

# Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

**Meeting date:** 6 November 2024

**Meeting time:** 6.00 pm - 8.25 pm

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**In attendance:**

**Councillors:**

Dr Helen Pemberton, Julie Sankey, Simon Wheeler, Dr Steve Steinhardt and Dr David Willingham

**Also in attendance:**

Louis Krog (Head of Public Protection and DEPLO) and Vikki Fennell (Senior Lawyer)

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## **1 Apologies**

Apologies were received from Cllr Boyes and Cllr Steinhardt attended as a substitute.

## **2 Declarations of Interest**

Cllr Sankey declared a personal interest as she knew one of the speakers.

## **3 BRIEFING NOTES**

The Chair addressed the committee with regard to the letter that he sent to the Secretary of State (that has been published as part of the agenda) on behalf of the committee. He confirmed that as at the time of the meeting he has received no response.

#### **4 Application for a Renewal of a Sexual Entertainment Venue Licence**

The Head of Public Protection introduced the report as published.

There were no questions either from the Members or the representatives who were speaking on the application, both in favour or objectors speaking against.

One of the objectors addressed the committee stating that she had an exchange with the licensing team the day before the committee and had raised concerns about the late delivery of the disclosure from the applicant. She stated that it was unfair that the evidence was only put in at the last minute. She requested that the hearing adjourned so that the objectors can respond appropriately.

The Head of Public Protection confirmed that the applicant had complied with the requirements of submitting the information within 2 days of the hearing. In the interest of fairness the applicant was asked to respond, although it was deemed to be perverse to defer when the applicant complied with the Councils requirements.

The barrister on behalf of the applicant stated that this is an administrative hearing where you have an application and they have responded to the objections within the time frame and as the applicant that they get the last word. The article 6 rights are covered and it seems a dreadful waste of peoples time and money to adjourn. The Members of the committee were then asked if they had read the information.

The Chair confirmed that he had read the papers and didn't find it excessively long and was not minded to adjourn. The other Members on the committee confirmed that they had all read the papers – ranging from retired Members and Member who works full time. The matter went to the vote and the Members voted unanimously to proceed.

There were 6 speakers in objection and 1 speaker in support. Members asked questions after each speaker. Speakers were reminded to be courteous with their language.

The first speaker was objector 35, they made the following points:

- With reference to touching - the licences issued in Cheltenham contain conditions 18-25 prohibiting touching between performers and between performers and customers. These are good conditions and essential for the regulation of SEV's and protects the performers and customers.
- Despite the above conditions during March race week there was touching observed by police and council officials at Under the Prom and a written warning was issued to the licence holder. Touching was also observed at Moo Moo who operate under the exemption.
- With regard to condition 25 a variation has been requested appearing to ask that sexual or simulated sexual activity between performers outside of the performance area be permitted. Given the breaches that occurred in March any variation of this condition does not seem justifiable.
- Currently the licence stipulates that signage has to be erected and moved within 20 minutes of opening and closing, they are now asking for a 60 minute

window which seems too long. The objector felt that there were no exceptional circumstances that justified that amount of time.

- With regard to the opening hours the objectors could see no reason for these to be as early as they are (opening from 6pm).
- In conclusion the objector asked the committee to amend the following: 1) performers are not permitted in booths as it is evident that the non touching condition is not being complied with, 2) Opening hours revert to 8pm as in the Councils policy, 3) The condition in relation to signage is amended to reflect that it applies to all signage in the vicinity of the premises, 4) That the variation requests in relation to condition 25 and the special condition in relation to signage are refused.

Objector number 46 (on behalf of GRASAC) then addressed the committee and made the following points:

- That although part of the disclosure that was provided referenced that they provided material to the venue it did not mean that they in anyway condoned the licence application.
- In 2021 the Council's own research found that 75% of women do not feel safe in Cheltenham during race week. The women employed at the venue may feel safe but women do not feel safe enough to walk through or go out in Cheltenham during race week. This does not seem to fit with the Councils public sector equality duty.
- The Interim Chief Constable of Gloucestershire has declared violence against women and girls a national emergency.
- A study has shown that "Men who viewed women as sex objects had attitudes more supportive of violence against women."
- Approving the suggested conditions, particular those relating to touching is not taking the concerns about safety seriously.

The Chair asked the objector that could the figure (that is not much higher than the figures when it isn't race week) of women not feeling safe during race week be due to the fact that there is a lot of intoxicated people in the town rather than the fact that there is an SEV in town. The objector responded that the point she was making was based on studies that have been done on the issue.

The next objector to address the committee was number 59 in the representations and a trustee and elder of the Baptist church. He made the following points:

- That he was at the committee to represent the congregation of the church and other people around the area.
- He expressed his sadness at having to attend the committee to discuss an SEV again.
- There was a lot of hurt expressed that the Council might allow an SEV opposite the church.
- The church fights for marriage and a secure home life, they are faced with something that is designed to undermine the sanctity of marriage which is wholly inappropriate and makes the area a no go area.

- The Church feel like they are unequal citizens to a town which they have served for over 180 years.
- The written submission gives clear and actionable reasons for 4.5d and 4.10 a-d to refuse this application and any future applications.
- To refuse would require bravery and fortitude and determination which is at the heart of being a councillor.
- The church urged the committee to make a bold decision and send a new message and bring hope to the town,

The responses to Member questions to this objector were as follows:

- The clubs at the church meet between 5 & 6 and 7 & 9 on more than one day a week.
- People access the church from both the Rodney Road entrance and the Cambray entrance.
- If the Cambray entrance is used you will see people who are the clients of the SEV.

Objector 60 addressed the committee and made the following points:

- As discussed in previous meetings there needs to be a change in the law, the objector thanked the committee for the letter that was sent to the Secretary of State on behalf of the committee.
- There was a request that the Council should enforce standards.
- The point was made that females feel intimidated in the vicinity of SEV's.
- There should be no form of soliciting, especially leaflets.
- The document provided by the applicant states that the performers don't use the vehicle but would like to know the proportion of performers who do use the vehicle.

The response to a Member question was as follows:

- The leaflets contents should be within the regime, they are fairly basic at face value. The applicant will need to apply for a new permit for leaflets.

The next objector number 45 addressed the committee and made the following points:

- She stated that she wanted to oppose the application as she was a Christian, woman, mother and a children's worker at the church.
- The genre of the business has caused disruption and bad behaviour has been witnessed by children at the church. It remains unacceptable to have this behaviour.
- The antisocial behaviour was witnessed by church attendees. It is unacceptable to subject others to this type of behaviour.
- The SEV devalues women and girls causes great concern within the community.
- There is an increased perception that women feel unsafe in Cheltenham particularly during race week.

The responses to Member questions were as follows:

- The proof that the antisocial behaviour was from the SEV was that adults and children from the church saw it happen.
- As part of the Christian faith she has the view about the acts taking part in the venue. Christians should have the freedom to study their faith and not witness what is going on outside.
- The police were called when there was the antisocial behaviour outside the property.
- Religious beliefs are close to moral grounds – so that cannot be used as a reason to not have an SEV.

Objector 96 then addressed the committee and made the following points:

- More and more people are joining the dots between the sexual objectification of women which underpins the sex trade.
- There was disappointment that the Committee have not given detailed consideration as part of their Public Sector Equality Duty to the sex based equality raised by objectors.
- There is more than sufficient evidence to show how strip clubs impact on the wider community.
- Disappointed that there was a request for a change in conditions, this should not be allowed.

The responses to Member questions were as follows:

- It is mainly women who work in the club and is being marketed to male clients. The poster talks about gentlemen treating ladies with respect, therefore transgender does not seem to be relevant in this application.
- There is respect for women's choice however women need to be protected.
- Whether a premises operates under the exemption or not there is no safe way for an SEV to operate.

The supporter representation number 8 addressed the committee and made the following points:

- She has worked with Eroticats since the beginning as both a performer and a senior house mother.
- The company takes the safety of the women very seriously and she works alongside a well-run operation.
- Wants to make sure that visitors to the SEV have a positive experience as well as the performers.
- The same performers attend every year,
- She stated that she feels unsafe in Cheltenham and that is not the applicants fault.
- They spend hours getting performers home either in the mini bus or taxis.

The responses to Member questions were as follows:

- She confirmed that she has received no legal training, but reads all the documents that are provided.
- She stated that a house mother should have been a performer before as they know the procedure and the problems that can crop up.

- She explained that as the house mother she deals with everything – shows performers round, explains the rules, checks all documentation, if anything happens during the evening she is responsible for dealing with the issue.
- She took the opportunity when questioned to state that working under a licence is better than working under the exemption, the performers at least will know what they are coming to each time.

It was then the applicants barrister's opportunity to address the committee, he made the following points:

- He stated that it was helpful to hear from everyone but as had been pointed out by officers it is a strict legal regime and the factors the committee are considering are discretionary as none of the mandatory grounds to refuse were invoked.
- They have heard a lot of passionate feelings in regard to religious views, there also seems to be an assumption that certain individuals are in a better place to speak for the good of the town. What we are trying to do is engage balance.
- This is an application for a renewal, the SEV has been operating from the premises for 2 years already, but the operator has been in business since 2012.
- Adults find SEV's entertaining, and they should be allowed in the town on the odd occasion.
- On the evening of the committee the Dream Boys were operating at the Town Hall under the exemption. They are being advertised as unadulterated pleasure, stripped back and where desires come alive. There is also touching encouraged at this event.
- There is a balance in life, some people might want to pray whilst others may want to go into a venue and be entertained by dancers.
- The Council asked Eroticats to find a venue and stick to it, that has been done at the Council's request and now the applicant is being criticised for it.
- The applicant is asking for 16 occasions a year by doing this they are sacrificing operating in an unregulated way in order to engage.
- The applicant is investing in CBC, there is nothing secret, sordid, or inappropriate in what we are asking to do. This is a lawful activity being carried out in the way that we have been asked to do it.
- The application has been matched to the race days and the opening hours are in line with the last race finishing on the Friday. 18.00 and 20.00 on a Friday.
- It was discovered previously that opening at 18.00 meant that the churn would be less obvious from the outside, the barrister also stated that he was fascinated to know what an SEV customer looks like as they are just normal people.
- The advertising does not offend as they have reached an appropriate compromise which is an innocuous flyer advertising a bus not lap dancing.

- The 20 minute timescale for the banner is too tight, the reason for this is that the staff have to go up onto a narrow balcony, the increase in time is to help keep the staff safe.
- The private dances happen in designated areas.
- There are minor items of housekeeping that reflect the regulatory concerns of the police and local authority.
- There is no issue with the applicant himself, he is a Cheltenham Safety Representative.
- There were representations from staff who felt safe in a well run regulated environment. Patrons also made the same representations saying that they enjoy themselves and choose to go back.
- It is a well run well regulated premises that 3 separate security companies have commented on the safety of.
- The premises is within the designated area.
- The committee were happy to grant a licence in 2022 & 2023 so what has changed? The operation and the location have not changed. Your legal advisor will tell you that it would be inappropriate to be inconsistent with the Council's approach.
- The police have not objected to the application and they are experts in ASB.
- The committee asked the performer if there was anything else that CBC could do to make it safer and the performer stated that there was not.
- It was the first time that the barrister has had a Chair write to the Home Office and was praised for taking a bold step to engage.
- If the application is granted – it will be granted with a clear conscience and know that they will be back next year.
- The hours have been agreed by the police.
- No one has suggested something useful other than shutting down.
- The barrister ended by commended the application to the committee as requested with the amendments.

The responses to Member questions were as follows:

- With regard to the booths, the patron is one end of the booth by the wall and the performer is by the curtain that is see through and someone patrols the area at all times.
- There is lots of training given with regard to soliciting individuals to get people to attend the club. They look to older people as they have deeper pockets.
- It is purely practical to ask for extended hours to give them maximum flexibility.
- With regards to the bus it picks people up to take them to the venue and is also used to make sure the performers are safe – customers and performers are never in the bus together at the same time.
- The performers don't always use the transport provided , they are adults who come and go into the premises dressed in their civilian clothes. They can't be forced to go home a certain way.
- There has been no change in booth size since the last application.
- There was a female clergy who used to visit the SEV's but she no longer does.

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

- There are 2 main considerations safety and security of those in the venue and patrons. The house mother is happy that the performers are well looked after. If the patrons aren't happy they will not attend the club.
- The other consideration is the general public who were represented by the objectors. I think that is important having the conditions on the licence and the comments made by the applicant to ensure that the business is held within the building and every effort is made to prevent any spill out of the building to effect the general public.
- Someone walking by at night might just think that the building is one of the many pubs or clubs that are in Cheltenham.
- Thought that the signage on bus is not that offensive either.
- There was appreciation for the fact that women do not feel safe at night.
- The committee doesn't really have a choice other than to grant the application until the government does something about the exemption.
- Have to disregard any moral arguments that you might have as this is not a reason to object.
- There is obviously a loop hole with regard to the pop up operations and a licensed venue. The feeling was that it is better to licence an SEV rather than they operate under the exemption.
- There was thanks to everyone who took part in the committee.
- Reassured that the applicant has taken every step to ensure everyone's safety.
- Parliament has said that this is a legitimate business and it can advertise, there are regulations in place to minimise offence as best it can be.
- Until the government decide to review the situation it is hard to see how it would be safer for anyone if the SEV was in a different location every night.
- With regard to the opening hours, people can leave the racecourse and go straight into the venue rather than congregating on the street.
- With regard to the Public Sector Equality Duty, religion and beliefs, no one is being prevented from practising their faith and freedom of expression also includes freedom to offend.
- Under the exemption people have been clearly visible from the doorway, with a licence this is a condition and will not happen.
- The Equality Assessment shows a lot of what the committee has to consider, the Public Sector Equality Duty does not mean that the application should be refused.
- Those in support have addressed the good character of the applicant.
- The venue is within the permitted area as per the policy.
- The only grounds to refuse the application are under section d, it is irrational for the Council to say that an SEV in the area is not allowed and then male performers are allowed at the Town Hall which is out of the permitted area.
- It was stated that it would be very difficult for the committee to refuse the application.
- With regard to taking down the banner, it is better to have a condition that is enforceable and workable rather than an exact amount of time.



It was then the applicants right of reply – they had nothing else to add.

The matter went to the vote:

For: 5 UNANIMOUS

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#### **5 Local Government Act 1972**

This vote was not taken to enter exempt session as the matters that were due to be heard at the committee were deferred at the request of the legal representatives to the next committee in December.

#### **6 Review of Hackney Carriage Drivers Licence - deferred**

This item was deferred to the Full Committee in December.

#### **7 Review of Hackney Carriage Drivers Licence - deferred**

This item was deferred to the Full Committee in December.

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

There were none.

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