

TO: Councillor: Bernie Attridge
(Chairman)

Councillors: Alex Aldridge OBE, Robin Baker, Emlyn
Cooke, Alan Diskin, Brian Dunn, Jim Falshaw, Grenville
James, Eric Owen, Mike Reece, Gareth Roberts, Tony
Sharps

Your Ref /
Eich Cyf

Our Ref / Ein Cyf CO/LC

Date / Dyddiad 08/06/2010

Ask for / Gofynner am Ceri Owen

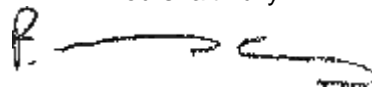
Direct Dial / Rhif Union 01352 702350

Fax / Ffacs

Dear Sir / Madam,

A meeting of the **LICENSING COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD** on **TUESDAY, 15 JUNE 2010** at **11:00** to consider the following items.

Yours faithfully



Democracy and Governance Manager

A G E N D A

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST(INCLUDING WHIPPING DECLARATIONS)**
3. **MINUTES**
To confirm as a correct record the minutes of the meeting held on 16/11/2009 (copy enclosed).
4. **LICENSING ACT 2003 - ROLE OF ELECTED MEMBERS AS 'INTERESTED PARTIES'**
Report of Director of Environment enclosed
5. **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY 2011-2013**
Report of Director of Environment enclosed

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6. **ADOPTION OF CONTROLS OVER SEXUAL ENTERTAINMENT VENUES**
Report of Director of Environment enclosed

LICENSING COMMITTEE
16th NOVEMBER 2009

Minutes of the meeting of the Licensing Committee of Flintshire County Council held at County Hall, Mold on Monday, 16th November, 2009.

PRESENT: Councillor J.B. Attridge (Chairman)

Councillors L.A. Aldridge, S.R. Baker, E. Cooke, A.G. Diskin, B. Dunn, J.E. Falshaw, T. G. James, E. Owen, G. Roberts.

APOLOGIES

Councillor M. Reece and L. A. Sharps.

IN ATTENDANCE

Chief Public Protection Officer, Health, Safety and Licensing Manager, Solicitor (Corporate) and Democratic Services Manager.

1. CHIEF PUBLIC PROTECTION OFFICER

The Chairman welcomed Dr Paul McCreary to his first meeting of the Licensing Committee. He advised that Dr McCreary had been in post for some time but that this was his first meeting of the Licensing Committee and asked Members to introduce themselves, which they did.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED

That the minutes of the meeting held on 3rd November 2008 be confirmed as a correct record.

4. THE GAMBLING ACT 2005 – THREE YEAR LICENSING POLICY 2010-2013

The Committee considered the report of the Director of Environment, the purpose of which was to request that Members consider and approve the proposed Gambling Act 2005 Three Year Licensing Policy that would cover the years 2010 to 2013. The report was presented by the Health, Safety and Licensing Manager. The Committee was informed that it was a requirement of Section 349 of the Gambling Act 2005 that a Licensing Authority should, before each successive period of three years, prepare a statement of the principles that they proposed to apply in exercising their functions under the Act and publish that statement. It was noted that Flintshire's existing policy which fulfilled this function came into force on 31st January 2007 and lasted for three years. In presenting the report, the Health, Safety, and Licensing

Manager indicated that the Council had been administering and enforcing the requirements of the Act since it became operational almost three years previously. In the light of the experience it was recommended that the Council be not minded to depart significantly from the existing policy document apart from updating any factual information that had changed. The legislation required a consultation process to be done and this had been undertaken and ended on 5th November 2009. It was noted that a schedule of those consulted was shown as Appendix A, the responses received as Appendix B, together with the view of the Licensing Authority. The proposed statement of Licensing Policy was shown as Appendix C. He also reported that the County Council would have to ratify the decision of the Committee.

Councillor L. A. Aldridge referred to notices on gambling machines where they identified the percentage payouts from that particular machine. He enquired if this was monitored as part of the Council's function. It was reported that this was the responsibility of the Gambling Commission to ensure such notices were displayed in a correct manner. Councillor Aldridge, supported by other Members, suggested that information was sought from the Gambling Commission to ascertain if checks were made and the regularity of those checks within the Flintshire area. The Health, Safety and Licensing Manager confirmed that he would do this.

RESOLVED

That the County Council be recommended to approve the Flintshire County Gambling Act 2005 – Statement of Licensing Policy to cover the period 2010 – 2013.

5. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE APPLICATION

POLICY GUIDANCE AND THE TREATMENT OF CONVICTIONS, CAUTIONS, CRIMINAL CHARGES OR OTHER RECORDED SANCTIONS

The Committee considered the report of the Director of Environment, the purpose of which was to request Members to consider and approve proposed amendments to Flintshire's current Policy Guidelines relating to applicants who may have been convicted of offences. The report was presented by the Health and Safety Manager. The Committee was informed that the Local Government (Miscellaneous Provisions) Act 1976 stated that the Council should not grant a Hackney Carriage or Private Hire Driver's Licence unless it was satisfied that the applicant was a fit and proper person to hold such a licence. The same legislation permitted the Council to suspend, revoke or refuse to renew a Driver's Licence if, since the grant of that licence, the driver had been convicted of an offence involving dishonesty, indecency or violence, or had been convicted of an offence under or failed to comply with certain Licensing Statutory Provisions or for any other reasonable cause.

The Council last revised its Guidelines to reflect the assessment of ex-offenders as being fit and proper persons to hold a licence to drive hackney

carriages or private hire vehicles in 2003 and it was felt it was now an opportune time to review the Guidelines.

There were a number of key considerations in considering such applications and these were fully detailed in the report.

Councillor E.G. Cooke referred to the possibility of the driver being convicted of four minor traffic offences and receiving three points penalty for each one who could then go to the Magistrates' Court and seek leniency over the imposition of a driving ban. However, if the Magistrates so decided, that person could continue to drive but could still fall foul of the Council's regulations. Councillor L. A. Aldridge supported the point of Councillor Cooke and felt that there should be some discretion in this area, particularly in relation to the level of speeding, for example; if a driver was only just over the speeding limit, it would not be as serious for someone who had exceeded it substantially. The Chief of Public Protection Officer indicated that the overriding duty related to public protection from the viewpoint of a member of the public who should be assured of being able to be driven safely in a taxi, the issue for the Council was the care for the members of the public. He emphasised the seriousness of repeat offending. The Solicitor referred to page 44 of the report and significantly paragraphs 4.7, 4.8 and 4.9 which she felt gave the Council a degree of discretion referred to by the Members. Councillor S. R. Baker supported the views of the Officers whereby the public expected a high standard from taxi drivers and that the Licensing Committee had a responsibility in this area. He also enquired if the policy was accepted if a copy would go to all private hire and hackney carriage drivers and it was confirmed that this was the case.

Councillor E. Owen felt that it was important for the drivers' identification badges to be clearly shown within the car and it was confirmed that this was part of the licence conditions and when inspections were undertaken this was one of the things that was examined. Councillor L. A. Aldridge accepted the explanation from the Solicitor in relation to the degree of discretion referred to in paragraphs 4.7, 4.8 and 4.9 of the report. The Solicitor concurred with the Chief Public Protection Officer's comments about the seriousness of repeat offending and the duty of the Local Authority to consider the public's protection and safety.

RESOLVED

That the proposed Policy Guidance relating to the treatment of convictions, cautions, criminal charges or other recorded sanctions in respect of applications for Hackney Carriage and Private Hire driver's licences and existing drivers who may commit offences, be approved.

6. DURATION OF MEETING

The meeting commenced at 10.00pm and ended at 10.30pm.

7. **MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There were no members of the press and public in attendance.

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Chairman

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 4

REPORT TO: **LICENSING COMMITTEE**
DATE : **15 JUNE 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT : **LICENSING ACT 2003 - ROLE OF ELECTED MEMBERS AS**
 'INTERESTED PARTIES'

1.00 PURPOSE OF REPORT

- 1.01 To request that Members consider their new role as Interested Parties under the Licensing Act 2003 and determine how they will be informed of applications received and to what extent Town and Community Councils should be involved in the process.

2.00 BACKGROUND

- 2.01 The Licensing Act 2003 regulates the sale/supply of alcohol, the provision of regulated entertainment and the sale of late night hot food.
- 2.02 The Act defines various groups that have important roles in the context of applications, inspection, enforcement and reviews of premises licences, eg. Authorised Persons (officers of the licensing authority, fire officers, health & safety staff) Responsible Authorities (the Police, Fire Service, Children's Services, Planning, Trading Standards, Health & Safety) and Interested Parties
- 2.03 When the Act first came into force Interested Parties were defined as
- persons living in the vicinity of the premises in question;
 - a body representing persons living in that vicinity, for example, a residents association or a town or community council;
 - persons involved in a business in the vicinity of the premises in question;
 - a body representing persons involved in such businesses, for example, a trade association.
- 2.04 The concept of 'in the vicinity' can be contentious. The term is not defined in the Act but the guidance suggests that licensees are expected to control what goes on inside their premises and immediately outside. The behaviour of patrons once they are away from the premises is down to individual personal responsibility and is enforced by the Police.
- 2.05 The law changed at the end of January 2010 to include as interested parties
- 'a member of the relevant licensing authority, ie. elected councillors of the licensing authority for the area in which a premises is situated'.

- 2.06 There remains no statutory provision for Town & Community Councils to engage with the process other than acting as a body that may represent persons living in the vicinity of the premises in question.

3.00 CONSIDERATIONS

- 3.01 One of the significant effects of the change detailed in paragraph 2.05 is that local councillors can, as Elected Members of the licensing authority, make representations in their own right if they have concerns about any premises, regardless of whether they live or run a business in the vicinity of those premises. The question is how will they be made aware, for example, that an application has been submitted to the licensing authority?

- 3.02 The legislation specifies how applications are to be advertised, ie.
- by placing a printed notice on pale blue A4 size paper on or near the premises in question;
 - by placing a notice in a newspaper circulating in the locality

The licensing authority should also place details of any applications on the Licensing Register (in our case this can be viewed at www.flintshire.gov.uk)

- 3.03 The suggested options available for Elected Members to find out about applications that have been received are listed as follows :-

- 3.04 Follow the statutory basis for advertising applications as detailed in 3.02 above and local residents who have seen the pale blue A4 notice or newspaper notice may contact Elected Members if they wish to.

- 3.05 Elected Members regularly check www.flintshire.gov.uk (type licensing into the search box and click on Licensing Register - details of applications received will be found there and can be searched for on a Ward basis)

- 3.06 Licensing Officers notify by e-mail or telephone the Elected Member(s) in whose Ward the premises in question is located that an application has been made.

- 3.07 Licensing Officers notify by e-mail or telephone all the Elected Members in the area where the premises in question is located.

- 3.08 Licensing Officers notify by e-mail all 70 Elected Members that an application has been made.

- 3.09 Licensing Officers forward to all 70 Elected Members the e-mail that is received on a weekly basis from North Wales Police that lists applications

received by them. Note - this could only happen with the informed consent of North Wales Police.

- 3.10 As Officers our preferred action would be to notify Members in the area where the premises in question is located, as detailed in Paragraph 3.07 above. This will strike the right balance between informing Members but without being unnecessarily burdensome or time consuming. It would also cope with the situation where the premises lies near a Ward boundary.
- 3.11 With regard to 2.06 above and Town and Community Councils, one of the difficulties is that the Licensing Act lays down prescribed timescales in respect of applications - 28 days from the day after the application is submitted is the period during which Responsible Authorities and Interested Parties may make representations. If no relevant representations are received the application must be granted. If relevant representations are received then a Licensing Sub-committee must determine the application within 20 working days after the 28 days. These timescales may not fit in well with Town and Community Council meeting cycles even if steps were taken to notify Town and Community Councils of the submission of applications to the Licensing Authority.
- 3.12 In the absence of any statutory requirement to notify them it is suggested that Town and Community Councils rely upon the methods outlined in paragraphs 3.04 and 3.05 above or upon County Council Elected Members informing them after they have been notified under paragraph 3.07.

4.00 RECOMMENDATIONS

- 4.01 That Members consider their role as 'Interested Parties' under the Licensing Act 2003 and determine how they should receive notification of applications received and to what extent Town and Community Councils should be involved bearing in mind that there is no statutory requirements in respect of the latter groups.
- 4.02 That Members resolve to adopt the option outlined in paragraph 3.07 above. This is more than the statutory requirement but will not be too onerous in terms of additional unfunded work for the Licensing Team.
- 4.03 With regard to Town and Community Councils the recommended option is as detailed in paragraph 3.12 above.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The additional work will have to be absorbed within existing budgets

6.00 ANTI POVERTY IMPACT

6.01 Not applicable

7.00 ENVIRONMENTAL IMPACT

7.01 The prevention of public nuisance is one of the Licensing Objectives

8.00 EQUALITIES IMPACT

8.01 Not applicable

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Licensing Act 2003
Dept of Culture, Olympics, Media and Sport Guidance to Local
Authorities

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: **LICENSING COMMITTEE**
DATE : **15 JUNE 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT : **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**
 2011-2013

1.00 PURPOSE OF REPORT

1.01 To inform Members of the preparations for the next Licensing Policy

2.00 BACKGROUND

2.01 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every three years.

2.02 The policy must be published before the Authority carries out any licensing function in relation to applications made under the Act.

2.03 The next three year Policy must therefore be in place before February 2011.

2.04 A formal consultation process is required before a new three year Policy is determined.

3.00 CONSIDERATIONS

3.01 Flintshire County Council has been operating in its capacity as Licensing Authority in respect of the Licensing Act since February 2005.

3.02 Flintshire's first and second 'three-year statements of licensing policy' have been effective in guiding and assisting applicants, responsible authorities, and residents alike. The policies have also come under examination by the legal advisors of applicants, by Licensing Sub-committees and by the Magistrates' Courts. No serious deficiencies have become evident.

3.03 Accordingly it is proposed to broadly retain the existing format of the policy but to update it as and where necessary.

3.04 Specific areas for updating will include :-

-detailed consideration on any feedback received as a result of the proposed public consultation exercise

Date: 08/06/2010

- realignment of the information on the Planning/Licensing interface to take account of the latest Department of Culture, Olympics, Media and Sport guidance to local authorities.

- make reference to the revised Public Protection structure which will enable better co-ordination on alcohol related issues.

- provide information on the current Public Protection Enforcement Policy

- refer to the Council's policy (under development) on the control of sexual entertainment venues

- revise and update contact details

4.00 RECOMMENDATIONS

4.01 That Members note the proposals outlined in respect of the next 3 year Statement of Licensing Policy (2011-2013) and approve the proposed method of consultation.

5.00 FINANCIAL IMPLICATIONS

5.01 The costs of the consultation process will be met from existing budgets

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 The Licensing Objectives of the prevention of public nuisance and the prevention of crime and disorder are relevant.

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

- 10.01 The Act requires consultation with the following groups - police; fire; representatives of holders of premises licences, personal licences and club premises certificates; and such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 10.02 The Licensing Authority proposes to consult primarily via Flintshire's website. The existing policy is already on the site and details of the proposed revisions outlined in 3.04 above will be added to the site. An A5 explanatory leaflet will be produced which will be distributed to libraries and other County Council public buildings. A press release will also be organised. Town and Community Councils will also be informed as will the main pub companies and specialist licensing solicitors.
- 10.03 It is proposed that the consultation period will run for 12 weeks in August, September and October 2010. The feedback will then be analysed and incorporated into the proposed final version of the Policy which will be considered by Members in November/December ready for implementation in early 2011.

11.00 CONSULTATION UNDERTAKEN

- 11.01 See above

12.00 APPENDICES

- 12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND DOCUMENTS

Licensing Act 2003
Dept of Culture, Olympics, Media and Sport Guidance to Local
Authorities

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FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 6

REPORT TO: **LICENSING COMMITTEE**
DATE : **15 JUNE 2010**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT : **ADOPTION OF CONTROLS OVER SEXUAL**
 ENTERTAINMENT VENUES

1.00 PURPOSE OF REPORT

- 1.01 To request that Members approve the adoption of new powers to regulate sexual entertainment venues, confirm that the number of sex establishments or sexual entertainment venues in the relevant locality shall be nil, confirm the fees that will be payable for licences, approve proposed standard conditions and approve policy guidelines relating to applications.

2.00 BACKGROUND

- 2.01 The advent of the Licensing Act 2003 enabled premises, as long as they were licensed for regulated entertainment, to put on various types of dancing such as lap dancing, table dancing and pole dancing without any additional degree of control over and above the four Licensing Objectives set down by the Act.
- 2.02 Following concerns raised across the UK, the Government undertook consultation and the outcome is the ability of local authorities to control what are now termed Sexual Entertainment Venues by incorporating them into the existing regime that regulates other types of activity such as sex shops and sex cinemas.
- 2.03 That regime allows for a more comprehensive consultation process with local communities than exists under the Licensing Act.
- 2.04 The powers are adoptive and because Flintshire already has the controls in place over sex shops and sex cinemas it is recommended to add these new elements covering sexual entertainment premises.
- 2.05 The activities covered will include lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows. This type of activity has been very infrequent in Flintshire's licensed premises since the Licensing Act became the responsibility of the Council. It is felt however that the new controls should be adopted now so that any future applications can be properly considered.

3.00 CONSIDERATIONS

- 3.01 The Policing and Crime Act 2009 extends the scope of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to include the type of activities detailed in paragraph 2.05 above.
- 3.02 The relevant parts of the Local Government (Miscellaneous Provisions) Act 1982 were adopted in both the former Alyn & Deeside District and Delyn Borough Council areas. In respect of Alyn & Deeside District Council Schedule 3 was adopted and came into force on 3rd January 1986. In Delyn Borough Council Schedule 3 was adopted and came into force on 1st September 1983. These provisions later became a Flintshire County Council function in April 1996 under the provisions of the Local Government (Wales) Act 1994. Standard licence conditions were also formulated under Paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.03 The 1982 Act also permits a local authority to determine the number of sex establishments, or sex establishments of a particular kind, that it considers appropriate in the relevant locality. It is proposed that nil shall be the appropriate number. It should be noted that this declaration will not prohibit applications being made. Any such applications will be dealt with on their own merits though the declaration provides an indication of the general view of the local authority.
- 3.04 Notwithstanding the proposed declaration of nil as the appropriate number of sex establishments in the relevant locality, should a licence be granted the local authority will then be at liberty to impose such conditions as they deem appropriate in accordance with the prescribed standard conditions made under Paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The Regulations prescribing standard conditions have been updated and are shown at Appendix 1.
- 3.05 The 'relevant locality' is not defined further than to say that in relation to premises, it is the locality where they are situated and in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment. Case Law indicates that a relevant locality cannot be an entire local authority area or an entire town. Flintshire County Council has therefore operated on the basis that relevant locality refers to the area which surrounds the premises specified in the application.
- 3.06 Relevant locality is an important consideration because it is possible to refuse the grant of a licence where it would be deemed inappropriate having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. Proposed policy guidelines relating to this are shown at Appendix 2.

- 3.07 Members are reminded that none of the above licensing requirements apply in relation to sexual entertainment venues when premises provide relevant entertainment on an infrequent basis. These are defined as premises where-
- a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours.

4.00 RECOMMENDATIONS

- 4.01 That Members resolve that the amendments made by Section 27 of the Policing and Crime Act 2009 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply in the area of Flintshire County Council and shall come into force on 13th August 2010.
- 4.02 That Members confirm that the number of sex establishments in the relevant locality shall be nil.
- 4.03 That Members approve the following fees applicable to sex establishment (including sexual entertainment venue) licences -
- Application for the grant of a sex establishment licence - £800
 - Application to vary a sex establishment licence - £800
 - Application to transfer a sex establishment licence - £200
- 4.04 That Members confirm that the standard conditions prescribed by regulations made by Flintshire County Council under paragraph 13 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to sex establishment (including sexual entertainment venue) licences, as shown in Appendix 1
- 4.05 That Members approve the Policy Guidelines relating to any applications made as shown in Appendix 2.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The proposed fee levels are in accordance with EU Services Directive principles

6.00 ANTI POVERTY IMPACT

- 6.01 None

7.00 ENVIRONMENTAL IMPACT

- 7.01 Decisions about applications can consider whether the grant of a licence would be inappropriate having regard to the character of the relevant locality; the use to which any premises in the vicinity are put; or the layout, character or condition of the premises in respect of which the application is made.

8.00 EQUALITIES IMPACT

- 8.01 None

9.00 PERSONNEL IMPLICATIONS

- 9.01 None

10.00 CONSULTATION REQUIRED

- 10.01 None

11.00 CONSULTATION UNDERTAKEN

- 11.01 None

12.00 APPENDICES

- 12.01 See above

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.
Home Office Guidance for England and Wales

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Flintshire County Council

Local Government (Miscellaneous Provisions) Act 1982
(as amended by the Policing and Crime Act 2009)

Regulations made under Paragraph 13 of Schedule 3 Prescribing Standard Licence Conditions Attached to Premises Used As Sex Establishments or Sexual Entertainment Venues

1. In this licence the following words and / or expressions shall have the meaning hereby respectively assigned to them :

“The Licensed Premises”	-	means any premises, vehicle, vessel or stall licensed under Schedule III of the 1982 Act.
“The Council”	-	means Flintshire County Council
“Advertisement”	-	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of advertisement or announcement.

Flintshire County Council reserves the power to add to, alter, modify or dispense with these conditions (or any of them) as it may think fit.

2. The licensed premises shall not be open to the public before 9am and shall not be kept open after 6pm unless written approval has been granted by the Council.
3. The licensed premises shall be closed in compliance with any condition attached to planning permission in respect of the premises and to comply with the general rule relating to Sunday trading and trading on public holidays. In the event of there being a conflict between the general law and any condition relating to opening times specified on the licence the general law shall apply.
4. The frontage of the licensed premises shall be of such a nature that the inside of the licensed premises are not visible.
5. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises or the activities carried on shall not be visible to persons outside the building.
6. Any sign or advertisement relating to the licensed premises is to be approved by an authorised officer of Flintshire County Council’s Licensing Section.
7. There shall be no illuminated sign fixed to the premises.
8. There shall be no signs placed outside of the licensed premises.

9. There shall be no protruding signs affixed to the licensed premises.
10. There shall be no window display of sex articles [as defined in paragraph 4 in Schedule 3 to the Act].
11. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or any other person responsible for the management of the body is to be notified in writing to Flintshire County Council within 14 days and such written details as Flintshire County Council may require in respect of any new director, secretary or manager to be furnished within 14 days of request in writing from Flintshire County Council.
12.
 - (i) The licence holder or a responsible person nominated by him in writing shall be in charge on the licensed premises at all such times as the licensed premises are open for the provision of the licensed activities. Any such nomination shall be produced on demand to an authorised Officer of Flintshire County Council or to a Police Officer.
 - (ii) The licence holder shall not employ any person under the age of 18 to work at the premises in any capacity.
 - (iii) The holder of the licence shall keep a record of all employees who are asked to work on the premises which shall include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984, as amended).
 - (iv) The holder must pass to Flintshire County Council an authorised and certified copy of the full personal record or a record of an individual when requested by the Flintshire County Council or a Police Officer within 72 hours of the request.
 - (v) The licence holder shall ensure that any person nominated by him under condition 12 (i) above :
 - (a) has been served with a copy of these conditions and is fully conversant with them;
 - (b) is in possession of a written nomination referred to in condition (i) at all times when he is in charge of and is present at the premises.
 - (vi) The licence holder shall retain control over all parts of the licensed premises and shall not let, licence, or part with possession of any part of the licensed premises.
13. There shall be no personal solicitation for custom outside or in the vicinity of the licensed premises.
14. The licence holder shall not allow the Licensed premises to be the habitual resort of a reputed prostitute or the habitual resort or meeting place of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, but this condition does not prohibit the licence holder from allowing any such person or persons to remain in the premises for the purpose of obtaining any article for such time as is necessary for the purpose. Further, the licence holder shall not allow the

immediate vicinity of the premises to be the habitual resort of reputed prostitutes or the habitual resort or meeting place of reputed prostitutes.

15. Persons under 18 years of age shall be prohibited from the Licensed Premises.
16. Any Police Officer, any authorised Officer of North Wales Fire and Rescue Service, or any person authorised by the Council shall have access to all parts of the licensed premises at all reasonable times.
17. The licensed premises shall at all times be maintained in a clean and safe condition and shall be open during the continuance of the licence to an inspection by the Council or its authorised agents.
18. There shall be no access between the interior of the licensed premises and any other premises other than means of communication to the staff quarters and any store-room.
19. The licence is granted to the licensed premises to trade as a sex establishment or sexual entertainment venue and there shall be no change unless the appropriate consent has been obtained from the Council.
20. Alterations or additions whether internal or external and whether permanent or temporary to the structure, lighting or layout of the licensed premises shall not be made except with the prior approval of the Council.
21. In the case of sex shops no moving picture shall be provided on display at the licensed premises unless it is that of advertising media on a loop system or allowing a prospective purchaser a short preview, being no longer than 2 minutes in length, of films or images otherwise created, upon request.
22. All items sold, supplied for hire, exchanged or used in any promotion / advertising must not contravene any current legislation, e.g. Section 9 -12 of the Video Recordings Act 1984, (as amended).
23. Over each entrance to the premises, in a position approved by the Council, the licence holder shall affix and maintain in a permanent form a notice stating that the premises are licensed as a sex establishment or sexual entertainment venue as appropriate under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982 as amended. Such a notice shall also carry the address of the registered or principal office and the full name of the Secretary of the Company. The lettering on such a notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background.
24. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.
25. The licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not, unless specifically authorised by the Licensing Authority.

26. In the case of sexual entertainment venues there shall be no physical contact between performers and customers.

June 2010

Flintshire County Council

Sex Establishment and Sexual Entertainment Venue Applications Policy Guidelines

1. Background

- 1.1 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 enables Flintshire County Council [the Council] to licence and exercise control over sex establishments, including sexual entertainment venues, within the County of Flintshire.
- 1.2 The purpose of this policy is to assist applicants and objectors in understanding the issues that the Council will consider when deciding whether to grant or refuse an application for a sex establishment or sexual entertainment venue licence, and if a decision is reached to grant such a licence, to determine the conditions (if any) to be imposed on that licence.

2. Policy

- 2.1 Each application will be considered on its own merits.
- 2.2 No licence will be granted to an applicant (or a person by whom the premises are managed or for whose benefit the business is carried on) who is unsuitable by reason of having been convicted of an offence or for any other reason.
- 2.3 In determining any application for a sex establishment or sexual entertainment venue licence the Council will have regard to the character of the relevant locality and the use to which any premises in the relevant locality are put.
- 2.4 In determining the application for a sex establishment or sexual entertainment venue licence the Committee will have regard to the proximity of the premises to all or any of the following :
 - 2.4.1 a place of religious worship;
 - 2.4.2 a pre-school facility;
 - 2.4.3 a school;
 - 2.4.4 residential accommodation;
 - 2.4.5 an enclosed shopping mall, arcade or shopping centre;
 - 2.4.6 a market;
 - 2.4.7 a public building open to the general public;
 - 2.4.8 a community meeting place;
 - 2.4.9 a community leisure facility;
 - 2.4.10 a location where children may be at risk;
 - 2.4.11 an area of regeneration or conservation;
 - 2.4.12 any other area which is put to a particular use not referred to above but which is deemed by Members to be relevant for the purposes of determination.

- 2.5 The fact that the premises are not in the proximity of any of the above will not necessarily mean that the application will be granted.
- 2.6 The Council has determined that the number of sex establishments or sexual entertainment venues in the relevant locality shall be nil.
- 2.6 When making a determination consideration will be given to the number of licensed sex establishments or sexual entertainment venues within the relevant locality.
- 2.7 If a relevant locality is determined to be suitable to contain a licensed sex establishment or sexual entertainment venue, then unless exceptional circumstances dictate, the number contained in the locality shall be one.

3. Conclusions

- 3.1 The Council will consider whether to impose all or any of the Standard Conditions that it has adopted on any licence granted for any premises, together with any further Special Conditions which the Council believes may be relevant.
- 3.2 Any applicant is requested to consider, when making the application for a licence, whether he/she would be prepared to agree to all the Standard Conditions being imposed on the licence.

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