



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 16 FEBRUARY 2012

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**
2. **Minutes of the meeting held on 5 January 2012, and reconvened on 12 January 2012 (previously circulated)**
3. **Items of urgent business authorised by the Chairman**
4. **Declarations of Interest**
5. **Arrangements for Caravan Site Licences (Pages 1 - 3)**

Report of the head of governance and the head of health & housing.

6. **Local Government (Miscellaneous Provisions) Act 1976 Private Hire Vehicle Licensing - Request for Waiver of Licence Conditions Requiring Display of Uniform Door Signage (Pages 4 - 5)**

Report of the licensing manager.

7. **Exempt items:-**

The committee is recommended to pass the following recommendation in relation to the following items:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Members are reminded that, whilst the following items have been marked as exempt, it is for the committee itself to decide whether or not to consider it in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and should balance the interests of individuals, or the committee itself, in having access to information. In considering their discretion, members should also be mindful of the advice of council officers.

8. **Application for a Hackney Carriage and Private Hire Dual Driver's Licence - Jason Ian Powell** (Pages 6 - 7)
Report of the licensing manager.
9. **Renewal of Existing Hackney Carriage Driver's Licence - David Van-Laere** (Pages 8 - 10)
Report of the licensing manager.
10. **Application for a Hackney Carriage Driver's Licence - Paul Richard Dent** (Pages 11 - 15)
Report of the licensing manager.
11. **Existing Hackney Carriage Vehicle Licence - Abdul Rehman Shah** (Pages 16 - 32)
Report of the licensing manager.
12. **Public items:-**
The press and public will be readmitted to the meeting at this point.
13. **Sexual Entertainment Venues Policy** (Pages 33 - 73)
Report of the licensing manager.
14. **Consultation Arrangements with Hackney Carriage and Private Hire Proprietors** (Pages 74 - 77)
Report of the licensing manager.
15. **Proposed Licensing Fees 2012/13** (Pages 78 - 80)
Report of the licensing manager.

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors John Harrison (chairman), Mike Greenall (vice-chairman), Shirley Burns, Sheila Denwood, Jonathan Dixon, Billy Hill, Tony Johnson, Tracey Kennedy and Robert Redfern

(ii) Substitute Membership

Councillors Chris Coates, Roger Dennison, Joan Jackson, David Kerr, Terrie Metcalfe, Margaret Pattison and Susan Sykes

(iii) Queries regarding this Agenda

Please contact Tom Silvani, Democratic Services - telephone (01524) 582132 or email tsilvani@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 8 February 2012.

LICENSING REGULATORY COMMITTEE

Arrangements for Caravan Site Licences

16 February 2012

Report of the Head of Governance and Head of Health and Housing

PURPOSE OF REPORT

To enable the Committee to make a minor amendment to the scheme of delegation in order to streamline the issuing of caravan site licences.

This report is public.

RECOMMENDATIONS

- (1) That the current and proposed operational arrangements for issuing caravan site licences be noted.
- (2) That the Scheme of Delegation be amended to authorise the Head of Health and Housing and any officer designated in writing by her to grant, transfer or renew any licence under the Caravan Sites and Control of Development Act 1960, except where any objection or adverse comment has been received or a member of the Committee has requested that the matter be referred to Committee.

1.0 Introduction

- 1.1 The issuing of licences for caravan sites falls within the terms of reference of this Committee.
- 1.2 The current arrangements are that Environmental Health (in Health & Housing Services) performs all caravan site licensing administration, inspection and enforcement with one exception: the Licensing service has to provide the authorised signature when granting, transferring or renewing caravan site licences. So whilst Environmental Health receives each application, prepares each licence together with terms and conditions, and provides all technical, inspection and enforcement input, it cannot finalise and issue licences without involving another service. This inevitably leads to an avoidable delay in issuing licences and unnecessarily involves two separate services in granting one licence.
- 1.3 Discussions have taken place between the two services, and it is felt that the system could be improved by transferring the final element of responsibility - signing new, renewed and transferred licences - to Health and Housing Services. This would fit comfortably with where caravan site licensing work already sits within Health & Housing and it would make the issuing of licences

more streamlined.

- 1.4 This requires an amendment to the scheme of delegation to authorise the Head of Health and Housing and officers designated in writing by her to issue licences under the Caravan Sites and Control of Development Act 1960. The current delegation is to the Head of Governance.

2.0 Proposal Details

- 2.1 It is proposed that responsibility for issuing the licences will pass to Health and Housing from 1st March 2012. Health and Housing are already responsible for all other aspects of these licences.

- 2.2 This means that an amendment to the Scheme of Delegation is required to authorise the Head of Health and Housing and officers designated in writing by her to issue licences under the Caravan Sites and Control of Development Act 1960. The current designation is to the Head of Governance.

3.0 Details of Consultation

- 3.1 Discussions have taken place between Health and Housing Services and Legal and Licensing Services. Both consider the proposal desirable from an operational point of view. This is a simple administrative issue and there has been no need for any other consultation.

4.0 Conclusion

- 4.1 The amendment of the scheme of delegation is required to formalise the proposed operational arrangements so that there is formal authority for the Head of Health and Housing to issue these licences.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
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None

LEGAL IMPLICATIONS

The Head of Legal and HR has been consulted and has no further comments.
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FINANCIAL IMPLICATIONS

This proposal will generate no additional work and it has no resource implications.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

BACKGROUND PAPERS

Caravan Sites and Control of Development
Act 1960

Contact Officer: Susan Clowes

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Ref: LRC2

LICENSING REGULATORY COMMITTEE**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976
PRIVATE HIRE VEHICLE LICENSING – REQUEST FOR
WAIVER OF LICENCE CONDITIONS REQUIRING DISPLAY
OF UNIFORM DOOR SIGNAGE****16 February 2012****Report of Licensing Manager****PURPOSE OF REPORT**

An application for 2 private hire vehicle licences has been received from Mr. G Bunford. Along with his applications the applicant has requested a waiver of the standard licence condition requiring the display of the Council's uniform door signage. He has not requested a waiver of the standard condition which requires the vehicle to display a front and rear plate. The purpose of this report therefore is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant's request for a waiver of the standard vehicle licence conditions requiring the display of the Council's uniform door signage.

1.0 Introduction

- 1.1 Under section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates under Section 48(6) of the above Act. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates' Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire vehicle licence.

- 1.3 Members will note that condition No. 3 of the standard conditions provides that a plate "shall be securely fixed to the rear of the vehicle in a conspicuous position and a further plate should be fixed at the front of the vehicle.
Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle."
- 1.4 Some Members may recall that the licence conditions requiring the Council's uniform sign to be displayed on the front doors of hackney carriage and private hire vehicles were updated last year. The purpose of uniform signage is to differentiate between a hackney carriage and a private hire vehicle and to increase public safety.
- 1.5 An application for 2 private hire vehicle licences has been received from Mr. G Bunford; he has also applied to be licensed as a private hire operator. In his applications, Mr Bunford has proposed to license 2 Stretch Limousines. Mr. Bunford has requested a waiver of the standard licence conditions requiring the display of the Council's uniform door signage on the grounds that he is operating executive travel, he has not requested a waiver of the condition which requires the vehicles to display the Council's front and rear plates.
- 1.6 Mr. Bunford has been invited to attend the meeting to make representations in support of his request. Arrangements are also being made to enable Members to view the applicant's vehicle prior to this meeting.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence conditions requiring the display of the Council's uniform door signage.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Should Members be minded to refuse the applicant's request for a waiver of certain standard licence conditions the applicant would have a right of appeal to the Magistrates' Court against the issue of a licence which included those conditions.

BACKGROUND PAPERS

None

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LICENSING REGULATORY COMMITTEE**Sexual Entertainment Venues Policy****16 February 2012****Report of Licensing Manager****PURPOSE OF REPORT**

The report seeks Members' approval of the adoption of a Sexual Entertainment Venues Policy for the Council, and approval of the fees structure as set out in the report.

This report is public

RECOMMENDATIONS

That the attached Draft Sexual Entertainment Venues Policy be adopted, and that the licence fees as set out in the report be approved.

1.0 Introduction

- 1.1. As Members will be aware, the Licensing Service is responsible for regulating a wide range of functions including the licensing of Sexual Entertainment Venues.
- 1.2. Members may recall that at a meeting of this Committee on the 2 September 2010, they recommended that Council adopt new provisions to regulate Sexual Entertainment Venues (SEV's). The resolution was subsequently made under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 stating that Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 has been adopted and shall apply to the Council's area from the 1 November 2010. The report is attached at appendix 1 to this report.
- 1.3. An SEV is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." Whereas the meaning of 'relevant entertainment' is given as "any live performance or 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 an audience (whether by verbal or other means)."
- 1.4. The adoption of these new measures does not give such premises an automatic entitlement to operate within the area; rather it provides the Council with the means by which applications for such premises can be properly determined. Furthermore, it provides the Council with the means to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 and will give local people a

greater say over the regulation of lap dancing clubs and similar venues in the Lancaster City Council district.

- 1.5 To date we have not received any applications for such premises, this report is simply brought to ensure that a policy and procedure is in place should an application be received at any time in the future.
- 1.6 The Licensing Manager has drafted a policy on the procedure for licensing Sexual Entertainment Venues, as well as guidance for applicants, and seeks member 'approval of its adoption. A copy of the draft policy is attached at appendix 2 to this report, and the guidance is attached as appendix 3.
- 1.7 Members will also need to consider the setting of fees for the licensing of Sexual Entertainment Venues and approve an appropriate fee level. For the purpose of this the licensing manager recommends the following fees are approved.

Grant	£5125
Renewal	£5125
Variation	£2500
Transfer	£5125
Change of name	£50

2.0 Conclusion

- 2.1. Members are recommended to approve the proposed Sexual Entertainment Venues Policy. They are also recommended to approve the fees structure as set out in this report, or to approve an alternative fees structure, and to approve immediate implementation.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications as a result of this report.</p>	
<p>LEGAL IMPLICATIONS</p> <p>Legal Services have been consulted and have no further comments.</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP</p>

LICENSING REGULATORY COMMITTEE

Adoption of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009

2nd September 2010

Report of the Licensing Manager

PURPOSE OF REPORT

To inform Members of amendments to the Local Government (Miscellaneous Provisions) Act 1982 with regard to the licensing of sex establishments, introduced by the Policing and Crime Act 2009, and to enable the Committee to make recommendations to Council to make the appropriate resolution to apply the new provisions in the district.

This report is public

RECOMMENDATION

- (1) That Council be recommended to resolve under Section 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to that Act as amended by Section 27 of the Policing and Crime Act 2009 is to apply to the area of the Council from the 1st November 2010, and that the Head of Legal and Human Resources be authorised to arrange for the publication of notices as required by Section 2(2) of the 1982 Act.

1.0 Background

- 1.1 Members may be aware that in September 2008 the then Home Secretary announced the Government's intention to give local people greater say over the number and location of lap dancing clubs in their area. This followed consultation with Local Authorities which highlighted concerns that existing legislation did not give communities sufficient powers to control where lap dancing clubs were established.
- 1.2 In an attempt to address these concerns, Section 27 of the Policing and Crime Act 2009 (the 2009 Act) reclassifies lap dancing clubs and similar establishments into a new category of Sex Establishment called a 'Sexual Entertainment Venue' (SEV) and gives Local Authorities in England and Wales the power to regulate such venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act). For Members' information, Schedule 3 of the 1982 Act refers to the licensing of 'Sex Establishments', i.e. sex shops and sex cinemas, and has been amended to include paragraph 2A which defines a SEV and 'relevant entertainment'.
- 1.3 A SEV is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." Whereas the meaning of 'relevant entertainment' is given as "any live performance or

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 an audience (whether by verbal or other means).”

- 1.4 Both definitions aim to provide a pragmatic interpretation and therefore an audience can consist of just one person. Whilst the determination of each case will be judged on its merits, it is expected that the definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
- Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows
- 1.5 As this list is only indicative, ultimately, decisions as to whether to license premises as SEVs shall depend on the content of the entertainment provided and not the name it is given. Furthermore, a ‘premises’ will include any vessel, vehicle or stall but does not include a private dwelling to which the public are not admitted.
- 1.6 Paragraph 2A also defines those premises that would not be classed as SEVs, namely:
- sex shops and sex cinemas (which are separately defined in Schedule 3 to the 1982 Act);
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where:
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.
 - other premises or types of performances or displays exempted by an order of the Secretary of State.
- 1.7 The new powers also amend the Licensing Act 2003 (the 2003 Act) to ensure that premises for which an SEV licence is required, or held, do not also require a Premises Licence, Club Premises Certificate or Temporary Events Notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of ‘regulated entertainment’ found in the 2003 Act. However, if the premises also provide other licensable activities (e.g. the sale/supply of alcohol or the provision of regulated entertainment that is not relevant entertainment), they will nevertheless continue to require the relevant authorisation under the 2003 Act.
- 1.8 Because the new licensing arrangements are to be dealt with under the Local Government (Miscellaneous Provisions) Act 1982 rather than the Licensing Act 2003, they would fall within the remit of this Committee rather than the Licensing Act Committee.

2.0 Current Position

- 2.1 As with the powers to license sex cinemas and sex shops under the original provisions of Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, these powers are not mandatory and will only apply where they are adopted. This Council resolved on the 3rd November 1982 that the provisions of the original Schedule 3 should apply with effect from the 1st January 1983. In order to apply the new provisions introduced by Section 27 of the 2009, as set out above, it is necessary for the Council to make a further resolution under Section 2 of the 1982 Act.
- 2.2 This new legislation took effect on 6th April 2010 in England and can be adopted from that time. The adoption of these new measures does not give such premises an automatic entitlement to operate within the area; rather it provides the Council with the means by which applications for such premises can be properly determined. Furthermore, it would provide the Council with the means to refuse an application on potentially wider grounds than is permitted under the 2003 Act and will give local people a greater say over the regulation of lap dancing clubs and similar venues in the Lancaster City Council district.
- 2.3 Conversely, if the Council decides not to adopt the new powers to regulate SEVs, such premises can operate without licence and without appropriate controls.
- 2.4 It should be noted that if the Council has not adopted the new legislation by the 6th April 2011, Section 27 of the 2009 Act places an obligation on the Council to undertake a public consultation exercise to ascertain whether it should do so.

3.0 Procedure

- 3.1 The procedure to adopt the new provisions is set out in Section 2 of the 1982 Act. Firstly, the Council must pass a resolution that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the 2009 Act, is to apply its area. The resolution must specify the day on which it shall come into force. The specified day must be more than one month after the day on which the resolution was passed.
- 3.2 The Council must then publish a Notice that it has passed the resolution for two consecutive weeks in a local newspaper. The first publication must not be later than 28 days before the day specified in the resolution for the provisions to come into force. The Notice should state the general effect of the resolution. On the basis that the Committee recommends Council to make the appropriate resolution, this could be considered by Council at its meeting on the 15th September 2010, and the resolution could be effective from the 1st November 2010.

4.0 Fees

Schedule 3 to the 1982 Act states that an applicant for the grant, renewal, variation or transfer of a Sex Establishment licence shall pay a reasonable fee determined by the appropriate authorities. The fee for the grant of a Sex Establishment licence is currently £5125.00 for an initial grant and then £2500 for renewal. If the appropriate resolution is passed by Council, recommendations will be brought to this Committee for an appropriate licence fee for an SEV licence.

5.0 Overview of the licensing process

The process by which Sex Establishments are licensed remains unchanged, as Section 27 of the 2009 Act only amends the definition of a Sex Establishment to include SEV's rather than to create a new licensing regime. Accordingly, an applicant for a Sex Establishment licence must submit the

application to the Council, including the prescribed fee, and advertise the application in the local press and on the premises. After the statutory 28 days whether objections are received or not the application would be determined by a hearing of the Licensing Regulatory Committee, which would resolve either to grant the licence (with additional conditions if necessary) or refuse the application on one or more of the grounds contained in the 1982 Act.

6.0 Conclusion

6.1 As detailed above, the Council must pass a resolution if it wishes to adopt these new provisions. The resolution must be made under Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 stating that Schedule 3 as amended by Section 27 of the Policing and Crime Act 2009 has been adopted and shall apply to the Council's area.

6.2 The resolution must be made by full Council, and the Committee is therefore asked to recommend Council to make such a resolution and authorise the Head of Legal Services and Human Resources to publish the appropriate statutory Notice.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>The cost of the statutory notices can be met from the corporate advertising budget</p> <p>Any costs associated with Licensing Enforcement officers' work involved in monitoring licensed premises will be met from within existing resources.</p>	
<p>LEGAL IMPLICATIONS</p> <p>The report has been prepared on behalf of the Head of Legal and Human Resources.</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Ms W Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP</p>



Lancaster City Council

Policy, Procedure and Guidance for the Determination of applications for Sexual Entertainment Venues

DRY

Policy and Procedure for the Determination of Applications for Sexual Entertainment Venues

In determining applications for sexual entertainment venue licences the Licensing Regulatory Committee shall treat each application on an individual basis, on its own merits, in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and having regard to the following matters.

Grounds for Granting or Refusing the Application

A decision to refuse the licence may not be made solely on the ground that the establishment may cause offence. A licence must be refused on any of the grounds listed in paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, that is to say:-

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate that was not incorporated in the United Kingdom; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when 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.

A licence may be refused where any of the following matters mentioned in paragraph 12(2) and (3) applies:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
- (b) That if the licence were to be granted, renewed, varied 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, variation or transfer of such a licence if he made the application himself.

With regard to the unsuitability of an applicant to hold a licence (see (a) above), officers will make diligent enquiries with the applicant to establish:-

- That the operator is honest
- That the operator is qualified by experience to run the type of sex establishment in question
- That the operator understands the general conditions
- That the operator is proposing a management structure which delivers compliance with the operating conditions, e.g. through: - managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers

- That the operator can be relied upon to act in the best interests of performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- That the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation.
- That the operator can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record.

With regard to (b) above by interviewing the applicant and the questions asked in the application form officers will try to establish that there would be no third party beneficiary.

(c) That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality. Consideration will be given to the relevant locality, and to the number of sexual entertainment venues suitable for it. The locality cannot include for example the whole of the administrative area or an entire town. The relevant locality might cover the area of a ward, specific estates, shopping areas or areas bounded by rivers and major roads or the Committee may wish to consider a distance x metres from the applicant premises or some other nearby landmark as comprising the relevant locality. When considering the number of premises that is appropriate for the locality, the following factors will be taken into account:-

- The suitability of the applicant.
- The character of the locality - e.g. family residential / family leisure / educational.
- Presence of sensitive uses - e.g. places of worship, schools, youth clubs, community centre, library, park, swimming pool.
- Gender equality - will this use deter female users of the locality
- Fear of crime, as well as actual crime.
- Regeneration / tourism efforts and the effect of sex-related uses.
- Views of other authorities e.g. police, environmental health, regeneration and policy.
- Level of genuine demand - excess supply may drive down standards and encourage non-compliant conduct.

The number can be nil, but this decision needs to be rationally underpinned.

(d) That the grant or renewal of the licence would be inappropriate, having regard to the

- (i) character of the relevant location; or
- (ii) use to which any premises in the vicinity are put; or

(iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Consideration will be given to the following in this regard:

(i) the character of the relevant locality:

Regard will be given to the following points when addressing relevant locality:-

- Uses of the area e.g. commercial, industrial, mixed commercial, residential
- Users of the area e.g. adults, children, shoppers
- How the area is perceived e.g. tourist attraction, shopping centre
- Is there a local vision/plan for the area
- What type of area would not be acceptable in character terms e.g. predominantly residential areas and small communities with little commercial activity
- What areas might be acceptable e.g. In the larger towns on commercial streets later at night when other commercial activities have closed, or on mixed commercial sites out of towns

(ii) the use to which any premises in the vicinity are put. Regard will be given to the proximity of the proposed establishment to schools, places of worship and premises such as nurseries, playgroups, village halls and playgrounds.

(iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. The premises should meet or can be made to meet the layout and structural requirements set out in the "standard conditions for sexual entertainment venue licence" attached to this document.

STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES

1. 'The Council' shall mean Lancaster City Council
2. 'Sexual Entertainment Venue' means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).
3. 'Authorised officer' means an officer employed by Lancaster City Council and authorised by Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.
4. 'Premises' includes any vehicle, vessel, or stall but does not include any private dwelling to which the public is not admitted.
5. 'Special Conditions' shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3

aforesaid, but does not include any private dwelling to which the public is not admitted.

6. 'Licence' means any sexual entertainment venue licence that the Council can grant under this Act. This includes any associated consent or permission.
7. 'Licensee' means the holder of a sexual entertainment venue licence.
8. These conditions may be dispensed with, added to or modified by the Council in any special case.
9. Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
10. If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council.
11. 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). The following are not sexual entertainment venues for the purpose of this Schedule
 - sex cinemas and sex shops
 - premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time: there have not been more than eleven occasions on which relevant entertainment has been so provided which fall(wholly or partly) within the period of 12 months ending with that time;
 - no such occasion has lasted more than 24 hours; and
 - no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned above)
 - premises specified or described in an order made by the relevant national authority.

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.

1. Exhibition of the Licence

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the Council. A copy of the Conditions attached to the Licence shall be kept on the premises and be available for inspection by an Authorised Officer of the Council, or the Police or Fire Authority

2. Hours of Opening

Except with the written consent of the Council, the premises shall not remain open to the public outside the hours licensed.

3. Conduct on the Premises

a) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises.

b) Relevant entertainment shall only be performed by the entertainer there must be no audience participation.

c) Entertainers shall be aged not less than 18 years and be accompanied and monitored by a member of security staff licensed by the Security Industry Authority to protect the entertainer from harm.

d) Entertainers shall only perform on the stage area, to seated and segregated customers or in such other areas of the licensed premises as may be agreed with the Licensing Authority.

e) The licensee shall not permit the display outside the premises of photographs or other images that indicate or suggest the striptease or similar entertainment takes place on the premises to be offensive.

f) There must be no physical contact between performers and no photography on the premises.

g) There must be no physical contact between performers and customers before, during or after the performance, (other than the transfer of money or tokens to the hands of the entertainer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

h) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience.

i) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation.

j) No performance shall be visible to any person outside the premises (e.g. through windows or open doors).

k) Sex toys must not be used and penetration of the genital area by any means must not take place.

l) Podium dancers must not entice other dancers onto the podium;

m) Patrons shall not be permitted to throw money at the performers.

n) Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

4. External Appearance of the Premises

a) There shall be displayed in each entrance or doorway to the premises a notice which states the following ; -

“WARNING”

“STRICTLY NO ADMITTANCE TO PERSONS UNDER 25 YEARS OF AGE. THIS PREMISES OPERATES A CHALLENGE 21 POLICY AND PERSONS UNDER THE AGE OF 21 SHALL BE REQUIRED TO SHOW PROOF OF THEIR AGE”

The word “**WARNING**” must appear as a heading and no pictures or other matter shall appear on the notice.

b) No other words or signs, or any displays or advertisements, shall be displayed on the outside or in the vicinity of the premises except those mentioned in conditions 4(a) above or otherwise approved by the Council in writing. Leafleting is not permitted

c) The licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

d) The entrance to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by whilst “relevant entertainment” is being performed.

e) Windows and any form of openings to the premises other than entrances shall either be obscured by blinds, or a material approved by the Council. Door entrances shall also be obscured by blinds or material approved by the Council so as to prevent any member of the public from seeing through to the premises whilst “relevant entertainment” is being performed.

5. Condition and layout of the premises

a) External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.

c) No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee shall seek advice from the Council.

d) Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

6. Management of the premises

a) The licensee, or a responsible person nominated by him for the purpose of managing the sexual entertainment venue ('the Manager') shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the Council or police.

The licence holder shall ensure that any person nominated by him under the above: -

(i) Has been provided with a copy of the conditions relating to the premises and is fully conversant with them;

(ii) Is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.

b) Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.

c) The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.

d) The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The Council must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.

e) The licensee shall ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.

f) No person under the age of 18 shall be admitted to the premises and a Notice to this effect, in accordance with condition 4a) shall be displayed on the outside of the premises.

g) The licensee shall operate a Challenge 25 Policy and persons under the age of 25 shall be required to show proof of ID. A notice to this effect, in accordance with Condition 4a) shall be displayed on the premises.

h) The licensee shall not employ any person under 18 years of age in the business of the establishment.

i) The licensee shall be responsible for ensuring compliance with these and any special conditions of the licence and shall be held responsible for any breach thereof.

j) The licensee shall comply with all statutory provisions and any regulations made there under.

7. Safety and Security

- a) The licensee shall install a CCTV system covering all of the licensed area. This system shall be linked to a date and time recording facility and the system shall provide a high standard recording facility that will be admissible in court. This CCTV system shall be maintained in good working order and shall operate at all time when the premises are open.
- b) The licensee shall comply with fire prevention and safety measures that the Council may require.
- c) The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

8. Vessels, Stalls and Vehicles

- a) In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel or stall from the location specified in the licence unless 28 days' written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application. This requirement shall not apply to a vessel, vehicle or stall, habitually operating from a fixed location, which is regularly moved (whether under its own propulsion or otherwise) from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that which is specified in the licence.

9. Variation of Conditions

- a) The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case as it thinks fit.
- b) Applications to vary conditions of the Licence shall be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

10. Change of Licensee name

An application in respect of a change of licensee name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to permit or refuse such change.

11. General

- a) The licence hereby granted shall operate for one year from the date on the Licence, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council.

b) The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(as amended).

c) The licensee shall afford all reasonable assistance to authorised officers in connection with these conditions and other licensing requirements.

d) In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sexual entertainment venue, the special conditions shall prevail.

e) The grant of a Licence for a Sexual entertainment venue should not be deemed to convey any approval or consent which may be required under any enactment, bye-law, Order or Regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

f) The Licensee shall provide (subject to the approval of both the Police and Licensing Authority) a code of conduct for dancers and rules of conduct for customers.

g) Licensees shall ensure performers have secure dressing rooms and proper sanitation facilities available to them.

h) Suitable numbers of SIA licensed door staff (numbers to be subject to police and licensing Authority approval) will be present on the premises during the performance of relevant entertainment.

i) Suitable and sufficient training to be provided to all staff including the Licensee. The training of all staff to be recorded and these documents to be made available upon request to both the police and authorised Council Officers.

j) All club rules (customer conduct, dispersal policies, etc) to be prominently displayed on the premises.

Fees

Grant £5125

Variation £2500

Renewal £5125

Transfer Fee £5125

Change of Name £50

A fee of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual Entertainment Venue Licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.



**Sexual Entertainment
Venues
Application Form
&
Licence Application
Procedure**

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SEXUAL ENTERTAINMENT VENUES – LICENCE APPLICATION PROCEDURES

INTRODUCTION

These procedures set out the Council's standards for determining applications for, and enforcement of, sexual entertainment venues in the Lancaster district.. Lancaster City Council has adopted Section 27 of the Policing and Crime Act 2009 which amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to licence sexual entertainment venues, where relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. The Council will apply these guidelines to sexual entertainment venues in its area to ensure consistency of decision making, however, each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

Section 1 Interpretation

In this procedure:

The Act means the Local Government (Miscellaneous Provisions) Act 1982

Applicant means the applicant for the grant, variation, renewal or transfer of a licence as appropriate.

Application means an application for one or more of the following, as the case may be:

- a) grant of a licence;
- b) transfer of a licence;
- c) renewal of a licence;
- d) variation of a licence

Audience includes an audience of one

Authorised Officer means an officer employed by Lancaster City Council and authorised by Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

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.

Financial gain for the purposes of the meaning of sexual entertainment venue and relevant entertainment it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

Licence means any sexual entertainment venue licence that the Council can grant under the Act. This includes any associated consent or permission.

Licensee means the holder of such a sexual entertainment venue licence.

Objector means any person who has given Notice of Objection in accordance with Paragraph 10 (15) of the Schedule.

Observations means the giving of views by the statutory authorities such as the Police Authority.

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

Parties means the applicant(s) and any objector(s) to the grant of the application. In the case of revocation proceedings it means the licensee and the persons seeking revocation.

Premises includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

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). The following are not sexual entertainment venues for the purpose of this Schedule

- sex cinemas and sex shops
- premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time: there have not been more than eleven occasions on which relevant entertainment has been so provided which fall(wholly or partly) within the period of 12 months ending with that time; no such occasion has lasted more than 24 hours; and no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned above)
- premises specified or described in an order made by the relevant national authority.

Relevant National Authority means in relation to England, the Secretary of State

Revocation means the revocation of a licence under Paragraph 17 of the Schedule or a proposal to revoke the licence.

Sexual Entertainment Venue means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).

The Council means Lancaster City Council.

The Licensing Regulatory Committee means Lancaster City Council's Licensing Regulatory Committee.

The Schedule means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009

Procedure for Determining Sexual Entertainment Venue Licence Application

Section 1 Submission of the Application

An application for a sexual entertainment venue licence must be made to Lancaster City Council on the form shown in **Appendix 1** and include:

- A site plan (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue by marking the site/premises boundary with a red line.
- A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to license as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan.
- Full Licence Fee and completed application form. This will be rejected and returned to the applicant if all the relevant boxes are incomplete or additional documentation not enclosed.

The application must be complete and all information provided otherwise it will be rejected.

Additionally, public notice of the application shall be given by:

- Displaying a prescribed notice in, on or near the premises, in a place where it can be conveniently read by the public, continuously for 21 days beginning with the date of the application. The Notice shall be of a size equal or larger than A4, of a Yellow colour and printed legibly in black ink or typed in a font of a size equal to or larger than 16. The format of the approved notice is given in **Appendix 2(a)**.
- By publishing an advertisement detailing the above notice in a local newspaper circulating in the area not later than 7 days after the date of the application, see
- **Appendix 2(b)**.
- By sending Lancaster City Council one complete copy of the newspaper containing the Advertisement to the Council as soon as is reasonably practicable.
- NB Templates of both Notice and advert are available from the authority upon request. As well as sending a complete copy of the application together with the appropriate fee to Lancaster City Council, the applicant must also send a copy of the completed application form to the Chief Officer of Police at within 7 days of the application being made. Help in completing the application form can be obtained from the Council's Licensing team on 01524 or by contacting licensing@lancaster.gov.uk.

Section 2 Consultations on Applications Made

Before a sexual entertainment venue licence is granted or renewed the applicant has to serve a copy of the application on the Chief Officer of Police at Lancaster Police Station. Further, a Notice of the application has to be displayed on the premises for 21 days and another Notice advertised in a local newspaper, this forms the necessary consultation required (see Section 1 above). Details of all such applications will be posted on the Council's website at www.lancaster.gov.uk for residents and local people to comment on.

Objections to the application must be made in writing and be received by the licensing authority within 28 days of the application being made. The objection should state in general terms the grounds of objection

Section 3 Inspection of Sexual Entertainment Venue

On receipt of an application the premises will be visited and inspected by an Authorised Officer of the Council to determine compliance with the sexual entertainment venue licence conditions given in **Appendix 3**. Following on from this a report will be prepared for submission to a hearing of the Licensing Regulatory Committee. The applicant will be notified in writing of the date and time of the hearing when their application is to be considered. The date of this hearing will be within 30 working days from the day following the end of the consultation period. One extension, for a limited period of time can be made to this timescale but notice will be given to the applicant with reasons for the extension before the expiry of the original time period.

NB please note that tacit consent will not apply for public interest reasons.

Section 4 Report Submitted to the Licensing Regulatory Committee

Following inspection of the proposed establishment a report will be prepared for consideration by the Council's Licensing Regulatory Committee.

NB All new and variation applications shall be referred to the Council's Licensing Regulatory Committee.

If objections are received against the granting of a sexual entertainment venue licence, copies of such objections will be included in the authorised officer's report to the Licensing Regulatory Committee for consideration when determining the application. Persons making written objections will also be informed of the date and time of the Licensing Regulatory Committee hearing where they will be invited to address the Committee and ask questions relating to the application. The Council shall not, without the written consent of the person making the objection, reveal his name or address to the applicant.

Sections 5 Determining and Granting an Application

In determining applications for sexual entertainment venues, the Licensing Regulatory Committee shall have regard to the relevant matters of the Schedule shown in **Appendix 4** and licence conditions contained in **Appendix 3**. Each case though will be assessed on its merits and individual circumstances where appropriate, may be taken into consideration.

The Licensing Regulatory Committee will consider applications; hear objections and appeals in relation to the application.

The role of the Licensing Regulatory Committee is to:

- Determine applications, or
- Determine applications to vary or remove conditions. As stated above once arrangements have been made for the application to be heard by the Licensing Regulatory Committee, the applicant will be advised, in writing, of the date, time and place where the application will be heard. The applicant will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague. The Licensing Regulatory Committee hearing will follow the same procedure that currently applies to applications under the Licensing Act 2003. Copies of this procedure will be sent to the applicant in advance of the meeting, along with the officers reports that will be presented at the hearing.

In determining an application the Licensing Regulatory Committee will consider the applicant's presentation and supporting documentation may be submitted to the Licensing Regulatory Committee for consideration.

The Licensing Regulatory Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and the applicant.

After hearing the evidence presented to it, the Licensing Regulatory Committee will retire and come to a decision on the application. When a decision has been reached the Licensing Regulatory Committee will inform the applicant of their decision and the reasons for coming to that particular decision. The decision of the Licensing Regulatory Committee will be confirmed, in writing, to the applicant within 5 working days of the meeting at which the application was considered giving reasons for the decision.

Where objections have been raised to the granting of a sexual entertainment venue licence the Licensing Regulatory Committee will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Licensing Regulatory Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be circulated to members of the Licensing Regulatory Committee in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will be given a broad indication of the proximity of the objector's property in relation to the proposed Sexual Entertainment venue.

The Licensing Regulatory Committee will always strive to ensure that when it is considering an application that all persons get a proper and fair hearing through:

- Considering each case on its merits.

- Using these guidelines to assess applications where it is felt appropriate.
- Dealing with the application in a balanced and impartial manner.
- Ensuring that the rules of natural justice are applied in any hearings held.
- Giving a person making an application or an objection sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their appeal or objection. When a sexual entertainment venue licence is granted by the Licensing Regulatory Committee, the Licence will be provided to the applicant as soon as possible.

Section 9 Criteria for Refusal of an Application

The grounds for refusal are given in **Appendix 4**; The Council will consider its own policy when determining any application.

Section 10 Appeals Against Decisions

The Local Government (Miscellaneous Provisions) Act 1982, Section 27 permits appeals against the decisions of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates' Court. An appeal should be made within 21 days of the decision to the Magistrates Courts'. An appeal can be made in the following circumstances:

- Refusal of an application for the grant, renewal or transfer of a licence.
- Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held.
- A grievance relating to any term, condition or restriction on or subject to which a licence is held.
- Revocation of a licence.

There is no right of appeal for objectors

There is a right of appeal against refusal on mandatory grounds, only where the appellant alleges that the grounds did not apply to them.

There is no right of appeal against refusal on the grounds that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

A person wishing to appeal against a Council decision on a sexual entertainment venue licence is strongly advised to seek assistance from a solicitor, prior to commencing action in a Court of Law.

Section 11 Issue of Sexual Entertainment Venue Licences

Sexual entertainment venue licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence.

Cheques should be made payable to Lancaster City Council.

Fees

Licence Fee (grant new licence) £5125

Licence Variation £2500

Renewal Fee £5125

Transfer Fee £5125

Change of Name £50

A fee of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual entertainment venue licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council



Lancaster City Council
Licensing Department
Governance
The Town Hall
Dalton Square
Lancaster
LA1 1PS
Telephone 01524
Email: licensing@lancaster.gov.uk

For Office Use	
Application Ref. No.	
Visited	
Officer	
Licence issued	

Form of Application for a Sexual Entertainment Venue Licence

Local Government (Miscellaneous Provisions) Act 1982.
Please complete in **BLOCK CAPITALS** and **BLACK INK**

SECTION A – ABOUT THE APPLICANT

Is the applicant:	a) An individual <input type="checkbox"/> b) A partnership or other unincorporated body <input type="checkbox"/> c) A body corporate <input type="checkbox"/>
Give the full name of the applicant(s) or body applying for the licence. If an individual or partnership, please state any previous name(s), date name changed together with date and place of birth.	
Telephone number on which the applicant(s) can be contacted during office hours	
Address to which any communications can be sent	
Applicants permanent address. If a company, please give the registered or principal address	
If the applicant is a company, please supply the following information on a separate sheet in respect of each Director and persons who will manage or otherwise be involved in running the establishment or who have an interest/will benefit	Forename, Surname, Former Names (and date name changed), Permanent Address, Date of Birth, Place of Birth.

SECTION B – ABOUT THE PREMISE

Trading name, address, telephone number and internet address (where applicable) of premises to be licensed	Name: Address: Tel: e-mail/website:
Part of premises to be licensed (e.g. ground floor, first floor etc)	
Please provide details of what form of relevant entertainment will be performed on the premises	
If only part of the premises are to be used, to what use are the other parts of the premises put?	
Please state the name(s) of the person(s) responsible for running the part(s) of the premises that are not to be used as a sexual entertainment venue.	
If the premises are already used as a sexual entertainment venue, please give the name and address of the persons or body who now operate the business, and the date on which the premises were first used as a sexual entertainment venue	
Is the application in respect of a premises, vehicle or vessel?	Premises <input type="checkbox"/>
	Vehicle <input type="checkbox"/>
	Vessel/Stall <input type="checkbox"/>
If the application is in respect of a vehicle, stall or vessel , please state where it is to be used as a sexual entertainment venue	
Are the premises fitted with a CCTV System?	

<p>Please confirm the number of SIA door staff to be present on the premises whilst relevant entertainment is being performed</p>	
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SECTION C – ABOUT THE LICENCE

<p>FIRST APPLICATION Choose this option if this is the first time this premises has been licensed or if the previous licence held by the premises has lapsed. You MUST provide a copy of a plan of the premises with the application to enable it to be processed</p>	
<p>RENEWAL APPLICATION Choose this option if you already hold a licence for the premises that is due to expire shortly</p>	
<p>VARIATION APPLICATION Choose this option if you are proposing to change the hours of operation, or the premises layout (new plans may be required depending on the scale of alterations) etc</p>	
<p>TRANSFER APPLICATION Choose this option to transfer the licence from one licence holder to another</p>	

SECTION D – ABOUT THE BUSINESS

<p>Under what name is or will the business be known?</p>	
<p>What means are to be taken to prevent the interior of the premises being viewed by passers by?</p>	
<p>State which days and hours you intend to open the premises</p>	<p>Monday</p> <hr/> <p>Tuesday</p> <hr/> <p>Wednesday</p> <hr/> <p>Thursday</p> <hr/> <p>Friday</p> <hr/> <p>Saturday</p> <hr/> <p>Sunday</p>

SECTION E – OTHER PARTICULARS TO BE PROVIDED

<p>A site plan, with the premises outlined in red – Scale 1:500</p>	<p align="center"><input type="checkbox"/></p>

Scale plan of the premises (1:50) in respect of which the licence is sought including all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.	<input type="checkbox"/>
A complete copy of the newspaper in which the notice of the application has been published (this must be sent within seven working days of making the application)	<input type="checkbox"/>

SECTION F - DECLARATION

I/We enclose the requisite fee	<input type="checkbox"/>
I/We confirm that a copy of this application has been served on the Chief Officer of Police at Lancaster Police Station within 7 days of the application being submitted	<input type="checkbox"/>
I/We confirm that a notice publicising this application will be displayed for 21 days beginning with the date of the application on or near the premises and in a place where it can conveniently be read by the public	<input type="checkbox"/>
I/We confirm that a Notice of application has been given by publishing an advertisement in a Local Newspaper circulating in the local area. The publication of the notice shall not be later than seven days after the date of application	<input type="checkbox"/>

DECLARATION BY APPLICANT FOR LICENCE

I understand that any person who, in connection with an application for the grant, renewal or transfer of a licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence punishable on summary conviction by a fine not exceeding £20,000.

I declare that the information I have given in this form is true and complete in every respect. Where the application is made is on the behalf of a Limited Company, the Company Secretary or Director(s) should sign this form, In the case of a Partnership each Partner should sign.

Signed		Signed	
Name		Name	
Capacity		Capacity	
Date		Date	

Appendix 2(a)

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)
SCHEDULE 3-CONTROL OF SEXUAL ENTERTAINMENT VENUES
APPLICATION NOTICE FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE**

Application has today been made to Lancaster City Council in accordance with Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for a sexual entertainment venue licence in respect of the premises named below.

Address of Premises

Signature of Applicant

Name of Applicant

Date

Any objections to this application should be made not later than 28 days after the date hereon in writing stating in general terms the grounds for objection to:

**The Licensing Manager
Governance
Lancaster City Council
The Town Hall
Dalton Square
Lancaster
LA1 1PS**

PLEASE NOTE: Objections will be sent to the applicant and will become public documents. Personal details such as name, address and telephone number will be removed.

This notice to be prominently displayed on the outside of the premises for a period of twenty-one days after the date hereon.

Appendix 2(b)
Press Notice

**SEXUAL ENTERTAINMENT VENUE
LICENCE
LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982 (as amended)
APPLICATION FOR GRANT OF A LICENCE**

Take notice that on

I/We

Of

Made application to Lancaster City Council for the grant of a sexual entertainment venue licence at (address of proposed premises):

**Any objections to this application should be made to :
The Licensing Manager
Governance
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA**

Within 28 days from the date of this advertisement stating in general terms the grounds of objection

PLEASE NOTE: Objections will be sent to the applicant and will become public documents. Personal details such as name, address and telephone number will be removed.

STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES

1. 'The Council' shall mean Lancaster City Council
2. 'Sexual Entertainment Venue' means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).
3. 'Authorised officer' means an officer employed by Lancaster City Council and authorised by Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.
4. 'Premises' includes any vehicle, vessel, or stall but does not include any private
5. dwelling to which the public is not admitted.
6. 'Special Conditions' shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid, but does not include any private dwelling to which the public is not admitted.
7. 'Licence' means any sexual entertainment venue licence that the Council can grant under this Act. This includes any associated consent or permission.
8. 'Licensee' means the holder of a sexual entertainment venue licence.
9. These conditions may be dispensed with, added to or modified by the Council in any special case.
10. Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
11. If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council.
12. 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). The following are not sexual entertainment venues for the purpose of this Schedule
 - sex cinemas and sex shops
 - premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time: there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
 - no such occasion has lasted more than 24 hours; and

- no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned above)
- premises specified or described in an order made by the relevant national authority.

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.

1. Exhibition of the Licence

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the Council. A copy of the Conditions attached to the Licence shall be kept on the premises and be available for inspection by an Authorised Officer of the Council, or the Police or Fire Authority

2. Hours of Opening

Except with the written consent of the Council, the premises shall not remain open to the public outside the hours licensed.

3. Conduct on the Premises

a) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises.

b) Relevant entertainment shall only be performed by the entertainer there must be no audience participation.

c) Entertainers shall be aged not less than 18 years and be accompanied and monitored by a member of security staff licensed by the Security Industry Authority to protect the entertainer from harm.

d) Entertainers shall only perform on the stage area, to seated and segregated customers or in such other areas of the licensed premises as may be agreed with the Licensing Authority.

e) The licensee shall not permit the display outside the premises of photographs or other images that indicate or suggest the striptease or similar entertainment takes place on the premises to be offensive.

f) There must be no physical contact between performers and no photography on the premises.

g) There must be no physical contact between performers and customers before, during or after the performance, (other than the transfer of money or tokens to the hands of the entertainer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.

h) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience.

- i) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation.
- j) No performance shall be visible to any person outside the premises (e.g. through windows or open doors).
- k) Sex toys must not be used and penetration of the genital area by any means must not take place.
- l) Podium dancers must not entice other dancers onto the podium;
- m) Patrons shall not be permitted to throw money at the performers.
- n) Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

4. External Appearance of the Premises

- a) There shall be displayed in each entrance or doorway to the premises a notice which states the following ; -

“WARNING”
“STRICTLY NO ADMITTANCE TO PERSONS UNDER
18 YEARS OF AGE. THIS PREMISES OPERATES A
CHALLENGE 25 POLICY AND PERSONS UNDER THE
AGE OF 21 SHALL BE REQUIRED TO SHOW PROOF
OF THEIR AGE”

The word “**WARNING**” must appear as a heading and no pictures or other matter shall appear on the notice.

- b) No other words or signs, or any displays or advertisements, shall be displayed on the outside or in the vicinity of the premises except those mentioned in conditions 4(a) above or otherwise approved by the Council in writing. Leafleting is not permitted
- c) The licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.
- d) The entrance to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by whilst “relevant entertainment” is being performed.
- e) Windows and any form of openings to the premises other than entrances shall either be obscured by blinds, or a material approved by the Council. Door entrances shall also be obscured by blinds or material approved by the Council so as to prevent any member of the public from seeing through to the premises whilst “relevant entertainment” is being performed.

5. Condition and layout of the premises

- a) External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

- b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.
- c) No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee shall seek advice from the Council.
- d) Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

6. Management of the premises

a) The licensee, or a responsible person nominated by him for the purpose of managing the sexual entertainment venue ('the Manager') shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the Council or police.

The licence holder shall ensure that any person nominated by him under the above: -

- (i) Has been provided with a copy of the conditions relating to the premises and is fully conversant with them;
 - (ii) Is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.
- b) Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
 - c) The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
 - d) The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The Council must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
 - e) The licensee shall ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
 - f) No person under the age of 18 shall be admitted to the premises and a Notice to this effect, in accordance with condition 4a) shall be displayed on the outside of the premises.
 - g) The licensee shall operate a Challenge 25 Policy and persons under the age of 25 shall be required to show proof of ID. A notice to this effect, in accordance with Condition 4a) shall be displayed on the premises.
 - h) The licensee shall not employ any person under 18 years of age in the business of the establishment.

- i) The licensee shall be responsible for ensuring compliance with these and any special conditions of the licence and shall be held responsible for any breach thereof.
- j) The licensee shall comply with all statutory provisions and any regulations made there under.

7. Safety and Security

- a) The licensee shall install a CCTV system covering all of the licensed area. This system shall be linked to a date and time recording facility and the system shall provide a high standard recording facility that will be admissible in court. This CCTV system shall be maintained in good working order and shall operate at all time when the premises are open.
- b) The licensee shall comply with fire prevention and safety measures that the Council may require.
- c) The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

8. Vessels, Stalls and Vehicles

- a) In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel or stall from the location specified in the licence unless 28 days' written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application. This requirement shall not apply to a vessel, vehicle or stall, habitually operating from a fixed location, which is regularly moved (whether under its own propulsion or otherwise) from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that which is specified in the licence.

9. Variation of Conditions

- a) The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case as it thinks fit.
- b) Applications to vary conditions of the Licence shall be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

10. Change of Licensee name

An application in respect of a change of licensee name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to permit or refuse such change.

11. General

- a) The licence hereby granted shall operate for one year from the date on the Licence, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council.

b) The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(as amended).

c) The licensee shall afford all reasonable assistance to authorised officers in connection with these conditions and other licensing requirements.

d) In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sexual entertainment venue, the special conditions shall prevail.

e) The grant of a Licence for a Sexual entertainment venue should not be deemed to convey any approval or consent which may be required under any enactment, bye-law, Order or Regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.

f) The Licensee shall provide (subject to the approval of both the Police and Licensing Authority) a code of conduct for dancers and rules of conduct for customers.

g) Licensees shall ensure performers have secure dressing rooms and proper sanitation facilities available to them.

h) Suitable numbers of SIA licensed door staff (numbers to be subject to police and licensing Authority approval) will be present on the premises during the performance of relevant entertainment.

i) Suitable and sufficient training to be provided to all staff including the Licensee. The training of all staff to be recorded and these documents to be made available upon request to both the police and authorised Council Officers.

j) All club rules (customer conduct, dispersal policies, etc) to be prominently displayed on the premises.

Grounds for Granting or Refusing the Application

A decision to refuse the licence may not be made solely on the ground that the establishment may cause offence. A licence must be refused on any of the grounds listed in paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, that is to say:-

- (a) to a person under the age of 18;
- (b) to a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate that was not incorporated in the United Kingdom; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when 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.

A licence may be refused where any of the following matters mentioned in paragraph 12(2) and (3) applies:

- (a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
- (b) That if the licence were to be granted, renewed, varied 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, variation or transfer of such a licence if he made the application himself.

With regard to the unsuitability of an applicant to hold a licence (see (a) above), officers will make diligent enquiries with the applicant to establish:-

- That the operator is honest
- That the operator is qualified by experience to run the type of sex establishment in question
- That the operator understands the general conditions
- That the operator is proposing a management structure which delivers compliance with the operating conditions, e.g. through: - managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
- That the operator can be relied upon to act in the best interests of performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
- That the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation.
- That the operator can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record.

With regard to (b) above by interviewing the applicant and the questions asked in the application form officers will try to establish that there would be no third party beneficiary.

(c) That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality. Consideration will be given to the relevant locality, and to the number of sexual entertainment venues suitable for it. The locality cannot include for example the whole of the administrative area or an entire town. The relevant locality might cover the area of a ward, specific estates, shopping areas or areas bounded by rivers and major roads or the

Committee may wish to consider a distance x metres from the applicant premises or some other nearby landmark as comprising the relevant locality. When considering the number of premises that is appropriate for the locality, the following factors will be taken into account:-

- The suitability of the applicant.
- The character of the locality - e.g. family residential / family leisure / educational.
- Presence of sensitive uses - e.g. places of worship, schools, youth clubs, community centre, library, park, swimming pool.
- Gender equality - will this use deter female users of the locality
- Fear of crime, as well as actual crime.
- Regeneration / tourism efforts and the effect of sex-related uses.
- Views of other authorities e.g. police, environmental health, regeneration and policy.
- Level of genuine demand - excess supply may drive down standards and encourage non-compliant conduct.

The number can be nil, but this decision needs to be rationally underpinned.

(d) That the grant or renewal of the licence would be inappropriate, having regard to The

(i) character of the relevant location; or

(ii) use to which any premises in the vicinity are put; or

(iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Consideration will be given to the following in this regard:

(i) the character of the relevant locality:

Regard will be given to the following points when addressing relevant locality:-

- Uses of the area e.g. commercial, industrial, mixed commercial, residential

- Users of the area e.g. adults, children, shoppers
- How the area is perceived e.g. tourist attraction, shopping centre
- Is there a local vision/plan for the area
- What type of area would not be acceptable in character terms e.g. predominantly residential areas and small communities with little commercial activity
- What areas might be acceptable e.g. In the larger towns on commercial streets later at night when other commercial activities have closed, or on mixed commercial sites out of towns

(ii) the use to which any premises in the vicinity are put. Regard will be given to the proximity of the proposed establishment to schools, places of worship and premises such as nurseries, playgroups, village halls and playgrounds.

(iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. The premises should meet or can be made to meet the layout and structural requirements set out in the “standard conditions for sexual entertainment venue licence” attached to this document

LICENSING REGULATORY COMMITTEE**CONSULTATION ARRANGEMENTS WITH HACKNEY
CARRIAGE AND PRIVATE HIRE PROPRIETORS****16 February 2012****Report of Licensing Manager****PURPOSE OF REPORT**

To inform Members of the existing arrangements for holding consultation forums with hackney carriage and private hire proprietors and to seek their instructions regarding arrangements for future meetings. To seek instructions on the membership of the Taxi Liaison Group.

This report is public

RECOMMENDATIONS

Members are recommended:

- 1. to note the report and;**
- 2. to determine the arrangements for future forum and Taxi Liaison Group meetings.**

1.0 INTRODUCTION

1.1 Since 2000, it had been the practice for Members of the Licensing Regulatory Committee (formerly the Licensing Committee) and appropriate officers to hold separate 6 monthly forum meetings with hackney carriage and private hire proprietors. The purpose of such meetings was to provide a forum for consultation with the taxi trade on various issues affecting vehicles and drivers. Meetings were normally held each year in April and October.

1.2 At its meeting on 14 June 2007, the Committee reviewed the arrangements for holding consultations with hackney carriage and private hire proprietors and resolved as follows:

- (1) that the forums continue to be held on a six-monthly basis. That the forums be scheduled to commence at 11.00 am and finish at 1.00 pm.
- (2) that the forums be in two parts, the first part to be allocated to the Hackney Carriage proprietors and the second part to the Private Hire proprietors.
- (3) that the Chairman's and Vice-Chairman's attendance at the forums be mandatory.

- (4) that the attendance of other Members of the Licensing Regulatory Committee be on a voluntary basis.
 - (5) that Hackney Carriage and Private Hire proprietors be notified of forum meetings in writing and advised to submit items for the Agenda by a set date.
 - (6) that the number of items submitted for the Agenda be limited to three per proprietor/association.
 - (7) that the Agenda be prepared and posted to the City Council's website with copies available at Lancaster and Morecambe Town Halls.
 - (8) that proprietors/associations be given a set timescale of three minutes in which to speak on each Agenda item.
 - (9) that questions on Agenda items be submitted in writing to the City Council's Licensing section.
 - (10) that proprietors/associations be limited to three questions only on each Agenda item.
 - (11) that whether questions are from an individual or association is at the Chairman's discretion.
 - (12) that "Council Issues" be the first Agenda item.
 - (13) that the order in which other Agenda items is taken be at the Chairman's discretion.
- 1.3 Following the above, the delayed April proprietors' forum meetings were held on 28 June 2007 at the revised times of 11.00 am and 12.00 noon, although very few proprietors attended those meetings. Prior to the introduction of the revised arrangements outlined in 1.2 above, the meetings had been previously held at 5.00 pm and 6.00 pm.
- 1.4 The then Licensing Manager subsequently considered the introduction of a multi-agency partnership approach to liaison with representatives of hackney carriage and private hire proprietors. At the meeting of the Committee on 6 September 2007 the Members considered a report proposing the formation of a Taxi Liaison Group (TLG) which would consist of representatives of the Licensing office, the Police, the Highways Authority and a small number of hackney carriage and private hire proprietors. It was envisaged that the trade representatives would normally be the directors of the main taxi companies along with representatives of drivers' groups. In the above report, the Licensing Manager also proposed that meetings of the TLG should be held every six months but midway between the six monthly forum meetings held with all proprietors on the following basis:
- January ~ TLG meeting
- April ~ Hackney Carriage and private hire proprietors' forum meetings
- July ~ TLG meeting
- October ~ Hackney carriage and private hire proprietors' forum meetings

- 1.5 At the above meeting, the then Licensing Manager proposed to Members that the TLG arrangement would enable more meaningful discussions to be held in a partnership approach to addressing various issues. Such issues may include the Council's delivery of its taxi licensing service, policing and highways matters affecting drivers and vehicles and service standards generally within the taxi trade. It was further proposed that notes recording actions arising from TLG meetings would be reported to the next forum meetings with all hackney carriage and private hire proprietors. This should enable a basis for more effective and structured discussions at such forum meetings, and in turn should benefit proprietors and the other regulatory agencies involved in the taxi licensing function.

Following consideration of the above, the Committee resolved:

- (1) that Members approve that the existing arrangements for meeting with hackney carriage and private hire proprietors on a six monthly basis as decided at the Committee meeting on 28 June 2007 be maintained;
 - (2) that Members note the Licensing Manager's proposals to introduce an office based Taxi Liaison Group involving representatives of hackney carriage and private hire proprietors, the Police and the Highway Authority;
 - (3) that notes of the Taxi Liaison Group meetings be circulated to Members of the Committee.
- 1.6 Accordingly, the first meeting of the TLG was held in January 2008, followed by the proprietors' forum meetings in April 2008. The next TLG meeting was held in July 2008, followed by a special TLG meeting held in October 2008 to discuss certain policing and traffic enforcement issues and to commence a review of the hackney carriage ranking and private hire parking arrangements in Lancaster city centre. The next proprietors' forum meeting followed in November 2008.
- 1.7 Unfortunately, however, the four proprietors' forum meetings (2 for hackney carriage and 2 for private hire) held in 2008 were poorly attended with a total of 7 proprietors attending the two meetings held in April and also 7 attending the two meetings held in November. The TLG, on the other hand, proved to be a more effective forum through the engagement of various partner agencies and stake holders including the Council's Access Officer. As a result, at a meeting of the Licensing Regulatory Committee held on the 8 January 2009, it was agreed that the hackney carriage and private hire proprietors' forum meetings should be held annually rather than every 6 months as had been the case previously
- 1.8 A request has now been made by members of the Taxi Liaison Group for the Forum to be held twice a year in April and October as was previously the case, as they feel that 12 months between the meetings is too long a period. Members may also wish to consider the format of the Forum meetings, and whether the arrangements as set out in 1.2 above are still appropriate. Members should note that it is intended that the chief executive will be attending future meetings of the TLG and Forum meetings.
- 1.9 Whilst the TLG is an effective mechanism for discussions, there have been problems with membership of the TLG, and questions raised as to who should be attending and who represents who. Officers would like to formalise these arrangements to ensure that a proper balance can be maintained between ensuring that all sectors of the trade are represented and ensuring that the group is small enough to have meaningful discussions. It has been proposed by a member of the TLG that all attendees at the meeting should be able to evidence that they represent at least 15 members of the trade. Whatever decision is taken about entitlement to attend as a

trade representative it is recommended that a form should be submitted to the licensing department 2 months prior to the meetings signed by members of the trade that are being represented by the individual. A Newsletter is sent to all members of the trade following each TLG meeting outlining what has been discussed, and the minutes are published on line.

2.0 CONCLUSION

2.1 Members are therefore requested to determine the future arrangements for holding consultation with hackney carriage and private hire proprietors, and for membership of the Taxi Liaison Group.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety,
Sustainability and Rural Proofing)**

None applicable to this report.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments.

BACKGROUND PAPERS

None

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LICENSING REGULATORY COMMITTEE**PROPOSED LICENSING FEES 2012/13****16 February 2012****Report of Licensing Manager****PURPOSE OF REPORT**

The report is to enable Members to consider the level of fees for 2012/13.

This report is public.

RECOMMENDATIONS

That for the financial year 2012/13, there be no increase in the fees charged by the Council for fees relating to hackney carriages and private hire vehicles, and miscellaneous licences.

1.0 Introduction

- 1.1 The report is concerned with the setting of the licence fees for Hackney Carriage and Private Hire licences and miscellaneous licences issued by the Council. As Members will be aware, licences issued under the Licensing Act 2003 and the Gambling Act 2005 fall within the remit of the Licensing Act Committee and not this Committee, but in any event these fees are fixed or influenced by central Government. Members are reminded that for the purpose of the 2011/2012 budgetary process the Council was satisfied that there should be an increase in licensing fees for Hackney Carriages and Private Hire licences of 10%, but no increase for miscellaneous licences. Prior to that there had been no increases in fees for either of the above categories since April 2005. Even with the increase in hackney carriage and private hire fees in 2011/2012 there was still a predicted shortfall of £70,300 due to the disproportionate amount of time that officers had to allocate to this function. It was recommended in last years report that the situation be closely monitored.
- 1.2 As Members are aware, it has for many years been the policy of the Council for the licensing service to be self-financing. However, it has always been acknowledged that there are some licences or permits, for example street collection permits, where no fee may be charged. As a consequence, there will inevitably be a deficit in respect of these miscellaneous licences.
- 1.3 The annual revision of fees seeks to ensure that the costs of the service will, so far as possible, be met from the income. However, it is not lawful for the Council to seek

to make a profit from licence fees that are within its discretion. In particular, with regard to Hackney Carriage and Private Hire licensing, Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council may charge such fees for the grant of vehicles and operators licences as may be sufficient to cover in whole or in part the reasonable costs of carrying out inspections of Hackney Carriages and Private Hire vehicles, the reasonable costs of providing Hackney Carriage stands, and any reasonable administrative or other costs in connection with the control and supervision of Hackney Carriages and Private Hire vehicles. Fees charged for drivers' licences may also be set at an appropriate level to cover the cost of issue and administration.

- 1.4 There has recently been a restructure within the licensing department and the disestablishment of 2 posts has been approved. Following a financial assessment of time allocations for licensing staff taking into account the new structure, internal departmental recharges together with other costs borne by the licensing service, the current fees charged for hackney carriages and private hire vehicle licensing and miscellaneous licensing have been reviewed. As a result of this exercise, it has been calculated that for 2012/13 the budgeted cost of the hackney carriage and private hire licensing function will be £215,900, and for miscellaneous licensing £16,800.
- 1.5 It is of course impossible to estimate with any degree of certainty the amount of income from licence fees, given that some licence holders may decide not to renew their licence, and there may or may not be a number of new applications for licences. However, on the basis of the best possible estimate of numbers of licences that will be issued in 2012/13, it is estimated that, if the fees remain at the same levels as in 2011/12, income from hackney carriage and private hire licensing will be £164,200 and for miscellaneous licensing £13,600
- 1.6 With regard to hackney carriage and private hire licensing, on the basis of the above projections it is clear that even following the restructure and the disestablishment of the 2 posts within licensing that the level of income generated through licence fees is not sufficient to cover the costs in providing the function and would still leave a shortfall of £51,700, however, officers do not consider that it is necessary to increase the hackney carriage and private hire licensing fees at this time, as they are looking at all of our procedures in an attempt to reduce the cost related this function. It is also difficult to see what the full effect of the restructure in the licensing department will have, and the proposed introduction of a 3 year drivers licence if approved. It is recommended that the situation be closely monitored throughout 2012/2013, and if the trend continues an increase may be recommended in 2013/2014. Miscellaneous licensing shows a deficit of £3,200 but it is felt that this properly reflects the work undertaken in respect of licences where a fee cannot be recovered, (e.g. street collection and house to collections). For Members' information, the above two categories of fees are attached to this report at Appendices A and B.
- 1.7 Members may be aware that as of 1st December 2011 the responsibility for carrying out the licensing function in relation to animal welfare has been transferred to Health and Housing, however the Head of Health and Housing has requested that the fees in relation to that function be considered within this report, and has recommended that there be no increase in the fees charged for 2012/2013.

2.0 Options and Options Analysis

- 2.1 The options are as follows :-

Option 1 – to approve that there be no increase in the existing fees for hackney carriage and private hire licensing and for miscellaneous licences as set out in Appendix A.

Option 2 – to approve an alternative fee structure, which will recover the cost in full of the taxi and private hire licensing function

2.2 The Officers preferred option is Option 1, as the existing fees reflect the cost of providing the service, in accordance with the statutory provisions on licence fees.

3.0 Conclusion

3.1 Members are recommended to approve that there be no increase in the fees for hackney carriage and private hire licensing and for miscellaneous licences for 2012/13.

CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have been consulted and have assisted the Licensing Manager in the preparation of the report. The fees recommended agree with the income included in the proposed 2012/13 budget for hackney carriage and private hire licensing and for miscellaneous licences and these will continue to be monitored as part of the 2012/13 budget process.

LEGAL IMPLICATIONS

Legal Services have been consulted and their comments have been incorporated in the report.

MONITORING OFFICERS COMMENTS

The Monitoring Officer has been consulted and has no further comments.

S. 151 OFFICERS COMMENTS

The S. 151 officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

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