



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher, Committee Officer
Tel no: 01483 444056

18 September 2018

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **WEDNESDAY 26 SEPTEMBER 2018 at 7.00 pm.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE COMMITTEE

Chairman: Councillor David Elms
Vice-Chairman: Councillor Dennis Paul

Councillor Graham Ellwood
Councillor David Goodwin
Councillor Christian Holliday
Councillor Mike Hurdle
Councillor Michael Illman
Councillor Jennifer Jordan
Councillor Nigel Kearse

Councillor Nigel Manning
Councillor Marsha Moseley
Councillor Tony Phillips
Councillor David Quelch
Councillor James Walsh
Councillor David Wright

QUORUM 5



THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

AGENDA

1 APOLOGIES FOR ABSENCE

2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

3 MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting of the Licensing Committee held on 30 May 2018.

4 ANNOUNCEMENTS

To receive any announcements from the Chairman of the Committee.

5 LICENSING OF SEX ESTABLISHMENTS: STATEMENT OF LICENSING POLICY 2018-2021 (Pages 3 - 48)

That the Committee considers the draft Licensing of Sex Establishments Policy 2018-2021 following the public consultation, and recommends its adoption by the Executive at its meeting on 23 October 2018.

6 EQUALITY ACT 2010 - DESIGNATION OF LIST OF WHEELCHAIR ACCESSIBLE VEHICLES (Pages 49 - 54)

The Licensing Committee is requested to note the work undertaken and proposal to introduce a list of designated vehicles.

7 PURPLE FLAG AND BEST BAR NONE

The Committee to receive a verbal update on Purple Flag and Best Bar None.

8 LICENSING COMMITTEE WORK PROGRAMME (Pages 55 - 58)

That the Licensing Committee notes its work programme for 2018-19.

**PLEASE CONTACT US TO REQUEST THIS DOCUMENT IN
AN ALTERNATIVE FORMAT**

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LICENSING COMMITTEE

- * Councillor David Elms (Chairman)
- * Councillor Dennis Paul (Vice-Chairman)

- | | |
|---------------------------------|----------------------------|
| * Councillor Graham Ellwood | Councillor Nigel Manning |
| Councillor David Goodwin | Councillor Marsha Moseley |
| * Councillor Christian Holliday | * Councillor Tony Phillips |
| Councillor Mike Hurdle | * Councillor David Quelch |
| Councillor Michael Illman | * Councillor James Walsh |
| * Councillor Jennifer Jordan | Councillor David Wright |
| * Councillor Nigel Kearse | |

*Present

L32 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Goodwin, Mike Hurdle, Michael Illman, Nigel Manning, Marsha Moseley and David Wright.

L33 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interests.

L34 MINUTES

The minutes of the meeting held on 26 March 2018 were confirmed as a true record and signed by the Chairman.

L35 GAMBLING ACT 2005 : STATEMENT OF PRINCIPLES 2019-2022

The Committee received a report on the Gambling Act 2005 : Statement of Principles 2019-2022. It was recommended that the Statement of Principles was consulted on for a period of twelve weeks. The Gambling Act required the Council as Licensing Authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2016 and was due for renewal by January 2019.

The Committee noted that the amendments to the current Statement of Principles reflected the update in the Guidance published by the Gambling Commission (5th Edition, September 2015). The key changes to the Policy included a Local Area Profile for Guildford which increased the focus on risk and regulation, provided greater attention to local area risk and encouraged partnership and collaboration between stakeholders to mitigate risk. The Statement also included the Council's expectations around operators local risk assessments. This would enable the Council to regulate local gambling more effectively by being able to hold operators to account if their assessment fell short of the Council's expectations.

The consultation results would be reported back to the Licensing Committee at its meeting on 28 November 2018.

Having considered the report, the Committee

RESOLVED:

To approve the draft Gambling Act 2005 : Statement of Principles 2019-2022 for public consultation over a twelve week period.

**L36 LICENSING OF SEX ESTABLISHMENTS : STATEMENT OF LICENSING POLICY
2018 -2021**

The Committee received a report on the licensing of sex establishments Policy 2018-2021 which had been updated and recommended for public consultation for a of 6 week period.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014. This Council also adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.

There were no changes to the intent or direction of the policy only formatting amendments and updates to reflect the new corporate strategy which aimed to maintain a safe, diverse night-time economy and the Purple Flag Award.

The Committee having considered the report

RESOLVED

To approve the draft Licensing of Sex Establishments Policy 2018-2021 for public consultation over a 6 week period.

L37 CHARITY COLLECTIONS POLICY

The Committee received a report on the Charity Collections Policy consultation results. The report sought approval of the Charity Collections Policy with immediate effect.

The Committee noted that it had approved the Charity Collections Policy for consultation at its meeting on 22 November 2017. A twelve-week consultation was held between 29 January and 22 April 2018. A total of twelve responses were received, eleven of which were from current/previous licence/permit holders. The responses were largely supportive or recommended minor amendments.

The Committee agreed that adopting a Charity Collections Policy would provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for charity collections.

The Committee received clarification that Big Issue sellers were not covered under this legislation.

Having considered the report, the Committee

RESOLVED

To approve the adoption of the Charity Collections Policy with immediate effect.

L38 LICENSING COMMITTEE WORK PROGRAMME

The Committee noted its work programme for 2018-19. The Committee also noted that it was likely the next scheduled Licensing Committee meeting on 25 July 2018 would be cancelled owing to a lack of business. This was subject to approval by the Chairman of the Committee and the Lead Councillor for Licensing and Community Safety. The meeting finished at 7.10 pm

Signed

Date

Chairman

Licensing Committee Report

Report of the Licensing Team Leader

Author: Mike Smith

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Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 26 September 2018

Licensing of Sex Establishments: Statement of Licensing Policy 2018-2021

Executive Summary

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought into force for lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014. Guildford Borough Council originally adopted a policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.

The policy was revised and approved for public consultation by Licensing Committee on 30 May 2018. This report seeks to inform Licensing Committee of the results of the consultation and seeks that the Committee recommend the Executive approve the draft Policy.

Recommendation to Licensing Committee

That the Committee notes the results of the public consultation on the draft Licensing of Sex Establishments Policy 2018-2021 and recommends the policy for approval by the Executive at its meeting on 23 October 2018.

Reasons for Recommendation:

Adopting an updated Licensing of Sex Establishments Policy will provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for sex establishments.

1. Purpose of Report

- 1.1 The report informs the Committee of the consultation results received to the review of the Sexual Entertainment Venues Licensing Policy.
- 1.2 It asks the Committee to recommend that the Executive on 23 October approve the Policy as consulted upon in Appendix 1.

2. Strategic Framework

- 2.1 The Licensing of Sex Establishments Policy will contribute to our fundamental themes and priorities as follows:

Economy – supporting business, growth and employment

Sustainability – safe borough

- 2.2 It is best practice to publish a Policy setting out our general approach to the licensing of sex establishments. The policy will assist a business making an application as it provides a background and rationale around granting a licence. The Council will use the policy in making a decision whether to grant a licence.

3. Background

- 3.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brought a new licensing regime into force for lap dancing, pole dancing and other “relevant entertainment”.
- 3.2 The provisions allow the Council to improve the regulation of sexual entertainment venues, as there are increased powers to control numbers and location of venues in the area.
- 3.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.
- 3.4 Guildford Borough Council adopted a Policy and standard conditions on 14 April 2015 to be applied when determining applications for sex establishment licences in the Borough.
- 3.5 The policy is due for review every 3 years, to ensure that the policy reflects best practice and to ensure it contributes to the strategic direction of the Council.
- 3.6 There are currently no licensed sexual entertainment venues in the Borough. An SEV licence was held between August 2015 to August 2016 for a premises within a proposed development at the Quadrant, Bridge Street. This licence was however never used and subsequently expired without being renewed.

4. Proposed Changes

- 4.1 There are no changes to the intent or direction of the policy, which sets out how the Council seeks to regulate sexual entertainment venues under its control and provides a framework for consistent decision making.
- 4.2 The draft policy contains a minimum of changes to the previous version. The policy has been updated to reflect the new corporate strategy, and corporate aims to maintain a safe, diverse night-time economy and the Purple Flag award.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the policy are clear and transparent for businesses, responsible authorities and the public.
- 5.2 Following the approval of the Licensing Committee, consultation was carried out over a 6 week period between 8 June and 23 July. Officers consulted with interested parties by:
- Writing to the chief officer of police and other responsible authorities
 - Writing to other persons considered to be interested groups
 - Publicising the consultation on the Council's website
 - Using social media to inform the public of the consultation and direct them to the website.
- 5.4 During the consultation period four consultation responses were received, which are shown in Appendix 2. The consultation responses did not indicate any changes were required to the draft policy consulted upon.

6. Financial Implications

- 6.1 Under the adopted licensing regime, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council. The fee set and approved by Council for 2018-19 is £1,541.
- 6.2 The financial implications associated with the revision of the SEV Policy can be financed from the Licensing budget.

7. Legal Implications

- 7.1 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings into force for lap dancing, pole dancing and other "relevant entertainment" a new licensing regime.
- 7.2 The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

- 7.3 Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.
- 7.4 The Home Office Guidance confirms that Local Authorities are not required to publish a licensing policy relating to sex establishments, and if they do so it must not prevent any individual application from being considered on its merits at the time the application is made.
- 7.5 The provisions of the legislation and the Home Office guidance were taken into account when drafting the current Licensing of Sex Establishments Policy.

8. Human Resource Implications

- 8.1 The revision of the Licensing of Sex Establishments Policy can be managed from within the current licensing resource.

9. Conclusion

- 9.1 It is considered good practice to review an SEV Licensing Policy every 3 years. A review of the Policy has been completed and the draft policy consulted upon. There are no changes to the consultation draft, which is presented to Licensing Committee for approval.

10. Background Papers

[Minutes of Licensing Committee 18 March 2015](#)

[Local Government \(Miscellaneous Provisions\) Act 1982](#)

[Policing and Crime Act 2009](#)

[Sexual Entertainment Venues, Guidance for England and Wales, Home Office](#)

[Open for business, LGA guidance on local set fees, Local Government Association](#)

11. Appendices

Appendix 1: Licensing of Sex Establishments – Draft Statement of Licensing Policy approved for consultation on 30 May 2018.

Appendix 2: Consultation Responses Received

12. Consultation

Service	Sign off date
Regulatory Service Manager	<i>7 August 2018</i>
Finance / 151 Officer	<i>13 August 2018</i>
Legal / Governance	<i>16 August 2018</i>
HR	<i>2 August 2018</i>
Equalities	<i>2 August 2018</i>
Lead Councillor	<i>28 August 2018</i>
CMT	<i>28 August 2018</i>
Committee Services	<i>7 September 2018</i>

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Licensing of Sex Establishments

Statement of Licensing Policy 2018-2021

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

Further copies of this document can be obtained from:

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Tel: 01483 505050

Email: licensing@guildford.gov.uk
Web: www.guildford.gov.uk/licensing

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Executive Summary

The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues. This brings into force for lap dancing, pole dancing and other “relevant entertainment” a new licensing regime.

The legislation enables local authorities to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas.

Guildford Borough Council adopted the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 on 7 October 2014 with effect from 17 November 2014.

Guildford Borough Council adopted this policy and standard conditions on ##date## to be applied when determining applications sex establishment licences in the Borough.

This policy:

- Sets out the council’s approach for the benefit of operators
- Guides and reassures the public and other public authorities
- Ensures transparency
- Ensures consistency
- Guides and focuses the Licensing Committee when making determinations under this legislation.

The policy deals with:

- The mandatory and discretionary grounds for refusal
- Standard conditions
- The application process
- Waiver

Section 1 The purpose of the licensing policy

- 1.1 This policy is prepared under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009. It was approved by Guildford Borough Council as the licensing authority for the Guildford Borough Council area on ##date## with immediate effect. It will be reviewed every three years.
- 1.2 This policy is concerned with the regulation of sex establishments, namely sexual entertainment venues, sex shops and sex cinemas.
- 1.3 The council's licensing regime aims to ensure that sex establishments in the Borough operate in a safe, fair and discreet manner and are sensitive to the local area in which they are situated. Specific attention has been given to advertising, staff welfare, external appearance, locality and the number of licensed premises.
- 1.4 This policy also has regard to the guidance issued by the Home Office.
- 1.5 The council adopts the overall approach of encouraging the responsible promotion of licensed activities. However, in the interests of all its residents, it will not tolerate irresponsible licensed activity. The council will impose conditions where necessary to promote responsibility and will use effective enforcement to address premises where there are problems, in partnership with key agencies such as:
 - Surrey Police/ British Transport Police
 - Surrey Fire and Rescue Service
 - Health and Safety Executive
 - Safer Guildford Partnerships
 - Surrey Trading Standards
 - UK Border Agency
- 1.6 The council will monitor the effectiveness of this policy by way of regular meetings with key agencies and by regular open dialogue with the industry.

Public consultation

- 1.7 Prior to the adoption of the policy in 2015, a full public consultation took place. The consultation on the current version of the Policy took place between ##dates## and a total of ## responses were completed. The following activities were conducted during the consultation period:
 - Press release and social media to publicise the consultation
 - Letter including the website link sent to key stakeholders in the Borough and in the industry including all County, Borough and Parish Councillors, Members of Parliament, resident associations and Surrey Police

Review

- 1.8 This latest draft of the policy contains only minor amendments and no changes to the intent or direction of the previous policy approved in April 2015.

Section 2 The scope of the licensing policy

- 2.1 This policy covers licensable premises and activities as defined by the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009 (the Act) within the Guildford Borough Council area. Schedule 3 of the Act is concerned with the control of sex establishments. A sex establishment means a sexual entertainment venue, sex cinema or sex shop.
- 2.2 A sexual entertainment venue (SEV) is a premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. Relevant entertainment means any live performance or any live display of nudity which is provided solely or principally for the purpose of sexually stimulating any member of the audience. The full legal definition of a sexual entertainment venue can be found at paragraph 2A of Schedule 3 to the Act.
- 2.3 A sex cinema is a premises used to a significant degree for the exhibition of moving pictures which primarily portray sexual activity or acts of force or restraint which are associated with sexual activity. A full legal definition of a sex cinema can be found in paragraph 3 of Schedule 3 to the Act.
- 2.4 A sex shop is a premises used to a significant degree for the selling, etc. of sex articles or other items intended for use for the purpose of stimulating sexual activity or acts of force or restraint. A full legal definition of a sex shop can be found at paragraph 4 of Schedule 3 to the Act.
- 2.5 Advice on whether a licence is required can be obtained from the Licensing team, Guildford Borough. Contact details are set out in Appendix 3.
- 2.6 Throughout this policy the wording will refer to 'applicants' for licences. However it should be noted that the principles set out within this policy apply equally to new applications, renewals and transfers.
- 2.7 This policy seeks to provide guidance to applicants about the approach they should take to making applications and the view the council is likely to take on certain key issues.
- 2.8 The Council will take this policy into account when determining applications, however each application will be considered on its merits at the time the application is made.

Section 3 The Guildford Borough Council area

- 3.1 The borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and on the western fringes of the borough adjacent to Aldershot town.
- 3.2 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 3.3 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled.
- 3.4 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy.
- 3.5 In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the SEV sector may contribute to this area.
- 3.6 The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.
- 3.7 Guildford's successful economy measured against a range of indicators has made it a place where businesses want to locate and grow.
- 3.8 The Vision in The Corporate Plan 2018-2023 states the desire is for Guildford to be:
"..a town and rural borough that is the most desirable place to live, work and visit in South East England."
- 3.9 The fundamental themes and strategic priorities which support this vision are:
- Place-making** Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes
 - Making travel in Guildford and across the borough easier

Regenerating and improving Guildford town centre and other urban areas

Community

Supporting older, more vulnerable and less advantaged people in our community

Protecting our environment

Enhancing sporting, cultural, community, and recreational facilities

Innovation

Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need

Creating smart places infrastructure across Guildford

Using innovation, technology and new ways of working to improve value for money and efficiency in Council services

3.10 This licensing policy seeks to promote licensing within the overall context of the three fundamental themes of the Corporate Plan 2018-2023.

Section 4 Integrating other guidance, policies, objectives and strategies

4.1 In preparing this licensing policy the council has had regard to, and sought to integrate the licensing policy with, the following strategies:

- Corporate Plan 2018 - 2023
- Visitor Strategy
- Economic Strategy
- Local Plan
- Public Health and Wellbeing Strategy
- Community Safety Strategy
- The Purple Flag Award

Other policies

4.2 The council (through its Licensing Committee) may, from time to time receive reports on other policies, strategies and initiatives that may impact on licensing activity within the remit of the committee. Subject to the general principles set out in Section 7 it may have regard to them when making licensing decisions.

4.3 The Committee may, after receiving such reports, make recommendations to the council or other bodies about the impact of the licensing policy on such policies, strategies and initiatives. Equally the Committee may make recommendations relating to the impact of such policies, strategies and initiatives on the licensing policy. This may include recommendations to amend the licensing policy itself.

Section 5 General principles

- 5.1 In determining a licensing application the overriding principle will be that each application will be determined on its own merit, taking into account local knowledge, this licensing policy and the guidance issued by the Home Office. Where it is necessary to depart from the guidance or this Policy the council will give clear and cogent reasons for doing so.

Mandatory grounds for refusal

- 5.2 Applications for sex establishment licences must be refused on the following mandatory grounds:
- if the applicant is under 18,
 - if the applicant has a disqualification following the revocation of a previous licence,
 - if the applicant is non-resident in an European Economic Area (EEA) state,
 - company not incorporated in an EEA state,
 - if the applicant has been refused a licence for the same premises within the previous 12 months.
- 5.3 These matters are considered by licensing officers with the appropriate delegations on determination of the licence.

Discretionary grounds for refusal

- 5.4 There are also a number of discretionary grounds. These are:
- if the applicant is considered unsuitable,
 - if the business would be managed by or for the benefit of a third party who would be refused a licence in their own right,
 - that the number of sex establishments or of sex establishments of a particular kind in the locality equals or exceeds the number considered appropriate,
 - if the grant is inappropriate having regard to:
 - the character of the relevant locality
 - the use of any premises in the vicinity
 - the layout, character, or condition of the premises.

Suitability of applicant

- 5.5 In considering whether the applicant is suitable to hold a licence, the council will take into account such matters as it considers to be relevant, including but not limited to whether the applicant:
- is honest
 - has a clear understanding of the conditions that may be attached to the licence
 - has a suitable business plan which will deliver compliance with the standard conditions.
 - has no unspent convictions of a nature that deem him/her unsuitable.
 - Suitability of manager or person for whose benefit the business would be carried on
- 5.6 The council will require the applicant to identify the proposed manager or person for

whose benefit the business would be carried on. In considering the suitability of these persons the council will apply the principles at 5.5.

Appropriate numbers and localities

- 5.7 The council may set the upper and lower limit that it considers an appropriate number of SEVs for a particular locality and it can be set as nil. The Council may also refuse an application if we are satisfied that the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number, which we consider is appropriate for that locality.
- 5.8 In deciding the policy to adopt in relation to this discretionary ground, the council has taken into account the matters set out in sections 2 to 6 of this policy. It has been influenced by the following considerations.
- 5.9 The Council has taken account of its own corporate strategies and priorities as represented by its Corporate Plan 2018-2023, Visitor Strategy and Economic Strategy. The council believes that, in taking these strategies into consideration, SEVs are not in accordance with a culturally rich and diverse Borough. In particular SEVs tend not to be inclusive facilities, appeal only to a narrow sector of the community and are unlikely to enhance the cultural reputation of the Borough.
- 5.10 It recognises that a nil per locality policy may reduce the employment opportunities for dancers. However it also recognises that those working in SEVs are often peripatetic and self-employed and will retain the opportunity to find employment as performers in other venues in Surrey or in other roles in the entertainment industry. The council believes that, on clear balance, in gender equality terms, its policy is both supportable and correct. The Council have decided not to set an upper or lower limit but to consider each application on its merits.
- 5.11 The council believes that the types of premises listed below are sensitive and that SEVs are generally not appropriate near them.
- Schools and other areas of education
 - Play areas/parks
 - Youth facilities
 - Residential areas
 - Women's refuge facilities/ rape and sexual assault counselling venues
 - Family leisure facilities such as cinemas, theatres and concert halls
 - Places of worship
 - Places used for celebration or commemoration
 - Cultural leisure facilities such as libraries, museums

Agenda item number: 5

Appendix 1

- Retail shopping areas
- Historic buildings
- Hotels

5.12 The Council has determined that rural and residential are particularly unacceptable as localities for SEVs to be located in.

5.13 The council has not determined a limit on numbers or locality in relation to sex shops or sex cinemas. These applications will be dealt with on a case by case basis but applicants can be guided by the criteria mentioned at 5.4 to 5.6.

Human Rights

5.14 The European Convention on Human Rights makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. The council will have particular regard to the following relevant provisions of the European Convention on Human Rights:

- **Article 6** that in determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- **Article 8** that everyone has the right to respect for his home and private life.
- **Article 10** that everyone has the right to freedom of expression.
- **Article 1 of the first protocol** that every person is entitled to the peaceful enjoyment of his or her possessions, including for example a licence.

The Provision of Services Regulations

5.15 The Provision of Services Regulations 2009 implements the European Services Directive.

These regulations ensure that any refusal of a licence is:

- **non-discriminatory** in regard to nationality,
- **necessary** for reasons of public policy, public security, public health or the protection of the environment and
- **proportionate** with regard to the objective pursued by the legislation.

5.16 The council will consider these three issues in relation to the refusal of licence applications.

Crime and Disorder Act 1998

5.17 The Crime and Disorder Act 1998 places a duty on the council to exercise its functions with due regard to:

- Crime and disorder in its area (including anti-social and other behavior) adversely affecting the local environment;
- The misuse of drugs, alcohol and other substances.
- Re-offending in its area.

5.18 The council will have particular regard to the likely effect of the determination of licence applications on these issues and the need to do all that it reasonably can to prevent them.

Equality Act 2010

- 5.19 The Equality Act 2010 places a duty on the council to exercise its functions with due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
 - Advance equality or opportunity between persons who share relevant protected characteristics and person who do not;
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.20 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 5.21 The council is aware that sex establishments tend to be predominantly marketed to men and that the licensing of these establishments must not encourage discrimination against women especially in regard to women who work at the premises, women who may wish to visit the premises or women who are using the area for other purposes but who may feel intimidated by the presence of such premises.
- 5.22 Accordingly, due regard has already been and will continue to be given during the review of this policy, to the determination of licences and the attaching of conditions.

Planning

- 5.23 The use of premises is subject to planning control. Such use will require planning permission or must otherwise be lawful under planning legislation. Planning permission is generally required for the establishment of new premises or the change of use of premises.
- 5.24 In general, all premises which are the subject to an application should have the benefit of appropriate planning permission, or be deemed permitted development. The onus will be on the applicant to demonstrate that planning permission has been granted or that the premises have the benefit of permitted development rights. Failure to do so may result in objections and the licence being refused or granted subject to conditions which take account of the planning permissions in existence.
- 5.25 In addition, all new developments and premises which have been subject to structural alterations since 1994 will have building control approval in the form of a Building Regulations Completion Certificate. The onus will be on the applicant to demonstrate that any structural alterations have been approved by building control. Failure to do so may result in objections and the licence being refused or granted subject to conditions.
- 5.26 Any decision on a licence application will not consider whether any decision to grant or refuse planning permission or building consent was lawful or correct.

Staff Training

- 5.27 The council recommends that all persons employed on licensed premises be encouraged to attend training programmes to raise awareness of their responsibilities and particularly of the offences contained within the Act and the conditions of the

licence. Where recognised training programmes are not available employers should ensure that their employees are advised of their responsibilities and the offences under the Act.

- 5.28 All persons employed on licensed premises should be provided with in-house training on basic public safety and the housekeeping arrangements relative to those premises. Depending on their job role, this may include training in first aid, age verification policies, basic health and safety, fire safety and so on.
- 5.29 Licensed premises will be required to record training undertaken by staff in their staff records. These records will be made available for inspection on request to an authorised officer or the police.

Advertising

- 5.30 As part of the standard conditions attached to licences there is a requirement that all advertising and the external appearance of the premises must be approved by the council.
- 5.31 This approval will be considered at a sub-committee hearing or officer with appropriate delegated authority. Applicants will be entitled to attend the hearing. Please contact Licensing for further information on how to submit changes to advertising material and external appearance. Planning permission may also be required which is a separate process.

Exemptions

- 5.32 Under the Act there is an exemption from the licensing requirements for sexual entertainment venues which provide relevant entertainment on an infrequent basis. These are defined as premises where:
- relevant entertainment has been provided on no more than 11 occasions within a 12 month period;
 - no such occasion has begun within a period of one month beginning with the end of any previous occasions and
 - no such occasion has lasted longer than 24 hours
- 5.33 This exemption does not apply to sex shops or sex cinemas.

Section 6 Application Procedure

The application process

- 6.1 Applications must be made to the council in the form prescribed. Guidance is available to applicants setting out the detail of the process.
- 6.2 An operator's suitability will be checked before a licence for a sex establishment is granted. Depending on the individual circumstances this may be achieved by the following means:
- Application form
 - Disclosure and Barring Service check (basic or enhanced)
 - Personal interview either in person, at a hearing, by phone or in writing
- 6.3 In the first instance, the application will be sent to Surrey Police who may conduct a check. The operator's suitability will be checked using the application form and the personal information forms. Applicants may be asked to provide basic or enhanced DBS checks, or attend an interview, to support their application.
- 6.4 The suitability of the applicant is important to ensure that the interests of the public are protected. The council will use the methods described above to ensure that the proposed operator:
- is honest
 - has a clear understanding of the conditions that may be attached to the licence
 - has a suitable business plan which will deliver compliance with the standard conditions.
 - has no unspent convictions of a nature that deem him/her unsuitable.
- 6.5 Applicants for sexual entertainment venue licences will also need to show they have:
- a clear employees' welfare policy
 - a clear code of conduct for employees
 - a clear code of conduct for customers
 - a clear policy on pricing, and
 - protect the interests of their customers
- 6.6 The council will take all of these criteria into account when determining the licence. Non-compliance with one or more of the criteria will not necessarily exclude the operator from holding a sex establishment licence, providing the applicant is able to prove to the council that the interests of the public are protected.

Third Party Beneficiaries

- 6.7 In order to protect the public interest it is important to establish the hierarchy of the operator's business. Information will be sought and enquiries made into the operator's company structure to ensure that the operator is not working on behalf of an individual or company that would not be granted a licence in their own right.
- 6.8 Enquiries may be made via the application form, checks with Companies House, Surrey Police, British Transport Police, personal interview or applicants may be asked to provide business records.

Fees

6.9 The council has set a reasonable fee. The fee is based on the recovery of costs incurred by the council in determining the application.

Notices

6.10 The applicant must advertise the application in three ways:

- Advertisement in a local newspaper within 7 days of making the application
- Advertisement at the premises by way of a site notice for 21 consecutive days
- Notice of the application must be sent to the Chief Officer of Police for Surrey within 7 days of making the application (unless the application is made electronically).

6.11 Proof that the applicant has advertised the application will be required.

Objections

6.12 Anyone can object to an application for a sex establishment licence. Objections must be received by the council no later than 28 days after the date of the application. These objections can be received from individuals or businesses and should be relevant to the grounds on which a licence can be refused set out in Section 7. The Council cannot take into account objections based on moral values.

6.13 Guidance on making an objection can be found on the council's website.

6.14 The council will notify the applicant in writing of the general terms of any objection it receives. However objectors will remain anonymous, unless they agree that their identity may be revealed and efforts will be made to ensure that the contents of the objection do not disclose the objector's identity.

6.15 If objectors wish for their details to be released to the applicant they should make this clear in their objection.

Hearings

6.16 The council has appointed a licensing committee of 15 Councillors. Licensing functions will often be delegated to a licensing sub committee of 3 councillors or, in appropriate cases, to officers of the council such as applications where there are mandatory grounds for refusal.

6.17 All new, renewal and transfer applications will be determined by a sub-committee of three members of the Licensing Committee or officers with the appropriate delegation.

6.18 It is the council's practice to provide notice of the hearing to all interested parties (applicants and objectors) five days before the hearing.

6.19 This notice will give the date of the hearing, the procedure for the hearing, state any points on which the council requires clarification at the hearing, and will require the addressee to confirm their attendance and the attendance of any witnesses they may wish to call.

The hearing will normally take place in public.

- 6.20 Councillors will have regard to the Guildford Borough Council Code of Conduct for Councillors. Where a Councillor who is a member of the Licensing Committee or sub-committee has a prejudicial interest in the application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process in respect of that application. Wherever possible, members will not hear applications from within their own ward to avoid any appearance of bias.
- 6.21 The Licensing Committee will refer an application to the council where it is unable to deal with the application because of the number of members unable to vote on the matter in question.

Reasons for decisions

- 6.22 In determining licence applications under the Act the council will take into consideration the application before it and any relevant objections received, as well as local knowledge including knowledge as to local issues and cultural sensitivities.
- 6.23 Every decision to refuse a licence will be accompanied by clear reasons for the decision.
- 6.24 Every effort will be made to provide an oral decision at the sub-committee hearing, with the written reasons to follow in due course. However if the Sub-Committee feel that they need further time to consider the matter fully, they may reserve their decision, in which case the parties will be notified of the decision and reasons for it in writing as soon as possible after the conclusion of the hearing.

Conditions

- 6.25 The council will normally impose standard conditions on all licences. However, if deemed necessary in any particular case, the council may change, alter or replace the standard conditions or any of them with conditions that are specific to the application before them. Please see Appendix 2 for the standard conditions.
- 6.26 If the standard conditions are changed, the revised conditions will be applied to existing licences when they are renewed or transferred.
- 6.27 The Home Office document “Sexual Entertainment Venues – Guidance for England and Wales” discusses the interplay between conditions on a premises licence granted under the Licensing Act 2003 and those applied to a sex establishment licensed under the Local Government (Miscellaneous Provisions) Act 1982. It states at Paragraph 4.16 that:
- “In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the condition in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.”*
- 6.28 Therefore if there are any conditions on the sex establishment licence which conflict with and are more onerous than a condition on the Licensing Act premises licence, the Licensing Act condition will cease to apply.
- 6.29 Conditions on the Licensing Act premises licence which only apply to relevant

entertainment shall be read as if they were deleted. This is to avoid duplication.

Right of Appeal

- 6.30 Only the applicant has the right to appeal the council's decision to the Magistrates' Court and only then on limited grounds. There is no right of appeal for objectors. Applicants and objectors are referred to paragraph 27 of Schedule 3 to the Act for further details.

Period of licence

- 6.31 A sex establishment licence will remain in force for a fixed period, which shall be no more than one year, unless brought to an end earlier as a result of the licence being surrendered or revoked. A fee is due with the application.

Renewal, Transfer

- 6.32 The process for applying for a renewal or transfer of the licence is the same as when applying for a new licence. Guidance for applicants is available on the council's website. A fee is due with the application.

Variation

- 6.33 At any time, a holder of a licence can apply to vary the terms, conditions or restrictions of a licence. There are some matters, required under the standard conditions, for which the premises licence holder is required to notify the council. These matters may include:

- Minor internal structural changes (moving of existing fixed furniture, etc.)
- Change in personnel
- Amendment of the approved advertising material
- Change of name of premises

- 6.34 However as there is no requirement to advertise a variation, licence holders should contact Licensing before making their application to discuss if a new application is more suitable. In general any variation which affects the matters mentioned in Section 1 will require a new application.

Revocation

- 6.35 If information is received by the council that circumstances have changed in such a way that the licence holder is deemed unsuitable or that the manager or person for whose benefit the business is carried on is unsuitable such that an application for a new licence would be refused, the council may revoke the sex establishment licence.

- 6.36 Should the council consider revocation of the licence to be appropriate the licensee will be provided an opportunity to appear before the Licensing Sub-Committee and be heard by them.

- 6.37 If the licensee so requests, the licensee will be given a statement in writing of the reasons for revocation within seven days of the request being made.

- 6.38 The revocation will take effect once the appeal period has expired, or if an appeal is

lodged after the determination or abandonment of the appeal.

Waiver

- 6.39 Should the council decide that the requirement to hold a licence would be unreasonable or inappropriate, it may waive the need for a licence. Examples of cases where such waivers could be applied could include a medical book shop, sex clinic, in borderline cases, or for minor or temporary events.
- 6.40 The council would only waive the need for a licence where the activity is low risk and/or temporary. A waiver will not be granted in cases where it is appropriate for the activity to be covered by licence conditions.
- 6.41 The application for a waiver should be on the same form as an application for a new licence; however it should be accompanied by a letter which describes the circumstances in which the request for a waiver is made. There will be no requirement to advertise the application. Further information can be found on the council's website, or by contacting Licensing.
- 6.42 The decision on the application for a waiver will be taken at the next available licensing sub-committee hearing or by officers with the appropriate delegation and, if granted, a Notice of Waiver will be issued.
- 6.43 Unsuccessful applicants for waivers will be notified accordingly and provision will be made for them to make a formal application for a sex establishment licence.

Section 7 Enforcement

7. Enforcement principles

7.1 The council will work closely with partners in accordance with a locally established joint enforcement protocol and will aim to promote the licensing objectives by targeting known high risk premises following government guidance around better regulation.

7.2 In carrying out its enforcement duties with regards to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the council will endeavour to be:

proportionate: regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs should be identified and minimised;

accountable: regulators must be able to justify decisions, and be subject to public scrutiny;

consistent: rules and standards must be joined up and implemented fairly;

transparent: regulators should be open, and keep regulations simple and user friendly; and

targeted: regulation should be focused on the problem, and minimise side effects.

7.3 The council will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The council will also adopt a risk-based inspection programme in line with government recommendations around better regulation and the principles of the Hampton Review.

7.5 The main enforcement and compliance role for the council in terms of the Act will be to ensure compliance with the conditions placed upon the licence and investigate and take appropriate action on unlicensed premises.

7.6 The council will also keep itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

7.7 The council's enforcement policy is available on www.guildford.gov.uk.

Appendix 1 - Consultation

To be updated following public consultation

Appendix 2 Standard Conditions

These conditions will generally be attached to all licences granted under the Act. These conditions may be dispensed with, added to or modified by the council where appropriate. Where, in these conditions, there is a reference to the consent of the council being required, the consent may be subject to terms, conditions and restrictions as appropriate.

In accordance with Home Office guidance, where a condition is inconsistent with and is more onerous than a condition in a Licensing Act premises licence, the Licensing Act condition shall cease to apply.

Sexual Entertainment Venues

General

1. Unless stated otherwise, the licence hereby granted shall operate for one year from the date on the licence, after which it shall cease to be in effect, unless an application for renewal is submitted in the manner prescribed by the council.
2. The licensee shall operate a code of practice for dancers and code of conduct for customers. These documents must be approved by the Council and Surrey Police and shall be made available to any police officer or authorised officer of the Council on request.
3. Price lists for both drinks and sexual entertainment and the code of conduct for customers shall be clearly displayed at each table and at each entrance to the premises.
4. Price lists and the code of conduct for customers must be printed in a manner which is clear and easy to read.
5. Suitable and sufficient training is to be provided to all staff including the responsible person as described in condition 28. A training record shall be kept for each member of staff and the training record shall be made available upon request to any police constable or authorised officer of the Council.
6. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of the licence

7. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police officer.

Hours of opening (to be tailored to individual licences)

8. The premises shall only be open to the public during the following hours:
Monday
Tuesday

Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

9. Dancers shall only perform on the stage area, or in booths/areas for VIPs, as identified on the plan attached to the licence.
10. Relevant entertainment shall only be performed by the dancer. There must be no audience participation.
11. There must be no physical contact between dancers.
12. There must be no physical contact between the dancer and the customer at any time.
13. Any performance shall be restricted to dancing and the removal of clothes. There shall not be any other form of sexual activity or stimulation which, for the avoidance of doubt, includes kissing.
14. Sex toys must not be used and penetration of the genital area by any means must not take place.
15. Customers shall not be permitted to throw money at the dancers.

External appearance

16. There shall be a notice displayed inside each entrance or doorway to the premises, which shall clearly be visible to any person entering the premises, which states the following:

Strictly No Admittance to Persons Under 18 Years of Age
This premises operates a Challenge 25 policy.
Persons who appear to be under the age of 25 will be required to show proof of age.

17. The external appearance of the premises must be approved by the council in writing.
18. Any change to the external appearance must be approved by the council. The operator must notify the Council in writing of any proposed change and shall provide a drawing of the existing and proposed street elevation. This must be approved by the council before any work is undertaken.
19. Access to the licensed area of the premises shall be through a lobby area which is constructed in such a way that the inside of the licensed premises where relevant entertainment takes place is not visible to passing members of the public when the doors of the premises are opened.
20. Signage shall only be illuminated between 10pm and 6am, and movable signs placed outside the premises shall be removed between 6am and 10pm.

Advertising

21. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
22. Staff employed or subcontracted by the premises shall not verbally or otherwise promote, tout or advertise the premises, except by way of flyers.
23. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the Highways within a 100 metre radius of the premises by 6am. The licensee shall operate a flyer distribution policy which must be approved by the Council.

Layout of premises

24. No access shall be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
25. No alterations (including temporary alterations) shall be made to the structure and installations on the premises, without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

26. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue (“the manager”) shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
27. The licensee shall ensure that any person nominated by him/her in accordance with Condition 28:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination referred to above at all times when they are in charge of and present on the premises.
28. Where the licensee is a body corporate, or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the council.
29. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue (“the manager”), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.

30. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
31. The licensee shall ensure that the public is not admitted to any part or parts of the premises which have not been approved by the council for the purposes of public access.
32. No persons under the age of 18 shall be admitted to the premises.
33. The licensee shall operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 shall be displayed on the premises.
34. The licence holder shall not employ any person under the age of 18 in any capacity.

Safety and security

35. A suitable Closed-Circuit Television (CCTV) system shall be operational at the premises at all times when licensable activities are being carried out and at any other times when members of the public are present on the premises. The CCTV system shall cover all areas of the premises to which the public are permitted to have access, including corridors and stairways (excluding WCs). The CCTV system shall cover the main entrances and exits and designated emergency exit routes from the premises. The CCTV system shall cover all external areas of the premises accessed by the public, including queuing areas, beer gardens, smoking areas and car parks. The location of the CCTV cameras shall be identified on the site plan of the premises. No amendments to the locations of the cameras shall be made without prior consultation with Surrey Police/British Transport Police and the Licensing Authority.
36. The CCTV system shall be of a sufficient resolution quality to enable the identification of persons and activities, and other details such as vehicle registration number plates. The CCTV system shall contain the correct time and date stamp information. The CCTV system shall have sufficient storage retention capacity for retention of a minimum of 31 days' continuous footage, which shall be of good quality. The CCTV footage shall be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record shall be kept of who has accessed the system, the reason why and the date and time of access.
37. The data controller, under the Data Protection Act 1998, who is responsible for any CCTV images captured on cameras on the premises shall, on the lawful request of an authorised officer or an officer of Surrey Police/British Transport Police, cause any required footage to be downloaded immediately, or where this is not possible, as soon as reasonably practicable, and supplied to the requesting officer. Where the CCTV images are not supplied at the time of the request being made, the data controller shall ensure that they are secured to prevent any overwriting.
38. The CCTV system shall be adequately maintained and be capable of transporting recorded material onto a removable media. The CCTV system replay software must

allow an authorised officer or an officer of Surrey Police/British Transport Police to search the picture footage effectively and see all the information contained in the picture footage for the purpose of detecting, investigating and preventing crime. It must be possible to replay exported files immediately e.g. no re-indexing of files or verification checks shall be required.

39. A minimum of two Security Industry Authority registered door staff shall be present on the premises during the performance of relevant entertainment. In addition, the licensee shall provide such additional SIA registered door staff as shall be reasonably required by Surrey Police or the Licensing Authority.

Staff welfare

40. Dancers shall be aged 18 years or over.
41. Before a dancer is permitted to work on the premises the licensee shall ensure that the dancer:
- a) has not been convicted of theft, drug offences or prostitution
 - b) has the right to work in the UK

The licensee shall keep records of the checks made, including copies of any documentation such as a basic disclosure, passport, visa, driving licence or national insurance number provided by the dancer.

42. The Licensee shall provide new dancers with a pack of information. This pack shall include:
- a) A copy of the Sex Establishment Licence, including the conditions applied by the Licensing Committee.
 - b) Details of any other conditions applied by the management of the premises
 - c) Details of how to report crime to the relevant authority
 - d) Details of the premises public liability insurance
 - e) Information on how dancers can obtain personal liability insurance
 - f) Details of unions, trade organisations or other bodies that represent the interests of dancers
 - g) A copy of the code of conduct for dancers
 - h) A copy of the code of conduct for customers
 - i) Price lists for drinks and sexual entertainment
43. The information required in accordance with Condition 42 shall be provided in the dressing rooms or alternatively a sign shall be placed in the dressing rooms advising that the information pack is available on request.
44. All booths and VIP areas used for private dances must be visible to supervisors and must not have closing doors, curtains or coverings of any description .
45. All booths and VIP areas used for private dances must be directly supervised by either a SIA registered door supervisor, or a member of staff who has direct contact with the SIA registered door supervisors working on the premises, at all times when the booths/areas are in use. Direct supervision does not include remote supervision by CCTV.

46. Dancers shall only be present in the licensed area in a state of nudity when they are performing on stage or providing a private dance.
47. Any person on the premises who can be observed from outside the premises shall be properly and decently dressed.
48. The licensee shall ensure that dancers have secure dressing rooms, facilities to secure valuables and proper sanitation facilities available to them.
49. Panic alarms shall be fitted to all booths and VIP performance areas and shall be operational at all times.

Vessels, stalls and vehicles

50. Vehicles must not be used for personal solicitation, touting or advertising.

Sex Shops

General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:

Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

6. There shall be a notice displayed on each entrance or doorway to the premises which states the following:

<p style="text-align: center;">Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy. Persons under the age of 25 will be required to show proof of age.</p>
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7. The external appearance of the premises must be approved by the council in writing.

8. Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.
9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from the outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
12. Leafletting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

13. No access shall be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.
14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

15. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager"), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
16. The licensee shall ensure that any person nominated by him/her under Condition 16 above:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination at all times when they are in charge of and present on the premises.

17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.
18. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
20. The licensee shall keep a record of all employees who are asked to work on the premises. The record shall include their full name, date of birth, current and previous addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
21. A certified copy of the personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or the police.
22. No persons under the age of 18 shall be admitted to the premises.
23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
24. The licence holder shall not employ any person under the age of 18 in any capacity.

Video recordings

25. No moving picture shall be provided on display at the licensed premises unless it is for the purposes of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
26. Items sold, supplied for hire or exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984, (as amended).

Vessels, stalls and vehicles

27. Vehicles must not be used for personal solicitation, touting or advertising.

Sex Cinemas

General

1. Unless stated otherwise, the licence hereby granted will operate for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the council in writing.

Exhibition of licence

3. The licence, or a clear copy, shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, and authorised officers of the council. A copy of the conditions attached to the licence shall be kept on the premises and be available for inspection by an authorised officer of the council, or a police constable.

Hours of opening (to be tailored to individual licences)

4. The premises shall only be open to the public during the following hours:
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

Conduct on the premises

5. The licensee, or any other person concerned in the conduct or management of the premises, shall ensure that any personal solicitation or touting from the premises to obtain custom does not cause nuisance or annoyance to the public. Any literature used shall not contain images or text of a sexually explicit, obscene or offensive nature.

External appearance

6. There shall be a notice displayed on each entrance or doorway to the premises which states the following:

<p style="text-align: center;">Strictly No Admittance to Persons Under 18 Years of Age This premises operates a Challenge 25 policy Persons under the age of 25 will be required to show proof of age</p>
--

7. The external appearance of the premises must be approved by the council in writing.
8. Any change to the external appearance of the premises must be approved by the council. The operator must inform the Council of any proposed change in writing and

provide a drawing of the existing and proposed street elevation. This must be approved by the council before work is undertaken.

9. The frontage of the licensed premises shall be of such a nature that the interior of the licensed premises shall not be visible from outside and the contents of the licensed premises shall not be visible when the doors of the licensed premises are open.
10. There shall be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises.

Advertising

11. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, shall not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
12. Leafleting/distribution of flyers shall only be permitted as long as it does not cause public offence. The licensee shall remove any leaflets from the highways within a 100 metre radius of the distribution point. Flyers must not be distributed by and to persons under the age of 18 years of age. The licensee shall operate a flyer distribution policy which shall be approved by the council.

Layout of premises

13. No access shall be permitted through the premises to any other adjoining or adjacent premises, except in the case of an emergency.
14. No alterations (including temporary alterations) shall be made to the structure and installations on the premises without the prior written consent of the council. This condition does not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

Management of the premises

15. The licensee, or a responsible person nominated by him/her for the purpose of managing the venue (“the manager”), shall have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination shall be produced on demand to an authorised officer of the council or a police constable.
16. The licensee holder shall ensure that any person nominated by him/her under Condition 16:
 - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
 - b) is in possession of the written nomination at all times when they are in charge of and present on the premises.
17. Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the

body shall be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change in personnel shall be furnished within 14 days of a request in writing from the council.

18. The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
19. The licensee shall ensure that the public are not admitted to any part or parts of the premises that have not been approved by the council for the purposes of public access.
20. The licensee 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 addresses and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
21. A certified copy of the full personnel record kept in accordance with Condition 21 or a record relating to a specified individual shall be produced on demand to an authorised officer of the council or a police constable.
22. No persons under the age of 18 shall be admitted to the premises.
23. The licensee shall operate a Challenge 25 age verification policy and customers under the age of 25 shall be required to show proof of ID. A notice to this effect in accordance with condition 7 shall be displayed on the outside of the premises.
24. The licence holder shall not employ any person under the age of 18 in any capacity.

Vessels, stalls and vehicles

25. Vehicles must not be used for personal solicitation, touting or advertising.

Appendix 3 Contacts details

Licensing

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

T: 01483 505050

Email: licensing@guildford.gov.uk

Application form, plan, fee, policies, notices and declaration

Surrey Police

Licensing Unit
Guildford Police Station
Margaret Road
Guildford, Surrey
GU1 9PE

T: 01483 639473

Application form, plan, policies, notices and declaration

Appendix 4 Interpretation

Advertisement means any word, letter, image, 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.

Audience includes an audience of one.

Authorised officer means an officer employed by Guildford Borough Council and authorised by the council to act in accordance with provisions of the Act.

The council means Guildford Borough Council.

Display of nudity means:

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

Dancer means dancer, entertainer, performer or other such person employed, or otherwise engaged, to provide relevant entertainment.

Licence means any sex establishment licence that the council can grant under the Act. This includes any associated consent or permission.

Licensee means the holder of a sex establishment licence.

Licensed area means the part of the premises marked on the plan where licensable activities are to take place.

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

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

Sex shop means any premises used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity.

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

Standard conditions means any terms, conditions or restrictions which the Council has prescribed as conditions subject to which all licences under the Act are in general to be granted, renewed or transferred..

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

Unsolicited (in relation to advertising) means any material that is unasked for, not looked for or unsought, i.e. newspaper advertising, flyers, posters, radio advertisements, television advertising, advertising hoardings etc.

Vehicle means a vehicle intended or adapted for use on roads.

I consider it a pity that we have to have any sexual entertainment venues, but as we do, and as we also need to have a clear policy, then this policy is a good one and seems to cover every aspect satisfactorily.

Margaret Murray
Clerk
Tongham PC

4 July 2018

Agenda item number: 5
Appendix 2

Can I please ask that we are not included in any notification with regards to review of Licensing of Sexual Entertainment Venues to confirm we are the Centre for Surrey Masons of both gender.

Kind regards

David Leech
GMC Chairman

6 July 2018

Good afternoon,

I have passed your e-mail to the local sustainable places team who will deal with your request.

The Freedom of Information Act and Environmental Information Regulations state that a public authority must respond to requests for information within 20 working days, but we aim to respond to all enquiries as quickly as we can.

You can find more information about our service commitment by clicking on the link below:

<https://www.gov.uk/government/publications/environment-agency-customer-service-commitment>

Please quote your enquiry reference 180709/ED09 in any correspondence with us regarding this matter.

Kind regards,

Emj Dyall
National Customer Contact Centre
Environment Agency

9 July 2018

Dear Lisa,

Further to our correspondence I am writing to confirm that the matter was discussed at our meeting last night and it was agreed that there were no comments from Ash Parish Council.

Thank you. Kind regards,

Sarah Groom, Clerk to the Council
Ash Parish Council
The Ash Centre
Ash Hill Road
Ash, Surrey
GU12 5DP
01252 328287

www.ashpcsurrey.gov.uk

24 July 2018

Licensing Committee Report

Ward(s) affected: All

Report of the Licensing Team Leader

Author: Mike Smith

Tel: 01483 444387

Email: mike.smith@guildford.gov.uk

Lead Councillor responsible: Graham Ellwood

Tel: 07899 846626

Email: graham.ellwood@guildford.gov.uk

Date: 26 September 2018

Equality Act 2010 – Designation of List of Wheelchair Accessible Vehicles

Executive Summary

The report informs the Committee of the plans to designate a list of Wheelchair Accessible Vehicles following the commencement of sections 165 to 167 of the Equality Act 2010.

By publishing a list of designated wheelchair accessible vehicles, the Council will be ensuring it complies with best practice in order to offer enhanced protection to wheelchair users.

Recommendation to Licensing Committee

The Licensing Committee is requested to note the work undertaken and proposal to introduce a list of designated vehicles.

Reason for Recommendation:

To improve access to the licensed hackney carriage and private hire vehicle service.

1. Purpose of Report

- 1.1 The report informs the Committee of the plans to designate a list of Wheelchair Accessible Vehicles following the commencement of sections 165 to 167 of the Equality Act 2010 (the Act).
- 1.2 It seeks to inform the Committee that a decision under delegated authority will be made by the Director of Community Services, to maintain a list of accessible vehicles, and to determine the accessibility requirements for vehicles appearing on the list.

2. Strategic Priorities

- 2.1 Designating a list of Wheelchair Accessible Vehicles will contribute to our fundamental themes as follows:
- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged
 - **Our Economy** – supporting business, growth and employment

3. Background

- 3.1 The current Taxi and Private Hire Policy 2015-2020 adopted on the 9 December 2015 and subsequent revision on 8 February 2018 introduced positive changes to protect public safety by introducing livery for taxis, door signs for private hire vehicles and the requirement for drivers to complete the BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF).
- 3.2 On 6 April 2017 the Government commenced sections 165 to 167 of the Equality Act 2010 increasing the protection from discrimination afforded to wheelchair users who wish to travel in taxi or private hire vehicles.
- 3.3 This legislation allows licensing authorities may maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles, although as a list is discretionary, there is no requirement to. For these purposes, wheelchair accessible means that it would be possible for a wheelchair user to enter, leave and travel in the passenger compartment in safety and reasonable comfort either staying in their wheelchair or not, depending on their preference.
- 3.4 When a list of designated wheelchair accessible vehicles is kept, the drivers of any designated vehicles must:
- carry the passenger while in the wheelchair where requested to do so and provide reasonable assistance to enable the passenger to get into or out of the vehicle;
 - carry the wheelchair if the passenger chooses to sit in a passenger seat and provide reasonable assistance to load the wheelchair into or out of the vehicle;
 - provide reasonable assistance to load the passenger's luggage into or out of the vehicle;
 - take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - not make any additional charge.
- The Act makes it a criminal offence for the driver not to discharge these duties.
- 3.5 The provisions relating to the use of wheelchair accessible vehicles will have no effect unless the authority maintains such a list. According to Home Office Guidance (attached), licensing authorities were expected to implement the new provisions by October 2017, although this has only been possible until now with the current work plan.

4. Designation of Accessible Vehicles

- 4.1 Following the commencement of the relevant provisions of the Act, licensing authorities may maintain a list of designated wheelchair accessible hackney carriage and private hire vehicles.
- 4.2 Section 167 of the Act provides licensing authorities with the powers to make lists of wheelchair accessible vehicles (i.e. “designated vehicles”), and section 165 of the Act then requires the drivers of those vehicles to carry out those duties listed in paragraph 3.4.
- 4.3 The requirements of section 165 do not apply to drivers who have a valid exemption certificate and are displaying a valid exemption notice in the prescribed manner. An exemption certificate can be issued under section 166 of the Act. This allows licensing authorities to exempt drivers from the duties under section 165 where it is appropriate to do so, on medical grounds or because the driver’s physical condition makes it impossible or unreasonably difficult for them to comply with those duties.

Vehicles that can be designated

- 4.4 The Home Office Guidance recommends that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area. They should be confident of receiving the assistance they need to travel safely, and must not be charged more than a non-wheelchair user for the same journey.
- 4.5 The Act states that a vehicle can be included on a licensing authority’s list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.
- 4.6 This means that to be placed on a licensing authority’s list a vehicle must be capable of carrying some, but not necessarily all, types of occupied wheelchairs. The guidance therefore recommends that a vehicle should only be included in the authority’s list if it would be possible for the user of a “reference wheelchair”, (as defined in Schedule 1 of the Public Service Vehicle Accessibility Regulations 2000) to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.
- 4.7 Taking this approach allows the provisions of section 165 of the Act to apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.
- 4.8 The guidance recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the Council’s list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.

Preparing and Publishing a List of Designated Vehicles

- 4.9 The guidance recommends that licensing authorities should ensure that their designated lists are made easily available to passengers, and that vehicle owners and drivers are made aware. Lists should set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle, and stating the name of the operator.
- 4.10 [November 2017's taxi and private hire newsletter](#) sent to all licence holders notified the trade that the Council intended to start work on producing a list.
- 4.11 On 1 August 2018, we wrote to all proprietors of wheelchair accessible vehicles advising them that the Council intended to publish their vehicle on the designated list. We invited any representations about this decision to be communicated to us by 3 September. No representations were received.
- 4.12 The newsletter and letter invited any licensed driver to apply for an exemption certificate on medical grounds (with supporting evidence from a medical professional). No exemptions have been sought to date.
- 4.13 The Council occasionally receives requests from the public about availability of accessible vehicles, however due to data protection reasons we cannot pass on proprietors' contact details. In order to promote the provision of accessible vehicles to the travelling public, as part of the designated list we would like to publish taxi proprietors' and private hire operators' contact details so that prospective customers can easily make a booking to travel in an accessible vehicle. We hope that by publishing these details with proprietors' consent will also increase trade. The letter also requested that proprietors consent to this information being published. Only one proprietor contacted us consenting for their contact details to be published on the list.
- 4.14 As maintaining a list is discretionary, a decision will need to be taken to maintain the list. The decision is either an Executive decision or can be taken by officers under delegated powers. The Director of Community Services has delegated powers to exercise all functions in relation to licences, certificates or consents under which the Council has regulatory powers including taxi and private hire licences.
- 4.15 As such, a decision to maintain a list and the accessibility requirements for inclusion on the list will be made by the Director of Community Services.

5. Consultation

- 5.1 Consultation is critical to ensure any changes to the requirements expected of the licensed Taxi and Private Hire trade are clear and transparent for licence holders and the travelling public.
- 5.2 The trade has been informed about the Council's intention to publish a list of designated vehicles as per section 167 of the Act through its newsletter and letters to affected individual proprietors.

6. Equality and Diversity Implications

- 6.1 By publishing a list of designated wheelchair accessible vehicles, the Council will be complying with Home Office Guidance with a view to offering enhanced protection to wheelchair users.

7. Financial Implications

- 7.1 The designation of a list of accessible vehicles can be managed through the existing licensing budget.

8. Legal Implications

- 8.1 Section 167 of the Equality Act 2010 permits, but does not require, LAs to maintain a designated list of wheelchair accessible taxis and PHVs.

- 8.2 Section 165 of the Act then imposes the duties set out in paragraph 3.4 on the driver of vehicles on the list.

- 8.3 Whilst Local Authorities are under no specific legal obligation to maintain a list under section 167, the Statutory Guidance recommends strongly that they do so. Without such a list the requirements of section 165 of the Act do not apply, and it will not be a criminal offence for drivers to refuse the carriage of wheelchair users, fail to provide them with assistance, or to charge them extra.

- 8.4 Any driver of a taxi or private hire vehicle which is not on the published list is not specifically bound by the duties of Section 165. However if any driver is found to be unjustifiably discriminating against a customer, for any reason, the Council would be likely to consider whether they remained a 'fit and proper person' to hold a driver's licence.

- 8.5 Section 172 of the Act enables vehicle proprietors to appeal against the decision of the Council to include their vehicle on the designated list. That appeal should be made to the Magistrate's Court, and must be made within 28 days of the vehicle in question being included on the published list.

- 8.6 Section 172 of the Act also enables drivers to appeal against the decision of a LA not to issue an exemption certificate under Section 166 of the Act. That appeal should be made to the Magistrate's Court, and must be made within 28 days beginning with the date of the refusal.

9. Human Resource Implications

- 9.1 There are no human resource implications arising from these proposals.

10. Summary of Options

- 10.1 The Licensing Committee is requested to note the work undertaken and proposal to introduce a list of designated vehicles.

11. Conclusion

- 11.1 By publishing a list of designated wheelchair accessible vehicles, the Council will be ensuring it complies with best practice in order to offer enhanced protection to wheelchair users.

12. Background Papers

- 12.1 [Taxi and Private Hire Licensing Policy 2015-2020](#)
- 12.2 [Access for wheelchair users to taxis and private hire vehicles – Statutory Guidance, Department for Transport](#)

13. Appendices

14. Consultation

Service	Sign off date
Regulatory Services Manager	7 August 2018
Finance / 151 Officer	
Legal / Governance	16 August 2018
HR	6 August 2018
Equalities	6 August 2018
Lead Councillor	23 August 2018
CMT	28 August 2018
Committee Services	7 September 2018

Licensing Committee Report
Report of Director of Finance
Author: Sophie Butcher
Tel: 01483 444056
Email: sophie.butcher@guildford.gov.uk
Date: 26 September 2018

Licensing Committee work programme: 2018-19

Recommendation to Licensing Committee

The Committee is invited to review and approve its current work programme for the remainder of the 2018-19 municipal year.

Reason for Recommendation:

To ensure that the Licensing Committee has an opportunity to review its work programme.

1. Purpose of Report

1.1 The work programme is presented to enable necessary changes to be made and to provide updated information on items for future meetings. Appendix 1 to this report sets out the Committee's work programme to date, including any items currently unscheduled.

2. Financial Implications

2.1 There are no specific financial implications arising from this report.

3. Human Resource Implications

3.1 There are no specific human resources implications arising from this report.

4. Legal Implications

4.1 There are no specific legal implications arising from this report.

5. Background papers

None

6. Appendices

Appendix 1: Licensing Committee - Draft Work Programme: 2018-19

Licensing Committee

Draft Work Programme 2018-19

26 September 2018

Item	Details of decision to be taken	Officer
Purple Flag and Best Bar None	The Committee to receive a verbal update on Purple Flag and Best Bar None.	Mike Smith, Licensing Team Leader 01483 444387
Sexual Entertainment Venues Policy	The Committee to consider the Sexual Entertainment Venues Policy consultation results and to recommend that the Executive approves the policy.	Mike Smith, Licensing Team Leader 01483 444387
Equality Act 2010 – Designation of List of Wheelchair Accessible Vehicles	The Licensing Committee is requested to note the work undertaken and proposal to introduce a list of designated vehicles.	Mike Smith, Licensing Team Leader 01483 444387

28 November 2018

Item	Details of decision to be taken	Officer
Gambling Policy	The Committee to consider the consultation results and approve the Gambling Policy.	Justine Fuller, Environmental Health Manager 01483 444370

7 January 2019

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – for consultation	To consider for consultation the Taxi and Private Hire fees and charges 2019-20.	Mike Smith, Licensing Team Leader 01483 444387

25 March 2019

Item	Details of decision to be taken	Officer
Taxi and Private Hire fees and charges 2019-20 – objections	To consider any objections received in relation to the Taxi and Private Hire fees and charges.	Mike Smith, Licensing Team Leader 01483 444387

UNSCHEDULED ITEMS

Item	Details of decision to be taken	Officer
Review of Licensed Vehicle Test Standards	To consider consultation results and make recommendations to full Council, which shall determine whether the Taxi and Private Hire Licensing Policy should be amended to adopt any revised vehicle test standards	Mike Smith, Licensing Team Leader 01483 444387

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