

<b>Report to:</b>	<b>PUBLIC PROTECTION SUB-COMMITTEE</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Service
<b>Date of Meeting:</b>	17 <sup>th</sup> March 2015

## **CONSENTS UNDER SECTION 29 COUNTY OF LANCASHIRE ACT 1984**

### **1.0 Purpose of the report:**

1.1 To consider consents issued under Section 29 County of Lancashire Act 1984.

### **2.0 Recommendation(s):**

2.1 To approve the proposed standard conditions.

2.2 To approve the fee of £50.00 per consent.

2.3 To confirm that consents will last for a period of 12 months.

2.4 To confirm that each individual concerned in the business of taking the photographs must possess a consent.

2.5 To delegate power to the Head of Licensing Services, following consultation with the Head of Quality Standards to grant consent to suitable applicants.

### **3.0 Reasons for recommendation(s):**

3.1 The Council is required to have a procedure for consideration of applications for consent.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

The Sub-Committee has the power to grant or refuse the applications.

#### **4.0 Council Priority:**

4.1 The relevant Council Priority is “Create safer communities and reduce crime and anti-social behaviour”

#### **5.0 Background Information**

5.1 Section 29 of the County of Lancashire Act 1984 permits the Council to designate areas where taking photographs of any person by way of trade or business is not permitted without the consent of the Council.

5.2 The Act permits conditions to be attached to the consent. A fee may also be charged.

5.3 At its meeting on 10<sup>th</sup> August 2001, the Licensing and Appeals Committee approved the list of designated places detailed in Appendix 5(a).

5.4 This part of the legislation has not been enforced for a number of years, however over the last 12 months concerns have arisen over the number of people in character costumes making themselves available at a charge to have their photograph taken. This can cause nuisance and annoyance to members of the public. Many of these costumes are targeted at children, yet nothing is known about the individual wearing it.

5.5 To address concerns, officers have formulated a permit scheme that can be operated aiming to:

- Safeguard the interests of the public, in particular, children and the vulnerable;
- Facilitate activities in a well organised manner to ensure that good standards are met, and without causing undue nuisance to the public and local businesses;
- Prevent photography in designated places without the relevant consent.

5.6 The proposal is that if approved the consent will last for 12 months and a fee of £50.00 per consent will be charged. All persons associated with the photography must have consent, not just the actual photographer.

5.7 It is proposed that the following standard conditions be attached to consents:

- The consent does not apply to Bank Hey Street.
- The consent shall be produced on request to an authorised officer of the Council or Police Constable/Community Support Officer.
- Any charge/donation for the service/activity shall be clearly displayed before the customer agrees to take part.
- The consent holder shall ensure that any queue or crowd is managed in such a way as not to cause unnecessary obstruction to any highway, thoroughfare

or entrance and exit to any business.

- Consent holders are prohibited from causing annoyance or nuisance to any person queuing or entering any business in the vicinity that they are carrying out the activity.
- Consent holders will ensure that they do not carry on any activity within three metres of any entrance/exit or queue to businesses in the vicinity they are carrying out the activity.

5.8 Applications for consent must include:

- The applicant's details.
- Two passport size photographs.
- The location of the proposed photography.
- The nature of the proposed photography.
- Details of the payment that will be requested in connection with the activity.
- Details and a photograph of any costume to be used.
- The consent of any relevant Trademark holder.
- Names of other persons associated with the activity.
- Basic DBS certificate less than three months old.
- Certificate of public liability insurance to cover the period of the consent.
- The correct fee.

5.9 When deciding whether to grant or revoke a consent, consideration will be given to the following (this list is not exhaustive):

- Any criminal convictions or cautions.
- The nature of the proposed photography.
- The time and location of the proposed photography.
- Previous complaints regarding the photography.
- Legality in respect of Trademarks and Copyright.
- Any breach of conditions.
- Instances of photography in a designated place without consent.

5.10 Any person aggrieved by the refusal/revocation of a consent, or the conditions attached to a consent may appeal to the Magistrates' Court.

Does the information submitted include any exempt information?

No

**List of Appendices:**

Appendix 5(a) Schedule of designated streets.

**6.0 Legal considerations:**

6.1 None

**7.0 Human Resources considerations:**

7.1 None

**8.0 Equalities considerations:**

8.1 None

**9.0 Financial considerations:**

9.1 None

**10.0 Risk management considerations:**

10.1 None

**11.0 Ethical considerations:**

11.1 None

**12.0 Internal/ External Consultation undertaken:**

12.1 Consultation has taken place with the Quality Standards Team.

**13.0 Background papers:**

13.1 None