

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Helen Bell
direct line 0300 300 4040
date 31 March 2011

NOTICE OF MEETING

REGULATION COMMITTEE

Date & Time

Wednesday, 13 April 2011 9.30 a.m.

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the REGULATION COMMITTEE:

Cllrs L Birt (Chairman), D Bowater, I Dalgarno, M Gibson, K Janes, R W Johnstone,
H J Lockey, Ms J Nunn, A A J Rogers, G Summerfield and P F Vickers

[Named Substitutes:

P N Aldis, R D Berry, Ms C Maudlin, D McVicar, B J Spurr and Mrs C Turner]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING***

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of Substitute members

2. **CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS**

To receive any announcements from the Chairman and any matters of communication.

3. **MINUTES**

To approve as a correct record the Minutes of the meeting of the Regulation Committee held on 16 February 2011 as a true and correct record.

(attached)

4. **MEMBER'S INTERESTS**

To receive from Members any declarations and the nature in relation to:

- (a) personal interests in any agenda item
- (b) personal and prejudicial interests in any agenda item

5. **PETITIONS**

To receive petitions in accordance with the scheme of public participation set out in Annex 2 in part A4 of the Constitution.

6. **PUBLIC PARTICIPATION**

To receive any questions, statements or deputations from members of the public in accordance with the Procedure as set out in Appendix 1 to part A4 of the Constitution.

7. **STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS**

A copy of the statement of policy about relevant convictions is attached to assist Members in relation to items 9 and 10.

8. **EXCLUSION OF PRESS AND PUBLIC**

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item.

Reports

Item	Subject	Exempt Para.	Page Nos.
9.	Application for a Private Hire Vehicle Licence To make a decision whether or not to grant a private hire vehicle licence to Mr S Ahmed of D & R Taxis in view of the age of the vehicle.	* 1	15 - 36
10.	Application for a Private Hire (Special events) vehicle (Stretched Limosine) To make a decision whether or not to grant a private hire (Special Events) vehicle licence to Ms B J W of C B limos in view of the age of the vehicle.	* 1	37 - 48

11. **RE-ADMITTANCE OF PRESS AND PUBLIC**

To consider whether to pass a resolution to re-admit members of the press and public on the grounds that consideration of the remaining items of business are not likely to involve the disclosure of exempt information as defined by Part 1 of the Schedule 12A of the Local Government Act 1972.

Reports

Item	Subject	Page Nos.
12	Adoption of Central Bedfordshire Street Trading Policy To adopt a policy to assist in the regulation of street trading.	* 49 - 66
13	Adoption of statement of licensing policy for sex establishments To adopt the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the Licensing of sex establishments has been passed by the Council on 24 February 2011. The policy will be adopted to provide guidance and support to the provisions	* 67 - 102

This page is intentionally left blank

CENTRAL BEDFORDSHIRE COUNCIL

At a meeting of the **REGULATION COMMITTEE** held in Council Chamber, Priory House, Monks Walk, Shefford on Wednesday, 16 February 2011

PRESENT

Cllr L Birt (Chairman)
Cllr T Green (Vice-Chairman)

Cllrs D Bowater
K Janes

Cllrs H J Lockey
A A J Rogers

Apologies for Absence: Cllrs I Dalgarno
M Gibson
R W Johnstone
Ms J Nunn
G Summerfield
P F Vickers

Substitutes: Cllrs P N Aldis (In place of G Summerfield)
R D Berry (In place of I Dalgarno)

Officers in Attendance: Miss H Bell Democratic Services Officer
Mrs J Borthwick Service Manager, Public Manager
Mrs M Clampitt Committee Services Officer
Mrs M James Licensing and Enforcement Officer
Mr M Woolsey Managing Solicitor

REG/09/40 **Chairman's Announcements and Communications**

The Chairman had no announcements or communications.

REG/09/41 **Minutes**

RESOLVED

that the minutes of the meeting of the Regulation Committee held on 17 November 2010 be confirmed as a correct record and signed by the Chairman.

REG/09/42 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

REG/09/43 **Petitions**

The Chairman announced that no petitions had been referred to this meeting.

REG/09/44 **Public Participation**

No applications had been received in accordance with the Scheme of Public Participation set out in Paragraph 1 of the Scheme of Public Participation set out in Annex 1 to Part A4 of the Constitution.

REG/09/45 **Adoption of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982**

The Committee received and considered the report which sought endorsement of the adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Street Trading, with a view to a recommendation being made accordingly to Council.

The Committee had previously agreed at its meeting held on 17 November 2010 to begin the notification process which would allow Full Council to adopt the relevant provisions to enable regulation of street trading. (Minute no. REG/09/39 refers).

Officers confirmed that no outstanding, negative or unresolved representations had been received further to public consultation through the publication of a notice. The Committee were therefore content to request Full Council to adopt the relevant provisions to become effective from 1 April 2011.

RECOMMENDED

that Council adopts the relevant provisions to enable the regulation of Street Trading, as set out in the report to Regulation Committee on 16 February 2011.

REG/09/46 **Health and Safety (as a Regulator) Service Plan 2011-2012**

The Committee received and considered the report of the Director of Sustainable Communities which requested the Committee to endorse the Health and Safety (as a Regulator) Service Plan 2011 – 12 (a copy of which was appended to the report) and forward any comments to the Executive for consideration. The Committee was advised that the Health and Safety Service Plan was a mandatory requirement by the Health and Safety Executive (HSE) which set out the Health and Safety Enforcement activities to be undertaken by Central Bedfordshire Council.

The report was presented by the Public Protection Manager who answered the Members' questions on various aspects of the service plan.

The Committee was pleased to endorse the Plan but expressed concern that the plan be too restrictive to allow work to be carried out. Members were assured that this was not the intention of the plan.

RESOLVED

- 1. that the Health and Safety (as a Regulator) Service Plan for 2011 – 12 be endorsed.**
- 2. that the Executive be asked to approve the Health and Safety (as a Regulator) Service Plan 2011 – 12.**
- 3. that the Assistant District Community Safety, Public Protection, Waste and Leisure, in consultation with the Portfolio Holder for Safer Communities and Healthier Lifestyles, be given delegated authority to undertake any necessary minor amendments to the requirements prior to publication.**

REG/09/47 Prohibiting the consumption of alcohol in designated public place - Sandy

The Committee was aware that the Chairman, by virtue of the authority vested in him in accordance with Section 100(b)(4)(b) of the Local Government Act 1972, had agreed to allow this item to be considered at the meeting as a matter of urgency.

The Committee received and considered the report of the Director of Customer & Shared Services which informed of the progress made in the making of the Alcohol Designation Order to restrict anti-social drinking in public places in Sandy.

At the 14 October 2009 meeting, the Committee appointed three Members to review the Alcohol Designation Order and to determine the appropriate area for public consultation in Sandy.

On 12 December 2010 an advert was placed in the newspaper inviting comments. The Committee were asked to approve the Order subject to any comments being received.

The Managing Solicitor confirmed that no objections had been received for Sandy.

RESOLVED

- 1. that the contents of the report be noted.**
- 2. to note that no adverse responses to the public consultation had been received.**

RECOMMENDED

that Council be asked to approve the Designation Order and that the Designation Order come into force on 24 March 2011.

REG/09/48 **Exclusion of the Press and Public**

RESOLVED

that in accordance with Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

REG/09/49 **Application for a Private Hire Vehicle Licence**

The Committee agreed to defer consideration of the application to grant a Private Hire Vehicle Licence to Mr Sheraz Ahmed of D and R Taxis, following his non-appearance at Committee. Officers were notified that Mr Ahmed had to be out of the country due to family business.

RESOLVED

that consideration of the application for a Private Hire Vehicle Licence for Mr S Ahmed be deferred to the next meeting of the Regulation Committee.

REG/09/50 **Re-Admittance of the Press and Public**

RESOLVED

that the Press and Public be re-admitted to the remainder of the meeting.

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.23 a.m.)

Chairman

Dated

CENTRAL BEDFORDSHIRE COUNCIL

DRAFT

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

POLICY AIM

To promote and maintain the highest professional standard of hackney carriages and private hire drivers by the continuous monitoring of services and to ensure that each driver is a fit and proper person to hold a hackney carriage or a private hire driver licence.

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
2. The policy is intended to give guidance to applicants where he or she has previous convictions and or cautions.
3. The Council will endeavour to ensure:-
 - (a) That a person is a fit and proper person
 - (b) That a person does not pose a threat to the public
 - (c) That the public are safeguarded from dishonest persons
4. When submitting an application for a licence to drive a hackney carriage/private hire vehicle, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties together with details of all criminal matters of which they are currently subject of criminal investigation or prosecution.
5. Existing holders of driver licences are required to notify the Council, in writing, within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions)
6. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Applicants should be aware that the Council is empowered by Law to check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in their name. This Council abides by

the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

8. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not the Council can be satisfied that the applicant is a fit and proper person to hold such a licence.
9. In accordance with current case law, the Council will not seek to go behind the convictions by reinvestigating the circumstances of the case or questioning the decision of the relevant judicial authority. It will be for applicants to persuade the Council that the conviction is no longer serious, relevant, or is so old that it should not affect their ability to hold a licence.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not received, or if there is good reason to question or doubt the evidence provided, it could amount to good reason to refuse a licence.
11. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters are disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
12. The Council is also entitled to use other records and information that may be available to it in determining applicants or an entitlement to continue holding a licence. This may include information held by the Council or other Councils, and information disclosed by the Police under the Home Office scheme for reporting notifiable offences.
13. Any applicant refused a driver's licence on the grounds that the Council is not satisfied that he or she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
15. The guidelines will also be taken into account by the Council when dealing with applications for the renewal of existing driver's licences and when considering whether to suspend or revoke an existing driver's licence.

GENERAL POLICY GUIDELINES

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure, so far as possible, that drivers are fit and proper persons to hold licences.
3. A person with a conviction for a serious crime need not be automatically barred from obtaining a licence but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
4. In some circumstances it may be appropriate to depart from the general policy, for example, where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. **Applicants will be invited to make representation to the Head of Service, Public Protection, before a final decision on whether an applicant is considered a fit and proper person to hold a licence.**
5. The following examples afford a general guide on the actions which might be taken where convictions are disclosed. **The period of post convictions before applications will be considered are based on the Home Office Guidelines.**

Offence of Dishonesty

- a. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. A serious view is taken of any conviction for dishonesty. In general, an application less than 3 – 5 years after conviction is unlikely to be considered favourably.
- b. After 3 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.

Violence

- a. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered.

Drugs

- a. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 – 10 years prior to the date of application.
- b. After 5 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.
- c. An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

Sexual and Indecency Offences

- a. As hackney carriage/private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences will normally be refused a licence.
- b. Applicants with a conviction relating to sexual offences will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.

Motoring Convictions

Disqualification.

- a. Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to drink driving or a major traffic offence.
- b. **Where several motor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.**

- c. In 'totting-up' cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage./private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-disqualification.

Major Traffic Offences.

- a. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application.
- b. More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

Minor Traffic Offences.

- a. Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months.

Drunkenness

With a motor vehicle

- a. A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal. Where a disqualification has occurred as a result of a drink-drive offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.
- b. **In addition, applications will normally be required to show a period of at least 5 years following successful completion of any rehabilitation course imposed as part of a community penalty.**

Not in a motor vehicle.

- a. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if he or she was an alcoholic.

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular an applicant will normally be refused a licence if he or she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

Spent convictions

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence.

Cautions and Endorsable Fixed Penalties

For the purpose of these guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Meeting: Regulation Committee
Date: 13 April 2011
Subject: Adoption of the Central Bedfordshire Council Street Trading Policy
Report of: Jane Moakes, Assistant Director Community Safety, Public Protection, Waste and Leisure
Summary: Adoption of a policy to assist in the regulation of Street Trading.

Contact Officer: Jo Borthwick (Service Manager) Patricia Davies (Licensing Co-Ordinator)
Public/Exempt: Public
Wards Affected: ALL
Function of: Regulation Committee

RECOMMENDATIONS:

That the Regulation Committee resolve to adopt the Central Bedfordshire Council Street Trading Policy

Introduction

1. Adoption of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to enable the Council to control the numbers and quality of street traders in the area was approved by Full Council on 24 February 2011.
2. The Council published a notice of the resolution to adopt the provisions of Schedule 4 in the Bedfordshire Times and Citizen on 3 March 2011, and again on 10 March 2011 as required by legislation.

Adoption of the Street Trading Policy

3. A working group of members and officers was set up to look at the detail of the policy. This group met on 10 January 2011 and again on 9 February 2011.
4. Following these meetings additional exemptions were added to the policy, the application form was amended and agreed, and the fees were revisited and revised to a level acceptable to the working group.
5. Although there is no legal requirement for a policy, it was felt that it would benefit all parties to have clear guidelines set out on the intended approach to street trading by this authority.

Conclusion

7. Adoption of the policy will:

- Highlight the requirements and standards expected of street traders.
- Assist officers in following procedures for determining applications.
- Ensure that all applications are considered on their merits.

CORPORATE IMPLICATIONS

Council Priorities:

Creating safer communities- The Council will be able to set conditions for consent to be granted which will help ensure that street trading is carried out safely and in a way which minimises risk of crime and disorder.

Managing growth effectively- The Council will be able to control the number and location of street traders,

Financial:

The costs of licensing street traders will be met by the fees paid for their consents.

Legal:

See point 5

Risk Management:

To ensure street trading is undertaken in a safe and regulated manner

Staffing (including Trades Unions):

None

Equalities/Human Rights:

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. It is the role of the Licensing Authority to administer the licensing regime in accordance with the law and each application would be considered on merit.

Community Safety:

The adoption of the policy in relation to street trading will allow the Council to take all reasonable steps to reduce crime and disorder within Central Bedfordshire under Section 17 of the Crime and Disorder Act 1988.

Sustainability:

In adopting this policy Central Bedfordshire Council can contribute to providing a vibrant and thriving leisure culture with safe and well run premises. Compliant businesses can be supported and resources can be focused at those businesses that fail to comply.

Appendices: Central Bedfordshire Council Street Trading Policy v3 10/03/2011.

This page is intentionally left blank



CENTRAL BEDFORDSHIRE COUNCIL

STREET TRADING POLICY

FINAL DRAFT

Preface

Central Bedfordshire Council [The Council] resolved to adopt Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 with regard to Street Trading on 24th February 2011.

Central Bedfordshire Council has not imposed any restriction on the number of licences/consents to be issued. The standard conditions adopted by Central Bedfordshire Council are attached as Appendix A to this policy

The Council consulted on this policy between 18th October 2010] and 9th January 2011 and it was approved by {*the Regulation Committee on 13th April 2011*}.

Consultation was conducted with existing / future potential holders of street trading licences/consents within Central Bedfordshire, the statutory responsible authorities as named under the Licensing Act 2003, Central Bedfordshire Council Highways and with members.

In developing this policy, the legal requirements of the 1982 Act and duties under the following provisions were taken into account;

- (a) The Provision of Services Regulations 2009 to ensure requirements are;
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible

Adoption of Schedule 4 also allows the council to set terms, conditions and fees for the grant or renewal of such licences/consents, and set the number of licences that may be issued in the area, including nil.

CONTENTS

Section	Page number
Preface	2
1. Purpose of Policy	4
2. Equal Opportunities Statement	4
3. The Legislation	4
4. Exemptions	6
5. Applications	7
6. Offences	9
7. Fees	10
Appendix A – Standard Conditions Applicable to Street Trading	11

FINAL DRAFT

1. Purpose of Policy

1.1 The purpose of the Council's street trading policy is to create a street trading environment within Central Bedfordshire which:

- complements premises-based trading establishments;
- provides diversity and consumer choice;
- enhances the character, ambience and safety of local environments;
- will complement and inform other Council initiatives;
- is sensitive to the needs and concerns of residents;
- highlights the requirements and standards expected of street traders;
- is fairly, appropriately and proportionately controlled;
- supports community cohesion and equalities
- provides clear guidance to the officers who will administer the scheme.

1.2 Central Bedfordshire Council has designated all streets within its authority as Consent Streets, and each application will be considered on its merits. Consent will normally only be refused if it is not safe to allow a vehicle or stall to trade in the proposed location.

2. Equal Opportunities Statement

2.1 Central Bedfordshire Council is committed to promoting equality for all by removing direct and indirect indiscriminate on the grounds of:

- Age
- Gender or transgender identity
- Race, colour, national or ethnic origin
- Disability
- Religious belief, non belief, or other belief
- Sexual orientation

3. The Legislation

3.1 Schedule 4 of the Local Government (Miscellaneous provisions) Act 1982 (the Act) gives Councils the power (but no duty) to designate specific areas within their administrative boundaries as either:

A prohibited street – A street in which street trading is prohibited.

A licence street – A street in which street trading is prohibited without a licence granted by the council.

A consent street – A street in which street trading is prohibited without the consent of the council.

3.2 Street trading is defined as 'selling, exposing or offering for sale any article (including a living thing) in a street.'

3.3 The term 'street' includes 'any road, footway, beach or other area to which the public have access without payment'. Any person street trading without a valid Consent commits a criminal offence.

- 3.4 The courts have held that the definition of a 'street' does not depend upon the area of land in question being in public ownership and private land may be classified as 'a street' too if it meets the definition in the Act and the precise circumstances of the trading indicate that it amounts to street trading.
- 3.5 The fact that a trader has a licence or lease to occupy the land, or has some other form of consent e.g. planning consent or a licence under the Licensing Act 2003, will not override the requirement to obtain a Consent where the trading amounts to street trading. Similarly, holding a Consent for street trading will not remove the obligation, on the trader, to comply with any other legal requirements e.g. holding a current food hygiene certificates nor override the duty to comply with the general law concerning e.g. trespass (the landowner's permission to occupy the land must be obtained), highways, planning, licensing, health and safety, nuisance, waste disposal requirements etc.
- 3.6 The requirement to obtain a Consent for any street trading is wide-ranging and would include, for example, all hot and cold food vendors selling burgers, kebabs, doughnuts, ice cream etc., and all vendors of non-food products from any vehicle, stall, barrow, trailer, or any other moveable or static structure.
- 3.7 Advice should be sought from the Licensing Team on the proposed activity/location to see if a Consent is required before starting to trade – see Appendix B for contact details.

4. Exemptions

4.1 The following are not street trading for the purposes of this policy:

- a) Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
- c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- d) Trading as a news vendor.
- e) Trading which is carried on at a premises used as a petrol filling station.
- f) Trading which is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.
- g) Selling things or offering or exposing them for sale as a roundsman.
- h) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway.
- i) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- j) The doing of anything authorised by regulations made under section 5 of the Police, factories, etc. (Miscellaneous Provisions) Act 1916.

Central Bedfordshire Council Exemptions from Street Trading Consents

The following activities will not require a street trading consent:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- sales of articles by householders on land contiguous with their homes

5. Applications

5.1 All applications must be made on the Council's prescribed application form.

5.2 Each completed application must be accompanied by:

- The fee.
- If the proposed activity is from a fixed position, a copy of a map of at least 1:125 scale, clearly marked in red to identify the proposed site boundary.
- Confirmation that adequate levels of third party and public liability insurance (minimum £5 million) is, or will be, in place during the street trading activity.
- One colour photograph of the vehicle, barrow, cart, van, portable stall etc. that will be used for street trading.

5.3 On receipt of the completed application form, an acknowledgement will be sent to the applicant.

5.4 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.

5.5 The council will consult with the following bodies before deciding an application:

Central Bedfordshire Council – Highways

Central Bedfordshire Council –Planning

Central Bedfordshire Council – Public Protection Service (in respect of food hygiene, health and safety and nuisance matters where applicable)

Bedfordshire Fire & Rescue Service

Bedfordshire Police

and a period of 21 days will be allowed for those consulted to respond and for any comments to be taken into consideration before deciding the application.

5.6 The Council will normally seek to grant a street trading consent, unless in its opinion:

- There would be a significant effect on road safety from the siting of the trading activity, or from customers visiting and leaving the site.
- There are concerns over the recorded level of personal injury accidents in the vicinity of the street trading activity.
- There would be a significant loss of amenity caused by traffic, noise, rubbish, possible vermin infestation, odour or fumes.
- There is already adequate similar provision in the vicinity of the site to be used for street trading purposes.
- There is a conflict with Traffic Orders such as waiting restrictions.
- The site or pitch obstructs either pedestrian or vehicular access or traffic flows, or places pedestrians in danger when in use for street trading purposes.
- The trading unit obstructs the safe passage of users of the footway or carriageway.

- The pitch interferes with sight lines for any road users such as at road junctions or pedestrian crossings.
 - The site does not allow the consent holder, staff and customers to park safely.
 - The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site.
- 5.7 In all cases where the applicant has been convicted of an offence in the preceding ten years, the application will be determined by a Sub Committee of the Licensing and Regulation Committee in accordance with the following:
- The details of any convictions will be treated in strict confidence.
 - The relevance of the offence will be taken into consideration, in particular offences for dishonesty, violence, drugs or indecency.
 - In general a street trading consent is unlikely to be granted where an application is made within 3 to 5 years of the date of conviction.
 - Any explanation as to the circumstances surrounding the offence will be taken into account.
- 5.8 Every application will be assessed on its merits and individual circumstances, and the licence if granted will be subject to the standard conditions in Appendix A, as well as any specific conditions considered by the licensing officer to be relevant and appropriate to the application in question.
- 5.9 Where an application is refused, full reasons will be given in writing to the applicant. The Act does not provide for an appeal where a consent is refused, but the Council's complaints procedure will apply should the applicant be dissatisfied. The applicant may also be able to seek judicial review of the decision through the courts.
- 5.10 A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 5.11 The holder of a consent may at any time surrender the consent and it will then cease to be valid.
- 5.12 Where a consent is surrendered or revoked, the Council will remit or refund as appropriate, the whole or a part of any fee paid.

6. Offences

- 6.1 Under the Local Government (Miscellaneous Provisions) Act 1982, a person who;
- Engages in street trading in a prohibited street;
 - Engages in street trading in a consent street without being authorised to do so;
 - Being authorised by a street trading consent to trade in a consent street, trades in that street-
 - i) from a stationary van, cart, barrow or other vehicle, or
 - ii) from a portable stall,without first having been granted permission to do so;
 - Contravenes a condition imposed on a consent

Shall be guilty of an offence

- 6.2 It shall be a defence for a person charged to prove that they took all reasonable precautions and exercised all due diligence to avoid committing the offence.
- 6.3 Any person who makes a false statement regarding a street trading application, which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence.
- 6.4 Any action taken by the authority with regard to the above offences will have regard to the appropriate enforcement policy.
- 6.5 A person found guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7. Fees

- 7.1 The application process involves paying an application fee, including costs for inspections of the premises and processing the application.
- 7.2 Please see application form for current fees.
- 7.3 The fees are reviewed annually against any rise in council costs of administering the regime.

FINAL DRAFT

APPENDIX A

STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENTS

These Standard Conditions will apply to all consents unless disapplied or varied by the Head of Public Protection.

1. The Consent granted by the Council is not transferable and the holder shall not permit any person to exercise the Consent in his/her absence unless that person is employed by the consent holder and is at least seventeen years of age.
2. The Consent may only be transferred to another person or body with the prior written approval of the Head of Public Protection.
3. Any van, vehicle, barrow, cart or stall must be maintained in a neat, tidy and safe condition.
4. The holder shall not use the street for any trading purposes other than that permitted in the Consent, and then only during the permitted hours.
5. The holder shall not trade in any street designated by the Council as a prohibited street.
6. At all times the Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Particularly in relation to Food Hygiene, Health & Safety at Work and Environmental Protection.
7. The holder shall not cause any obstruction of the street or cause any danger to any persons using it and shall not do anything, or permit anything to be done, that in the opinion of the Head of Public Protection may be a nuisance, annoyance or danger to any member of the public.
8. The holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition, and shall ensure that all rubbish and litter is removed from the area at the end of each day of trading.
9. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
10. The trader shall be insured against any claim in respect of third party liability whilst trading under a consent. No consent will be issued until a current policy has been produced to the Head of Public Protection and the trader shall produce evidence of such insurance to an authorised officer of the Council within seven days of the officer's request.
11. The holder, or any employee of the holder, shall display a copy of the Consent on the premises whilst trading.

12. Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher which complies with the standard set out in BS5423:1987 shall be provided.
13. Where hot fat cooking facilities are used, a fire blanket should be provided and so positioned as to allow the blanket to be accessed easily and quickly.
14. The Council may revoke the Consent at any time.
15. The holder will return the Consent to the Council immediately upon revocation or surrender.
16. In the event of the Consent being surrendered or revoked before the expiry date no refunds will be given.
17. The Council may at any time vary these conditions without notice.

FINAL DRAFT

APPENDIX B

CONTACT DETAILS

The Licensing Team
Public Protection
Central Bedfordshire Council
Watling House
High Street North
Dunstable
Beds
LU6 1LF

Tel: 0300 300 8647

E-mail: licensing.section@centralbedfordshire.gov.uk

Website: www.centralbedfordshire.gov.uk

FINAL DRAFT

FINAL DRAFT

Page left intentionally blank

Meeting: Regulation Committee
Date: 13 April 2011
Subject: Adoption of Statement of Licensing Policy for Sex Establishments
Report of: Jane Moakes, Assistant Director Public Protection
Summary: Adoption of the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982, for the licensing of Sex Establishments has been passed by the Council on 25 November 2010. This policy is adopted to provide guidance and support to the provisions

Contact Officer: David McBain (Licensing Enforcement Officer)
Public/Exempt: Public
Wards Affected: ALL
Function of: Regulation Committee

RECOMMENDATIONS:

That the Regulation Committee adopts the policy so as to provide guidance and support to the relevant provisions enabling the regulation of Sex Establishments

Introduction

1. Adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and Section 27 of the Policing and Crime Act 2009, enables the Council to control the licensing of sex establishments.

Note: There is no option to adopt Section 27 and not Schedule 3, as section 27 only amends this schedule. The Council agreed adoption of Schedule 3 on 25 November 2010.

2. The legislation empowers local authorities to licence “sex establishments” which means a sex cinema or sex shop. However, following the introduction of the amendment under the Policing and Crime Act, this now includes a “Sexual Entertainment Venue”. This new category covers venues that provide ‘relevant entertainment’. Relevant entertainment is defined as “*any live performance or display of nudity which is of such a nature that, it must be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience*”.
3. Under the legislation, local authorities are allowed to set a limit on the number of such establishments that they consider are appropriate for a particular locality.

4. Premises which previously provided these facilities as “Regulated entertainment” under the Licensing Act 2003 licences are no longer able to do so and will need a Sex Establishment Licence.
5. Within Central Bedfordshire there are venues that will need to be considered under this legislation

Adoption

6. The local authority passed a resolution under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 to adopt Schedule 3 and specify the day the provisions are to come into effect (*for Central Bedfordshire Council this will be 1 April 2011*). This is greater than 1 month after the date of the resolution.
7. The local authority has published a notice in a local newspaper for two consecutive weeks stating that they have passed such a resolution and its general effect. The first notice has appeared 28 days before the provisions are due to come into force.
8. From 1 April 2011 the operator of a proposed or existing “sex establishment” will have to apply for a licence under the Act. There is no presumption that the licence will be granted.
9. The Council can refuse a licence because there is already an appropriate number of sex establishments in an area and/or that a sex establishment would ‘conflict’ with the character of the area or other premises nearby e.g. schools, places of worship etc.
10. Central Bedfordshire Council’s policy on Sex Establishments was put out for consultation. This consultation ran from 18 October 2010 to 9 January 2011. The Policy is now brought to regulation committee for approval.

Conclusion

13. Adoption of this Policy will :
 - Inform local people of how to oppose an application for a sex establishment licence if they have legitimate concerns that a sex establishment would be inappropriate, given the character of the area, for example if the area is primarily residential or next to a school etc.
 - Give guidance on application, renewal, transfer and variation of Sex Establishment licences. (Licences will be required to be renewed at least yearly, at which point local people will have the opportunity to raise objections with the local authority).
 - Provide a statement of how the Council will set limits on the number of sex establishments as they think appropriate for a locality.
 - Allow the Council to state its own conditions required on the licences of Sexual Entertainment Venues that they are currently unable to introduce under the Licensing Act 2003.
 - Allow the Council to advise others on how it sets reasonable fees to cover administration and enforcement costs. (Levels of fees and a fee structure have been agreed and are set out in the application guidance)

CORPORATE IMPLICATIONS

Council Priorities:

Increased community safety.
Compliance with Central Bedfordshire's Licensing objectives.

Financial:

Advertising costs attached to the public notices required by the procedure to be published in the local press. A fee is payable by applicants which will offset these costs over time.

The process of adopting the legislation, and the licensing process will be administered by the licensing team.

Legal:

There is no legal requirement to provide a Policy. However it is recommended in order to support the Council's stated aim to be proportionate, accountable, consistent, and transparent. It will allow regulatory action to be targeted. It will inform local residents and businesses of the policies that the Council will generally apply to decisions about applications, the application process and what is expected of applicants and those who wish to object to applications

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

Appendices:

Statement of Licensing Policy for Sex Establishments

Application pack

This page is intentionally left blank



Statement of Licensing Policy

For Sex Establishments

Preface

Central Bedfordshire Council has adopted schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) with regard to Sex Cinemas and Sex Shops and for Sex Establishments. These now all need to be licensed within Central Bedfordshire Council's area

Central Bedfordshire Council has not imposed any restriction on the number of licences to be issued. The standard conditions adopted by Central Bedfordshire Council are attached as an appendix to this policy

The council consulted on this policy between 18th October 2010 and 9th January 2011 and it was approved by the regulation Committee on 13th April 2011

Consultation was conducted with local residents, existing / future potential holders of sex establishment licences within Central Bedfordshire, the statutory responsible authorities as named under the Licensing Act 2003 and with holders of premises licences under the Licensing Act 2003 in the vicinity of any existing or potential licensed sex establishments known to the Licensing Authority

In developing this policy, the legal requirements of the 1982 Act and duties under the following provisions were taken into account;

- (a) section 17 of the Crime and Disorder Act 1998 to take all reasonable steps to reduce crime and disorder within Central Bedfordshire
- (b) The Regulators' compliance code (set out under the Legislative and Regulatory Reform Act 2006) not to impede economic progress by the regulations we set out and to particularly consider the impact of regulations on small businesses; and
- (c) The provision of Services Regulations 2009 to ensure requirements are;
 - (i) non-discriminatory
 - (ii) justified by an overriding reason relating to public interest
 - (iii) proportionate to that public interest objective
 - (iv) clear and unambiguous
 - (v) objective
 - (vi) made public in advance, and
 - (vii) transparent and accessible

The council does not take a moral stand in adopting this policy and recognises that Parliament has made it lawful to operate a sex establishment, and that such businesses are a legitimate part of the retail and leisure industries. It is the role of the Licensing Authority to administer the licensing regime in accordance with the law.

Section 2 of the Act provides that local authorities may resolve that schedule 3 will apply to their area. This has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. Adoption of schedule 3 also allows the council to set terms, conditions and fees for the grant, renewal, transfer and variation of such licences, and set the number of licences that may be issued in the area, including nil.

Definitions of the different types of 'sex establishment' can be found at Appendix A to this policy.

INDEX

Page No.

Preface

Foreword (Overview and Statement of Licensing Policy)

- 1. Introduction**
- 2. Definition of 'sex establishment'**
- 3. Location of Licensed Premises**
- 4. Making an application**
- 5. Fees**
- 6. Advice and Guidance**
- 7. Grant, renewal or transfer of licences**
- 8. Variation of licences**
- 9. Objections**
- 10. Determining applications**
- 11. Conditions**
- 12. Refusal of licences**
- 13. Revocation of licences**
- 14. Cancellation of licences**
- 15. Complaints**
- 16. Enforcement**

Appendix A.....Definitions

Appendix B.....Grant, Variation, Transfer, Renewal

Appendix C.....Applications

Appendix D.....Fees

Appendix E.....Conditions

Appendix F.....Refusal and Revocation

Foreword

Overview of the Central Bedfordshire area

Central Bedfordshire Council covers an area with a population of approximately 240,000 and is situated 40 miles north of London.

In the South of the area, Dunstable, Houghton Regis and Leighton Buzzard are the main urban centres. To the north of the area, which is mainly rural in character, the main towns of Ampthill and Biggleswade are surrounded by numerous smaller towns and villages, each with their own individual characteristics.

Premises in the area are numerous and varied, including nightclubs, theatres, a cinema, leisure centres, clubs and public houses. Whilst several open air type events provide for the larger type of regulated entertainment.

The Central Bedfordshire area currently has four premises that require licensing as sex establishments. These are located;

Two (2) Sexual Entertainment Venues situated in the Leighton Buzzard area, one licensed Sex Shop in the Dunstable area and one licensed Sex Shop in the Sandy/Biggleswade area.

Statement of Licensing Policy

Central Bedfordshire Council will monitor the continuing expansion of the leisure industry, which contributes greatly to the local economy in terms of jobs and revenue, in order to maintain a balance between those commercial interests and the interest of preserving local heritage, as well as protecting the interests of local residents

This 'Statement of Licensing Policy' sets out the policies of the council and will generally apply when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make objections about applications. It sets out the type of controls that are available to the council when decisions are made about licence applications and explains what action can be taken if complaints are received

1. Introduction

- 1.1 Central Bedfordshire Council has resolved to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Anyone operating, or who wants to operate, a 'sex establishment' within the council area must have obtained or must apply to obtain a licence from the council. This resolution was affirmed by the council on 24th February 2011, together with the amendment of s27 of that Act by the Policing and Crime Act 2009. This extends the Act to include 'Sexual Entertainment Venues'
- 1.2 This Statement of Licensing Policy for Sex Establishments sets out the council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended)
- 1.3 The advice and guidance contained in the appendices attached to this Statement of Licensing Policy is intended only to assist readers in consulting the Policy and should not be interpreted as legal advice or as constituent of Central Bedfordshire Council's Statement of Licensing Policy
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules issued under the Act

2 Definition of 'sex establishment'

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'Sexual Entertainment Venue'. Full definitions can be found in Appendix A to this Policy.
- 2.2 It includes any premise, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control

3 Location of Licensed Premises

- 3.1 The council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, ant-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.

Whilst the council have not imposed a limit on the number of premises that may be licensed in an area, and whilst treating each application upon its own merits, the council will consider the characteristics of a locality and shall particularly take account of the density, and proximity

of;

- Residential areas
- Schools, nurseries or any other premise substantially used by or for children under 16 years of age
- Parks or other recreational areas used by or for children under 16 years of age
- Churches or other places of religious worship
- Community buildings
- Gateways to an identifiable locality
- Alcohol or entertainment licensed premises

- 3.2 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment
- 3.3 The council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned
- 3.4 The council will inform its residents and other interested bodies of applications for the grant, renewal, transfer and variation of a licence through the maintenance of a public register of all applications received. This information will be available on the council's website in the form of a register and details will be communicated to all ward councillors.
- 3.5 All applicants will be required to advertise their application for grant, renewal, transfer or variation of a licence in the local vicinity where the premises, vehicle, vessel or stall will carry on the business of a 'sex establishment'
- 3.6 For the purposes of this Policy only 'vicinity' will generally mean an area within 100 metres of the premises, vehicle, vessel or stall.

4. Making an application

- 4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the council in accordance with the requirements shown in Appendix B
- 4.2 In keeping with council policy regarding the introduction of e-government the council consents to applications being given electronically. The address at which applications and notices will be accepted is:-
- (a) by post or personal service to Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF
- (b) on-line via the council's website at www.centralbedfordshire.gov.uk
- 4.3 A specimen notice for public advertisement is attached at Appendix C.

5. Fees

- 5.1 The application process involves paying –
- an application fee, including costs for inspections of the premises and processing the application. This also includes the fee to meet the costs of holding a hearing before a committee in the case of a contested application, which will be refunded where either an application is withdrawn before the need for a hearing arises, or where a hearing is not required.
- 5.2 The fees are reviewed annually against any rise in council costs of administering the regime.

6. Advice and Guidance

- 6.1 The council will seek to liaise with applicants and/or mediate between applicants and others who may make objections, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit
- 6.2 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the council's Licensing Team and those from whom they think that objections are likely prior to submitting their application.

7. Grant, renewal or transfer of licences

- 7.1 The council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' on such of the terms and conditions specified by the council in Appendix B.
- 7.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 7.3 The council may, if they think fit, transfer a licence to any other person upon application by that person.
- 7.4 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.
- 7.5 Where applications for licences have been granted, the council will send the licence to applicants by post.

8. Variation of licences

- 8.1 The holder of a licence may apply to the council to vary the terms, conditions or restrictions on or subject to which the licence is held.

9. Objections

- 9.1 Objections may be made to an application by any person.
- 9.2 An objection must be in writing and state the grounds on which the objection is made.
- 9.3 Objections may only be made within the period of 28 days following the date on which the application was given to the council.
- 9.4 The council will not consider any objection that does not contain the name and address of the person making it.
- 9.5 Where objections are made the council will provide copies to the applicant. The council will not divulge the identity of the objector/s to the applicant without their permission to do so.
- 9.6 Where objections are made and not withdrawn, a hearing before a Licensing Sub Committee will normally be held within 20 working days of the end of the period in which objections might be made, unless all parties agree a hearing is unnecessary.
- 9.7 In all cases, applicants and those making objections that are genuinely aggrieved by a decision of the council are entitled to appeal to the Magistrates' Court.
- 9.8 Where no objections are made, the council will grant the licence subject to the terms and conditions shown at Appendix E

10. Determining applications

- 10.1 When considering applications, the council will have regard to:
 - (a) the Local Government (Miscellaneous Provisions) Act 1982
 - (b) any supporting regulations;
 - (c) this Statement of Licensing Policy.
- 10.2 This does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make objections on any application where they are permitted to do so under the Act.
- 10.3 When determining applications, the council will take account of any comments made by the Chief Officer of Police and any objections made.
- 10.4 In all cases, the council reserves the right to consider each application on its own merit.

11. Conditions

- 11.1 The council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise.
- 11.2 No condition will be imposed that cannot be shown to be necessary.
- 11.3 The conditions that may be attached to a licence are shown in Appendix E.

12. Refusal of licences

- 12.1 Except where the council are prohibited from granting, renewing, varying or transferring a licence, the council will not refuse a licence without first: -
- Notifying the applicant or holder of the licence in writing of the reasons;
 - Giving the applicant or holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.
- 12.2 The circumstances in which the council must or may refuse a licence are shown in Appendix F

13. Revocation of licences

- 13.1 The council may revoke a licence: -
- on any of the grounds specified in paragraph 1 of Appendix F of this policy;
 - on either of the grounds specified in paragraph 3 (a) and (b) of Appendix F of this policy.
- 13.2 The council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before a Licensing Sub Committee.

14. Cancellation of licences

- 14.1 The licence-holder may surrender the licence at any time and may request the council in writing to cancel the licence.
- 14.2 In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.
- 14.3 Where the council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

15. Complaints

- 15.1 Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

16. Enforcement

- 16.1 The council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and the Better Regulation Commission's five Principles of Good Regulation. The council will carry out its regulatory functions in a fair, open and consistent manner.

Specifically, the council is committed to:

- (a) be proportionate – to only intervene when necessary and remedies will be appropriate to the risk posed;
 - (b) be accountable – to justify decisions, be subject to public scrutiny and allow opportunities to resolve differences before enforcement action is taken, unless immediate action is needed;
 - (c) be consistent – to implement rules and standards fairly;
 - (d) be transparent – to be open and to provide clear explanations of what is needed, by when and the rights of appeal.
 - (e) target its regulatory action at cases in which action is needed.
- 16.2 The council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.
- 16.3 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.

Appendix A

Definitions

'Sex Cinema'

- 1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
 - a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity; or
 - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.
- 2) No premises shall be treated a sex cinema by reason only—
 - a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
 - b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

'Sex Shop'

- 1) A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—
 - a) sex articles; or
 - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

Sex Article

- 3) A sex article means—
 - a) anything made for use in connection with, or for the purpose of stimulating or encouraging—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity;
 - b) anything to which sub-paragraph 4 below applies.

- 4) This sub-paragraph applies to—
- a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - b) any recording of vision or sound which —
 - is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

'Sexual Entertainment Venue'

'sexual entertainment venue' means —

- (a) Premises at which performances which are not unlawful are given by one or more persons present and performing, which wholly or mainly comprise the sexual stimulation of persons admitted to the premises (whether by verbal or any other means); or
- (b) Premises at which any services which are not unlawful and which do not constitute sexual activity are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs at any time while they are providing the service; or
- (c) Premises at which entertainments which are not unlawful are provided by one or more persons who are without clothes or who expose their breasts or genital, urinary or excretory organs during the entertainment; or
- (d) Premises (not being a sex cinema) at which pictures are exhibited by whatever means (and whether or not to the accompaniment of music) in such circumstances that it is reasonable for the appropriate authority to decide that the principal purpose of the exhibition, other than the purpose of generating income, is to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity;

A 'sexual entertainment venue' is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

1) In this paragraph relevant entertainment means-

- a) *any live performance; or*
- b) *any live display of nudity;*

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

2) The following are not sexual entertainment venues: -

- a) sex cinemas and sex shops;

- b) premises at which relevant entertainment is provided as mentioned in sub-paragraph (1) less frequently than once a month; or
 - c) premises specified or described in an order made by the relevant national authority
- 3) The relevant national authority may by order provide for descriptions of performances, or of displays of nudity, which are not to be treated as relevant entertainment for the purposes of the regulations.
- 4) For the purposes of this paragraph relevant entertainment is provided if, and only if, it is provided, or permitted to be provided, by or on behalf of the organiser.
- 5) For the purposes of this paragraph references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.
- 6) Other definitions:

‘audience’ includes an audience of one;

“relevant entertainment” means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

“display of nudity” means—

- (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and
- (b) in the case of a man, exposure of his pubic area, genitals or anus;

“the organiser”, in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

- (a) the relevant entertainment; or
- (b) the premises;

“premises” includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

“relevant national authority” means— in relation to England, the Secretary of State;

and for the purpose of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.”

Appendix B

Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence

Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must: -
 - a) send the council: -
 - i) a completed application form;
 - ii) a plan to the scale of 1:100 of the premises to which the application relates;
 - iii) a non-returnable application fee (fee applicable to type of establishment)
 - and;
 - a) Display a notice on or near the premises;
 - b) advertise the application in a local newspaper;
- 2) Send a copy of the application and plan to the Chief Officer of Police within 7 days of making the application to the council.

Plan requirements

- 3) The plan shall show: -
 - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) the location of points of access to and egress from the premises;
 - c) the location of escape routes from the premises;
 - d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
 - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - h) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;

- i) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
 - j) the location of a kitchen, if any, on the premises.
- 4) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

- 5) A notice must be displayed at or on the premises to which the application relates for a period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 6) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 7) The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 8) The notice must state: -
- a) details of the application and activities that it is proposed will be carried on or from the premises,
 - b) the full name of the applicant,
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - d) the date, being 28 days after that on which the application is given to the council, by which representations may be made to the council and that representations should be made in writing,
 - e) that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 9) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.

Variation of a licence

- 10) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 11) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

Renewal of a licence

- 12) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted before the current licence expires.

13) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Annual Fees

14) In the case of a sexual entertainment venue, an annual fee will be payable

Transfer of a licence

15) A person may apply for transfer of a licence at any time.

16) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Appendix C

APPLICATION FOR _____ OF A SEX ESTABLISHMENT LICENCE. (* insert GRANT / RENEWAL / VARIATION / TRANSFER)

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

<p>I / We</p> <p><i>(Insert name/s of applicant/s – please read guidance note 1)</i></p>

apply for the Grant / Renewal / Variation / Transfer* of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (*delete as necessary)

Part 1 - Premises Details *(Please read guidance note 2)*

<p>Postal address (including trading name, post code and telephone number of premises)</p>
--

Part 2 - Applicant Details

Please state whether you are applying for a licence as

Please tick yes

- | | | |
|---|--------------------------|---------------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A & C) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete all sections |
| ii. as a partnership | <input type="checkbox"/> | please complete all sections |
| iii. as an unincorporated association or . | <input type="checkbox"/> | please complete all sections |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete all sections |

(A) Individual Applicant Details *(Please read guidance note 3)*

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current postal address including post code					
Telephone number (if any)					
E-mail address (optional)					
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Surname			First names		
Date of birth					
Current postal address including post code					
Telephone number (if any)					
E-mail address (optional)					

(Continue on separate page if necessary)

(B) Other Applicants

Please provide name and registered address of applicant in full. Where appropriate please give any registered number.

Name	
Address including post code	
Registered number	
Description of applicant (e.g. partnership, company, etc.)	
Telephone number (if any)	
E-mail address (optional)	

(C) Description of Trading Activity

The premises will trade as:						
a sex cinema <input type="checkbox"/>		a sex shop <input type="checkbox"/>			a sex encounter <input type="checkbox"/> establishment	
The premises will trade on the following days and between the following times:						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	From	From	From	From	From	From
To	To	To	To	To	To	To

(D) Licensing History

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	
Been refused the grant / renewal / transfer of a licence for a sex establishment?	
Been the holder of a sex establishment licence when that licence has been revoked?	
If 'Yes' to any of the above please provide details:	

Part 3 - Declaration

I/We:

Please tick yes

- Enclose the fee (Please make payable to Central Bedfordshire Council)
- Enclose evidence of identity containing a photograph in respect of each individual applicant / partner / director, as applicable
- Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service
- Understand that if the above requirements have not been complied with my application will be rejected
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998.
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief.

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(C) Signatures *(Please read guidance note 4)*

Signature of applicant/s or applicant/s' solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity.

Signature/s	
Date	
Capacity	

(D) Contact Details *(Please read guidance note 5)*

Contact name	
Contact postal address including post code	
Telephone number (if any)	
E-mail address (optional)	

Notes for Guidance

- 1) Insert the name/s of individual applicant/s or partners or the trading name under which the business operates.
- 2) Include the postal address, including name by which the premises that is to be used as a sex establishment is to be known.
- 3) The full name, date of birth and home address of each individual applicant/partner/director must be supplied together with photographic evidence of identity, e.g. a certified copy of passport or driving licence, and either a criminal conviction certificate (issued under section 112 Police Act 1997), a criminal record certificate (issued under section 113A Police Act 1997) or the results of a subject access search under the Data Protection Act 1998 (b) of the Police National Computer by the National Identification Service.
- 4) The application form must be signed. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, all applicants or their respective agents must sign the application form.
- 5) This is the address that we shall use to correspond with you about this application.
- 6) A plan of the premises must be submitted with the application, drawn to a scale of 1:100 showing all external and internal doors and windows and the position of counters, display stands, booths, video / tv / film screens, exhibition areas, dance / performance / stage areas fixed seating and tables, bars / counters from which refreshments are available.
- 7) Copies of the application together with a plan of the premises must be submitted to: -
- 8) Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF
- 9) Chief Officer of Police, County Police Office, West Street, Dunstable, LU6 1SJ
- 10) A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently read by members of the public.
- 11) A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application being given to the licensing authority.
- 12) Fees can be obtained via the council's website or by contacting the Licensing Team, Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF

**NOTICE OF APPLICATION FOR GRANT / RENEWAL/ VARIATION /
TRANSFER
OF A SEX ESTABLISHMENT LICENCE
Local Government (Miscellaneous Provisions) Act 1982
Schedule 3**

Name/s of Applicant/s	
Postal address of premises including name of the premises and post code (where possible) or a description to enable the location to be identified.	
Summary of application (hours of trading, type of licence, etc):	
<p>NOTICE IS HEREBY GIVEN that an application has been made to Central Bedfordshire Council for a licence to use the above premises as a sex establishment.</p> <p>Copies of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (which defines the type of activity that may be carried out under a licence) and of the application may be inspected at the offices of Central Bedfordshire Council, Watling House, High Street North, Dunstable, LU6 1LF between 9.00 am and 4.00 pm (Monday to Friday except public holidays).</p> <p>Any objections in respect of the above application must be made in writing to the council at the above address by</p> <p>_____</p> <p>It is an offence knowingly or recklessly to make a false statement in connection with an application punishable on summary conviction by a maximum fine of £5,000.</p>	

Notes:

This Notice may be used to display the application on the premises or for publication in a local newspaper.

The date to be inserted in the notice by which objections must be made will be that of the 21st day following the day on which the application is given to the council.

Newspaper Notice

It must be published in a local newspaper circulating in the vicinity of the premises.

If there is no local newspaper, the Notice may be published in a circular or similar document circulating **IN THE VICINITY OF THE PREMISES**.

The Notice must be published on **AT LEAST ONE OCCASION** during the period of **SEVEN DAYS** starting on the day after the day on which the application was given to the council.

It is for the applicant to decide in which local newspaper to publish this Notice, but the council considers publication in locally delivered newspapers within the vicinity of the premise satisfies the requirements of the regulations.

Premises Notice

This Notice must be of a size **EQUAL TO OR LARGER THAN A4** paper and must be on **PALE BLUE** coloured paper. It must be **PRINTED IN BLACK INK** or **TYPED IN BLACK** in a **FONT SIZE EQUAL TO OR LARGER THAN 16**.

It must be displayed prominently on or near the premises to which the application relates where it can be conveniently read from the exterior of the premises.

In the case of premises covering an area of more than **50 METRES SQUARE**, a further Notice in the same form must be displayed **EVERY 50 METRES** along the exterior of the premises abutting any highway.

The Notice must be displayed for a period of **NO LESS THAN 21 CONSECUTIVE DAYS** starting on the day after the day on which the application was given to the council.

Appendix D

Fees

Application fee*	Dependant upon type of establishment (contact Licensing Team for advice)
Contested application ** Copy / replacement of licence	Licensing Team will advise fee £25

** The fee for making any application is non-returnable, regardless of outcome of the application.*

*** The fee to cover the council's costs for holding a hearing in the case of a contested application. This will be refunded if a hearing is unnecessary.*

- 1) Fees are based upon an estimate of the time taken and costs incurred to process an application. The cost to the council of administering the licence regime has been calculated per hour of this time.
- 2) All fees are payable at the time of making and together with an application.
- 3) The fee for a straightforward case is based upon an estimate of the number of hours in officer time for making site visits / inspections and processing an application including documentation, correspondence and production of the licence.
- 4) The fee for a contested case is based upon an estimate of: -
 - a) hours in officer time in producing committee reports, agendas and other papers and attendance at a hearing;
 - b) hire costs for the venue for the hearing;
 - c) allowances and expenses in respect of committee members attendance.
- 5) The fee for a copy / replacement licence is based upon a comparison with the fee payable under other licensing legislation for a similar application.
- 6) Annual fees and fees for renewal or transfer can be found by accessing the Council website or contacting the Licensing Team.

Appendix E

Conditions

Access to premises

- 1) Access must be afforded at all reasonable times to authorized officers of the council and the police and fire services.

Hours of Opening

- 2) If granted the hours that premises may open to the public will be as stated on the licence.
- 3) The premises shall not open on Christmas Day or Good Friday.

Management and Staffing of the Licensed Premises

- 4) Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 5) The name of the person who has been approved by the council as being responsible for the day to day management of the licensed premises shall be prominently displayed within the licensed premises.
- 6) Every person employed on the premises in a capacity where he / she has or will have contact with members of the public in the course of carrying on any activity authorised by the licence, must have first been approved by the council.
- 7) An approved person for the purposes of this condition shall be a person approved in writing in advance by the licensing authority following the submission of: -
 - a) a criminal conviction certificate issued under section 112 or a criminal record certificate issued under section 113A of the Police Act 1997 or the results of a subject access search under the data Protection Act 1998 of the Police National Computer by the National Identification Service that has been issued no earlier than one calendar month before submitting it to the council;
 - b) a passport sized photograph in colour.
- 8) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises.
- 9) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 10) Every person employed on the premises in the furtherance of the business shall wear a form of visible identification of a type approved by the council indicating his/her name and position.
- 11) No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.

- 12) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 13) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 14) The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

External Appearance

- 15) Windows and openings to the licensed premises, other than entrances, shall not be obscured otherwise than with the consent of the council but shall have suspended immediately behind them, plain light coloured screens or blinds of a type and design approved by the council.
- 16) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 13 and 14.
- 17) The council shall approve the design of the front elevation of the shop which shall include reference to the name of the shop, its postal address, opening hours, website address and any security grilles/shutters.
- 18) As a general rule the name of the premises shall be of an uncontentious nature and light colours used throughout to the council's approval)
- 19) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
- 20) There shall be a solid outer and inner door fitted with automatic closures with such devices being maintained in good working order.
- 21) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

“WARNING

Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age”

Maintenance and Repair

- 22) The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times, which will include the need to maintain the front and rear of the premises in a clean and tidy condition
- 23) The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.
- 24) The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

General

- 25) No part of the premises shall be let
- 26) Any breach of the conditions above may result in the licence being revoked and the licensee being prosecuted, where appropriate.

Special Conditions for Sexual Entertainment Venues

- 1) The Licensee shall in all things conduct the premises in a decent sober and orderly manner and take whatever steps are necessary to ensure that there is no profanity or obscene, immoral, licentious or indecent behaviour likely to cause a breach of the peace. No persons aged under 18 years by way of staff, visitors, customers, entertainers or any others are to be present whilst the premise is operating.
- 2) When striptease/table dancing is being provided there shall be no physical contact between dancers and customers other than initial introductions (handshake) or when placing a tip in a dancers hand/garter.
- 3) Dancers shall re-dress at the conclusion of the performance and are to remain fully clothed (minimum bikini top and bottom) at all times except when giving a performance.
- 4) No persons other than dancers shall be in the licensed area in a state of undress.
- 5) Access to the dressing rooms shall be restricted and monitored at all times.
- 6) External advertising shall not show photographs or any visual representation of women and shall be in accordance with the advertising code.
- 7) A nominated person should supervise the dancers' cloakroom.
- 8) Management rules of conduct apply to all dancers.
- 9) There should be a minimum charge per table dancing.
- 10) Last time of entry to the premises to be one hour before closure.
- 11) Dancers must not be propositioned in any manner.
- 12) Other than arrival, departure, visiting the cloakroom or tipping as mentioned, customers are required to remain seated at all times in the table side of the dancing area.
- 13) A member of staff shall escort dancers arriving and exiting the club.

- 14) No dancer shall arrange to meet with, whether it is inside or outside of the premises, or have any correspondence (notes or business cards) with customers.
- 15) Employees, entertainers or dancers may not sit with customers unless all persons are fully clothed.
- 16) Dancers/entertainers may not leave the premises until the end of the agreed shift or performance, and must not be re-admitted that day or night unless as a part of a written contract.
- 17) Any person who can be observed from outside the premises must be properly and decently dressed, scantily clad persons must not exhibit in the entrance way or in the area surrounding the premises.
- 18) Persons performing table side striptease/dancing shall wear a G-string or bikini bottoms which shall at all times be worn covering the genitalia and should be made of opaque material. With exception to performances conducted in the designated private dance areas where full nudity is permitted.
- 19) There shall be no tableside performances to customers seated at a bar or standing.
- 20) When tableside striptease is taking place no performer shall dance with or towards any other performer and shall make no physical contact with another performer.
- 21) Tableside striptease performers are to remain standing during a performance of striptease.

Appendix F

Refusals and revocations of licences

1. The council must refuse to grant or transfer a licence to: -
 - (a) A person under the age of 18;
 - (b) A person who is for the time being disqualified from holding a licence;
 - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
 - (d) A body corporate which is not incorporated in the United Kingdom;
 - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
2. The council may refuse
 - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below;
 - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 3 (a) and (b) below.
3. The grounds for refusal are: -
 - (a) That the applicant is unsuitable for the licence by reason of having been convicted of an offence or for any other reason;
 - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the council considers is appropriate for that locality;
 - (d) That the grant or renewal of the licence would be inappropriate having regard to: -
 - i. The character of the relevant locality;
 - ii. The use to which any premises in the vicinity are put; or
 - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
4. Nil may be an appropriate number for the purposes of paragraph (3)(c) above.

Left intentionally Blank