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## AGENDA

<b>Committee</b>	PUBLIC PROTECTION COMMITTEE
<b>Date and Time of Meeting</b>	TUESDAY, 6 OCTOBER 2015, 10.30 AM
<b>Venue</b>	COMMITTEE ROOM 1 - COUNTY HALL
<b>Membership</b>	Councillor Parry (Chair) Councillors Manzoor Ahmed, Boyle, Bridges, Goddard, Hudson, Kelloway, Morgan, Murphy, Phillips, Simmons and Walsh

### 1 **Apologies for Absence**

To receive apologies for absence.

### 2 **Declarations of Interest**

To be made at the commencement of the agenda item in question, in accordance with the Members' Code of Conduct.

### 3 **Minutes**

*(Pages 1 - 6)*

To approve as a correct record the minutes of the previous meeting.

### 4 **Sex Establishment Licence - Renewal Application - Lovecraft**

*(Pages 7 - 26)*

### 5 **Designation of Streets for the Purpose of Street Trading**

*(Pages 27 - 28)*

**Marie Rosenthal**

**Director Governance and Legal Services**

Date: Wednesday, 30 September 2015

Contact: Graham Porter, 029 2087 3401, g.porter@cardiff.gov.uk

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## PUBLIC PROTECTION COMMITTEE

8 SEPTEMBER 2015

Present: County Councillor Parry(Chairperson)  
County Councillors Manzoor Ahmed, Boyle, Bridges, Hudson,  
Kelloway, Murphy, Phillips and Walsh

## 11 Apologies for Absence

Apologies for absence were received from Councillors Goddard, Morgan and Simmons.

## 12 Declarations of Interest

No declarations of interest were received.

## 13 Minutes

The minutes of the meetings held on 4 August and 18 August 2015 were approved by the Committee as a correct record and were signed by the Chairperson, subject to the addition of Councillor Manzoor Ahmed to the list of those Members present on 4 August 2015.

## 14 Hackney Carriage/Private Hire Matters

RESOLVED – That the following applications be dealt with as indicated:

## 1. N Patel, Nissan Leaf

Application to have the Nissan Leaf approved as a prestige vehicle granted.

## 2. J Allen, Fiat Ducato

Application to have the Fiat Ducato approved as a prestige vehicle granted.

## 15 Hackney Carriage/Private Hire Drivers Fees

Members were advised that the Deregulation Act 2015 amended the sections of the Local Government (Miscellaneous Provisions) Act 1976 that deal with the duration of Hackney Carriage and Private Hire drivers licences. In Cardiff licences are granted for the period of 1 year. However, the amendments made by the Deregulation Act establish a standard duration of 3 years for a driver's licence. Licences may be granted for a shorter period where there is a justifiable reason. The revised measures were due to commence on 1 October 2015.

Members were asked to consider recommending new licence fees to reflect the changes in the duration of the licence. A summary of the proposed fees, and a comparison with existing fees was set out in the report.

Members were advised that for the 2014/15 financial year, in terms of income, there was a £8,876 deficit in respect of driver licence fees. This was mainly due to procedural changes around DVLA checks and DBS certificates. It was proposed that this deficit be

taken into account when setting the new fees.

The proposed revised fees were calculated using the toolkit developed by the Welsh Licensing Panel. This toolkit is used by all Welsh Local Authorities. The methodology used to calculate fees was appended to the report.

Members were asked to note that all new drivers are required to produce an enhanced DBS certificate prior to the granting of a licence. Once licenced, DBS certificates are produced by drivers on a tri-annual basis. From 1 October 2015 drivers can be issued with a 3-year licence. This will result in the majority of drivers being required to produce a DBS certificate at some point between licences renewals. This was considered to be both costly and bureaucratic for the driver and the Licensing Authority. Allowing drivers to review on a 3-year basis was also likely to produce peaks in income and demands on resources, and create difficulties in terms of financial business and allocating resources. In order to synchronise DBS checks and licence renewals therefore, it was proposed that drivers be offered a 3-year licence by must also provide an enhanced DBS certificate regardless of whether one is due. Drivers who do not wish to pay for an additional DBS certificate may renew their licence on an annual basis until their DBS is due.

The Committee was advised that the change in the duration of the licence would require amendments to the current Taxi Licensing Policy and Hackney Carriage and Private Hire Driver Conditions. Suggested amendments to those documents were set out in the report.

The trade consultation procedure was undertaken. One response was received. This response was appended to the report.

The Committee discussed the proposed changes. Members were concerned that the authority had no choice but to accept the introduction of a 3-year licence. Experience has shown that drivers fail to reveal convictions to the authority. After the introduction of a 3-year licence such offences would only come to light tri-annually. Members felt that this put the public at unacceptable risk. The Committee requested that their concerns and protests be recorded and reported back to the Government in Westminster. Officers shared the Committee's concerns. Officers advised that during the consultation phase representations were made to the Government on this very point from the All-Wales Licensing Panel. Most local authorities were said to share these concerns also.

RESOLVED – That:

1. the Committee approve the proposed licence fees outlined in this Report with an implementation date of 1st October 2015;
2. on 1st October 2015 paragraph 5.1 of the Taxi Licensing Policy be amended to:  
  
‘The licensing authority requires both hackney carriage and private hire drivers to meet the same standard and issues a licence which permits the holder to drive both hackney carriage and private hire vehicles. Applicants will be expected to be a minimum of 21 years of age and a licence will be issued for a maximum of three years.
3. on 1st October 2015, following the statement ‘An applicant for renewal of a licence is required to:’ in paragraph 5.2 of the Taxi Licensing Policy, the following

requirement is added:

‘Authorise a check on their criminal conviction history’

4. on 1st October 2015 Condition 1 of the Hackney Carriage and Private Hire Driver Licence Conditions be amended to:

‘On payment of the necessary fee, the licence remains in force for a maximum of 3 years.’

## 16 Control of Street Trading - Whitchurch and Tongwynlais

The Committee was advised that a formal request had been received from the Ward Councillors in Whitchurch and Tongwynlais to designate a number of streets in the ward as prohibited for the purposes of street trading. The reason for the request was that the streets are in close proximity to schools in the area and the street trading of food such as burgers is not considered conducive to health eating and the health and well-being of pupils in the schools. Full details of the request were appended to the report.

Members were advised that Pedwyallt Road, Merthyr Road and Penline Road were already designated as prohibited streets and therefore it was an offence to trade within 35 metres of those streets.

The Committee received representations from Ms Sophie Rudolph of College Road, Whitchurch. Ms Rudolph was the co-owner and operator of ‘So Fresh it Hurts’ and currently trades from a pitch opposite Whitchurch Building Supplies in College Road.

Ms Rudolph stated that she had been trading since February and lived locally. The area around the pitch was kept litter free and she mows the grass. Ms Rudolph stated that the premises have a 5-star food hygiene rating. Her fiancée was a former head chef and the premises provided high quality take away food which was locally sourced and healthy cooked. Their policy was not to sell chips and greasy burgers.

Ms Rudolph said that she was brought up in the immediate area and she cared deeply about it. She had attended local PACT meetings and had been made welcome. No complaints about the premises had been received by the operators and the majority of their customers were local people or customers from the builders yard opposite. Ms Rudolph stated that she seldom serves school children and on the rare occasions when she does they are accompanying their parents. Members were advised that Ms Rudolph and her fiancée left good jobs to start their business. Their livelihood was been threatened by the proposal.

Members of the Committee commented on the proposal. The Committee considered that if the intention was to provide healthy food around schools then this should be a City-wide policy. Members also felt that the proposals, as it stands, was likely to harm local businesses and it was not for the Council to dictate.

Members raised concerns that the application had been put to the Committee following the receipt of a single email. Members felt that they were unable to make a decision on the issue as no evidence was put forward to support the application. Members considered that this was not how the Committee should be making decisions.

Members proposed to reject the application and suggested that the Chairperson write to the Ward Councillors concerned suggesting that they approach the Cabinet with a view to bringing forward a report on the issues that can be subject to scrutiny.

RESOLVED – That:

1. the application be rejected;
2. the Chairperson write to the Ward Councillors concerned suggesting that they approach the Cabinet with a view to bringing forward a report on a City-wide policy on the issue.

#### 17 Designation of Streets for the Purpose of Street Trading

As part of its review of the Council's Street Trading Licensing Policy a number of licence streets were still in existence on sites that were no longer used for the purpose of street trading. It was considered appropriate to redesignate these areas as prohibited streets. At its meeting of 7 April 2015 the Committee authorised officers to publish a notice of its intention to pass the changes to street designations. The changes were intended to come into effect from 13 October 2015.

In accordance with the statutory procedure a Public Notice was published stating the Committee's intention in the South Wales Echo on 15 July 2015. Copies were also sent to South Wales Police and the senior officer for Highway and Transportation. Representations on the proposals were requested in writing by 12 August 2015. No representations were received.

RESOLVED – That:

1. With effect from 13th October 2015 the following parts of streets shall cease to be licence streets for the purposes of Part III of the Local Government (Miscellaneous Provisions) Act 1982 and all previous resolutions designating the same as licence streets shall be varied accordingly:

That part of Working Street of size 3.6 x 2.4 metres positioned against the boundary wall of St John The Baptist Church Gardens 10 metres to the south of its junction with Dead Man's Walk

That part of Bangor Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

That part of Churchill Way which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

That part of Donald Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

That part of Guildhall Place which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently

designated as a street trader's permit bay by South Glamorgan County Council

That part of Arabella Street which is described in Minute 4908 of the former Cardiff City Council's Licensing Committee of 10th May 1989 as being then currently designated as a street trader's permit bay by South Glamorgan County Council

Tewkesbury Street – north-east side from a point 15 metres from the building line of Crwys Road for a distance of 3 metres

Ruby Street – north-east side from a point 15 metres from the building line of Clifton Street for a distance of 3 metres

2. With effect from 13 October 2015 the following parts of streets be designated licence streets pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

Working Street – On its south-west side in an area 6 square metres from a point 15 metres south-east of its junction with the footpath known as Dead Man's Walk for a distance of 3 metres south-east

Park Lane – From a point 2 metres north-west of its junction with Queen Street for a distance of 2 metres north-west and from a point 2.4 metres north-east of the south-western building line for a distance of 3 metres north-east.

Bangor Street – on the west side of Bangor Street from a point 7 metres north of its junction with Wellfield Road to a point 10 metres north of the same junction.

3. With effect from 13 October 2015 the following streets be designated prohibited streets in their entirety pursuant to Part III of the Local Government (Miscellaneous Provisions) Act 1982:

Churchill Way,  
Donald Street,  
Guildhall Place,  
Arabella Street,  
Tewkesbury Street  
Ruby Street

The meeting terminated at 11.30 am

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**PUBLIC PROTECTION COMMITTEE: 06 October 2015****Report of the Head of Regulatory Services****RENEWAL APPLICATION OF A SEX ESTABLISHMENT LICENCE –  
LOVECRAFT, 80 COWBRIDGE RD EAST, CARDIFF****1. Background**

- 1.1 Sex Establishment Licences are issued under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Mr Simon Sternchuss is the holder of a Sex Establishment Licence in respect of Lovecraft, 80 Cowbridge Road East, Canton, Cardiff; the licence was first granted in September 2001.
- 1.2 An annual renewal application in respect of the premises was received by the Licensing Section on 19<sup>th</sup> August 2015. As part of the application there is a statutory 28 day consultation period during which a notice is displayed at the premises and advertised in the South Wales Echo. The final date for objections was 16<sup>th</sup> September 2015.
- 1.3 During the consultation period one objection was received, detailed in Appendix A.

**2. Detail of Objection**

- 2.1 The one objection received with regard to the renewal application refers to the window display as 'inappropriate' as it is located in a busy family shopping area and is passed by school children. The objector requests that if the licence is renewed there is a clause added to restrict the window display.
- 2.2 Photographs of the existing display have been taken by a Licensing Enforcement Officer and are detailed in Appendix B.

**3. Procedural Guidance.**

- 3.1 A licence can only be refused on certain grounds; these are contained within the Local Government (Miscellaneous Provisions) Act 1982. Many of those grounds for refusal are inapplicable in this case. Those which could apply in this instance are:

- a) the Committee considers the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
- b) the number of sex establishments in the relevant locality is equal to or exceeds the number which the Committee considers is appropriate for the locality.
- c) the Committee considers that the grant or renewal of the licence would be inappropriate, having regard to the: -
  - (i) character of the relevant locality; or
  - (ii) use to which any premises in the vicinity are put; or
  - (iii) layout, character, or condition of the premises.

3.2 Based on the one objection it would be difficult for the Committee to refuse to renew the application on the grounds specified above.

3.3 The legislation states that the Committee may renew a licence “on such terms and conditions and subject to such restrictions as may be so specified.” The Committee also has power to prescribe standard conditions to be applicable to all sex establishment licences in general.

#### 4. **Power to prescribe standard conditions**

4.1 Local authorities have the power to make regulations prescribing standard conditions applicable to licences for sex establishments. This is the case in Cardiff and the Regulations for Sex Establishments are detailed in Appendix C.

4.2 The Regulations state that ‘the Council reserves the right to amend, delete or add conditions at any time if deemed appropriate.’

4.3 The legislation specifically says that standard conditions may regulate displays or advertisements on or in sex establishments.

#### 5. **Window Display Condition**

5.1. Condition 20 of Cardiff’s standard sex establishment conditions states:

*‘No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window’*

This condition is fairly subjective and difficult to enforce, as what one person may consider to be offensive may be acceptable to another.

5.2 There are currently five licensed sex shops in Cardiff. A change in the standard conditions with regard to ‘blanking’ off the window display would have to apply to all of the licensed premises.

- 5.3 At its meeting of 2<sup>nd</sup> October 2012, the Public Protection Committee considered 15 objections to the annual renewal application for this premises, all of which related to the suitability of the window display. At the meeting the applicant gave an assurance that should as item displayed in the window cause an offence it would be removed following receipt of a complaint. The Committee resolved to grant the application and considered it unnecessary to attach a further condition to the standard Sex Establishment Licence conditions.
- 5.4 Since the Committee hearing in October 2012 the Licensing Section has not received any complaints regarding the window display until this year's renewal application.

## **6 Procedure at the Committee Meeting**

- 6.1 Normal practice in Cardiff is to give a hearing to the objectors and to the applicant. Having regard to existing case law, it is recommended that the proceedings be conducted as a hearing of the parties' cases and not as an adversarial contest between opposing parties. It is recommended that the following procedure be adopted:
- 6.1.1 the applicant be permitted to hear and note what the objector has to say;
  - 6.1.2 the Committee hears no other objectors than those whose written objections were received before the end of the 28-day objection period;
  - 6.1.3 the objector if present may, if they wish, speak to the meeting. The objector must restrict their presentations to their written submission and how they relates to the statutory grounds for refusal;
  - 6.1.4 the applicant should then have the opportunity to address the Committee on the application and provide information in support of the application;
  - 6.1.5 the objector may be present to listen to the case put by the applicant but may not speak;
  - 6.1.6 the Committee to ask the objectors, the applicant, and the public to leave the room while the members consider their decision; and
  - 6.1.7 the objectors, the applicant, and the public be invited to return to hear the Committee announce the decision.
- 6.2 Section 11 of the of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 provides that where the renewal application has been submitted before its expiry the licence will remain in force until the authority determines the application.

- 6.3 An applicant refused renewal has the right of appeal against the decision of the authority to a Magistrates' Court and then the Crown Court. However if the refusal is under Grounds (b) or (c) mentioned in paragraph 3.1 above there is no right of appeal, although the applicant may apply for judicial review of the decision.

There is also a right of appeal against the imposition of conditions on the licence.

**7. Achievability**

This report contains no equality personnel or property implications.

**8. Legal Implications**

- 8.1 The legal implications appear throughout the text of this Report.

- 8.2 All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. standing orders and financial regulations; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

**9. Financial Implications.**

- 9.1 This report does not result directly in any additional financial implications.

**10. Recommendation**

It is recommended that the application for the renewal of the sex establishment licence in respect of Lovecraft, 80 Cowbridge Road East, Cardiff, be determined.

**Dave Holland**  
**HEAD OF REGULATORY SERVICES**

**17 September 2015**

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

I feel that customers of the shop hovercraft are well aware of the nature of the goods on sale inside and so they do not need to be on display to the general public.

If the licence is renewed would it be possible to add a clause restricting the window displays?

Thank you  
Yours faithfully

27.8.15

To the  
Chief Strategic Planning and  
Enforcement Officer,

I wish to object to the renewal of the licence to Hovercraft Ltd, 80, Cowbridge Rd East, Cardiff, CARDIFF CF11 9SD

The general grounds of my objection are the Window Displays which I feel are inappropriate in a busy family shopping area that many buses pass, school-children pass daily en route to the local primary school, and local residents when walking down Cowbridge Road

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## **CARDIFF COUNTY COUNCIL REGULATIONS FOR SEX ESTABLISHMENTS**

Cardiff County Council, in exercise of the powers conferred upon them by paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 and of all other powers enabling them in that behalf make the following Regulations.

### **Definitions**

1. (a) In these Regulations the following expressions that is to say “Sex Establishment”, “Sex Shop”, “Sex Cinema”, “Sex Article”, and “Vessel” shall have the meanings respectively assigned to them by Schedule 3 of the Act.

- (b) In these Regulations the following expressions shall have the meanings hereby respectively assigned to them namely: -

“the Act” -	means the Local Government (Miscellaneous Provisions) Act, 1982.
“the Council” -	means Cardiff County Council.
“the licensed premises” -	means any premises, vehicle, vessel or stall licensed under the Act.
“Licence holder” -	means any person who is the holder of a sex establishment licence.
“Sex establishment licence” -	means a licence granted pursuant to Schedule 3 of the Act.
“Approval of the Council”	means the approval of the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.
“Consent of the Council”	means the consent of the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.
“Approved”	means by the Council in writing under the hand of the Head of Regulatory Services or his nominated representative.

### **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 Council reserves the right to amend, delete or add conditions at any time if deemed appropriate.

4. 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. Whilst utilising the Licence the Licence holder shall take into account any legislation that impinges on the activities proposed.
5. The holder of a Sex Establishment Licence shall observe such regulations and conditions as may be approved by the Council from time to time for cinemas having a licence under the Cinemas Act 1985 as shall be applied by the Council by special condition to the Sex Establishment licence, giving such reference to the said Cinema Licence conditions as may be deemed appropriate and the regulations and conditions shall have the same force and effect as if the same were severally contained in these regulations.
- Times of operation**
6. 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 11 p.m.
7. Except with the previous consent of the Council a Sex Establishment shall not be open on Sundays, Good Friday and Christmas Day.
- Standard Conditions**
8. The Licensed premises shall not be used for any purpose other than the business of a Sex Establishment.
9. Where the Licensee is a body corporate or an unincorporated body any change of Director/Company Secretary or any other person responsible for the management of the body is to be notified 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.
10. The Licensee or some responsible person nominated by him in writing for the purpose of managing the Sex Establishment in his / her absence and of whom details (including photographs) have been supplied to and approved in writing by the Council shall be in charge of and upon the Premises during the whole time they are open to the public.
11. The name of the person responsible for the management of a Sex Establishment be he / she the Licensee or a manager approved by the Council shall be prominently displayed within the Sex Establishment throughout the period during which he / she is responsible for its conduct.
12. No person previously convicted of:
- an offence connected to a Sex Establishment either licensed or unlicensed
  - a sexual offence
  - an offence relating to the sale of restricted 18 videos may be employed at the premises or be involved in supplying entertainment or goods at the premises.

13. The Licensee and a responsible person approved under Regulation 11 shall maintain a daily register to be kept on the premises in which he / she shall record the name and address of any person who is to be responsible for managing the Sex Establishment in his / her absence and the names and addresses of those employed in the Sex Establishment. The register is to be completed each day within thirty 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.
- Premises**
14. Copies of the licence and the conditions attached to the licence shall be clearly displayed so that every person entering the premises can see a copy of both the licence and the conditions.
15. The Licensee shall retain control over all portions of the Premises and shall not let, licence or part with possession of any part of the premises.
16. Any charge for entering the premises shall be clearly and legibly displayed outside the premises so that all persons can read it before entering the premises.
17. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or similar matter shall be displayed outside the premises without the written permission of Cardiff County Council, except for those signs or notices that are required to be displayed by these licence conditions.
18. The entrance to the premises shall be so designed and constructed as to prevent persons outside the premises having a view of the interior.
19. All windows must be dressed or designed so as to prevent persons outside the premises having a view of the interior.
20. No window shall contain any sign, advertising material, goods or display likely to cause an offence to persons passing the window.
21. Lighting in all parts of the premises must be in operation continuously during the whole time the premises are open as a sex establishment.
22. The premises shall be maintained in good repair and condition.
23. All parts of the Premises shall be kept in a clean and hygienic condition to the satisfaction of the Council.
24. Doors and openings which lead to parts of the premises which are not open to the public shall be clearly marked "staff only" or by some other sign that deters the public from using such doors or openings.
25. The external doors to the Sex Establishment 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 Sex Establishment for the needs of members of the public visiting the establishment who are disabled.

27. All exhibits, displays, demonstrations and like activities must be open and available to all customers at no charge other than any initial entrance fee to the establishment and there shall be no individual cubicles or rooms designed to accommodate individual persons or groups of persons where exclusive demonstrations, displays, exhibits or similar activities may take place, unless authorisation/consent is first granted by the Council.
28. Warning signs as specified in the Indecent Displays (Control) Act 1981 must be clearly exhibited at the entrance to the premises.
29. 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 has been obtained thereto.
30. No change from use as Sex Cinema to a Sex Shop or from a Sex Shop to a Sex Cinema shall be effected without the consent of the Council.
- Safety**
31. The Licensee shall take all reasonable precautions for the safety of the public and employees.
32. The Licensee shall comply with any fire prevention and safety measures that may be required by the Council and or the South Wales Fire Service and shall maintain and keep available for use all specified fire fighting equipment and extinguishers.
- Conduct & Management**
33. The licensee shall maintain good order on the premises at all times.
34. No person under 18 years of age shall be admitted on the premises.
35. No tickets shall be sold and no admission money taken in a place to which members of the public, other than permitted customers of the Sex Establishment, have access.
36. The licensee shall ensure that the premises are not used by prostitutes (male or female) for soliciting or any immoral purpose.
37. Neither the licensee nor any other person shall seek to obtain custom for the sex establishment by means of personal solicitation outside or in the vicinity of the establishment.
38. No leaflet, card, paper, advertising sheet or similar matter promoting the establishment or any goods or service offered by the establishment shall be distributed in the vicinity of the establishment, unless authorisation/consent is first granted in writing by Cardiff County Council.



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 Sex Cinema.
40. The licensee shall make staff available to ensure good order and free passage for customers on access and egress routes and car parks belonging to the licensee.
41. The licensee shall prevent the sale, display for sale or offer for sale of any article, goods or service on access or egress routes and car parks belonging to the licensee.
42. No dancing or other entertainment of a like kind shall be provided or permitted unless authorised by the Council.
- Goods available  
in Sex  
Establishments** 43. Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned or supplied, displayed, advertised or demonstrated at the establishment.
44. No film or video shall be exhibited, sold, hired, loaned or supplied unless it has been (a) passed by the British Board of Film Censors and bears a certificate to that effect or (b) approved by the Council and complies with the Video Recordings Act 1984 and it is a reproduction authorised by the owner of the copyright.
45. All sex articles and other things displayed for sale, hire, exchange or loan shall be clearly marked to show the price being charged.
46. The licensee shall without charge, display and make freely available literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems, family planning and sexually transmitted diseases.
47. 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.

**CONDITIONS OF LICENCE RELATING TO THE PROVISION OF LAP  
DANCING, TABLE SIDE DANCING AND ANY OTHER ENTERTAINMENT  
INVOLVING STRIPTease AND/OR NUDITY AT PREMISES LICENSED FOR  
PUBLIC ENTERTAINMENT**

1. Total nudity (the exposing of genitals) shall only be permitted on stage and at no other place in the premises.
2. No sex act shall take place.
3. The area proposed for striptease (involving complete nudity) shall:-
  - a) be in a position where the performance cannot be seen from the street.
  - b) be in a designated area of the premises with segregation from the audience.
  - c) be in a position where the performers will have direct access to the dressing room without passing through or in close proximity to the audience.
4. The area proposed for lap dancing, table side dancing (involving partial nudity) shall be in a position where the performance cannot be seen from the street.
5. There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.
6. Persons appearing on stage should have direct access to the dressing room without passing through or in close proximity to the audience.
7. Lap dancers/table side dancers must immediately dress at the conclusion of each performance.
8. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (except as permitted by condition 10 below)
9. Entertainment provided by topless dancers to customers seated at tables may only take part in those parts of the premises approved by the Council. No audience participation shall be permitted.
10. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance. Whilst the dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
11. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager/supervisor.
12. There shall be no physical contact between dancers whilst performing.
13. The topless dancers shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body.

14. The Licensee will immediately deal with any report of contact, misconduct or provocation by a customer or dancer.
15. No telephone number, address or information leading to any further meeting may be passed from customer to dancer or vice versa.
16. No dancer may perform if they are intoxicated.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar.
19. Members of the public should not be permitted to congregate in the bar area.
20. Signs must be displayed at the entrance to the dance area stating:-
  - a) "Any customer attempting to make physical contact with a dancer will be asked to leave"Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.
21. No dancer shall perform any sexually explicit or lewd act.
22. Whilst dancing takes place not less than ....(insert agreed number)...of Door Supervisors registered under the Council's Licensed Premises Supervisors Registration and Training Scheme shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Council.
23.
  - a) CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days with time and date stamping.
  - b) Tape recordings shall be made available to an authorised officer of the Council or a Police Officer together with facilities for viewing.
  - c) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

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**CITY OF CARDIFF COUNCIL  
CYNGOR DINAS CAERDYDD  
PUBLIC PROTECTION COMMITTEE: 06 October 2015**

**Agenda No.**

**Report of the Head of Regulatory Services**

**STREET TRADING DESIGNATION – GREAT WESTERN LANE**

**1. Background**

- 1.1 At its meeting of 7<sup>th</sup> April 2015 the Committee was advised of the need to relocate the licensed street traders located on Central Square and Great Western Lane due to the forthcoming redevelopment of the Central Square area.
- 1.2 One of those traders, Mrs Paula Yeates, is currently licensed to sell fruit, vegetables, flowers and hog roast (on major event days) from her stall on Great Western Lane.
- 1.3 A licensed fruit and vegetable trader on Park Lane (off Queen Street) has surrendered his licence, leaving a vacant Licence Street. This area has been considered a suitable alternative site for Mrs Yeates.

**2. Details.**

- 2.1 Officers from Licensing, City Centre Management, Highways and Major Projects have met to discuss possible alternative sites for the Mrs Yeates. When determining suitable locations consideration has been given to the following: the amount of footfall in the area, existing power supply, risk of obstruction, surrounding businesses, location of City Centre events/activity sites, vehicle access, the likelihood of objections to the change in street designation/Traffic Regulation Order and whether any future development will take place in those areas. As a result, only Park Lane has been identified as a suitable street trading location for Mrs Yeates.
- 2.2 Mrs Yeates has stated that since the redevelopment of the bus station has begun, her business has suffered due to a reduction in footfall. She is therefore keen to move to Park Lane as soon as possible and it is proposed she begins trading from the site as of 19<sup>th</sup> October 2015.

**3. Legal Implications**

- 3.1 There is no statutory requirement for the Council to relocate the street trader that is affected by the Central Square Redevelopment. However it is acknowledged that people's livelihoods are at stake. The relocation of Mrs Yeates to the Park Lane site is achievable and allows Mrs Yeates to continue trading in the City centre.

**4. Financial Implications.**

4.1 The Licensing Section is required to be self-financing within the limitations of statute.

4.2 The current fee for an annual street trading licence is £563.00.

**5. Recommendation**

5.1 To approve the relocation of Mrs Yeate's street trading licence from Great Western Lane to Park Lane as of 19<sup>th</sup> October 2015.

**Dave Holland**  
**HEAD OF REGULATORY SERVICES**

**16 September 2015**

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: Public Protection Committee 7 April 2015: Report of the Head of Regulatory & Supporting Services – Street Trading Designation – Central Square Redevelopment