

# Appendix 1 – Consultation Feedback

## Revised Sexual Entertainment Venue Policy

Comment	Officer comments
<p><b>Cllr Dr David Willingham</b></p> <p>Dear Licensing,</p> <p>I am writing in response to the SEV policy consultation.</p> <p>1 I support the proposed designation of Bath Road for inclusion in the approved area. Given that the Town Hall and some venues on A4015 The Promenade facing Imperial Square also occasionally host SEV under the exemption, it might be worth including this area to encourage them to properly licence those activities.</p> <p>2 I believe that the following licensing conditions should be modified:</p> <p>Venues should operate a Challenge 25 policy rather than a Challenge 21 policy to make it more difficult for anyone underage to access the premises.</p> <p>The prohibition on performers sharing personal details with customers should also be</p>	<p>Officers did not consult on the basis that Imperial Square should be included inside the relevant locality.</p> <p>If Members are minded to include this part of town, separate consultation will be required on this point.</p> <p>At the moment the frequency of sexual entertainment does not meet the statutory licensing threshold and there is no indication that this will change. It is therefore not proposed that the relevant locality be changed to include Imperial Square.</p> <p>Noted and policy amended.</p>

<p>modified to include a prohibition on sharing social media and electronic communication identifiers.</p> <p>A condition similar to the following should be added: Literature and contact details of organisations that provide advice and counselling on matters relating to:</p> <ul style="list-style-type: none"> <li>(a) Modern slavery,</li> <li>(b) Domestic abuse,</li> <li>(c) Coercive control,</li> <li>(d) Rape and sexual assault,</li> </ul> <p>shall be made available to performers free of charge in their changing area.</p> <p>The Council may wish to consider adopting the condition used by Manchester City Council on their SEV policy, which states: The use of any cruising cars or any other wheeled carriage [whether for the purposes of hire or reward or not] by the premises to solicit customers and/or transport to or from the premises is prohibited.</p> <p>3 No comments.</p> <p>4 I fully support the council's view that a zero limit is not going to prevent sexual entertainment from occurring in the town, but will mean that it is less well regulated and lesser regulation puts the performers at greater risk.</p>	<p>Noted and policy amended.</p> <p>Noted and policy amended.</p> <p>Noted and policy amended.</p>
<p><b>Ms Tess Beck</b></p> <p>In Cheltenham, SEVs and the lap dancing industry are only an issue during racing events such as race week. It is some time since there was an SEV licensed year round (Fantasy) and even then, for the last few years of its operation, it would only operate during race week, standing empty and getting increasingly dilapidated for the rest of the year.</p> <p>The link between lap dancing (sex-tourism) and race week is no more inevitable than the link between hooliganism and football. Removing the sex tourism aspect of race week</p>	<p>The scope of this policy is limited to sexual entertainment as defined in law. As outlined in the covering report (6.7 &amp;</p>

(of which lap dancing is only a part) would make the town centre much more pleasant for many people (especially women) who visit or live and work in Cheltenham. Putting an end to sex tourism in Cheltenham could potentially also help to reduce the market for other parts of the sex industry such as trafficking.

Cheltenham's nightlife is valued for its safety: this is reflected in its Purple Flag status. But not during race week, when sexual harassment and even assault becomes commonplace for women socialising or working in the town centre.

#### **Community Impact Assessment**

You state that you are confident that your policy is robust in addressing any disadvantage caused to any groups.

As a woman, I can tell you that I experience greater levels of sexual harassment when in the town centre during race week. This is worse in the evenings when the majority of SEVs operate. But even during the day, when I worked in the town centre in a customer facing role during race week, I would experience frequent sexual harassment (which I rarely did at other times of the year). On many occasions, the men doing the harassing would refer to lap dancing or other aspects of the sex industry. I have heard similar experiences from many female friends of mine, many of whom take active steps to avoid town during race week. Your policy has not been robust enough to address this.

Though you refer to performers in another part of the impact assessment, you fail to acknowledge the gendered nature of SEV performers. Lap dancing is done exclusively by female performers, almost always for a male audience. It is done in booths in a one to one encounter. Though some performers may be paid per dance, they also rely on tips from the punter, which can make it hard for performers to enforce boundaries. As female sex workers, they routinely face discrimination. Their employment terms and

6.8), a zero limit on the number of licensed sexual entertainment venues will be ineffective because operators will instead rely on the statutory exemption which is entirely free of licensing control.

Officer's view is that it serves the public interest to license sexual entertainment venues therefore.

The scope of this policy is limited to regulating sexual entertainment venues. Comments generally about sexual harassment during horse racing festivals falls outside this scope and is a criminal matter to be reported to the police.

The authority's policy recognises that Parliament has made it lawful to operate sexual entertainment venues and to this extent the authority's policy is gender neutral.

In addition to the policy statement and licensing process, there is a robust inspection and enforcement process in

conditions for performers in lap dancing clubs are usually worse than other workers in the gig economy. This is quite different from the Dreamboys (for example) who are often touted as a false equivalent. The Dreamboys perform a floorshow as a troupe, not one to one in an enclosed space. Male performers do not experience the same discrimination as female lap dancers.

You state that your policy is robust enough to protect children from exposure to the sex industry. I can tell you that it isn't. My youngest child (born in 2005) has been exposed to aspects of the lap dancing industry many times. There was the van covered in a blown-up hyper realist image of a naked woman in a porn pose. This was parked on the Lower High Street near the Two Pigs when we went into town after school to get some new daps. There have been the posters promoting lap dancing in shop windows along the route into town, including next to McDonalds in the Lower High Street. There have been flyers left on the streets promoting Eroticats lap dancing and their XXX chat lines and cam girls. There have been the billboard trailers promoting lap dancing driven around the town centre and up and down the route to the race course - which also happens to be alongside Pittville Park and play area.

The distinction between the core commercial area and residential areas is a false one. Many people live in the town centre (I believe there is an effort by CBC, the BID and others to promote the increased use of the space above commercial premises for residential purposes). Many more people like us within 5 or 10 minutes' walk of the High Street. It is not possible for us and our families to avoid the town centre for a week, nor should we be expected to.

The licensing committee has repeatedly granted an SEV license to premises which are outside this core commercial area. Your response in this draft of the policy is to extend the Central Shopping Area. I do not agree with this response.

place to ensure compliance with licensing and legislative requirements. The inspection regime is undertaken in partnership with police licensing officers.

The policy conditions have been amended to remove the right to use vehicles to promote or market licensed sexual entertainment venues.

The policy conditions have also been strengthened in respect of leaflets to address concerns and complaints.

The policy statement makes provision for consideration of the character of the relevant locality including the proximity of residential properties and buildings with sensitive uses.

The point remained that, as outlined in the covering report (6.7 & 6.8), a zero limit on the number of licensed sexual entertainment venues will be ineffective because operators will instead rely on the statutory exemption which is entirely free of licensing control.

You admit your policy is not robust enough to prevent discrimination against people who have a particular religion or belief. Although your SEV policy states that a licence would be inappropriate when the premises are near a property which is sensitive for religious purposes, e.g. a church, licences have repeatedly been granted for the Two Pigs which is right next to St Mary's churchyard. This is despite members of the church telling you that the presence of sexual entertainment deters people from using church premises during race week, especially young people who would normally attend youth club in the evening. This is despite members of the church have telling you they regularly finding used condoms, underwear and sanitary protection in the church yard when licensed SEV activities are taking place in the Two Pigs during race week.

Your community impact assessment states that there is no direct or specific impact on people who are attracted to the same sex. The Two Pigs when operating as an SEV used to operate a sexist and homophobic door policy, banning women from entering as customers. A representative of the licensee even stood up in front of the licensing committee and stated that this policy was to prevent prostitution (I presume this was because any women were assumed to be prostitutes). This resulted in female observers from St Mary's Church being refused entry. This resulted in female friends of mine who are bisexual and were curious (and I think were expecting something a bit more like burlesque) being refused entry. After this was drawn to licensing officers' attention, Two Pigs had to change this door policy, but it had already been operating for some time by then.

### **The Statutory Exemption**

I have sat through many licensing committee meetings where committee members have stated that it is better to have the premises providing lap dancing to do this under the auspices of the SEV licence than under the statutory exemption. I got the impression from some of the members that they would rather not give the licence - especially for premises next to a church, but have only done so because the national legislation means they could not prevent it happening altogether. (Of course, there are other members who aggressively support the sex industry and are happy to promote sex work as a career option for women and girls, but thankfully they seem to be in a minority).

Not clear where this is referenced in the policy document. As stated already however, the authority's policy recognises that Parliament has made it lawful to operate sexual entertainment venues and it is the authority's role to administer the licensing regime lawfully including the Public Sector Equality Duty on the authority.

Each individual application is referred to the licensing committee for determination and this is done with full consideration of the individual merits of the application, policy, statutory guidance and consultation feedback.

Whilst the policy should be adhered to and only be deviated from under exceptional circumstances, it cannot fetter the committee's discretion.

The statutory exemption exists in law and is therefore not within this authority's ability to influence.

There is general acknowledgement by this authority and opponents of sexual entertainment venues that the statutory exemption is unhelpful and to some extent defeats the object of the licensing scheme.

Hopefully operating with an SEV licence has given the performers better protections, but for residents it has meant that the Lap dancing has taken place at the premises over several nights rather than the 1 night permitted by the exemption.

I have heard representatives of the licensees stand in front of the licensing committee and state that by being able to operate out of one premises for the whole week, they would not need to use other premises across the town. In practice, come race week, they were operating in at least one other premises each night under the statutory exemption. And as these additional premises were operating under the exemption, this enabled them to flyer and use the liveried van to promote the licensed venue as well. And of course, there is nothing to prevent other operators providing lap dancing elsewhere under the statutory exemption.

Operators of SEVS whether licensed or operating under the Statutory Exemption are aware that race week is the busiest week of the year for police and licensing officers in Cheltenham. SEVs are only a small part of increase in licensable activities which take place that week. Enforcement does a good job in keeping a lid on things but officers are stretched to their limit and spread thinner than marmite.

From my research, Cheltenham during race week is the only place where the Statutory Exemption is exploited to this extent. Newquay used to have problems during the summer season, but thanks to the efforts of its then MP and police chiefs, they have managed to take action to prevent this. This has improved the atmosphere in Newquay for residents and tourists. Newquay has not experienced any drop in tourist numbers as result of the sex tourism industry being closed down.

SEVs do not benefit the town's economy, though they are great money spinners for the promoters. The operators who use our venues to put on lap dancing are here only for a week. They do not provide regular or stable employment. They suck money out of the town to the detriment of other businesses and the town's residents.

The existence of the Statutory Exemption removes Cheltenham's ability to establish and

This is the case principally because venues relying on the statutory exemption are entirely free of licensing control including a requirement to inform the authority and not subject to any controls or conditions.

No authority can, nor has, overcome the statutory exemption by any means. This authority has previously written to Cheltenham's PM to raise this with him, seeking a change in legislation, but to date there has been no indication from Government that it plans to make changes to legislation.

Until such a time as there is a change in legislation in so far as it relates to restrictions under the statutory exemption, this authority is faced with either seeking a license where one is required, or seeking to manage exempt sexual entertainment venues through voluntary schemes as is the case at present.

