

Licensing Committee

Agenda

Date: Wednesday, 14th January, 2009
Time: 2.00 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous Meeting** (Pages 1 - 6)

To approve the Minutes of the Meeting held on 19 December 2008.

5. **Private Hire Vehicle Licensing** (Pages 7 - 16)

To consider the proposed licence conditions for vehicles to be licensed as private hire vehicles from 1 April 2009.

6. **Private Hire Vehicle Operator Licensing** (Pages 17 - 20)

To consider the proposed conditions to be attached to licences for operators of private hire vehicles from 1 April 2009.

7. **Hackney Carriage and Private Hire Drivers' Licence Conditions** (Pages 21 - 26)

To consider the proposed conditions to be attached to the 3 year dual licences to be granted for drivers of Hackney Carriages and Private Hire vehicles from 1 April 2009.

8. **Hackney Carriage Zoning** (Pages 27 - 30)

To consider proposals for the transfer of the hackney carriage licensing function of each existing authority into the new authority.

9. **Licensing of Sex Establishments** (Pages 31 - 40)

To consider proposed standard conditions to be attached to licences granted for sex shops from 1 April 2009.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Friday, 19th December, 2008 at West Committee Room,
Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)
Councillor D Bebbington (Vice Chairman)

Councillors Mrs R Bailey, G Baxendale, T Beard, H Davenport, B Dykes,
L Gilbert, Mrs E Gilliland, J Goddard, M Hardy, M Parsons, A Ranfield and
Mrs C Tomlinson

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman for the remainder of the Municipal year.

2 APPOINTMENT OF VICE CHAIRMAN

RESOLVED – That Councillor D Bebbington be appointed Vice Chairman for the remainder of the Municipal year.

3 APOLOGIES FOR ABSENCE

There were no apologies for absence.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

6 TERMS OF REFERENCE FOR THE LICENSING COMMITTEE

The Solicitor outlined and circulated the Terms of Reference of the Licensing Committee. These included:

- The administration of licences which were determinable by the Council
- Hearing and determining appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation refusal, revocation, suspension or imposition of condition in accordance with the Council's licensing procedure
- The discharge of the Council's functions under section 13(2) of the Criminal Justice and Police Act 2001

It was noted that a further report on terms of reference may be required to be considered by the Committee once matters relating to the delegation of other functions, such as permits and licences issued by the Environmental Health Service, had been determined.

Licensing Committee Members who had not undertaken an appropriate training course would be required to do so prior to 1 April 2009. The training would be organised early in the New Year and would be open to all Licensing Committee Members who wished to attend.

RESOLVED – That the Terms of Reference be received and noted.

7 CREATION OF LICENSING SUB-COMMITTEES

The Committee considered a report relating to the creation of Sub-Committees of the Licensing Committee and the establishment of a protocol for arranging meetings of the Sub-Committees.

At its meeting on 9 December 2008, Council had resolved to create a Licensing Committee, which would then establish Sub-Committees of three members to deal with matters under the Licensing Act 2003 and the Gambling Act 2003, and Sub-Committees of five Members to deal with 'general' licensing matters such as the licensing of hackney carriage and private hire vehicles and drivers. In addition, in relation to the 'general' sub-committee of five, Council had resolved to waive the requirement of political proportionality and had resolved to require that, subject to availability, at least one of the five members should be the Chairman or Vice-Chairman of the full Committee.

In relation to a Premises Licence application and the 'general' sub-committee of five, it was suggested that, wherever possible, one of the members of the Sub-Committee should be a Member representing an area covered by the relevant preceding district council, who would have knowledge of the area to which application related. It would be for each Member to determine, in accordance with the Code of Conduct, whether they had a personal and prejudicial interest in an item and were therefore unable to take part in the meeting.

It was also suggested that, in order to ensure flexibility, efficiency and a fair distribution of work between Members of the Committee, membership of the sub-committees should be selected on a rotational ad hoc basis, subject to the availability of Members.

RESOLVED

- (a) That Sub-Committees consisting of three Members of the Licensing Committee be established to deal with matters under the Licensing Act 2003 and the Gambling Act 2003, and that the quorum of such Sub-Committees be three.
- (b) That Sub-Committees consisting of five Members of the Licensing Committee, of which at least one shall, subject to availability, be the

Chairman or Vice Chairman of the full Committee, be established to deal with 'general' licensing matters, and that the quorum of such Sub-Committees be three.

- (c) That the following protocol be adopted for arranging meetings of the Sub-Committees:
- Wherever possible members of the sub-committee should be representative of each of the preceding district councils
 - Membership of the Sub-Committees should be selected on a rotational ad hoc basis, subject to the availability of Members
 - Sub-Committee meetings should take place in the area covered by the relevant preceding district council, subject to the availability of suitable venues
- (d) That the Democratic Services Officer be requested to draw up a list of suitable venues in the Cheshire East area, in which Sub-Committee meetings could be held.

8 DELEGATION OF LICENSING FUNCTIONS

The Committee considered a report relating to the delegation of certain licensing functions from the Licensing Committee to Licensing Sub-Committees and officers.

At its meeting on 9 December 2008, Council had resolved to delegate to the Licensing Committee those licensing functions which were the responsibility of Council. Further delegation to sub-committees and officers was required in order to facilitate the efficient provision of a licensing service for Cheshire East. The proposed scheme of delegation was based on current practices within the three existing licensing authorities of Congleton, Crewe & Nantwich and Macclesfield Borough Councils.

It was suggested that the scheme should be subject to the proviso that officers would have discretion to refer any issue to the Licensing Committee or Sub-Committee if the matter was significant or controversial in nature. It was also suggested that Sub-Committees should have discretion to refer matters to the full Licensing Committee in similar circumstances.

With respect to the referral of issues to the Licensing Committee by Sub-Committees, the Principal Solicitor clarified that such a decision would have to be made prior to a Sub-Committee meeting. Committee Members were of the opinion that the decision should therefore be taken by the Chairman and Vice Chairman of the Licensing Committee.

RESOLVED – That the delegations set out within Appendix 2 of the report be approved, subject to the proviso:

1. that officers have discretion to refer any issue to the Licensing Committee or Sub-Committee if the matter is significant or controversial in nature;
2. that the Chairman and Vice Chairman of the Licensing Committee have discretion to refer to the full Licensing Committee matters which would ordinarily be delegated to a Licensing Sub-Committee but which are significant or controversial in nature.

9 COMMITTEE PROCEDURE

The Committee considered a report relating to the procedures to be adopted at hearings of the Licensing Committee and Sub-Committees.

The procedures in relation to hearings under the Licensing Act 2003 and the Gambling Act 2005 were to a degree regulated by secondary legislation. It was also important to ensure that the procedures adopted by the Committee were in accordance with the rules of natural justice, as the Committee would be acting in a quasi-judicial manner.

The proposed procedures had been drafted in accordance with the relevant legislative requirements and were based on the procedures in operation within the existing district Councils.

RESOLVED – That the procedures to be followed at hearings under the Licensing Act 2003, the Gambling Act 2005 and in relation to ‘general’ licensing functions as set out at Appendices 1, 2 and 3 of the report be approved and adopted, subject to the following changes:

1. Procedure For Hearings – Licensing Act 2003
The third sentence of the paragraph entitled ‘The Licensing Committee’ to be amended to the effect that the Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.
2. Procedure For Hearings – Gambling Act 2005
The third sentence of the paragraph entitled ‘The Licensing Committee’ to be amended to the effect that the Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

10 FEES AND CHARGES

The Committee considered a report relating to the fees and charges currently charged by Congleton, Macclesfield and Crewe Borough Councils in relation to licensing functions and the proposed fees for Cheshire East.

Fees under the Licensing Act 2003 and certain fees under the Gambling Act 2005 were set by legislation. The Gambling Act 2005 set a maximum fee level that the Council could impose in relation to gambling premises licences, and the Council had discretion to set the fee up to this level. The

Council also had discretion in relation to other 'general' licensing matters, including taxi licensing and the licensing of sex establishments.

In determining the level of fee to be set, in circumstances where the Council did have discretion, the Council had to take into account the cost of providing the service, to ensure that the fees were reasonable and related to cost recovery.

Different fees and charges were currently being charged by Congleton, Macclesfield and Crewe Borough Councils. This would result in different charges being applied from 1 April 2009 within the administrative area of Cheshire East, which would be confusing and inequitable. It was therefore proposed to harmonise fees and charges from 1 April 2009, and a revised charging structure for Cheshire East was proposed. Fees had been calculated according to the number of hours needed to process each application and an estimated hourly rate of £50 per hour. All charges would be subject to review during the budget setting process.

RESOLVED

- (a) That the fees to be charged in relation to functions with respect to gambling, street trading and sex establishments, as set out in Appendix 1 of the report, be approved
- (b) That the proposed fees in relation to private hire and hackney carriage licences, as set out in Appendix 1 of the report, be approved in order that they may be subject to statutory consultation.

11 SCHEDULE OF MEETINGS FOR REMAINDER OF THE MUNICIPAL YEAR

The Solicitor reported that the Licensing Committee was scheduled to meet as follows in the New Year:

2pm Wednesday 14 January 2009 in the Capesthorne Room, Town Hall, Macclesfield

10am Friday 13 February 2009 in the Capesthorne Room, Town Hall, Macclesfield

March 2009 – time, date and venue to be confirmed.

RESOLVED – That the forthcoming meeting dates be noted.

The meeting commenced at 10.00 am and concluded at 11.45 am

Councillor P Whiteley
Chairman

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 14 January 2009

Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council

Title: Private Hire Vehicle licensing

1.0 Purpose of Report

- 1.1 Cheshire East will be the licensing authority for licensing the functions of private hire vehicles, operators and drivers from 1st April 2009. The report puts forward the proposed licence conditions for vehicles to be licensed as private hire vehicles.
- 1.2 The proposed conditions are attached at the end of the report.
- 1.3 Separate reports will be brought forward to address driver and operator licensing conditions.

2.0 Decision Required

- 2.1 To approve the proposed licence conditions for the purpose of a consultation exercise with the private hire trade.

3.0 Financial Implications for Transition Costs

- 3.1 The costs of the consultation exercise will be met from the existing budgets of the three constituent authorities of Cheshire East.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 If the conditions for licensing private hire vehicles are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

¹ Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

6.0 Risk Assessment

- 6.1 Failure to carry out a consultation exercise prior to the introduction of the conditions could lead to a legal challenge about their validity.

7.0 Background and Options

- 7.1 The proposed private hire vehicle conditions have been drawn from the conditions currently in force at either one or more of the three constituent authorities of Cheshire East. They have been chosen to reflect the best of the current practices from those authorities.
- 7.2 It is proposed to hold a six week consultation exercise with the existing holders of private hire vehicle licences at Crewe and Nantwich, Congleton and Macclesfield on the proposed conditions.
- 7.3 The result of the exercise will be reported to a further meeting of the Committee to enable a final decision to be made with a view to their introduction with effect from 1st April 2009.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have private hire vehicle licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to enabling the introduction of Cheshire East licence conditions with effect from Day One. It also recognises that the holders of existing licences should have an input and for this reason it recommends the holding of a consultation exercise prior to a final decision being taken by the Committee.

For further information:

*Portfolio Holder: Councillor Brian Silvester
Officer: A C Lee, Crewe & Nantwich Borough Council
Tel No: (01270) 537121
Email: tony.lee@crewe-nantwich.gov.uk*

Background Documents:

The current private hire vehicle licence conditions of Crewe and Nantwich BC, Congleton BC and Macclesfield BC.

Documents are available for inspection at the respective authorities.

Cheshire East

Private Hire Vehicle Licence Conditions

1. Type of vehicle

- 1.1 The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of Type Approval;
 - EC Whole Vehicle Type Approval
 - UK Low Volume Type Approval
 - UK Single Vehicle Approval.
- 1.2 The vehicle shall not exceed 3.5 tonnes (3500 kilogrammes) gross weight unless it is a 'novelty' vehicle to be licensed as a private hire vehicle subject to the conditions applicable to executive hire and novelty vehicles.
- 1.3 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels, except for imported stretch limousines which may be left hand drive.
It shall be finished in a production colour of the manufacturer for the model.
- 1.4 It shall have a minimum of four doors at least three of which shall be fitted to the side of the vehicle. All the doors must be capable of use by persons for both access and egress and of being opened from both the inside and the outside. If the vehicle is fitted with an electronic locking system it must be capable of being overridden to enable the doors to be opened manually.
- 1.5 The passenger seats shall be a minimum of 406mm (16") in width with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 1.6 The vehicle shall be fitted throughout with three point lap and diagonal seat belts; for the avoidance of doubt, lap only type seat belts shall be deemed not to comply with this condition.
- 1.7 The seats shall be in a configuration approved by the Council for the make and model of the vehicle.

2. Condition and Maintenance of the Vehicle

- 2.1 The vehicle and all its fittings and equipment shall be maintained in a safe, efficient and clean condition and be capable of satisfying the Council's mechanical inspection at all times that the licence is in force. All relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with at all times.

- 2.2 Without prejudice to the generality of the foregoing, the exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair.

The vehicle shall be deemed incapable of satisfying the Council's mechanical inspection if it requires welding repair to the bodywork, floor panels or door cills.

- 2.3 The interior of the vehicle shall be clean, tidy and free of litter, any rubbish shall be removed after each journey and the upholstery, carpets and fittings free from rips and tears.
- 2.4 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time that the licence is in force without the written consent of the Council.
- 2.5 The vehicle shall not be fitted with a tow bar.
- 2.6 Any roof rack or roof pod should be attached securely and fitted in accordance with the manufacturer's instructions.
- 2.7 Tinted windows

Heavily tinted glazing and tinted films applied to vehicle windows are not permitted.

The visual transmission of light shall be not less than 75% through the windscreen and not less than 70% through all other windows.

3. Wheelchair accessible vehicles (WAVs)

All WAVs

- 3.1 A vehicle which is constructed or adapted to carry one or more wheelchair bound passengers shall comply with the following conditions.
- 3.2 The wheelchair bound passenger(s) shall not be carried facing sideways.
- 3.3 The wheelchair space shall be not less than:
- i. 1300mm measured in the longitudinal plane of the vehicle;
 - ii. 750mm measured in the transverse plane of the vehicle;
 - iii. 1500mm measured vertically from any point in the wheelchair space.

- 3.4 The wheelchair space shall be fitted with a wheelchair tie down system and a three point lap and diagonal wheelchair user restraint system suitable for a wheelchair user situated centrally in the transverse plane of the wheelchair space.
- 3.5 The vehicle shall be equipped with either a ramp (fixed to the vehicle or portable) or a boarding lift or platform.
- 3.6 The incline of the ramp, where provided, shall not be greater than 16 degrees (1 in 3½).
- 3.7 The boarding lift or platform, where fitted, shall be capable of being manually operated.
- 3.8 The ramp or boarding lift or platform shall not impede either the use of or access and egress to any door or emergency exit.

Forward facing wheelchairs

- 3.9 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the front of the vehicle.

Rear facing wheelchairs

- 3.10 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the rear of the vehicle.
- 3.11 The wheelchair space shall be fitted with a head and back restraint at the forward end (relative to the vehicle) of the space.

4. Vehicle testing

- 4.1 All vehicles shall be tested by the Council or its agent prior to first licensing and thereafter annually prior to the renewal of the licence.
- 4.2 Vehicles which are over seven years old shall be tested every six months. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the Vehicle Registration Document (form V5) unless the vehicle was not new at the date of first registration in the UK.

5. Vehicles converted to run on Liquefied Petroleum Gas (LPG)

- 5.1 A certificate of compliance of conversion issued by a Liquid Petroleum Gas Association (LPGA) approved installer must be produced to the Council in respect of a vehicle converted to run on liquefied petroleum gas (LPG). The Council must notified immediately and the certificate produced if the conversion is undertaken whilst the licence is in force.

- 5.2 A vehicle converted to run on LPG shall be fitted with a multi-valve tank contained within a sealed tank box made from aluminium and vented to the atmosphere. The spare wheel shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space on a vehicle fitted with a 'doughnut' tank in the spare wheel well.
- 5.3 The vehicle shall display a warning sticker on the front and rear screens stating that the vehicle is fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

6. Safety Equipment

- 6.1 The vehicle shall be equipped at all times with a fire extinguisher manufactured to BS EN 3 and containing a minimum weight of 1.0 kilogram of dry powder or foam. The extinguisher shall be carried in such a position as to enable it to be readily available for use in an emergency. It shall be marked with the date of its last test and have the private hire licence plate number painted upon it.
- 6.2 The vehicle shall be equipped at all times with a first aid kit kept in a properly designated first aid container. The container shall have the plate number of the vehicle marked up on it. The first aid kit shall contain as a minimum the following items which should be within the manufacturer's expiry date:
a guidance leaflet, 10 x non-alcoholic wipes, 1 x conforming bandage (7.5cm x 4.5m stretched), 2 x non woven triangular bandages (size 96 x 96), 2 x eye pad dressings, 3 x large dressings (size 18 x 18) 12 x safety pins, 1 x pair blunt stainless steel scissors and 30 x plasters (assorted sizes).
- 6.3 The vehicle shall be equipped at all times with a reflective warning triangle.
- 6.4 The vehicle shall be equipped at all times with a high visibility vest for use by the driver in an emergency.

7. Signs and Notices

- 7.1 The following shall be displayed on each side of a private hire vehicle (on a body panel and not a window):-
(i) the words "PRIVATE HIRE"
(ii) the words "ADVANCED BOOKINGS ONLY"
(iii) the telephone number of the vehicle operator
- 7.2 The words "PRIVATE HIRE", "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator shall:-

(i) be clearly and permanently affixed and displayed in a clearly contrasting colour in letters and numbers not less than 65mm in height and not less than 8mm thickness, and

(ii) be positioned together in a manner previously approved in writing by the Council.

- 7.3 For the avoidance of doubt the words "PRIVATE HIRE" and "ADVANCED BOOKINGS ONLY" and the telephone number of the operator of the vehicle shall not be deemed to be "permanently affixed and displayed" where they are so affixed and displayed by means of a demountable magnetic sign or by any other type of sign which is able to be removed and re-affixed to the vehicle.
- 7.4 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.
- 7.5 Any advertising on the vehicle shall be restricted to the name or trading name of the private hire operator of the vehicle and the operator's logo or insignia, address, fax number, web site or e-mail address and must have the prior approval of the Council. The advertising of other businesses, products or services is not permitted.
- 7.6 Any advertisements, signs, notices, numbers, marks, etc shall be so positioned as to ensure that the words "PRIVATE HIRE" and "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator remain clearly separate and isolated from any part of the advertisements, signs etc,.
- 7.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" or "for hire" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.
- 7.8 The vehicle shall not display a roof sign whether illuminated or not.
- 7.9 The vehicle shall not display any illuminated signs on or from within the vehicle.
- 7.10 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office, Pantons Street, London shall not be used as a private hire vehicle.

8. Plates

- 8.1 Private Hire vehicles shall at all times clearly display on the exterior surface of the vehicle two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.

- 8.2 One licence plate shall be affixed securely to the front of the vehicle and one licence plate shall be affixed securely to the rear of the vehicle.
- 8.3 The plates shall not be affixed to any vehicle except the vehicle identified in the vehicle licence application form.
- 8.4 The plates (and any backing plates) shall at all times remain the property of the Council and the Licensee shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.
- 8.5 The Licensee shall at all times ensure so far as is reasonably practicable that information contained on the plates is complete and legible and that the plates are maintained in a clean condition.
- 8.6 Private Hire vehicles shall at all times display identification stickers supplied by the Council. The stickers shall be displayed on:
- i. the inside of the lower near-side of the windscreen, so that the sticker is visible to passengers within the vehicle;
 - ii. the top near-side rear window, facing outwards; and
 - iii. the top off-side rear window, facing outwards.

9. Taximeters

- 9.1 If the vehicle is fitted with a taximeter;
- i. the taximeter shall be of a calendar type approved by the Council and shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer;
 - ii. the tariff of fares shall be displayed inside the vehicle in clearly distinguishable letters and figures;
 - iii. the taximeter shall be set to display the private hire operator's tariff of fares approved by the Council;
 - iv. the proprietor shall not use or permit to be used a taximeter that has not been sealed by the Council;
 - v. the taximeter shall be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire;
 - vi. when the vehicle is not hired the key shall be locked and the machinery kept inactive and the meter shall show no fare at that time;

- vii. the taximeter shall not display a "FOR HIRE" sign at any time;
- viii. when the taximeter is brought into action the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than that permitted by the Council's approved hackney carriage tariff;
- ix. the "FARE" shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon;
- x. the taximeter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein;
- xi. the taximeter shall be sufficiently illuminated that when in use it is visible to all passengers;
- xii. the taximeter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals or other fittings.

10. SPECIAL CONDITION for EXECUTIVE LIMOUSINES

- 10.1 When Condition number 10 is attached to the licence Conditions numbers 7 and 8 shall not apply. Condition number 10 will only be applied to a licence at the discretion of the Council and may be withdrawn at any time if the Council is not satisfied that the vehicle is being used or operated in accordance with the plan submitted to the Council in support of an application made for it to be subject to Special Condition number 10.
- 10.2 The notice of the grant of special licence condition number 10 shall be carried in the vehicle at all times.
- 10.3 Windscreen Sign

The vehicle shall display at all times in the lower near side of the windscreen and visible from the outside of the vehicle a private hire vehicle identification badge supplied by the Council. The form and content of the badge shall be prescribed by the Council.
- 10.4 The identification badge shall at all times remain the property of the Council and the licensee shall not cause or permit the information displayed upon the badge to be altered, removed or obscured in any way.

(continued)

10.5 Interior Sign

The vehicle shall display at all times a private hire vehicle identification sign supplied by the Council and visible to passengers from within the vehicle. The form and content of the sign shall be visible shall be prescribed by the Council.

10.6 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.

10.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.

10.8 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office of Transport for London, Panton Street, London shall not be used as a private hire vehicle.

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 14 January 2009

Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council

Title: Private Hire Vehicle Operator licensing

1.0 Purpose of Report

- 1.1 Cheshire East will be the licensing authority for licensing the functions of private hire vehicles, operators and drivers from 1st April 2009. The report puts forward the proposed conditions to be attached to licences for operators of private hire vehicles.
- 1.2 The proposed conditions are attached at the end of the report.
- 1.3 Separate reports will be brought forward to address driver and vehicle licensing conditions.

2.0 Decision Required

- 2.1 To approve the proposed licence conditions for the purpose of a consultation exercise with the private hire trade.

3.0 Financial Implications for Transition Costs

- 3.1 The costs of the consultation exercise will be met from the existing budgets of the three constituent authorities of Cheshire East.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 If the conditions for licensing private hire operators are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

¹ Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

6.0 Risk Assessment

- 6.1 Failure to carry out a consultation exercise prior to the introduction of the conditions could lead to a legal challenge about their validity.

7.0 Background and Options

- 7.1 A private hire operator licence is required in order to permit bookings to be taken for journeys to be made in a licensed private hire vehicle.
- 7.2 The proposed private hire vehicle operator conditions have been drawn from the conditions currently in force at either one or more of the three constituent authorities of Cheshire East. They have been chosen to reflect the best of the current practices from those authorities.
- 7.3 It is proposed to hold a six week consultation exercise with the existing holders of operator licences at Crewe and Nantwich, Congleton and Macclesfield on the proposed conditions.
- 7.4 The result of the exercise will be reported to a further meeting of the Committee to enable a final decision to be made with a view to their introduction with effect from 1st April 2009.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have private hire vehicle operator licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to ensuring that Cheshire East is in position to carry out the function of licensing private hire vehicle operators from Day One. It also recognises that the holders of existing licences should have an input and for this reason it recommends the holding of a consultation exercise prior to a final decision being taken by the Committee.

For further information:

*Portfolio Holder: Councillor Brian Silvester
Officer: A C Lee, Crewe & Nantwich Borough Council
Tel No: (01270) 537121
Email: tony.lee@crewe-nantwich.gov.uk*

Background Documents:

The current private hire vehicle operator licence conditions of Crewe and Nantwich BC, Congleton BC and Macclesfield BC.

Documents are available for inspection at the respective authorities.

Cheshire East Council

Private Hire Vehicle Operator licence conditions

1. Records

- 1.1 The operator shall keep the record required to be kept under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 in a suitable book, the pages of which shall be numbered consecutively and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:
- a. The time and date of the booking
 - b. The name of the hirer.
 - c. How the booking was made (ie; phone, personal visit, at the request of another operator, etc).
 - d. The time of the pick-up.
 - e. The point of pick-up.
 - f. The destination.
 - g. The agreed fare.
 - h. Identification of the vehicle and the driver.
- 1.2 The operator shall also keep records of the particulars of all private hire vehicles operated by him. The particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
- 1.3 The operator shall keep all records for a period of not less than six months following the date of the last entry.

2. Standard of Service

- 2.1 The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular;

- a. Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- b. Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of making a booking or waiting.
- c. Ensure that any waiting area provided by the operator has adequate seating facilities.
- d. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired.

3. Change of Address

The operator shall notify the Council in writing of any change of his address, including any address from which he operates or otherwise conducts his business as an operator, during the period of the licence within seven days of such change taking place.

4. Convictions

The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him (or if the operator is a company or partnership, on the company or on any of the directors, partners or managers during the period of the licence).

5. Vehicles fitted with taxi-meters

Where a private hire vehicle is fitted with a taxi-meter the operator shall inform the Council of the tariff of charges for that vehicle and shall also inform the Council by giving seven day's notice of any proposal to amend the tariff of charges.

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: Sheela Dutton
Report of: Principal Solicitor Congleton Borough Council
Title: Hackney Carriage and Private Hire Drivers' Licence Conditions

1.0 Purpose of Report

- 1.1 Cheshire East will be the licensing authority for the function of licensing hackney carriage and private hire drivers from 1st April 2009.
- 1.2 The report proposes standard conditions to be attached to the 3 year dual licences to be granted for drivers of Hackney Carriages and Private Hire vehicles
- 1.3 The proposed conditions are attached at the end of the report.

2.0 Decision Required

- 2.1 To approve the proposed licence conditions for the purpose of a consultation exercise with the holders of current hackney carriage and private hire drivers' licences.

3.0 Financial Implications for Transition Costs

- 3.1 The costs of the consultation exercise will be met from the existing budgets of the constituent authorities of Cheshire East.

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 If the conditions for licensing hackney carriage and private hire drivers are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations¹ in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 Failure to carry out a consultation exercise prior to the introduction of the conditions could lead to a legal challenge about their validity.

7.0 Background and Options

- 7.1 A hackney carriage/private hire driver's licence is required in work as a hackney carriage and/or private hire driver.
- 7.2 The proposed conditions have been drawn from the conditions currently in force in the three constituent authorities of Cheshire East. They have been chosen to reflect the best of the current practices from those authorities.
- 7.3 It is proposed to hold a 6 week consultation exercise with the existing holders of Hackney Carriage and Private Hire Drivers Licenses in the 3 districts.
- 7.4 The result of the exercise will be reported to a further meeting of the Committee to enable a final decision to be made with a view to the introduction with effect from 1st April 2009.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have Hackney Carriage and Private Hire Drivers licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to ensuring that Cheshire East is in position to carry out the licensing function from Day One. It also recognises that the holders of existing licences should have an input and for this reason it recommends the holding of a consultation exercise prior to a final decision being taken by the Committee.

1 Local Government (Structure Changes)(Transitional Arrangements)(No.2) Regulations 2008

For further information:

*Portfolio Holder: Councillor Brian Silvester
Officer: S Dutton, Crewe & Nantwich Borough Council
Tel No: (01270) 529724
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Background Documents:

Current hackney carriage and private hire drivers' conditions of the 3 districts



HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

These conditions must be read in conjunction with all relevant provisions of

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Transport Act 1980

NB. Drivers of Hackney Carriages must also comply with the provision of any Bye-Law in force in the area in which they operate.

The terms 'Operator', 'Private Hire Vehicle', 'Hackney Carriage', 'Proprietor' and 'Taximeter' are defined as by the above legislation.

1) GENERAL

- i. The driver shall within 7 days, notify the Council of any change of their name or home address
- ii. The driver must deposit their Private Hire/Hackney carriage driver's licence with the operator/proprietor of the vehicle at all times that they are employed/permitted to drive by the operator/proprietor

2) CONDUCT

The driver shall at all time whilst the vehicle is available or being driven for hire:

- i. attend punctually at the time and place appointed for hire unless delayed or prevented by sufficient cause
- ii. behave in a civil and orderly manner
- iii. be clean and respectable in dress
- iv. take all reasonable steps to ensure the safety of passengers conveyed in or entering or alighting from the vehicle
- v. afford all reasonable assistance with the hirer's and other passengers' luggage
- vi. not eat or drink in the vehicle whilst it is let for hire unless with the express consent of the hirer and shall not at any time smoke in the vehicle
- vii. not play any sound reproducing equipment, other than for communicating with the operator/proprietor without the express consent of the hirer
- viii. not cause or permit any sound producing equipment so as to cause a nuisance or annoyance to any person in or outside of the vehicle

- ix. keep in a clean condition and not conceal or deface all or any part any internal or external vehicle identification or licence plates.

3) DRIVER'S IDENTIFICATION BADGE

- i. The driver shall, at all times when in or with the vehicle wear the driver's Identification badge supplied by the Council so as to be plainly visible at all times.

4) MEDICAL FITNESS

- i. The driver must produce a medical certificate in the form prescribed by the Council:-
 - On first application
 - on every *other* renewal thereafter until the driver's 60th birthday
 - on every renewal after the driver's 60th birthday
 - at any time reasonably required by the Council
- ii. Whether a certificate has been produced or not applicants may be required to submit themselves for examination by a registered practitioner of the Council's choice as to their fitness to be a driver, the Council to bear the cost.
- iii. The driver is must cease driving vehicles for hire and contact the Council immediately if they know/become aware of any medical condition which may affect their ability to drive safely or the health and safety of themselves or their passengers

5) FARES / TAXIMETERS

- i. The driver shall not demand from any hirer any fare in excess of that previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter the fare shown on that meter, whichever is the lesser amount
- ii. The driver shall not cause the fare recorded on the taximeter be concealed or cancelled until the hirer has had sufficient time and opportunity of examining it and has paid the fare
- iii. The driver shall, when requested, provide the hirer with a written receipt for the fare paid.
- iv. The driver shall, subject to any express directions given by the hirer, proceed to the destination by the shortest possible route.

6) PASSENGERS

- i. The driver shall not convey in the vehicle a greater number of passengers than prescribed on the Vehicle Licence and Licence Plate
- ii. The driver shall not, without the express consent of the hirer convey any person other than the hirer in the vehicle.

7) ANIMALS

The driver must **not carry any** animal in the vehicle, including his/her own or the operator's/proprietors animal **except that**

- The driver **may** at his/her discretion carry the animal of a fare paying passenger but the animal must be carried in the rear of the vehicle
- Assistance dogs **MUST** be carried unless the driver has applied for and been granted an exemption certificate.

7) WHEELCHAIR ACCESSIBLE VEHICLES

Drivers of wheelchair accessible vehicles must:

- i. Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle
- ii. Before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of the wheelchair have been applied

8) LOST PROPERTY

- i. The driver shall immediately after the termination of each hiring, or as soon as practicable thereafter, search the vehicle for any property that may have been left there
- ii. The driver must take any property left in the vehicle to a police station within 24 hours and obtain a receipt for the property.
- iii. The driver shall notify the Council of the whereabouts of the property, and whenever possible of the details of the hirer, the journey and the date found

9) CRIMINAL CONVICTIONS

- i. The driver shall inform the Council in writing and within 7 days of any conviction, caution, warning or Fixed Penalty Notice imposed on them during the period of the licence.

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CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 14 January 2009

Report of: Sheela Dutton, Principal Solicitor, Congleton Borough Council

Title: Hackney Carriage Zoning

1.0 Purpose of Report

- 1.1 The purpose of the report is to set out proposals for the transfer of the hackney carriage licensing function of each existing authority into the new authority by allowing the formation of 'zones' which correspond to the current districts
- 1.2 The report proposes that the hackney carriage licensing function will continue unchanged within the zones for a period of time into the new authority in order to allow proper research and consultation on the complex areas of law, practice and policy involved in hackney carriage licensing.

2.0 Decision Required

The Committee is asked to;

- 2.1 adopt the course of taking no action at this time and thereby allowing the creation of hackney carriage zones on vesting day
- 2.2 commit to a thorough review of the hackney carriage licensing function in the first year of the new authority

3.0 Financial Implications for Transition Costs

- 3.1 None

4.0 Financial Implications 2009/10 and beyond

- 4.1 None

5.0 Legal Implications

- 5.1 Hackney carriage zones will be legally automatically 'created' if no action to 'de-zone' is taken before vesting day. The varying tariffs, byelaws, vehicle conditions and licensing policies of the 3 former authorities will continue to have effect within those districts until such time as the new authority is in a position to put forward proposals to replace them with common Cheshire East tariffs, byelaws,

conditions and policies

- 5.2 There is insufficient time for the research and consultation necessary for the harmonisation of all matters in relation to hackney carriage licensing to take place before vesting day, and therefore, in order for the new authority to carry out the hackney carriage licensing function without being open to legal challenge no action should be taken at this stage and the creation of zones allowed

6.0 Risk Assessment

- 6.1 As In 5 above

7.0 Background and Options

- 7.1 The Committee is asked to keep in mind when considering this report the main differences in the way that hackney carriage and private hire vehicles operate; these being that hackney carriages can ply for hire and stand on ranks whereas private hire vehicles must be pre booked. The authority cannot control the fares that private hire operators can charge and cannot control the number of private hires operating in its area. Private hire licences are regulated by conditions imposed by the authority whereas hackney carriages are also regulated by bye laws.
- 7.2 These differences mean that the licensing of Hackney Carriages is somewhat more difficult than the licensing private of hires and harmonisation of the policies and practices of the 3 districts will require extensive research and consultation, especially in the areas detailed below.
- 7.3 As it is impossible to complete all of this research and consultation before vesting day, it is recommended that this is not even attempted; rather, the Committee gives it's commitment to a thorough review of the hackney carriage licensing function during the first year of the new authority to enable it to make fully informed decisions about the practices and policies to be adopted, including whether the zones should be retained *permanently* (Government advice is against zoning although some authorities retain them as they consider zoning to provide a better service to the public)
- 7.4 The main areas of practice and policy where extensive research and consultation are need before harmonisation can take place are:**

7.4.1 Restricting the number of hackney carriage licences issued

Currently, out of the three districts, only Congleton limit the number of Hackney Carriage licences issued. Legally, numbers can only be limited when surveys have been carried out within the district, which show that there is no significant unmet demand for hackney carriages in the area. The last such survey carried

out in Congleton is now out of date. (Three years is regarded as the maximum reasonable period between surveys*).

Government advice* is that authorities should not limit numbers as being in the best interests of the travelling public.

Although a survey of un-met demand is not required in order to lift the limitation on numbers, it the High Court held in 2006 that full *consultation* is required

7.4.2 The creation of a new bye-law

Unlike private hire licences, conditions on hackney carriage licences are largely governed by bye-laws.

Although the current bye-laws of the 3 districts are very similar, being based on a standard model, a new bye law would have to be created by the new authority in order to review, update and harmonise the existing ones.

The making of bye-laws requires extensive consultation and confirmation by the Secretary of State. This process (in particular the confirmation) could not be completed before vesting day.

7.4.3 Specifying the type of vehicle to be licensed

Unlike the other 2 districts Congleton issues new vehicle licences only to M1 Type Approved vehicles that are purpose built to carry wheelchairs. The decision to do this was based on concerns about the testing undertaken on manufacture of certain types of vehicle compared to the testing of modified vehicles.

However Crewe licences vehicles that are modified to carry wheelchairs and Macclesfield has no policy on wheelchair accessibility

In order to consider the best way forward into the new authority a full report on the technical aspects of the different types of vehicles and the way they are tested should be considered and full consultation with the trade carried out.

When considering this aspect of vehicle licensing the provisions of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005) along with the Code of Practice issued by Disability Rights Commission in 2006** must be taken into account.

7.4.4 Hackney carriage fares

The setting of hackney carriage fares is the only area in which local authorities control the earning capacity of an individual or a business by fixing the maximum amount that they can charge for their service.

Statute requires consultation and advertising before new fares are introduced and this process must therefore be carried out before fares can be harmonised across the 3 districts.

7.5.5 The use of ranks

If zoning does take place this will mean that hackney carriage's licensed for a particular district will only be able to ply for hire and sit on ranks in that district. There are balances here to be made between the earning capacity of a proprietor/driver and the service to the public.

Again, research and consultation is needed before decisions whether to keep zones further into the life of the new authority is needed.

8 Overview of Day One, Year One and Term One Issues

To act within the law on day one and to fully review the hackney carriage licensing function by the end of year one.

9 Reasons for Recommendations

Not only will they ensure that the new authority will be acting legally on vesting day, but will allow sufficient time to undertake a full review of the function. It will also raise the awareness within the Hackney carriage trade across the new authority that the status quo may well not remain.

For further information:

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Background Documents:

**Taxi and Private Hire Licensing; Best Practice Guidance - Department for Transport 2006*

*** Provision and Use of Transport Vehicles; Statutory Code of Practice. Disability Rights Commission 2006*

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of meeting: 14 January 2009

Report of: A C Lee, Principal Licensing Officer
Crewe & Nantwich Borough Council

Title: Licensing of sex establishments

1.0 Purpose of Report

1.1 Cheshire East will be the licensing authority for the function of licensing sex establishments from 1st April 2009. Sex establishments include sex shops. The report puts forward proposed standard conditions to be attached to licences granted for sex shops.

1.2 The proposed conditions are attached at the end of the report.

2.0 Decision Required

2.1 To approve the proposed licence conditions for the purpose of a consultation exercise with the holders of current sex shop licences.

3.0 Financial Implications for Transition Costs

3.1 The costs of the consultation exercise will be met from the existing budgets of the constituent authorities of Cheshire East.

4.0 Financial Implications 2009/10 and beyond

4.1 None

5.0 Legal Implications

5.1 The authority to control sex establishments by licensing derives from the provisions of the Local Government (Miscellaneous Provisions) Act 1982¹. To do so an authority must first of all pass a resolution that the provisions of the Act will apply in its area. Having done so, the legislation prescribes that the authority may then approve standard conditions for the grant, renewal or transfer of a licence.

5.2 Both Macclesfield and Crewe and Nantwich Boroughs have previously passed such a resolution and approved their respective sets of standard conditions. Congleton Borough has previously passed a resolution but without the conditions.

- 5.3 If the conditions for licensing sex shops are not in place by 1st April 2009 Cheshire East will rely on the provisions of the Transitional Regulations² in order to perform its statutory function as the licensing authority from Day One.

6.0 Risk Assessment

- 6.1 Failure to carry out a consultation exercise prior to the introduction of the conditions could lead to a legal challenge about their validity.

7.0 Background and Options

- 7.1 A sex shop licence is required in order to use premises to sell or trade in items of a sexual nature.
- 7.2 The proposed conditions have been drawn from the conditions currently in force in the Boroughs of Macclesfield and Crewe and Nantwich. They have been chosen to reflect the best of the current practices from those authorities.
- 7.3 For the reason given at paragraph 5.2, there are no licence conditions in force in the area of Congleton Borough.
- 7.4 It is proposed to hold a six week consultation exercise with the existing holders of sex shop licences at Crewe and Nantwich and Macclesfield on the proposed conditions. There are no licensed sex shops in Congleton Borough.
- 7.5 The result of the exercise will be reported to a further meeting of the Committee to enable a final decision to be made with a view to their introduction on 1st April 2009 for new licences and from the date of renewal of existing licences as and when they fall due on or after 1st April 2009.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have sex shop licence conditions in place is a Year One requirement.

9.0 Reasons for Recommendation

- 9.1 The recommendation is made with a view to ensuring that Cheshire East is in position to carry out the licensing function from Day One. It also recognises that the holders of existing licences should have an input and for this reason it recommends the holding of a consultation exercise prior to a final decision being taken by the Committee.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: A C Lee, Crewe & Nantwich Borough Council

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Background Documents:

The current sex shop licence conditions of Crewe and Nantwich BC and Macclesfield BC.

Documents are available for inspection at the respective authorities.

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CHESHIRE EAST

SEX SHOP LICENCE – STANDARD CONDITIONS

1. Definitions

1.1 These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

1.2 In these conditions, unless the context otherwise requires:

‘Approval of the Council’ or ‘Consent of the Council’ means the approval or consent of the Council in writing.

‘Approved’, ‘accepted’, or ‘permitted’ means approved, accepted or permitted by the Council in writing.

‘Approved arrangements’ means the arrangement of the premises, fittings, installations and all other things in connection therewith as approved by the Council.

‘Council’ means Cheshire East Council.

‘Licensee’ means the holder of a sex establishment licence.

‘Officer’ means any person authorised in writing by the Council.

‘Premises’ means any premises within the Council’s area licensed as a sex establishment and includes all installations, fittings and things in connection therewith.

‘Sex Establishment’, ‘Sex Shop’, and ‘Sex Article’ shall have the meanings ascribed to them in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

2. Exhibition of Licence

2.1 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 licence shall be adequately protected against theft, vandalism or defacement.

3. Opening Hours

3.1 The premises shall not be open for any purpose of the licence except during the following hours:

Mondays to Saturdays from *am to *pm
Sundays from *am to * pm

** insert hours as granted*

4. Conduct of the Premises

- 4.1 The licensee shall maintain good order and take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.
- 4.2 The licensee shall in particular ensure that none of the following shall take place:
- Indecent behaviour, including sexual intercourse;
 - The offer of any sexual or other indecent service for reward.
- 4.3 The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been specified in the licence.
- 4.4 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, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Solicitation shall be taken to include the distribution of leaflets.
- 4.5. The licensed premises shall be used only for the purposes specified in the licence.
- 4.6 No person under the age of 18 years shall be admitted to the premises or be employed in the business of the sex establishment.

5. Signs, Doors and Shop Window Display

- 5.1 The business or trading title of the premises which must have received the prior written approval of the Council may be displayed in letters no more than 150mm high.
- 5.2 An application to change the business or trading title of the premises must have received the prior written approval of the Council. The Council shall have the an absolute and unfettered discretion to permit or to refuse such a change.
- 5.3 A sign must be displayed over the entrance door stating in letters no more than 75mm high:

“WARNING
PERSONS PASSING BEYOND THIS NOTICE WILL FIND
MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER
INDECENT
NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE”

- 5.4 No sign, words, poster, photograph, sketch, painting, display or advertisement shall be displayed outside or in the vicinity of the premises except as mentioned in condition 5.1.

- 5.5 The exterior design of the premises shall be such that the interior of the premises is invisible to passers by. A scheme showing the exterior design and trading name of the premises shall be submitted to and approved by the Council before the premises are opened for business.
- 5.6 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.
- 5.7 The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
- 5.8 The windows and openings of the premises shall be of a material or covered with a material which will render the interior or any items within the premises invisible to passers-by.

6. Employment of Persons on the Premises

- 6.1 The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection at the premises by a police officer or an officer authorised in writing by the Council.
- 6.2 The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.
- 6.3 A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be seen by customers.
- 6.4 The licensee shall at all times keep and maintain at the licensed premises a written record of the names, addresses and dates of birth of all persons employed within the licensed premises whether upon a full time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him.

[continued]

7. Responsibility of the Licensee

- 7.1 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the control or management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director secretary or manager are to be furnished within 14 days of a request in writing from the Council.
- 7.2 The licensee shall inform the Council within seven days if he is convicted of any offence.

8. Alterations to the Premises

- 8.1 No alterations (including temporary alterations) shall be made to 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.
- 8.2 Where alterations necessitate the premises being closed for a 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.

9. Change of Use

- 9.1 No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema).

10. Food etc

- 10.1 No food or refreshments shall be served at the premises save to bona fide members of staff employed on the premises.

11. Music etc

- 11.1 No music of any kind shall be played on the premises.

12. Goods Available in Sex Shop

- 12.1 All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.
- 12.2 All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect shall be prominently displayed within the sex establishment.

- 12.3 No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

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