

NORTHAMPTON BOROUGH COUNCIL

Licensing Committee

Your attendance is requested at a meeting to be held at The Jeffrey Room, Guildhall, St. Giles Square, Northampton, NN1 1DE on Tuesday, 5 November 2013 at 6:00 pm.

**D Kennedy
Chief Executive**

AGENDA

1. APOLOGIES
2. MINUTES
To confirm the minutes of the meetings held on 24 September 2013 and 15 October 2013.
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. THE SCRAP METAL DEALERS ACT 2013
7. REVIEW OF LICENSING FEES
8. HACKNEY CARRIAGE TARIFF REVIEW
9. STREET TRADING CONSENTS - ABINGTON PARK
10. POLICY AND PROCEDURE FOR THE CLASSIFICATION OF FILMS
11. REVIEW OF SEX ESTABLISHMENT LICENSING FEES
12. EXCLUSION OF PUBLIC AND PRESS

The Chair to Move:

“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

LICENSING COMMITTEE

Tuesday, 24 September 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Duncan, Eales, Ford, Hibbert, Mennell, Sargeant and Wire DL

1. APOLOGIES

Apologies were received from Councillor Conroy

2. MINUTES

The minutes of the meeting held on the 23rd July 2013 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

Mr Gallone and Councillor Beardsworth were granted leave to address the Committee in respect of Item 6 – Street Trading Consents – Abington Park.

Mr Hill was granted leave to address the Committee in respect of Item 8 of the supplementary agenda – Review of Hackney Driver License.

4. DECLARATIONS OF INTEREST

There were none.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

6. STREET TRADING CONSENTS - ABINGTON PARK

Mr Gallone addressed the Committee and explained that the proposal to move the street trading pitch from Park Avenue South onto Abington Park could potentially lose him passing trade. He commented that the fact his rent had been increased and the loss of passing trade would have a detrimental effect on his business and voiced his concerns about his potential loss of earnings. He commented that he had invested a lot of money in his ice cream van and noted that with regards to safety concerns, cited in the report, he was not aware of any accidents having been reported to Northamptonshire County Council in over 25 years.

In response to questions asked by the Committee, Mr Gallone stated that he currently had in the region of 30 vans but that the one he currently traded from on Park Avenue South was a trailer (converted to include a coffee machine, ice cream making facility and slush maker) which grounded when driven into Abington Park. It was noted that the trailer used at the location was his prime, most expensive vehicle as it was his prime location.

Councillor Beardsworth commented that the increase in rent had been accepted graciously by the existing street traders and that the tradition of having an ice cream seller next to the playground was a tradition and urged the Committee not to move the street trading pitches, which had been used by Mr Gallone's family business for over 80 years.

The Senior Licensing Officer submitted the report and with the agreement of the Chair, circulated two further documents, one of which was a photograph of the park along Park

Avenue South, and a map of the draft proposed Plaza area. It was explained that they were looking at moving two pitches from outside the park, into the park area – a move that would not be far from the highway area and would allow the current traders to continue to be under the street trading remit. It was explained that the proposed Plaza Area would involve the creation of an attractive gateway into the park in order to make the park more attractive to visitors and residents. When examining the area it was noted that the pavement where the traders currently operate was, at times, very busy which raised some health and safety concerns.

The Senior Licensing Officer explained that both the street traders were constricted by their consents to trade until 7.30pm, but it was proposed that the ice cream traders would be able to trade for longer hours on their new pitches from 06.00 hours until 22.00 hours. It was further explained that the purpose was to go out to consultation for 28 days, after the publication of a notice of intention. The Committee would later need to consider the adoption of the pitches following the consultation period.

RESOLVED:

That the proposed resolution as outlined in Appendix (B of the report) as amended, to state between “06.00 to 22.00” instead of from “dawn to dusk” be:

- 1) Advertised in the local newspaper and that a period of no less than 28 days consultation commence after the date of publication of the advertisement.

7. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such Act.

The Motion was Carried.

The meeting concluded at 6.44pm

NORTHAMPTON BOROUGH COUNCIL

LICENSING COMMITTEE

Tuesday, 15 October 2013

PRESENT: Councillor Malpas (Chair); Councillor Hill (Deputy Chair); Councillors Conroy, Duncan, Ford, Hibbert, Sargeant and Stone

APOLOGIES: Councillor Eales, Councillor Mennell and Councillor Wire DL

1. APOLOGIES

Apologies were received from Councillors Eales, Mennell and Wire.

2. DEPUTATIONS / PUBLIC ADDRESSES

The interested party with reference to agenda item 6 had supplied the Committee with a list of witnesses they would be calling.

3. DECLARATIONS OF INTEREST

None.

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

5. EXCLUSION OF PUBLIC AND PRESS

The Chair moved that the Public and Press be excluded from the remainder of the meeting on the grounds that there was likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to paragraph (1) of Schedule 12A to such Act.

The Motion was Carried.

6. REVIEW OF HACKNEY DRIVER LICENCE

The Chairman stated that the Committee was sitting to review a Hackney Driver licence and to consider whether the party was a fit and proper person to hold such a licence. If the Committee decided that he was not a fit and proper person to do so they would need to consider his personal circumstances in deciding any sanction to apply.

The Committee heard evidence and witnesses were called.

RESOLVED:

After deliberation the Committee unanimously agreed that the Hackney Driver was not a fit and proper person to hold a Hackney Driver's licence and agreed unanimously to revocation of his licence.

1. The Committee believed the evidence of the complainant although they were unable to attend the hearing, although a sworn statement was received and accepted. On the balance of probabilities the Committee felt that the Hackney Driver's conduct was not acceptable and had caused the complainant to be distressed. The Hackney Driver admitted that he had been feeling stressed at the time. Taxi drivers have a duty to act in a professional manner to their customers at all times and the taxi driver

had failed to do so on this occasion.

2. The Committee also received in evidence a sworn statement from the Enforcement Officer Mr Ian Ellis and also oral evidence from him. The evidence demonstrated an unacceptable use of derogatory language in regard to race issues by the Hackney Driver. This evidence supported in the view of the Committee the truth of the evidence of the complainant.
3. The Committee had regard to the other communications between the Hackney Driver and the Council's Licensing Officers, as referred to in the report. The Committee felt on balance that the confrontational and prejudicial tone of the Hackney Driver's communications made it more likely than not that such conduct would be exhibited to fare paying passengers in his role as a taxi driver.

The Committee therefore unanimously concluded that the Hackney Driver, on the balance of probabilities, is not a fit and proper person to hold a Hackney Driver's Licence.

The ground for the decision is "any other reasonable cause" under s61 of the Local Government (Miscellaneous Provisions) Act 1976, the evidence of which is detailed above.

The Committee therefore considered the various options open to it. The Committee decided to revoke the Hackney Driver's licence. It was considered whether to issue a warning or to suspend the licence, but concluded that neither option would adequately serve to protect the interests of the public and that revocation was the only option open to the Committee.

The revocation of the licence will take effect at the end of the period of 21 days beginning with the day on which the Hackney Driver receives this notice, unless the Hackney Driver lodges an appeal to the Magistrates' Court.

The meeting concluded at 9:38 pm

Appendices:
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NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|---|
| Report Title | The Scrap Metal Dealers Act 2013 |
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AGENDA STATUS: PUBLIC

| | |
|--------------------------------|--------------------------------------|
| Committee Meeting Date: | 5th November 2013 |
| Policy Document: | Scrap Metal Dealers Licensing |
| Directorate: | Customers and Communities |

1. Purpose

- 1.1 To inform the committee of the licensing requirements of the Scrap Metal Dealers Act 2013 and to seek approval for the scheme of delegation and licensing fees

2. Recommendations

- 2.1 That the Head of Customers and Communities be authorised to set the fees to accompany applications made under the Scrap Metal Dealers Act 2013 (The 2013 Act).
- 2.2 To delegate powers to the Officers within Regulatory Services to determine suitability of applicants to hold a licence and dispose of the responsibilities provided to the Council within the 2013 Act.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The growth of metal theft offences has highlighted the ineffectiveness of the previous registration scheme in preventing the sale of stolen metal. Government therefore decided that regulatory reform of the scrap metal sector was needed.

- 3.1.2 The 2013 Act contains additional provisions to raise standards in the industry, replacing the overlapping regimes for the vehicle salvage and scrap metal industries with a single regulatory scheme and making Councils responsible for the licensing and enforcement of the Act alongside the Police.
- 3.1.3 The 2013 Act will allow the Council to decide who should and should not be licensed, allowing refusal of a licence upon application or revocation of a licence at any time if the Council is not satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer. The Act also creates closure powers for unlicensed dealers. It extends the record keeping requirements placed upon scrap metal dealers and requires scrap metal dealers to verify the identity of people they undertake transactions with. The Act will integrate the separate regulation for motor salvage operators with the scrap metal sector and bring an end to the exemption relating to cash transactions given to some collectors under the 1964 Act.
- 3.1.4 The 2013 Act creates a fee raising power, to allow local authorities to recover the costs stemming from administering and seeking compliance with the regime.
- 3.1.5 In order for anyone to carry on a business as a scrap metal dealer they must obtain a licence. The licence will be valid for three years and trading without a licence will be a criminal offence.

There are two types of licence specified in the 2013 Act:

- **Site licence**

All the sites where a licensee carries on business as a scrap metal dealer have to be identified, and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

- **Collector's licence**

This allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each Council the collector wishes to operate in. The licence does not authorise the licensee to operate a site; to do so they will need a site licence from the relevant local authority.

- 3.1.6 An applicant for a licence must be suitable and the local authority, when determining suitability, can have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence.
- Whether the applicant or any site manager has been the subject of any relevant enforcement action.
- Any previous refusal for issue or renewal of a Scrap Metal Licence.
- Any previous refusal for an environmental permit or registration.
- Any previous revocation of a Scrap Metal Licence.
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the 2013 Act.

- 3.1.7 In order to ensure that the application process is open and transparent it is proposed that all representations are heard by the Licensing Committee. It is anticipated that the hearings would be managed in the same way to those currently heard by the Committee in relation to Licensing Act hearings, where Members hear representations from all parties involved before making a decision.
- 3.1.8 There is a right of appeal to the Magistrate's Court against the decision to refuse a licence application, to include a condition within the licence, to revoke the licence or to vary the licence.

Application Fees

- 3.1.9 Any application to receive a licence must be accompanied by a fee. The fee is set by the local authority having had regard to guidance issued by the Home Office.
- 3.1.10 Based on calculations, using the criteria on which fees may be set, it is considered that the following fee structure will be sufficient to cover the council's reasonable costs associated with licence applications and enforcement. All licences will be issued for three years:
- Site licence application/renewal - £325
 - Collectors licence application/renewal - £240
 - Variations to an existing licence - £65 per request
- 3.1.11 The proposed costings and derived fees are based on the estimated times to process applications. The fee structure will be reviewed at a later date when the actual level of involvement is established.

4.1 Choices (Options)

- 4.1.1. Confirm the formal adoption of the procedure outlined.
- 4.1.2 Confirm the fee setting procedure as set out
- 4.1.3. Confirm the delegation of the powers as outlined in the report to officer level.

5. Implications (including financial implications)

5.1.1 Policy

This report will form the basis for the policy.

5.1.2 Financial implications

The licensing scheme will be funded by the licence holders but the cost of enforcing unlicensed dealers will have to be met by the tax-payer from central funds.

5.2 Resources and Risk

- 5.2.1 Resources will continue to be managed within the existing Regulatory Services budget.
- 5.2.2 We aim to apply the principles set down in the Legislative and Regulatory Reform Act 2006 to all of our regulatory activities, including, but not limited to, those that are specified in regulations made under the Act. The principles are that:
- Regulatory activities should be carried out in a way, which is transparent, accountable, proportionate and consistent;
 - Regulatory activities should be targeted only at cases in which action is needed.
- 5.2.3 The primary function of local government regulatory activity is to protect the public, the environment, and groups such as consumers and residents.
- 5.2.4 However, it is important that these enforcement functions are carried out in an equitable, practical and consistent manner, and that those subject to regulation and those on whose behalf enforcement is carried out are aware of the Council's policy on enforcement.
- 5.2.5 This Enforcement Procedure helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens on those subject to regulation.
- 5.2.6 This Policy has been developed with due regard to the Principles of Good Enforcement set out in the following guiding documents:
- The Regulators' Compliance Code, a code issued under the Legislative and Regulatory Reform Act 2006 in respect of certain specified Council regulatory functions
 - The Code for Crown Prosecutors issued by the Director of Public Prosecutions under the Prosecution of Offenders Act 1985

In certain circumstances we may conclude that a provision contained in one or more of these codes is either not relevant or is outweighed by another provision or relevant factor.

- 5.2.7 We will ensure that any decision to depart from relevant policy guidelines will be properly reasoned and based on material evidence.

5.3 Legal

- 5.3.1 The 2013 Act replaces the current registration regime for Scrap metal dealers and vehicle dismantlers. The Council will be responsible for both licensing and enforcement of the Act.

5.3.2 All enforcement activities, including investigations and formal actions, will always be conducted in compliance with the Council's statutory obligations.

5.3.3 Council enforcement officers should act within the scope of their delegated authority and with due regard to all relevant legislation, such as:

- The Police and Criminal Evidence Act 1984,
- The Criminal Procedure and Investigations Act 1996
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Criminal Justice and Police Act 2001
- Criminal Justice Act 2003
- The Legislative and Regulatory Reform Act 2006

and legislation designed to tackle discrimination and promote equality.

5.3.4 Officers will have due regard to any relevant formal procedures and codes of practice made under such legislation and will be guided in their work by the principles laid down in legislation and underpinning this policy.

5.4 Equality

5.4.1 An Environmental Impact Needs Assessment has not been conducted as this is primary legislation and applies nationally. There are no implications locally as enforcement work in respect of scrap metal dealers will be carried out consistently on the basis of risk for all premises across the whole Borough.

5.5 Consultees (Internal and External)

5.5.1 Legal

5.6. Background Papers

5.6.1. The Scrap Metal Dealers Act 2013

5.6.2 The Scrap Metal Dealers Act 1964

Report Author: Tim Hughes
Environmental Health Manager
Ext. 7659

Appendices:
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NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|---------------------------------|
| Report Title | Review of Licensing Fees |
|---------------------|---------------------------------|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|--|
| Committee Meeting Date: | 5 November 2013 |
| Policy Document: | Hackney/Private Hire Sanctions and Procedures |
| Directorate: | Customers and Communities |

1. Purpose

1.1 The purpose of this report is to review the Private Hire Operator fees currently adopted by the council.

2. Recommendations

2.1 That with effect from 1 January 2014, the proposed fees (Appendix A) for Private Hire Operator licences be adopted.

3.1 Report Background

3.1.1 The current scale of fees for Operator Licences took effect from 1 April 2013, when they were increased in line with driver and vehicle licences.

3.1.2 Over time the number of vehicles operated by some licence holders has risen significantly and the fees no longer reflect the amount of administration time spent both issuing and renewing those licences.

3.1.3 The progression of fees at Appendix A goes some way to remove this discrepancy.

3.1.4 The increase as requested will not affect the majority of operators only those operating a high number of vehicles.

3.1.5 Fees still remain staggered to take account of the number of vehicles each licence holder operates.

4.1 Choices (Options)

4.1.1. Only one option has been submitted for consideration at this time.

4.1.2. To consider the option given in line with the Local Government (Miscellaneous Provision) Act 1976.

5. Implications (including financial implications)

5.1 Policy (Hackney and Private Hire Licensing)

5.1.1. There are no new policy implications.

5.1.2. There will be an increase in revenue to cover the cost in administration.

5.2 Resources and Risk

5.2.1 The licensing department will continue the administrative function of issuing Operator licences with current resources.

5.3 Legal

5.3.1 The Local Government (Miscellaneous Provisions) Act 1976, S53 (2) allows the Local Authority to set fees in respect of drivers licences for both Hackney Carriages and Private Hire Vehicles.

5.3.2 S70 of the same act allows a local authority to set fees in respect of Hackney Carriage proprietor's licences, Private Hire Vehicle licences and Private Hire Operator's licences.

5.3.3 The cost of a licence has to be related to the cost of the licensing scheme itself, and can be set to be subsidised by the Council but cannot be set to make a surplus.

5.3.4

Local Government (Miscellaneous Provisions) Act 1976

“70 Fees for vehicle and operators' licences.

(1) Subject to the provisions of subsection (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as may be sufficient in the aggregate to cover in whole or in part—

(a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;

(b) the reasonable cost of providing hackney carriage stands; and

(c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

(2) The fees chargeable under this section shall not exceed—

(a) for the grant of a vehicle licence in respect of a hackney carriage, twenty-five pounds;

(b) for the grant of a vehicle licence in respect of a private hire vehicle, twenty-five pounds; and

(c) for the grant of an operator's licence, twenty-five pounds per annum;

or, in any such case, such other sums as a district council may, subject to the following provisions of this section, from time to time determine.

(3)(a) If a district council determine that the maximum fees specified in subsection (2) of this section should be varied they shall publish in at least one local newspaper circulating in the district a notice setting out the variation proposed, drawing attention to the provisions of paragraph (b) of this subsection and specifying the period, which shall not be less than twenty-eight days from the date of the first publication of the notice, within which and the manner in which objections to the variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of twenty-eight days from the date of the first publication thereof be deposited at the offices of the council which published the notice and shall at all reasonable hours be open to public inspection without payment.

(4) If no objection to a variation is duly made within the period specified in the notice referred to in subsection (3) of this section, or if all objections so made are withdrawn, the variation shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(5) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the variation shall come into force with or without modification as decided by the district council after consideration of the objections.

(6) A district council may remit the whole or part of any fee chargeable in pursuance of this section for the grant of a licence under section 48 or 55 of this Act in any case in which they think it appropriate to do so.

5.4 Equality

5.4.1. An equality impact assessment has been undertaken and no equalities issues were identified as being likely to have a negative impact on the trade request.

5.5. Resources and Risk

5.5.1. There is no recognised financial risk, the Licensing Team will continue to administer and enforce the issue of Hackney and Private Hire Licenses.

5.5.2. The estimated increase in revenue if these proposals are adopted will help to pay for the increased costs in both administration and compliance.

5.5.3. This will reduce the amount the service is subsidised by other resources. (i.e The Council Tax payer).

5.6 Consultees (Internal and External)

5.6.1. Legal

5.7. Background Papers

5.7.1. Local Government (Miscellaneous Provisions) Act 1976. (Relating to Hackney and Private Hire vehicles, drivers and operators).

5.7.2 Taxis-Licensing Law and Practice – James Button

Report Author: Philip Bayliss .
Senior Licensing officer
X7099

APPENDIX A

| <u>Operators Licence proposed fee</u> | | <u>2013</u> | <u>2014</u> |
|--|---------|-------------|-------------|
| Annual Private Hire Operators Licence | Non - S | 330 | 330 |
| Operator Renewal Number of vehicles | | | |
| 1 | Non - S | 220 | 220 |
| 2-5 | Non - S | 330 | 330 |
| 6-20 | Non - S | 440 | 440 |
| 20-30 | Non - S | 550 | 550 |
| 30-40 | Non - S | 660 | 660 |
| 40-50 | Non - S | 770 | 770 |
| 50-60 | Non - S | 880 | 880 |
| 60-70 | Non - S | 990 | 990 |
| 70-80 | Non - S | 1100 | 1100 |
| 80-90 | Non - S | New Fee | 1200 |
| 90-100 | Non - S | New Fee | 1300 |
| 100 - 110 | Non - S | New Fee | 1400 |
| 110-120 | Non - S | New Fee | 1500 |
| 120-130 | Non - S | New Fee | 1600 |
| 130-140 | Non - S | New Fee | 1700 |
| 140-150 | Non - S | New Fee | 1800 |
| 150-160 | Non - S | New Fee | 1900 |
| 160-170 | Non - S | New Fee | 2000 |
| 170-180 | Non - S | New Fee | 2100 |
| 180-190 | Non - S | New Fee | 2200 |
| 190-200 | Non - S | New Fee | 2300 |
| 200-225 | Non - S | New Fee | 2500 |
| 225-250 | Non - S | New Fee | 2750 |
| Notification of change of named Operator | Non - S | 220 | 220 |



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|---------------------------------------|
| Report Title | Hackney Carriage Tariff Review |
|---------------------|---------------------------------------|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|--|
| Committee Meeting Date: | 5 November 2013 |
| Policy Document: | Hackney/Private Hire Sanctions and Procedures |
| Directorate: | Customers and Communities |

1. Purpose

1.1 The purpose of this report is to review the Hackney Tariff currently in use by those Hackney vehicles licenced by Northampton Borough Council.

2. Recommendations

2.1 That the Licensing Committee considers the Hackney Carriage Tariff outlined in the report and approve the increase.

3. Issues and Choices

3.1 Report Background

3.1.1 The current scale of Hackney Carriage fares took effect from 6 May 2008, there has been no increase since that time.

3.1.2 A number of Northampton Hackney drivers, 65 in total, represented by Mr Perry Mainstone, are seeking an increase due to a significant rise in the cost of living since their last increase and the rising cost of fuel. Over that 5 year period the cost of a litre of diesel has risen from 99.9P to a sum in the region of £1.40P. (An increase of 40%)

3.1.3 Due to the recession the hackney drivers have not sought an increase prior to this request.

3.1.4 The increase as requested represents an increase of 10.5%.

3.1.5 During the period 2008 to 2012 the retail price index has risen by 27.2%. (Office of National Statistics).

4.1 Choices (Options)

4.1.1. Only one option has been submitted for consideration at this time.

4.1.2. To consider the option given in line with the Local Government (Miscellaneous Provision) Act 1976 and the Wednesbury rules.

5. Implications (including financial implications)

5.1 Policy (Hackney and Private Hire Licensing)

There are no new policy or financial implications.

5.2 Resources and Risk

5.2.1 None known.

5.3 Legal

S65 Local Government (Miscellaneous Provisions) Act 1976 will be complied with as outlined below:

“Fixing of fares for Hackney Carriages”

65-(1) A district council may fix the rates or fares within the district as well for time as distance, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, to be paid in respect of the hire of Hackney Carriages by means of a table (hereafter in this section referred to as a “table of fares”) made or varied in accordance with the provisions of this section.

(2) (a) When a district council make or vary a table of fares they shall publish in at least one local newspaper circulating in the district a notice setting out the table of fares or the variation thereof and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made.

(b) A copy of the notice referred to in paragraph (a) of this subsection shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.

(3) If no objection to a table of fares or variation is duly made within the period specified in the notice referred to in subsection (2) of this section, or if all objections so made are withdrawn, the table of fares or variations shall come into operation on the date of the expiration of the period

specified in the notice or the date of withdrawal of the objection or, if more than one, of the last objection, whichever date is the later.

(4) If objection is duly made as aforesaid and is not withdrawn, the district council shall set a further date, not later than two months after the first specified date, on which the table of fares shall come into force with or without modifications as decided by them after consideration of the objections

(5) A table of fares made or varied under this section shall have effect for the purposes of the Act of 1847 as if it were included in Hackney Carriage byelaws made thereunder.

(6) On the coming into operation of a table of fares made by a council under this section for the district, any Hackney Carriage byelaws fixing the rates and fares or any table of fares previously made under this section for the district, as the case may be, shall cease to have effect.

The Licensing Committee in making its decisions must be “Wednesbury reasonable”. In other words, it must take into account relevant factors; disregard irrelevant factors and must act reasonably. In relation to this report the Committee needs to be satisfied that any change to the tariff is reasonable, given the level of fuel increases. There needs to be a clear link between the additional fuel costs to the drivers/operators and the actual level of the new tariff.

5.4 Equality

5.4.1. An equality impact assessment has been undertaken and no equalities issues were identified as being likely to have a negative impact on the trade request.

5.5 Consultees (Internal and External)

5.5.1. Legal

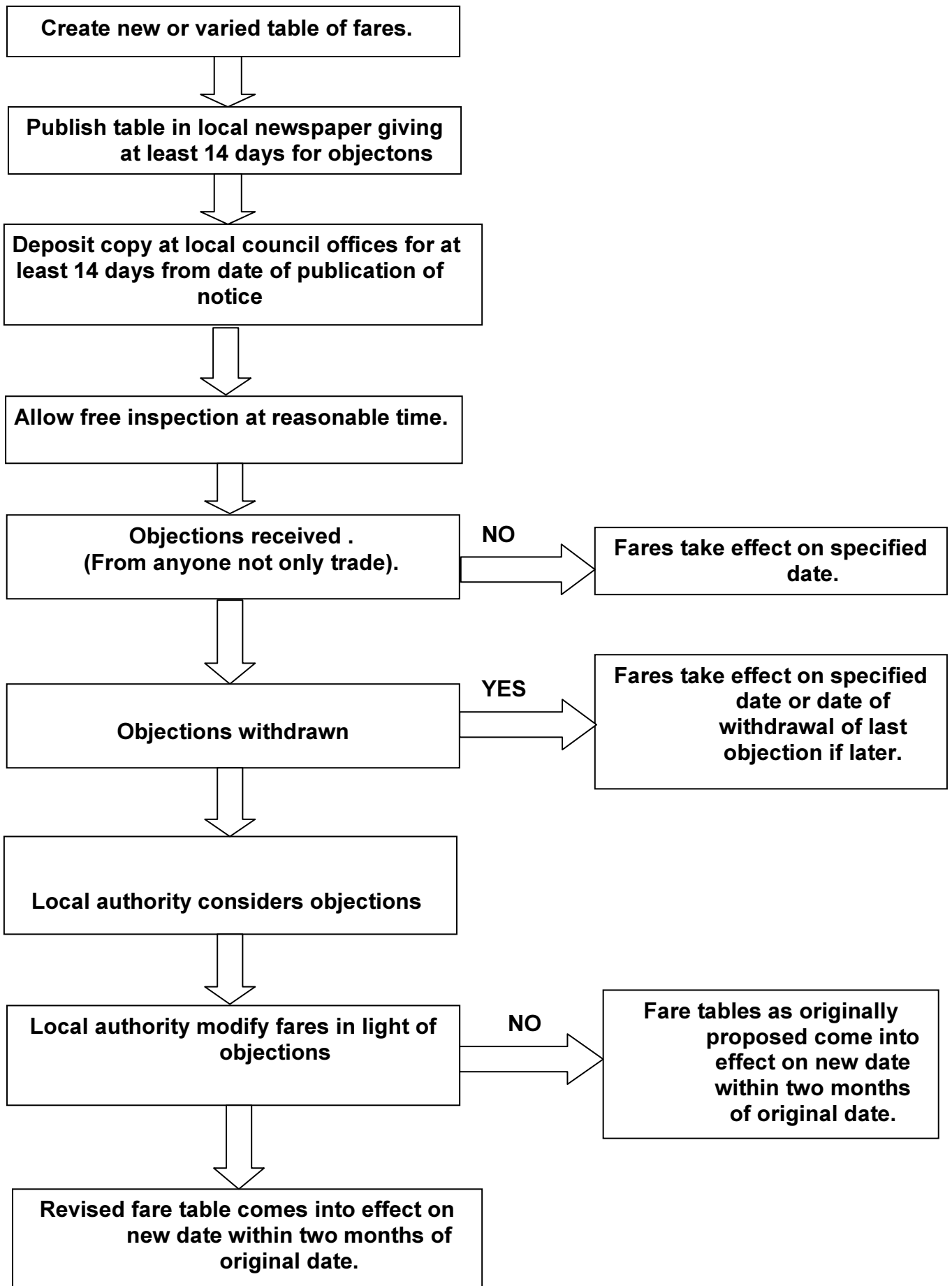
5.6. Background Papers

5.6.1. Local Government (Miscellaneous Provisions) Act 1976. (Relating to Hackney and Private Hire vehicles and drivers).

5.6.2 Taxis-Licensing Law and Practice – James Button

Report Author: Philip Bayliss .
Senior Licensing officer
X7099

Flow Chart for Setting Hackney Fares





NORTHAMPTON
BOROUGH COUNCIL

TARIFF CARD

6th May 2008

Tariff 1 (Day) 0600-2300

Tariff 2 (Night) 2300-0600

Minimum Charge

£2.20

Minimum Charge

£3.40

Minimum Distance of up to but not exceeding 158 yards

Mileage Charges

Charged in units of 208 yards
at a cost of 0.20p per unit.

DAY (£)

| | | |
|-----------|--------|-------|
| 1. Mile | Cost = | 3.80 |
| 2. Miles | Cost = | 5.60 |
| 3. Miles | Cost = | 7.20 |
| 4. Miles | Cost = | 9.00 |
| 5. Miles | Cost = | 10.60 |
| 10. Miles | Cost = | 19.00 |

Charged in units of 202 yards
at a cost of 20p per unit

NIGHT (£)

| | | |
|-----------|--------|-------|
| 1. Mile | Cost = | 5.00 |
| 2. Miles | Cost = | 6.80 |
| 3. Miles | Cost = | 8.60 |
| 4. Miles | Cost = | 10.40 |
| 5. Miles | Cost = | 12.00 |
| 10. Miles | Cost = | 20.80 |

Waiting time for each 40 seconds- 20P (includes periods when vehicle is stationary)

Sundays and Bank Holidays 06:00-02:00

Charges as Tariff 2

Extra Charges

For every incident of fouling the vehicle a charge not exceeding

£40.00

Tariff 3 (Christmas/New Year – Double Fare)

20:00 on 24 December until 06:00 on 27 December & 20:00 on 31 December until 06:00 on 2 January

Mileage Charges : As Tariff 1 + 100%

Extra Charges: as above +100%

The above charges are a general guide, journeys outside the Borough Boundary will normally be metered unless an alternative tariff is agreed prior to the commencement of the journey.



NORTHAMPTON
BOROUGH COUNCIL

TARIFF CARD

Proposed

Tariff 1 (Day) 0600-2300

Tariff 2 (Night) 2300-0600

Minimum Charge

£2.20

Minimum Charge

£3.40

Minimum Distance of up to but not exceeding 158 yards

Mileage Charges

Charged in units of 176 yards
at a cost of 0.20p per unit.

DAY (£)

| | | |
|-----------|--------|-------|
| 1. Mile | Cost = | 4.20 |
| 2. Miles | Cost = | 6.20 |
| 3. Miles | Cost = | 8.20 |
| 4. Miles | Cost = | 10.20 |
| 5. Miles | Cost = | 12.20 |
| 10. Miles | Cost = | 22.20 |

Charged in units of 176 yards
at a cost of 20p per unit

NIGHT (£)

| | | |
|-----------|--------|-------|
| 1. Mile | Cost = | 5.40 |
| 2. Miles | Cost = | 7.40 |
| 3. Miles | Cost = | 9.40 |
| 4. Miles | Cost = | 11.40 |
| 5. Miles | Cost = | 13.40 |
| 10. Miles | Cost = | 23.40 |

Waiting time for each 30 seconds- 20P (includes periods when vehicle is stationary)

Sundays and Bank Holidays 06:00-02:00
Charges as Tariff 2

Extra Charges

For every incident of fouling the vehicle a charge not exceeding

£40.00

Tariff 3 (Christmas/New Year – Double Fare)

20:00 on 24 December until 06:00 on 27 December & 20:00 on 31 December until 06:00 on 2 January

Mileage Charges : As Tariff 1 + 100%

Extra Charges: as above +100%

The above charges are a general guide, journeys outside the Borough Boundary will normally be metered unless an alternative tariff is agreed prior to the commencement of the journey.

Appendices
2



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|--|
| Report Title | Street Trading Consents – Abington Park |
|---------------------|--|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|---------------------------|
| Committee Meeting Date: | 5 November 2013 |
| Policy Document: | Street Trading |
| Directorate: | Customers and Communities |

1. Purpose

At the meeting of the Licensing Committee on 24 September 2013, it was agreed that a notice would be published of the intention to pass a resolution to re-adopt all of Park Avenue South as a prohibited street. Also to move the two existing street trading pitches from Park Avenue South onto two new designated sites just off the highway on Abington Park as indicated on the attached plan Appendix A.

2. Recommendations

- 2.1 That the committee, following the formal consultation, now agree that with effect from 1st April 2014:-
- (i) The existing street trading pitch located at; Park Avenue South (east side) from a point 139 metres (457 feet) north of its junction with Christchurch Road for a distance of 10 metres (33 feet) northwards, be removed from the list of 'Consent' sites and
 - (ii) the existing street trading regulations for the borough be updated to allow the Council to designate two street trading consents at Abington Park as set out in the Notice attached. Appendix B
- 2.2 (A copy of the formal resolution is attached to this Report) Appendix B
- 2.3 The licensing department received no objections to the proposals during the consultation period.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Further to the recently approved parks and open spaces strategy, the local authority is currently looking at a number of potential initiatives aimed at making our parks more attractive to encourage more visitors.
- 3.1.2 One such initiative is looking at creating an attractive gateway from Park Avenue South, leading into Abington Park and linking in with other potential future projects.
- 3.1.3 This for example includes working in partnership with Friends of Abington Park and Northampton Museums Education Department to develop information, learning resources and activities to help local people and visitors to the park learn more about the ecology and heritage of Abington parkland and surrounding areas. This is one of a number of potential future projects which it is hoped will help to attract new audiences to Abington Park.
- 3.1.4 Whilst looking at these initiatives, safety concerns have been raised with regards to the location of the two ice cream vans with a street trading consent on Park Avenue South, attracting families with young children to stand in close proximity to a busy road.
- 3.1.5 At present all street traders are encouraged to occupy their consent sites from a time prior to those members of the public wishing to enjoy the local facilities and the area becomes busy. However it has been noted during the busy summer months that on occasions the ice cream van/s fail to arrive early in the morning, resulting in their pitches being taken as parking spaces by visitors to the park and the traders are finding themselves without a trading place.
- 3.1.6 Each pitch, in an area where parking is allowed to members of the public, is not for the sole use of the permit holder. If a member of the public is parked when the trader arrives then he must wait for the pitch to be vacated, he has no authority to demand the removal of any vehicle. He is not permitted to trade from any other location in the vicinity.
- 3.1.7 It is also noted that during the busy periods, customers of the ice cream traders queue on and around the footpath, blocking the pedestrian access and creating a potential hazard with the very steep incline directly running along the footpath.
- 3.1.8 The two existing ice cream sellers provide a popular service to the residents and visitors of Northampton and therefore whilst looking at the future opportunities within Abington Park, it has been identified that these two ice cream traders would benefit from a prime location, within the park area just off the highway, which has the potential to be developed as the gateway area to the park. These new pitches will allow for a more attractive trading area away

from the busy road and the steep incline. The new areas identified are shown as indicated on the attached plan. Appendix A.

- 3.1.9 At present both traders are restricted by their consents to trade until 7.30pm, however it is proposed that the ice cream traders will be allowed to trade on the new pitches from dawn to dusk, allowing them the opportunity to maximise their sales during the busy summer months.
- 3.1.10 For your information Street trading consents authorise mobile street trading such as the sale of hot dogs and other mobile snack bars. The majority of street trading pitches within Northampton are located on or around industrial estates, the only exception at this present time being the two ice cream vans at Abington Park.
- 3.1.11 The granting of a street trading consent is a matter within the general discretion of the Local Authority.
- 3.1.12 The council may attach such conditions as they consider reasonably necessary to a consent. Such conditions can include requirements that would help to prevent the obstruction of the street or danger to persons using it; or nuisance or annoyance, whether to persons using the street or otherwise. This relates specifically to street trading licenses, unless the consent allows them to trade from a stationary van/cart barrow or other vehicle or a portable stall.
- 3.1.13 The Committee may wish to specify a suitable time for the ice cream vans to manoeuvre on and off the park having due regard to public safety.

3.2 Issues

- 3.2.1 The date for this proposal is subject to change depending upon completion of the necessary works to create the two new consent sites, a further report will be presented to the committee should the date need to be amended.

3.3 Choices (Options)

- 3.3.1 The choice is whether or not to include these two new street consent sites within the park and remove the existing sites on Park Avenue South, or,
- 3.3.2 Take no action and leave the two current street trading consents on Park Avenue South.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 There would be no change to the existing policy.

4.2 Resources and Risk

- 4.2.1 The 2013/14 fee payable by the two traders on Park Avenue South is £1,225 each, per annum and the same fee will apply for the two new pitches within Abington Park, thus there will be no loss in licensing revenue. There will be a

cost of approximately £500 for the advertisement of this proposal; these costs will be met from the existing licensing budgets.

- 4.2.2 Investment for the improvement works to be carried out around the parks will be funded from the parks and open spaces strategy and will not be funded from the Licensing budget.

4.3 Legal

- 4.3.1 The Local Government (Miscellaneous Provisions) Act 1982 empowers a district council to adopt Schedule 4 of the Act.

A district council may by resolution under Schedule 4:

Designate any street in their district as—

- (a) a prohibited street;
- (b) a licence street; or
- (c) a consent street.

“street” includes—

- (a) any road, footway, beach or other area to which the public have access without payment; and
- (b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street;

- 4.3.2 If a district council pass such a resolution as is mentioned in above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

- A council shall not pass such a resolution unless—

- (a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
- (b) they have served a copy of the notice—
 - (i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
 - (ii) on any highway authority responsible for that street

The notice referred to in above—

- (a) shall contain a draft of the resolution; and
- (b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

- 4.3.3 As soon as practicable after the expiry of the period specified above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.
- 4.3.4 After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in subparagraph (1) above.
- 4.3.5 The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area. The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.
- 4.3.6 Where a street is designated as a licence street, the council may resolve—
- (a) in the resolution which so designates the street; or
 - (b) by a separate resolution at any time

4.4 Equality

- 4.4.1 There are no equality issues to be addressed; any issues relating to public safety will be addressed during the consultation period.

4.5 Consultees (Internal and External)

- 4.5.1 Public consultation via local publication.
- 4.5.2 Director of Customers & Communities, Head of Public Protection, Community Safety Manager, Finance, Legal Services, Senior Licensing Officers
- 4.5.3 The Police, Highways Department (Northamptonshire County Council) and the Environmental Health Department have been consulted following that consultation the following comments have been made:

Mr Leddingham the Police Senior Traffic Management Officer:

'I do deal with a small number of applications for street traders and would therefore be happy to support this proposal to move these vehicles onto hard standings, allowing them to be off the road. If there was an option for these to be near the pedestrian crossing facilities this would be good as it would hopefully encourage pedestrians to cross at a safe location.'

Mr Spencer Northants Highways Road Safety Team Leader:

'There are always road safety concerns when mobile food vendors trade from the main carriageway. We would therefore support measures to provide an off road location for this activity in Park Avenue South, Northampton. Our main guidance would be to try to ensure that the new location continues to encourage peds to use the crossing when accessing from the opposite side of the park.'

Mr Jason Toyne Northampton Borough Council Park Ranger:

'As one of the Park Rangers for Abington Park, I agree for construction of a plaza to be used by ice cream vehicles. It will also enhance the parks facilities and keep with the park setting. From a health and safety aspect moving the ice cream vehicles away from the road will enhance children's safety and possibly ease congestion.'

4.6 Other Implications

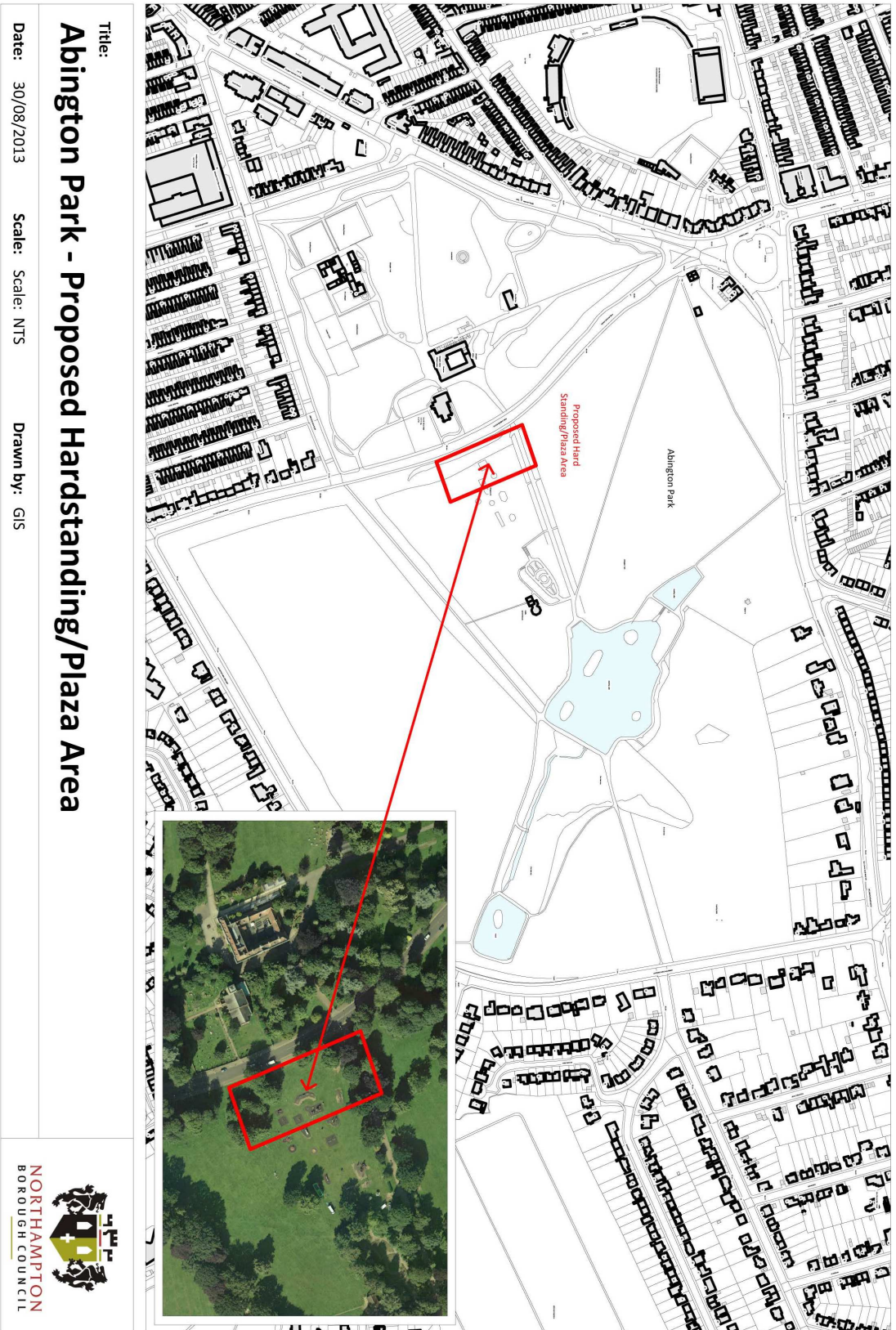
4.6.1 N/A

5. Background Papers

- 5.1 Licensing Committee Report dated 24th September 2013
- 5.2 Northampton Borough Council Street Trading Consent Policy.

Report Author Philip Bayliss
Title Senior Licensing officer
Ext: 7099

Appendix A



Appendix B – PROPOSED RESOLUTION

1. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART III

2. STREET TRADING

NOTICE IS HEREBY GIVEN under Paragraph 2 (3)(a) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982 of Northampton Borough Council's intention to pass the following resolution:-

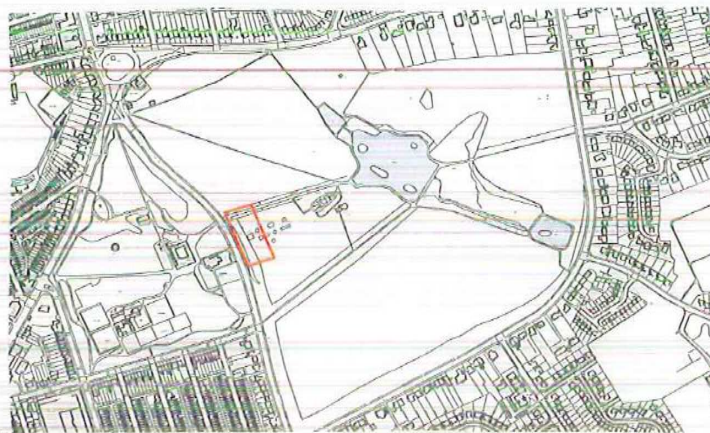
That with effect from 1st April 2014:-

- (1) Park Avenue South shall be designated as a prohibited street for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

That with effect from 1st April 2014(or upon completion of works, whichever is sooner, but not before the statutory advertising/notice period has passed):-

- (2) the following shall be designated as consent streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

| STREET | TRADING CONSENT AREA | TRADING HOURS | DAYS AND |
|---------------|--|-----------------|----------------------|
| Abington Park | The area identified in red as shown in the plan below. | Monday - Sunday | 06:00hrs to 22:00hrs |



Interpretation

In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

"Street" includes all roads, footways, highways and adjacent areas to which the public have access without payment.

The "street trading consent area" will be defined by reference to a plan.

The Remainder of the Highway Network in the Borough of Northampton.

That with effect from 1st April 2014 the roads and streets, including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 15 metres in the Borough of Northampton and not included in the resolution passed by Northampton Borough Council on 27th September 2005 shall also be designated as prohibited streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982.

In this Schedule a "consent street" means a street in which street trading is prohibited without the consent of the district council.

The "street trading consent area" will be defined by reference to a plan.

A list of those sites already licensed are available for inspection at the offices of the Northampton Borough Council between 9am and 5pm Monday to Friday.

Any representations or objections must be made in writing to the Council no later than 28 days of the advertisement being published in the local newspaper.

Appendices
0



NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|---|
| Report Title | Policy and Procedure for the Classification of Films |
|---------------------|---|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|-----------------------------------|
| Committee Meeting Date: | 5 November 2013 |
| Policy Document: | Film Classification Policy |
| Directorate: | Customers and Communities |

1. Purpose

1.1 For Members to consider proposals for a Council Policy for the Classification of Films.

2. Recommendations

2.1 That the Committee;

- (a) Approve the policy and procedure for dealing with the classification of films (attached as Appendix A)
- (b) Agree to adopt the Guidance issued by the British Board of Film Classification (BBFC) to assist in the determination of classifying films (attached as Appendix B).
- (c) Delegate responsibility for the authorisation of films which have not already been classified by the BBFC to the Licensing Manager and Senior Licensing Officers.
- (d) Delegate responsibility for the authorisation of films which have not already been classified by the BBFC and where the Licensing Manager and Senior Licensing Officer are unable to make a formal classification to the Licensing Sub Committee.

3.1 Report Background

3.1.1 There is currently no formal procedure for the Council to deal with the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's (BBFC) decision's, or requests to reclassify films. As the

Council's responsibilities in relation to film classifications are incorporated within the Licensing Act 2003 it is necessary to adopt such a procedure.

3.1.2 Whilst the British Board of Film Classification (BBFC) performs a national film classification role, the Council, as a Licensing Authority, is the classification body for the public exhibition of films shown in the Borough by virtue of the Licensing Act 2003 (LA03).

3.1.3 As such the Licensing Authority has the right to classify films that are shown in premises licensed under the Act such as cinemas, hotels, clubs and public houses. A copy of the Guidance issued by the BBFC to be adopted is attached at Appendix B.

3.1.4 Section 20 of the Licensing Act 2003 provides that a mandatory condition shall be applied to all premises licences that authorise the exhibition of films.

3.1.5 This relates to the restriction of the admission of children (defined in the Act as "persons aged under 18") to the exhibition of any film to either the film classification recommended by the BBFC or, if the Licensing Authority does not agree with that recommendation, to such other classification recommended by the Licensing Authority.

3.1.6 The Licensing Authority may be required to classify a film that has not been classified by the BBFC.

3.1.7 A typical example of this would be a locally made film to be shown at a film festival within the Borough.

3.1.8 Therefore, the Licensing Authority must have a formal procedure in place to determine this classification.

3.1.9 The proposed policy and procedure to be adopted is attached at Appendix A.

3.1.10 A distributor of a film or other party may also appeal to the Licensing Authority against a decision of the BBFC and request that the Licensing Authority reclassifies the film for local screening.

3.1.11 This is a very rare occurrence however procedures must be in place should a formal request be made.

3.1.12 In addition to classifying films the Licensing Authority can issue a classification waiver which permits the exhibition of the film or films within the local area without a classification, but subject to certain conditions and restrictions.

3.1.13 The Licensing Act 2003 also provides for a number of exemptions for certain types of film such as those exhibited for the purposes of demonstration of products, advertising goods or services, information, education or instruction and films exhibited in a museum or art gallery that consist of, or form part of, an exhibition.

3.1.14 Under the Act, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives. The objectives are;

- The prevention of crime and disorder
- Public safety

- Prevention of public nuisance
- Protection of children from harm

3.1.15 In terms of film exhibitions, the most relevant licensing objective is the protection of children from harm.

3.1.16 There may, however, be instances where there could be a case for relying on the prevention of crime and disorder objective.

3.1.17 In such a case, evidence would have to be produced that a particular film would lead to crime and disorder.

3.1.18 The BBFC is an independent, non-governmental body funded through the fees it charges to those who submit films, videos, DVDs and digital games for classification.

3.1.19 The BBFC classifies films intended for public exhibition on behalf of the local authorities that licence premises for that purpose under the Licensing Act 2003. The BBFC also classifies videos, DVDs and digital games under the Video Recordings Act 1984.

3.1.20 The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003, recommends that :

"Licensing authorities should not duplicate the BBFC's work by choosing to classify films themselves. The classifications recommended by the BBFC should be those normally applied unless there are very good local reasons for a Licensing Authority to adopt this role. Licensing Authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film."

3.1.21 As a requirement is placed on the Licensing Authority to carry out this function it is not proposed to carry out any form of consultation as this is a procedural matter for Licensing Authorities contained within the Act. If approval is given the procedure will be implemented with immediate effect.

3.1.22 It will not be necessary to change the terms of reference of the Licensing Committee as stated within the Constitution. It is already responsible for all matters relating to the discharge, by the Council, of its functions relating to licensing under the Licensing Act 2003.

4.1. Implications (including financial implications)

4.1.1. There are no financial implications of the proposed action.

4.1.2. There are no Human Rights implications in adopting the recommendations of this report.

5.1 Resources and Risk

5.1.1 Resources will not be affected the licensing team will continue to issue licences and monitor these premises.

5.1.2. Not having a policy might result in the moral and psychological harm being caused to members of the public, in particular children, by film exhibitions containing strong language, horror/violence or sexual images.

5.1.3 In adopting and approving the recommendations the Council will be exercising due diligence in licensing matters

5.3 Legal

5.4 Equality

5.4.1. An Equality Impact Assessment Screening has been completed and the conclusions are that there are no adverse or negative impacts of opportunity for any equality group or for any reason.

5.6 Consultees (Internal and External)

5.6.1. Legal

5.7. Background Papers

5.7.1. Licensing Act 2003..

5.7.2. British Board of Films Classification Guidelines

5.7.3. Northampton Borough Council's Statement of Licensing Policy.

Report Author: Philip Bayliss .
Senior Licensing officer
X7099

APPENDIX A

Policy for Determining Film Classifications

Purpose

The Council, as the Licensing Authority, is responsible for authorising the public exhibition of films. Section 20 of the Licensing Act 2003 (the Act) provides that where a Premises Licence or Club Premises Certificate authorises the exhibition of a film(s), the licence must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by the British Board of Film Classification (the BBFC) or by the Licensing Authority itself.

The purpose of this Policy is to set out the formal procedure for the Licensing Authority to determine the classification of previously unclassified films, appeals by distributors against the British Board of Film Classification's decisions or requests to reclassify films.

Where a premise seeks or intends to exhibit film(s) that venue must be covered by a Premise Licence, Club Premises Certificate or Temporary Event Notice under the Licensing Act 2003.

The definition of children is any person under the age of 18 years.

Under the Licensing Act 2003, the definition of the exhibition of a film is the exhibition of moving pictures.

In summary, the public exhibition of all films on licensed premises must either be classified by the BBFC or authorised by the Licensing Authority under the powers of the Licensing Act 2003.

The Licensing Authority when authorising film(s) shall at all times take into account the Guidance issued under section 182 of the Licensing Act 2003 (the National Guidance).

The Licensing Authority may be requested to authorise a film that has already been classified by the British Board of Film Classification (BBFC) in two different circumstances:

- (a) A distributor of a film may appeal against the decision of the BBFC and request that the Licensing Authority re-classifies/authorises the film for local screening (with recommendations on age restrictions); and
- (b) An independent party may request that the Licensing Authority reclassifies/authorises the film for local screening (with recommendations on age restrictions).

In addition, the Licensing Authority may be requested to authorise the showing of an unclassified film(s). This normally occurs in the following cases:

- A film festival covering a specific period of time
- A one off screening of a film
- A trailer for a film

1. General Policy

In accordance with paragraph 10.33 of the National Guidance, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment.

This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity.

Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

In terms of film exhibitions and festivals, the most relevant licensing objective is the Protection of Children from Harm.

Paragraph 2.41 of the National Guidance states:

‘The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

2. Principles in Determining Film Classifications

The BBFC classifies films in accordance with its published Guidelines, which are based on extensive research into public opinion and professional advice. The Paragraph 10.74 National Guidance under Section 182 of the LA03 recommends that:

The BBFC classifies films in accordance with its published Guidelines which are based on extensive research into public opinion and professional advice. The classifications recommended by the Board should be those normally applied unless there are very good local reasons for a licensing authority to adopt this role. Licensing authorities should note that the provisions of the 2003 Act enable them to specify the Board in the licence or certificate and, in relation to individual films, to notify the holder or club that it will make a recommendation for that particular film.

This Licensing Authority considers the classification system used by the BBFC to be nationally understood and accepted. It will therefore use this system, and any amendments thereto, as a reference point for determining its recommendation(s) on the restriction of access of children to the film(s). It should be noted however that the Licensing Authority is not obliged to follow these guidelines.

Where a licensed premise seeks to exhibit a film that has not been classified by the BBFC then it will be the responsibility of the Licensing Authority to authorise that film. As such the procedures outlined later in this document will be followed.

This Licensing Authority recognises the principle within the Human Rights Act 1998 that

adults should be free to choose their own entertainment. Material should not be in breach of the criminal law, including material judged to be obscene under the current interpretation of the Obscene Publications Act 1959 or has been created through the commission of a criminal offence.

Applicants must ensure that all material that is the subject of the application complies with the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

Any authorisations for the exhibition of film(s) issued by this Licensing Authority shall only apply when the film(s) is exhibited within Northampton Borough and does not effect the authorisation or recommendations in any other borough.

Once authorised by the Licensing Authority a film will be authorised for a particular showing or festival, only subject to the recommendations imposed by this Licensing Authority. (Unless further application for re-classification is made).

Details of the authorisation including any recommendations shall be available from the Council's Licensing Services. The issue of any authorisation by Northampton Borough Council is strictly limited to the authorisation within this Borough and it is assumed that all relevant third party consents and licences in respect of any and all copyright, confidential information and all other intellectual property rights have been obtained.

This Licensing Authority will consider each authorisation on its own merit and may impose additional and more specific recommendations where it deems necessary in order to comply with the Protection of Children from Harm Licensing Objective.

Where this Licensing Authority authorises unclassified material to be shown the Licensing Authority will require an undertaking from the applicant that he has satisfied himself after proper enquiry that no material to be exhibited contravenes the current interpretation of the Obscene Publications Act 1959, the Copyright Design and Patents Act 1988 or any other relevant legislation and has not been created through the commission of a criminal offence.

This Licensing Authority shall also not be liable for any material that has been created through the commission of a criminal offence. It is the responsibility of the applicant to ensure that no film or trailer contravenes the law.

Where the Licensing Authority has determined to refuse authorisation of a film(s) clear and concise reasons shall be given.

3. Procedures for Authorisation Requests for Procedures for Approval of Films

Already Classified by The BBFC

3.1 Films already classified by the BBFC

All applications for authorisation of films already classified by the BBFC shall be referred to and determined by the Licensing Sub Committee on behalf of the Licensing Authority.

This Sub Committee shall consist of three Members of the Licensing Committee.

Applications should be submitted in writing to the Licensing Service.

In accordance with the National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film.

This will allow the Licensing Sub Committee time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted on the Licensing Authority's application form a minimum of 28 days before the proposed screening.

3.2 Requests for Re-Classifications

Where an individual or organisation not connected with the film(s) requests reclassification of a BBFC classified film, they are not expected to provide a copy of the film(s).

The Licensing Authority will then make suitable arrangements to view the film. It is also accepted that in these circumstances, it may not be possible to give 28 days' notice before the proposed screening.

All requests must be accompanied by detailed reasons for the request. Requests will be dealt with as expeditiously as possible as it is appreciated that films are generally only shown in cinemas for a relatively short period.

The Sub Committee will then view the entire film and assess it against the BBFC guidelines and National Guidance.

The Sub Committee shall issue a Notice of Determination of the authorisation within 5 working days from the date of viewing. The Licensing Authority will then formally advise the applicant and the licence holder of any recommendation(s) restricting the admission of children to the film(s).

Requests must be relevant to the protection of children from harm licensing objective and not frivolous, vexatious or repetitive. Requests may also be relevant to the prevention of crime and disorder licensing objective but only in relation to the contravention of the current interpretation of the Obscene Publications Act 1959 or any other relevant legislation.

3.3 General

In line with the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult. In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements.

With regard to the wording of such Notices, the Licensing Authority shall have regard to National Guidance, e.g.:

'Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme. or

'Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.'

4. Procedure for Authorisation of Films which have not been Classified by the BBFC or Northampton Borough Council

4.1 Applications for authorisation will in the first instance be considered by officers under delegated powers. However, any request to authorise an unclassified film may be referred by the Licensing Manager at his/her discretion to the Licensing Sub Committee for determination.

Applications should be submitted on the Licensing Authority's application form a minimum of 42 days before the proposed screening.

An application for authorisation should include the following information:

- (a) the film maker;
- (b) such recommendation as may have been made by the film maker upon age limit for the intended audience for exhibition of the film;
- (c) any existing classification issued by an existing classification body, whether within or outside the UK;
- (d) a synopsis identifying the material within the film considered by the exhibitor to be likely to have a bearing on the age limit for the audience for exhibition of the film. Where an applicant seeks an authorisation allowing exhibition of the film to persons 18 years and over only, a detailed synopsis will not be required;
- (e) if known, a legitimate and legal internet site where the film, or a portion of the film is available to view without charge;
- (f) any proposals on age restrictions for viewing the film that the applicant intends to impose; and
- (g) details of how age restrictions will be enforced.

4.2 In accordance with the National Guidance all requests shall be accompanied by the film(s) where possible in DVD format to avoid delays, the cost to be borne by the applicant. If DVD format is not possible then arrangements will be made for a suitable venue to view the film. This will allow the Licensing Manager time to view and authorise the film(s) so that the licence holder is able to adhere to any recommendations on age restrictions the Licensing Authority may impose. In any event, all requests should be submitted on the Licensing Authority's application form a minimum of 42 days before the proposed screening.

The Licensing Manager, whilst viewing the film(s) will have regard to BBFC Guidelines and National Guidance and shall issue a Notice of Determination of the application within five working days from the date of the viewing. When considering all such requests the Licensing Manager will pay particular attention to the Protection of Children from Harm Licensing Objective.

In line with the National Guidance, where a film(s) is recommended by the Licensing Authority as falling into an age restrictive category, no person under the age specified shall be admitted. Where a film(s) is recommended by the Licensing Authority as falling into a category requiring any persons under a specified age to be accompanied by an adult, no person under the age specified shall be admitted unless accompanied by an adult.

4.3 In these circumstances, the licence holder will be required to display in a conspicuous position a notice clearly stating the relevant age restrictions and requirements. With regard to the wording of such Notices, the Licensing Authority shall adopt the example as laid out in the National Guidance:

‘Persons Under the Age Of [insert appropriate age] Cannot Be Admitted To Any Part of The Programme’

‘Persons Under the Age Of [insert appropriate age] Can Only Be Admitted To The Programme If Accompanied By An Adult.’

In order to ensure the promotion of the Protection of Children from Harm and Prevention of Crime and Disorder licensing objectives, the Licensing Authority will formally advise the licence holder and applicant of any recommendation(s) on the restriction on the age of access for children to the film(s). This may also include any relevant notices required to be displayed by the licence holder inside and outside the premises.

4.4 The licensed premises hosting the exhibition of film will be expected to comply with these recommendations. The Licensing Authority recognises the principle that adults should be free to choose their own entertainment and will not normally override this principle, as such requests shall not normally be refused.

However, in all cases the Licensing Authority will expect the applicant to follow the BBFC’s Guidelines for 18 and R18 restricted films.

5. Section 20 Licensing Act 2003: Exhibition of Films

All premises permitted to exhibit films are subject to the following mandatory conditions:

5.1. Where a Premises Licence or Club Premise Certificate authorises the exhibition of films, the licence or certificate must include a condition requiring the admission of children to the exhibition at any film to be restricted in accordance with these paragraphs.

5.2. Where a film classification body is specified in the licence or certificate, unless paragraph 3 (b) below applies, admission of children must be restricted in accordance with any recommendation by that body.

5.3. Where:

- (a) the film classification body is not specified in the Licence or Certificate; or
- (b) the Licensing Authority has notified the holder of the Licence or the Club which holds the Certificate that this paragraph applies to the film in question, admission of children must be restricted in accordance with any recommendation made by the Licensing Authority.

5.4. In these paragraphs "children" means persons aged under 18 and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (authority to determine suitability of video works for classification).

Notwithstanding the above an exception can be authorised for a child under the age of 2yrs for entry to a film classified 15 or a lesser category. The child must be accompanied by a parent.

6. Exemptions for The Showing of Films

The provision of the exhibition of a film(s) is exempt from regulation by the Licensing Act 2003 if either:

It consists of or forms part of an exhibit put on show for any purposes of a museum or art gallery (the LA03 does not define a museum or art gallery so the ordinary meaning of the term is taken)

or:

Its sole or main purpose is to:

- (a) demonstrate any product,
- (b) advertise any goods or services (excluding the advertising of films), or
- (c) provide information, education or instruction

7. Requests to Waive a Film Classification

All requests to waive the film classification will in the first instance be considered by the Licensing Manager or Senior Licensing Officer under delegated powers. However, any request to waive a Film Classification may be referred by the Licensing Manager at his/her discretion to the Licensing Sub Committee for determination.

All requests to waive a film classification must be submitted on the Licensing Authority's application form a minimum of 42 days before the proposed screening with confirmation from the applicant that the film is intended to be shown to an audience of persons aged 18 years and over. Waivers would be issued based on the synopsis of the film and would be appropriate in the following cases:

- a) A foreign or locally made film being shown during a film festival.
- b) A one-off screening of a film.
- c) A trailer for a film.

Any classification waiver will have the following conditions attached:

a) The films must not encourage or incite crime; or lead to disorder; or stir up racial hatred against any section of the public of Great Britain on grounds of colour, race or ethnic or national origins, sexual orientation or sex, or promote sexual humiliation or degradation of or towards women.

b) The film must not have the effect such as to tend to deprave and corrupt persons who see them.

c) The films must not contain a grossly indecent performance thereby outraging the standards of public decency.

d) Persons under the age of 18 years must not be admitted to any such film exhibitions (with or without parental guidance).

If a waiver is not granted either by the Licensing manager or the Licensing Sub Committee the applicant would be able to apply for classification of the film under Section 4 above.

APPENDIX B

BBFC CLASSIFICATIONS - GUIDANCE CRITERIA



Universal Suitable for all

It is impossible to predict what might upset any particular child. But a 'U' film should be suitable for audiences aged four years and over. 'U' films should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

If a work is particularly suitable for a pre-school child to view alone, this will be indicated in the Consumer Advice.

Discrimination

No discriminatory language or behaviour unless clearly disapproved of.

Drugs

No references to illegal drugs or drug misuse unless they are infrequent and innocuous, or there is a clear educational purpose or anti-drug message suitable for young children.

Horror

Scary sequences should be mild, brief and unlikely to cause undue anxiety to young children. The outcome should be reassuring.

Imitable behaviour

No potentially dangerous behaviour which young children are likely to copy. No emphasis on realistic or easily accessible weapons.

Language

Infrequent use only of very mild bad language.

Nudity

Occasional natural nudity, with no sexual context.

Sex

Mild sexual behaviour (for example, kissing) and references only (for example, to 'making love').

Theme

While problematic themes may be present, their treatment must be sensitive and appropriate for young children.

Violence

Mild violence only. Occasional mild threat or menace only.



Parental Guidance

General viewing, but some scenes may be unsuitable for young children

Unaccompanied children of any age may watch. A 'PG' film should not disturb a child aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.

Discrimination

Discriminatory language or behaviour is unlikely to be acceptable unless clearly disapproved of or in an educational or historical context. Discrimination by a character with which children can readily identify is unlikely to be acceptable.

Drugs

References to illegal drugs or drug misuse must be innocuous or carry a suitable anti-drug message.

Horror

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

Imitable behaviour

No detail of potentially dangerous behaviour which young children are likely to copy. No glamorisation of realistic or easily accessible weapons.

Language

Mild bad language only.

Nudity

Natural nudity, with no sexual context.

Sex

Sexual activity may be implied, but should be discreet and infrequent. Mild sex references and innuendo only.

Theme

Where more serious issues are featured (for example, domestic violence) nothing in their treatment should condone unacceptable behaviour.

Violence

Moderate violence, without detail, may be allowed, if justified by its context (for example, history, comedy or fantasy).



Suitable for 12 years and over

Exactly the same criteria are used to classify works at '12A' and '12'. These categories are awarded where the material is suitable, in general, only for those aged 12 and over. Works classified at these categories may upset children under 12 or contain material which many parents will find unsuitable for them.

The '12A' category exists only for cinema films. No one younger than 12 may see a '12A' film in a cinema unless accompanied by an adult, and films classified '12A' are not recommended for a child below 12. An adult may take a younger child if, in their judgement, the film is suitable for that particular child. In such circumstances, responsibility for allowing a child under 12 to view lies with the accompanying adult. The '12' category exists only for video works. No one younger than 12 may rent or buy a '12' rated video work.

Discrimination

Discriminatory language or behaviour must not be endorsed by the work as a whole. Aggressive discriminatory language or behaviour is unlikely to be acceptable unless clearly condemned.

Drugs

Any misuse of drugs must be infrequent and should not be glamorised or give instructional detail.

Horror

Moderate physical and psychological threat may be permitted, provided disturbing sequences are not frequent or sustained.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied, or appear pain or harm free. Easily accessible Weapons should not be glamorised.

Language

Moderate language is allowed. The use of strong language (for example, 'f--k') must be infrequent.

Nudity

Nudity is allowed, but in a sexual context must be brief and discreet.

Sex

Sexual activity may be briefly and discreetly portrayed. Sex references should not go beyond what is suitable for young teenagers. Frequent crude references are unlikely to be acceptable.

Theme

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

Violence

Moderate violence is allowed but should not dwell on detail. There should be no emphasis on injuries or blood, but occasional gory moments may be permitted if justified by the context. Sexual violence may only be implied or briefly and discreetly indicated, and must have a strong contextual justification.



Suitable only for 15 years and over

No one younger than 15 may see a '15' film in a cinema! No one younger than 15 may rent or buy a '15' rated video work.

Discrimination

The work as a whole must not endorse discriminatory language or behaviour.

Drugs

Drug taking may be shown but the film as a whole must not promote or encourage drug misuse. The misuse of easily accessible and highly dangerous substances (for example, aerosols or solvents) is unlikely to be acceptable.

Horror

Strong threat and menace are permitted unless sadistic or sexualised.

Imitable behaviour

Dangerous behaviour (for example, hanging, suicide and self-harming) should not dwell on detail which could be copied. Easily accessible weapons should not be glamorised.

Language

There may be frequent use of strong language (for example, 'f--k'). The strongest terms (for example, 'c--t') may be acceptable if justified by the context. Aggressive or repeated use of the strongest language is unlikely to be acceptable.

Nudity

Nudity may be allowed in a sexual context but without strong detail. There are no constraints on nudity in a non-sexual or educational context.

Sex

Sexual activity may be portrayed without strong detail. There may be strong verbal references to sexual behaviour, but the strongest references are unlikely to be acceptable unless justified by context. Works whose primary purpose is sexual arousal or stimulation are unlikely to be acceptable.

Theme

No theme is prohibited, provided the treatment is appropriate for 15 year olds.

Violence

Violence may be strong but should not dwell on the infliction of pain or injury. The strongest gory images are unlikely to be acceptable. Strong sadistic or sexualised violence is also unlikely to be acceptable. There may be detailed verbal references to sexual violence but any portrayal of sexual violence must be discreet and have a strong contextual justification.



Suitable only for adults

No-one younger than 18 may see an '18' film in a cinema.

No-one younger than 18 may rent or buy an '18' rated video.

In line with the consistent findings of the BBFC's public consultations and The Human Rights Act 1998, at '18' the BBFC's guideline concerns will not normally override the principle that adults should be free to choose their own entertainment. Exceptions are most likely in the following areas:

- where the material is in breach of the criminal law, or has been created through the commission of a criminal offence
- where material or treatment appears to the BBFC to risk harm to individuals or, through their behaviour, to society – for example, any detailed portrayal of violent or dangerous acts, or of illegal drug use, which may cause harm to public health or morals. This may include portrayals of sexual or sexualised violence which might, for example, eroticise or endorse sexual assault
- where there are more explicit images of sexual activity which cannot be justified by context. Such images may be appropriate in 'R18' works, and in 'sex works' (see below) would normally be confined to that category

In the case of video works (including video games), which may be more accessible to younger viewers, intervention may be more frequent than for cinema films.

Sex education at '18'

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safer sex and health, explicit images of sexual activity may be permitted.

Sex works at '18'

Sex works are works whose primary purpose is sexual arousal or stimulation. Sex Works containing only material which may be simulated are generally passed '18'. Sex works containing clear images of real sex, strong fetish material, sexually explicit animated images, or other very strong sexual images will be confined to the 'R18' category. Material which is unacceptable in a sex work at 'R18' is also unacceptable in a sex work at '18'.

Appendices
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NORTHAMPTON
BOROUGH COUNCIL

LICENSING COMMITTEE REPORT

| | |
|---------------------|---|
| Report Title | Review of Sex Establishment Licence Fees |
|---------------------|---|

AGENDA STATUS: PUBLIC

| | |
|--------------------------------|----------------------------------|
| Committee Meeting Date: | 5 November 2013 |
| Policy Document: | Sex Establishment Policy |
| Directorate: | Customers and Communities |

1. Purpose

1.1 The purpose of this report is to inform the Committee with regard to the Implications of the Westminster City Council Sex Shop Licensing Ruling.

2. Recommendations

2.1 That the report be considered and its contents noted.

3.1 Report Background

3.1.1 A recent High Court ruling ordering Westminster City Council to repay over £1m in fees collected from sex shops in their borough may have major implications for licensing authorities across the country.

3.1.2 This is due to the Court's decision that the Council breached 'The Provision of Services Regulations', which were brought into UK law by the European Services Directive 206/123/EC on 28 December 2009.

3.1.3 Regulation 18(4) of the 2009 Regulations states that *'any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities'*.

3.1.4 In reality, this means that licensing authorities are now unable to charge fees which go above the actual costs of granting the licences. The cost of enforcing the licensing system (i.e. the compliance of licensed operators and the prosecution of unlicensed operators) can no longer be reflected in this fee.

4.1. Implications (including financial implications)

4.1.1. Licensing authorities will most likely have to reduce the cost of their application/annual licence fees for sex establishments.

4.1.2. In Westminster this reduction will be around 90%.

4.1.3. They may also have to reduce fees in other fields of regulation.

4.1.4. If challenged, like Westminster, councils may have to repay any fees charged since the beginning of 2010, which fall outside the 'reasonable and proportionate' costs allowed under European Law.

4.1.5. The interpretation of EU law in this judgement may force councils to limit the price of application/annual fees for licences across all fields of regulation and is likely to limit the amount they can charge when the new law allows them to determine their own fees.

4.1.6. Enforcement costs (such as monitoring whether premises have valid licences or are complying with their licence conditions), will no longer be able to be recovered and as a result (if councils cannot afford to fund this themselves), it may be more likely that premises licences will go unchecked.

4.1.7. Where the cost of enforcement is included in the fee structure, as with Hackney Vehicle, Private Hire Vehicle and Operator fees they can be set accordingly.

4.1.8. In addition, councils may be liable for any overcharging on licensing fees since the EU directive was brought into UK Law.

4.1.9. The licensing department currently charge a fee of £3000.00 per annum for a Sex Establishment Licence this fee has remained unchanged since 1998 when the original policy and licensing regime was introduced.

4.1.10. This compares with other authorities as follows:

| | |
|----------------|--|
| • Oxford | • £8360.00 |
| • Cambridge | • £4916.00 |
| • Leicester | • £4387.00 on application £1864.00 to renew. |
| • Bristol | • £8162.00 on application £5000.00 to renew. |
| • Portsmouth | • £12000.00 on application £4000.00 to renew. |
| • Hull | • £2000.00 on application £2000.00 to renew |
| • Peterborough | • £2500.00 |
| • Cardiff | • £2691.00 on application £962.00 on renewal. |

Not all authorities issue licences for Sex Establishments.

5.1 Resources and Risk

5.1.1 Resources will not be affected the licensing team will continue to issue licences and monitor these premises.

5.1.2. The possible risk of challenge as to whether the fee charged can be justified to cover the cost of administration, the issue of the licence and any enquiries to be made in connection with the application.

5.1.3. A process has now been introduced whereby the cost to the service of issuing Sex Shop Licences will be accurately assessed to ensure that there is no risk of challenge to the authority.

5.1.4. This process will be completed before the licences next become due for renewal.

5.1.5. This will not affect charges for a Sex Entertainment Venue Licence.

5.3 Legal

5.3.3 The cost of a licence has to be related to the cost of the licensing scheme itself, and can be set to be subsidised by the Council but cannot be set to make a surplus.

5.4 Equality

5.4.1. An equality impact assessment has been undertaken and no equalities issues were identified as being likely to have a negative impact on the trade.

5.6 Consultees (Internal and External)

5.6.1. Legal

5.7. Background Papers

5.7.1. Local Government (Miscellaneous Provisions) Act 1976 as amended.

5.7.2. The Westminster Decision.

Report Author: Philip Bayliss .
Senior Licensing officer
X7099