

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 18 December 2023

Meeting time: 17:30-20:15

In attendance:

Councillors:

David Willingham (Chair) and Angie Boyes (Vice-Chair), Julie Sankey, Simon Wheeler and Diggory Seacome

Also in attendance:

Jason Kirkwood (Licensing Team Leader) and Sarah Farooqi (One Legal)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Application for a renewal of and variation to an existing Sexual Entertainment Venue Licence

The Chair introduced the Committee and officers present. He explained that some of the public speakers did not want to be seen on the broadcast.

The Licensing Team Leader introduced the report as published and explained that there was an error in the report. The premises is within the permitted area, the outside pavement is outside of the permitted area.

In response to Member questions the Licensing Team Leader confirmed the following:

- There was no awareness that the mandatory grounds are triggered by this application.
- There have been no complaints in respect of any venues run by the applicant to licensing but cannot speak for other departments.
- The Legal Officer explained that the exemption would exist regardless of the decision made at the committee. It was also explained that the committee would need to have due regard to Public Sector Equality but the legislation does not prescribe a specific decision.

Prior to the objectors being asked to address the committee the Chair explained that the application is for a Sexual Entertainment Venue and that there is no evidence of prostitution or coercion. He stated that if such claims were made then he would interject.

The objectors spoke and made the following points:

- The activity has a negative impact on women and girls, the committee need to consider the impact of the trade on women and girls.
- The council needs to consider the fact that with this activity there is a possibility that it will cause violence against females.
- The Councils own policy states the grounds that the application could be refused.
- Does not feel assured that the safety of the girls is the main concern of the operator.
- The purpose of attending this activity is to stimulate, the survey that the Council held stated that people do not feel safe at night in the town.
- There is evidence that women do suffer from harassment.
- There is also evidence that shows that there is an increase in sexual crime around these venues.
- This application goes against the policy to eliminate discrimination.
- There was understanding that it is a difficult decision for the committee.
- It was strongly felt that there are good reasons for the committee to use their discretionary powers to refuse regardless of there then being grounds for appeal.
- There should be sensitivity that the venue is close to a church and it has definitely caused offence that there is such a venue in such close proximity to a place of worship.
- The Church see the venue as discrimination against the Christian community.
- As the location is so close to a church it is offensive, the speaker urged the committee to be bold and refuse the application.

There were 2 Councillors representing the College Ward who had not registered to speak prior to the committee the Chair gave permission to address the committee.

Collectively they made the following points:

- The local MP has said that the application can be turned down and believed that was what the committee should do.
- The belief is that there is coercion where the performers are involved.
- The venue is only just within the permitted area.

- It is close to both a church and a residential area.
- There is also a premises nearby that offers counselling to the victims of sexual violence.
- How does a venue of this nature sit with the town having the Purple flag. It seems to be at odds with this sort of application.

The Licensing Team Leader explained that in this instance the guidance note that was issued with the agenda is not helpful as the committee cannot override the legislation by condition on the licence.

One of the objectors raised a point about some of the information on the website being incorrect, the Licensing Team Leader responded by stating that he thought this matter had been sorted via email earlier in the day.

The supporter was then asked to address the committee and made the following:

- Has worked for Eroticats for a long period of time and finds them to be a good employer.
- Satisfied that there is always security.
- Tired of the comments that are made every time this matter comes to the committee.
- Safeguarding is a key issue and the conditions and regulations are welcome.
- In response to a question by the Chair she confirmed that there were no conditions that she could think of that the committee could put in place to improve things. It was also confirmed that she felt it was safer to have the activity in one place rather than travelling around.

The applicant then had the opportunity to address the committee and made the following points:

- There have been no concerns raised by the police, the applicant meets with the police during race week in March and there have never been any issues raised.
- The policy has a permitted area which is multi use so should not affect the application. The location has not changed since the first application.
- The frontage of the premises is discreet and therefore the impact on the area is minimal.
- With regard to the church in Cambray Place, the venue is not visible from the church.
- People are not being stopped from exercising their faith and the premises doesn't operate on a Sunday.
- The behaviour of the people who visit the premises is very closely monitored by the staff and security.
- Some of the representations talk about women's safety, there has been no objection from the police and if this was a concern they would have objected.
- Although the survey statistics are disappointing the results need to be considered alongside the fact that there are more people in the town during the race meets.
- This is not a vertical drinking establishment.
- The same performers return year after year, which indicates that they are a good and reputable establishment.

- This is not a 365 day operation, the premises is operated tightly.
- Failure to grant the licence could lead to a negative impact on the performers and their ability to earn a living.
- The applicant has worked with GRASAC.
- The activity is lawful and it is better to work under licence than to use the exemption.

The responses to Member and objector's questions were as follows:

- Noise that comes from the premises is minimal as there needs to be communication.
- Each complaint of bad behaviour is dealt with on its own merits, if the behaviour cannot be dealt with by security then the police will be called.
- There are a maximum of 180 customers in the premises at any one time – but there can be a maximum of 500 visitors in any evening.
- The mini bus is parked on the road outside the property and the bin store is at the rear of the premises.
- The banners are taken in every evening.
- The opening hours were agreed at the previous meeting and are earlier in the evening based on advice from the police.
- The leafletting is dealt with in the policy, it does not advertise the venue just the mini bus.
- There is very little casual footfall in the area.
- The total of days that this application for is 17.
- Part of the reason for the earlier opening hours is to stop people queueing outside the premises.
- There is no real evidence of any anti social behaviour at the premises.
- Other premises use the Rodney Road entrance rather than the Cambray entrance if they feel uncomfortable.
- Conditions require that the activity cannot be seen from the street, if the premises is not licenced and operates under the exemption this will not be a condition.

One of the Members who spoke in objection suggested that it might be a good idea to issue a resident's survey to the people who live near the property, it was explained that this was not something for the committee to consider but was for the appropriate Cabinet Member.

The matter then went to debate where Members made the following points:

- Having made 2 visits to previous premises, they have all been well run and organised and the performers are well looked after.
- There should be no impact on the church.
- There were some concerns with regard to the noise when entering and leaving the premises.
- As the activity is permitted in law, then there is little choice but to grant. It is better to have a licensed premises rather than a non-licensed one.
- It seems to be a very well run establishment.
- There are no mandatory reasons to refuse as Parliament has made this a lawful activity. A well run establishment is the way forward.

- This licence has been granted before and there appears to be very little cross over with the activities of the church.
- It was seen as important to regulate these type of activities.
- It is material that the police have not objected, there have been 36 objections in the representations, this is a small amount of the population.
- The variation that we are talking about is for a maximum of 17 days in the year.
- There have previously been complaints about the bins and this has been addressed and no longer seems to be an issue.
- The activity is lawful and with the conditions gives better protection.
- The performers are all over 18 and moral issues are not a licensing issue.
- If the application is refused this could have an impact on the safety of performers.

There was some further discussion around the opening hours and the banners. It was stated that the 6pm start is only for the March race week and as the police support the opening hours that are suggested there is no reason to vary them.

The Chair then advised Members that the option for consideration was to consider whether to grant the application for renewal and the variation as requested subject to the previously agreed condition re leafleting and a condition on the placement of the banner that requires the banner to only be in place 20 minutes before opening time and to be removed within 20 minutes of the closing of the premises. The standard conditions would also be in place.

The matter went to the vote to grant

UNANIMOUS – Granted.

4 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.