



Your reference: n/a

Our reference: FOI_23_0821

E-mail: FOI

@gloucestershire.police.uk

Direct dial: 01452 754304

Postal Address: As above

Date: 10/10/2023

Dear

Gloucestershire Constabulary Freedom of Information request 2023.0821

On 15/08/2023 you sent an email constituting a request under the Freedom of Information Act asking the following:

It is my understanding that the Chief Constable is a statutory consultee when applications are made to Cheltenham Borough Council for sexual entertainment venue licences. I understand that the Chief constable has had no objection to these applications.

In relation to the SEV applications made in relation to race weeks in March 2022 and March 2023 please provide copies any correspondence outlining the basis upon which the Chief constable does not object as well as any statistical evidence used to support this decision.

Under the Freedom of Information Act 2000 s1, I can confirm that Gloucestershire Constabulary holds some relevant information.

The Crime Prevention and Alcohol Licensing team have confirmed that, as a Constabulary, we need to look at the 4 licensing objectives as to whether any objections are raised relating to Sexual Entertainment Venue (SEV) applications. These objectives are from section 7 of the Licensing Act 2003, as follows:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance and
- Protection of Children from harm

A search has been conducted with the Licensing Team regarding information relating to any SEV applications in March 2022 and March 2023. The Team have confirmed that of the 4 x SEV applications in the time period, the Constabulary did not object to any of them.

There is no specific information held relating to the basis upon which the Constabulary did not object other than the applications did not contravene the 4 objectives above.

Although information is held relating to correspondence that includes crimes/incident statistic regarding these applications, the information is exempt under Section 40 of the Freedom of Information Act.

Given that the applications relate to specific premises, there is a high likelihood of parties to any police held information being identified from the data held.

There is a clear process relating to SEV applications that includes an input from the Constabulary and as such, even though there is a legitimate interest in publishing any relevant data held relating to the SEV application process, this does not override the fundamental rights and freedoms of the data subjects who may be identified from the data.

Section 17 of the Freedom of Information Act 2000 requires Gloucestershire Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states the fact, (b) specifies the exemption in question and (c) states (if not otherwise apparent) why the exemption applies.

With regard to the disclosure of any statistical information described above, the following exemption applies:

Section 40(2) Personal Information

Section 40(2) applies to third party personal data. This would not be released under the Freedom of Information Act unless there is a strong public interest. The disclosure of any information which could lead to the identification of an individual would breach the Data Protection Principles contained within the Data Protection Act 2018, namely the first principle which states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals

This exemption is absolute and class based therefore I am not required to apply either the public interest test or harm test in disclosure.

In accordance with the Act, this letter represents a Refusal Notice for this part of your request.

Please note that the Office of the Police and Crime Commissioner (OPCC) for Gloucestershire may hold some relevant information. Further details of how to submit an FOI request to the OPCC can be found [here](#).

If you would find it useful to speak to someone from the Licensing Team with regard to their input into the SEV Application process, they can be contacted via 101 or 101@gloucestershire.police.uk

If you are not satisfied with this response or any actions taken in dealing with your request, you have the right to ask that we review your case under our internal procedure. Please note that a request for an internal review must be made within 20 working days of the response to your original request.

If you decide to request that such a review is undertaken and following this process you are still unsatisfied, you then have the right to direct your complaint to the Information

Commissioner for consideration.

The Information Commissioner can be contacted via the following means:

Website - <https://ico.org.uk/>

Call their helpline - 0303 123 1113

Email - casework@ico.org.uk

Post –

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Disclosure Officer
Gloucestershire Constabulary