

Agenda

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General Purposes Licensing Casework Sub-Committee

Date: **Monday 11 December 2017**

Time: **5.30 pm**

Place: **Barrister's Room - Town Hall**

For any further information please contact:

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

General Purposes Licensing Casework Sub-Committee

Membership

Chair Councillor Colin Cook

Vice-Chair

Councillor Tom Landell Mills

Councillor Chewe Munkonge

The quorum for this Committee is 2 Members, substitutes are permitted.

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AGENDA

Pages

PART ONE **PUBLIC BUSINESS**

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTEREST

3 PROCEDURE TO BE FOLLOWED AT THE MEETING

7 - 28

Guidance on the procedure to be followed is attached.

4 MINUTES

29 - 30

Recommendation: That the minutes of the meeting held on 30 October 2017 be APPROVED as a true and accurate record.

**5 APPLICATION FOR THE RENEWAL OF A SEX SHOP
ESTABLISHMENT LICENCE**

31 - 78

The Head of Community Services has submitted a report to consider the application for the renewal of a Sex Establishment Licence: Private Shop, 54 Cowley Road, Oxford.

6 EXEMPT MATTERS

If the Sub-Committee wishes to exclude the press and the public from the meeting during consideration of any aspects of the preceding or following agenda items it will be necessary for the Sub-Committee to pass a resolution in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 specifying the grounds on which their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Part 1 of Schedule 12A of the Act if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II **EXEMPT BUSINESS**

In accordance with paragraphs 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972:

- information relating to any individual
- information which is likely to reveal the identity of an individual
- business affairs of a person other than the Council

- information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

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10	CONFIDENTIAL MINUTES	101 - 102
	Recommendation: That the confidential minutes of the meeting held on 30 October 2017 be APPROVED as a true and accurate record.	
11	DATES OF FUTURE MEETINGS	
	The dates of future meetings (if required) are:	
	Monday 22 January 2018	
	Monday 05 March 2018	
	Monday 16 April 2018	
	All meetings start at 5.30pm.	

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed “Declarations of Interest” or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council’s area; licences for land in the Council’s area; corporate tenancies; and securities. These declarations must be recorded in each councillor’s Register of Interests which is publicly available on the Council’s website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members’ Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members’ Code of Conduct says that a member “must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself” and that “you must not place yourself in situations where your honesty and integrity may be questioned”. What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member’s spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

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OXFORD CITY COUNCIL

General Purposes Licensing Casework Sub-Committee

HEARING PROCEDURE for Hackney Carriages and Private Hire licensing, Street Trading consents and Sex Establishment licenses

The Meeting

The General Purposes Licensing Casework Sub-Committee (Sub-Committee) consists of three members of the General Purposes Licensing Committee. With the consent of the applicant, or person who is subject of the hearing, the Sub-Committee can consist of two councillors. The Sub-Committee is responsible for reaching a decision upon the application having heard representations and considering all relevant material presented.

All members must be present throughout the hearing. If for any reason a member needs to withdraw during the proceedings the hearing should be temporarily adjourned until the member returns, or the member should not participate any further in the hearing. Any departure should therefore be avoided wherever possible. A member who arrives after the hearing has commenced is not allowed to participate in that hearing.

Closed and Open Hearings

Street Trading hearings shall normally take place in public. However, the Sub-Committee may exclude the press and the public from all or part of a hearing where exempt information (*section 100A(4) Local Government Act 1972*) is concerned and the Sub Committee considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

Taxi licensing hearings will usually be considered in private as cases coming before the Sub-Committee involve private and personal information relating to the case subject. Most taxi hearings will therefore be held in private and will be treated as confidential and not for publication.

Declaring Interests

To avoid any suggestion of bias, members should not take part in any hearing if they have any interest, financial or otherwise, in the outcome, or if they have any connection with or have been approached by a person who is the subject of an item on the Sub-Committee's agenda. Members must take care not to be

influenced by their role on any other council committee. Licensing decisions must be taken strictly on the criteria allowed by the relevant legislation.

The Paperwork

Officers of the Licensing Authority (the City Council) will prepare the paperwork for the application that is to be heard by the Sub-Committee. The paperwork will include:-

- A summary of the application or matter for determination, the representations received and of any other relevant material
- A copy of the application and any other supporting material supplied by the applicant.

for Street Trading hearing only:

- Any observations on the application or matter made by the Police and/or other technical advisor to the Sub-Committee
- Any representations of objection to the application

Attendees at the Hearing

Any party may be assisted or represented by any person whether or not that person is legally qualified.

For Street Trading hearings only:

Observations of Police and/or Technical advisors

Where appropriate the police or technical advisers to the Sub Committee may make their observations.

The Sub-Committee may ask questions of the Police and/or technical advisors.

Other parties may ask factual questions of the Police and/or technical advisors. Cross-examination will only be permitted with the consent of the Chair.

Objector's case

Where written representations of objection have been received the Sub-Committee will have regard to those representations. Any objectors can attend the hearing to speak in support of their written objection. However, the Sub Committee will not require repetition of points already made in written representations. Only objectors who have sent written representation during the consultation period can speak.

Where a number of objectors have made representations which are similar in nature the Sub-Committee will expect a spokesperson to be appointed to represent the group.

The Sub-Committee may ask questions of any objector.

Other parties may ask factual questions of any objector. Cross-examination will only be permitted with the consent of the Chair.

Non-Attendance of the Case Subject/Applicant

If a case subject/ applicant has had reasonable notice of the hearing fails to attend either in person or through their representative, the Sub- Committee can proceed with the hearing in their absence.

The Sub-Committee may grant an adjournment if a reasonable explanation has been given for failure to attend or an adjournment has been specifically requested, and there is no reason to think that the person would fail to attend on another occasion. If a case subject has expressed an intention not to attend, or has repeatedly failed to attend, it would be proper for the Sub-Committee to hear the case in their absence.

The Sub-Committee should be prepared to adjourn proceedings if questions arise which cannot be dealt with satisfactorily in the case subject's absence. In deciding whether to hear the case in the absence of the case subject, the Sub-Committee should take into account whether they have sent a representative to act on their behalf and whether delay in hearing the case is likely to result in hardship (for example, where the case subject has stated that his or her need is urgent).

Conduct of Proceedings

The role of the Chair is to control the proceedings. All questions must be put through the Chair.

Members of the Sub-Committee will have read and familiarised themselves with the papers and issues. The Sub-Committee does not therefore require points to be made or repeated at length.

The hearing shall take the form of a discussion managed through the Chair. Formal cross- examination shall not be permitted unless the Chair considers that cross-examination in a particular circumstance would assist. In exercising this

discretion to permit cross-examination, the Chair must have regard to the rules of natural justice and the right to a fair hearing.

In considering an application, the Sub-Committee may take into account documents or other information relied on by a party in support of their application or representation. Copies of the information should be supplied to the Licensing Authority at least two working days before the hearing or, with the consent of the Chair after that time.

If a person attending the hearing is acting in a manner that the Chair considers is disruptive, the Chair will require that person to leave the hearing and may:

- (a) refuse to permit that person to return; or
- (b) permit him / her to return only on such conditions as the Sub-Committee may specify.

Before the end of the hearing any person who was required to leave the hearing may submit in writing any information which they would have been entitled to give orally had they not been required to leave.

Order of Proceedings

The Chair commences the hearing by introducing themselves and the other Sub-Committee members. The Chair asks all of the other parties present to introduce themselves and explain in what capacity they are attending.

Licensing officers will present the report relating to the application or matter to be heard by the Sub-Committee. They shall say who the applicant is, what the application is for and explain the paperwork before the Sub-Committee.

- The person appearing before the Sub-Committee may ask questions of the licensing officers or their report.
- Members of the Sub-Committee may ask question of the licensing officer on their presentation.

The person appearing before the Sub-Committee will present their case.

- Licensing officers may ask questions of the person appearing before the Sub-Committee.
- Members of the Sub-Committee may ask question of the person appearing before them.

For Street Trading hearings only:

If present, Police, technical advisors and objectors will present their case.

- Licensing officers may ask questions of the person appearing before the Sub-Committee.

- Members of the Sub-Committee may ask question of the person appearing before them.

All parties will be given the opportunity to summarise briefly their key points. The order shall be:-

- Licensing officer
- Objectors (for Street Trading hearings)
- Police and/or technical advisors (for Street trading hearings)
- Applicant

At the end of the submissions, the Chair will announce that the hearing is adjourned while the Sub-Committee deliberate in private. The Sub-Committee will be accompanied by the committee clerk and legal advisor during their deliberations. All other officers, applicants/ case subjects and members of the public will leave the room.

If it is necessary to recall any party for clarification of any point, then all parties should be recalled.

The Chair will either:

- Announce the decision of the Sub-Committee and confirm that a written determination with reasons will be sent to the parties by a given date.
- or
- Close the hearing and confirm that once a decision has been made a written determination with reasons will be sent to the parties by a given date.

The person appearing before the Sub-Committee shall be advised orally of their 21 day right of appeal, (starting from the date of the letter) and that the decision and rights of appeal shall be notified to them in writing.

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OXFORD CITY COUNCIL

POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

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POLICY ON THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

Consideration of the Grant, Renewal, Suspension or Revocation of Hackney Carriage and Private Hire Driver's Licences, Vehicle Licences, and Private Hire Operator Licences.

Introduction

Hackney Carriage and Private Hire have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside "normal hours" of operation such as in the evenings or on Sundays). The Hackney Carriage/Private Hire vehicles play an integral part in the dispersal of people to support the night time economy.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public. Its purpose, therefore, is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to cause distress, harm or suffering to any passenger or other person.

It is important that the Council's powers are used to ensure that Hackney Carriages and Private Hire vehicles in the City are safe and comfortable and that the powers are exercised in compliance with the European Convention on Human Rights.

Licensing Objectives

The Licensing Authority will carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following licensing objectives:

- **Safety and health of drivers and the public;**
- **The promotion of a professional and respected Hackney Carriage and Private Hire trade;**
- **To prevent crime and disorder and to protect consumers;**
- **Improve the local environment, economy and quality of life; and**
- **To promote the aims and vision of Oxford City Council and its Partners.**

The aim of the licensing process, in this context, is to regulate the Hackney Carriage and Private Hire trade in order to promote the above objectives. In promoting these licensing objectives the Authority will expect to see licence holders and applicants continuously demonstrate they can meet or exceed specifications set by the Council.

Status

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out above. Notwithstanding the existence of this policy and any other relevant Council policy, each case will be considered on its own merits.

Where it is necessary for the Authority to depart substantially from this policy, clear and compelling reasons will be given for doing so. The purpose of this document is to formulate guidelines which detail the Council's current stance on the relevance of warnings, offences, cautions and convictions in respect of applications for the grant of new licences, and the renewal of existing Hackney Carriage and Private Hire

vehicle driver's, operator's and proprietor's licences, and the maintaining of such licences.

The Council expects licence holders to comply with the conditions and regulations pertaining to the licence immediately. It is acknowledged, however, that certain provisions may place financial obligations on existing licence holders and accordingly the Council is prepared to permit a transitional period which will be determined by officers acting under delegated powers, during which necessary changes must be made.

The aim of the licensing regime to which these guidelines relate is not to punish the applicant twice for an offence (which includes a caution or a conviction), but to ensure that public safety is not compromised. The objective of the licensing regime is to ensure that, so far as possible, those licensed to drive Hackney Carriages and Private Hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, and honest; and that they are persons who would not take advantage of their position to abuse, assault or defraud customers.

These guidelines will be taken into account by the Licensing Officers when processing applications.

Enforcement Procedures

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions (including Officers requesting that additional background checks be carried out):

- **the issue of a warning (appropriate to the incident reported)**
- **the issue of a higher level of warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Head of Community Services**
- **the referral of the matter to the Hackney Carriage and Private Hire Licensing Sub-Committee**

- **the referral of the matter to the Law and Governance department for consideration of prosecution**

Definitions

Appeal: A means by which a decision under delegated authority can be reviewed by the Magistrates Court or the Crown Court. The decision of the Council may be upheld or overturned.

Offence: commonly used to signify any public wrong, including crimes or indictable offences and offences punishable on summary conviction.

Caution: A caution is a formal warning given to an adult who has admitted to the commission of an offence and has consented to the caution.

Conviction: Judicially determining that someone is guilty of a crime

Free of convictions: This means a period since your last conviction in which you remain free of any further convictions. In the case of a custodial sentence this means the periods given will run from the date that the full sentence awarded by the court would have been completed.

Fit and Proper Person: A person who is of no threat to the general public, has a good City knowledge, is healthy, is of a good character (including driving record) and is therefore deemed fit and able to hold a licence.

Hackney Carriages: A vehicle that can carry passengers for hire or reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a vehicle available for public Hire.

Hackney Carriage and Private Hire Licensing Sub-Committee: A committee having powers given to it by the General Purposes Licensing Committee of the Council, to determine the suitability of an applicant to be granted a licence or existing licence holder to maintain a licence, when the Head of Community Services is unable to determine whether such a person meets the Authority's definition of a "fit and proper" person.

Head of Community Services: Who holds delegated authority to make day to day decisions regarding the suitability of any person seeking the grant or renewal of a licence, and the suspension of any licence holder.

Mitigating Circumstances: The circumstances surrounding an offence, caution or conviction. These may alter the seriousness of a crime.

Private Hire Vehicles: A vehicle which must be pre-booked with a Private Hire operator. This type of vehicle cannot ply for hire (stand in a rank, wait without a booking in a "prominent position" giving rise to the impression that the vehicle is available for hire, or undertake a journey that has not been pre-booked by the hirer with the Private Hire Operator).

Proprietor: The person in possession of a Hackney Carriage or Private Hire vehicle licence.

Operator: This means a business that makes provision for the invitation or acceptance of bookings for a Private Hire vehicle.

Refusal: To decide not to give something.

(Within this Policy any reference to refusal will also be a reference to revocation or suspension).

Revoke: To take something away permanently.

Suspend: To take something away temporarily.

Advisory Warning: Either verbally given or a letter advising that although an offence, caution or conviction was not serious enough to have warranted a First Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be more severe, possibly leading to an escalation in the level of warning issued, or the suspension of the licence.

First Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted a Second Level Warning, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence

Second Level Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the consequences could be much more severe, possibly leading to the suspension of the licence.

Final Warning: A letter advising that although an offence, caution or conviction was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Councillor Warning: A Decision issued by the Hackney Carriage & Private Hire Licensing Sub-Committee (likely to also include additional conditions being imposed on a licence) advising that although an offence, caution or conviction, and / or accumulation of Warnings issued by the Licensing Officers was not serious enough to have warranted the refusal, suspension or revocation of the licence, the offence committed is unacceptable and has caused concern to the Council as to the suitability to hold such a licence. If, in the future, similar behaviour is illustrated, the licence holder should expect the matter to be met with the suspension / revocation of his/her licence.

Introduction to the Guidelines Relating to the Relevance of Convictions

Powers and Duties

The Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 (as amended), Road Safety Act 2006 (Sections 52-53) places on Oxford City Council (the "Authority") the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles.

The Rehabilitation of Offenders Act 1974 is summarised at Appendix 1.0. However, Hackney Carriage and Private Hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (No2) 2002. No conviction is categorised as spent under this Order. All categories that criminal offences fall into are deemed to be relevant to the role of a Private Hire and Hackney Carriage driver.

In order to assess an individual's suitability to hold a licence, this Authority requires all

applicants to provide an Enhanced Criminal Records Bureau Disclosure and a DVLA Disclosure; and the Authority will take into account all endorsement penalty points, cautions and convictions when considering an application for a driver's licence, irrespective of offence, sentence imposed or age when the offence is committed.

All motoring and criminal offences must be declared on the application form. Any failure to declare any endorsement penalty points, offences, cautions or convictions either when making an application, or within 7 days of receipt of their issue, may lead to the appropriate enforcement actions being taken in regard to the suitability of such a person being considered "fit and proper" to hold a licence issued by the Authority.

Suitability

The legislation states that the Council may grant a licence **only** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, not the Council to demonstrate that they are not.**

Where sufficient and appropriate enforcement measures have been taken by the Licensing Officers, in relation to a licence holder who has displayed a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, their suitability to hold a licence may be placed before the Hackney Carriage and Private Hire Licensing Sub-Committee to determine. It is therefore advisable for all new applicants and existing licence holders to be familiar with the content of this Policy on the Relevance of Warnings, Offences, Cautions and Convictions, and with the criteria, conditions and regulations specific to the licence that they hold.

Full details of the criteria, conditions and regulations relating to the Taxi Licensing function can be found in the following documents, or on the Council website:

- **Hackney Carriage & Private Hire Driver Licence Application Pack**
- **Hackney Carriage & Private Hire Vehicle Licence Application Pack**
- **Private Hire Operator Licence Application Pack**

Offences, Cautions and Convictions

The Licensing Officer is required to look at any past indicators (convictions, including formal cautions, fixed penalties, speeding offences, etc) that may affect a person's suitability to hold a Hackney Carriage/Private Hire driver's licence and consider the possible implications of granting such a licence to that person.

The imposition of a fixed penalty in place of a prosecution under any enactment may be considered a relevant indicator of suitability. In addition, applicants must disclose any recent formal cautions they have received and any pending matters.

The disclosure of any conviction will not necessarily prevent an applicant from being issued a licence. However, all convictions, spent or live, will be assessed.

Cautions are included under the definition of 'convictions' and they will also be taken into consideration. Although these are generally not as serious as convictions, they can give some indication as to an applicant's character and whether they are a fit and proper person to hold or be granted a licence. The Licensing Officer will bear in mind that a caution is given where there is sufficient evidence for a prosecution and guilt has been admitted. Cautions will be taken in to consideration for a period of five years.

Penalty notices are similar to fixed penalties, but are issued for a wide range of offences of an anti-social nature, including behaviour likely to cause harassment, alarm or distress to others, drunk and disorderly behaviour in a public place, destroying or damaging property up to the value of £500, retail theft under £200, sale

of alcohol to a person under 18 years of age, selling alcohol to a drunken person or using threatening words or behaviour. This will be viewed in an appropriate light given the nature of the offence.

The Licensing Officer may refer to the Rehabilitation of Offenders Act 1974 as part of their assessment of the convictions. A summary of the Act is provided at **Appendix 1.0**. The fact that a conviction is not yet spent under the Act may be relevant in the determination. However, the Exemption Order means that for all practical purposes, it is as if the Rehabilitation of Offenders Act had never been passed for licensed drivers. Therefore Licensing Officers may disregard the Act if they consider it necessary in a particular case.

If a Court or the Police have found as a matter of fact that a person has committed an offence, that person cannot then say to the Licensing Officer that he / she did not commit the offence; and if they seek to do so, their representations will not be taken into consideration. The applicant can, however, explain any mitigating factors that led to them committing the offence and the Licensing Officer can take these into account in deciding whether the applicant is a fit and proper person to hold or be granted a licence. Such cases may be referred to the Licensing Sub-Committee for determination.

In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.

A “Fit and Proper Person”

When considering whether someone should serve the public, the range of passengers that a driver may carry should be borne in mind. For example, elderly people, unaccompanied children, the disabled, those who have had too much to drink, lone women, foreign visitors and unaccompanied property. Some areas give rise to particular concern, including:

- **Honesty and trustworthiness** – drivers often have knowledge that a customer is leaving a house empty; they have opportunities to defraud drunken, vulnerable or foreign people or to steal property left in cars. They must not abuse their position of trust.
- **Not abusive** – drivers are often subject to unpleasant or dishonest behaviour. The Council does not consider that this excuses any aggressive or abusive conduct on the part of the driver. Drivers are expected to avoid confrontation, and to address disputes through the proper legal channels. In no circumstances should they take the law into their own hands.
- **A good and safe driver** – Passengers paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all Road Traffic legislation and conditions attached to the licence. A person who has committed an offence and has to wait a period of time before being accepted as a Hackney Carriage or Private Hire driver is more likely to value his/her licence and act accordingly.

Protecting the Public

The over-riding consideration for the Licensing Officer is to protect the public. Having considered and applied the appropriate guidelines, the Licensing Officer will determine **each case on its own merits**.

History

The Licensing Officer may take into account a person's history whilst holding a licence, from this or any other authority. The Licensing Officer may take into account,

in deciding whether a person is a fit and proper person to hold (or to continue to hold) a licence, such matters as the record of complaints about them, also their compliance with Licence conditions and their willingness to co-operate with the reasonable requests of Licensing Officers.

Best Practice Guidance

In formulating this policy, advice contained in the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport, and the advice provided by the Institute of Licensing has been taken into account.

GUIDELINES RELATING TO THE RELEVANCE OF WARNINGS, OFFENCES, CAUTIONS AND CONVICTIONS

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.
3. In the case of offences that have led to a term of imprisonment, whether or not suspended, the periods given will run from the date that the full sentence awarded by the court would have been completed.
4. Cautions will be taken in to consideration for a period of five years.
5. A new applicant is a person who has not previously held a licence with this authority or whose licence had expired for 12 months before the application form was received in the Taxi Licensing Office.
6. Warnings issued by the Licensing Officers shall be considered relevant to the determination of the suitability of all applicants and existing licence holders with regard to the grant or continuation of a licence issued by the Authority.

The following examples afford a general guide on the action to be taken where convictions are admitted.

Driving & Traffic Offences

Private Hire and Hackney Carriage drivers are considered professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.

Any traffic offences show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicle or in the manner of their driving.

Convictions for traffic offences should not necessarily prevent a person from proceeding with an application. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct. If a significant history of offences is disclosed, an application may be refused.

Whilst the imposition of a Fixed Penalty Notice does not lead to a conviction, it never the less attracts penalty points to a DVLA licence. The Council considers 'death by careless driving' or 'death by dangerous driving' to be a very serious and you should therefore refer to the **Major Traffic Offences** section. For information on alcohol and drug related offences see **Drunkenness & Drugs** sections.

New applicants should not normally be considered if they have acquired more than three penalty points within the twelve months prior to the application for the grant of a licence; or they have in the previous two years been convicted of any single offence which resulted in a points penalty of five or more points, or offences totalling more than six points.

If sufficient points have been accrued or offences committed resulting in a period of disqualification of the applicant's DVLA driving licence then an application for a Hackney Carriage or Private Hire driver licence may not normally be considered until a period of twenty-four months has elapsed following its restoration and a warning should be issued as to future conduct.

If the DVLA driving licence of an applicant or an existing driver is revoked following the acquisition of six or more points during the first two years since passing the DVLA driving test, then a period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence may be applied for.

Drivers already licensed who are convicted during the course of the licence of any single offence which results in a penalty of five or more points or acquires nine or more penalty points, should be interviewed and may be referred to the Licensing Sub-Committee.

When a driver who is already licensed with this authority is disqualified from holding or obtaining a DVLA driving licence, the licence will be suspended. A period of 24 months following the restoration of the licence must have elapsed before a Hackney Carriage or Private Hire driving licence application may be considered. The driver may be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee before the licence is reinstated.

Drivers already licensed and applicants awaiting the grant of a licence must inform the Taxi Licensing office within 7 days of any conviction.

For existing licence holders, a guideline is provided below in relation to penalty points:

5 or less penalty points: For 5 or fewer points on an applicant's driving licence, a licence will usually be granted, with an advisory warning.

6 or more penalty points: Where any applicant has 6 or more penalty points on their driving licence the Licensing Officer will usually consider granting the licence with a written warning unless exceptional circumstances justify a refusal.

"Totting Up" under S35 Road Traffic Offenders Act 1988: Where an applicant has been disqualified under the "totting up" procedures, the Licensing Officers will normally consider refusal until there has been a **period of 12 months** free of relevant convictions. If an applicant has agreed "exceptional hardship" and avoided disqualification, refusal will still be considered and a **period of 12 months** free of relevant convictions required.

Motor Insurance Offences

An isolated incident in the past should not necessarily bar an applicant from being issued a licence; however, the Council takes a serious view of motor insurance offences. More

than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a Hackney Carriage or Private Hire licence. In this instance, at **least 3 years** after restoration of the DVLA driving licence should elapse before an applicant, who has been disqualified from driving for an insurance offence, can be considered.

Major traffic offences

E.g. dangerous driving, drive whilst disqualified, fail to stop after an accident, using a handheld mobile telephone whilst driving, no insurance, careless driving, using vehicle with defective brakes/tyres/steering wheel etc. If the applicant has been convicted of one isolated major traffic offence a **period of 12 months** free of convictions will usually be expected prior to consideration of grant.

If the applicant has been convicted of two or more major traffic offences then a licence will not normally be granted until the applicant has completed at least a **period of 2 years** free from conviction. This period may increase where the combination of offences are considered to increase the risk to the public.

We consider 'death by careless driving' or 'death by dangerous driving' to be a very serious offence. If the applicant has been convicted of such an offence a **period of 3 years** free of convictions will usually be expected prior to consideration of an application. In all such cases, the matter will be determined by the Hackney Carriage & Private Hire Licensing Sub-Committee.

Plying for Hire

A serious view is taken of this offence, particularly since the vehicle will almost certainly have been carrying fare-paying passengers whilst uninsured. The offence is making one's vehicle available for public hire whilst using a licensed Private Hire vehicle.

It is not appropriate for Private Hire drivers to park in prominent positions (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), without a pre-booked journey having been provided by the Private Hire Operator. If witnessed by the Licensing Officer, the licence holder should expect further enforcement measures to be taken against them, including a full inspection of the driver and vehicle against the conditions relating to both licences.

The Licensing Officer may request from the Private Hire Operator details of all bookings given to the driver, and further evidence if required that would assist with the Licensing Officer's case. If a Private Hire Operator is complicit in allowing the driver to book a journey, rather than the passenger book the journey directly with the Operator, the Operator should expect for the Licensing Officer to undertake any necessary enforcement measures against the company itself.

The Licensing Authority regularly carries out what are known as "Test Purchase" Operations, where attempts are made to ascertain whether individual licence holders and Private Hire Operators knowingly ply for hire. If any licence holder is found to be non-compliant with regard to this matter during such an operation, they should expect the matter to result in a prosecution against them in the Courts. If convicted by the Court of a single offence of plying for hire, the licence holder will be required to appear before the Hackney Carriage and Private Hire Licensing Sub-Committee, where the licence holder should expect to receive a revocation of their licence.

If a licence is revoked a period of twenty-four months should have elapsed before any application is considered.

Drunkenness (With Motor Vehicle)

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of alcohol. A conviction for this offence should raise grave doubts as to the applicants' fitness to hold a licence and at least 3 years should elapse (after the restoration of the driving licence) before an application for a licence is considered.

If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

Drunkenness (Not in Motor Vehicle)

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, more than one conviction for drunkenness could indicate a medical problem necessitating critical examination.

Drugs

A serious view should be taken of this type of offence. An applicant with a conviction or caution for any drug related offence should be required to show a period of at least 3 years free of conviction or caution before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

Any person convicted of supplying drugs should not be considered for the grant of a licence for at least 5 years following conviction. If the applicant has received a custodial sentence, the 5 years should be counted from the completion of the full sentence. If a licence is granted, the applicant should be warned of the serious consequences of driving a motor vehicle whilst under the influence of drugs.

Police Bail

Hackney Carriage and Private Hire drivers are expected to adhere to this Policy's definition of a "fit and proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on bail, depending upon the nature of the alleged offence, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Police Recommendation

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person who is charged by the Police for an alleged offence, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect to have their licence suspended by the Head of Community Services. The suspension shall remain in force until such time as the case is resolved by either the Police or by the Courts.

Indecency Offences

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied passengers. Applicants with any cautions or convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused a

Hackney Carriage or Private Hire drivers licence until they can show a substantial period (at least 5 years) free of such offences before being considered to hold a licence.

Any applicant with a single caution or conviction of this kind should expect to have their application determined by the Hackney Carriage and Private Hire Licensing Sub-Committee. A person with more than once caution or conviction for any indecency offence would not normally be considered to be a suitable applicant.

A person who already holds a licence with this Authority, if charged with any indecency offence may expect to have their licence immediately suspended until the case is resolved by either the Police or by the Courts.

No application will be considered from a person currently on the Sex Offender's Register.

Violence

As Hackney Carriage and Private Hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for any form of offence that involves violence of any description. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be given.

Offences involving breaches of public order should be treated seriously even if the case resulted in the applicant being bound over. More than one offence of this nature may indicate a propensity for this type of behaviour and at least three years free of conviction should be shown before an application is entertained.

Dishonesty

Hackney Carriage and Private Hire vehicle drivers are expected to be persons of trust. The widespread delivery of unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc.

Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction or if a custodial sentence, 3 to 5 years from the completion should be required before entertaining an application.

Failure to declare endorsement penalty points, offences, cautions and convictions is regarded as a serious matter, whether it is through the omission of such incidents when submitting an application to the Authority, or by not informing the Authority within 7 days of receipt of their issue. Any person, who fails to declare on his or her application any such issues, should expect their application to be referred to the Hackney Carriage and Private Hire Licensing Sub-Committee, to determine their suitability to hold a licence.

Complaints Made Against Drivers

Complaints are frequently made against Hackney Carriage and Private Hire drivers. Such complaints include refusal to assist a disabled passenger, use of abusive language or refusal to accept a fare. Such complaints should be investigated and dealt with by the Licensing Officer, and if the complaint is serious enough, the applicant may be invited to make representations. At the Officer's discretion the applicant may be requested to attend an interview.

The Licensing Officer will consider the conduct of licence holders, taking into account the circumstances surrounding any alleged incident, and the realities of the profession, where drivers are often the subject of unwarranted abuse from members of the public.

The Licensing Officer will consider the history of all complaints made against the driver to assess any patterns and if deemed appropriate request additional background checks be carried out. If a pattern is identified, then the Officer will consider whether the driver is fit and proper person to hold such a licence, and the matter referred to the Licensing Sub-Committee for determination.

Warnings Issued by the Licensing Officers

The Licensing Officers carry out the day to day enforcement functions of the Licensing Authority. They deal with complaints made about licence holders, and carry out enforcement operations throughout the City. Such operations include the inspection of Hackney Carriage vehicles at the ranks, the checking of licensed drivers for adherence to the conditions attached to the driver, vehicle and operator licences, and checking that licence holders are complying with the relevant regulations pertaining to the licence.

Any failures on behalf of the licence holder to adhere to the criteria, conditions and regulation pertaining to the licence, are dealt with by way of Warnings. It is this Authority's policy to provide advice and education to the licensed trade in order to meet the licensing objectives as described in this Policy.

The levels of Warning issued by the Licensing Officers are proportionate to the incidents that they deal with, however should a licence holder be found to be continually failing to meet with the requirements of their licence, the level of Warning shall be escalated, until such time as the Licensing Officer has no alternative other than to refer the matter to the Head of Community Services, the Hackney Carriage and Private Hire Licensing Sub-Committee, or the Law and Governance department.

A licence holder who has shown a propensity to fail to adhere to the conditions and regulations pertaining to his or her licence, should expect to have additional condition imposed on the licence to ensure compliance. In certain cases the consequences could be much more severe and the licence holder should expect the matter to be dealt with by way of the suspension or revocation of his or her licence.

In cases where the licence is revoked, a period of 24 months must elapse before a further application may be made to the Authority. Should an applicant submit an application before 24 months has elapsed, he or she should expect the application to be refused by the Head of Community Services.

Any applicant or licence holder, who is issued with a Warning by the Licensing Officer and disagrees with that decision, has a right of appeal by way of written complaint, to the Licensing Team Leader within **21 days of the Warning being issued**.

Conclusion

Any applicant having a previous or current conviction should not necessarily prevent them from obtaining a Hackney Carriage or Private Hire licence. A person who has committed an offence and who is made to wait for a rehabilitation period to lapse prior to their application being accepted, is more likely to value their licence and act accordingly.

However, there are certain offences that are considered so serious that they will usually prevent a person obtaining or keeping a licence.

It is this Authority's policy to consider the safety, protection and well being of the general public by ensuring all licensed drivers are safe and competent drivers and are able to maintain their vehicles to an acceptable standard. The main purpose of the Licensing Officer's assessment is to ensure the public safety; not to punish or financially penalise licence holders. By applying these guidelines, the Council is seeking to maintain the high standard of quality of Hackney Carriage and Private Hire drivers, operators and proprietors in the City, which in turn maintains the good reputation of the taxi industry and the high quality of service to the travelling public.

Any applicant refused a licence on the grounds that the Licensing Officer is not satisfied he/she is a fit and proper person to hold such a licence, or who has had their licence suspended or revoked and disagrees with that decision, has a right of appeal by way of written complaint, to the Magistrates' Court within **21 days of the notice of decision**.

APPENDICES

Appendix 1: Table of Rehabilitation of Offenders Act

The Rehabilitation of Offenders Act 1974 provides that after a certain lapse of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note that it is from **the date of conviction** that the time commences for the Rehabilitation of Offenders Act.

Adult

	Sentence	Rehabilitation Period
1.	2 ½ years (30 months) imprisonment and over whether sentence was suspended or not	Never spent
2.	6 months imprisonment/youth custody and over but under 30 months whether sentence was suspended or not	10 years
3.	Under 6 months imprisonment/youth custody whether sentence was suspended or not	7 years
4.	A Fine, Compensation or Community Service Order	5 years
5.	Conditional Discharge, Bound Over or Probation Order. (Also includes Fit Person, Supervision and Care Orders)	1 year or period of probation sentence, whichever is longer
6.	Absolute Discharge	6 months
7.	Disqualification, disability or prohibition	Period of sentence unless a longer period as above (e.g. disqualification and a fine – 5 years)
8.	Remand Home/Approval School/ Attendance Centre Orders	1 year after Order expires
9.	Hospital Order Under Mental Health Acts	The period of the Order plus a further 2 years after Order expires (with a minimum of 5 years from the date of the conviction)

Youths

For applicants aged under 17 when the date of conviction took place 2, 3 and 4 above of the fixed rehabilitation periods are halved. Sentences which can only be passed on young offenders remain **fixed** and cannot be halved, i.e.

	Sentence	Rehabilitation Period
10.	Borstal	7 years
11.	6 months – 2 ½ years detention in a place determined by the Secretary of State	5 years
12.	6 months detention and less as above	3 years
13.	Detention Centre Orders	3 years

The period of time which must elapse in other cases before the conviction becomes “spent” may vary considerably according to the nature of the offence and other circumstances. **The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period**

**Minutes of a meeting of the
GENERAL PURPOSES LICENSING CASEWORK
SUB-COMMITTEE
on Monday 30 October 2017**

www.oxford.gov.uk



Committee members:

Councillor Clarkson (Chair)

Councillor Anwar

Councillor Wade

Officers:

Jeremy Franklin, Lawyer

Richard Masters, Licensing Compliance Officer

Catherine Phythian, Committee Services Officer

25. Apologies for Absence

None.

26. Declarations of Interest

None.

27. Procedure to be followed at the meeting

Noted.

28. Minutes

The Sub-Committee resolved to **approve** the minutes of the meeting held on 18 September 2017 as a true and accurate record.

29. Exempt Matters

The Sub-Committee resolved that under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the remaining items of business on the grounds that their presence would involve the likely disclosure of exempt information as described in Paragraph 3 of Part 1 of Schedule 12A of the Act.

The Sub-Committee considered matters relating to Hackney Carriage and Private Hire Vehicle licensing in private.

The Sub-Committee had 1 case before it.

30. Confidential Minutes

The Sub-Committee resolved to **approve** the confidential minutes of the meeting held on 18 September 2017 as a true and accurate record.

31. Application to drive Private Hire Vehicles

The Head of Community Services submitted a report detailing an application to drive Private Hire Vehicles in the city.

The Sub-Committee resolved to grant a licence to Mr Mata.

32. Dates of Future Meetings

Noted.

The meeting started at 5.40 pm and ended at 5.55 pm

Chair

Date: Monday 11 December 2017

To: General Purposes Licensing casework Sub-Committee

Date: 11th December 2017

Report of: Head of Community Services

Title of Report: Darker Enterprises Ltd – Application for the Renewal of a Sex Establishment Licence: Private Shop, 54 Cowley Road, Oxford

Application Ref: 17/03468/SEL

Summary and recommendations	
Purpose of report:	To inform the determination of an application submitted by Darker Enterprises Ltd for the renewal of a Sex Establishment Licence for its premises at 54 Cowley Road, Oxford.
Corporate Priority:	A vibrant and sustainable economy
Recommendation(s): General Purposes Licensing casework Sub-Committee resolves to:	
1. Determine this application taking into account the details in this report and any representations made at this Sub-Committee meeting.	

Appendices	
Appendix 1	Application for the Renewal of a Sex Establishment Licence
Appendix 2	Sex Shop Licence 16/03769/SEL
Appendix 3	Representations from an Interested Parties
Appendix 4	Location Map
Appendix 5	Standard Conditions applicable to licences for Sex Establishments

Introduction and background

1. This report is made to the General Purposes Licensing Casework Sub-Committee so it may determine in accordance with its powers and the Local Government (Miscellaneous Provisions) Act 1982 whether to renew the Sex Establishment Licence for Darker Enterprises Ltd, T/A Private Shop at 54 Cowley Road, Oxford which is a Sex Shop.

Definition of a Sex Establishment

2. In 2003 and 2010 the Council resolved to adopt the powers in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Sex Establishments. A licence must be granted by the Council for the use of any premises as a Sex Establishment. A '*Sex Establishment*' is a *Sex Shop*, *Sex Cinema* or *Sexual Entertainment Venue*.
3. A *Sex Shop* is defined as being any premises, vehicle, vessel or stall used for the 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 or acts of force or restraint associated with sexual activity.

Application Summary

4. An application for the renewal of a Sex Establishment (Sex Shop) Licence has been submitted by Darker Enterprises Ltd. A summary of the hours and days proposed for the licensable activities can be found detailed below, and a copy of the application is attached at **Appendix One**.

Proposed Timings:

Monday - Saturday	09:00	Until	20:00
Sunday/Public Holidays	10:00	Until	16:00

5. The premises was first licenced as a Sex Shop in 2003 and has held a licence without revocation or refusal since this date. In order to assist the Sub-Committee, a copy of the most recent licence granted for the premises that highlights the currently permitted hours and days and conditions is attached at **Appendix Two**.

Representations

6. No representation has been received from the Chief Officer of Police.

7. Two representations of objection to the application have been received. The names and addresses of Objectors are not be disclosed without consent and have been redacted in this case.. Copies of the representations are attached at **Appendix Three**.

Grounds for Refusal of a Licence

10. Paragraph 12 of Schedule 3 of the 1982 Act sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.
11. A licence **must not** be granted:
- (a) to a person under the age of 18;
 - (b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
 - (c) to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
 - (d) to a body corporate which is not incorporated in an EEA State; or
 - (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
12. A licence **may be refused** where:
- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or

- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

13. Any decision to refuse a licence **must** be relevant to one or more of the above grounds.

Relevant Locality

14. Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow the Licensing Authority to refuse applications on grounds related to an assessment of the “relevant locality”.
15. Schedule 3 to the 1982 Act does not define “relevant locality” further than to say that:
- (a) in relation to premises, it is the locality where they are situated; and
 - (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.
16. The decision regarding what constitutes the ‘relevant locality’ is a matter for the Licensing Authority. However, such questions must be decided on the facts of the individual application.
17. In considering the characteristics of a locality the Council resolved in 2010 that in relation to the licensing of *Sexual Entertainment Venues*, such premises are not generally appropriate in areas containing any of the following:
- (i) Historic buildings or tourist attractions
 - (ii) Schools, play areas, nurseries, children’s centres or similar premises
 - (iii) Shopping complexes
 - (iv) Residential areas
 - (v) Places of Worship

However, a *Sex Shop* is a different category of *Sex Establishment* to a *Sexual Entertainment Venue* so the resolution is only of indirect relevance.

Location

18. A map is attached at **Appendix Four** detailing the general location of the applicant’s premises, and those establishments referred to by those who have made representations.

Compliance History

20. Licensing Officers carry out regular compliance checks of licensed Sex Establishments within Oxford. No enforcement actions have been instigated, nor have any complaints been received by the Licensing Officers in relation to this establishment since the renewal of the last licence.

Other Relevant Considerations

21. The law and Home Office guidance make clear that Licensing Authorities may not base decisions on purely moral grounds and may only refuse applications for the statutory reasons set out in 12. Above.
22. The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in Oxford). Also the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence and the protection of private and family life when considering the fair balance between the interests of the applicant and the rights of local residents).
23. In determining the application, the Sub-Committee must take such of the following steps as it considers appropriate:
 - a) **Grant the licence in accordance with the application and attach to the licence the Standard Conditions applicable to licences for Sex Establishments.**
 - b) **Grant the licence and attach to the licence such other conditions and / or restrictions as it considers necessary.**
 1. c) **Grant the licence for a maximum duration of one year (or less if deemed applicable).**
 - d) **Refuse the application on one or more of the grounds detailed within this report.**
24. A copy of the Standard Conditions applicable to licences for Sex Establishments is attached at **Appendix Five**.
25. If having considered an application for the grant, renewal or transfer of a licence, the Sub-Committee decides to refuse it on one or more of the grounds detailed within this report, it must provide the applicant with reasons for the decision in writing. In the case of a refusal to renew it is particularly important to provide clear and rational reasons.

26. In the event that the Licensing Authority refuses an application for the grant, renewal or transfer of a Sex Establishment licence the applicant may appeal the decision in a Magistrates' Court, unless the application was refused under 12(3)(c) or (d) of the 1982 Act

Report author	Allan P Hibberd
Job title	Licensing Officer
Service area or department	Community Services - Licensing
Telephone	01865 252565
e-mail	ahibberd@oxford.gov.uk

OXFORD CITY COUNCIL

**Local Government (Miscellaneous Provisions) Act 1982
Part II, Schedule 3**

Application for renewal of sex establishment licence

Applications may be made by individuals, corporate bodies or unincorporated bodies.

1. Application is hereby made and the necessary fee enclosed for a
- The Licensing Authority
Oxford City Council
- 22 AUG 2017
- New Licence ()
 Renewal of Licence () Sex Shop
 Variation of Licence ()
 Transfer of Licence ()

2. Name and address of premises to which this application relates.
- PRIVATE SHOP
 54 COWLEY ROAD
 OXFORD, OX4 1HZ

If application relates to a vehicle / vessel / stall give description and state where it is to be used as a sex establishment.

N/A

3. Full Name of Applicant.
- DARKER ENTERPRISES LIMITED
- Date of Birth.
- N/A
- Occupation (during preceding six months).
- N/A

4. Address for Correspondence (If different from permanent address)
- UNIT 3, CHANCERYGATE BUSINESS CENTRE, 33 TALLON ROAD,
 HUTTON, BRENTWOOD
 ESSEX, RM3 8UJ
- Telephone No.
- 0208 114 1007

If application is made on behalf of a corporate or unincorporated body.

- | | | |
|-----|--|--|
| 5. | Name of applicant body: | DARKER ENTERPRISES
LIMITED
BODY CORPORATE |
| | State whether a corporate or unincorporated body. | |
| 6. | Address of registered or principal office. | UNIT 3, CHANCERYGATE
BUSINESS CENTRE,
33 TALLON ROAD,
HUTTON, BRENTWOOD,
ESSEX, CM13 1TE |
| 7. | Full names of all directors and other persons responsible for the management of the body, including if applicable the names of managers, company secretary and similar officers and the manager of the establishment. (You will be required to complete a statutory declaration sheet for each person) | COLIN CHARLES MASON
Director
DAVID MICHAEL BROWN
Director
STEPHEN LEINSTER
Regional Co-ordinator
LEIGHA TURNER
Area Admin Supervisor
BARRY MALTBY
Area Admin Supervisor
CARL BAIRD
Full-time Sales assistant
LILLA NAMETH
Part-time Sales assistant
JOHN TRICE
Relief Sales assistant
IAN BOWN
Relief Sales assistant |
| 8. | What hours and days to you require the licence to cover? | 9:00 a.m. to 8:00 p.m.
MONDAY to SATURDAY
SUNDAY / PUBLIC HOLIDAYS
10.00am – 4.00pm |
| 9. | If the premises are not open between 9.00 am and 4.00 pm, state name, address and telephone number of person responsible for keys to the premises. | N/A |
| 10. | If only part of the building is to be licensed, give details. | GROUND FLOOR ONLY |
| 11. | Will any part of the premises be used for the exhibition of moving pictures? | No |

- 12 Does the applicant presently use the premises or the vehicle, vessel or stall as a sex establishment? Yes
- If not, what is the present use? N/A
13. If yes, give details of any person Other than the applicant(s) who has run the premises, vehicle, vessel or stall as a sex establishment since that date? CONEGATE LIMITED
2 FARADAY ROAD, STRATFORD, LONDON E15
- 14 If the premises or the vehicle, vessel or stall are presently used as a sex establishment, when did the use commence? May 1981
- 15 Give full details of the type of business to be conducted at the establishment. RETAIL SEX SHOP SELLING
ADULT BOOKS, MAGAZINES,
DVDs, VIDEOS, MARITAL AIDS
AND ANCILLARY ITEMS
- 16 We declare we have checked the information given on this application and attached statutory declaration forms and to the best of our knowledge and belief it is correct.
- 17 We enclose a cheque for £8560.00 being the appropriate application fee.

Date: 22 August 2017

Signature:



(Date of application)

Colin Charles Mason
(Director)

For and on behalf of DARKER ENTERPRISES
LIMITED (APPLICANT)

All applicants are required to send with this application (a) two plans showing the area to be licensed, (b) statutory declarations in the form shown in the attached document in respect of (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Return to: Licensing Manager, Oxford City Council, 3rd Floor, St Aldates Chambers, 109 St Aldates, Oxford, OX1 1DS

OXFORD CITY COUNCIL

Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.	COLIN CHARLES MASON
Position held.	DIRECTOR
Date of birth.	
Place of birth.	
Permanent address.	
Address(es) at which person has been resident during the five years preceding the date of this application.	AS ABOVE

Details of any relevant previous convictions and/or cautions

Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

Date of conviction	Court of conviction	Nature of offence	Sentence

Please photocopy extra sheet for each declaration

OXFORD CITY COUNCIL

Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.	DAVID MICHAEL BROWN
Position held.	DIRECTOR
Date of birth.	[REDACTED]
Place of birth.	[REDACTED]
Permanent address.	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Address(es) at which person has been resident during the five years preceding the date of this application.	AS ABOVE

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

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Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.	STEPHEN LEINSTER
Position held.	REGIONAL CO-ORDINATOR
Date of birth.	[REDACTED]
Place of birth.	[REDACTED]
Permanent address.	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Address(es) at which person has been resident during the five years preceding the date of this application.	AS ABOVE

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

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Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name. LEIGHA EMMA TURNER

Position held. AREA ADMIN SUPERVISOR

Date of birth. [REDACTED]

Place of birth. [REDACTED]

Permanent address. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Address(es) at which person has been resident during the five years preceding the date of this application AS ABOVE

Details of any relevant previous convictions and/or cautions

Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

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OXFORD CITY COUNCIL

Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.	BARRY MALTBY
Position held.	AREA ADMIN SUPERVISOR
Date of birth.	[REDACTED]
Place of birth.	[REDACTED]
Permanent address.	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Address(es) at which application.	[REDACTED] [REDACTED] [REDACTED]

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

Date of conviction	Court of conviction	Nature of offence	Sentence

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OXFORD CITY COUNCIL

Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name. CARL BAIRD

Position held. PART TIME SALES ASSISTANT

Date of birth. [REDACTED]

Place of birth. [REDACTED]

Permanent address. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Address(es) at which [REDACTED]
[REDACTED]
[REDACTED]
preceding the date of this application.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

Date of conviction	Court of conviction	Nature of offence	Sentence

OXFORD CITY COUNCIL

Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.	LILLA NAMETH
Position held.	PART TIME SALES ASSISTANT
Date of birth.	
Place of birth.	
Permanent address.	
Address(es) at which person has been resident during the five years preceding the date of this application.	AS ABOVE

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

Date of conviction	Court of conviction	Nature of offence	Sentence

Please photocopy extra sheet for each declaration

Please photocopy extra sheet for each declaration

OXFORD CITY COUNCIL

Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name. JOHN TRICE

Position held. RELIEF SALES ASSISTANT

Date of birth. [REDACTED]

Place of birth. [REDACTED]

Permanent address. [REDACTED]

Address(es) at which person has been resident during the five years preceding the date of this application. AS ABOVE

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

Date of conviction	Court of conviction	Nature of offence	Sentence

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Statutory declaration sheet for application for renewal of sex establishment licence

To be completed by the applicant for (i) the applicant, (ii) directors of any company applying for a licence and (iii) any other person who will be responsible for the management of the licensed premises.

Full name.	IAN BOWN
Position held.	RELIEF SALES ASSISTANT
Date of birth.	
Place of birth.	
Address(es) at which	

Details of any relevant previous convictions and/or cautions
Please give details of any "unspent" convictions or cautions (see overleaf)

THERE ARE NO UNSPENT CONVICTIONS OR CAUTIONS TO DECLARE

Date of conviction	Court of conviction	Nature of offence	Sentence

Please photocopy extra sheet for each declaration

Darker Enterprises Limited

Licensing Administration
Unit 3, Chancerygate Business Centre,
33 Tallon Road, Hutton,
Brentwood, Essex, CM13 1TE
Tel: 0208 114 1007
Email: licensing@darkerltd.co.uk

SPECIAL DELIVERY

Licensing Authority
Oxford City Council
3rd Floor, St Aldates Chambers
109 St Aldates
Oxford
OX1 1DS

22nd August 2017
(Date of application)

Dear Sir/Madam,

Re: Local Government (Miscellaneous Provisions) Act 1982
Application for Renewal of Licence: Private Shop, 54 Cowley Road, Oxford

Please find enclosed our application for the renewal of a licence under the above Act for the above premises, together with our cheque in the sum of £8,560.00 being the fee currently applicable.

With regard to the plans of the premises these have been provided with past applications and nothing has changed. If, however, you wish us to resubmit these plans please do not hesitate to contact us.

We understand that certain Councils distribute copies of the application to the public and we have, therefore, enclosed the Statutory Declarations required under item 7 of the application form with the private addresses in a separate envelope marked 'Private & Confidential' in order to protect family homes. We would be grateful if you would observe the confidentiality of this information and not release same to members of the public.

We confirm that a copy of the application has been sent to the Licensing Officer, Thames Valley Police. We also confirm that the public notice will be published in a local paper and a copy of the notice will be displayed at the premises for 21 days from the date of application.

Will you please note that any Licence issued should be in the name of Darker Enterprises Limited, the applicant, and all communication relating to the above premises should be addressed to this office.

Should you require any further information please do not hesitate to contact us.

Yours faithfully
For and on behalf of
Darker Enterprises Limited



C C Mason
Director

Encl.

PRIVATE & CONFIDENTIAL

Private Shop, 54 Cowley Street, Oxford

Colin Charles Mason - Director

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

David Michael Brown

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Stephen Leinster – Regional Co-ordinator

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Leigh Emma Turner - Area Admin Supervisor

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Barry Maltby – Area Admin Supervisor

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Carl Baird – Full time Sales Assistant

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Lilla Nameth – Part time Sales Assistant

[REDACTED]
[REDACTED]
[REDACTED]

John Trice – Relief Sales Assistant

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ian Bown – Relief Sales Assistant

[REDACTED]
[REDACTED]
[REDACTED]

**LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1982
SEX ESTABLISHMENT LICENCE**

This Licence is renewed:

To: **Darker Enterprises Limited**

of: **Unit 3, Chancerygate Business Centre
33 Tallon Road
Hutton
Brentwood
Essex
CM13 1TE**

Authorising the use of the premises situated at:

Private Shop, 54 Cowley Road, Oxford, Oxfordshire, OX4 1HZ

for the purpose of a sex establishment comprising a sex shop as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

This Licence is issued subject to the standard terms, conditions and restrictions contained in regulations made by the Oxford City Council, a copy of which is attached.

This licence shall continue in force until the **2nd September 2017** unless previously revoked.

Issued on the 15th September 2016

Licence No. 16/03769/SEL

Head of Community Services

NOTE: This licence must be prominently displayed on the premises. Failure to do so is an offence.

Schedule 1, paragraph 17 of the Local Government Miscellaneous Provisions Act 1982 allows the applicant to appeal to a Magistrates Court within 21 days from the date of receipt of this licence against any of the terms, conditions or restrictions attached to this licence.

OXFORD CITY COUNCIL

SEX SHOP LICENCES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1982

STANDARD CONDITIONS

1. Premises licensed as a Sex Shop under the provisions of Schedule III of the Local Government (Miscellaneous Provisions) Act, 1982, shall be used only for the purpose of a Sex Shop as defined in Paragraph 4 of the said Schedule 3 and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sex Shop.
2. Except with the previous written consent of the Council no sex shop shall be open to the public earlier than 9am in the morning.

The hours of opening for this premises are:

- **09.00 to 20.00 hours Monday to Saturday**
- **10.00 to 16.00 hours Sunday and Public Holidays**

(exclusions to the above permitted hours are Christmas Day, Boxing Day, Easter Day and Easter Monday)

3. Over each entrance to the premises, in a position approved by the Council, the Licensee shall affix and maintain in a permanent form a notice stating that the premises are licensed as a Sex Shop under the provisions of the Local Government (Miscellaneous Provisions) Act, 1982. Such a Notice shall also carry the full name of the Licensee and if the Licensee is a private or public company the notice shall also carry the address of the registered or principal office and the full name of the Secretary of the Company. The lettering on such a Notice shall be 75mm tall and at least 6.25mm thick and shall be in white on a dark background.
4. At each entrance there shall be prominently displayed so as to be visible at all times to persons approaching the premises a notice prohibiting entry to all persons under 18 years of age. Such a Notice shall be in letters at least 50mm high and 6.25mm thick and shall be in dark letters on a light background.
5. The Licensee of every premises licensed as a Sex Shop shall ensure that all persons employed on the premises are aware of the age restriction on clients and that they exclude or remove from the premises any person attempting to evade the restriction.

6. The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by an statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited.
7. The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.
8. Except as allowed by a premises licence issued permitting regulated entertainment under the Licensing Act 2003 no music of any kind shall be played on the licensed premises and no regulated entertainment of any nature shall be provided or permitted by the Licensee to take place on the premises.
9. The Licensee shall not at any time keep or allow to be used on the premises any gaming or amusement machine whether for prizes or not.
10. No moving picture or display or recorded sound of any description or however provided shall be permitted on the licensed premises except for a period of not more than one minute for the sole purpose of demonstrating to a prospective purchaser or hirer of the article in question and such display shall be in a booth to which there shall only be permitted the prospective purchaser or hirer and any one person employed by the Licensee to sell or hire such articles. The Licensee shall not make any charge or permit any charge to be made for such a display.
11. The Licensee shall not supply or permit to be supplied to any person, other than a person employed to work on the premises, any article of food or drink whether for consumption on or off the premises.
12. All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.
13. The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc.

14. The Licensee or some responsible person nominated by him in writing for the purpose and approved by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police. During the hours that the premises are open the person in charge shall wear a form of visible photographic identification.
15. A daily register of persons employed shall be kept stating names, addresses, position and times worked. The register is to be completed each day within thirty minutes of the premises opening for business and must be kept at the premises and be open for inspection by authorised officers of the Council or the Police.
16. No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.
17. The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.
18. The Licensee shall not in the conduct of the business employ any person:-
 - (a) Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority;
 - (b) Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority.
19. The Council shall approve the external appearance of the premises and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.
20. All sex articles and other things displayed for; supply, sale, hire, exchange or loan within the premises shall be clearly marked to show to persons who are inside the premises the respective prices being charged.
21. No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed at the premises.
22. No part of the premises shall be used as a sex cinema.
23. The Licensee shall not contravene the Unsolicited Goods and Services Act, 1971.

24. The licence and a copy of these conditions shall be conspicuously displayed on a part of the premises to which the public has access as specified by the Council.
25. A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.
26. The licence is not transferable by the Licensee.
27. The Licensee shall forthwith notify the Council of his ceasing to carry on the business.
28. The Licensee shall inform the Council if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.
29. Where the Licensee is a company, any change of Director, Company Secretary or other person responsible for the management of the company is to be notified in writing to the Council within 14 days.
30. Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.

The Licensing Authority
Oxford City Council

06 SEP 2017

4th September 2017

CC: Chief Constable Francis Habgood

RE: premises known as
PRIVATE SHOP
54 Cowley Rd OX4 1HZ

It's come to my attention that Darker Enterprises Ltd have applied for a sex establishment licence for the above property.

I am writing in opposition to this licence being approved for a number of reasons, not least that to approve such a licence would not be in keeping with a 'one council' approach.

I have been a foster carer for Oxfordshire County council for over 18 years and as I'm sure yourselves and wider county council services are aware, there have been a number of very serious sex related crimes committed in the area. Not least those related to the Bullfinch case.

I am concerned about the next generation, especially vulnerable children and youth and believe that to allow such a licensed premise on a popular road would give legality to potentially unpleasant behavior that could impact on local children and youth. I realize that such behavior goes on illegally but to legalise such a venue in this area would impact on an otherwise pleasantly developing area of Oxford, which has been becoming more family centred and child friendly.

As a family, we often walk past the premises and do not want the road or the area to become a no go area for children. In my view such places may be likely to attract sexual predators and it is of great concern that Oxfordshire county council would consider or approve such a venue in this locality.

As stated on the county council website and contrary to the notification published at the venue which states that any written representations received in response to the consultation are likely to be required to be made available for public inspection – I trust that my objection will be communicated in general terms and my name and address withheld as stated below.

'Where we receive notice of any objection we will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, unless the objector gives their consent, their name or address will not be revealed to the applicant'



6th September 2017

To whom it may concern,

RE: premises known as PRIVATE SHOP, 54 Cowley Road OX4 1HZ

We are writing in regards to the sex establishment licence applied for by Darker Enterprises Ltd for the above property.

As a charity whose vision is to see children free and safe from abuse worldwide, including here in Oxford, the presence of such an establishment has the potential to have a detrimental effect on children and young people in the local area.

Doorsteps, Viva's initiative here in the UK, was set up in response to Operation Bullfinch. Since then, we have been working with young people in the local community to educate them on the risks of grooming and sexual exploitation and to equip them with the emotional and practical skills needed to minimise their risks of being exploited.

However, these sorts of venues and shops send a message which is completely counter to the message we should be sending young people. Venues such as these perpetuate the notion that women can be disembodied so that their bodies can become commodities. They maintain a culture of masculinity which is self-serving, harming both men and women. Having such a venue in a prominent location at the heart of a community normalises a culture of exposing children and young people to overt sexual behaviour before they can fully comprehend it and be aware of the negative consequences.

Child abusers are opportunistic. To have a venue in such a prime area has the potential to be seized upon by those who are seeking out children and young people to exploit.

Doorsteps and Viva long to see children and young people thrive. In Doorsteps' work, we have worked with and have seen vulnerable young people overcome so many challenges in their lives to realise their potential. We all have a duty to giving the young people in our community the best chance possible to succeed.

Yours sincerely,

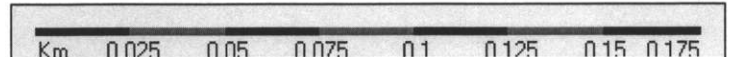
[Redacted signature block]

Private Shop

54 Cowley Road



Legend



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Organisation	Oxford City Council
Department	Community Services - Licensing
Comments	Renewal
Date	2 nd September 2017
SLA Number	100019348

Scale: 1:2000

OXFORD CITY COUNCIL

REGULATIONS PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENSES FOR SEX ESTABLISHMENTS

**THESE REGULATIONS ARE MADE BY THE OXFORD CITY COUNCIL
UNDER PARAGRAPH 13(1) OF THE THIRD SCHEDULE OF THE LOCAL
GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND COME
INTO EFFECT ON 10TH JUNE 2010**

Notes

- (i) Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine.
- (ii) Nothing in these rules shall be construed as interfering with (i) the discretion of the licensee or his representative regarding the admission of any person or (ii) the need to strictly comply with all relevant statutory requirements.
- (iii) These rules are divided into three Parts as follows:

Part I	General
Part II	Rules which apply to all premises
Part III	Rules which apply to Sex Shops
Part IV	Rules which apply to Sex Cinemas
Part V	Rules which apply to Sexual Entertainment Venues
- (iv) In these rules all references to a British Standard (BS) shall be deemed to refer to the current standard.
- (iv) A Premises Licence may also be required for the operation of a Sex Cinema.

Part I General

Definitions

1. In these Regulations save when the context otherwise requires the following expressions shall have the following meanings:
 - i) “Sex Establishment”, “Sex Cinema”, “Sex Shop”, “Sex Article” and “Sexual Entertainment Venue” shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.
 - ii) “Premises” means a building or part of a building and any forecourt yard or place of storage used in connection with a building or part of a building which is the subject of a licence for a Sex Establishment granted under the said Third Schedule.
 - iii) “Approval of the Council” or “Consent of the Council” means the approval or consent of the Council in writing.
 - iv) “Approved” means approved by the Council in writing.
 - v) “The Council” means the Oxford City Council.

General

2. In the event of a conflict between these Regulations and any special conditions contained in a licence relating to a Sex Establishment the special conditions shall prevail.
3. The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment, by law, order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982.

Part II Rules which apply to all premises

Exhibition of Licence

4. The copy of the Licence and these Regulations which are required to be exhibited in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be reproductions to the same scale as those issued by the Council. The copy of the Licence required to be displayed as aforesaid shall be suitably framed and exhibited in a position that it can easily be seen by all persons using the premises. The copy of these Regulations shall be retained in a clean and legible condition.

Times of Opening

5. Except with the previous consent of the Council a Sex Establishment shall not be open to the public before 9 a.m. and shall not be kept open after 6 p.m. unless otherwise permitted.
6. The premises shall not open on Sundays or any Bank Holidays or any public holidays, unless otherwise permitted.

Responsibility of Licensee

7. The licensee shall take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises
8. The premises shall not be used for regulated entertainment, exhibition or display of any kind unless the Council's consent has first been obtained and any necessary licence granted.

Conduct and Management of Premises

9. The Licensee or some responsible person over 18 years of age nominated by him in writing for the purpose of managing the Sex Establishment in his absence shall be in charge of and upon the Premises during the whole time they are open to the public. Such written nomination shall be continuously available for inspection by an officer authorised in writing by the Council. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge shall be conversant with these rules a copy of which shall be held on the premises.

10. The Licensee or the responsible person approved under Regulation 9 shall maintain a daily register to be kept on the Premises in which he shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within 30 minutes of the Sex Establishment opening for business and is to be available for inspection by the police and by authorised officers of the Council.
11. The Licensee shall ensure that during the hours the Sex Establishment is open for business every employee wears a badge of a type to be approved by the Council bearing the photograph of the employee and indicating his name and that he is an employee.
12. A notice showing the name of the person responsible for the management of a Sex Establishment shall be prominently displayed within the Sex Establishment throughout the period during which he is responsible for its conduct.
13. 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 is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
14. The Licensee shall maintain good order in the premises.
15. The Licensee shall ensure that no part of the premises is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes.
16. The Licensee shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been approved by the Council.
17. Neither the Licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.
18. No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment
19. The Licensee shall comply with all statutory provisions and any regulations made thereunder.

External Appearance

20. No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
 - ii) Such display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing, or any matter or thing as shall have been approved by the Council.
21. The entrances to the Premises shall be of a material or covered with a material which will render the interior of the Premises invisible to passers by.
22. Windows and openings to the Premises other than entrances shall not be obscured otherwise than with the consent of the Council but shall have suspended behind them, in a position and at an attitude approved by the Council opaque curtains of a type and size approved by the Council. This regulation shall not be construed as lessening the obligations of the Licensee under Regulation 20 hereof.

State Condition and Layout of the Premises

23. The Premises shall be maintained in good repair and condition.
24. The number, size and position of all doors or openings provided for the purposes of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements :
 - (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit"/graphic type.
 - (ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked, "private".
 - (iii) Save in the case of emergency no access shall be permitted through the premises to any unlicensed premises adjoining or adjacent.
25. The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good

working order.

26. The Licensee shall make provision in the means of access both to and within the premises for the needs of members of the public visiting the premises who are disabled.
27. No fastening of any description shall be fitted upon any booth or cubicle within the premises nor shall more than one person (including any employee) be present in any such booth or cubicle at any time.
28. Alterations or additions either internal or external and whether permanent or temporary to the structure, lighting or layout of the premises shall not be made except with the prior approval of the Council.
29. All parts of the premises shall be kept in a clean and wholesome condition to the satisfaction of the Council.

Maintenance of mean of escape

30. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable in accordance with the approved arrangements.
31. All fire-resisting and smoke stop doors shall be maintained self-closing and shall not be secured open.

Fire Appliances

32. Fire appliances and equipment as approved by the Fire Officer shall be efficiently maintained in satisfactory working order and kept available for instant use. They shall be in the charge of a suitable person specially nominated for the purpose.
33. Portable fire appliances shall be examined at least once a year and periodically tested in accordance with the current British Standard by a competent person and the date of such test shall be clearly marked on the appropriate extinguishers or on stout tabs securely attached to them. Extinguishers which incorporate an anti-freeze agent shall be examined and recharged in compliance with manufacturer's instructions.

Lighting

34. The Licencee or any other person concerned in the conduct or management of the licensed sex establishment shall, in the absence of adequate daylight, ensure that adequate lighting is maintained to the

satisfaction of the Council in all parts of the premises to which the public and staff have access and is in operation continuously during the whole time the premises are open to the public.

35. The normal lighting shall be maintained alight and the lighting to 'EXIT' notices shall not in any circumstances be extinguished or dimmed while the public are on the premises, provided that so long as there is sufficient daylight in any part of the premises, artificial light need not be used in that part.

Electrical Installations

36. The electrical installation for the premises shall be maintained in a safe working condition, as prescribed in the current edition of the Regulations for electrical installations issued by the Institute of Electrical Engineers.
37. Unless the Council decide otherwise an inspection certificate, as prescribed in the current edition of the Regulations for electrical installations issued by the Institution of Electrical Engineers, for the electrical installation associated with the premises shall be submitted to the Council at least once every five years or such other time specified on the certificate. The certificate shall be signed by a qualified engineer.

Change of Use

38. No change of use of any portion of the premises from that approved by the Council shall be made until the consent of the Council and Thames Valley Police has been obtained thereto.
39. No change from a Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council and Thames Valley Police
40. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or a Sexual Entertainment Venue.

Admission of Authorised Officers

41. Officers of the Council, Thames Valley Police, and other authorised agencies who are furnished with authorities which they will produce on request, shall be admitted immediately at all reasonable times and at any time the premises are open for business to all parts of the premises.

Part III Conditions Applying to Sex Shops

Goods Available in Sex Establishments

1. All Sex Articles and other things displayed for sale, hire, exchange or loan within a Sex Shop shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.
2. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase, hire, exchange or loan and a notice to this effect is to be prominently displayed within the Sex Establishment.
3. No film or video film shall be exhibited, sold or supplied unless it has (a) been passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Part IV Conditions Applying to Sex Cinemas

Film Categories

1. The categories U, PG, 12, 15, 18 and RESTRICTED 18 have the following effect:

U	Universal.- Suitable for all
PG	Parental Guidance. Some scenes may be unsuitable for young children.
12	Passed only for persons of 12 years and over.
15	Passed only for persons of 15 years and over.
18	Passed only for persons of 18 years and over.
RESTRICTED (18)	Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

Exhibition of Films

2. 'Film exhibition' means film exhibitions as defined in the Cinemas Act 1985; i.e. any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of (a) television programmes, broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or (b) programmes included in a cable programme service which is or does not require to be licensed under Section 4 of the Cable and Broadcasting Act 1984.
3. No film shall be exhibited at the premises unless:
 - (a) it is a current news-reel; or
 - (b) it has been passed by the British Board of Film Classification as a U, PG, 12, 15, 18 or RESTRICTED (18) film and no notice of objection to its exhibition has been given by the Council; or
 - (c) it has been passed by the Council as a U, PG, 12, 15, 18 (Oxford) or RESTRICTED (18) (Oxford) film.

RESTRICTED (18) films

4. Films in the RESTRICTED (18) category may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Unclassified Films

5. Not less than twenty-eight days notice in writing shall be given to the Council of any proposal to exhibit any other film which has not been classified as specified in rules 45 and 47 above. Such a film may only be exhibited if the Council's prior written consent has been obtained and in accordance with the terms of any such consent.

Persons under 18 Notice

6. No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Category notices

7. A representation or written statement of the terms of any certificates given by the British Board of Film Censors or the British Board of Film Classification shall be shown on the screen immediately before the showing of any film to which it relates and the representation or statement shall be shown for long enough and in form large enough for it to be read from any seat in the auditorium.

Timetable of films

8. The licensee shall display in a conspicuous position, to the satisfaction of the Council, at each entrance to the premises, during the whole time the public are being admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Advertisements

9. No advertisement displayed at the premises of a film to be exhibited at the premises shall depict as a scene or incident in the film any scene or incident which is not included in the film as certified by the British Board of Film Censors or the British Board of Film Classification or approved for exhibition by the licensing authority, as the case may be.
10. Where the licensing authority has given notice in writing to the licensee of the premises objecting to an advertisement on the ground, that, if displayed, it would offend against good taste or decency or be likely to encourage or incite to crime to lead to disorder or to be offensive to public

feeling, that advertisement shall not be displayed at the premises except with the prior consent in writing of the licensing authority.

Objection to exhibition of film

11. Where the licensing authority has given notice in writing to the licensee of the premises prohibiting the exhibition of a film on the ground that it contains material which, if exhibited, would offend against good taste or decency or would be likely to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, that film shall not be exhibited in the premises except with the prior consent in writing of the licensing authority.

Additional conditions for 'Club' Cinemas showing films in the restricted classification

12. (i) No club showing films in the 'restricted 18' category may operate in a multi-screen complex whilst persons under 18 are being admitted to any performance in the complex unless the Council's written consent has first been obtained.

(ii) When the programme includes a film in 'restricted 18, category the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

"CINEMA CLUB - MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME".

(In case of a multi-screen complex where consent has been granted the notice shall specify the particular part of the premises in which films in the 'restricted 18' category are being exhibited).

(iii) The timetable of films required by rule 52 shall include the following addition to the categories shown;

"Category 'RESTRICTED 18' passed only for persons of 18 years and over who are either members of the cinema club or who are guests of a member".

(iv) All registers of members and all visitors, books of their guests shall be available for immediate inspection by the Council's Officers during any performance, or at any other reasonable time.

(V) Tickets shall in no circumstances be sold to persons other than members.

(vi) No persons under 18 years of age shall be employed in any capacity at licensed premises which are operating as cinema clubs.

(vii) Subject to prior written consent by the Council, a subscription may entitle the club member to attend other clubs under the same management.

(viii) Membership rules for these club cinemas shall include the following:

(a) The club rules must be submitted to the Council 14 days before the club commences operations and notice of all rule changes shall be given to the Council within 14 days of the change.

(b) Only members and their guests shall attend exhibitions of moving pictures classified in a restricted classification

(c) Membership shall be open to persons of both sexes of not less than 18 years of age. Applications for membership, including both name and address, shall be in writing, signed by the applicant, and if deemed necessary such applicants shall provide satisfactory references and proof of age.

(d) No person shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the licensed proprietors.

(e) New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

(f) An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the licensed proprietors may refuse to renew any membership without assigning reason for such refusal.

(g) Members shall be entitled on any day to bring not more than one guest to accompany the member, and the name of the guest shall be entered in the visitors' book and counter-signed by the member.

(h) On admission a member and his guest shall be bound by the rules of the club and by any by-laws and regulations made thereunder.

(i) Tickets shall be sold only to members on the production of a membership card, and members shall, if required, sign an acknowledgement for the ticket or tickets issued.

(j) Membership cards shall be personal to the member and shall not be transferable to any other person.

(k) Neither membership tickets nor guest tickets shall be transferable.

(l) No member shall introduce as a guest any persons under the age of 18 or any persons whose application for membership has been refused. The proprietors will reserve the right to refuse admission to any person.

(m) Proof of identify, or of age, or of any particulars of any guest shall be produced by any member or guest if demanded by the licensed proprietors.

(n) Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Sale of sex articles

13. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'sex cinema'.

Part V Conditions Applying to Sexual Entertainment Venues

Times of Relevant Entertainment

1. Relevant entertainment shall be permitted at the premises on the following days....
And between the following times.....

Performances of Relevant Entertainment

2. The performance of relevant entertainment within the premises shall not be visible from any area outside of the premises at any time.

Age Restrictions

3. A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.
4. All members of staff at the premises shall seek “credible photographic proof of age evidence” from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card carrying a “PASS” logo.

Staff

5. All staff employed to work at any premises licensed as a Sexual Entertainment Venue shall be required to provide an Enhanced Criminal Records Bureau disclosure to the Licensing Authority in which the premises is located.

Club Rules

6. The premises must provide a copy of it's Club Rules to the Council and Thames Valley Police.
7. All performers and staff shall be aware of the Club Rules
8. All dancers, staff and door supervisors shall read a copy of the rules relating to operating relevant entertainment. They shall sign and date a copy which shall be retained by the premises as part of their due diligence.

Management Operation Manual

9. A Management Operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by Thames Valley Police. This document shall be on going and under constant review.

Performers

10. Performers shall be aged not less than 18
11. All performers shall be aware of the Management Operation
12. A log book shall be maintained on the premises detailing the names, start and finish times of individual performers involved in all forms of adult entertainment.
13. At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.
14. On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location.

Performances

15. Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.
16. There shall be no physical contact between customers and the dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.
17. No performances shall include any sex act with any other performer, persons in the audience or with the use of any object.
18. No audience participation shall be permitted.
19. Signs displaying the rules on the performance relevant entertainment will be displayed throughout the premises and be clearly visible to patrons. This will include any private individual booth area.

20. In the event of the relevant entertainment be performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment, and the details shall be specified in a clearly visible notice in each area designated for private relevant entertainment.

Door Supervisors

21. An adequate number of registered Door Supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one Door Supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.
22. The Door Supervisors shall be on duty at the premises at all times when the premises provides relevant entertainment.
23. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing' supplied the NightSafe Manager.
24. The premises shall be a member of the Radiolink scheme

Closed Circuit Television (CCTV)

25. A CCTV system shall be installed to cover all entrances and exits to the premises, and areas where relevant entertainment will take place. This system must be installed and fully operational before the premises opens for the licensable activity applied for. All cameras shall continually record whilst the premises are open to the public and video recordings shall be kept available for a minimum of 28 days with date and time stamping.
26. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
27. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential

legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

28. A plan shall be submitted illustrating the position of all cameras and shall be with the approval of Thames Valley Police
29. A member of staff who is fully trained in the use of the system shall be on duty at all times when the premises is open till the premises is clear of customers, cleared of staff and closed.
30. The premises will provide any footage upon request by Thames Valley Police or the Licensing Authority within 24 hrs of the request
31. The recordings for the preceding two days shall be made available immediately upon request, and recordings outside this period shall be made available within 24 hours

Crime Survey

32. Upon completion of a crime survey by Thames Valley Police, the Licence Holder shall act accordingly with all reasonable recommendations of the survey in so far as they relate to licensable activities.

Layout of premises

33. The approved activities shall take place only in the areas designated by the Licensing Authority and Thames Valley Police.
34. All dance booths are to be equipped with a panic alarm for safety
35. Arrangements shall be put in place to restrict access to the dressing room at all times when the relevant entertainment is taking place, and until such time as all performers have vacated it.
36. The approved access to the dressing room(s) shall be maintained whilst striptease or entertainment of a like kind is taking place
37. The layout within areas used by customers shall not under go substantial change without the prior written consent of both Thames Valley Police and the Licensing Authority

Change of Use of Premises

38. The Licensing Authority and Thames Valley Police must be informed should the licensee seek to change the use of the establishment to another form of sex establishment.

Sale of Goods

39. Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a 'Sexual Entertainment Venue'.

Agenda Item 7

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 8

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