

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 4 October 2023

Meeting time: 18:00- 20:45

In attendance:

Councillors:

David Willingham (Chair), Angie Boyes (Vice-Chair), Diggory Seacome, Simon Wheeler and Ed Chidley

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

There were no apologies received.

2 Declarations of Interest

There were none.

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

The Licensing Team Leader introduced the report as published.

Members were given the opportunity to ask the Licensing Team Leader questions, the responses were as follows:

- There have not been any complaints made to the team with regard to the performers at the premises within the last 18 months plus that the Licensing Team Leader has been leading on these cases.

- The Licensing Team are not aware of any complaints that have been received from the police at the venue. There have also been no representations made by the police.
- The exemption that applies to SEV's was then explained. Whether the licence is granted or not there is the option to move to different venues each evening. When licences are granted the premises are visited at least once an evening. If an operator operates under the exemption then they can do what they like, the police or CBC will not know where the clubs are operating and are not able to impose conditions unlike it there was a licence in place.

There were no questions for the licensing team leader from the objectors.

There were no questions from the applicant for the licensing team leader.

The Chair then asked the objectors when they addressed the committee to say which number they were in the representations. The first objector was number 2 on the representations in the published agenda and made the following points:

- The application is for outside the designated permitted area.
- The question was raised that if the extra November dates had been included in the original application would the licence still have been granted.
- The objector had received correspondence from Alex Chalk MP regarding the application and the fact that he does not support SEV's.

The licensing team leader explained that the committee had to be very careful when considering variations however they can consider the point made by the MP, although if he had wanted to make a representation there was plenty of time for him to have done so.

The Chair also stated that for the time that he has been Chair of the committee the MP has never presented a representation when he has had every opportunity to have done.

The next objector was number 7 on the representations and made the following points:

- The lack of reporting to the police with regard to crimes against women could be a response to the lack of compassionate policing. Although it is encouraging that police officers and staff have now been banned for paying for sex. The objector asked if the lead that the Police have put in place was something that will be considered?
- The hours of opening and closing seem to be excessively long from 6pm-5am.
- It was a shame that the fees weren't shared with the committee.

The next objector was number 11 on the representations and made the following points:

- There are an increasing number of objections to applications of this type.
- In a recent report (that was part of their written representation) a connection was made between SEV's and how people enjoy race week.
- The current legal system is not agile enough for these circumstances.

The Chair then asked the objector whether they would prefer it if properties operated under the exemption or whether they would prefer a licensed and controlled establishment. The objector stated that they would prefer that nothing happened at all and that the Council work to close the loophole. A Member commented to the objectors that listening to their objections it appears to be things that the local MP can look to change rather than the licensing committee.

The next objector to address the committee was number 8 on the representations and made the following points:

- There is evidence to link sex work with lap dancing.
- Her organisation does work with women to assist them leaving the sex trade if they wish to.
- The Council appears to be pulling in both directions whilst awarding a grant to work for safer streets and tackling anti-social behaviour, the Council appears to be pulling in 2 different directions where SEV's are concerned – working towards safer streets and granting SEV licences.

The Licensing Team Leader explained that the Council has to act in the interest of the public and has to give a reason why a licence is granted or not. The Council has to follow the law.

A member asked the question of this objector as to if any of the people that they referred to as being recused worked for this establishment and it was confirmed that none of them had.

The final objector then addressed the committee and was number 9 in the representations. They made the following points:

- There is a rise in disorder linked to SEV's.
- The Glos OPCC have developed strategies with regard to engaging with young people and awarding these licences seems incongruous with what is being worked towards.
- Other councils have made the brave decision not to permit SEV's and Cheltenham should follow suit.

Two of the supporters then addressed the committee, the first – Guest 1 who is employed as a senior house mother by Eroticats. She made the following points:

- She used to be a performer for them, she has worked over the country in many clubs.
- Allowing the applicant to be in one place is the least stressful to them.
- Dancers are often judged in the media and feel like their voices don't matter.
- Granting the licence can only be a positive for the staff in her opinion.

In response to Member questions Guest 1 confirmed that she had never felt unsafe and had never witnessed any coercive behaviours. She stated that she has always felt safe working for the Eroticats and that she can not think of anything that could be improved with a condition.

The owner of the property was then given the opportunity to address the committee and made the following points:

- He explained that he is a member of the purple flag committee and night safe and he is the deputy chair of the BID.
- He has an impeccable record because he follows the law, he stated that the licence stipulates 4 door staff whereas they always have 8. There will be added security for Eroticats (who also provide their own extra security)
- Licence stipulates 16 security cameras but they have 48. Eroticats also provide their own whilst they operate on the premises.
- The staff are all well briefed and this is maintained at all times. They also use "Ask Angela".
- 30% of attendees are female and 70% are male – they work tirelessly with neighbours and stakeholder to ensure that everyone is happy.

In response to a Member question the owner confirmed that there is nothing outside the premises that they are not happy with, they enjoy a good relationship with the taxi firms and the transporting of the performers is taken very seriously.

The solicitor on behalf of the applicant then addressed the committee and made the following points:

- The additional documents that were published illustrate the robust policies and procedures.
- There have been no codes included on the refusal logs as they can contain quite sensitive information.
- They appreciate the application is outside the designated area, however the original application was permitted.
- There has been no opposition from the Purple Flag and the police have not objected either.
- The only difference in this application to the previous one is the extra two days.
- The committee members visited the site in February and were happy with the arrangements.
- With regard to the reputation of the operator there have been no issues over the last 6 years, they have been an active member of Night Safe over that period and there have been no issues raised during the last (March) race week and no link to crime and disorder over that period. The operator continues to work collaboratively with CBC and GRASAC.
- There is no evidence that there is any increase in assaults attributable to the premises and if there was the police would have made an objection.
- There will be a spike in the crime rate during race week due to the increase of people in the town.
- Looking at the key points from the objections, there is no direct evidence that there is a direct threat from the SEV.
- The operations at the SEV can not be held responsible for the increase of incidents in the Purple Flag area. Women feeling unsafe at night can also not be attributed to the SEV.

- In 2008 the Commons Committee were told that there is a high staff to visitor ratio in these establishments and that alcohol consumption is not as high as in normal bars.

The matter then went to Member Debate where the following points were raised:

- Most of the objections are against the fact that SEV's exist, not this specific application. The government has decided that this is a lawful activity . The objectors should be talking to the government to change the law.
- There are 2 choices open to the committee, let the SEV operate with the recommendations in place and work with a company that is known and trusted by the committee or the committee turns their back on it and let the SEV travel around lots of venues with no conditions attached and no real control from the Council.
- As the committee granted the licence previously there is no reason to refuse for the extra 2 days.
- A Member stated that she has been a member of the committee for a number of years and felt that it was important that the committee explained their thinking. The licence has already been approved and there was much discussion at the time which was minuted. It has to be remembered that the government has made this a legal practice.
- There have been no objections from the police.
- It was also felt that it was better to have a licensed premises rather than use the exemption.
- The Member explained that she has visited the applicants venues during race week and has always been impressed with them, she was also pleased to note that the applicant has a good relationship with GRASAC.
- The venue is only 15 meters outside the permitted area with no sensitive areas to the front.
- Extended thanks to the supporters and the objectors and wanted to show that the committee members take the safety of women very seriously. There have been conversations with the performers and they have never been given any reason to doubt that they are not being looked after.
- Earlier this year there has been money awarded for lighting and CCTV in the park and in the Minster areas. As a Council everything is being done to ensure the safety of people in the town.
- The Chair explained that the committee take public sector equality duty seriously.

The committee then went to the vote on 7.6

The decision was unanimous and the variation was granted. The Licensing Officer confirmed that a decision notice would be issued.

The Chair summed up by confirming that the committee take the safety of women and young girls seriously. He stated that as a committee they have tried to change the legislation, the legislation is from 1982. The committee want to work for the safety of everyone in the town and are happy to work with people and have them attend hearings.

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

There were none.