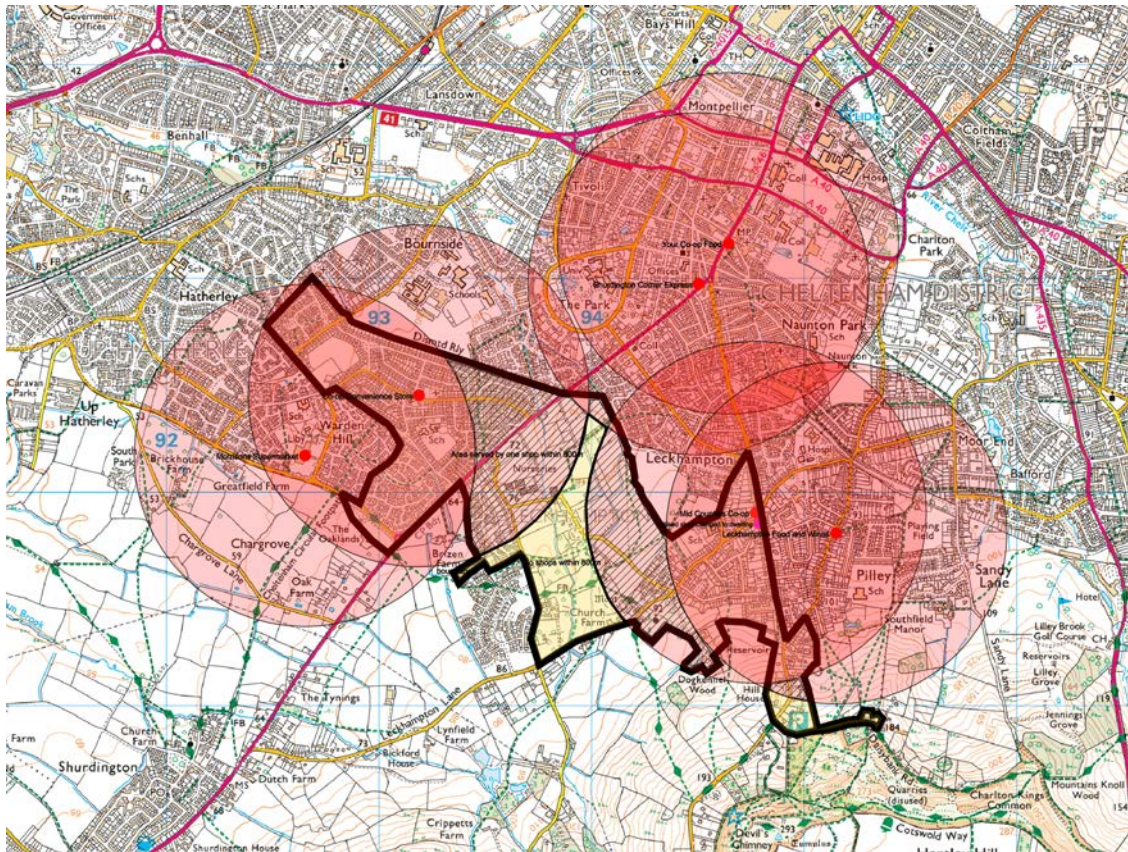
SOURCE: ANDREA PELLEGRAM LTD, JULY 2022 (OS 100059150)

Figure 5 - 800 metre radius from shops serving the Neighbourhood Area



SOURCE: ANDREA PELLEGRAM LTD, JULY 2022 (OS 100059150)

**Figure 6 - Parts of the Neighbourhood Area reliant on one shop within 800m (hatched) and parts not served by shops within 800m (yellow)**



SOURCE: ANDREA PELLEGRAM LTD, JULY 2022 ( OS 100059150)

### ASSESSMENT

- 109. This section examines the available provision, its strength and the nature of provision.
- 110. **Shops within reach** – the first part of this analysis comments on the availability of shops within 1,000m.
- 111. The Warden Hill area and development at the western end of Farm Lane are reliant on Morrisons and the Co-op store at Salisbury Avenue for grocery provision with 1,000m and also within 800m giving a reasonable level of provision to the west of the A46.
- 112. Leckhampton Village is reliant on the Mid-Counties Co-op and Leckhampton Food and Wines. The northern tip is within the catchment for shops on or near Bath Road including Shurdington Corner Express, but the Co-op at Bath Road is beyond 1,000m. Bath Road is unable to serve this part of the Neighbourhood Area if adopting a Walkable Neighbourhoods catchment of 800m.
- 113. In the central area, the developments along Farm Lane are not served by grocery shops within 1,000m. Another application site at the eastern end of Farm Lane is similarly not within 1,000m of the nearest grocery shop.

114. The Miller development lies on the outer fringes of 1,000m catchments for Morrisons, the Shurdington Corner Express and the Mid-Counties Co-op. Some parts of this area, including the nurseries, are not within 1,000m of a grocery shop.
115. If walkable neighbourhood limits of 800m were applied using on the ground routes, then the central parts of the neighbourhood area would be seen to have a clear lack local grocery shop provision. These areas have traditionally been open land and so the lack of established provision is understandable. However, significant development has occurred (much of it just outside the parish) without new provision. Based on a 500m catchment set out in saved policy RT 8, significant gaps in provision would exist through the Neighbourhood Area.
116. To meet future objectives for more sustainable, walkable neighbourhoods with opportunities to minimise car use, then some grocery retail provision amongst new residential development that may come forward in this area must be secured.
117. **Strength of provision** – The map shows how the catchments of different facilities overlap to indicate strength of grocery shop provision.
118. Whilst Warden Hill is reliant on two shops, Morrisons is a strategic facility providing a range of services and is likely to remain a strong local provider for the foreseeable future. The Co-op has a strong network of convenience stores in the immediate and wider areas. There is no reason to suppose it is vulnerable to loss.
119. The position in Leckhampton Village is somewhat different. There are two local shops, one of which also a Co-op convenience store lying just within the Neighbourhood Area and another local shop outside it. The Co-op store in this location may experience practical operational constraints including parking availability, access, shopfloor space, storage etc. It is understood Mid-Counties Co-op are reviewing the site at Leckhampton Road. If that store closed, then unless another shop took its place, local grocery provision in this part of the area would be wholly reliant on the Leckhampton Food and Wine shop, and more parts of the central area would lack local provision.
120. **Quality of provision** – Quality is a subjective term but applied to local grocery shops might include consideration of the number and breadth of products offered, price, quality of premises, opening hours and financial strength/durability. No data has been collected on this.
121. There are three types of shop serving the Neighbourhood Area as a walkable neighbourhood, each providing a different function:
- Supermarket – Morrisons outside the Neighbourhood Area.
  - Supermarket express/mini mart – Co-op at Salisbury Avenue, Co-op on Leckhampton Road, Co-op on Bath Road (just, on the limit)
  - Traditional Corner Shop – Shurdington Corner Express, Leckhampton Food and Wine both outside the Neighbourhood Area
122. As discussed above the durability of different types of shop will depend on a number of factors specific to the business and to the location/premises/plot. However, it would be generally accepted that the order presented above would be considered a descending order

of quality/choice. That said, some corner shops stand the test of time whilst express/mini marts come and go.

123. Based on the above, the Warden Hill area appears well served by two strong high quality grocery stores, serving different roles. The Salisbury Avenue Co-op Convenience Store caters for local people accessing their local shop on foot and this will provide a particularly valuable resource for elderly people and young people who perhaps lack the private transport, or are physically unable to access the Morrisons The Leckhampton Village part of the area is well served by two shops, both of which could be considered more vulnerable either owing to matters that have been discussed or because of the ease with which they could change use.

124. The central part of the area is less well served and is also reliant on the same facilities available to the residents of the village.

#### **WIDER SUPPORT FOR LOCAL SHOPS**

125. The Neighbourhood Plan can also foster a supportive environment for local businesses and provide an attractive physical location where they are situated. This means wider action to ensure that shopping parades are kept tidy, made attractive through planting schemes, signage schemes and the like. A wider variety of uses could be promoted in vacant premises to create more reasons to visit shopping parades. Developing good quality walking and cycling routes to, and of parking at, shopping destinations is also important.

126. It is also important to maintain an active view of the health of local shopping facilities and to be ready to provide support when premises become vacant to encourage other uses to come in. In future, current shopping locations may need to provide a mix of activity of which retail is only a part. Residents have called for greater provision of gyms as an example. Community uses such as libraries are another example.

#### **POLICY IMPLICATIONS**

127. The aim of the neighbourhood plan is to respond to national and local objectives, arising strongly in local consultation, to reduce traffic pressures and to encourage more walking and cycling. There is a social dimension that local people should be able to access essential services without recourse to a car. The aim is to plan positively for grocery shops to enhance the sustainability of communities and residential environments (as urged in paragraph 90(a) of the NPPF).

128. Some parts of the Neighbourhood Area, furthest away from available facilities, are subject to significant development pressures. New developments should contain local grocery retail provision on site to support objectives to promote sustainable, walkable neighbourhoods.

129. Separately, the Neighbourhood Plan should be supportive of proposals for new grocery retail provision within the Neighbourhood Area to strengthen local retail provision accessible on foot providing this does not conflict with other important local policies such as the protection of the Local Green Space designated in the Cheltenham Plan. It should support development such as new grocery provision within planned developments, new or relocated grocery provision on previously developed land or the improvement of existing grocery stores so that they can improve their operations and viability. This is supported by NPPF paragraph 90(d).

130. The Neighbourhood Plan policy draws attention to the role played by each facility within the Neighbourhood Area and alerts development managers at Cheltenham Borough Council as to the importance of these facilities, in terms set by permitted development rights order. It would be sensible to guard against the sudden loss of facilities in the Leckhampton Village area by seeking to safeguard existing provision where loss would result in the next nearest alternative being over 1,000m away. The Mid-Counties Co-op lies within the Neighbourhood Area. Any application that would seek to redevelop this site and change use from a grocery shop should seek alternative provision to maintain local provision. Given the role of the Salisbury Avenue Co-op it would make sense to protect this also, but there is no means to do this given its use class and the presence of the Morrisons.
131. Support for wider improvement to the environment around shopping facilities could provide a focus for investment of planning obligations and Community Infrastructure Levy funds.

#### COMMUNITY FACILITIES

132. Many local community facilities provide multiple functions which it is important to understand so that they are recognised and taken into account when proposals for redevelopment are made or when investment is needed to maintain and improve them to provide additional community benefits. Apart from a permitted development right to change use from a learning or non-residential institution (Class F1) to a state-funded school for a temporary period of up to two academic years, most community buildings are Class F1 or Class F2 Local Community Uses from which there is no permitted development right to switch to permanent alternative uses.
133. If planning applications are made for development away from existing local community facilities, then a key consideration will be the use and importance of the current facility, and the availability of alternatives. Adopted Local Plan policies support the retention of existing local community uses. The Neighbourhood Plan provides more detail on the specific local provision and its use. It is important that monitoring is undertaken so that information is up to date and this would also indicate where support should be given so that facilities remain used and provide good quality local accommodation. It is acknowledged that capital works to buildings needs to be complemented by revenue support for people to operate and run facilities and the events that take place in them.
134. **Table 2** provides a list of important community facilities within the Neighbourhood Plan Area and explains their current use class and function. Work required to maintain the function of these places as community facilities is indicated and potential for improvements are identified. Together, these facilities form the backbone of local neighbourhood community service and cultural facilities provision which needs to be protected and supported.

**Table 2 – Local Community Facilities**

<b>Property</b>	<b>Use Class</b>	<b>Current community function and use</b>	<b>Identified requirements and potential improvements</b>
St Christopher's Church, Lincoln Avenue, Warden Hill	F1 Place of Worship and F2 Community Use	Church and Community Hall providing playgroup and scout group facilities, with 12 parking spaces.	Retain in community use
United Reformed Church, Salisbury Avenue, Warden Hill	F1 Place of Worship and F2 Community Use	Provides church and community social uses with venue hire.	Retain in community use
Warden Hill Primary School, Durham Close, Warden Hill	F1	Local Education Authority School with indoor facilities, tennis courts and playing fields	Encourage and maintain community use of school facilities.  Ensure access arrangements minimise amenity impacts on residents.
Brizen Young People's Centre, Up Hatherley Way, Warden Hill	F2 Community Use	Hall for hire, suitable for parties, fitness classes, children's activities and business meetings.	Retain in community use
St Peter's Church, Church Road	F1 Place of Worship	Parish Church with churchyard	Retain in community use
The Glebe Cottages at St Peters Church	F2 Community Use	Hall facilities available for community use.	Retain in community use
Leckhampton Village Hall	F2 Community Use	Multi-use venue which is used by 11 local clubs, available for hire, attracting 25,000 visits per annum. Parking off street provided.	Retain in community use. Update facilities to promote accessibility and safe use.
Leckhampton Primary School and the School Hall	F1	The school hall provide a community facility	Retain in community use
The Leckhampton Scout Hut, Leckhampton Road, Cheltenham	F2 Community Use	The Scout Hut is used by Leckhampton Scout Group and is available for hire for private functions or for longer term regular use.  The approximate 48m <sup>2</sup> main hall can accommodate up to 100 people.	Retain in community use and improve facilities

High School Leckhampton, Farm Lane, Leckhampton.	F1	New Local Education Authority High School providing hall, parking spaces and all-weather pitch	Encourage community use of school facilities, eg for indoor events and community sports events onsite and nearby
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SOURCE: ANDREA PELLEGRAM LTD

## **POLICY LWH1 – Grocery Shops and Community Facilities**

### **Community Facilities**

**Local, social, community, health and recreational facilities play a valuable role in meeting the needs of the local community. All such facilities will be protected from change of use to other non-community uses unless there is no proven need for the facility or an equivalent replacement facility is provided in an accessible location.**

**The facilities listed in Table 2 are especially important to the local community. Proposals for their change of use or redevelopment will not generally be supported. Proposals which enhance or improve these facilities will be generally supported.**

### **Grocery Shops**

**Applications for development to improve existing shops will be supported in principle.**

**New residential development on sites larger than 1 hectare should not normally be permitted unless suitable local grocery shop provision exists or is to be provided within 800 metres of the development site subject to viability and site-specific considerations.**

## Walking, Cycling and Sustainable Travel

135. Objectives set for the Neighbourhood Plan rely on addressing the increasing effects of traffic in the locality. Securing LWH Objectives 1, 2 and 3 in part rely on increasing the use of existing walking routes and providing new routes to fill gaps, and in the case of cycling create a network that is currently absent. More sustainable travel will improve the health of local people and help to tackle climate change by reducing energy use and greenhouse gas emissions and reduce particulate pollution.

### A TRANSPORT AND TRAVEL PLAN FOR THE NEIGHBOURHOOD AREA

136. Consultation on previous work on the Neighbourhood Plan highlighted strong concerns over the growth in traffic within the Neighbourhood Area and the need to address this whilst promoting better walking and cycling links. Strategic issues are raised by the need to address traffic growth within urban areas and Leckhampton with Warden Hill sits with a wider Cheltenham town area, meaning strategic plans rightly provide leadership on the development of more sustainable approaches to car use and to public transport provision.

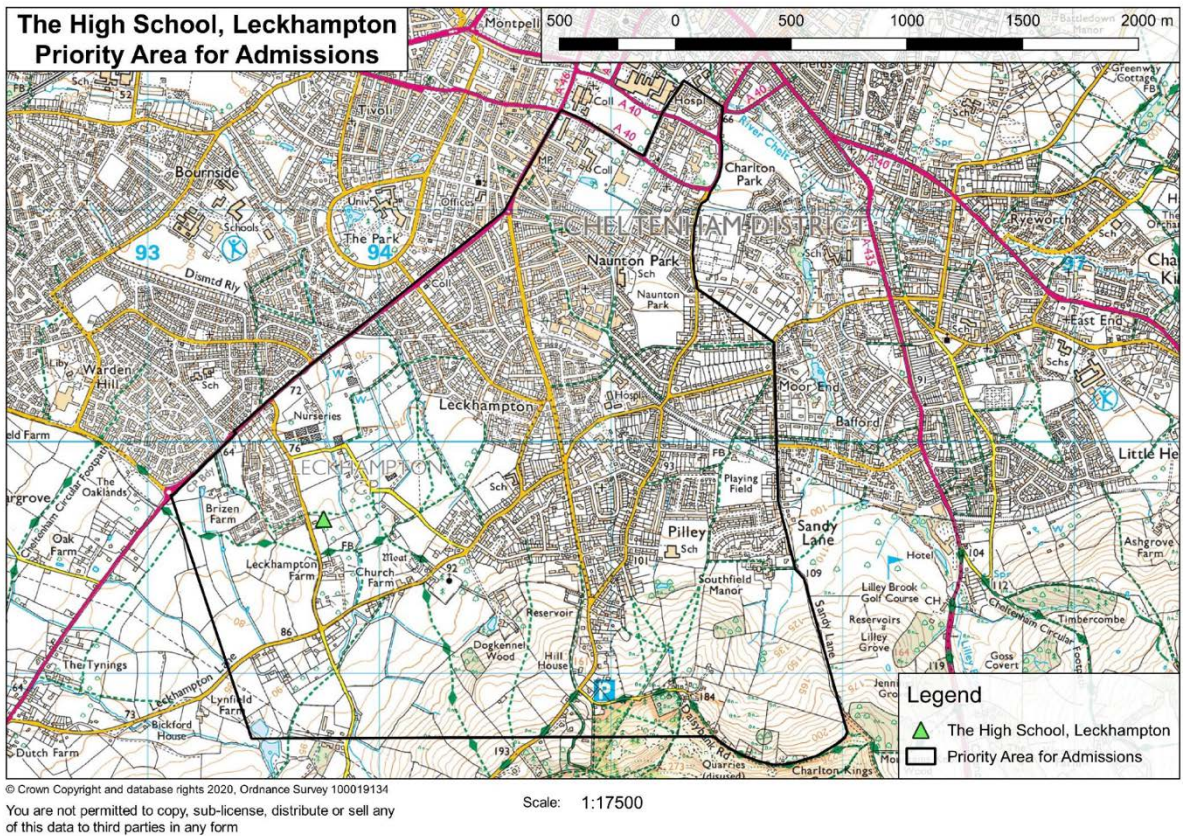
137. However, the Neighbourhood Plan has provided an opportunity to consider what contributions can be made locally, perhaps in the small way, to meet wider strategic goals and at the same time improve the environment within the Neighbourhood Area. This is through the adoption of specific principles, objectives and targeted measures. These will hopefully encourage partners in other agencies and in other authorities to take action in their plans and programmes.

138. A Transport and Travel Plan has been prepared in support of the Neighbourhood Plan and this is included in **Appendix 1**. The plan explains how strategic transport and other policy frameworks combine to influence conditions in the Neighbourhood Area. From the other direction, it highlights broad principles and specific measures that, if implemented, would improve the sustainability of travel within the Neighbourhood Area. This would have major benefits for environmental quality and amenity.

139. Many aspects of this plan are beyond the immediate scope of Neighbourhood Plan policy and so require a broader commitment by Leckhampton with Warden Hill Parish Council, its local partners, broader stakeholders and others, including developers, to achieve its goals. This is reflected in policy LWH2 in combination with specific proposals to improve key walking and cycling connections within the Neighbourhood Area and in policy LWH1 which seeks to maintain key local grocery shopping provision in the area, accessible on foot as well as a good network of local community facilities.

140. A significant new factor is the newly built 900 place secondary school High School Leckhampton whose priority catchment is designed to address gaps in secondary provision for those living as far east as Sandy Lane. Both the school and the community want to encourage students to walk and cycle to school but there has been minimal planning for this so far except in the immediate area around the school. The priority area for admissions is shown as **Figure 7**.

Figure 7 - The High School Leckhampton Priority Area for Admissions



SOURCE: HIGH SCHOOL LECKHAMPTON – ACCESSED 15 SEPTEMBER 2022

**WALKING**

141. The map shown in **Figure 8** shows the current network of public rights of way within the Neighbourhood Plan Area and adjoining areas. Routes can be seen to provide ways to reach open space resources on foot, such as those running north to south towards Leckhampton Hill and along the escarpment from Warden Hill. Footpaths run across Leckhampton Fields and other informal routes criss-cross that area, many of them rooted in Leckhampton’s history. These now provide important routes within destination areas for recreation and leisure. There are relatively few dedicated walking routes which connect places which people need to access for functional reasons today – schools, shops, community facilities. In this case, for the most part, street pavements are utilised and users need to negotiate road crossings.

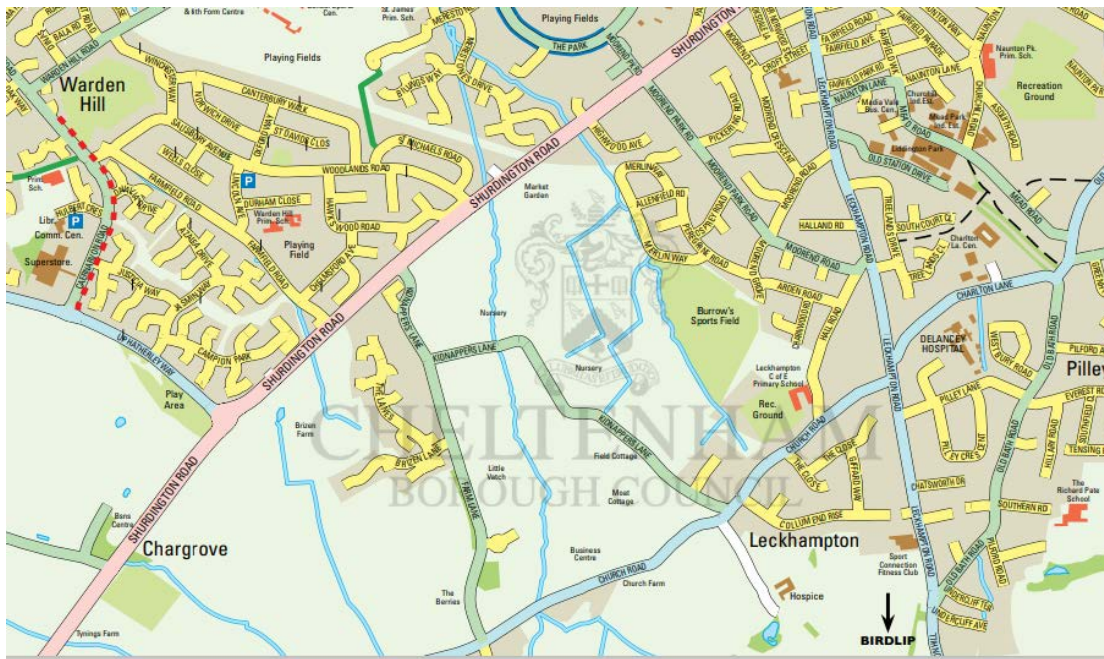
**Figure 8 – Local Footpaths**

SOURCE: GLOUCESTERSHIRE COUNTY COUNCIL RIGHTS OF WAY ONLINE MAP – ACCESSED 31 MARCH 2022

## CYCLING

142. **Figure 9** shows the current provision of cycle routes within the Neighbourhood Plan Area. One small stretch of off-road route runs into the Neighbourhood Plan Area from open space at St Michael's Road and a shared cycle/footway is located along Caernarvon Road on the boundary of the Neighbourhood Plan Area before running south to the adjoining Parish. Both are located within Warden Hill. No further cycle route provision exists within the Neighbourhood Plan Area. The map indicates the business of roads and experience required of cyclists using these routes. Routes which have the least traffic and are suitable for cyclists with the least experience are shown in yellow. It is not possible to cycle across the Neighbourhood Plan Area to access key services using only these routes. Green routes are seen to be relatively quiet in traffic terms whilst blue and pink routes are the busiest and require the most experience.
143. The map is very recent but does not reflect new development taking place in the area. The green routes (Kidnappers Lane and Farm Lane) and part of the pink route (Shurdington Road) have already, by September 2022, had wider pavements built to allow cycle lane markings but not physically distinct cycle lanes, and will become much busier now the new secondary school is open and once new housing development is occupied. They have already been busier and more hazardous for cyclists during construction.
144. These developments together with other planning applications (if consented) are likely to make Church Road and Leckhampton Road also busier and less usable for inexperienced cyclists over time.

Figure 9 - Local Cycle Routes



SOURCE: CHELTENHAM BOROUGH COUNCIL CYCLE MAP (EXTRACT) – ACCESSED 31 MARCH 2022

#### PRIORITIES FOR NEW AND IMPROVED WALKING AND CYCLE ROUTES IN THE NEIGHBOURHOOD PLAN AREA

145. Given local people want to live in more walkable and cyclable neighbourhoods and experience less traffic in their everyday lives, which is supported by national and local planning policies, Leckhampton with Warden Hill Parish Council will need to work with partners to establish a walking and cycling plan for the Neighbourhood Plan Area which will identify clear priorities for walking route improvements and new routes for walking and cycling, linked to key destinations.

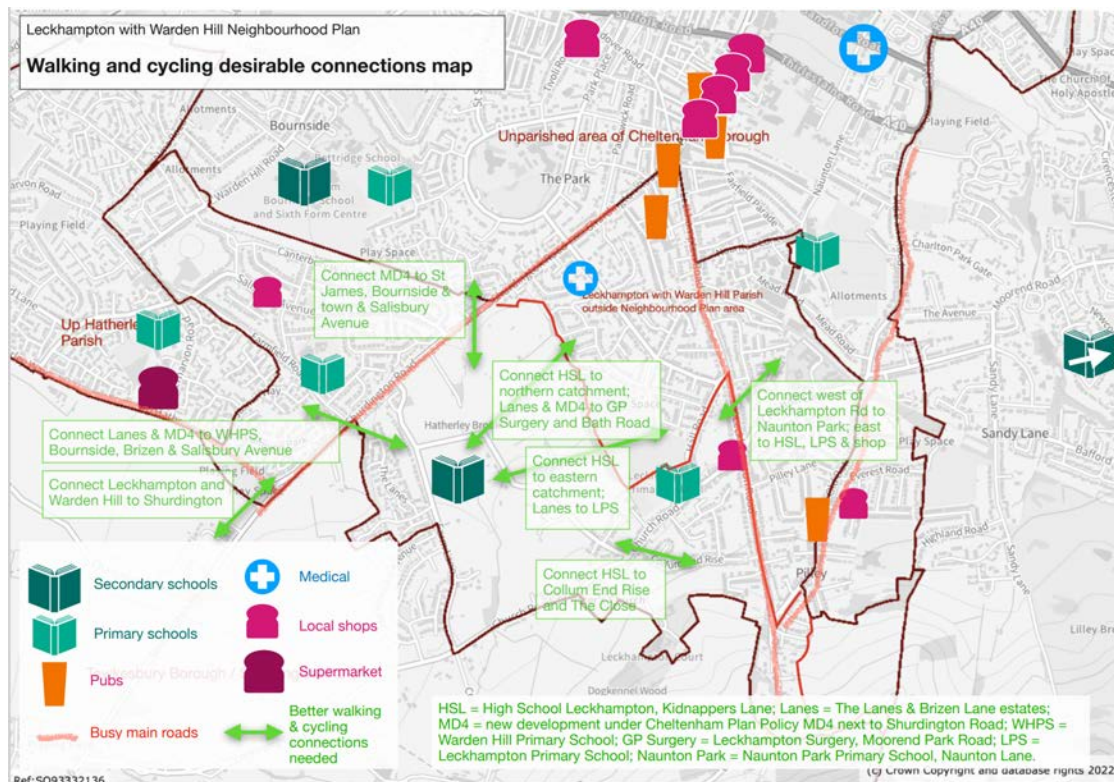
146. Work has been undertaken to identify walking and cycle routes which could connect local facilities and destinations that local people want to access. These are the initial focus for route identification, investment and development. Inevitably given the size of the neighbourhood area, this will need to involve work outside the remit of the Neighbourhood Plan to deliver routes outside the Neighbourhood Area. Which elements are inside and outside the area are highlighted below.

- Connect housing allocation site MD4 to Salisbury Avenue Neighbourhood Centre (inside the Neighbourhood Area) and to St James Primary School and Bournside School, Bettridge School and Bournside Sports Centre (outside the area). The Neighbourhood Plan can only address parts of this route within the Neighbourhood Area.
- Connect residential development along Farm Lane to Salisbury Avenue Neighbourhood Centre and Warden Hill Primary School.
- Connect High School Leckhampton to residential areas to the north, outside of the Neighbourhood Area (the neighbourhood plan can address routes across Leckhampton Fields and housing allocation site MD4).

- Connect High School Leckhampton to residential areas to the east of Leckhampton Fields inside and outside the Neighbourhood Area. Further connection from the Leckhampton Road to priority catchment areas further east outside the Neighbourhood Area. Leckhampton Road forms the boundary of the Neighbourhood Area.
- Connect High School Leckhampton to areas to the south east via Kidnappers Lane including Collum End Rise, The Close and neighbouring roads across Church Road.
- Continue walking and cycle route provision along the A46 to the boundary of the Neighbourhood Area in the direction of Shurdington.
- Ensure that all walking on-street routes are accessible for all users and contain the design features necessary to enable their use, including tactile paving, aligned drop-kerbs on both sides of the road, central refuges where necessary and other features at key crossings.

147. The routes referred to above are shown on **Figure 10**.

**Figure 10 – Priorities for improved walking and cycling connections**



SOURCE: LOCAL VOLUNTEERS NEIGHBOURHOOD PLAN VOLUNTEERS

148. From the above, two clear challenges are presented in terms of barrier to safe and effective walking and cycling routes – the first is securing the infrastructure to cross the A46 Shurdington Road for east-west routes within the Neighbourhood Area. The second challenge relates to securing walking and cycling infrastructure from a major new school facility to its catchment to the north and east, across main roads, allocation sites, potential development sites under promotion for residential development, and the Leckhampton Fields Local Green Space and water bodies.

**POLICY IMPLICATIONS**

149. The area is subject to significant proposals for new housing development and it is important that these are able to contribute to the delivery of good quality and safe walking and cycling connections that will encourage local people to access local schools, shops and other facilities on foot and by bike. Safe routes to school are particularly important for giving parents the confidence to allow their children to travel independently to school.
150. Significant housing developments should directly provide key route connections. Strategic priorities for the provision of sustainable transport are set out in the Adopted Joint Core Strategy (2017), which provides a strategic policy framework for transport and sustainability. JCS Strategic Objective 7, Policy SD4 (vii), Table SD4b (Ease of Movement) Policy INF1 (1 i-iii) and Policy INF4 (3) are provide principles to guide the consideration of walking and cycling networks at a neighbourhood level, or in development proposals. Cheltenham Plan policy MD4 requires pedestrian and cycle links within the allocation site and to key centres.
151. The Joint Core Strategy and Cheltenham Plan provide a strategic policy context for the identification of local priorities for improvements to movement networks, particularly through walking and cycling, within the neighbourhood plan area. The neighbourhood plan objective is to set out local priorities to improve the environment for walking and cycling to access key local services. It identifies the location of key local destinations for existing and new residents and identifies routes local people use. It is important that these are given appropriate regard in decision making and investment programmes.'

**POLICY LWH2 – Local Sustainable Transport Priorities**

**Development proposals should seek to improve walking and cycling connectivity throughout the Leckhampton with Warden Hill Neighbourhood Area and promote sustainable travel.**

**Where appropriate to the type and scale of development, this should include positive consideration of opportunities to help deliver the following recommendations set out in the Sustainable Transport Priorities for Leckhampton with Warden Hill Parish document in Appendix 1, including:**

- **The development of improved walking and cycling connections and cycle racks at key destinations**
- **Improved traffic management including lower speed limits**
- **Reallocation of priority on highways to cyclists and pedestrians**
- **Support for the retention of key local facilities in sustainable locations and**
- **Better provision and distribution of public transport routes, services and stops.**

**Improvements to key walking and cycle routes identified as community priorities within the Neighbourhood Plan area indicatively shown on Figure 10 which are particularly encouraged are:**

- a) **Improved routes and crossing facilities from Leckhampton across A46 highway to the edge of the Neighbourhood Plan Area in the direction of St James Primary School and Bournside.**

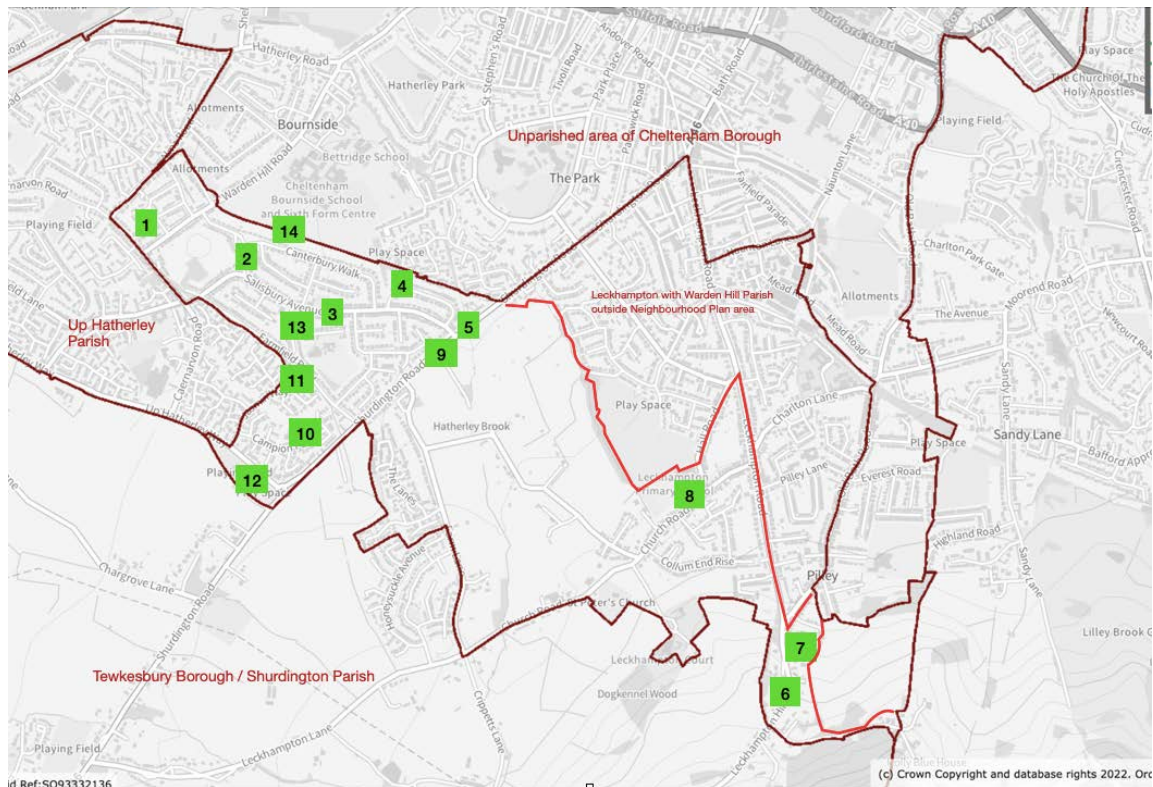
- b) Improved routes along Farm Lane and crossing facilities from Leckhampton (in the vicinity of Kidnappers Lane) across the A46 highway to Salisbury Avenue Neighbourhood Centre and Warden Hill Primary School.**
- c) Improved facilities along the A46 within the Neighbourhood Area in the direction of Shurdington.**
- d) From High School Leckhampton to school catchment residential areas to the north, also connecting to the local GP surgery at Moorend Park Road.**
- e) From High School Leckhampton towards and across Leckhampton Road to school catchment areas to the east.**
- f) From High School Leckhampton across Church Road to Collum End Rise, The Close and areas to the south east via Kidnappers Lane.**

## Green Infrastructure

152. Green infrastructure within the Neighbourhood Plan Area carries out important functions in maintaining biodiversity and species habitats but also in defining the character of the area. The area's green infrastructure in aggregate also fulfils an important existing strategic function in presenting a greener local neighbourhood in relation to landscape and the nationally important landscape designation which looks down upon it.
153. It is important that new development maintains and enhances this role by incorporating sufficient green infrastructure within developments (and of a type) to support net gains in biodiversity, strengthen ecological networks, mitigate flood risk, maintain local character and the landscape setting.
154. In relation to the Vision and Objectives set for the Neighbourhood Plan, creating new and better green infrastructure also provides a significant opportunity to improve the look and feel of the neighbourhood, to align this with improvements to walking and cycling routes, to create connected networks for habitats and to promote opportunities for healthier lifestyles.
155. Green infrastructure is made up of a number of components which together have the potential to make up an important network of habitats, open spaces, green corridors and wildlife habitats. Much of what follows is covered by general policy protections in adopted local plans.
- Formal Open Spaces are an important aspect of green infrastructure, providing important spaces for sports, recreation, walking, running, and open-air enjoyment away from the built environment.
  - Incidental green spaces provide important local functions in relation to housing developments for informal play and local recreation and greenery.
  - Garden space to housing, businesses and in other more institutional settings.
  - Formal play areas are not strictly green, but provide an important function for the local community .
  - Sustainable drainage systems (SUDS) created within new developments and retrofitted into existing developments have a flood risk function but also provide amenity and biodiversity value.
  - Green corridors often are formed by natural or man-made linear features, such as rivers and streams, footpaths, railway lines, property boundaries etc.
  - Local Nature Reserves
  - Sites of Special Scientific Interest, other statutorily protected wildlife sites and Priority Habitats.
  - Allotments.
  - Undesignated open land within and outside the Principal Urban Area.
  - Agricultural land.

- 156. Given the strategic contribution that green infrastructure makes as a whole and in view of the objective to connect green infrastructure and in particular wildlife habitats, extreme care should be taken in allowing its loss so that connections and functions of value to local people, and its strategic nature role, are maintained.
- 157. Strategic policies in local plans provide general policy support for the retention of existing open/green spaces of different kinds (see policies GE1 and GE2 in saved policies from the 2006 Local Plan, and from the Cheltenham Plan Policies D1 Design, D3 Private Green Space, Para 16.3 incidental green space, CI1 b) developer contributions, CI2 Sports and Open Spaces provision in new residential development). Local Green Space has specific protection also (see Cheltenham Plan Table 7, site 14).
- 158. The Neighbourhood Plan brings together how all these open space elements work together to form the Neighbourhood Plan Area’s network of green infrastructure and sets objectives for protecting, maintaining, improving and creating new green infrastructure to strengthen the network.
- 159. Parish councillors have prepared a review of green infrastructure sites which make a contribution to the above objectives and roles within the Neighbourhood Area. The sites are shown in **Figure 11**.

**Figure 11 – Green Infrastructure Sites**



SOURCE: LOCAL VOLUNTEERS FOR THE NEIGHBOURHOOD PLAN

- 160. The sites identified are described in **Appendix 2**. The sites are a mix of whole site areas which provide important green infrastructure functions, which it is sought to protect, and sites which already or might play a green infrastructure role as they are developed and managed through complementary approaches to site design, layout, landscape design and biodiversity net gain.

**POLICY LWH3 – Green Infrastructure**

**The role and function of green infrastructure identified in Figure 11 and in Appendix 2 should be positively considered and taken into account, where appropriate, in new proposals for development. Where feasible, every opportunity should be taken for new development to contribute to local green infrastructure provision either through onsite provision or through the enhancement of existing provision. The protection and enhancement of green infrastructure will be encouraged to be supported through developer contributions as appropriate to the type and scale of the proposal.**

## Local Heritage

161. Paragraph 195 of the National Planning Policy Framework (NPPF) places great importance on the conservation of heritage assets according to their significance, including listed buildings and scheduled monuments. Locally, JCS Policy SD8 and the Cheltenham Plan set out a positive strategy for the conservation and enjoyment of the borough's historic environment and heritage assets, including those at risk through neglect, decay or other threats. It acknowledges that heritage assets are an irreplaceable resource and also the need to conserve them in a manner appropriate to their significance.

162. Statutory Protections and Adopted Local Plan policies are in place for Listed Buildings and Scheduled Monuments located within the Neighbourhood Plan Area. These provide a development management framework governing the consideration of impacts on Listed Buildings and Scheduled Monuments and their settings. A full list and description of designated heritage assets in the Neighbourhood Plan area is included in **Annex 5**.

### NON-DESIGNATED HERITAGE ASSETS

163. Section 16 of the NPPF also covers non-designated heritage assets. It states in Paragraph 196 that "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place."

164. The definition of heritage asset in the Framework is "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest."

165. Cheltenham Plan Policy HE1 provides policy for the consideration of development proposals relating to Buildings of Local Importance and Non-Designated Heritage Assets. This requires a demonstration that:

- a) all reasonable steps have been taken to retain the building, including examination of alternative uses compatible with its local importance; and
- b) retention of the building, even with alterations, would be demonstrably impracticable; and
- c) the public benefits of the redevelopment scheme outweigh the retention of the building.

166. Development proposals that would affect a locally important or non-designated heritage asset, including its setting, will be required to have regard to the scale of any harm or loss to the significance of the heritage asset.

167. The Neighbourhood Plan has considered the potential to identify further buildings, sites, places, areas or landscapes of local interest and importance as non-designated heritage assets. The Index of Buildings of Local Interest Supplementary Planning Document was adopted by Cheltenham Borough Council in 2007. This Local Index for Cheltenham includes the following categories which provides a guide to the identification of features that would make particular buildings local non-designated heritage asset, although it should be noted that the NPPF definition of heritage assets is wider than just buildings:

BUILDINGS. These include:

- Buildings designed by a particular architect or designer of regional or local note
- Good examples of well designed domestic buildings which retain their original details and materials
- Good examples of educational, religious or community buildings which retain their original details and materials
- Landmark buildings or structures of notable design
- Buildings or structures of which contribute to our understanding of the development of the area

STRUCTURES. These include:

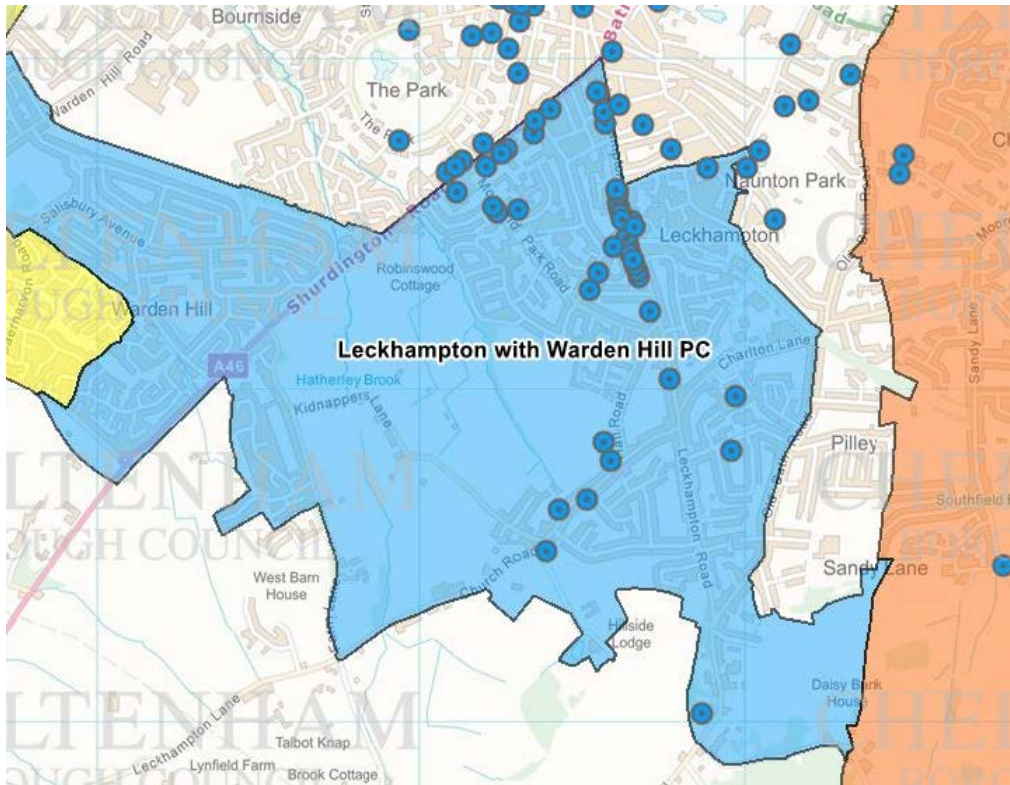
- Notable walls or railings
- Street lighting
- Bollards
- Street surfaces
- Post boxes

HISTORIC ASSOCIATION. These must be well documented and include:

- Any building or structure which has a close association with famous people or events
- Any building or structure which has a close association with an important local feature including statutorily protected sites or buildings.

168. **Figure 12** is an extract from the interactive map maintained by Cheltenham Borough Council which shows Buildings of Local Importance included on the Cheltenham Index within the Neighbourhood Area (*Buildings shown to the north of Leckhampton Road above Church Road are not located within the Neighbourhood Area and buildings located to the east of Leckhampton Road above the old Bath Road are also outside the area*).

**Figure 12 – Existing Buildings of Local Importance**



SOURCE: CHELTENHAM BC INDEX OF BUILDINGS OF LOCAL IMPORTANCE (EXTRACTED JUNE 2022)

169. Parish councillors have identified further buildings, sites, places, areas or landscapes of local interest and importance as non-designated heritage assets within the Neighbourhood Area. The sites are set out in **Appendix 3**.

170. This listing does not rule out development but a key objective for these assets is to protect them against loss or harm, where development benefits would not clearly outweigh identified impacts. A complementary objective would be to support improvement to such assets where this is appropriate and to provide interpretive information about them where this would improve understanding of local cultural heritage.

171. We anticipate this list being kept up to date and added to or amended by local people in future. The policy below does not therefore list the specific sites but refers to Appendix 3.

**POLICY LWH4 – Non-Designated Heritage Assets**

The buildings, sites, places, areas or landscapes of local interest and importance listed in Appendix 3 are identified as Non-designated Local Heritage Assets in addition to those on the Cheltenham Index of Buildings of Local interest.

Weight should be given to this list in planning decision-making and development proposals should protect or enhance these non-designated heritage assets. Proposals for any works that would cause harm to a non-designated heritage asset must be supported by an appropriate analysis of the significance of the asset to enable a balanced judgment to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

## Flood Risk

172. The local community has undertaken its own work to develop locally-specific information on rainfall and surface water flooding characteristics associated with run-off from Leckhampton Hill and along the escarpment onto the developed areas of Leckhampton and Warden Hill, below.
173. The Neighbourhood Plan working group considered that, because of its height and location, Leckhampton Hill experiences intense rainfall. Storms with 30-50mm of rainfall and lasting around an hour have occurred once or twice a decade for the past 60 years. Most houses in Leckhampton Village have their ground floors raised sufficiently above ground level that they avoid being flooded internally. This should be a guiding principle in all new development, though there are some examples where this has not been followed and flooding to properties subsequently occurred (Collum End Rise, 12 June, 2016).
174. Leckhampton Hill can also experience heavy cumulative rainfall. In the storm on 20 July 2007, 130mm of rainfall was measured in Collum End Rise over a period of about 8 hours with a peak rainfall of 25 mm per hour. The runoff from this storm flooded around 40 houses in the centre of Warden Hill, some to a depth of over 1 metre. In their report on the flooding for Cheltenham Borough Council, consultants Halcrow classified the storm as a 30 year event. To protect Warden Hill against future storms of this scale, flood defences were installed in 2011 along the west side of the A46. These provide a barrier to hold flood water back on the land east of the A46 and are designed to cope with a 100-year storm plus margin for global warming.
175. It is very important, however, to retain sufficient capacity on the open land at Brizen Farm to hold future flood water. The land is currently part of the green belt but was the subject of an application for housing development about 8 years ago. This area is outside the Neighbourhood Plan Area and so policies in the Neighbourhood Plan cannot apply there.
176. There are four main catchments on the scarp of Leckhampton Hill. The largest feeds into Hatherley Brook. To the east of this are two smaller catchments, one above Leckhampton Village and the other above Old Bath Road from run-off flows into Moorend Stream and thence into Hatherley Brook. Further to the east there are catchments below Hartley Hill from which the runoff flows into the River Chelt. To the west of the Hatherley Brook catchment there is a smaller catchment from which runoff flows into a stream at Brizen Farm. This catchment played a large part in flooding Warden Hill in July 2007. 2011-installed flood defences along the A46 are designed to protect properties should flows overtop the A46. The part of this catchment west of Farm Lane is now the site of the new development of 377 houses being built by Redrow. This development will alter the runoff in future storms.
177. In the case of Hatherley Brook and Moorend Stream the key issue is to ensure there is sufficient capacity on the Leckhampton Fields to hold flood water so that it does not flow over the A46 into housing in Warden Hill and The Park. Moorend Stream overflows mainly onto Lotts Meadow and the field north of Lotts Meadow and also onto the easternmost area of the Northern Fields west of the stream. All of this area is planned to remain as open land, most of it as part of the Local Green Space and the part on the Northern Fields being kept as an open

area with balancing pond. Some reprofiling of this land might be necessary to provide enough future capacity to hold floodwater.

178. Hatherley Brook overflows onto area land at the corner of Farm Lane and Church Road and onto the land east of the brook in the Local Green Space. It also overflows Kidnappers Lane and along the course of the brook across consented housing site located to the east of the A46. The brook has a gully with a depth of about 2.5 metres over most of its course between Church Road and the A46 and a width of about 50 metres, providing significant storage volume. The floodwater flow is held back where Hatherley Brook flows under Church Road and further north under Kidnappers Lane. In the storm of 20 July 2007 however the water flow caused damage to Church Road and flooded across Kidnappers Lane, as it does also in smaller storms.
179. Significant rainfall occurs during major storm events, often onto already saturated ground above impermeable lias clay across the area. New development proposals should consider the overall wider catchment and mitigation measures such as balancing ponds should be designed with due consideration given to pre-event saturated ground and successive rainfall events. Any reprofiling of land to facilitate development should be undertaken carefully to avoid impacts on existing development, particularly to the west of the A46.
180. Local community knowledge is not scientific in nature but does provide firsthand information about what has happened previously in storm events in relation to run-off from Leckhampton Hill and from Warden Hill into and across the Neighbourhood Area. This can sometimes confound the models within Flood Risk Assessments and, through dialogue with the local community, local experience should be taken into account in the preparation of mitigation strategies in support of new development.

#### **POLICY LWH5 – Protection of dwellings against Future Flooding and Climate Change**

**Proposals for new development must have regard to the following criteria on specific local flood risk matters:**

- a) Floodable open land should be preserved between Church Road and the A46 along both Hatherley Brook and Moerend Stream to be able to hold back sufficient flood water.**
- b) Any development on the scarp of Leckhampton Hill or on the land below the scarp must not divert water flows in a way that creates an additional flood risk to other residential areas. This includes diverting springs and underground water flow on the Leckhampton Fields as well as surface flow.**
- c) The use of permeable materials on external surfaces and the installation of water butts should be secured where appropriate to the type and scale of development.**
- d) New development should take every available opportunity to incorporate tree planting. Tree planting would be particularly supported in Warden Hill.**
- e) Developer contributions for tree planting off site, for advice and guidance to householders on improving flood resilience and for natural flood management schemes, would be supported.**

## Monitoring and Review

181. The development of the Neighbourhood Plan sets policies to achieve clear objectives to achieve the Vision. The effectiveness of policies within the Neighbourhood Plan in some cases will rely on on-going efforts to develop further ideas and strategy, and also to monitor local conditions so that information supporting policies in the Neighbourhood Plan remain up to date.

182. The following areas are identified for further action and monitoring:

- a) Monitor occupancy and vacancies in local commercial facilities.
- b) Monitor use of local community facilities.
- c) Identify programme of improvements required to community facilities and monitor implementation.
- d) Develop priorities for improvements to key walking routes and new cycle routes.
- e) Develop a Management Plan for the Leckhampton Local Green Space.
- f) Develop a programme for investment in green infrastructure, including tree planting across the area but particularly in Warden Hill, using developer contributions and other potential sources of money.
- g) Consider the potential for a gateway site for the AONB located within the area.
- h) Consider a programme and timetable for development of a new Parish-wide Neighbourhood Plan.
- i) Review and keep up to date the list of non-designated heritage assets.

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