

Public Document Pack



Regulatory Committee

Monday, 18 January 2016 6.30 p.m.
Council Chamber, Runcorn Town Hall

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

COMMITTEE MEMBERSHIP

Councillor Kath Loftus (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Mike Fry
Councillor Pauline Hignett
Councillor Harry Howard
Councillor Darren Lea
Councillor Alan Lowe
Councillor Tony McDermott
Councillor Stef Nelson
Councillor Gareth Stockton
Councillor Andrea Wall

*Please contact Gill Ferguson on 0151 511 8059 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 16 March 2016*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	
2. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. CREAMFIELDS EVENT 2015	1 - 10
4. PART II OF LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976	11 - 17
5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SECTION 3 AND SCHEDULE 4 - STREET TRADING	18 - 27
6. LEGAL SERVICES LICENSING FUNCTIONS	28 - 39

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT:	Regulatory Committee
DATE:	18 January 2016
REPORTING OFFICER:	Chief Executive
PORTFOLIO:	Resources
SUBJECT:	Creamfields Event 2015
WARDS:	Borough-wide

1. PURPOSE OF REPORT

To consider a report from responsible authorities on issue's arising from the carrying out of the Creamfields Event 2015

2. RECOMMENDED

That the Committee considers the reports from the responsible authorities.

3. SUPPORTING INFORMATION

- 3.1 The Creamfields Event application was granted on 23 January 2014 for an indefinite period for the 4 days over the August Bank Holiday each year (Friday to Monday) and subject to conditions:
- 3.2 The Creamfields events have taken place in Daresbury each year in August since 2006 and feedback on the events was presented to members at the meetings of the Regulatory Committee following the events.
- 3.3 The purpose of this report is to present the facts from the viewpoint of the responsible authorities who have now had the opportunity of dealing with several events.
- 3.4 Reports on the event have been received from Cheshire Police and the report is set out at Appendix A.
- 3.5 The Police have been invited to attend the Committee to introduce their report and to answer any questions raised by the Committee. Halton Borough Council Environmental Health and Warrington Borough Council were also invited to attend.

4 POLICY IMPLICATIONS

See note below

5 OTHER IMPLICATIONS

See note below

6 IMPLICATIONS FOR THE COUNCILS PRIORITIES

9.1 Children and Young People in Halton

9.2 Employment Learning and Skills in Halton

9.3 A Healthy Halton

9.4 A Safer Halton

9.5 Halton's Urban Renewal

See note below

7 RISK ANALYSIS

See note below

8 EQUALITY AND DIVERSITY ISSUES

See note below

NOTE; - The Councils Policies and Priorities are of course very important considerations in decision making and must always be taken into account as far as possible. However, in the case of Regulatory Committee matters, they can only be considered so far as is consistent with one or more of the Licensing Objectives under the Licensing Act 2003

9 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Report Documents	Legal Services	John Tully/ Kay Cleary

APPENDIX A



Report to Halton Licensing Committee Creamfields 2015

Planning

Police planning for the 2015 event was undertaken within the Force Planning and Resilience Unit based at Cheshire Police Headquarters again with Inspector Stewart Sheer conducting the lead planning role for the third year, with support from the resource planning team and specialist leads.

The relationship with key stakeholders Livenation, Cream and Showsec, has continued to be positive and one of co-operation and active problem solving looking to achieve a safe festival for all concerned.

The core policing operation for the 2015 event was again based mostly on site with the continued development of the police deployment centre within the Event Control on site rather than at HQ Winsford.

Security this year worked with the police in the planning process to make improvements to the Staff search process to prevent drugs being brought into the event through this route. The Showsec lead search operation supported by the Cheshire police was intended to provide a robust selective search process that would face all staff as they entered the site.

Key changes to the event for 2015 were the introduction of the VIP ticket entrance at the south of the event and the introduction of the bridge over the A56 and the restructure of the traffic manage plan.

The police operation saw the introduction of slightly changed police village and the inclusion of a second police station within the newly introduced campsite village.

Improved use of social media with the introduction of the “**Creamfieldscops**” officer was also a key intention for the event.

The rationale as with the previous years for the event continues to be that the Police do not enter the arena unless it is absolutely necessary and was unchanged for 2015.

2015 would see the best conditions for quite a few years and so would not test the plans to deal with changing ground conditions but the event team from APL were well prepared.

The road infrastructure again caused some real concerns leading up to the event with the redesign of the M56 roundabout at Daresbury being required, only days from the gates opening. There were a number of concerns around the impact of the Mersey Gateway construction project and this was to be monitored closely through the event.

Public Safety

Lighting of the A56 thankfully caused no issues this year with a clear plan in place for spot checks through the event by key police and security personnel.

2015 again saw no Pedestrian Prohibition along the A56. With the introduction of the cycle path, the improvements in the traffic management plan and the introduction of the bridge over the A56 issues with pedestrian foot fall felt much improved as did the management of traffic as a whole. Livenation this year employed SEP to undertake the management of the new traffic plan which it is fair to say from the police observations was a clear improvement on previous years with much less extended disruption to the local network traffic infrastructure.

Police officers were again deployed at the request of Livenation on the campsites which, at full capacity, now contain 55,000 campers. The use of buggies to ensure prompt response to incidents on what is a vast site were again utilized, also doubling as serious incident vehicles with crime scene preservation kit. This year the regular officers were again supported by the Special Constabulary and this was very much a positive with over 100 specials working during the days of the event.

Police worked closely with the event organisers focusing on creating a safer environment within the campsites and festival footprint. Campsite hubs were in place again, following on from previous years' successes. Newly introduced for this year's event was the Campsite village. Included within this village was a new additional police station which hugely improved access to police resource and the ability for the campers to report and make us aware of crime activity. A secondary police station was also sighted at the newly located medical facility on site at the North Entrance. This police station was required as day ticket holders would not be able to access the campsite police station as their tickets restrict access to the Arena's.

Communication with festival goers in the case of emergency messages again had the provision of screens and the better utilisation of the social media

networks. This year saw the introduction of a social media police post to manage the Creamfieldscops Twitter & Facebook site live-time. The post also ensured that there was very much a joined up approach to social media within the Event Control. Followers of the site are now in the thousands and it will be the aim of the 2016 team to ensure that this continues to increase.

Livenation continues to look to improve the site with the introduction of more permanent infrastructure such as access roads.

Fence improvements from previous years again proved successful. The joint working operation between the police and Showsec security again ensured that fence jumping issues did not escalate to unmanageable numbers through the 2015 Creamfields.

Watch towers were again built at strategic points along the event, and proved a useful and highly visible means of stewarding/Policing the event. There were no incidents of note involving any of the towers at this event.

Livenation took responsibility for the management of the sites ejection process supported by police at the North Entrance. This worked well this year and continued to follow the thoughtful and measured approach, taking into account any elements of vulnerability prior to ejection. This new approach will continue to be developed into the 2016 event.

A total of 78 ejections took place through the event and are much reduced from the 170 of 2014.

It is worthy of note that these ejections were only from within the venue and again do not include those turned away at the gates.

The ejections process maintained the ability for the organisers to allow the opportunity for festival goers deemed unsuitable for arena entry, to use the exterior welfare facilities but be excluded from the rest of the event until they were deemed to be fit to re-enter.

There was still a need for police resources again this year at the taxi ranks at the key egress times and, though much improved, this is still a problem area and will require further work at future events.

The relationship with Showsec management and the police planning team has continued to be excellent with the approach being very much one of a joined up team effort. The relationship between Police officers and Security staff from Showsec during the event has again been excellent improving year on year.

Numbered vests on all of the security staff was in place again, allowing for all staff members, regardless of level, to be easily identifiable.

There were no significant issues this year in relation to public safety other than a male managing to climb onto some of the lighting framework. This was managed

well with a joint security and police response and concluded with the male being safely detained.

Prevention of Harm to Children

Challenge “21” was again enforced by the Designated Premises Supervisor (DPS) and his staff during the event. In total there were in excess of 19000 checks conducted through the whole of the event those accepted issued with the appropriate wrist band.

In addition to the Challenge 21 the previously agreed protocol for the safeguarding process for young person’s attempting to gain entry to the event was again in place. There were no instances where the protocol was required to be invoked.

Prevention of Public Nuisance

Traffic plan was much improved this year, Friday opening, Monday Egress being its usual challenge but with no significant traffic problems. This remained the case through the event, though clearly busy at key ingress and egress times this was in comparison to previous years managed much quicker and did not feel as though it impacted on the surrounding road network significantly. Closedown on the bank holiday Monday was also much improved with traffic flowing better and clearing much quicker than previous years.

Livenation’s introduction of a bridge over the A56 had a very positive impact on the management of the traffic flows and we would hope would be a retained feature for future events. Segregation of the specific traffic types entering and leaving the event from old and new car park areas again had a positive impact preventing extended nuisance to the local community and the public passing through the area.

Police motorcycle support was again in place and essential to support the SEP traffic management plan problem solving throughout the key periods.

Policing of the communities around the event was again conducted using locally based Neighbourhood Policing Unit officers to provide high profile reassurance to local residents and members of the public attending the event.

A Community Debrief set up by Livenation in co-operation with the community Inspectors has been repeated for a third year and now embedded as part of the process. The local community very much welcome the approach and the engagement of the promoters. On the whole, views were very positive, there were some minor but these were identified and dealt with quickly. The community response team was again welcomed by the community dealing with issues such as litter and continues to be recommended for the coming years.

The policing operation was not aware of any significant ticket tout activity throughout the event.

Prevention of Crime & Disorder

This year the campsites for Creamfields 2015, again, opened on the Friday 22nd August at 12:00. This year's event capacity was for 55,000 camping with a day ticket capacity of 13,000 each day and an overall capacity of 69,999. The decrease in day tickets was as a direct consequence of continued heightened demand for camping tickets.

Recorded crime for Creamfields 2015 was as follows, showing a comparison with the previous year's event.

Crime Type (Home Office Group)	Creamfields 2014	Creamfields 2015
Drug Offences	99	118
Theft	76	125
Violence Against a Person	8	15
Criminal Damage	2	1
Robbery	1	1
Public Order	8	6
Sexual Offences	3	3
Possession Weapons	0	3
Burglary	2	0
Traffic Offence	0	1
Other	0	1
Total	199	274

As expected, drug offences continue to be high with a moderate increase on the previous year's events. It should be noted that there was an additional entrance to the event with the introduction of the VIP ticket entrance. The increase in possession with intent to supply drugs, arrest numbers, is continued evidence of the cooperation and the robust joint search operation essential for this event.

Also noted is the increase in recorded thefts at the site which are in part down to the introduction of a second police station centrally positioned in the middle of the campsites in the newly introduced campsite village. We are very satisfied that we are now achieving a much better picture of emerging trends live time through the event as opposed to post event which was the case last year.

One of the main trends was an increase in thefts from tents and we will along with the event partners be looking to opportunities to reduce this for 2016 including targeting some of the suspected offenders.

Also of note is the number of thefts by pickpockets which will continue to be focused on through the national picture leading to next year's event.

The statistics also show an increase in violence however these are in the main low level offences and also included assaults on police and security when detaining offenders.

Most other figures are similar to the previous year with only one robbery and an increase in the possession of weapons being something to focus on for 2016.

Arrest Summary

Total Arrested Persons = 69

Total on site Cautions = 47 (all for drug possession)

BREAKDOWN OF Arrests/cautions	Total 2014	Total 2015
Possession with Intent to Supply	45	59
Possession of Controlled Drugs	54	59
Sec 5 Public order / BOP/Breach of s69 notice/D&D	8	6
Fraud/Deception/money laundering/counterfeit	3	1
Assault	2	4
Wanted / FTA Warrant	2	1
Driving Offences	1	1
Criminal Damage	1	0
Rape/sexual assault	0	1
Possess Offensive weapon/ammo	0	3
Total	116	135

Drugs Summary:

Surrender bins were again in operation at the festival increased to include the VIP ticket entrance, as were passive drugs dogs. There were 118 recorded incidents of persons being found in possession of drugs: 59 for possession and 59 for Possession with Intent to Supply (PWIT).

Once again there was a search process with passive search dog on the production entrance where members of staff and concession vehicles entered the site. These searches resulted in 15 arrests with 11 being for possession with intent to supply. These figures confirm the importance of continuing to search at the Staff Entrance. It should be noted that this is fully supported by the promoters Livenation and that the operation is led by the security operator Showsec supported by the police.

The focus of the operation at the entrances is to prevent drugs from getting into the event and ultimately make the event safer. The effectiveness of the various entrance Police / Security searches is further evidenced by the amount of drugs surrendered and also the quantities discarded in the entrance lanes leading to the searches themselves.

The Event itself has probably one of the most robust search regimes in the country for such an event, to restrict volumes of drugs getting onto site and minimize the likelihood of a drugs death.

Public Order / Violence

There were 15 reports of assault throughout the event resulting in 4 arrests, 2 received cautions and 2 were charged and bailed to court. The latter 2 were assaults on Police Officers during arrest.

Two of the assaults were of a more serious nature, though not life threatening believed linked and involve both males being stabbed by an unknown offender. One of the injured males was found to have a large lock knife and was arrested for possession of offensive weapon.

Two further separate serious assaults unlinked to the above involved a male being stabbed in the stomach and another slashed on the back of head and ear again neither being life threatening. Both incidents are believed to be drug related.

Clearly these types of offences are a concern going forward to the 2016 event and are further evidence to support the requirement for a robust police & security search operation at every entrance point to the event.

There was an increase in the number of drug offences for the 2015 Creamfields when compared with 2014 with the focus of the policing operation remaining towards those individuals that are attending the festival in possession of drugs with the intention of dealing.

Again, the approach for this year's event was similar to that of 2014 to place items in the Surrender bins situated at each of the entrances. Once again, this was a successful approach, targeting the right people and maintaining the levels from 2014.

Key to the success of the operation each year is the excellent working relationship with Livenation, Showsec security management, Showsec staff and the sharing of vetted information assisting them in knowledge of potential methods of concealment when searching individuals.

The robust search operation presented to attendees continues to have a significant influence when deciding whether to make use of the surrender bins. The use of the surrender bins has reduced the need to caution people attending the event and thus freed time of security and police to focus on those individuals involved in organised criminality and attempting to get significant quantities of prohibited substances into the event.

Conclusion

Creamfields 2015 saw a 38% increase in overall recorded crime when compared against 2014 figures. Whilst there have been some identified trend increases such

as theft from tents and pickpockets it is my assessment that much of the increase has been the provision of much better police facilities on site. The new police station sited within the campsite village gave a much more visible presence and encouraged people who may not have bothered in previous years to report the theft of their property. Though it has given the event an increased crime picture I see this as a positive as this is now more of a true picture allowing us to deploy resources through the event more appropriately.

In addition to the increase in thefts there was the increase in drugs PWIT offences which again shows to increase the overall crime picture. Again this is in my opinion a positive as it shows that the police/ security search operation is achieving its aim in preventing dealers from getting into the event.

The repeated success of the staff search operation for 2015 made it even more difficult to get illegal substances into the event and therefore make the event even safer. There is a continued case to maintain this process in 2016 and discussions will be held early to establish new parameters for times, dates and areas for improvement.

The general atmosphere on the campsites was, in the main, again perceived to be a safer environment than previous years, benefiting from increased visibility of police and security. The inclusion of the campsite village was a positive for this giving central location to the campsite environment.

This on-going positive relationship is something that we will continue to build on through any planning process in 2016 to further reduce the potential for violent crime, the presence of weapons, illegal drugs, and impact on any national trends that may come to Creamfields.

The relationship between the police planning team, event organisers and multi-agency group has continued to be good and we will continue to work together towards making Creamfields an even safer event, with the organisers, Livenation.

In conclusion, the 2015 event had no major issues other than the exceptions raised above and with the dry conditions was probably the best event so far.

The key improvements working together into 2016 will need to be:-

- The continued review of the traffic management plan in light of the 2015 changes.
- Further development of the concessions and staff search.
- Review and development of the VIP ticket holders entrance structure.
- Re focus on the increase in theft offences and mitigating actions

Inspector Stewart Sheer
Cheshire Constabulary

REPORT: Regulatory Committee

DATE: 18 January 2016

REPORTING OFFICER: Strategic Director Community & Resources

PORTFOLIO: Community & Resources

SUBJECT: Part II of Local Government (Miscellaneous Provisions) Act 1976

WARD: Boroughwide

1. PURPOSE OF REPORT

To adopt to the extent it is not already in force Part II of the Local Government (Miscellaneous Provisions) Act 1976.

2. RECOMMENDATION: to Council that the Council resolve that it intends to pass a resolution at a future meeting (the “Adoption Resolution”):

- 1. to adopt to the extent that they are not already in force in the Borough the provisions of Part II of Local Government (Miscellaneous Provisions) Act 1976 (the “1976 Act”), (other than section 45), to apply to the whole area of the Council on and after the appointed day stated in that resolution;**
- 2. the Operational Director Legal and Democratic Services be directed to publish and serve notice as required by section 45 of the 1976 Act; and**
- 3. following compliance with item (2) of this resolution the matter be reported back to the Council for the Adoption Resolution to be considered.**

3. General

3.1 A number of Acts of Parliament provide for functions to be exercised by local authorities. Some Acts provide that functions will be exercisable automatically and some that functions may only be exercised after going through adoption procedures.

3.2 The Council has adopted certain functions many years ago and the full records of the adoption procedures no longer exist.

3.3 Failure to prove that adoption provisions were fully complied with is not necessarily fatal to enforcing those provisions as demonstrated by the High Court case of R oao Aylesbury Vale District Council v Call A Cab Ltd [2013] EWHC 3765

(Admin). However, to avoid challenges it is far better to be able to demonstrate full compliance with adoption requirements.

3.4 There is no intention to change the existing position with respect to Part II of the 1976 Act: all policies, practices, conditions and delegations will continue unchanged.

4 Part II Local Government (Miscellaneous Provisions) Act 1976

4.1 This report relates to the adoption of the above provisions. These deal with regulation of private hire and hackney carriage matters.

4.2 The regulation of hackney carriages goes back to the Town Police Clauses Act 1847 (the 1847 Act). Originally these provisions required adoption in each local authority area. But a number of subsequent provisions (including the Public Health Act 1875 and the Transport Act 1985) have meant that the 1847 Act now applies automatically throughout the Borough.

4.3 However, the 1976 Act remains an adoptive provision.

4.4 The procedure is set out in section 45 of the 1976 Act. There are two stages: (1) there must be a resolution of the Council adopting the provisions of Part II of the 1976 Act (the "Adoption Resolution") and (2) there must be compliance with certain matters prior to the Adoption Resolution. In addition to complying with these two stages there is a pre-condition that the 1847 Act is in force in the area.

5 The Adoption Resolution

5.1 Section 45(2) of the 1976 Act provides that:

"... the council may resolve that the provisions of this Part of this Act, other than this section, are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed)".

5.2 An appropriate wording for the Adoption Resolution is set out at **Appendix 2**.

6. Matters to be complied with prior to the Adoption Resolution.

6.1 Section 45(3) of the 1976 Act provides that:

"A council shall not pass a resolution in pursuance of the foregoing subsection unless they have—
(a) published in two consecutive weeks, in a local newspaper circulating in their area, notice of their intention to pass the resolution; and
(b) served a copy of the notice, not later than the date on which it is first published in pursuance of the foregoing paragraph, on the council of each parish or community which would be affected by the resolution or, in the case of such a parish which has no parish council, on the chairman of the parish meeting".

6.2 An appropriate form of wording for the notice is set out at **Appendix 3**.

7 History of the adoption of Part II of the 1976 Act.

7.1 The Council adopted Part II of the 1976 Act as from 1st August 1977 as evidenced by the resolutions referred to in **Appendix 4**. Unfortunately, the press notice and the parish council notices do not survive and therefore cannot be produced.

7.2 A similar situation arose in the Aylsebury Vale case referred to above.

8 The way forward

8.1 It is proposed to ‘re-adopt’ the provisions of Part II of the 1976 Act. This can be achieved by adopting the provisions “to the extent that they are not already in force”.

8.2 This would avoid any possibility of challenge in the future.

8.3 Since records can now be scanned and held electronically there is a greatly improved chance that the records of adoption will be traceable into the indefinite future.

9 The Local Authorities (Functions and Responsibilities) Regulations 2000

9.1 Regulation 2(11) of the Local Authorities (Functions and Responsibilities Regulations 2000 (the 2000 Regulations) provides that unless otherwise provided by any other provision of the 2000 Regulations a function which by virtue of enactments passed prior to the 2000 Regulations may only be discharged by the Council is not to be the responsibility of the executive. Such potential “otherwise provided” provisions have not been identified elsewhere in the 2000 Regulations but it is apparent that the adoption of the 1976 Act is not an executive function and is a matter reserved to full Council.

9.2 This approach is also consistent with Council function 18 in the Constitution: “To institute new services and discontinue or alter existing services.”

10. Policy and finance implications

10.1 There are no policy or finance implications arising out of this agenda.

11. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Background file	Legal Service	John Tully/Kay Cleary

Local Government (Miscellaneous Provisions) Act 1976 c. 57
Part II HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

This version in force from: **November 15, 1976 to present**

◀◀◀ (version 1 of 1) ▶▶▶

45.— Application of Part II.

(1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.

(2) If the [Act of 1847](#) is in force in the area of a district council, the council may resolve that the provisions of this Part of this Act, other than this section, are to apply to the relevant area; and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

In this subsection "*the relevant area*", in relation to a council, means—

(a) if the Act of 1847 is in force throughout the area of the council, that area; and

(b) if the Act of 1847 is in force for part only of the area of the council, that part of that area.

(3) A council shall not pass a resolution in pursuance of the foregoing subsection unless they have—

(a) published in two consecutive weeks, in a local newspaper circulating in their area, notice of their intention to pass the resolution; and

(b) served a copy of the notice, not later than the date on which it is first published in pursuance of the foregoing paragraph, on the council of each parish or community which would be affected by the resolution or, in the case of such a parish which has no parish council, on the chairman of the parish meeting.

(4) If after a council has passed a resolution in pursuance of subsection (2) of this section the Act of 1847 comes into force for any part of the area of the council for which it was not in force when the council passed the resolution, the council may pass a resolution in accordance with the foregoing provisions of this section in respect of that part as if that part were included in the relevant area for the purposes of subsection (2) of this section.

¹ ²

Notes

¹.

Words of enactment omitted under authority of Statute Law Revision Act 1948 (c. 62), s. 3

².

Pt. II (ss.45–80) amended by Public Passenger Vehicles Act 1981 (c.14), s. 79 applied with modifications by S.I. 1986/567, regs. 3, 4

NOTICE OF INTENTION TO PASS A RESOLUTION

Local Government (Miscellaneous Provisions) Act 1976 Part II

WHEREAS

- (1) Part II ("Part II") of the Local Government (Miscellaneous Provisions) Act 1976 (the "1976 Act") provides for matters relating to hackney carriages and private hire vehicles (the "Provisions").
- (2) Halton Borough Council (the "Council") is a district council for the purposes of Part II.
- (3) The Council has previously adopted Part II but all of the records associated with the adoption are not available for production.
- (4) The Council therefore intends to resolve to adopt Part II within the whole of its area (the "relevant area") "to the extent that it is not already in force".
- (5) The Council is required, prior to making a resolution to place this notice in a local newspaper for two consecutive weeks and to serve copies of the same on the council of each parish affected by the proposed resolution.

NOW THEREFORE NOTICE IS HEREBY GIVEN that the Council intends to pass a resolution in accordance with section 45 of the 1976 Act that (to the extent that they are not already in force) the provisions of Part II of 1976 Act, (other than section 45), are to apply to the relevant area and if the council do so resolve those provisions shall come into force in the relevant area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

Dated:

Issued by:

[introductory text to be determined when appropriate]

RESOLVED: (1) To the extent that they are not already in force the provisions of Part II of Local Government (Miscellaneous Provisions) Act 1976 1976 Act, (other than section 45), are to apply to the whole area of the Council on and after the appointed day;

(2) The appointed day for the purposes of this resolution shall be [REDACTED] (being not before the expiration of the period of one month beginning with the day on which this resolution is passed).

(3) All powers, duties and provisions in the Council's Constitution relating to Part II of the Local Government (Miscellaneous Provisions) Act 1976 and all existing policies, practices and conditions relating thereto shall continue to apply on and after the appointed day.

APPENDIX 4

Halton Borough Council adopted Part II of the 1976 Act with effect from 1st August 1977. Health Committee minute 534 (2nd March 1977) recommended the Council to adopt Part II of the Local Government (Miscellaneous Provisions) Act 1976 with effect from 1st August 1976.

Council Minute 575 (22nd March 1977) amended Health Committee 534 (2nd March 1977) requiring a Special Meeting of the Health Committee to be held to discuss future steps relating to the Act.

Health Committee Minute 627 (6th April 1977) resolved to hold a special meeting on 18th April 1977.

Health Committee Minute 631 (18th April 1977) recommended that the Council adopt Part II of the 1976 Act as from 1st August 1977.

Council Minute 658 (26th April 1977) adopted Health Committee Minute 631 (18th April 1977).

REPORT: Regulatory Committee

DATE: 18 January 2016

REPORTING OFFICER: Strategic Director Community & Resources

PORTFOLIO: Community and Resources

SUBJECT: Local Government (Miscellaneous Provisions) Act 1982 Section 3 and Schedule 4 – Street Trading

WARD: Boroughwide

1. PURPOSE OF REPORT

To the extent they are not already so designated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (relating to street trading) to designate streets as prohibited streets and consent streets.

2. RECOMMENDATION to Council that the Council resolve: (1) to pass the Designation Resolution set out at Appendix to this report; (2) that the OD-LD be authorised to prepare and to publish notice as required by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

3. General

3.1 A number of Acts of Parliament provide for functions to be exercised by local authorities. Some Acts provide that functions will be exercisable automatically and some that functions may only be exercised after going through adoption procedures.

3.2 The Council has adopted certain functions many years ago and the full records of the adoption procedures no longer exist.

3.3 Failure to prove that adoption provisions were fully complied with is not necessarily fatal to enforcing those provisions as demonstrated by the High Court case of R oao Aylesbury Vale District Council v Call A Cab Ltd [2013] EWHC 3765 (Admin). However, to avoid challenges it is far better to be able to demonstrate full compliance with adoption requirements.

4 Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”) Section 3 and Schedule 4

4.1 This report relates to the designation of streets for the purposes of the above provisions. These deal with regulation of street trading. Previous Council minutes have established the principles of which streets should be designated as prohibited streets or consent streets and why designation as licence streets is not appropriate in the Borough. This report is not designed to make any changes to those principles.

4.2 The street trading provisions of the 1982 Act are adoptive provisions.

4.3 The procedure is set out in Schedule 4 to the 1982 Act (The legislation is set out at **Appendix 1** below). There are five stages:

4.3.1 There must be a resolution of the Council stating the Schedule 4 to the 1982 shall apply within the Borough from a stated date (the “Adoption Resolution”);

4.3.2 There must be compliance with certain matters relating to advertising and notices prior to the Designation Resolution;

4.3.3 The Council must not make a Designation Resolution before taking into considerations any representations received in response to the advertisement and notices in (3) above;

4.3.4 When Schedule 4 is in force the Council may by resolution designate any street in their area as a prohibited street, a licence street, or a consent street (the “Designation Resolution”); and

4.3.5 Having made the Designation Resolution there are further advertisement requirements.

5 The Adoption Resolution (Stage 1)

5.1 Section 3 of the 1982 Act provides that:

“A district council may resolve that Schedule 4 to this Act shall apply to their district and, if a council so resolve, that Schedule shall come into force in their district on such day as may be specified in the resolution”.

5.2 The Adoption Resolution is a matter of record and did not require advertisement or notices. Consequently, Minute 394 passed by the Council on 6th January 1983 is still in effect and does not need to be repeated. This is referred to in **Appendix 3** below.

6. Matters to be complied with prior to the Designation Resolution. (Stages 2 and 3)

6.1 Schedule 4 paragraph 2 of the 1982 Act provides *inter alia* that:

“(3) A council shall not pass such a resolution unless—
(a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
(b) they have served a copy of the notice—
(i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
(ii) on any highway authority responsible for that street; and ...”

6.2 The notice referred must contain a draft of the resolution; and must state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

6.3 A copy of an appropriate notice is set out at **Appendix 2** below.

6.4 The council must consider any representations relating to the Designation Resolution which they have received before the expiry of the period set out in the notice.

7 The Designation Resolution (Stage 4)

7.1 Schedule 4 paragraph 2 of the 1982 Act provides that:

“(1) A district council may by resolution designate any street in their district as—

- (a) a prohibited street;
- (b) a licence street; or
- (c) a consent street.

(2) If a district council pass such a resolution as is mentioned in sub-paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed)”.

7.2 The text of the proposed Designation Resolution is set out in the Schedule to the Notice contained in **Appendix 2** below.

8 Matters which must be complied with after the Designation Resolution (Stage 5)

8.1 The council must publish notice that they have passed the Designation Resolution in two consecutive weeks in a local newspaper circulating in their area: the first publication must not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

8.2 A draft of the proposed newspaper advertisement is set out at **Appendix 4** below.

9 History of the adoption of street trading provisions of the 1982 Act

9.1 The Council adopted the street trading provisions of the 1982 Act in April 1983 as evidenced by the resolutions referred to in **Appendix 3** below. Unfortunately, the press advert and associated notices do not survive and therefore cannot be produced.

9.2 A similar situation arose in the Aylsebury Vale case referred to above.

10 The way forward

10.1 It is proposed to 're-adopt' the street trading provisions of the 1982 Act. This can be achieved by adopting the provisions "to the extent that they are not already in force".

10.2 This would avoid any possibility of challenge in the future.

10.3 Since records can now be scanned and held electronically there is a greatly improved chance that the records of adoption will be traceable into the indefinite future.

11 The Local Authorities (Functions and Responsibilities) Regulations 2000

11.1 Regulation 2(11) of the 2000 Regulations provides that unless otherwise provided by any other provision of the 2000 Regulations a function which by virtue of enactments passed prior to the 2000 Regulations may only be discharged by the Council is not to be the responsibility of the executive. Such potential "otherwise provided" provisions have not been identified elsewhere in the 2000 Regulations but it is apparent that the adoption of the 1976 Act is not an executive function and is a matter reserved to full Council.

11.2 This approach is also consistent with Council function 18 in the Constitution: "To institute new services and discontinue or alter existing services."

12. Policy and finance implications

12.1 There are no policy or finance implications arising out of this agenda.

13 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Background file	Legal Service	John Tully/Kay Cleary

APPENDIX 1

Local Government (Miscellaneous Provisions) Act 1982 c. 30
Part III STREET TRADING

This version in force from: **July 13, 1982 to present**

◀◀◀ (version 1 of 1) ▶▶▶

3. Power of district council to adopt Schedule 4.

A district council may resolve that [Schedule 4](#) to this Act shall apply to their district and, if a council so resolve, that Schedule shall come into force in their district on such day as may be specified in the resolution.

Schedule 4 STREET TRADING**Designation of streets**

This version in force from: **April 1, 2012 to present**

◀◀◀ (version 5 of 5) ▶▶▶

2.—

(1) A district council may by resolution designate any street in their district as—

- (a) a prohibited street;
- (b) a licence street; or
- (c) a consent street.

(2) If a district council pass such a resolution as is mentioned in sub-paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(3) A council shall not pass such a resolution unless—

- (a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
- (b) they have served a copy of the notice—
 - (i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
 - (ii) on any highway authority responsible for that street; and
- (c) where sub-paragraph (4) below applies, they have obtained the necessary consent.

(4) This sub-paragraph applies—

- (a) where the resolution relates to a street which is owned or maintainable by a relevant corporation; and
- (b) where the resolution designates as a licence street any street maintained by a highway authority; and in sub-paragraph (3) above “*necessary consent*” means—
 - (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and
 - (ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(5) The following are relevant corporations for the purposes of this paragraph—

- (a) the British Railways Board;
- (b) the [new towns residuary body] ¹ ;

[(ba) a Mayoral development corporation;

] ² (c) a development corporation for a new town; [and] ³

(d) an urban development corporation established under the [Local Government, Planning and Land Act 1980](#) ; [...] ⁴

[...] ⁴

[(5A) In sub-paragraph (5)(b) above “*new towns residuary body*” means—

- (a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in [section 52\(1\)\(a\) to \(d\)](#) of the [Housing and Regeneration Act 2008](#) [or the Greater London Authority so far as exercising its new towns and urban development functions] ⁶ ; and

(b) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in [section 36\(1\)\(a\)\(i\) to \(iii\)](#) of the [New Towns Act 1981](#).

]⁵

(6) The notice referred to in sub-paragraph (3) above—

(a) shall contain a draft of the resolution; and

(b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

(7) As soon as practicable after the expiry of the period specified under sub-paragraph (6) above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(8) After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in sub-paragraph (1) above.

(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.

(10) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

(11) Where a street is designated as a licence street, the council may resolve—

(a) in the resolution which so designates the street; or

(b) subject to sub-paragraph (12) below, by a separate resolution at any time, that a street trading licence is not to be granted to any person who proposes to trade in the street for a number of days in every week less than a number specified in the resolution.

(12) Sub-paragraphs (3)(a) and (6) to (10) above shall apply in relation to a resolution under sub-paragraph (11)(b) above as they apply in relation to a resolution under sub-paragraph (1) above.

(13) Any resolution passed under this paragraph may be varied or rescinded by a subsequent resolution so passed.

Notes

1.

Words substituted by Housing and Regeneration Act 2008 c. 17 [Sch.8 para.34\(2\)](#) (December 1, 2008)

2.

Added by Localism Act 2011 c. 20 [Sch.22 para.8](#) (January 15, 2012)

3.

Word inserted by Government of Wales Act 1998 c. 38 [Sch.15 para.5](#) (October 1, 1998)

4.

Sch.4, para.2(5)(e) and the word "and" immediately preceding it by Government of Wales Act 1998 c. 38 [Sch.18\(IV\) para.1](#) (October 1, 1998)

5.

Added by Housing and Regeneration Act 2008 c. 17 [Sch.8 para.34\(3\)](#) (December 1, 2008)

6.

Words inserted by Localism Act 2011 c. 20 [Sch.19 para.9](#) (April 1, 2012 subject to SI 2012/628 arts 9, 11, 14, 15 and 17)

APPENDIX 2

NOTICE OF INTENTION TO PASS A [DESIGNATION] RESOLUTION

Local Government (Miscellaneous Provisions) Act 1982

WHEREAS

- (1) Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the "1982 Act") provides for matters relating to street Trading and is in effect within the Borough of Halton.
- (2) Halton Borough Council (the "Council") is a district council for the purposes of Schedule 4 of the 1982 Act.

- (3) The Council has previously designated streets within the meaning of paragraph 2 to Schedule 4 of the 1982 Act but all of the records associated with the designation are not available for production.
- (4) The Council therefore intends to resolve to designate streets within the Borough of Halton as consent streets and prohibited streets within the whole of its area (the “relevant area”) “to the extent that such designations are not already in force”.
- (5) The Council is required, prior to making a resolution to place this notice in a local newspaper and to serve copies of the same as directed by Schedule 4 of the 1982 Act.

NOW THEREFORE NOTICE IS HEREBY GIVEN that the Council:

1. Intend to pass a resolution in accordance with paragraph 2 of Schedule 4 of the 1982 Act to designate streets within the Borough of Halton as consent streets and prohibited streets (to the extent that they are not already so designated) and the designations shall take effect on and after a date to be specified in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed). The text of the draft resolution is set out in the Schedule to this Notice.
2. Representations relating to the proposed resolution may be made in writing to the council at the address shown below by [].

Dated:

Issued by:

Address:

SCHEDULE

Draft text of proposed resolution

[introductory text to be determined when appropriate]

RESOLVED: (1) To the extent that they are not already so designated for the purposes of schedule 4 of the Local Government (Miscellaneous Provisions) Act

1982 the streets listed in the Schedule to this resolution shall be designated on and after the designation day as prohibited streets or consent streets as indicated in the Schedule;

(2) The designation day for the purposes of this resolution shall be [] (being not before the expiration of the period of one month beginning with the day on which this resolution is passed).

(3) All powers, duties and provisions in the Council’s Constitution relating to the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and all policies, practices and conditions relating thereto shall continue to apply on and after the designation day.

Schedule

Part 1 – Prohibited Streets

The following is a list of prohibited streets within the Borough of Halton

<p>Halton Borough Council – Street Trading List of Prohibited Streets Widnes</p> <p>Albert Road Barrows Green Lane Bechers Birchfield Road Bradley Way Chorleys Lane Cronton Lane Dans Road Deacon Road Derby Road Ditchfield Road Ditton Road Dundalk Road Everite Road Fiddlers Ferry Road Ditchfield Road Ditton Road</p>	<p>Dundalk Road Everite Road Fiddlers Ferry Road Greenoaks Way Hale Park Hale Road Halebank Road Halegate Road Halton View Road Heath Road Highfield Road Hough Green Road Kingsway Leigh Avenue Liverpool Road Lowerhouse Lane Lowerhouse Lane East Lugsdale Road Lunts Heath Road Marshgate Milton Road Moor Lane</p>	<p>Moor Lane South Moorfield Road Norlands Lane Peelhouse Lane Prescot Road Queensway St Mary’s Road St Michael’s Road Speke Road Terrace Road Town Lane Victoria Avenue Victoria Road Warrington Road Waterloo Road Widnes Road Watkinson Way Wilmere Lane Windfield Way</p>
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Halton Borough Council – Street Trading List of Prohibited Streets Runcorn		
Alcock Street Ascot Avenue Astmoor Road Astmoor Spine Road Balfour Street Bankes Lane Barkers Hollow Road Barnfield Avenue Boston Avenue Bridge Street Bridgewater Street Brookvale Avenue North Bus Station Calvers Camelot Way Castlefields Avenue East Castlefields Avenue North Castlefields Avenue South Cavendish Farm Road Chester Road Church Street Clifton Lane Clifton Road Coppice Close Coronation Rd, Preston Brook Cross Road Daresbury By-Pass Delph Lane Devonshire Square Expressway Festival Way Gorse Well Lane Grangemoor Grangeway	Granville Street Greenhouse Farm Road Greenway Road Hallwood Link Road Halton Brook Avenue Halton Brow *Halton Lea Shopping Centre *East Lane *Eastway *Northway *Southway *West Lane *West Way * Second Avenue * Third Avenue * Fourth Avenue Halton Lodge Avenue Halton Station Road Heath Road Heath Road South High Street Higher Lane Highlands Road Hilltop Road Irwell Lane Keckwick Lane King Street King Arthur's Walk Lamsickle Lane Latham Avenue Leaside Loch Street Lowlands Road Lydiat Lane Main Street Meadway Mersey Road Motorway M56 Moughland Lane Murdishaw Avenue	Newton Lane Northwich Road Norton Lane Norton View Old Quay Street Palacefields Avenue Park Road Picow Farm Road Princess Street Pump Lane Regent Street Richard Close Runcorn Road Russell Road Sandy Lane Sandy Lane, Preston Brook South Parade Southgate Approach Rd Southwood Avenue Spur Road Stockham Lane Stockham Lane Approach Road Stockham Lane Car Park Stonelea Summer Lane The Croft Vicar Street Victoria Road Warrington Road Westfield Road Weston Road Windmill Hill Avenue North Windmill Hill Avenue South Windmill Hill Avenue East Windmill Hill Avenue West Windmill Lane Wood Lane

Part 2 - Consent Streets

All streets within the Borough of Halton which are not designated as prohibited streets are designated as consent streets except streets owned or maintained by relevant corporations.

APPENDIX 3

Adopted as from 1st April 1983
Council Meeting 6th January 1983 Minute 394 adopting recommendation from
Policy & Resources Committee meeting 6th December 1982 Minute 382 (applying to
[so far as still relevant] Sex Establishments, **Street Trading** and Tattooing, Ear-
piercing and Acupuncture).

APPENDIX 4

NOTICE OF PASSING OF A [DESIGNATION] RESOLUTION

Local Government (Miscellaneous Provisions) Act 1982

WHEREAS

1. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the “1982 Act”) provides for matters relating to street Trading and is in effect within the Borough of Halton.
2. Halton Borough Council (the “Council”) is a district council for the purposes of Schedule 4 of the 1982 Act.
3. The Council has previously designated streets within the meaning of paragraph 2 to Schedule 4 of the 1982 Act but all of the records associated with the designation are not available for production.
4. The Council have resolved (to the extent that such designations are not already in force) to designate streets within the Borough of Halton as consent streets and prohibited streets as set out in the resolution.
5. The Council is required, having made a resolution to place this notice in a local newspaper for two consecutive weeks as directed by Schedule 4 of the 1982 Act.

NOW THEREFORE NOTICE IS HEREBY GIVEN that the Council have on [] passed a resolution in accordance with paragraph 2 of Schedule 4 of the 1982 Act to designate streets within the Borough of Halton as consent streets or prohibited streets (to the extent that they are not already so designated) and the designations shall take effect on and after [.....]

Dated:

Issued by:

REPORT:	Regulatory Committee
DATE:	18 January 2016
PORTFOLIO:	Resources
REPORTING OFFICER:	Strategic Director Community & Resources
SUBJECT:	Legal Services Licensing Functions
WARDS:	Borough-wide

1. PURPOSE OF REPORT

The purpose of this report is to update members on the changes made to the Legal Services Licensing in Tables.

2. RECOMMENDED: That

- 1. the amended information contained in Legal Services Licensing in Tables be noted; and**
- 2. although the Committee will continue to receive training on relevant areas the Committee is invited to identify any areas of interest to be included in future training.**

3. SUPPORTING INFORMATION

- 3.1** At the Committee meeting on 18 September 2006 members were advised of a document relating to the various licences dealt with by Legal Services and resolved that the information as outlined be published on the Councils web site.
- 3.2** This document was updated and presented to members at previous meetings and has been further updated again to reflect changes.
- 3.3** The amended version of the Legal Services Licensing in Tables is attached to this item and will be presented to members at the meeting and then put onto the Councils web site.

4. POLICY IMPLICATIONS

There are no policy implications

5. OTHER IMPLICATIONS

There are no other implications from this report

6 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 6.1 Children and Young People in Halton**
None
- 6.2 Employment Learning and Skills in Halton**
N/A
- 6.3 A healthy Halton**
N/A
- 6.4 A Safer Halton**
None
- 6.5 Halton's Urban Renewal**
N/A

7 RISK ANALYSIS

N/A

8 EQUALITY AND DIVERSITY ISSUES

N/A

11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Various Information	Legal Services	John Tully/ Kay Cleary

Legal Services Licensing Functions Introduction Nature of Licensing

Licensing covers a whole spectrum of controls which have been imposed by Parliament over many years.

The Licensing function within Legal Services is dealt with by the Environment and Licensing Group. The Licensing Section comprises 4 full time and 1 part time members of staff who are directly involved with processing licence applications (including the Licensing Manager). The Environment and Licensing Group Solicitor is also involved with a substantial number of legal issues and Committee matters arising out of the Council's licensing functions. Another Solicitor within the Group deals with additional matters such as appeals against decisions made by the Council. A number of Council directorates are also involved as illustrated in Table 2 below.

The underlying purpose of Local Authority licensing is protection of people, animals or the environment.

Some comprise elaborate registration systems (e.g. Street Collection Permits and Societies Lotteries) where the issue of the permit is not the end of the process.

In this document the word "licence" is used to include licence, permit, registration and notice.

Some licensing relates to animal welfare (e.g. riding establishment permits) where establishing proper welfare conditions is a pre-condition of grant.

Other types of licensing involve consideration of a range of policy considerations and often complex interactions between applicants and the public (e.g. Taxi Licensing, Alcohol/Entertainment Licensing and Gambling Licensing).

It follows from the above that the process of licensing can vary from a straight application and grant (two transactions) to a range of interactions over a period of months leading to a grant (or conditional grant) or refusal of an application – the latter two giving rights of appeal.

For all but the simplest type of licence the application process involves contact with a range of internal departments (mainly planning, highways and environmental officers) and external agencies (mainly police and fire authorities) together with other disciplines (e.g. Vets).

Charges for licences are equally variable. Some charges are set by the Council, some by central government, and some can't be charged for.

The following Tables provide a snapshot of a number of issues associated with Licensing.

Table 1
Types of licences involved

Licence type administered by Legal Services	What these licences deal with
Adult Gaming Centres	Require a premises licence under section 150 Gambling Act 2005 for the use of gaming machines which have higher stakes and prizes than allowed in family entertainment centres.
Alcohol, Regulated Entertainment and Late Night Refreshment	The supply of alcohol, regulated entertainment and late night refreshment (as defined in the Licensing Act 2003) require a premises licence. See also Temporary Event Notices (Licensing Act 2003).
Alcohol Premises (as of right) gaming machines	See Licensed Premises Gaming Machine Permits
Animal Boarding Establishments	Boarding establishments for dogs and cats require a licence under the Animal Boarding Establishments Act 1963.
Betting Shops	Require a premises licence under section 150 Gambling Act 2005
Bingo Halls	Require a premises licence under section 150 Gambling Act 2005
Bingo (other than Bingo Halls)	See prize gaming
Club Gaming Permits	These authorise the use of certain gaming machines as well as the provision of facilities for gaming and games of chance as defined in section 271 Gambling Act 2005
Club Gaming Machine Permits	These authorise the use of certain gaming machines as defined in section 273 Gambling Act 2005
Dangerous Wild Animals	The keeping dangerous wild animals requires a licence under the Dangerous Wild Animals Act 1976
Dog Breeding	The keeping breeding establishments for dogs requires a licence under Breeding of Dogs Acts 1973 as amended
Family Entertainment Centre (Licensed)	Require a premises licence under section 150 Gambling Act 2005 for the use of gaming machines which have a lower stakes and prizes than allowed in adult gaming centres
Family Entertainment Centre (unlicensed) Gaming Machine Permits	Used where Family Entertainment Centres do not hold Premises Licences and authorises the use of Category D gaming machines under section 247 Gambling Act 2005
Gaming Machines	See under the relevant types of premises
Hawkers	In designated places a consent is required under section 30 Cheshire County Council

	Act 1980 for the following activities – touting for hotels and restaurants etc; hawking, selling or offering things for sale; trade photography; hiring vehicles, chairs seats or animal rides.
Hypnotism	Exhibitions of hypnotism require the consent of the Council under the Hypnotism Act 1952
House to House Collections	Permits are required under the House to House Collections Act 1939 for collections house to house for charitable purposes. “Collection” means an appeal to the public whether for consideration or not to give money or other property. “Charitable” includes charitable, benevolent or philanthropic purposes.
Late Night Refreshment	A Premise Licence is required for the provision of Late Night Refreshment as defined in Schedule 2 Licensing Act 2003. See Alcohol above. See also Temporary Event Notices (Licensing Act 2003
Licensed Premises Gaming Machine Permits	These may permit the use of Category C or D Gaming Machines on (alcohol) licensed premises in accordance with section 283 Gambling Act 2005. Note also section 282 which provides for the automatic entitlement to one or two Category C or D Gaming Machines subject to conditions.
Lotteries (Small Society)	Small societies may promote lotteries subject to a range of conditions subject to registration with a local authority under Schedule 11 Gambling Act 2005
Motor Salvage Operators	See Scrap Metal Dealers Act 2013
Occasional Use Notices	See Temporary Use Notices (Gambling Act 2005)
Pet Shops	A licence is required for keeping a pet shop under the Pet Shops Act 1951
Performing Animals (from September 2006)	Exhibiting or training performing animals requires a licence under the Performing Animals (Regulation) Act 1925
Prize Gaming Permits	Prize gaming is defined in section 288 Gambling Act 2005 and permits for prize gaming are obtained under section 289 and Schedule 14 of that Act. Prize gaming is gaming where neither the nature nor the size of the prize is determined by reference to the number of persons playing or the amount paid for or raised by the gaming. Bingo is a good example of prize gaming and prize gaming permits may be used for bingo where no Bingo Premises Licence is in place.
Regulated Entertainment	A Premise Licence is required for the

	provision of regulated entertainment as defined in Schedule 1 Licensing Act 2003. See Alcohol above. See also Temporary Event Notices (Licensing Act 2003).
Riding Establishments	A Licence is required under the Riding Establishments Acts 1964 and 1970 for the keeping horses for being let out on hire for riding or instruction in riding
Scrap Metal Dealers	No person may carry on a business as a scrap metal dealer (site or collector) unless authorised by a licence under the Scrap Metal Dealers Act 2013
Sex Establishments	These require a licence under the Local Government (Miscellaneous Provisions) Act 1982. The term "sex establishment" includes sex cinemas, sex shops and sex entertainment venues.
Street Collections	Collecting money or selling articles for charitable or other purposes in any street or public place requires a permit under the Police, Factories, etc., (Miscellaneous Provisions) Act 1916
Street Trading	A street trading consent is required under the Local Government (Miscellaneous Provisions) Act 1982 for selling or exposing or offering for sale of any article (including a living thing) in a street. Note that there are nine categories of activity (e.g. news vending) which are excluded from the definition. But also note that some of these exceptions may still be caught by the Hawking category listed above.
Taxi and Private Hire	Licensing hackney carriage (taxi) vehicles and drivers and private hire vehicles, drivers and operators is controlled by the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847
Temporary Event Notices (Licensing Act 2003)	Usually referred to as TENS. These allow activities otherwise requiring a premises licence under the Licensing Act 2003 to be carried on without a premises licence on a limited number of occasions subject to a range of conditions. See Part 5 Licensing Act 2003.
Temporary Use Notices (Gambling Act 2005)	Usually referred to as TUNS. These allow activities otherwise requiring a premises licence or a permit under the Gambling Act 2005 to be carried on without a premises licence on a limited number of occasions subject to a range of conditions. See Part 9 Gambling Act 2005. Note also Occasional Use Notices

	(OUNS) under section 39 Gambling Act 2005 which relate betting on a horse-race track, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
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Table 2
Persons involved other than Legal Services

Licence type administered by Legal Services	Persons involved other than Legal Services
Adult Gaming Centre	Police; Fire; Gambling Commission; H M Revenue & Customs; Health & Safety Authority; Environmental Health Authority; Planning Authority; Child Welfare Authority
Alcohol, Regulated Entertainment & Late Night Refreshment	Police; Fire; Planning Authority; Health & Safety Authority; Environmental Health Authority; Child Welfare Authority; various maritime and waterways authorities
Alcohol Premises (as of right) machines	None
Animal Boarding Establishments	EHOs; Vets
Betting Shops	See Adult Gaming Centre
Bingo Halls	See Adult Gaming Centre
Bingo (other than Bingo Halls)	None
Club Gaming Permit	Gambling Commission; Police
Club Gaming Machine Permits	Gambling Commission; Police
Dangerous Wild Animals	EHOs; Vets
Dog Breeding	EHOs Vets
Family Entertainment Centre Premises Licence	See Adult Gaming Centre
Family Entertainment Centre (unlicensed) Gaming Machine Permits	None
Gaming Machines	See relevant licence or permit
Hawkers	Town Centre Manager
House to House Collections	Charities Commission; Police
Hypnotism	N/A
Late Night Refreshment	See Alcohol above
Licensed Premises Gaming Machine Permit	None
Lotteries (Small Society)	None
Motor Salvage Operators	Police
Pet Shops	EHOs
Performing Animals	EHO's
Prize Gaming Permits	None
Regulated Entertainment	See Alcohol above
Riding Establishments	EHOs; Vet
Scrap Metal Dealers	Police
Sex Shops	Police
Street Collections	Charity Commission; Police
Street Trading	Highways; EHOs

Taxi & Private Hire Drivers/Operators	CRB; DVLA; Occupational Health; Police; other licensing authorities; HDL
Taxi & Private Hire Vehicles	HBC Fleet Management Section; Insurers; Police; other Licensing authorities; HDL

NOTE TO TABLE 2

Some licence/permit applications are purely administrative in nature and do not involve other Council departments or external agencies (except in some cases the Council's Direct Link Offices provide and receive application forms). However, Table 2 is designed to give a flavour as to the extent of involvement outside of the Council's Legal Services in the determination of applications

Table 3**Other Legislation which may be implemented**

Animal Welfare Act (relevant to most animal related licensing)
Charities Act (Street and House to House Collections regime)
Peddlers and Street Trading Legislation

NOTE TO TABLE 3

In the first two cases listed in Table 3 the legislation has been made but relevant regulations to bring the legislation into effect have not been made.

Table 4**Miscellaneous**

	Can the Application be made in Person (1)	Can the Application be made by Post (2)	Is there an automatic entitlement to Grant (3)	Are Policy Matters Involved (4)
Adult Gaming Centres	N	Y	N	Y
Alcohol	N	Y	N	Y
Alcohol Premises (as of right) gaming machines	N	Y	Y	Y
Animal Boarding Establishments	N	Y	N	Y
Betting Shops	N	Y	N	Y
Bingo Halls	N	Y	N	Y
Bingo (other than Bingo Halls)	N	Y	Y	Y
Club Gaming Permits	N	Y	N	Y
Club Gaming Machine Permits	N	Y	N	Y
Dangerous Wild Animals	N	Y	N	Y
Dog Breeding	N	Y	N	Y

Family Entertainment Centre Premises Licence	N	Y	N	Y
Family Entertainment Centre (unlicensed) Gaming Machine Permit	N	Y	Y	Y
Hawkers	Y	Y	N	Y
House to House Collections	N	Y	N	Y
Hypnotism	Y	Y	N	Y
Late Night Refreshment	N	Y	N	Y
Licensed Premises Gaming Machine Permits	N	Y	Y	Y
Lotteries (Small Societies)	N	Y	Y	Y
Motor Salvage Operators	N	Y	N	Y
Pet Shops	N	Y	N	Y
Performing Animals	N	Y	N	Y
Prize Gaming Permits	N	Y	Y	Y
Regulated Entertainment	N	Y	N	Y
Riding Establishments	N	Y	N	Y
Scrap Metal Dealers	Y	Y	N	N
Sex Shops	Y	Y	N	Y
Street Collections	N	Y	N	Y
Street Trading	Y	Y	N	Y
Taxi & Private Hire Drivers/Operators	Y	N	N	Y
Taxi & Private Hire Vehicles	Y	N	N	Y

NOTES TO TABLE 4

- (1) **W here applications can be made in person there is a Licensing Section public counter on the 4th floor Municipal Building Kingsway W idnes which is open Monday to Friday 10.00 to 12.00 and 13.00 to 16.00**
- (2) **W here applications can be made by post they must be sent to the Council's Legal Services Licensing Section at the address shown on the relevant application form (but note that a number of applications must also be sent to statutory consultees and may also require advertisement)**

- (3) Where there is not an automatic entitlement to the grant of an application objections may be made to the application
- (4) Where policy matters are involved (e.g. the Council's Statement of Licensing Policy), applicants are advised to familiarise themselves as to the relevant policy – details can be found on the Council's website
- (5) Certain Licences/ Permits/ Registration may be applied for using GOV UK website.

Table 5
Charges

Licence type administered by Legal Services	Charges set by Central Government	No charges allowed	Charges set by the Council
Adult Gaming Centres	Y***		
Alcohol	Y		
Alcohol Premises (as of right) gaming machines	Y		
Animal Boarding Establishments			Y
Betting Shops	Y***		
Bingo Halls	Y***		
Bingo (other than Bingo Halls)	Y		
Club Premises Permits	Y		
Club Premises Gaming Machine Permits	Y		
Dangerous Wild Animals			Y
Dog Breeding			Y
Family Entertainment Centre Premises Licence	Y***		
Family Entertainment Centre (unlicensed) Gaming Machine Permit	Y		
Hawkers			Y
House to House Collections		Y	
Hypnotism		Y	
Late Night Refreshment	Y		
Licensed Premises Gaming Machine Permits	Y		
Lotteries (Small Societies)	Y		
Motor Salvage Operators			Y
Pet Shops			Y
Performing Animals			Y
Prize Gaming Permits	Y		
Regulated Entertainment	Y		
Riding Establishments			Y
Scrap Metal Dealers			Y
Sex Establishments			Y
Street Collections		Y	
Street Trading			Y
Taxi & Private Hire Drivers/Operators			Y

Taxi & Private Hire Vehicles			Y
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NOTE TO TABLE 5

The coding Y*** means that central government sets the maximum charge that may be imposed by the Council. In these cases the Council sets the actual charges up to the maximum figure allowed.

Table 6**Approximate numbers of licences 2015**

(NOTE: Numbers change regularly: this table is a snapshot of the position as at November 2015)

Licence type administered by Legal Services	Numbers
Adult Gaming Centres	6
Alcohol, Regulated Entertainment & Late Night Refreshment:	
Premises Licences	372
Club Premises Certificates	22
Personal Licences	1190
Temporary Event Notices /Apr-Nov 15	54
Alcohol Premises (as of right) gaming machines	78
Animal Boarding Establishments	9
Betting Shops	23
Bingo Halls	2
Bingo (other than Bingo Halls)	0
Club Gaming Permits	4
Club Gaming Machine Permits	17
Dangerous Wild Animals	0
Dog Breeding	2
Family Entertainment Centre Premises Licence	0
Family Entertainment Centre (unlicensed) Gaming Machine Permit	0
Hawkers	1
Hypnotism	1
House to House Collections	33
Licensed Premises Gaming Machine Permits	18
Lotteries (Small Societies)	74
Pet Shops	11
Performing Animals	1
Prize Gaming Permits	7
Riding Establishments	1
Scrap Metal Dealers	40
Sex Shops (Sex Entertainment Venue)	0
Street Collections	48
Street Trading (No of Vehicles Licensed)	31
Taxi and Private Hire Drivers (SSD)	423
Private Hire Operators	13

Private Hire Vehicles	89
Taxi (Hackney Carriage) Vehicles	267
Transfer of Premises Licence (Apr/Nov 15)	21
Vary Designated Premises Supervisor (Apr to Nov 15)	51