

# Public Document Pack



## TRAFFORD COUNCIL

### AGENDA PAPERS FOR PUBLIC PROTECTION SUB-COMMITTEE MEETING

Date: Thursday, 19 April 2018

Time: 6.30 pm

Place: Meeting Room 9 Trafford Town Hall, Talbot Road, Stretford, Manchester,  
M32 0TH

<b>A G E N D A</b>	<b>PART I</b>	<b>Pages</b>
1.	<b>ATTENDANCES</b>	
	To note attendances, including Officers and any apologies for absence.	
2.	<b>MINUTES</b>	
	To receive and if so determined, to approve as a correct record the Minutes of the meeting held on 15 <sup>th</sup> February 2018.	1 - 2
3.	<b>APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE - TOTTIES, THE CAUSEWAY, ALTRINCHAM, WA14 1DF</b>	
	To consider a report of the Head of Regulatory Services.	3 - 32
4.	<b>URGENT BUSINESS (IF ANY)</b>	
	Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.	
5.	<b>EXCLUSION RESOLUTION (REMAINING ITEMS)</b>	
	Motion (Which may be amended as Members think fit):	
	That the public be excluded from this meeting during consideration of the remaining items on the agenda, because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or	

categories of the Local Government Act 1972, Schedule 12A, as amended by The Local Government (Access to Information) (Variation) Order 2006, and specified on the agenda item or report relating to each such item respectively.

- |    |  |                |         |
|----|--|----------------|---------|
| 6. | <b>INAPPROPRIATE CONDUCT BY PRIVATE HIRE DRIVER</b>  | <b>PART II</b> |         |
|    | To consider a report of the Head of Regulatory Services.   | Para. 1        | 33 - 36 |
| 7. | <b>PRIVATE HIRE DRIVER - UPDATE REPORT FOR INFORMATION FOLLOWING EMERGENCY REVOCATION BY HEAD OF REGULATORY SERVICES</b> | <b>PART II</b> |         |
|    | To note a report of the Head of Regulatory Services.   | Para. 1        | 37 - 42 |
| 8. | <b>URGENT BUSINESS (IF ANY)</b>  | <b>PART II</b> |         |

**THERESA GRANT**  
Chief Executive

#### Membership of the Committee

Councillors M. Cornes (Chairman), J. Holden (Vice-Chairman), Mrs. A. Bruer-Morris, D. Bunting, A. Duffield, M. Freeman, Mrs. D.L. Haddad, D. Jarman and E.W. Stennett

#### Further Information

For help, advice and information about this meeting please contact:

Natalie Owen, Democratic & Scrutiny Officer  
Tel: 0161 912 4221  
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This agenda was issued on **Tuesday, 10 April 2018** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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Please contact the Democratic Services Officer 48 hours in advance of the meeting if you intend to do this or have any queries.

## **PUBLIC PROTECTION SUB-COMMITTEE**

**15 FEBRUARY 2018**

### **PRESENT**

Councillor M. Cornes (in the Chair).

Councillors J. Holden (Vice-Chairman), Mrs. A. Bruer-Morris, D. Bunting, A. Duffield, M. Freeman, Mrs. D.L. Haddad, D. Jarman and E.W. Stennett

#### In attendance

G. Levy	- Regulatory Services Mgr (Trading Standards & Licensing)
J. Stoddart	- Enforcement Support Officer
E. Sharples	- Legal Executive (Litigation)
N. Owen	- Democratic and Scrutiny Officer

### **27. MINUTES**

RESOLVED: That the minutes of the Public Protection Sub-Committee meeting held on 18<sup>th</sup> January 2018 be approved as a correct record and signed by the Chairman.

### **28. EXCLUSION RESOLUTION (REMAINING ITEMS)**

RESOLVED: That the public be excluded from this meeting during consideration of the following items on the agenda because of the likelihood of disclosure of "exempt information" which falls within one or more descriptive category or categories of the Local Government Act 1972, Schedule 12A, as specified.

### **29. APPLICATION FOR PRIVATE HIRE DRIVER'S LICENCE - MEDICAL REQUIREMENT**

The Head of Regulatory Services submitted a report requesting Members to consider an application for the grant of a private hire driver's licence where the applicant is unable to provide a medical certificate signed by his own doctor in accordance with the council's requirements.

The applicant attended the meeting to enable members to give the matter their full consideration.

The applicant informed the Sub-Committee of the steps he had taken to meet the council's requirements.

The Sub-Committee considered the report and the information provided by Mr. J.S. but concluded that Mr. J.S. had not met the council's requirements.

RESOLVED: That Mr. J. S' application for a Private Hire driver's licence be refused.

**30. ALLEGATION OF REFUSAL BY A HACKNEY CARRIAGE DRIVER TO PUT A FARE ON THE METER FOR A JOURNEY WITHIN THE COMPELLABLE AREA**

The Head of Regulatory Services submitted a report requesting Members to consider an allegation of refusal by a Hackney Carriage driver, to put a fare on the meter for a journey within the compellable area.

The driver attended the meeting to enable members to give the matter their full consideration.

The driver's solicitor gave an outline of what Mr. S. A said was the circumstances of the incident.

The driver and his solicitor also answered questions from Sub-Committee Members.

Having considered the written evidence and evidence given at the meeting, they were of the view that it was more than probable that an incident had occurred and were mindful that Mr. S. A could not recall the incident.

RESOLVED: That 100 penalty points be issued to Mr. S. A under the Council's Penalty Point Scheme.

The meeting commenced at 6.30 pm and finished at 8.45 pm

## TRAFFORD COUNCIL

**Report to:** Public Protection Sub-Committee  
**Date:** 19<sup>th</sup> April 2018  
**Report for:** Decision  
**Report of:** Head of Regulatory Services

### Report Title

APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE –  
TOTTIES, THE CAUSEWAY, ALTRINCHAM, WA14 1DF

### Summary

To advise the Sub-Committee of an application for the renewal of a Sex Establishment Licence that has attracted an objection from a local resident.

### Recommendation(s)

The Sub-Committee is invited to consider the application and the written and verbal representations from all parties and either:

- Renew the Sex Establishment Licence for Totties, Altrincham; or
- Refuse to renew the Sex Establishment Licence for Totties, Altrincham

### Contact person for access to background papers and further information:

Name: Joanne Boyle  
Extension: 4129

Background Papers:

## 1. BACKGROUND

- 1.1 On the 23<sup>rd</sup> November 1982, Trafford Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which conveyed powers on the Council to regulate sex shops and sex cinemas in its area. The provisions came into effect on the 1<sup>st</sup> January 1983.
- 1.2 On the 1<sup>st</sup> December 2010 the Council adopted Section 27 of the Policing and Crime Act 2009 which amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow local authorities to also license sexual entertainment venues, where 'relevant entertainment' is provided. 'Relevant entertainment' means "any live performance or any live display of nudity" i.e. striptease, lap dancing.
- 1.3 These new provisions came into effect on the 1<sup>st</sup> March 2011.
- 1.4 At the same time the Council adopted a policy covering how it would deal with applications for sex shops, sex cinemas and sexual entertainment venues (Sex Establishments) including the criteria it would take into account when considering location (see Appendix A).
- 1.5 The Council also agreed prescribed conditions which would be applied to all sex establishment premises.
- 1.6 These controls give local communities a greater say in deciding whether, for example, a lap dancing premises is appropriate for a particular locality. The adoption of the amended provisions brought lap dancing and other similar premises in line with other sex establishments such as sex shops and sex cinemas and recognised that local people may have legitimate concerns about where such premises are located.
- 1.7 In adopting the provisions the Council did not take a moral stand on such premises but recognised that Parliament had made it lawful to operate a sex establishment; and that such businesses are a legitimate part of the retail and leisure industries.
- 1.8 The Council's role as a licensing authority is to administer the licensing regime in accordance with the law and the adoption of the legislation and the formulation of a Sex Establishment Licensing Policy ensured greater control over such establishments.
- 1.9 The Policy provides guidance to Members and Officers when considering applications; and informs potential applicants, relevant stakeholders and the general public of the principles which will be applied by the Council when carrying out its licensing function.

### Premises History

- 1.10 Totties, Altrincham held a Public Entertainment Licence, with a waiver to allow lap dancing, between 2002 and 2005. This licence was converted to a Premises Licence (PL001) under the Licensing Act 2003 in November 2005. The conditions relating to

the original Public Entertainment Licence were transferred to the new Premises Licence at that time.

- 1.11 In August 2011 the Premises Licence was varied to remove many of the original conditions; to add new conditions and to extend the opening hour until 3.00 am Monday to Sunday.
- 1.12 In October 2011 the premises were granted a Sex Establishment Licence in accordance with section 27 of the Policing and Crime Act 2009 which required lap dancing venues to hold such a licence.
- 1.13 Since a licence was first issued in 2002, Trafford Council has not received any complaints about the operation of the premises.

## **2. APPLICATION**

- 2.1 On the 31<sup>st</sup> January 2018 the Licensing Authority received an application from Parisian Bistro Limited for the renewal of the Sex Establishment Licence held for premises known as Totties, the Causeway, Altrincham, WA14 1DF (See Appendix B).

### Hours and Activities

- 2.2 The premises currently benefit from a Premises Licence issued under the Licensing Act 2003 which permits the sale of alcohol and entertainment between 12:00 noon and 03:00 – Monday to Sunday.
- 2.3 The application is to renew the Sex Establishment Licence to be granted for the same hours as above; and to continue to permit the use of the premises as a sexual entertainment venue.

## **3. REPRESENTATIONS**

- 3.1 The Licensing Section consulted Ward Councillors, the Police, the Fire Authority, Planning Authority, Environmental Pollution, Children and Young Peoples Services; and local residents.
- 3.2 The Council has received an objection to the renewal of the licence from a local resident.
- 3.3 The Act provides that the Council should not without the consent of the person making the objection reveal his name or address to the applicant. However, it is acceptable for the Council to indicate to an applicant the general provenance of an objection. Therefore, a copy of the objection letter is attached showing the general concerns of the objector but with their name and address removed. (See Appendix C)

#### **4. DETERMINATION OF THE APPLICATION**

- 4.1 The Act provides for five mandatory grounds and four discretionary grounds for refusal of a sex establishment licence.
- 4.2 Section 3 of the Council's Sex Establishment Licensing Policy (Appendix A) sets out the mandatory grounds for refusal and the principles to be applied in respect of the discretionary grounds i.e. suitability of the applicant; the number of sex establishments allowed in any relevant locality; the character of the relevant locality; and the layout, character and condition of the premises.
- 4.3 The Sub-Committee should consider the application with reference to the Policy.
- 4.4 The Sub-Committee should also consider the Human Rights Act 1998; the Provision of Services Regulations 2009; the Crime and Disorder Act 1998; and the Equality Act 2010 when making its decision.
- 4.5 The Sub-Committee may not make its decision based on moral grounds.

#### **5. OPTIONS**

- 5.1 The Sub-Committee are invited to consider the application and the written and verbal representations from all parties and either:
  - 5.1.1 Renew the Sex Establishment Licence for Totties, Altrincham; or
  - 5.1.2 Refuse to renew the Sex Establishment Licence for Totties, Altrincham.



**APPENDIX A**

**TRAFFORD COUNCIL'S SEX ESTABLISHMENT POLICY**



# **TRAFFORD COUNCIL**

## **SEX ESTABLISHMENT LICENSING POLICY**

## 1. INTRODUCTION

1.1 This document sets out Trafford Council's draft policy (the 'Policy') regarding the regulation of sex establishments and the procedure relating to applications for sex establishment licences.

1.2 This document relates to applications for Sex Establishment Licences covering:

- sex shops
- sex cinemas
- sexual entertainment venues

as set out in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009.

1.3 The Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 on the 1<sup>st</sup> December 2010 and the provisions came into effect on the 1<sup>st</sup> March 2011.

1.4 The Council is mindful of possible concerns of the local community with regard to applications for sex establishment licences or premises in any locality and that there can be conflict between applicants and objectors. The Policy will guide the Council when considering applications for licences in balancing the conflicting needs of commercial interests, patrons, employees, residents and communities and will inform applicants and objectors of the parameters under which the Council will make licence decisions.

1.5 The procedure sets out:

- the process for making an application; and
- the process the Council will follow in considering and determining an application for a Sex Establishment Licence.

## 2. DEFINITIONS

- **The Act**  
This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009).
- **The Policy**  
This refers to Trafford's Sex Establishment Licensing Policy.
- **Relevant Locality**

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used. The locality and the area that this covers is a matter for the local authority to decide. This Council has determined that Relevant Locality will be determined on a case by case basis for the purpose of decision making.

- **Character of the Relevant Locality**

The character or characteristics of the locality where the premises are situated will be instrumental in determining whether or not the grant of a licence will be appropriate. This Council has not defined what type of area would or would not be acceptable in terms of character. The Council will consider the character of the area on a case by case basis and will take into account such factors as: the uses and users of the area; how the area is perceived; the vision/plan for the area; the views of the planning authority.

- **The Council**

This means Trafford Council.

- **Display of nudity**

This means:

in the case of a woman: exposure of her nipples, pubic area, genitals or anus; and

in the case of men: exposure of his pubic area, genitals or anus.

- **The Licensed Premises**

This is the premises, vessel, vehicle or stall which is subject to a sex establishment licence. The premises will be in possession of all appropriate consents and permissions to operate. Note that licences are not required for the sale, supply or demonstration of birth control items.

- **The Organiser**

This is any person who is responsible for the organisation or management of the Relevant Entertainment or the premises.

- **Permitted Hours**

These are the hours of activity and operation that have been authorised under a Sex Establishment Licence.

- **Sex Article**

A sex article is anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

- **Sex Shop**

A sex shop is any premises, vehicle, vessel 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 stimulating or encouraging

sexual activity or acts of force or restraint which are associated with sexual activity.

- **Sex Cinema**

A sex cinema is any premises, vessel, vehicle or stall used to a significant degree for the exhibition of moving pictures, however produced, which are concerned primarily with the portrayal of, or primarily deal with or relate to or are intended to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or primarily deal with or relate to genital organs or urinary excretory functions.

- **Sexual Entertainment Venue**

A sexual entertainment venue is any premises where Relevant Entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. 'Relevant Entertainment' means any live performance or any live display of nudity of such a nature that, regardless of financial gain, it must reasonably be assumed to be provided solely or primarily for the purpose of sexually stimulating any member of the audience whether by verbal or other means.

### **3. GENERAL POLICY**

#### **Principles to be applied**

#### **3.1 The Act lists those people who are excluded from being able to hold a licence.**

A licence cannot be granted:

- a) To anyone under 18 years of age
- b) To someone who has held a licence that was revoked in the last 12 months (from the date of revocation)
- c) To someone who has been refused a new or renewal of licence within the last 12 months prior to the date of making the application
- d) To an individual who is not resident in the United Kingdom or has not been resident for six months prior to making of an application
- e) To a company not incorporated in the United Kingdom.

#### **3.2 On determining an application the Council shall have regard to all relevant considerations, including any representations received and comments made by:**

- Ward Councillors
- Police
- Fire Authority
- Planning Authority

- Pollution
- Children and Young Peoples Services
- Licensing Authority
- Interested Parties (local residents/businesses)
- Any representations made by the applicant

3.3 The grounds on which an application for the grant, renewal or transfer of a licence may be refused are set out in the Act.

The Council may refuse a licence if:

- a) the applicant is unsuitable to hold a licence because they have been convicted of an offence or for any other reason;
- b) were the licence to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of a person other than the applicant, who would have been refused a licence if they had applied themselves;
- c) the number of sex establishments or 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) the grant or renewal of licence would be inappropriate having regard to:
  - i. the character of the relevant locality;
  - ii. the use to which any premises in the vicinity are put; or
  - iii. the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

3.4 The Council has not set a limit on the number of sex establishments or sex establishments of a particular kind that it thinks is appropriate for any Relevant Locality. Each application for the grant, refusal, renewal, transfer or variation of a licence will be determined by the Council on its merits on a case by case basis. This part of the Policy may be subject to change following any future review.

#### **Character of the Relevant Locality**

3.5 The Council will not normally grant or renew a licence for a Sex Establishment if the character of the Relevant Locality would make the grant or renewal inappropriate.

3.6 When considering whether the grant or renewal of a licence would be inappropriate having regard to the character of the Relevant Locality, the Council will have regard to the following:

- The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;
- The proximity of educational establishments to the premises;
- The proximity of places of worship to the premises;
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises;
- The proximity to shopping centres;
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);
- Any adverse impact on crime and disorder and public nuisance in the Relevant Locality which the operation of the sex establishment is likely to generate;
- the nature and concerns of any objections received from residents or establishments in the Relevant Locality;
- any evidence of complaints about noise and/or disturbance caused by the premises;
- any current planning considerations;
- the proximity of other sex establishments;
- whether there is planned regeneration of the area.

**Layout, Character and condition of the Premises**

3.7 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the following:

- The type of activity to which the application relates;
- The duration of the proposed licence;
- The days and hours of operation of the activity;
- The layout and condition of the premises;
- The use to which other premises in the vicinity are put;
- the levels of crime and disorder in the area;

3.8 Sex establishments should not to be functionally visible to passers by on retail thoroughfares or pedestrian routes. In more sensitive

locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

### **Disability Access**

- 3.9 Applicants are reminded of their duties under the Disability Discrimination Act 1995 and should provide such facilities so as to enable the admission of disabled people.

### **Suitability of the Applicant**

- 3.10 The applicant will be required to demonstrate that he is a suitable person to hold a licence. In determining suitability, the Council will normally take into account:
- previous knowledge and experience of the applicant;
  - any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area;
  - any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant;
  - any other relevant reason.
- 3.11 The above factors are not an exhaustive list of considerations but are merely indicative of the types of factors which may be considered in dealing with an application.
- 3.12 All applications for new licences for sex establishments, as described in the Act will be referred to the relevant Sub-Committee of the Council for decision.

### **Renewal Applications**

- 3.13 Where a licence was in existence before the introduction of this Policy, this Policy will become a consideration when the licence is due for renewal.
- 3.14 When considering a renewal application the Council may take into account the criteria set out at paragraphs 3.6 to 3.9 and 3.10 above and:
- past demonstrable adverse impact from the activity
  - whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- 3.15 It should be noted that the Council in applying its decision-making discretion may consider it appropriate to refuse the renewal of the licence even where there has been no change in the character of the



relevant locality or in the use to which any premises in the locality are put.

- 3.16 If a renewal application is not opposed, it shall be approved under authority delegated to relevant officer(s). All contested applications for renewal, as described in the Act shall be referred to the relevant Sub-Committee for decision.

### **Variation Applications**

- 3.17 Where an application is made to vary any terms and conditions of an existing licence, whether on renewal or not, the Council will take into account the criteria as set out in paragraphs 3.6 to 3.9, and 3.12 above.

## **4. THE APPLICATION PROCESS**

### **Making an Application**

- 4.1 An application should be made in writing to: The Licensing Office, Trafford Council, Town Hall, Stretford, M32 0YJ. Telephone: 0161 912 4144. Fax 0161 912 4142.
- 4.2 Applications may also be made electronically via the Council's website at [www.trafford.gov.uk/licensing](http://www.trafford.gov.uk/licensing).
- 4.3 Applicants for a licence must complete the application form and submit to the Licensing Office together with:
- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
  - five sets of plans showing the existing and front elevation of the premises depicting all signage;
  - five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
  - five sets of plans (scale 1:50) showing the layout of the sex establishment;
  - the correct fee as set by the Council.
- 4.4 As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. A specimen notice is available from the Licensing Office. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

- 4.5 Applicants are also required to place a public notice in a local newspaper giving details of the application. A specimen notice is available from the Licensing Office. The newspaper notice should appear in the publication within 7 days of the application being lodged.
- 4.6 Officers from the Licensing Authority and the Fire Authority will inspect the premises to ensure that required technical standards are met. If works are required to bring the building up to standard, the applicant will be notified. Licences will not be issued until all required works are satisfactorily completed.
- 4.7 As part of the process the Licensing Authority will also consult the Noise Pollution Section of the Council. If there is the possibility of noise nuisance, for example, from amplified music, an inspection may be carried out and noise insulation work recommended.
- 4.8 Comments on applications will also be sought from local Ward Councillors, the Police, the Planning Authority and any other relevant person as deemed appropriate by the Council.
- 4.9 Applicants are warned that any person who, in connection with an application for the grant, renewal or transfer of a licence, makes a statement which s/he knows to be false in any material respect, or which s/he does not believe to be true, is guilty of an offence and liable to summary conviction to a fine not exceeding £20,000.
- 4.10 The Council will not determine an application for the grant of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.
- 4.11 Any licence approved does not constitute any approval under any other Acts. The applicant must ensure that all necessary consents and approvals are obtained prior to operation.

#### **Renewal of Licence**

- 4.12 An application to renew the licence must be made in the appropriate form prior to the expiry of the existing licence.
- 4.13 The Council will not determine an application for the renewal of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.
- 4.14 Where, before the expiry of a licence, an application has been made for its renewal, it shall remain in force even though the expiry date has

passed, until the withdrawal of the application or its determination by the Authority.

#### **Variation of Licence**

- 4.15 The application form, together with relevant plans and the fee should be sent to the Licensing Office. Please note that applications for variation of licence are also subject to the site and newspaper notice requirements set out in paragraphs 4.4 and 4.5 above.
- 4.16 Variation applications relate only to proposed changes to such matters as the hours and area of the premises covered by the licence. Any changes in licensee must be the subject of a transfer application.
- 4.17 All variation applications for sex establishment licences will be referred to the relevant Sub-Committee for decision. Applicants must not operate any revised or varied arrangements until such an application has been approved and any revised or varied licence has been issued.

#### **Transfer of Licence**

- 4.18 The Council will not determine an application for the transfer of a licence unless the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.
- 4.19 Where, before the date of expiry of a licence, an application has been made to transfer, it shall be deemed in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the expiry date has passed or that the person to whom the licence is to be transferred is carrying on the business of the sex establishment.

#### **Representations on an Application**

- 4.20 Any person wishing to object to an application must submit a written representation within the specified 28 day consultation period, setting out the grounds of objection.
- 4.21 The Council will balance the interests of the applicant with those of the local community in reaching a decision on a licence application. Valid representations must be made within 28 days of the application being submitted. Representations made before the application is submitted can be taken into account. The Council also has discretion to consider representations made after the 28 day consultation period although this will be assessed on a case by case basis.
- 4.22 Unless the person making a representation consents, their name and address shall not be revealed to the applicant.

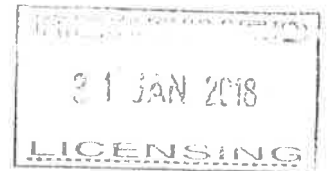
- 4.23 The general terms of any objection must be provided to the applicant prior to the determination of the application. The report to the relevant Sub-Committee may have full details of the objections, including any actions/undertakings proposed by the applicant to address matters raised.
- 4.24 The Council shall give an opportunity of appearing before and of being heard by the relevant Sub-Committee of the Council:
- a) before refusing to grant a licence, to the applicant;
  - b) before refusing to renew a licence, to the holder; and
  - c) before refusing to transfer a licence, to the holder and to the person to whom he desires that it shall be transferred.
- 4.25 Additionally, the applicant and any persons who made representations and who wish to attend the hearing will have the opportunity to address the Sub-Committee before the application is determined.
- 4.26 Where the Council refuse to grant, renew or transfer a licence, it shall, if required to do so by the applicant or the holder of the licence, give him a statement in writing of the reasons for its decision within 7 days of his request.

#### **Duration of Licence**

- 4.27 Sex establishment licences will normally expire on an annual basis, but may be issued for a shorter period if deemed appropriate.

## APPENDIX B

### APPLICATION FORM, INTERNAL LAYOUT PLAN, LOCATION MAP



**TRAFFORD COUNCIL**  
**APPLICATION FOR THE GRANT/RENEWAL/TRANSFER/VARIATION OF A**  
**SEX ESTABLISHMENT LICENCE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**  
**Schedule 3 Section 2**

An application should be made in writing to: The Licensing Office, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.  
 Telephone: 0161 912 4129.

Applications may also be made electronically via the Council's website at [www.trafford.gov.uk/licensing](http://www.trafford.gov.uk/licensing).

Applicants for a licence must complete the application form and submit to the Licensing Office together with:

- five sets of floor plans, drawn to scale and showing all means of entry and exit, any parts used in common with any other building and indicating how the premises lie in relation to the street;
- five sets of plans showing the existing and front elevation of the premises depicting all signage;
- five sets of plans (scale 1:500) showing the sex establishment in relation to other premises within 100 metres;
- five sets of plans (scale 1:50) showing the layout of the sex establishment;
- the correct fee of ~~£1,030.00~~ <sup>£1711.50</sup> as set by the Council.

As part of the application process, applicants are required to post an A3 notice at the proposed site for 21 days, from the date the application is lodged with the Council, setting out the application details. A specimen notice is available from the Licensing Office. The notice must be posted in a prominent position for the whole of that time and be easily read by passers-by.

Applicants are also required to place a public notice in a local newspaper giving details of the application. A specimen notice is available from the Licensing Office. The newspaper notice should appear in the publication within 7 days of the application being lodged.

1. If the application is made on behalf of an individual please state:

Full Name

Age

Date of Birth

Permanent Address

Place of Birth

Tel. No.

Post Code

- 2. If the application is made on behalf of a corporate or unincorporated body please state:

Full Name of body *PARISIAN BISTRO LTD*

Address of registered or principal office

*TOTTENHAM  
THE CAUSEWAY ALTRINCHAM. WA14 1DF*

Tel No. *0161 929 6909*

- 3. Give full names and private addresses of all directors or other persons responsible for management of the establishment

Full Name *ROY JOSEPH DODD*

Age *57*

Date of Birth *16/3/59.*

Permanent Address:

*3 WARWICK RD  
17ALN  
ALTRINCHAM.*

Place of Birth *M/C.*

Tel. No



Postcode *WA15 9NS*

Full Name

Age

Date of Birth

Permanent Address:

Place of Birth

Tel. No

Postcode

Full Name

Date of Birth

Permanent Address:

Place of Birth

Tel. No

Postcode

This question need only be answered where the applicant is a company.

4. Is the applicant a wholly or partly owned subsidiary of another company?

YES/~~NO~~

5. What type of company is the applicant (e.g. public, private, limited by share or guarantee etc.?)

LTD.

6. Which country is the company incorporated?

ENGLAND

7. What is the date of incorporation?

1/6/2001

8. Is the applicant or any person whose name is given above concerned in any way financially or otherwise with any other business which controls, manages or supplies sex establishments?

~~YES~~/NO

9. If the answer to question 8. is "YES" please give the names of those persons concerned, full details of the other business and the nature and extent of the connection.

10. What is the nature of the applicant's interest in the premises?

Please state whether it is freehold or leasehold.

LEASEHOLD

Page 22

11. If the applicant's interest in the premises is a leasehold one, please



state the name and address of the landlord.

LEE BARON 7 SWALLOW ISL LONDON. W13 2AC

12. Is the whole of the business owned by the applicant?

YES/~~NO~~

13. Have you any convictions recorded against you? Or if a body corporate or unincorporated body any convictions recorded against that body or any of its Directors or other persons responsible for its management? If so please state:

(If a renewal, since you last applied for a licence)

Date of Conviction      Offence Sentence (including suspended sentence)

N/A

- a) All convictions must be disclosed.
- b) Spent convictions, as defined below, should not be included.

<u>Sentence</u>	<u>Becomes spent after:</u>
Imprisonment of between 6 months and 2½ years:	10 years
Imprisonment of up to 6 months:	7 years
Borstal training:	7 years
A fine or other sentence not otherwise covered in this table:	5 years
Absolute discharge:	6 months
Probation order, conditional discharge or bind over:	1 year (or until order expires, whichever is the longer)
Detention Centre Order	3 years
Remand home, attendance centre or approved school order:	The period of the order and a further year after the order expires
Hospital order under the Mental Health Act:	The period of the order and a further 2 years after it expires.
Cashiering, discharge with ignominy or dismissal with disgrace from the armed forces:	10 years
Dismissal from Armed Forces:	7 years
Detention:	5 years

**NOTE:** (i) A sentence of more than 2½ years' imprisonment can never become spent

(ii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right-hand column

14. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application?

12:00 - 03:00

23. On which days do you wish to trade?

MON - SUN

24. Are the premises to be used as a sex shop? YES/NO  
Are the premises to be used as a sex cinema YES/NO  
Are the premises to be used as a sexual entertainment venue?

YES/NO

25. Are you (or, if a corporate or unincorporated body, that body) disqualified from holding a licence for a sex establishment?

S/NO NO YE

26. Have you ever been refused a licence for a sex establishment?

S/NO NO YE

If YES, please give details

27. I declare that I have checked the information given on this application form and to the best of my knowledge and believe it is correct.

Date 30/1/18 Signature [Handwritten Signature]

S/NO

485

YE

15. Full Address of premises desired to be used as a sex establishment

TOTTI'S  
THE CAUSTWAY ATRINKLANT.  
WAH 1D1 -

16. Under what name is or will the business be known?

TOTTI'S

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

—

18. Are the whole of the premises to be used under the licence?

S/NO

485

YE

19. If the answer to question 18. is "NO" please state

(i) which part of the premises is to be used for the purposes of  
the  
licence \_\_\_\_\_

—

(ii) the use to which the remainder of the premises are put

—

(iii) the names of those who are responsible for the management  
of the remainder of the premises

—

—

—

20. Are the premises which are to be used so constructed or adapted as to permit access to and from the premises for members of the public who are disabled?

S/NO

485

YE

21. If the answer to question 20 above is "NO" please state (on separate sheet) the applicant's proposals for affording such access.

22. During which hours do you wish to trade?

hereby certify that:

1. On the 30 day of JAN 20 18 I affixed a copy of the notice shown overleaf upon the \*

being a place where the notice could conveniently be read by the public and that said notice was kept displayed for 21 days thereafter.

2. On the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ I caused a copy of the notice shown overleaf to be published in the \_\_\_\_\_

being a local newspaper circulating in the \_\_\_\_\_ area, the relevant extract from which is attached hereto.

Signed



Date

30/1/18

\* Describe the part of the premises or other nearby location upon which the notice was affixed.

#### INSTRUCTIONS TO APPLICANTS

Please complete this Notice and use it (or a copy) for the public advertisements of your application.

NOTICE AT THE PREMISES Where the application is in respect of premises this notice shall (in addition to the newspaper notice) be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can be conveniently read by the public.

NOTICE IN A LOCAL NEWSPAPER Notice of the application shall be published in a local newspaper no later than 7 days after the date of the application.

Return this form to: The Licensing Team Leader, Licensing Office,  
Trafford Council, Trafford Town Hall, Talbot Road,  
Stretford, Manchester M32 0TH.

**NOTICE OF APPLICATION FOR A LICENCE  
LICENSING OF SEX ESTABLISHMENTS**

Address of Premises

I/We

of

hereby give notice that I/we have applied to Trafford Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises referred to above as a sex shop/sex cinema/sexual entertainment venue.

Any person wishing to make representations about the application should make them in writing to:

The Licensing Team Leader  
The Licensing Office  
Trafford Council  
Trafford Town Hall  
Talbot Road  
Stretford  
Manchester M32 0TH

Objections should be made within 28 days of the date of this notice.

Signed

Date #

\* On behalf of

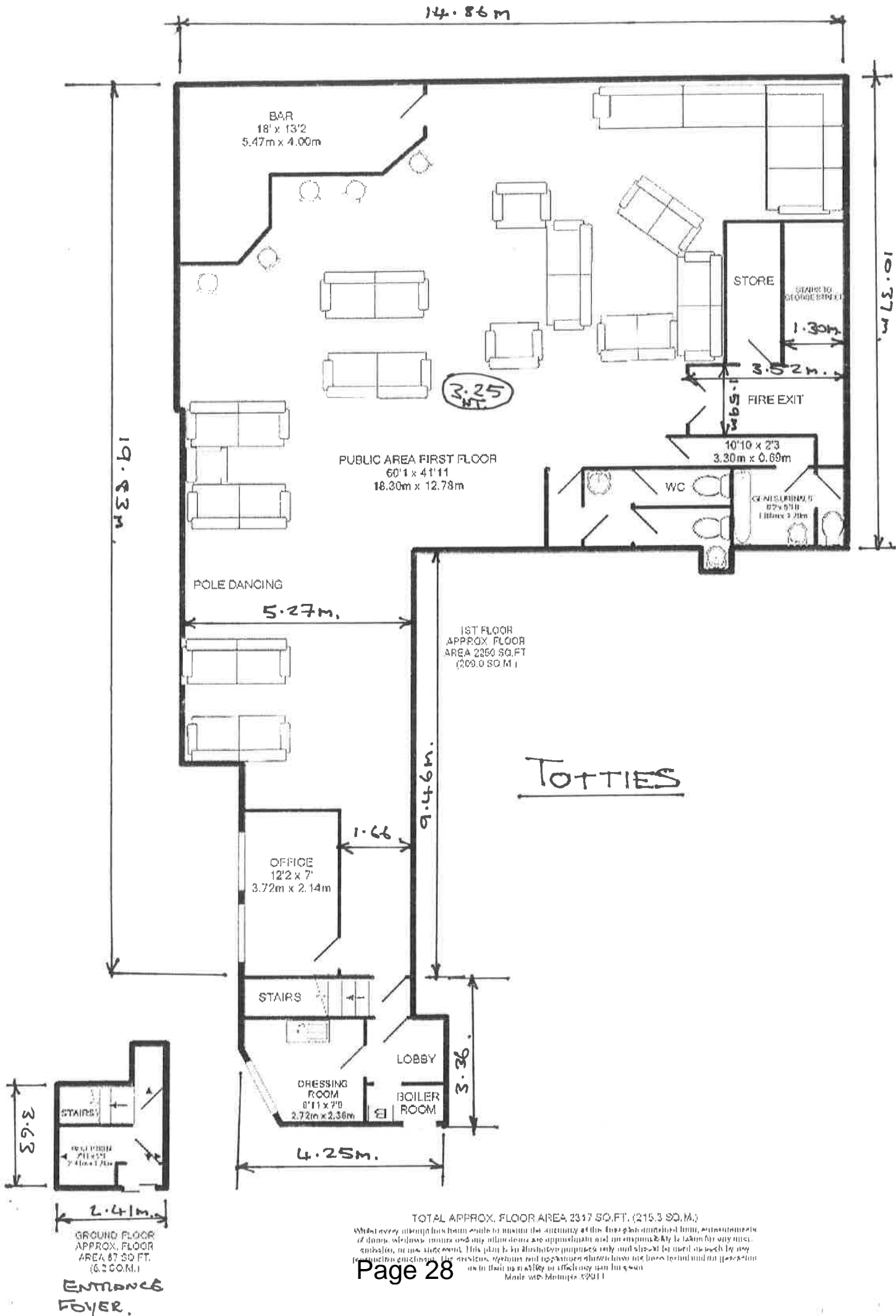
\* Delete where appropriate

# The date to be inserted shall be the date on which the application is made to the Council.

**TRAFFORD COUNCIL  
PUBLICATION OF NOTICE OF APPLICATION FOR A LICENCE  
LICENSING OF SEX ESTABLISHMENTS**

Address of premises

Name of proposed licensee

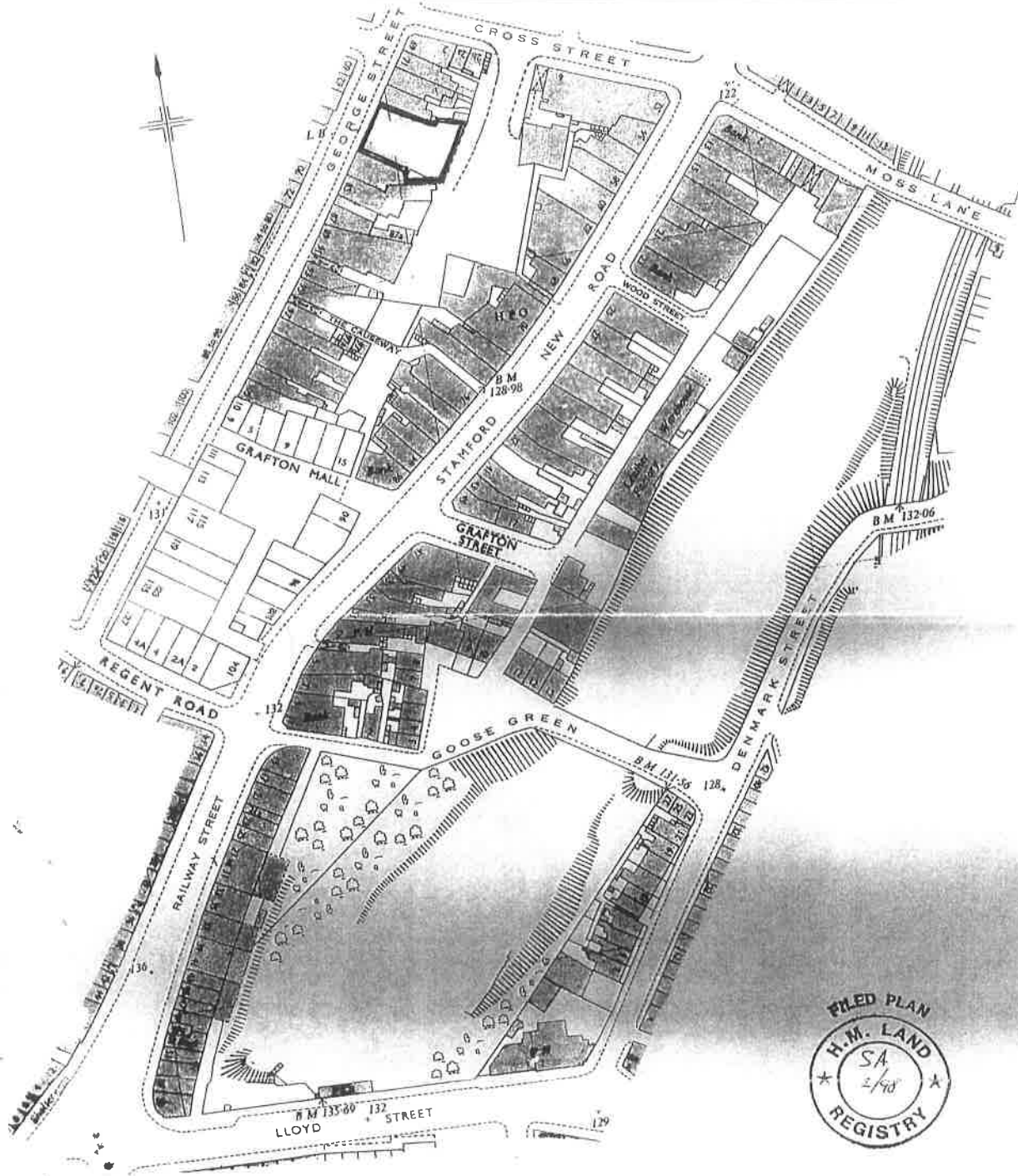


Page 28

Whilst every attempt has been made to ensure the accuracy of this floor plan, the architect, contractor and others involved in the project accept no liability for any errors, omissions or inaccuracies. This plan is for illustrative purposes only and should be used in conjunction with any other documents. The architect, contractor and others involved in the project accept no liability for any errors, omissions or inaccuracies. Made with AutoCAD 2011



H.M. LAND REGISTRY		TITLE NUMBER		
		GM 742820		
ORDNANCE SURVEY PLAN REFERENCE ©	COUNTY	SHEET	NATIONAL GRID	SECTION
	GREATER MANCHESTER		SJ7687	J
Scale: 1/1250	TRAFFORD DISTRICT		© Crown copyright 1985	



This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 27 September 2004 at 11:17:34. It may be subject to distortions in scale.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

Issued on 27 September 2004.

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This title is dealt with by the Lytham District Land Registry.



**APPENDIX C**  
**LETTER OF OBJECTION**



22-02-18.

Dear Sir.

Ref TOTTIES, The Causeway, Altonham  
Application for SEX SHOP, SEX CINEMA, SEXUAL  
ENTERTAINMENT VENUE.

I wish to object to the use of these premises as a SEX Shop, SEX Cinema, SEXUAL VENUE on the grounds that it is located in amongst shops where children go. There is no need to have such a shop or venue in a small town like Altonham. The town is currently trying to improve its standing and such a shop will bring the town down. There has been one death caused by the use of TOTTIES as a top dance bar, we do not need another such venue. This type of shop, should if really required be kept in cities like Manchester or London where it can better be catered for.

Hence I object to this Application as being totally inappropriate.

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

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

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