

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 17 January 2024

Meeting time: 6.00 pm - 9.00 pm

In attendance:

Councillors:

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

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

There were none.

2 Declarations of Interest

There were none declared.

3 Public Questions

There were none.

4 Application for a renewal of an existing Sexual Entertainment Venue Licence

The Licensing Team Leader introduced the report as published.

The responses to Members questions were as follows:

- There have been no reports of any incidents at the property, the police have not objected to the renewal application and there have been no other crime and disorder issues.
- The Licensing Team Leader stated that he was not aware of any mandatory grounds for refusal.
- Discretionary grounds are discretionary, they are a may not a must and the committee have to balance that out.
- The Public Sector Equality Duty (PSED) must be given due regard and the committee must show that they have considered these matters,

The solicitor on behalf of the applicant was then given the opportunity to ask a question of the Licensing Team Leader, she had no questions but stated that in terms of the renewal they had updated the drawing on the layout. There are no structural changes being applied for.

The objectors were then given the opportunity to address the committee.

The first objector could not attend the meeting so her representation was read by a democratic services officer. She was objector number 5 and made the following points:

- In the SEV policy that Cheltenham Borough Council adopted in 2020 it states that there should be no SEV's outside of the permitted zone, this application is outside the zone, therefore there are grounds to refuse the application.
- A licence has already been granted to a premises within the permitted zone – therefore there is no rationale for granting this licence.
- From the plans it is not possible to establish if the customers are far enough away from the performers to allow no touching. There needs to be assurances that this is not possible.
- It would be good to know how many booths are included in the area.
- The temporary structure looks like performers and customers will both be in close proximity to each other, the committee needs to satisfy itself that this is not the case.

Objector number 8 then addressed the committee and made the following points:

- Lap dancing is harmful , can cause emotional, physical and financial harm.
- The authority is aware that females feel disadvantaged by the licence of SEV's.
- People feel unwelcome near SEV's, it is inappropriate for children, old and young people to feel unsafe.
- The objector believed that SEV's should be treated as a public protection issue like smoking.
- Controls that are in place are not enough to mitigate harm.
- Surely an unmarked car would be better than the branded mini bus that travels around the town and surely the performers are in very close proximity to the customers in the bus.
- The applicant will claim that the leaflet distributors are trained, however if you google the telephone number then you will immediately find Eroticats. If leaflets get into the wrong hands this is an issue.

A Member explained to the objector that the performers were not in the mini- bus with the customers.

Objector number 10 then addressed the committee. The following points were made:

- Objection to Eroticats asking for permission to operate.
- Lap dancing clubs where people are objectively treated is not the way to treat women.
- There is a link between SEV's and a misogynistic attitude.
- Derogatory language can be used by men to performers.
- Very few will report abuse etc as the criminal justice system can let people down.
- Objectors have previously been marked out as wanting women to stop earning a living, some women have a positive experience whilst others do not.
- Wants women to live without misogyny, we want the abuse of women and girls to end.

One Member asked if the term lap dancing should be used and asked what the appropriate term for the performers would be. The Licensing Team Leader explained that table dancing is different to lap dancing.

The next objector (objector 12) made the following points:

- Sexual violence is a widespread issue.
- Women between 18-24 have many complaints about harassment, females need to be made to feel safe.
- The PCC is on board with the work that her organisation does.
- The objection is not so much about the grant of the licence but the growing evidence that SEV's have a growing amount of reports of sexual harassment against women.
- It is known that 80% of women will never report what happens to them.
- There is a reported increase of crime against women in London Boroughs near these venues.
- Not suggesting that the venue is the problem rather the men that attend the venue.
- SEV's increase sexual feelings by the men that visit.

The supporters were then asked to address the committee, supporter number 43 made the following points:

- Started working for the applicant 10 years ago when they first started, started firstly as a performer and is now a house mother.
- She looks after the performers and deals with any problems.
- She works alongside security who are there at all times.
- She has certainly encountered questionable behaviour from other operators, she never has whilst being employed by the applicant.
- The performers are not selling their bodies for sex, they have other jobs.
- As long as this applicant is in operation she will continue to support and work for them.

In response to a Member question she stated that there is nothing that the committee can do to make her and the performers feel safer, it is much safer to have the SEV in one venue rather than using the exemption and moving from place to place. It is hard to train the performers and make them feel safe if you move around, she feels that is 100% safer to be in one place.

Supporter 42 then addressed the committee and made the following points:

- Worked for the venue on several occasions and always found it completely professional and a full ID check is carried out.
- She has never met anyone who has been forced to perform.
- She had read all the objections and she believed that people don't want to believe that women choose to work in the business and that they are safe and looked after.
- People who object don't believe that women would choose to do this as a job, and like all work places there needs to be conditions in place.
- The grant of a licence for an SEV is needed as it offers protection to the performers.
- She has been groped on nights out in Cheltenham when there hasn't been an SEV in operation, it is not the SEV that's the problem as it happens in Cheltenham anyway.

The Licensing Team Leader then addressed the committee and made the point that they have a duty to ensure that the licensing process is fair and that the speaker had expanded significantly on her written objection. Members should disregard anything that was said above and beyond that.

One Member then asked the supporter to clarify if the groping incident happened as part of the SEV or just a normal night out, she reiterated that it was just a normal night out.

The owner of the premises then addressed the committee and made the following points:

- He has been operating clubs for 27 years and has been carrying these events out for the last 8 years.
- He is passionate about Cheltenham and invests a lot of time working with Cheltenham BID, Nightsafe and Purple Flag.
- He would not do anything that he thought would undermine Cheltenham in any way.
- The current licence states that the premises should have 16 cameras and the premises and he has 48, the minimum number of door staff that he should have is 3 and the premises has 6.
- Very happy with additional scrutiny and the conditions in place protect everyone.

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

- The application is outside the permitted zone but it is in a commercial location.
- SEV's have been lawful since 2009 and there is no direct correlation between SEV's and an increase in disorder.
- They will operate on a small number of days in the year and there is no evidence to show that it causes crime and disorder.
- The police have not raised any objection and they are experts in their field. They have visited the property on numerous occasions and seen the policies and procedures, if there was any doubt of this they would have objected.
- The applicant is an experienced operator, the application is only for a limited number of days, there is no change to the locality as the venue operates the rest of the year as a late night venue.
- Much better to be licensed rather than rely on the exemption.
- There are over 40 conditions that the applicant has to operate under if the licence is granted.
- The plan that was included in the documents was an example plan to give an idea of the flow of the business.
- The male toilets look like they are near the changing rooms, there is an external temporary structure and an office between the toilets and the changing rooms.

The responses to Member questions to the applicant were as follows:

- All the booths in the property will be the same size. There is only ever one performer in the booth.
- The booths are a curtain and rail construction, the net curtain you can see through at all times.

In the applicants right to reply the following points were made:

- All the evidence has been set before the committee, the police have made no representations which speaks volumes
- Although the location is outside the permitted area it is a commercial area.
- It is a well-orchestrated operation, the committee has heard from the performers and how safe they feel.

It was agreed with the objectors, supporters and the applicant that the Member debate would take place in open session. Members raised the following points:

- Thanks were given to the attendees for taking the time to be at the meeting.
- Parliament has made it legitimate to operate an SEV and the committee need to administer in accordance with the law.
- There are no mandatory grounds for refusal, the police have not objected. It has been noted that there has been concern from the PCC but he has not formally objected and he is not at the meeting.
- The applicant has proved to be suitable for years and holds a current licence.
- The owner has lots of experience and is chair of the BID and Nightsafe.
- The venue is outside the permitted area but only by approximately 50 metres. It comes within the purple flag. The premises is part of the night time economy with 131 at one end.
- There is a school to the rear of the property, but there are not boarders in that building and the rear of the building is only being used as an accessible entrance.

- A moral stand cannot be taken on the application as parliament has made it lawful.
- Members have visited the property and felt safe, they have spoken to the performers and they feel very safe.
- It is the Council's duty to protect all the public, safety is paramount, would far prefer the premises to be licenced. The licence should be approved.
- The danger of refusing the licence outweighs the perceived dangers of not granting it.
- Much is made of the suffering of women in the town in race week and has been attributed to the SEV. Felt fairly-safe saying that the establishment is well run internally, once you have left the premises and moved away from the venue how can you attribute anything to that establishment, race week is a town full of people not the issue of the SEV.
- There is a please behave like gentlemen poster that is used in the premises.
- There has only been 12 objections to the application – there were 4 times more statements in support. Most of the support was on discretionary ground A and the objections were on ground C (area) and D (character of the locality).
- There has been no issues identified to the committee, absence of evidence is something that the committee needs to consider.
- The application is for 7 days of the year for the other dates it is not performing as an SEV and less than 11 days that they could operate using the exemption.
- Performers think it is safer to be in one place, acknowledge that there are concerns from the objectors with regard to the courtesy vehicle being branded.
- It is a lawful and legitimate business.
- We need to ensure that it is a safe activity, performers would rather be in one place and given the existence of the exemption it is better that they stay in one place.
- The Council can not take a moral stand on the activities.
- There are age limitations in place.
- If people do not report issues there is no evidence, the PCC and the police have not objected. There are no real reasons why the committee can reasonably refuse the application.

The matter then went to the vote to grant the application:

For: 5 unanimous.

Granted the application as applied for.

5 Local Government Act 1972 Exempt Information

The committee voted unanimously on the following:

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view

of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 1 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

6 New Hackney Carriage Driver's Licence

The Licensing Team Leader introduced the report as published.

After the applicant addressed the committee and the matter went to Member questions and debate.

The Members then the following decision:

- That the committee are satisfied that the applicant is fit and proper to hold a licence and that it was just an error on his part.
- The applicant was not advised correctly, he was new to the country and was unlucky with the insurance product that he chose.
- He was not dishonest he bought the insurance thinking that it was the correct product, he did not knowingly purchase the wrong product and Go Peri did not tell him that the insurance he had was incorrect.
- The applicant made a genuine mistake and the committee do not believe that he was a safety risk to the public subject to all other tests being passed.
- The applicant had gone above and beyond and had bought extra documents to the committee which had been very helpful.
- Members decided that the applicant would be asked to sit with licensing officers to check his insurance before he starts driving.
- The applicant is to bring his documents to the Council in 6 months time for checking to ensure that he has the correct documentation and that the payments are being made.

The matter went to the vote on the decision above to grant:

For: 5 – unanimous.

7 BRIEFING NOTES

There were none.

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

There were none and the meeting ended at