



**Notice of a public meeting of  
Licensing and Regulatory Committee**

**To:** Councillors Orrell (Chair), Melly (Vice-Chair) Mason, Wells, Barker, Galvin, Hook, Hunter, D Myers, Norman, Pearson, Warters, D'Agorne, Wann and Looker

**Date:** Tuesday, 8 June 2021

**Time:** 5.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

**AGENDA**

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes**

(Pages 3 - 8)

To approve and sign the minutes of the meeting held on 26 April 2021.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

The deadline for registering at this meeting is at **5.00pm on Friday 4 June 2021.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the

registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of the agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

**4. Renewal of Sex Establishment Licence for The Adult Shop, 70B Gillygate, York, YO31 7EQ** (Pages 9 - 36)

This report seeks Members determination of an application to renew a Sex Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.

**5. Hackney Carriage Fares** (Pages 37 - 48)

This report asks Members to consider an objection to the advertised variation to the table of fares to be paid in respect of the hire of a City of York licensed hackney carriage vehicles. Members are asked to determine whether to make any changes to the proposed table of fares they made on the 26 April taking into account the objection received, and specify a date when the table of fares will come into operation.

**6. Street Trading - St Helen's Square** (Pages 49 - 54)

This report seeks Members' approval to allow street trading activities to take place on St Helen's Square during the St Nicholas Fair Christmas Market (Christmas Market).

**7. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Angela Bielby

Contact Details:

- Telephone – (01904) 552599
- E-mail – [a.bielby@york.gov.uk](mailto:a.bielby@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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## Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

**Windows must remain open within the meeting room to maintain good ventilation.**

**Furniture must not be moved from the designated safe layout.**

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you must follow government self-isolation guidance and must NOT attend your meeting at West Offices.

### Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend.

Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests).

Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

### Guidelines for attending Meetings at West Offices

You must:

- Not arrive more than 10 minutes early
- Wear a face covering when entering the building and in the 'common' areas of West Offices
- Visitors to enter West Offices by the customer entrance and Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass is clearly visible at all times
- Use the touchless hand sanitiser units on entry and exit to the building and within the Meeting room.
- Keep to the left and adhere to social distancing where possible when using staircases and walkways, giving way on the staircase landings
- You must sit at the dedicated spaces around the table and if screens are in place do not move them or lean around them.
- Bring your own drink if required
- Maintain social distancing of 2 metres within toilet areas and remain vigilant for other occupants
- Only use the designated toilets next to the Meeting room

**Please note:** If you intentionally, or repeatedly, breach any of the social distancing measures, or hygiene instructions, you will be asked to leave the building.

### Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- make your way home immediately
- avoid the use of public transport where possible
- self-isolate for 10 days

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning

- Continue to observe social distancing
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you must not attend the meeting.**

City of York Council

Committee Minutes

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Meeting	Licensing and Regulatory Committee
Date	26 April 2021
Present	Councillors Mason (Chair), Wells (Vice-Chair), Barker, Galvin, Hook, Melly, D Myers, Norman, Orrell, Pearson, Wann, Warters And D'Agorne
Apologies	Councillors S Barnes and Hunter

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### 61. **DECLARATIONS OF INTEREST**

Members were invited to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in respect of business on the agenda. None were declared. Cllr Melly noted that although she worked in hospitality this was not a conflict of interest.

The Chair welcomed Cllr Melly as Vice Chair of the Committee. He also suggested that agenda item 5 [Update on interpretation of the law – ‘Out of town’ private hire licences] be deferred in order that a request be made to North Yorkshire Police to provide their legal advice in respect of out of town private hire licences.

### 62. **MINUTES**

Resolved: That the minutes of the meeting held on 22 February 2021 be approved as an accurate record and signed by the Chair at a later date.

### 63. **PUBLIC PARTICIPATION**

It was reported that there had been two registrations to speak on agenda item 6 [Update on Licensed Premises Reopening] at the meeting under the Council’s Public Participation Scheme. The Chair advised that pavement café licences did not come under the remit of the Committee as they were the remit of the Highways team.

Iain Mitchell expressed concern about the extension of café outdoor seating areas and the resulting risk of additional street furniture on blind and partially sighted residents as well as other disabled groups. He explained that there was non-compliance from patrons, which affected those groups, in particular, wheelchair users. He noted that this was made worse in Castlegate and Fossgate and asked about equal access to foot streets.

Anna Baldwin explained the impact of the additional street furniture on blind and partially sighted people. She was surprised that no equalities issues had been included in the report and she specifically referred to Castlegate. She noted that there needed to be clear implementation of the café licences. She added that there to be compliance, and she suggested licensing the street.

**64. HACKNEY CARRIAGE FARES INCREASE REQUEST**

Members considered a report that asked them to determine a request from the Hackney Carriage Associations with regards to the maximum fares to be paid in respect of the hire of a City of York licensed hackney carriage vehicles. Copies of the fare chart (at June 2018), request for the fare increase and fare comparisons were included in the annexes to the report.

The Licensing Manager presented the report, explaining the annexes, tariffs and options available to Members in determining the request. She was asked and explained:

- That the Associations request to the Council to vary the fares, a 4% increase, was above inflation as it was taking into account the increase of 2.19% in 2019.
- The fare increases had always been in line with inflation and on that basis could be delegated to officers for determination. As this request was above inflation it had been brought to the committee.
- Mobility aids were exempted from additional charges.
- The charges for 5 or more passengers were for vehicles that seated up to 8 passengers.
- It was clarified that the fare increase requested for 5 or more passengers was greater than 4%.
- Regarding the fare charge measurements previously being metric, the taxi trade had put forward the imperial measurements.



- It was clarified that the proposed fare under tariff 3 for 1066 yards was £6.20 not £620 as stated in annex 3.

By virtue of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (1976 Act)), the Committee had the following options available to them in making their decision:

Option 1 – ask officers to publish in a local newspaper the variation to the table of fares proposed by the Hackney Carriage Associations, giving a specified period of 14 days within which objections can be made.

Option 2 – determine an alternative variation to the table of fares, and ask officer to publish in a local newspaper the variation to the table of fares determined by Members, giving a specified period of 14 days within which objections can be made.

Option 3 - reject the request from the Hackney Carriage Associations to vary the table of fares.

Cllr Warters then moved and Cllr D'Agorne seconded approval of option 1. Following a unanimous vote it was

Resolved: That, in accordance with Option 1, officers are asked to publish in a local newspaper the variation to the table of fares proposed by the Hackney Carriage Associations, giving a specified period of 14 days within which objections can be made.

Reason: To determine the table of fares that will apply to charges in respect of the hire of City of York's licensed hackney carriage vehicles.

**65. UPDATE ON INTERPRETATION OF THE LAW - 'OUT OF TOWN' PRIVATE HIRE LICENCES**

This report outlined the City of York Council's current position in relation to 'out of town' private hire operators and drivers, and was brought following the request from the Committee at their meeting on 22 February 2021.

Resolved: That the item be deferred.

Reason: In order that a request be made to North Yorkshire Police to provide their legal advice in respect of out of town private hire licences.

**66. UPDATE ON LICENSED PREMISES REOPENING**

Members considered a report that updated them on the work undertaken by the Council and partner agencies with regards to licensed premises reopening. In addition to the information provided in the report, the Licensing Manager noted that Highways officers been out to discuss non-compliance. The Chair and Members thanked officers for their work in supporting premises reopening. In response to questions from Members the Licensing Manager noted that:

- If there were no changes to the Licensing Act, this would be communicated to premises regarding the provision of off sales from 30 September 2021. The licensing team would liaise with the council communications team on this.

[Cllr Barker left the meeting at 6.23pm]

The concerns of disabled residents was acknowledged and equalities impacts assessments were part of higher assessments. This had not been included in the report because there was no decision to be made. The Licensing Manager undertook to check with highways officers if an equalities impact assessment had been undertaken. The Head of Licensing advised that highways officers had made a number of visits to premises the previous week and noted that he would pass Members' comments back to them.

York BID had tried and was unable to procure disabled toilets for Parliament Street.

[Cllr Galvin left the meeting at 6.35pm]

The Licensing Manager undertook to pass on Members' thanks to colleagues in Public Protection.

Resolved: That the update on licensed premises reopening be noted.

Reason: In order to be kept up to date on the impact of the changing situation during the ending of lockdown and reopening of licenced premises.

It was noted that appeal dates for the York Cars private hire operators' licence was on 1 and 8 October 2020.

Cllr A Mason, Chair

[The meeting started at 5.30 pm and finished at 6.39 pm].

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**Meeting of Gambling, Licensing & Regulatory Committee**

8 June 2021

Report of the Director – Environment, Transport and Planning

**Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009 Renewal of Sex Establishment Licence for The Adult Shop, 70B Gillygate, York, YO31 7EQ****Summary**

1. This report seeks Members determination of an application to renew a Sex Establishment Licence for a sex shop which has been made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3 Control of Sex Establishments in respect of The Adult Shop, 70B Gillygate, York, YO31 7EQ.
2. Name of applicant: Lilacgrange Limited
3. Summary of Application: The application is to renew an existing Sex Establishment Licence which permits the premises to operate as a sex shop during the following times; Monday to Saturday 10:00 hours to 20:00 hours and Sunday 12:00 hours to 17:00 hours. A copy of the renewal application is attached at Annex 1.
4. A sex establishment licence is valid for 12 months. The licence holder must submit an application to renew the licence to the licensing authority before the existing licence expires if they wish to continue running a sex establishment, in this case a sex shop. A copy of the licence to be renewed is attached at Annex 2.

**Recommendations**

5. Members are asked to determine the application for the grant of the licence in accordance with the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by Policing and Crime Act 2009.

Reason: To consider renewal of the sex establishment licence as required by the legislation.

## **Background**

6. Sex shops are defined in the legislation as any premises, vehicle or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles; or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity; or acts of force or restraint which are associated with sexual activity.
7. These premises have operated as a sex shop since 1997. There have been no complaints received in relation to the premises since the initial licence was granted.
8. City of York Council's Licensing of Sex Establishments Licensing Policy was reviewed and a revised policy was adopted on 27 April 2017 with immediate effect. A copy of this policy can be found at <https://www.york.gov.uk/SexEstablishmentLicences>
9. A copy of City of York Council's Standard Conditions for Sex Shops is attached at Annex 3.

## **Consultation**

10. Consultation was carried out by the applicant and the Licensing Authority in accordance with paragraph 10 of Schedule 3 of the 1982 Act relating to the process which the applicant must follow for the application for renewal to be considered valid.
11. There were no objections received to the application.
12. A map showing the location of the premises is attached at Annex 4.

## **Relevant Legislation – Grounds for Refusal**

13. When considering the renewal application, the Authority does not have an unfettered discretion as to whether to refuse an application or grant a renewal. The grounds on which an application could be refused are set out in paragraph 12 to Schedule 3 of the 1982 Act.

### **Mandatory grounds for the refusal of an application**

14. The mandatory grounds for the refusal of an application for a sex establishment licence are that the applicant:
- a) is under the age of 18;
  - b) is for the time being disqualified from holding a sex establishment licence;
  - c) is not a body corporate, and is not in resident or has been resident in an EEA state for six months immediately preceding the date of the application;
  - d) is a body corporate which is not incorporated in an EEA state;
  - e) has in the period of twelve months preceding the date of application 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 reversal has been reversed on appeal.
15. There are no mandatory grounds for refusing this application.

### **Discretionary grounds for the refusal of an application**

16. Discretionary grounds for the refusal of an application for a sex establishment licence are that:
- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or any other reason;
  - b) if the licence were to be granted, 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 of such a licence if he made the application himself;
  - c) the number of sex establishments, or sex establishment of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - d) the grant would be inappropriate, having regard –
    - to the character of the relevant locality;
    - to the use to which any premises in the vicinity are put;

- to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
17. When considering the suitability of the applicant to hold a licence the council will take into account such matters it considers to be relevant.
  18. Guidance on relevant locality can be found at Annex 5, paragraphs 3.32 to 3.38.
  19. Within the licensing policy the council has determined a limit on the number of sexual entertainment venues permitted within the Authority area, however, this limit does not apply to sex shops. These applications must be dealt with on a case by case basis.

## Options

20. By virtue of paragraphs 10, 12 and 13 of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), the Committee have the following options available to them in making their decision:
21. Option 1: Grant a renewal of the licence as requested.
22. Option 2: Renew the licence with modified/additional conditions imposed by the licensing committee.
23. Option 3: Refuse the application for renewal on one of the mandatory grounds or on one or more of the discretionary grounds within paragraph 12 to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

## Analysis

24. The following could be the result of any decision made by this Committee:
25. Option 1: This decision cannot be appealed at Magistrates Court by an objector to the application. Objectors could judicially review the decision.
26. Option 2: This decision could be appealed at Magistrates Court by the licence applicant.
27. Option 3: With the exception of a decision to refuse an application on a ground specified in paragraph 12(3) (c) or (d) of Schedule 3 to the 1982



Act, the licence applicant may appeal against the decision made to the Magistrates' Court.

## Council Plan

28. The approved City of York Council Policy will support the Council's Plan for a prosperous city for all and a council that listens to residents.

## Implications

29. The implications arising directly from this report are:

- **Financial** - N/A
- **Human Resources (HR)** – N/A
- **Equalities** – N/A
- **Legal** – The Council has the ability to control the licensing of sexual entertainment venues having adopted Schedule 3 to Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

Paragraph 8 of Schedule 3 to the 1982 Act provides that where it determines to grant sex establishment licence, the Council is empowered to impose such conditions or restrictions as it deems appropriate.

Paragraph 12 of Schedule 3 to the 1982 Act sets out a number of mandatory grounds for refusal of sex establishment licence and also discretionary grounds for refusal of a sex establishment licence.

In considering this application the Committee should have regard to:

- Schedule 3 to the 1982 Act, as amended by Policing and Crime Act 2009 (Annex 5).
- The City of York Council Licensing of Sex Establishment Licensing Policy which can be found at <https://www.york.gov.uk/SexEstablishmentLicences>
- The Home Office – Sexual Entertainment Licence – Guidance for England and Wales which states that “Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12” [of Schedule 3 to the 1982 Act].

In addition when making their decision Members must give consideration to the rights the applicant has under the European

Convention on Human Rights. Article 1 (entitles every person to peaceful enjoyment of their possessions) and Article 10 (freedom of expression) are particular rights that may be relevant. Members should consider whether interference with these rights is necessary and proportionate for the prevention of crime or disorder, for the protection of health or morals or for the protection of the rights and freedoms of others or, in the case of Article 1, whether interference can be justified in the general interest.

Members of the Committee should not allow themselves to predetermine the application or to be prejudiced in favour or opposed to the licence and shall only determine the application on its own merit.

- **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
- **Information Technology (IT)** – N/A
- **Property** – N/A
- **Other** – none

### **Risk Management**

30. All Members are aware that any decision which is unreasonable or unlawful could be open to legal challenge resulting in loss of reputation and potential financial penalty.
31. The report details the options available to the panel in determining the application and recommends that a decision be reached. Provided the decision complies with the proper grounds for considering the application as set out within this report, there are no known risks involved with this recommendation.

## Contact Details

### Author:

Lesley Cooke  
Licensing Manager  
Ext 1515

### Chief Officer Responsible for the report:

James Gilchrist  
Director – Environment, Transport and  
Planning

**Report  
Approved**



**Date** 28 May 2021

**Wards Affected:** Guildhall

## Annexes

- Annex 1** - Copy of application for renewal
- Annex 2** - Copy of existing licence to be renewed
- Annex 3** - Standard Conditions for Sex Shop
- Annex 4** - Map showing location of premises
- Annex 5** - Legislation Extracts – Renewal Applications

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CITY OF YORK COUNCIL  
Licensing Services, Hazel Court EcoDepot, James Street, York, YO10 3DS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS AMENDED  
SCHEDULE 3 – CONTROL OF SEX ESTABLISHMENTS

Application for the Grant / Renewal / Transfer of a Sex Establishment Licence

TYPE OF VENUE

- Sexual Entertainment Venue
- Sex Shop
- Sex Cinema

TYPE OF APPLICATION

- Grant
- Renewal
- Transfer

APPLICANT DETAILS

1. Is the applicant:

- An individual (please answer questions 2, 5 to 9)
- A company or other corporate body (please answer questions 3, 5 to 9)
- A partnership or other unincorporated body (please answer questions 4, 5 to 9)

2. Full name of applicant (individual):

Former or previous names:

Home address:

Post town:

Post code:

Telephone numbers:

Date of birth:

Email address:

*N/A*

3. Name of applicant (company name):

*LILACGRANGE LTD*

Address of registered or principal office:

*70B GILLYGATE*

Post town:

*YORK*

Post code:

*YO31 7EQ*

Registration number:

*05842814*

Email address:

4. Name and address of applicant:

Names and addressed of applicant's partners (please use additional sheet):

*[Redacted]*

5. Are there any other persons responsible for the management of the premises/business other than the partners? Please state their names and addresses:

ANTHONY BARTLETT-MOORE (DIRECTOR)  
7 CHELTENHAM WAY  
CLEETHORPES DN35 0UG

- 6. a. Has the applicant ever been known by any other name?  YES / NO
- b. Has the applicant ever been convicted of a criminal offence?  YES / NO
- c. Has the applicant ever been refused a sex establishment licence?  YES / NO
- d. Has the applicant ever had a sex establishment licence revoked?  YES / NO
- e. Has the applicant ever been served with a winding up petition?  YES / NO

If the answer to any of these questions is yes, please provide details:

7. Applicants' trading address or head office (other than the premises)

THE PREMISES ARE THE TRADING ADDRESS  
& HEAD OFFICE

8. Will the business for which this licence is sought be carried on for the benefit of a person other than the applicant?  YES / NO

If the answer is yes, state the name, address, place of registration, registered number and the identity of all directors, company secretary and those with a greater than 10% shareholding (use separate sheet if necessary).

9. Does the applicant operate any other sex establishments, licensed or otherwise? Please state name, address, and type of sex establishment of each.

No

PREMISES DETAILS	
10. Please state the name the business will be known as:	THE ADULT SHOP
11. Is the premises a	<input checked="" type="checkbox"/> Building <input type="checkbox"/> Vehicle <input type="checkbox"/> Vessel <input type="checkbox"/> Stall
12. Where is it proposed to use the vehicle, vessel or stall?	N/A
13. Does the company propose to only operate on the internet? (if yes answer Q14 to 19 only)	NO
14. Premises address	70B GILLYGATE
Post town	YORK
Post code	YO31 7EQ
Telephone number at premises	01904 1
15. Which part of the premises is to be used as a sex establishment?	GROUND FLOOR SHOP
16. Is the applicant	<input type="checkbox"/> owner <input checked="" type="checkbox"/> lessee <input type="checkbox"/> sub-lessee <input type="checkbox"/> other
17. If the applicant rents the property state:	
a. Name and address of landlord:	MR D BROWN 1st FLOOR FLAT
b. <del>Name and address of the superior landlord:</del>	4 TILLY ROAD SCARBOROUGH
c. Total annual rental:	5440
d. Length of unexpired term:	1 YEAR
e. Notice required to terminate tenancy:	3 MONTHS
18. Please provide details of the building management company (if appropriate):	NONE
19. State the current use of the premises:	SEX SHOP

20. Has planning permission, or a certificate of lawful use, been obtained for the use of the proposed premises? YES / ~~NO~~

21. Can members of the public access the premises:  
 a. Directly from the street? YES / ~~NO~~  
 b. From other premises? ~~YES~~ / NO  
 c. Not at all? (internet sales only) ~~YES~~ / NO

22. Are the premises currently being used as a sex establishment? YES  
 Please provide details of the business currently operating the business:  
 LILACGRANGE LTD  
 70B GILLYGATE  
 YORK YO31 7EQ

**OPERATING SCHEDULE**

23. Opening hours: (If internet sales only please tick here  and continue to Q 26)

Monday	Tuesday	Wednesday	Thursday	Friday
10:00 20:00	10:00 20:00	10:00 20:00	10:00 20:00	10:00 20:00
Saturday	Sunday			
10:00 20:00	12:00 17:00			

Any non-standard timings:

24. Has the applicant entered into any written or oral agreement in connection with the business, for example a management agreement, partnership agreement or profit share arrangement? Please provide details.  
 No  
 a. Please provide details of any lender, mortgage or others providing finance:  
 NONE  
 b. Please provide details of any merchandising agreements:  
 NONE

**PREMISES MANAGEMENT**

25. Please state the name of the person who will be in day to day control of the premises (the manager).  
 ANTHONY BARTLETT-MOORE  
 a. Will the manager be based at the premises YES / ~~NO~~  
 b. Will the management of the premises be the manager's sole occupation ~~YES~~ / NO

26. Who will be in control of the premises in the manager's absence (relief manager)?  
 PHILLIP BENTON / JONATHAN SWAN.  
 a. Will the relief manager be based at the premises in the absence of the manager? YES / ~~NO~~  
 If you have ticked no to any of the above please provide details.



**EXTERNAL APPEARANCE AND ADVERTISING – DO NOT COMPLETE FOR RENEWAL APPLICATION**

27. Please describe the proposed exterior signage and advertising. Please include nature, content and size of each sign and any images to be used:

Please note that a drawing of the front elevation is required to be submitted with this application.

28. Please describe how the interior of the premises is obscured to passersby:

29. Please describe any proposed window displays:

30. Please describe how the business is to be advertised, ie business cards, billboard advertising, personal solicitation, advertising on motor vehicles, radio or television advertising:

*RENEWAL*

**APPLICATIONS FOR SEXUAL ENTERTAINMENT VENUES ONLY**

31. Is the proposal for full nudity? YES / NO

32. Describe the nature of the entertainment eg lap dancing, pole dancing, stage strip tease:

33. State measures to ensure employees age and right to work in the UK.

34. Describe training and welfare policies:

Please enclose a copy of the welfare policy for performers (or equivalent document).

35. Please set out any further information you wish the authority to take into account.

*NOT SEXUAL ENTERTAINMENT VENUE*

36. Is there any information on this form you do not wish to be seen by members of the public?  
If so state which information and the reasons why you do not wish it to be seen. ;

No

CHECKLIST & ENCLOSURES

Enclosures

I have made or enclosed payment of the fee  
I have enclosed three sets of plans of the premises  
I have enclosed a drawing of the street elevation of the premises  
In the case of an application to transfer the licence, include the completed Consent to Transfer form

DECLARATION

I declare that I have served notice of this application on North Yorkshire Police.  
I declare that a public notice advertising this application has today been displayed upon the proposed premises where it may be conveniently read by the public and will remain thereon for a period of 21 days. A copy of the notice and the standard declaration is enclosed.

I declare that within seven days of the date of this application a public notice advertising this application will be publicised in the legal notices column of the local press.

~~A copy of the relevant press edition will be forwarded to the City of York Council Licensing Section~~

I understand that if I do not comply with the above requirements my application will be rejected.

Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence, makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to an unlimited fine.

SIGNATURES

Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant please state in what capacity. /

Signature ..... Signature .....  
Name (print) ANTHONY BARTLETT-MOORE Name (print) .....  
Date 26th APRIL 2021 Date .....  
Capacity DIRECTOR Capacity .....

Contact name (where not previously given) and address for correspondence associated with this application:

Post town Post code  
Telephone number (if any)

If you would prefer us to correspond with you by email, your email address (optional)

*[Handwritten signature]*



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

**SEX ESTABLISHMENT LICENCE**

The City of York Council hereby grant renewal of licence to:

Lilacgrange Ltd  
70B Gillygate  
York  
YO31 7EQ

to use the premises known as:

The Adult Shop  
70B Gillygate  
York  
YO31 7EQ

for the purposes of a sex establishment comprising a sex shop as defined in Schedule 3 to the above Act.

This Licence is renewed subject to the City of York Council Standard Conditions Application to Sex Establishment Licences and to the additional conditions set out in the schedule below.

This licence shall continue in force from 1 May 2020 until 30 April 2021 unless previously revoked.

Granted on 17 November 2020  
(renewal)

Signed .....  
For and on behalf of Economy & Place

**SCHEDULE**

1. The sound from the video preview facility must be inaudible externally and in adjoining premises.
2. That the hours of opening be limited to 10:00am to 8.00pm, Monday to Saturday, and 12 noon to 5:00 pm on Sunday.
3. The attached Standard Conditions also apply to this licence.

**Extract from the Local Government (Miscellaneous Provisions) Act 1982**

**APPEALS** (*Sched. 3, para. 27*)

27. - (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say -
- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused;
  - (b) an applicant for the variation of terms, conditions or restrictions on or subject to which any such licence is held whose application is refused;
  - (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held; or
  - (d) a holder of any such licence whose licence is revoked

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the relevant area.

(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3) or (d) above shall not have the right to appeal under the paragraph.

(4) In this paragraph -

'the relevant area' means-

- (a) in relation to premises, the petty sessions area in which they are situated; and
  - (b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment;
- and

'the relevant date' means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final; and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words 'or the Gaming Act 1968' there shall be substituted the words 'the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982'.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraph (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.

(9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force -

- (a) until the time of bringing an appeal under this paragraph has expired and, if such an appeal is brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where -

- (a) the holder of a licence makes an application under paragraph 18 above; and
- (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,

the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.



## STANDARD CONDITIONS

### SEX SHOPS

#### General

1. Unless stated otherwise, the licence hereby granted will remain in force for one year from the date on the licence, after which it will cease to be in effect unless an application for renewal is submitted in the manner prescribed by the council.
2. The licence may be revoked by the council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.
3. In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sex establishment the special conditions shall prevail.
4. The name of the premises must be approved by the council in writing. Any change to the name of the premises must be approved by the Council in writing.

#### Exhibition of the licence

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

#### Hours of opening

6. Except with the written consent of the council, the premises will only open to the public during the following hours:

Monday	09:00 – 20:00	Friday	09:00 – 20:00
Tuesday	09:00 – 20:00	Saturday	09:00 – 20:00
Wednesday	09:00 – 20:00	Sunday	12:00 – 20:00
Thursday	09:00 – 20:00		

#### Conduct of the premises

7. The premises will be conducted primarily for the purpose of the sale or hire of goods by retail.
8. The licensee, or any other person concerned in the conduct or management of the premises, will only obtain custom by means of personal solicitation or touting from the premises in such a way that it does not cause concern to the public or the licensing authority. All literature used will not contain images or text of a sexually explicit, obscene or offensive nature.

9. No part of the premises will be used by prostitutes.
10. All sex articles or other items displayed for sale, hire, exchange or loan within the premises will be clearly marked to show the price being charged.
11. All printed material offered for sale, hire, exchange or loan will be available for inspection prior to purchase and a notice to this effect will be displayed in a conspicuous position within the premises.
12. No film, DVD or video recording (or computer game) will be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification and bears a certificate to that effect.
13. No moving picture will be provided on display at the licensed premises unless it is that of advertising videos on a loop system or allowing a prospective purchaser a short preview of films upon request, being no longer than 3 minutes in length.
14. Items offered for sale, hire, exchange or used in any promotion/advertising must not contravene any current legislation i.e. Section 12 Video Recordings Act 1984 (as amended).

### **External appearance**

15. There will be a notice displayed inside each entrance or doorway to the premises, clearly visible on entering the premises, which states the following words and no others:

**STRICTLY NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE**

This premises operates a Challenge 25 policy.  
Persons who appear to be under the age of 25 will be required to show proof of age.

16. The external appearance of the premises must be approved by the council in writing. Any change to the external appearance must be approved by the council. The operator must advise of any change in writing including a drawing of the existing and proposed street elevation. This must be approved by the council in writing before work is undertaken.
17. The frontage of the licensed premises will be of such a nature that the inside of the licensed premises are not visible and the contents of the licensed premises should not be visible when the doors of the licensed premises is open.
18. There will be no illuminated or protruding signs fixed to the premises and no signs placed outside the premises on the public highway.

### **Advertising**

19. Any unsolicited written, visual or auditory advertisement material, posters, signage or window display must not be of a sexually explicit or suggestive nature, will not contain images or text of a sexually explicit, obscene or offensive nature and must be approved by the council in writing.
20. The distribution of flyers will only be permitted in such a way where it does not cause public offence. Flyers must not be distributed by and to persons under the age of 18 years.

### **Layout of the premises**

21. Access to ground floor premises may only be through two or more doors placed consecutively, so arranged that when a person enters or leaves the premises the interior of the premises is not recognisable to persons outside the premises. The first set of entry doors must be fitted with a device to provide for their automatic closure and such a device shall be maintained in good working order.
22. No access will be permitted through the premises to any other adjoining or adjacent premises except in the case of an emergency.
23. No alterations (including temporary alterations) will be made to the structure and installations on the premises, without the prior written consent of the council. This condition will not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee should seek advice from the council.

### **Management of the premises**

24. Where the licensee is a body corporate, or an un-incorporated body, any change of director, company secretary or other person responsible for the management of the body will be notified in writing to the council within 14 days of such change. Such details as the council may require in respect of the change of personnel will be furnished within 14 days of a request in writing from the council.
25. The licensee, or a responsible person nominated by him/her in writing for the purpose of managing the venue ("the manager") will have personal responsibility for and be present on the premises whilst the premises are open to the public. Any such nomination will be produced on demand to an authorised officer of the council or the police.
26. The licensee will ensure that any person nominated by him/her under the above:
  - a) has been provided with a copy of the conditions relating to the premises and is fully conversant with them; and
  - b) is in possession of a written nomination referred to about at all times when they are in charge of the premises.
27. Where the licensee, director, company secretary, or responsible person nominated for the purpose of managing the venue ("the manager"), is convicted of an offence, they must, as soon as practicable after the conviction, inform the council of the conviction giving details of the nature and date of the conviction, and any sentence imposed.
28. The licensee will retain control over all parts of the premises and will not let, licence or part with possession of any part of the premises. The council must be notified immediately in the event that any part of the premises affected by the termination of a lease or other event affecting the licensee's control of the premises.
29. The licensee will ensure that the public is not admitted to any part or parts of the premises that has not been approved by the council.
30. The holder of the licence will keep a record of all employees who are asked to work on the premises which will include their full name, date of birth, current and previous address and any convictions recorded against that person (subject to the Rehabilitation of Offenders Act 1984).
31. An authorised and certified copy of the full personal record or a record of an individual will be produced on demand to an authorised officer of the council or the police.

32. No person under the age of 18 will be admitted to the premises.
33. The licensee will operate a Challenge 25 age verification policy. People who appear to be under the age of 25 will be required to show proof of ID prior to admittance. A notice to this effect, in accordance with condition 18 will be displayed on the premises.
34. The licence holder will not employ any person under the age of 18 in any capacity.

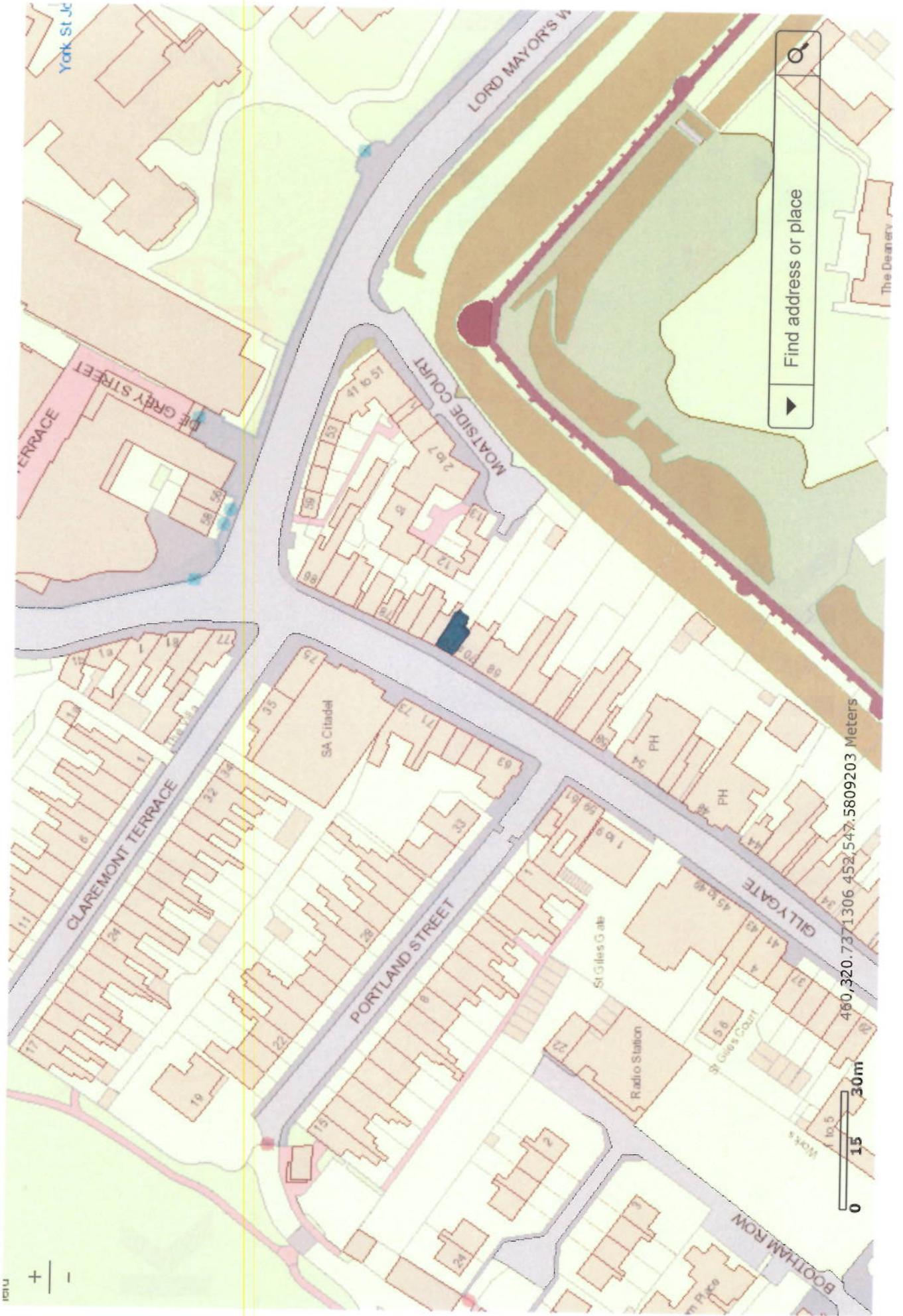
**Vessels, vehicles and stalls**

35. In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel, vehicle or stall from the location specified in the licence unless 28 days written notice is given to the council of such intended removal. The council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application.
36. The requirements of condition 35 will not apply to a vessel, vehicle or stall habitually operating from a fixed location, which is regularly moved, whether under its own propulsion or otherwise, from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that specified in the licence.
37. Vehicles must not be used for personal solicitation, touting or advertising.

**Variation of conditions**

38. The council may, at the time of grant or renewal of the licence, waive, modify or vary these conditions or impose additional conditions as appropriate.
39. The licensee may apply to the council to vary any of the terms of the licence.
40. Applications to vary conditions of the licence must be advertised by the licensee in the same manner as the application for the grant, renewal or transfer of the licence.





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## Legislation and Policy Considerations

1. The following provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) apply to this application:
  - Paragraph 10 (Grant, renewal and transfer of licences for sex establishments) relates to the process which the applicant must have followed for the application to be considered valid.
  - Paragraph 12 (Refusal of licences) relates to the grounds under which an application shall not be granted and also describes the powers by which the licensing authority has a discretion to refuse the licence.
  - Paragraph 13 (Power to prescribe standard conditions).
  
2. The following provisions of the Home Office Guidance apply to this application:
  - Paragraphs 3.23 – 3.24 (Objections) explain who can object and how this is done and that the applicant must be made aware of the general grounds for the objection before the application is determined.
  - Paragraphs 3.25 – 3.26 (Hearings) explain that the applicant must be given the opportunity to appear and be heard in front of the sub-committee considering the application. Schedule 3 does not make any explicit provision for objectors to be heard, this is left to the discretion of the appropriate authority.
  - Paragraphs 3.27 – 3.31 (Grounds for refusal).
  - Paragraphs 3.32 – 3.38 (Relevant locality) define the meaning of “relevant locality” and the powers of the appropriate authority to decide the maximum number of premises allowed in a particular locality.
  - Paragraphs 3.39 – 3.42 (Licence conditions) explain that once the decision is made to grant, the appropriate authority can attach conditions specific to the individual premises and/or standard conditions for the particular type of establishment. These conditions should not duplicate conditions placed on a premises licence issued under the Licensing Act 2003 and should be appropriate to the activities authorised by the licence.
  - Paragraphs 4.19 – 4.21 (European Convention on Human Rights) explain whilst applications from existing operators can be refused on one or more grounds set out in paragraph 12 of schedule 3 of the 1982 Act, account must be taken of rights existing operators may have under Article 1 of Protocol 1 to the European Convention

which protects the peaceful enjoyment of their possessions (including licences) and article 10 (freedom of expression).

4. City of York Council's Policy for the Licensing of Sex Establishments Licensing Policy and the Standard Conditions for Sex Shops applies to this application.
5. The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
6. The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.
7. The Committee is reminded that it must comply with the Council's Public Sector Equality Duty (as required to do so under s.149 of the Equality Act 2010), and have due regard to the potential impact on gender equality.

## **NOTE FOR MEMBERS**

Extracts from Home Office Guidance for England and Wales relating to Sexual Entertainment Venues.

3.23 When considering an application for the grant, renewal or transfer of a licence the appropriate authority should have regard to any observations submitted to it by the chief officer of police and any objections that they have received from anyone else within 28 days of the application. Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12 of Schedule 3 for refusing a licence. Objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

3.24 Where the appropriate authority receives notice of any objection the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant, However, the appropriate authority shall not without the consent of the person making the objection reveal their name or address to the applicant.

### **Hearings**

3.25 Under paragraph 10(19) of Schedule 3, before refusing an application, all applicants should be given the opportunity to appear before and be heard by the local authority committee or sub-committee that is responsible for determining the application.

3.26 Schedule 3 does not make explicit provision for objectors to be heard, but this does not mean that such hearings cannot take place. Rather, case law on this matter states that while local authorities are under no obligation to offer an oral hearing to objectors, they may do so at their discretion. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.

### **Refusal of a Licence**

3.27 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence.

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 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.

3.28 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;
  - 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.

3.29 A decision to refuse a licence must be relevant to one or more of the above grounds.

3.30 When determining a licence application, the local authority must have regard to any rights the applicant may have under Article 10 (right to freedom of expression) and Article 1, Protocol 1 (protection of property) of the European Convention on Human Rights.

3.31 The Provision of Services Regulations 2009 amended Schedule 3 to the 1982 Act to state that, if having considered an application for the grant, renewal or transfer of a licence, the appropriate authority decides to refuse it if one or more of the above grounds, it must provide the applicant with reasons for the decision in writing.



## Relevant Locality

3.32 Paragraph 12(3)(c) and 12(3)(d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the “relevant locality”. A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

3.33 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.

3.34 Clearly, the decision regarding what constitutes the ‘relevant locality’ is a matter for the appropriate authority. However, such questions must be decided on the facts of the individual application.

3.35 Therefore, it is reasonable and potentially useful to future applicants, for a local authority to decide in advance of receiving any applications that certain areas are, or are not, appropriate locations for a sex establishment or a particular number of sex establishments. Nevertheless, all applications must be considered on their individual merits.

3.36 When considering a particular application case law has indicated that the relevant locality does not have to be a clearly pre-defined area nor are local authorities required to be able to define its precise boundaries. Therefore, while a local authority is not prevented from defining the exact area of the relevant locality, it is equally free to conclude that it simply refers to the area which surrounds the premises specified in the application and does not require further definition. Nevertheless a local authority’s view of what constitutes a locality could be open to challenge if they took a completely unreasonable view of the area covered, for example, by concluding two sex establishments 200 miles away from one another were in the same locality. Case law indicates that a relevant locality cannot be an entire local authority area or an entire town or city.

3.37 Once the appropriate authority has determined the relevant locality, it should seek to make an assessment of the ‘character’ of the relevant locality

and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality.

3.38 Section 27 amends paragraph 12(3)(c) of Schedule 3 to allow local authorities to determine an appropriate number of sex establishments of a particular kind. In practice, this means that the appropriate authority may, for example, decide that a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

### **Licence Conditions**

3.39 Once the appropriate authority has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 or standard conditions applicable to all sex establishments, or particular types of sex establishments, prescribed by regulations made by the appropriate authority under paragraph 13 of Schedule 3.

3.40 Paragraph 13 provides examples of the matters that standard conditions may address which include but are not restricted to:

- The hours of opening and closing
- Displays and advertisements on or in sex establishments
- The visibility of the interior of a sex establishment to passers-by
- Any change of use from one kind of sex establishment to another

3.41 Where the appropriate authority decides to produce standard conditions under paragraph 13 they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.

3.42 Most sexual entertainment venues will require a 2003 Act licence as well as a sex establishment licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificates and should not be imposed on sexual entertainment venue licence. Likewise, conditions relating the provisions of relevant entertainment should appear on the sexual entertainment venue licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.





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**Licensing and Regulatory Committee**

8 June 2021

Report of the Director – Environment, Transport and Planning

Hackney Carriage Fares

**Summary**

1. This report asks Members to consider an objection to the advertised variation to the table of fares to be paid in respect of the hire of a City of York licensed hackney carriage vehicles.
2. This report also asks Members to determine whether to make any changes to the proposed table of fares they made on the 26 April taking into account the objection received, and specify a date when the table of fares will come into operation.

**Recommendations**

3. Members are asked to determine the variation to the table of maximum fares and the date when it will come into operation.

Reason: To determine the table of fares that will apply to charges in respect of the hire of City of York's licensed hackney carriage vehicles.

**Background**

4. Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 (1976 Act) allows the Council to fix the rates of maximum fares within its area, and all other charges in connection with the hire of a vehicle or with the arrangements for the hire of a vehicle, by means of a "table of fares". The Council can only fix the rates of fares in relation to hackney carriage vehicles.
5. There is also provision within the 1976 Act that the Council may vary the table of fares.
6. Committee Members considered a report on 26 April 2021 with regards to a request from the Hackney Carriage Associations to vary the table

of fares. Members determined Option 1 within the report, asking officers to publish, in a local newspaper, a notice of the variation to the table of fares proposed by the Hackney Carriage Associations, giving a specified period of 14 days within which objections could be made. Members also asked for details of the notice to be placed on the Councils website and to be shared via social media.

7. The notice was published in The Press on 5 May 2021, advising that anyone wishing to object to the variation may do so before the expiry of 14 days from the date of the publication of the notice (19 May 2021). The notice provided details of where objections could be sent. The specified date within the notice proposed that the varied table of fares would come into operation from 1 June 2021. A copy of the notice can be found at Annex 1.
8. The notice was also published on the Council's website from 5 to 19 May 2021, and the link to the notice was shared via social media.
9. It is a requirement of the 1976 Act that any objections have to be taken into consideration by the Council when determining the variation to the table of fares.
10. The Council must determine if the table of fares will come into operation with or without modification after taking the objection into consideration.
11. The Council must also determine a specified date, within two months of the specified date within the published notice (1 June 2021), when the variation to the table of fares will come into operation.
12. The proposed table of fares requested by the Hackney Carriage Associations can found at Annex 2.

## **Consultation**

13. As detailed at paragraph 5, the statutory notice was published in The Press on 5 May 2021 and on the Councils website.
14. An objection has been received during the objection period. The objection relates to the proposed increase of +50% for carrying five or more passengers. The objection can be found at Annex 3.

## **Options**

15. Option 1 – determine the variation to the table of fares as proposed by the Hackney Carriage Associations, and specify that the table of fares will come into operation from 1 July 2021.
16. Option 2 – determine to modify the variation to the table of fares proposed by the Hackney Carriage Associations, and specify that the table of fares will come into operation from 1 July 2021.

## Analysis

17. The Hackney Carriage Associations proposed table of fares is detailed in the table below (distance is shown in yards and metres):

<b>Proposed Table of Fares</b>	
<b>Standard Charges</b>	<b>Additional</b>
Tariff 1 £3.00 157.8 yards 144.29 metres 39.8 seconds	20p 168.2 yards 153.8 metres 42.4 seconds
Tariff 2 £3.90 77.6 yards 70.96 metres 19.3 seconds	As above
Tariff 3 £6.00 1066 yards 974.75 metres 4 mins 27.6 seconds	As above
<b>Premium Rates</b>	<b>Additional</b>
Tariff 4 £4.50 157.8 yards 144.29 metres 39.8 seconds	30p 168.2 yards 153.8 metres 42.4 seconds
Tariff 5 £5.85 77.6 yards 70.96 metres 19.3 seconds	As above

18. The Hackney Carriage Associations have proposed that the Premium Rates will apply when 'more than 4 passengers' are carried within the vehicle.

19. Once the table of fares is determined, officers will notify all taxi metre agents, and prepare and issues table of fares to all hackney carriage vehicle licence proprietors.

### **Council Priorities**

20. The taxi licensing functions undertaken by the Council are statutory, supporting the new and existing trade, as well as local residents and visitors. Through these functions, the policy supports the Council's Plan of a good quality of life for everyone.

### **Implications**

21. The direct implications arising from this report are:
  - (a) **Financial** – There are no financial implications.
  - (b) **Human Resources (HR)** - There are no HR implications.
  - (c) **Equalities** – There are no equalities implications.
  - (d) **Legal** – The legal implications are set out in the body of the report.
  - (e) **Crime and Disorder** – There are no crime and disorder implications.
  - (f) **Information Technology (IT)** - There are no IT implications.
  - (g) **Property** - There are no property implications.
  - (h) **Other** - There are no other implications.

### **Risk Management**

20. There are no known risks associated with this report.

### **Contact Details**

**Author:**  
Lesley Cooke  
Licensing Manager  
01904 551515

**Chief Officer Responsible for the report:**  
James Gilchrist  
Director Environment, Transport and Planning

**Report  
Approved**



**Date** 20/05/21

**Specialist Implications Officer(s)**

**Wards Affected:**

**All** ✓

**For further information please contact the author of the report**

**Annexes**

**Annex 1** – Published Notice

**Annex 2** – Proposed Table of Fares

**Annex 3** – Objection

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WEDNESDAY, MAY 5, 2021

# LOCAL LISTINGS PUBLIC NOTICES

To advertise telephone: **01904 676767 (option 2)**  
or email: [public.notices@ngyne.co.uk](mailto:public.notices@ngyne.co.uk)

Planning Notices | Traffic Notices | Legal Notices | Probate Notices | Other Notices  
Church and Religious Notices | Tenders and Contracts | Goods Vehicle Operator Licences

## Legal Notices

### CITY OF YORK COUNCIL HACKNEY CARRIAGE FARES

NOTICE IS HEREBY GIVEN that the Council of the City of York pursuant to their powers under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 relating to hackney carriage fares in the said City has made a variation to the table of fares as set out below which it is proposed shall come into operation from 1 June 2021.

Anyone wishing to object to this variation may do so before the expiry of fourteen days from the date of the publication of this Notice by letter addressed to L. Cooke, Licensing Manager, Place Directorate, Eco Depot, Hazel Court, York, YO10 3DS or by email to [licensing@york.gov.uk](mailto:licensing@york.gov.uk).

A copy of this Notice may be inspected free of charge at all reasonable hours on the public notice board at City of York Council, West Offices, Station Rise, York, during the period of fourteen days from the date of this publication.

#### VARIATION TO THE TABLE OF FARES

##### Day time Rate – Tariff 1

For the first 144.3 metres/157.8 yards or 39.8 seconds of waiting time or a combination of both	£3.00
For each succeeding 148.3 metres/162.2 yards or 42.4 seconds of waiting time or a combination of both	.20p

##### Night time Rate – Tariff 2 (between 10pm and 7am)

For the first 70.9 metres/77.6 yards or 19.3 seconds of waiting time or a combination of both	£3.90
For each succeeding 148.3 metres/162.2 yards or 42.4 seconds of waiting time or a combination of both	.20p

##### Racecourse Rate – Tariff 3 (Race days only)

For the hire of the vehicle to or from the racecourse on race days for any distance up to 974.8 metres/1066 yards or 4 minutes 46 seconds of waiting time or a combination of both	£6.00
For each succeeding 148.3 metres/162.2 yards or 42.4 seconds of waiting time or a combination of both	.20p

##### Waiting Time

For each 42.4 seconds or uncompleted 42.4 seconds	.20p
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##### Premium Rate

Day time and night time tariff rates plus 50%  
Vehicles carrying 5 or more passengers – the premium tariff rates apply  
All other elements of the hackney carriage fares remain the same.

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**PROPOSED CITY OF YORK HACKNEY CARRIAGE FARES**

Annex 2

**FROM 1 JULY 2021**

<b>STANDARD CHARGES</b>				<b>ADDITIONAL DISTANCE AND WAITING TIME</b>
<b>Day Time</b> (7am to 10pm)	<b>Tariff 1</b>	<b>£3.00</b>	<b>For the first 144.3mtrs/157.8yrds or 39.8 seconds of waiting time or a combination of both</b>	<b>20p</b>  <b>For each 148.3mtrs/162.2yrds or 42.4 seconds of waiting time or a combination of both</b>
<b>Night Time</b> (10pm to 7am)	<b>Tariff 2</b>	<b>£3.90</b>	<b>For the first 70.9mtrs/77.6yrds or 19.3 seconds of waiting time or a combination of both</b>	
<b>Race Days</b> (To and from Racecourse)	<b>Tariff 3</b>	<b>£6.00</b>	<b>For the first 974.8mtrs/1066yrds or 4 mins 46 seconds of waiting time or a combination of both</b>	

<b>PREMIUM RATES</b>				<b>ADDITIONAL DISTANCE AND WAITING TIME</b>
<b>Christmas and New Year</b> 7pm Christmas Eve to 7am on 27th December 7pm New Year's Eve to 7am on 2nd January				<b>30p</b>  <b>For each 148.3mtrs/162.2yrds or 42.4 seconds of waiting time or a combination of both</b>
<b>Day Time</b> (7am to 10pm)	<b>Tariff 4</b>	<b>£4.50</b>	<b>Tariff 1 + 50%</b> <b>For the first 144.3mtrs/157.8yrds or 39.8 seconds of waiting time or a combination of both</b>	
<b>Night Time</b> (10pm to 7am)	<b>Tariff 5</b>	<b>£5.85</b>	<b>Tariff 2 + 50%</b> <b>For the first 70.9mtrs/77.6yrds or 19.3 seconds of waiting time or a combination of both</b>	

**Vehicles carrying 5 or more passengers - premium rates apply**

**EXTRAS**

<b>All other Bank Holidays</b> (7am on day of Bank Holiday until 5am next day)	<b>Standard Charge + £2.00</b>
<b>Extra Passengers: 3rd and 4th passengers</b> Children aged between 3 and 12 years of age - half the extra passenger rates	<b>40p each</b>
<b>Cats and Dogs (except Guide, Hearing or Assistance Dogs - these dogs travel free)</b>	<b>20p</b>
<b>Each item of luggage carried in boot</b>	<b>20p</b>
<b>FOULING OF VEHICLE INTERIOR: For alcohol induced fouling or, in all cases, when the night tariff applies</b> Maximum charge of:	<b>£75</b>

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**Cooke, Lesley**

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**From:** licensing@york.gov.uk  
**Sent:** 12 May 2021 08:46  
**To:** Cooke, Lesley  
**Subject:** FW: New Hackney tariff - objection

**Follow Up Flag:** Follow up  
**Due By:** 25 May 2021 11:30  
**Flag Status:** Completed

-----Original Message-----

**From:** [redacted]  
**Sent:** 11 May 2021 23:00  
**To:** licensing@york.gov.uk  
**Subject:** New Hackney tariff

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To the head of licensing.

I wish to object against the proposed increase of +50% for 5 passengers or more in 5seater plus vehicles.

My reasons are

- 1 ) I know of no other authority that gives 50% to Hackney carriages for five passengers or more.
  - 2) This will encourage people to swap vehicles For euro 5 wheel chair Accessible vehicles which take up more space, On the already cramped ranks and add pollution to the city where the council are encouraging people to go euro six minimum.
  - 3) there is no reason for such an increase as every multi seater driver was aware of the tariff and extras when taking on the drive .
- ( For example a 5 passenger journey between York and Stamford bridge will be an extra £10.00 . If this goes ahead .Very excessive!)

I hope you take these thoughts into consideration when making your decision.

Yours sincerely

Sent from my iPad

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## Licensing & Regulatory Committee

8 June 2021

Report of the Director – Environment, Transport and Planning

### Street Trading – St Helen’s Square

#### Summary

1. This report seeks members’ approval to allow street trading activities to take place on St Helen’s Square during the St Nicholas Fair Christmas Market (Christmas Market).

#### Recommendations

2. That Members approve Option 1 of this report, namely:

Permit street trading activities to take place on St Helen’s Square with the following restrictions in place:

- The only street trading activities permitted on St Helen’s Square must be connected to the annual Christmas Market.
- Street trading activities are only permitted on St Helen’s Square for a maximum period of six week per year, not starting before 12 November and ending before Christmas Day.
- An alternative safe location must be identified by Make it York for protests to take place. This location must be agreed by the City of York’s Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
- The trading units/stalls shall not impact upon established Christmas activities that take place in St Helen’s Square, such as the Christmas Tree and Christmas Carols in front of the Mansion House.
- The trading units/stalls shall not impact upon established pavement cafes that are located in St Helen’s Square.
- There can only be a maximum of four trading units/stalls permitted to trade on St Helen’s Square.

- The size and position of the trading units/stalls must be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
- The goods to be sold/offered for sale from the trading units/stalls must also be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
- Out of the four permitted trading units/stalls only one is allowed to sell/supply alcohol, in either opened or sealed container.
- If required, a road closure must be in place (Highways Regulations must be consulted by Make it York with regards to this matter).
- Make it York must liaise with the North Yorkshire Police Counter Terrorism Unit to ascertain the measures that must be in place during this event.

**Reason:** this will allow Make it York to increase the number of trading locations available for the annual Christmas Market.

## **Background**

3. On the 13 November 1996 the City of York Council (the Council) resolved to adopt the provisions of Schedule 4, Paragraph 2(1) of the Local Government (Miscellaneous Provisions) Act 1982 (the Act), it was agreed that all streets within the authority are to be designated consent streets for the purposes of street trading. This came into effect from 1 January 1997.
4. This means that a street trading consent issued by the Council is required where articles are sold or offered for sale in the street or on land to which the public have access without payment.
5. Under the Act "street trading" means the selling or exposing or offering for sale of any article in the street. A "street" includes any road, footway, beach, any part of a street or other area to which the public have access without payment.
6. By adopting Schedule 4 of the Act, the Council can control the street trading activities which take place. This includes the locations where street trading can take place, the items sold, days and hours that street trading can take place and appearance of street trading units/stalls.

7. There are a number of activities that are not classed as street trading and are therefore exempt from the requirement to obtain a street trading consent, this includes a person acting as a pedlar under the authority of a pedlar's certificate or trading as a news vendor.
8. Make it York have asked permission to place trading units/stalls on St Helen's Square as part of the annual Christmas Market Event.
9. The Christmas Market has been an established event for many years, changing from a four day event that took place over the last weekend of November, to a five – six week event that starts in mid-November ending on 23 December. The Market attracts large numbers of people to York city centre each year (a number of which come via arranged coach trips), especially on a weekend.
10. The main trading locations for the Christmas Market are Parliament Street and St Sampson's Square, which due to the footfall that attends the event can get very congested. As the event has grown over the years the spacing of trading units/stalls has had to be taken into consideration, making sure that areas do not get overcrowded. Matters such as counter terrorism measures have also had to be taken into consideration.
11. The Council do not currently allow street trading activities to take place in St Helen's Square. A report was brought to Members on 7 November 2016 with regards to establishing a permanent street trading pitch on the Square. Members did not consider the Square to be appropriate for street trading in view of its special characteristics and the impact that trading could have in terms of footfall congestion.

## **Consultation**

12. The views of North York Police, Highway Regulations and local businesses has be sought with regards to this proposal.
13. North Yorkshire Police have raised a concern with regards to protest activities that take place in the city centre. St Helen's Square is the most popular location for protects to take place, or the start/finish point for marches. The Square has always remained available for such things. An alternative suitable locations for protests would have to be identified to prevent protests taking place in unsafe locations. The right to protest remains and is a reasonably foreseeable activity.
14. Highway Regulations shared the police's concerns with regards to protests. They also raised concerns with regards to other events that

take place in the Square over the Christmas period, such as Christmas Carols in front of the Mansion House.

15. St Helen with St Martin Church have asked that trading activities do not affect the services and other activities at St Helen directly. They hope that any stalls, if established, were not of the food and drink type that might attract anti-social behaviour. They wonder whether there is room in the Square for any reasonable number of stalls, in the morning the Square is busy with delivery and contractors vehicles which have to stop somewhere to service surrounding permanent businesses. The Square hosts the large Christmas tree which supports St Leonards Hospice, which should not be evicted.

### **Options**

16. Option 1 – Permit street trading activities to take place on St Helen's Square with the following restrictions in place:
  - The only street trading activities permitted on St Helen's Square must be connected to the annual Christmas Market.
  - Street trading activities are only permitted on St Helen's Square for a maximum period of six week per year, not starting before 12 November and ending before Christmas Day.
  - An alternative safe location must be identified by Make it York for protests to take place. This location must be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
  - The trading units/stalls shall not impact upon established Christmas activities that take place in St Helen's Square, such as the Christmas Tree and Christmas Carols in front of the Mansion House.
  - The trading units/stalls shall not impact upon established pavement cafes that are located in St Helen's Square.
  - There can only be a maximum of four trading units/stalls permitted to trade on St Helen's Square.
  - The size and position of the trading units/stalls must be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.



- The goods to be sold/offered for sale from the trading units/stalls must also be agreed by the City of York's Event Safety Advisory Group, at least eight weeks in advance of the Christmas Market taking place.
  - Out of the four permitted trading units/stalls only one is allowed to sell/supply alcohol, in either opened or sealed container.
  - If required, a road closure must be in place (Highways Regulations must be consulted by Make it York with regards to this matter).
  - Make it York must liaise with the North Yorkshire Police Counter Terrorism Unit to ascertain the measures that must be in place during this event.
17. Option 2 – Permit street trading activities to take place on St Helen's Square with alternative restrictions to those listed above.
18. Option 3 – Refuse to allow street trading to take place on St Helen's Square.

### **Analysis**

19. Representatives of the following organisations are members of the City of York's Event Safety Advisory Group, which would have to agree to the street trading activities that take place as part of the Christmas Market on St Helen's Square:
- CYC Licensing
  - CYC Public Protection
  - CYC Network Management
  - CYC Health and Safety
  - CYC Emergency Planning
  - North Yorkshire Police
  - Yorkshire Ambulance Service
  - North Yorkshire Fire and Rescue Service

### **Council Plan**

20. The provision of street trading as part of events taking place in the city centre supports helps to supports York's economy.

### **Implications**

21. The implications arising from this report are:

- **Financial:** There are no direct financial implications associated with this report.
- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** The City of York's Event Safety Advisory Group will assess equality matters covered within the event plan submitted by Make it York prior to agreeing that the street trading activities can take place in St Helen's Square.
- **Legal:** The authority has adopted Schedule of the Local Government (Miscellaneous Provisions) Act 1982 in relation to street trading consents.
- **Crime and Disorder:** There are no prevention of crime and disorder implications associated with this report.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

## Risk Management

22. There are no known risks associated with this report.

## Contact Details

**Author:**

Lesley Cooke  
Licensing Manager  
Phone: 551515

**Chief Officer Responsible for the report:**

James Gilchrist  
Director – Environment, Transport and Planning

**Report  
Approved**



**Date** 13/05/21

## Specialist Officer Implications:

**Wards Affected:** Guildhall

**All**

## Background Papers:

Local Government (Miscellaneous Provisions) Act 1982