

Comments

I am emailing to register a strong protest at the possibility of allowing sexual entertainment venues in Cheltenham and to give whole hearted support to a zero tolerance approach to such an industry.

I base my objections on the fact that Cheltenham is primarily a residential town with many flats and houses in or close to the town centre which make this kind of facility wholly inappropriate. It is also a family friendly town with many retail outlets, cafes, restaurants and attractive open spaces that draw in parents and children, both local and tourist.

To have registered sexual entertainment premises sited alongside such amenities is again totally unsuitable for this kind of population which brings such benefit to the town, both economically and in terms of atmosphere, as a popular destination to come to. To give Cheltenham a reputation as place of sexual entertainment would I believe do significant damage to its image in the long run.

I also object to the siting of any such premises near places of worship, of which there are a number in the centre of town, which would be wholly inappropriate and an affront to those who regularly attend as committed congregations.

In view of the current high profile campaign by the Foreign Secretary and Anglina Jolie to highlight the violent abuse of women in conflict situations, whilst not remotely equating sexual entertainment with violent abuse, I would consider allowing it to take place is to condone the demeaning of women as sexual objects that runs counter to the Council's ethical obligation to treat all people with respect and dignity and to care for the vulnerable.

Whilst the Council would not be responsible for the activities of the sexual entertainment business, I would consider that to permit it to gain a foot hold in the town, would be to indirectly support its values and contribute to promoting the unhealthy and denegrating sexualisation of women which could lead to sexual exploitation and abuse of the vulnerable.

I would ask most sincerely that the Council takes a principled stand in this matter and does not allow sexual entertainment venues in Cheltenham.

I would like to register my objection to the possibility of sexual entertainment venues in the centre of Cheltenham, which is a mainly residential town with many under-18's regularly in the area.

It does not seem appropriate given the advertising of Cheltenham as a Regency Town attracting many visitors that this should be part of the scene.

It is most inappropriate that Cheltenham should be considered a suitable town for sexual entertainment. Cheltenham is a residential town and a centre of culture.

There are more children and young people here than in many other towns owing to its boarding schools.

Dear Sir / Madam,

I am writing regarding the council's SEV consultation.

Although I have already completed a questionnaire online, there has been a recent development, namely the change in operator of the former Diamond Club (now Fantasy) which I believe affects the situation and therefore requires further comment.

To summarise my position, I do not believe that SEVs are acceptable anywhere due to a number of reasons including the negative stereotyping of women as sex objects, the normalization of stripping as legitimate entertainment, the potential effect this has on young men and women and relationships between them; the creation of 'no go areas' for women and girls and the feelings of fear and intimidation created as a result of their presence. As I stated in the questionnaire, there are some people who would argue that without licensed venues, the trade will go underground resulting in lack of controls and regulations leading to increased exploitation of women. Although I haven't researched this sufficiently to know whether this assertion is true or not, if it were, then the only areas I think which are worth considering would be industrial estates out of town away from residential areas. (In a similar way, porn magazines are confined to top shelves in news agents as the material is considered inappropriate and offensive to large sections of the population.)

I was in the public gallery at the council chambers on the 7th February 2014 and was appalled to hear the SEV license application being granted to the former Bath Road Voodoo Club owned by Bath Road Property Limited. This was despite strong opposition on grounds which the council in its own words "will consider when making a determination with regards to the suitability of the vicinity and relevant locality", and included among other things, reference to a nearby park, churches and youth groups, all of which are stated **on the council's own website** as being **sensitive** in nature with regard to SEVs.

During the above hearing, several points were raised which now seem pertinent to the latest developments (change in ownership from Bath Road Property Limited to Fantasy Club Swindon Limited). At the hearing, we were informed that the conditions the council had to consider when assessing the application fell into two categories: mandatory ones, mostly to do with the suitability of the applicant, and discretionary (to do with the vicinity / locality). We listened to Andrew Woods (solicitor for the applicant) give evidence for the suitability of his client. He claimed that he was a well respected operator, had a history of liaising with authorities and had a responsible approach. In response to residents' concerns, he had changed the name from 'Gentleman's Diamond' to 'Diamond'. During the course of the meeting, he assured those present that there would be nothing on the outside to indicate the type of activity inside, that there would only be lap dancing, no peep shows or live sex, and no hand bill advertising. Towards the end of the hearing, before the councillors left to discuss the application, one of them asked what happens in the event that the premises change ownership, i.e. could that theoretically mean a change of use from lapdancing to peep shows / live sex etc.? The solicitor for the applicants said they were happy to go on record saying that live sex / peep shows would not be operated. Louis Krogg said that new ownership would mean going through the process of an application for a license. Another councillor asked whether a condition could be made whereby a new owner meant returning to the committee, but Louis Krogg said the council didn't have the powers to enforce this.

So, this all prompts me to ask some questions which I would very much like answered.

1. Now that the ownership has changed, what process was carried out to assess the suitability of the new owner? What criteria were applied and how were they verified? Were any mandatory conditions applied and if so, what were they? Are minutes of the meeting re transfer of ownership / new application available, and if so, can I have a copy please?
2. Are any of the agreements which were publically made on the 7th February, detailed above, still enforceable now that there is a new owner? i.e. no live sex / peep shows, no handbill advertising, nothing to indicate outside what goes on inside. (on which point, doesn't the new name, 'Fantasy', not already do this? Especially when a van with the same name and a silhouette of a naked female at a pole is parked in the Bath Road car park down the road. Surely this should be banned in the vicinity of the club as this constitutes advertising and is a flagrant contravention of the license conditions?)
3. Would you agree that if the councillors took any of the above assurances into consideration when granting the licence, and it now turns out that they are no longer applicable, then they were wrong to do so and the decision process should be considered flawed? Surely, if new ownership means previous agreements become null, then the agreements / assurances are worthless and shouldn't have been admitted for consideration in the first place?

All of which brings me back to the original grounds for objection, which were largely based on the unsuitability of the location of this club. It is my belief that they are totally reasonable and very strong bases for SEV license refusal and are acutely felt by the residents of this area and the people of Cheltenham who use the facilities in the vicinity of the club. It is on these grounds that the council had just cause to refuse an SEV license to the Bath Road premises, thereby safeguarding those of us whose lives are affected by its presence. They are the very grounds that are identified on the council's own website and I would argue that it is a contradiction to have granted a license to a venue which fails on all the following counts – near a family park, childrens' services and places of worship. The councillors may have granted the licence based on the assurances of the applicant as to its use, but in actual fact, hasn't the granting of the license now left it open to any use falling under the SEV umbrella?

The fact that even in the light of these wholly justifiable and reasonable objections, Cheltenham Borough Council saw fit to grant a licence, I now believe the only way of ensuring that this doesn't happen again is to set a limit in our town to zero. Please note that everyone who signed the previous petition was also requesting that the future limit be set to zero; could you please confirm that this is taken into account in the current consultation?

Could you please acknowledge receipt of this letter and I look forward to your responses to the points made.

I write to appeal for Zero Tolerance for Sexual Entertainment venues in Cheltenham. This is not a suitable area, being largely residential, the town is full of educational establishments - schools, colleges, etc., and amenities attracting families and children, like the libraries, parks, cafes, shops, etc. Also, we have such excellent Festivals like the Science, Music, Literary - all bringing in visitors including many children, who come for educational purposes.

Sexual Entertainment venues are completely inappropriate for the ethos of the town.

I should like to add my name to those who think there should be 'zero tolerance' of Sexual Entertainment Venues in Cheltenham. My reasons for this are as follows: Cheltenham is primarily a residential area & it is important to maintain its character. Consideration needs to be given to the use of other premises or buildings in the vicinity. As Cheltenham is a compact town, nowhere is far from a church, or school or park or other leisure facility.

Families & children use shops & retail parks so they need to be safe. There are many places of worship in Cheltenham & it would be inappropriate to site Sexual Entertainment Venues near them.

There are many vulnerable people in Cheltenham. It is our duty to make the environment as safe as possible for them.

I would just like you to know that I am totally against Sexual Entertainment Venues in Cheltenham. It is a residential town with lots of families with young children and I consider they should be protected from seeing them and kept innocent as long as possible. It is the job of all of us adults to see to this. Children are precious. Also the siting near to any places of worship is inappropriate. I hope there will be zero tolerance for this idea.

I learned some months ago that there was a proposal for such a venue near to the junction of Bath Road and Bath Street. I find this specific location utterly inappropriate for the reason following. At the the corner of Bath Road and the Strand is a new Sainsbury's "local shop". This is intended to stay open for custom until very late in the evening. Some of its customers would be expected to live in the houses between Sandford Park and St Luke's Church. A good proportion of these people would be women, some of student age. Coming from this direction, they would be required, when on foot, to pass (walk by) the proposed sexual entertainment venue, and, when doing so during the evening, to encounter its clientele. It appears to me that such encounter is utterly undesirable, and the prospect could lead to anxiety among some of the female shoppers. Licensing in this case should therefore be refused.

I believe there should be 'zero tolerance' of Sexual Entertainment Venues in Cheltenham for the following reasons:-

It would destroy the character of Cheltenham which is primarily a residential town

There are other premises and buildings in the vicinity used for education, libraries, swimming pools and markets in addition to parks, shops and retail parks which are used by families and children who should not be exposed to such Sexual Entertainment venues.

It would be totally inappropriate to site a Sexual Entertainment Venue near to any places of worship.

I very much hope that these comments will be taken very seriously so that permission is NOT granted for a Sexual Entertainment Venue in Cheltenham.

I wish to support the proposal to give 'zero tolerance' to this application., and other similar in future.

The area is residential, used for places of worship, recreation, and community activities of all ages, whereas SEVs attract particularly limited groupings. A personal experience – I had the privilege to be Chaplain to the Mayor of Gloucester twice in the 1980's when a similar application was eased through by ignoring or over-riding objections. The Council might find it worth checking both the economic and social effects of that decision on the life of Gloucester, and how desirable these might become in Cheltenham.

Locality

In my opinion there are **no localities in Cheltenham that would be acceptable** for a lap dancing club or any other type of sexual entertainment venue (SEV).

In my opinion there are **no wards in the borough that would be acceptable** to licence a SEV.

Numbers

3/4. The number of licences for **any locality in Cheltenham should be zero.**

5. The number of licences for **any of the wards in Cheltenham should be zero.**

Vicinity

6. In my opinion it would be **unacceptable to locate a SEV near to any particular areas and types of building**, these include:

- Residential areas
- Hotels or other guest accommodation
- Retail shopping areas
- Late night entertainment areas
- Historic/listed buildings
- Sports centres/facilities
- Cultural leisure facilities (museums/libraries etc.)
- Family leisure facilities (cinemas/theatres etc.)
- Places of worship
- Public parks
- Places of education (school/college/university etc.)
- Youth facilities
- Other vulnerable people facilities
- Hospitals, GP surgeries, other medical facilities
- Train or bus station

7. It would **not be acceptable to locate a SEV near to any type of building.**

Comment

8. I ask that a zero rating for SEV licences is agreed for the whole of Cheltenham.

I would like to urge that there be 'zero tolerance' towards the establishment of any Sexual Entertainment Venues in Cheltenham.

I am the Minister of St Luke's Church, near the venue for which a license has already been granted, in the Bath Road.

I'm concerned about this venue in particular, because many St Luke's Church members live nearby. This is a residential area, where safety and security of the residents - including children and vulnerable adults is paramount. Also, these particular premises in the Bath Road are in line of sight of Cambray Baptist Church and the Salvation Army.

When I walked past yesterday, the front door was open so you could see what was advertised as taking place inside. Isn't this contrary to the licence that has been granted to them?

Thinking more widely, it is contrary to the overall character of Cheltenham, which is well known for example as a place of education for children, that there should be any such premises in the Borough. Would any of us want to live somewhere where we needed to regularly walk past such places with our children?

It is in the nature of these premises that their activities 'overflow' into neighbouring streets and parks.

Please, please, can Cheltenham be a town where, as far as possible, all are safe from harm.

Please do not licence such places in Cheltenham. The town centre is close packed with venues appropriate for families and children (shops/markets/schools and places of worship). It is heart warming to see so many people (including obviously 'vulnerable' ones) using the town centre during the day and evening. Places of sexual entertainment are inappropriate here.

I am writing in support of a zero tolerance of sexual entertainment venues in Cheltenham.

Our town is host to many visitors and hosts many festivals. It is not appropriate for such a historic, beautiful town to have sexual entertainment venues. The town centre has parks and places of worship, a refurbished museum and many cafés and restaurants. I ask that the town is kept free of sexual entertainment outlets.

I would like to add my voice to the objections to licensing a place for sexual entertainment here in Cheltenham. As a resident I enjoy the character and nature of

a residential town with its suitable nightlife. We have enough problems with drunken behaviour currently, without adding such a venue to encourage those so inclined. Our town does not have the character, or associated problems, of a city like Gloucester, but we will be inviting them in if we allow such licensing to go ahead.

I think that the idea of sexual entertainment is degrading particularly to women. Such venues would create areas where young girls in particular would not feel safe with those frequenting such places hanging around.

SEVs are against the 10 commandments and the teaching of Jesus Christ

Frankly I am not aware that any such venues do exist in Cheltenham other than through hear say of pop up events during race weeks

If such places do exist then they should not be in residential areas at all nor close to locations visited by families. (I did see people literally selling sex right outside a branch of Boots the Chemist in Bangkok last year!!!!)

Their actual number is irrelevant (given that they have such a low profile as far as I can see Cheltenham is not a sex entertainment destination nor is likely to be one)

What does seem really really important is the quality of any such places not the number of them. For example a quality pole dancing venue that actively encourages the dancers to train daily and to really hone their skills must be very different to a seedy one where the dancers (who are not really professional dancers) receive no support and where people merely go to gawp and get drunk.

I wish to protest at the councils granting permission for a SEV in the Bath Road. It is a busy shopping area for adults and children within 100m of the proposed SEV. There are also bus stops where people are obliged to stand on the pavement waiting for their bus while "punters" go by.

Part of Sandford park is almost adjacent to the site the rest of the park and gardens not far away with a play ground and the lido about 5 mins walk from the Bath Road.

St John's School is 7 mins walk from the SEV with parents and children using the shops nearby.

Walking to shops, work and leisure or using public transport is to be encouraged: the presence of an SEV is threatening and distasteful to many residents.

We live in St. Luke's Road and walk into town for the cinema, theatre and food shopping frequently and do not want to be deterred by sexual behaviour outside the SEV and in the surrounding streets and park.

Cheltenham is a pleasant residential town with a lively centre because people live and work there. We, who live in the town, do not want an SEV to provide inappropriate entertainment for outsiders.

We hope the council will reconsider this SEV proposal.

1. Sexual entertainment is legal throughout the UK.
2. I believe that legislating away personal freedoms can only ever be justified to prevent harm to others. Harm to oneself is not sufficient warrant (John Stuart Mill, On Liberty 1859).
3. Lap dancing and other sexual entertainment venues offer a service by willing and informed providers to willing and informed customers. There is no harm to either participant. On the contrary there is benefit to both.
4. As the noise surrounding the opening of the Fantasy Club has shown, there is no nuisance outside the venue from the SEV. The night club on the ground floor is another matter.
5. Location is important. The Fantasy location is good because it is part of the night-time economy and causes less nuisance than the nightclub below.
6. Defining relevant location by ward is not justified with any argument in your paper. Because, of course, there is no such justification. It is an administrative convenience and a practical nonsense. It has to be the whole of Cheltenham Borough and location has to be appropriate - away from predominantly residential areas.
7. There is no conflict with retail shopping, commercial or industrial areas as the SEV will be operating only late at night.
8. It is still unproven whether an SEV in Cheltenham is economically viable on a year round basis. Personally I suspect not. But am happy to let the market decide.
9. I understand that on licence premises will continue to be able to offer sexual entertainment once a month for eleven months a year - in reality most nights of the two main race meetings as was the case for the Gold Cup this year - and these events are subject to much less stringent control than licensed SEVs.

There can be no justification for the Council to grant such licenses. In today's society when we are struggling with slavery & sex trade workers this type of establishment would only encourage these crimes to be perpetrated in Cheltenham.

I feel so very strongly about this.

PLEASE PLEASE PLEASE DO NOT GRANT ANY FURTHER LICENCES AND SET A LIMIT OF ZERO

I wish to express my opposition to the licencing of any Sexual Entertainment Venues in Cheltenham. We love living in Cheltenham as it has so many good things for the family, from the festivals to excellent schools. The licensing of a Sexual Entertainment Venue would spoil the area for families who enjoy using other venues such as the library, the parks, etc. and change the character of the town for all who live there. It is unnecessary and will spoil the positive reputation of the town.

We wish to object in the strongest possible terms to the siting of Sexual Entertainment Venues in Cheltenham. Such venues are quite out of keeping with the character of the town, particularly with its educational, sporting and festival links. We believe such Venues would harm the town's very attractive image.

Hello. I'm emailing to request that no such venues are licensed in Cheltenham. My main reasons are that, as a family man, I would much prefer not to have such venues located in the town where my children will come across them. I also feel it's inappropriate to have such venues in a location near public facilities where families gather and near churches where they may well give offence. I do hope you will put the welfare of the community above the personal and commercial preferences of others.

I would like to support for 'zero tolerance' of Sexual Entertainment Venues in Cheltenham. On the basis of: The Character of Locality-Cheltenham is residential town. The use of other premises/buildings in the vicinity e.g. for education, parks, libraries, swimming pools, markets

The prevalence of shops and retail parks used by families/children

That siting near to any places of worship is inappropriate

We are writing in support of zero tolerance of sexual entertainment venues in Cheltenham.

We believe that any such venue would be inappropriate in Cheltenham because it is primarily a residential town where many families live. Cheltenham has many facilities which draw families including parks, libraries, swimming pools and other sports facilities. Many families from within and outside of Cheltenham also make use of its many shops and retail parks. In addition it is known for its excellent schools and educational opportunities along with its famous festivals which again are visited by numerous families with young children. There are also several places of worship in Cheltenham and siting any sexual entertainment venue near these would be wholly inappropriate.

We are enjoying raising our own family here. It provides many safe and appropriate opportunities for our children to be well educated and spend their leisure time in wholesome ways which are good for their development as individuals. We feel that the presence of any sexual entertainment venue of any kind would diminish these opportunities and damage the character and reputation of Cheltenham irreparably.

I wish to register my feelings on zero tolerance in relation to sexual entertainment venues in Cheltenham.

I object strongly to clubs of this description. Cheltenham is primarily a residential town with too many clubs now causing noise and litter. This sort of business will affect other premises in the town and would be totally inappropriate near ANY place of worship.

I recently returned (with three Cheltenham friends) from visiting six places in Italy. We all commented on lack of noise, clubs, rubbish and badly behaved young people. No shouting, drunkenness, swearing and dropping beer cans and fast food packaging. Sexual entertainment will make an already bad situation for those of us who live in the centre of town even worse, encouraging more, particularly men, to visit from even greater distances.

Walking through town from an event in the evening is already an unpleasant and worrying thing to do.

Your consideration of my objection would be appreciated.

I would like to object to the possibility of Sexual Entertainment Venues being given a license to operate in Cheltenham and to support a Zero Tolerance to such venues.

The grounds for my objection are;

1. That it is out of character for the primarily residential town of Cheltenham.
 2. That there are likely to be facilities for education, parks, libraries, swimming pools, markets etc in the vicinity of such venues.
 3. That the prevalence of shops and retail parks used by families/children in Cheltenham makes such venues inappropriate.
 4. That sighting such venues near to any places of worship is inappropriate.
-

I support the need for zero tolerance re: 'Sexual Entertainment Venues' in Cheltenham.

The reasons for 'zero tolerance' that I consider relevant to the debate include:

- 1) Cheltenham does not need to be offering everything that can be acquired in other towns. Better to be different sometimes.
- 2) Cheltenham has its own distinctive personality that is appealing to many (not the few), as well as being heavily residential in all vicinities.
- 3) Placing such venues near places of worship would be disturbing for the people with consciences that reflect their faith.

4) Such venues could cause families to avoid certain areas.

5) Such venues could affect retail etc. within the vicinity of the premises.

Given that SEV's are specifically aimed at sexual stimulation i am opposed to any venue opening. with the sexual assaults that have taken place in Cheltenham in the last year and the on going issues with pornography being accessed by internet to have a venue people could go to, I believe will only fuel these issues. I have spoken to many people who were shocked to see this kind of entertainment being advertised around Race week, finding flyers in family restaurants. I am also aware of the effects clubs like the Blue Room which was open before, have had on relationships, tempting people into supposed entertainment that can ultimately end in family break ups. Let Cheltenham be known for its beauty, arts and literature, and let it be a safe place for anyone, child, youth, women, men to live a pleasant and contented life.

This kind of establishment is degrading for women and is not the kind of place we need in town.

We feel there are enough problems in this world today and we should not be adding to them and we look to those who are in a position to do what is right will do so.

A SEV is always going to pose a threat to other people in the vicinity, as the clientele of such establishments will by definition be sexually stimulated on their departure from the club. Any women in these areas are liable to verbal, visual or actual sexual assault.

It is unacceptable to have anyone subject to this.

We should do our utmost to preserve the nature of Cheltenham and protect it's inhabitants. These kinds of establishments would not enhance our beautiful town. We would not want our vulnerable and impressionable young people drawn into a seedy world, nor would we want to encourage sexual promiscuity. Adults who already engage in this type of entertainment will already know where they can go to obtain it.

Once you go down this route, it will be impossible to turn back.

PLEASE, let's keep Cheltenham special, a place of morals where family life thrives.

Having just moved from central London where such places exist in almost every street, most of which are part business, part residential, it is difficult to agree that they cause major disturbances. I was a couple of hundred yards from Spearmint Rhino. Indeed Weatherspoons next door is a major offender on that front already. I see no moves to have it closed down.

In a liberal democracy it is important that the various legal tastes of people are not discriminated against. Lap dancing in its various versions exists for those who like that sort of thing. If sufficient numbers like it the business will thrive, if they do not it will not. Personally I find the idea repellant and despite my previous address have never visited one. But who am I to judge against those with their post football laddish tastes who do like that sort of thing? I cannot impose my ideas of morality on others. The Council can only look on this from the legal, commercial and traffic points of view as well as nuisance including the likely effect on the tranquility of residents. Much as they may like to, they cannot take up a moral stance which is probably the source of the majority of objections. One assumes that the performers are not forced into such work. If that was discovered not to be the case then it would be a very different matter as would evidence to the effect that such places were an encouragement towards the abuse of women.

The more amusing aspect is that such places are nearly always referred to as 'gentlemen's clubs' - which in itself must nowadays be illegal - whereas it would probably be difficult to imagine the target audience feeling happy about being so categorised. Should there then be a weekly lap dancing evening at the New Club?

To whom it may concern

I am writing to support a ZERO TOLERANCE TO ANY SEV in Cheltenham.

The Adult Entertainment industry is about the grooming and Normalising of Prostitution. The sex industry objectifies women and has been shown to have links with organised crime and results in a heightened risk of sexual assaults.

On your Cheltenham Borough Council website it states; Sexual entertainment venues are premises that offer "relevant entertainment"

Commonly, sexual entertainment has been associated with lap dancing or pole dancing. However, sexual entertainment is not limited to just these activities.

It can therefore also include things like:

- Table dancing
- Strip shows
- Peep shows
- Live sex shows.

I strongly feel that this "adult entertainment" is ~~is~~ NOT "relevant entertainment".

When making a determination with regards to the suitability of the vicinity and relevant locality, the council will consider, amongst other factors:

- The fact the premises are sited in a residential area (Bath Road)
- The premises are sited near shops used by or directed to families or children, or on frontages frequently passed by the same. (Sainsbury)
- The premises are sited near properties which are sensitive for religious purposes. (Salvation Army)
- The premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, included but not limited to educational establishments, leisure facilities such as parks, libraries, or swimming pools, markets and covered markets. (The Playhouse, Sandford Park)

The venue and location is totally inappropriate being in close proximity to residential area, community facilities, places of worship and an area which is used by children and families.

Sadly in this case the local community was denied a voice. A voice which was very strongly opposed to this venue being allocated an SEV licence.

The venue name has also changed from being ~~Diamond~~ Diamond "Gentlemans club" to Fantasy Champagne Bar! Quite misleading to say the least. I for one would not be pleased to enter a new "Champagne Bar" in Cheltenham to realise in fact this is not what it is all about!! Not a recommended night out for the girls!

Also has the ownership changed from Bath Road Property Limited? Are the same conditions applied to the new ownership?

On closing.

We wish to maintain the character of Cheltenham, to maintain the Freedom and to protect citizens in the community.

Thank You

Licensing Department
Cheltenham Borough Council
Municipal Offices
Promenade
CHELTENHAM
Gloucestershire
GL50 9SA

Our ref AW/KB/WOO001-1-0/87

Your ref

23 June 2014

Dear Sirs

Sexual Entertainment Venue Licences Consultation

We are a firm of specialist licensing solicitors who represented Bath Road Properties in their application for a Sexual Entertainment Venue Licence in Cheltenham on 7 February 2014 when the application was granted subject to the following:-

1. The conditions recommended by the Police.
2. Specific hours of operation.
3. A relaxation of the 36 inch rule.
4. Requirements with regard to dancers signing in.
5. Phone number and e-mail address provided for residents.
6. The name of the club being Diamond.
7. No hand bills delivered in Cheltenham.
8. House Rules.
9. The licence to be subject to renewal in one year.

We note that the Consultation process which we are responding to in this letter is for Councillors to decide whether it is appropriate for the Council to limit the number of permitted SEV's and if so what limit should be imposed.

We also note that the consultation questionnaire raises 8 questions:-

1. State which areas where siting an SEV would not be acceptable.
2. State which wards in the Borough would not be acceptable to licence an SEV.
3. Should the Council set a maximum number for any locality.
4. What should be the number in certain localities.
5. What should be the number in the wards.
6. Where would it not be acceptable to locate an SEV near to.
7. What types of building would it not be acceptable to locate an SEV near to.
8. Any further comments.

We would submit that if the Council decide to set a specific number of SEV licences within Cheltenham then at the very least that number should be 1 and should be the SEV licence which was granted in respect of Diamond on Bath Road. It would be grossly unfair and against the basic European convention right that Bath Road Properties have to operate their business Diamond with an SEV licence for Cheltenham

Directors : Patrick M Whur • Andrew J Woods • Woods Whur 2011 Limited • Consultant Colin Manchester

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Borough Council to decide that there should be no SEV licence which would of course mean that the current SEV licence would not be renewed. We would further submit that the application for the SEV licence in respect of Diamond, Bath Road, Cheltenham was a clear example of the legislation being complied with and the due process of representations being properly considered being applied. We shall comment on the specific questions raised in your questionnaire later in this response but feel that it is important to consider the current position as set out in the current Sexual Entertainment Venue Policy statement of Cheltenham Borough Council.

We do not propose to repeat verbatim the policy of the Council but as is stated in the opening paragraph the policy statement “sets out the Council’s requirements for premises to be licensed as Sexual Entertainment Venues within the meaning of Schedule 3 of the Local Government (Miscellaneous) Provisions Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.’ It is confirmed in paragraph 3 that Cheltenham Borough Council has adopted the original provisions of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops on 25 April 1983 and the new provisions for Sexual Entertainment Venues under the amendments of the Policing and Crime Act on 11 October 2010. A full consultation process led to the policy statement being approved on 4 February 2011.

The legislation sets out very clear mandatory grounds for refusal (paragraph 12 of Schedule 3) and very clear discretionary grounds. In particular the current Policy Statement is clear in paragraph 3.2 (d) as to when the grant or renewal of a licence would be inappropriate. This is having regard to; the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character and condition of the premises.

The current statement then very clearly sets out at paragraph 4 the consideration that will be given to the location of the premises and any application made in respect of this legislation and policy will of course be considered on the evidence presented in respect of each application.

It is in our submission a very important point to note that the application for the SEV Application process in respect of Diamond, Bath Road, Cheltenham highlighted the legislation and the Policy working correctly and appropriately by allowing all parties whether in support or against the application the opportunity to make submissions either in writing or orally to the Licensing Committee who then made its decision in accordance with the legislation and the policy existing at the time. It is further important to note that;

- There was no appeal against the decision of the Licensing Committee.
- There has been no negative reaction either from residents or from any Responsible Authorities to the premises being licensed as a Sexual Entertainment Venue. The concerns expressed by those who opposed the application, which were considered fully by the Licensing Committee, have been proved to be incorrect.

The Licensing Committee made its decision on the evidence presented to it and the legislation under the policy in place at the time and it is submitted that the legislation and the policy allows the Councillors the opportunity to consider any applications fully.

It would seem grossly unfair if having gone through the full process of making the application, dealing with representations and presenting arguments to the Licensing Sub-Committee if it is now decided that the number of SEV licences should be nil and the current licence not renewed especially when there have been no issues with regard to the Premises.

In the run up to the existing policy Cheltenham Borough Council carried out a far reaching public consultation. During this process parties were able to make submissions and the Licensing Authority decided upon a very detailed policy statement. Since the implementation of the Policy there have been two applications for SEV licences both of which were granted but one of which was not taken up. It is

important to note that there is only one SEV in Cheltenham and that there have been no applications for further SEV licences. The current Policy Statement has not seen the “floodgates open” with a huge interest in SEV licences in Cheltenham.

Our basic submission to the Councillors is that the current SEV is sited in an acceptable location both in terms of the area and Borough and that having heard considerable evidence about the locality during the application the Licensing Committee decided that the position of the SEV on Bath Road was appropriate. If therefore a maximum number is to be set in the Borough then that number should at least be one as we have previously referred to and that the college ward in which the current SEV licence is situated should be deemed appropriate.

We do not propose to answer the individual questions raised in the consultation questionnaire. We do not intend any disrespect to the Councillors by not answering the individual questions and do not intend any disrespect to those who drafted these questions but we would submit that the existing legislation and existing policy statement which applies the legislation is an entirely appropriate Policy Statement to be adopted by Cheltenham Borough Council. We would also submit that applications should be considered on the individual evidence of each case as opposed to a specific Policy ruling that a certain type of area, certain Borough, certain ward would be inappropriate per se.

It may be the case that certain parts of individual wards may be more appropriate or inappropriate for SEV licences. It may be that certain parts of specific areas would be more appropriate or inappropriate and it may be that certain parts of specific Borough's may be more appropriate or inappropriate. What we would submit would be the correct approach is to retain the existing Policy Statement which applies the existing legislation and allows Councillors to consider applications on evidence presented to them. We would respectfully submit that it would be inappropriate for a Policy Statement to go further than the legislation or Home Office Guidance. We would therefore submit that the appropriate course of action would be to retain the existing Policy Statement but that if the Councillors feel it is appropriate to set a maximum number of SEV's in Cheltenham then at the very least that should be 1 and it should be the SEV licence granted by Cheltenham Borough Council for Diamond in Bath Road.

Yours faithfully

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