

Cheltenham Borough Council
Council – 21 July 2014
Zero Limit on Sexual Entertainment Venues in Cheltenham –
Petition

Accountable member	Councillor Andrew McKinlay – Cabinet Member Development and Safety
Accountable officer	Mike Redman – Director for Environmental & Regulatory Services
Ward(s) affected	All
Key Decision	No
Executive summary	This report has been prepared in response to the receipt of a petition which has triggered a Council debate because it includes more than 750 signatories.
Recommendation	Council is recommended to: 1. Refer the matter to Cabinet for further consideration.

Financial implications	No financial implications to note. Contact officer: Sarah Didcote, GOSS Business Partner Manager, sarah.didcote@cheltenham.gov.uk, 01242 264125
Legal implications	Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by The Policing and Crime Act 2009. The Council has resolved to adopt this Schedule. One of the amendments to Schedule 3 to the 1982 Act is that a local authority is now allowed to set a limit on the number of Sexual Entertainment Venues they think is appropriate for a particular area. Contact officer: Vikki Fennell (OneLegal), vikki.fennell@tewkesbury.gov.uk, 01684 272015
HR implications (including learning and organisational development)	No HR implications. Contact officer: Richard Hall, GO Shared Service Human Resources Manager (West), Richard.hall@cheltenham.gov.uk, 01594 812634
Key risks	As identified in Appendix 1
Corporate and community plan Implications	Communities feel safe and are safe. Our residents enjoy a strong sense of community and involved in resolving local issues.

Environmental and climate change implications	None
Property/Asset Implications	N/A Contact officer: David Roberts, Head of Property & Asset Management, david.roberts@cheltenham.gov.uk, 01242 264151

2. Content of petition received

- 2.1** The Council has received a petition under the heading 'Petition Calling for Zero Limit on Sexual Entertainment Venues in Cheltenham'.
- 2.2** The petition includes 1,122 signatures. As such, it contains more than the 750 signatories required to trigger a Cheltenham Council debate.
- 2.3** The statement within the petition states:-

"We the undersigned, petition the Council to:

- *Issue no further Sexual Entertainment Licences (SEVs) in Cheltenham*
- *Note our objection to the granting of a license to operate a permanent lap dancing club in the former Voodoo Lounge on the Bath Road*
- *Note that we want our town to be free of sexual entertainment venues, such as lap and pole dancing clubs and therefore set a NIL Policy for SEVs in the future.*

3. Background to receipt of the petition

- 3.1** In December 2013, the Council received an application to licence a sexual entertainment venue at 12 - 14 Bath Road. In February this year the application was referred to the Licensing Committee that granted the application.
- 3.2** The Council's currently adopted policy does not set a limit on the number of sexual entertainment venues it will licence, but instead deals with each application on a case by case basis. The rationale behind the current approach is largely based on the fact that there had not been any applications for three years leading up to December.
- 3.3** The application for the sexual entertainment venue on Bath Road attracted significant local objection, which has resulted in this petition following the grant of the application.

4. Consultation: Number of permitted sexual entertainment venue licences in Cheltenham

- 4.1** In March this year, Cabinet approved a public consultation on whether it would be appropriate for the Council to adopt a limit on the number of sexual entertainment venues it will licence in Cheltenham.
- 4.2** That consultation ended on the 30th June and Cabinet is due to consider the outcome of that consultation and determine the policy position moving forward in September.
- 4.3** It is a coincidence that this petition was submitted during the consultation period mentioned above. Given that the subject matter of this petition and the consultation is the same, it is recommended that Council refer the matter and any comments in relation to this debate to Cabinet for consideration in September, when the consultation outcome will be discussed.

- 4.4 Incidentally, the petition organiser has also requested that this petition be submitted as a response to the consultation and it will therefore automatically form part of the Cabinet consideration in September.

5. Process for dealing with petitions at Council

- 5.1 The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

1. The Mayor will remind members of the procedure to be followed

2. Statement by the petition organiser

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition.

There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

3. Clarification on the background information in the officer's report

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

4. Statement by the relevant Cabinet Member

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting.

They may also wish to propose a motion at this point; if so, the motion must be seconded.

5. Debate by members

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate, but will bring it to a close when they feel sufficient time has been allowed.

6. Conclusion of Debate

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- taking the action requested in the petition (provided the matter is reserved to full council for decision)
- referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation

- holding a meeting with petitioners
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition
- taking no further action on the matter

Background Papers	<ul style="list-style-type: none"> • E-petition – “Zero limit on number of Sexual Entertainment Venues in Cheltenham” (378 signatures) • Written petition – “Petition calling for a zero limit on sexual entertainment venues in Cheltenham” (749 signatures)
Report author	Contact officer: Louis Krog, Licensing & Business Support Team Leader, louis.krog@cheltenham.gov.uk, 01242 775004

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the Council does not take the concerns raised in the petition into consideration, it has the potential to undermine confidence in the local democratic process.	Louis Krog	11/7/14	3	4	12	Reduce	Council report recommendations			
	If the Council considers the petition in the absence of the wider consultation results, any resultant decision would not be fully informed with the views of the wider public and is likely to be unsound	Louis Krog	11/7/14	4	4	16	Reduce	Council report recommendations			

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)

Likelihood – how likely is it that the risk will occur on a scale of 1-6

(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close