

DELEGATED DECISIONS

When: Tuesday 15 August 2023 at 5.30 pm

Where: Room 1.02, Civic, 1 Saxon Gate East, Milton Keynes,
MK9 3EJ and on [YouTube](#)

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Enquiries

Please contact Jane Crighton on 01908 252333 or jane.crighton@milton-keynes.gov.uk

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Agenda

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Agenda

- 1. Sex Establishment Policy** (Pages 5 - 28)

Decision to be taken by Councillor Trendall (Cabinet member for Customer Services).
- 2. Children’s Work Permits, Children’s Performance Licensing and Chaperone Approvals Policy** (Pages 29 - 62)

Decision to be taken by Councillor Trendall (Cabinet member for Customer Services).
- 3. Approval to Tender for a Young Parents Support Accommodation Service** (Pages 63 - 66)

Decision to be taken by Councillor Darlington (Cabinet member for Adults, Housing and Healthy Communities).
- 4. Parking Surplus Report 2022-23** (Pages 67 - 76)

Decision to be taken by Councillor Townsend (Cabinet member for Public Realm).

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Delegated Decisions report



15 August 2023

SEX ESTABLISHMENT POLICY

Name of Cabinet Member	Councillor Paul Trendall (Cabinet member for Customer Services)
Report sponsor	Neil Allen Head of Regulatory Services
Report author	James Sloan Senior Licensing Officer james.sloan@milton-keynes.gov.uk 01908 252801

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

Though there have been no recent relevant legislative changes, the Sex Establishment policy requires review every five years. Consultation with local stakeholders has been undertaken and responses are considered. A more thorough look at the equalities impact assessment has been made following increased interest in the subject matter nationally.

On 7 March 2023, the Regulatory Committee approved the revised policy and recommended that it be adopted by the Executive.

The matter is considered appropriate to be dealt with via a Delegated Decision

A robust policy is good evidence of a fair and transparent process should decisions made by the Council in respect of applications be appealed or challenged.

1. Proposed Decision

- 1.1 That the Sex Establishment Policy, attached as an **Annex** to the report, be adopted.
- 1.2 That authority be delegated to the Director of Customer and Community Services to make minor typographical and consequential amendments to the policy.

(5)

2. Why is the Decision Needed?

- 2.1 Milton Keynes City Council (MKCC) aims to review its policies on a regular basis to promote best practice and compliance from those that are licensed by them.
- 2.2 A greater focus on the Equality Impact Assessment and effective consultation responses have provided policy improvements despite no recent legislative nor government guidance changes.
- 2.3 The most notable changes proposed are:
- 2.3.1 Direct reference to policies promoting safety in the policy.
 - 2.3.2 Conditions relating to staff training and expectation of licence holders.
 - 2.3.3 Additional signposting for applicants to aid the prevention of violence against women and girls and also preventing sexual harassment at work will be included on the application pages.
 - 2.3.4 Application requirements.
 - 2.3.5 How individuals can make objections against an application.
 - 2.3.6 Variations and revocation.
 - 2.3.7 Describe relationship with other relevant legislation.
- 2.4 It is important to ensure the policy is fit for purpose meeting the needs of the operators, customers, employees and performers, regulators and citizens of Milton Keynes. A robust policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.
- 2.5 A draft revised policy was consulted upon with key stakeholders prior to Regulatory Committee endorsement.

3. Implications of the Decision

Financial	N	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

The financial implications to this review are primarily in staffing costs. These will be recovered as part of the Licence fees paid by applicants and licence holders.

(b) Legal Implications

There is no legislative requirement to maintain a Sex Establishment Policy, but a robust policy bridges the gap between legislation and guidance. There have been challenges (to other Councils) where policies have not been supported by effective Equality Impact Assessments. This risk has been addressed.

(c) Other Implications

Any part of our policy is open to challenge and needs to be seen to be reasonable and attributable. A policy that has been compiled in accordance with relevant legislation and guidance provides a robust document upon which the Council can use to support the decisions that it makes.

4. Alternatives

4.1 The existing policy can remain although it was due to be reviewed in 2021.

5. Timetable for Implementation

5.1 The Policy will be classed as adopted once any call-in period has passed.

List of Annexes

Annex Sex Establishment Policy

List of Background Papers

Regulatory Committee endorsement and draft policy considerations

<https://milton-keynes.moderngov.co.uk/CeListDocuments.aspx?Committeeld=155&MeetingId=5723&DF=02%2f11%2f2022&Ver=2>

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Sex Establishment Policy 2023-2028



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MILTON KEYNES COUNCIL SEX ESTABLISHMENT POLICY

1. The purpose and scope of this policy

- 1.1 This Sex Establishment Policy for Milton Keynes City Council (hereinafter referred to as 'the Council') will set out the policy of the Council with respect to carrying out its licensing functions for Sex Establishments as adopted under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, on 1 April 1983.
- 1.2 This policy incorporates the amendments that Section 27 of the Policing and Crime Act 2009 made to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, adopted by the Council on 16 March 2011. Section 27 effectively reclassifies lap dancing and similar premises as sexual entertainment venues, thus requiring a sex establishments licence.
- 1.3 The amendments allow local authorities and communities greater power in determining whether sexual entertainment venues are permitted in their locality and increase the controls available to be put on them. The policy reflects the view of the Council that local citizens and businesses should be able to determine whether sex establishments should be permitted in any particular area, whilst allowing flexibility to consider the potentially conflicting needs of commercial interests, patrons, employees, residents and communities.
- 1.4 The legislation defines Sex Establishments as sex shops, sex cinemas and sexual entertainment venues.
- 1.5 This policy was prepared following consideration of the relevant legislation, Guidance issued by the Home Office and relevant benchmarking exercises.
- 1.6 The policy does not override legal requirements detailed in primary and secondary legislation.
- 1.7 A public consultation to seek the views of Milton Keynes Citizens, elected MKCC Members, bodies determined by the Council to be 'responsible authorities' (Licensing Authority, Thames Valley Police, Fire Authority, Public Health, Environmental Health, Trading Standards, Planning, MK Together), relevant night-time economy bodies and current sex establishment licence holders was undertaken to inform this policy.
- 1.8 This Sex Establishment Policy will be reviewed periodically and when significant legislative changes occur. Any amendments will be subject to public consultation and endorsed by the Executive.

2. Sex Establishments

There are three types of sex establishments described by the legislation: Sexual Entertainment Venues, Sex Shops and Sex Cinemas.

2.1 Sexual Entertainment Venues

- 2.1.1 Further to amendments provided by section 27 Policing and Crime Act 2009, a sex entertainment venue can be defined as “premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer unless an exemption applies”. The exemptions are defined fully in the legislation.
- 2.1.2 Relevant entertainment is broadly described as live performances and live displays of nudity. These performances and displays would, ignoring financial gain, be reasonably assumed to be provided solely or principle for the purpose of sexually stimulating any member of the audience whether by verbal or other means.
- 2.1.3 Examples of relevant entertainment will be likely to include, but are not limited to:
- i. Lap dancing
 - ii. Pole dancing
 - iii. Table Dancing
 - iv. Strip Shows
 - v. Peep Shows
 - vi. Live Sex Shows
- 2.1.4 Although this list is not exhaustive, it is the relevant entertainment itself and not the name that defines the activity. For example, a fitness class based upon the actions of pole dancing would not normally be considered a relevant entertainment requiring a sex establishment licence.
- 2.1.5 A display of nudity would not automatically be considered to be provided solely or principally for the purpose of sexually stimulating any member of the audience. If a display of nudity forms part of a drama or dance performance in a theatre, then it would be unlikely to be classified as relevant entertainment. Such displays would be considered on a case-by-case basis.

2.2 Sex Shop

- 2.2.1 A sex shop is defined as a premises used for a business consisting to a significant degree selling, hiring, exchanging, lending, displaying, or demonstrating relevant articles.
- 2.2.2 Relevant articles are defined as anything made for the use in connection with or for the purpose of stimulating or encouraging sexual activity or restraint which are

associated with sexual activity.

2.2.3 Lingerie is not generally considered a sex article.

2.2.4 Although there is no single decisive factor used to determine whether premises are selling sex articles to a significant degree, the Council will consider the following:

- i. The ratio of sex articles to other aspects of the business
- ii. Absolute quantity of sales
- iii. Character of the business
- iv. Nature of the displays
- v. Turnover generated by sales of sex articles compared to other sales
- vi. Any other factors that may be relevant

2.2.5 A benchmark study on other local authorities has determined a guideline of 15% is to be used when determining whether the sale, hire, exchange, lending, display or demonstration of sex articles is considered significant. However, each premises and circumstances will be judged on their own merits and the percentage will not necessarily be considered a decisive factor.

2.2.6 Any premises selling relevant articles in the form of films/ videos classified by the British Board of Film Classification as R18 (a legally restricted classification primarily for the explicit works of consenting sex or strong fetish material involving adults) and/or similar magazines etc will be considered a sex shop.

2.3 Sex Cinema

2.4 A sex cinema is defined as premises used to a significant degree for the exhibition of moving pictures concerned with relevant images.

2.5 Relevant images are defined as images which deal with or relate to or are intended to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity or must portray or primarily deal with or relate to genital organs or urinary or excretory functions.

2.6 Whether premises provide a significant degree of relevant images is determined quite simply in that any premises showing British Board of Film Classification R18 film (a legally restricted classification primarily for the explicit works of consenting sex or strong fetish material involving adults) images to a public audience will require a sex cinema licence.

3 **Sex Establishment applications**

3.1 Application forms are available from the City Council website, New/ Variation/ Transfer or renewal. The application form details the process. Applications must be submitted with the following information:

- 3.1.1 A site plan of the premises, showing entrances, exits, performance areas, fire protection provisions and any immovable structures
- 3.1.2 Copies of any proposed advertising displays/ signs on the premises
- 3.1.3 A photo of the applicant
- 3.1.4 Proof of right to work if applicant is an individual
- 3.1.5 Proposals for preventing nuisance; promoting public safety; preventing crime and disorder; and protecting children from harm
- 3.1.6 System for checking ages and right to work for all employees and contractors
- 3.1.7 For Sexual Entertainment Venues:
 - 3.1.7.1 Code of practice for performers
 - 3.1.7.2 Rules for customers
 - 3.1.7.3 Policy for welfare of performers

(Note – these policies should consider Modern Day Slavery Act, the Equalities Act and preventing sexual harassment at work)

- 3.2 Applicants must advertise their application in the local press no later than 7 working days after an application is accepted, allowing for a consultation of 28 days as well as for 21 days via a notice on the premises, that is visible from the exterior of the premises to members of the public in a suitable place. Templates are available in the application pack.
- 3.3 The Council will consult with the Thames Valley Police and any other ‘responsible authorities’, Ward members and Parish Councils as considered necessary.
- 3.4 Variation applications can be made as according to the Act. Officers will determine whether a variation application should follow a new or renewal application procedure on a case-by-case basis and the nature of the change. Depending on the scope of the variation, public advertisement may, or may not be required.

4 Policy and Guidelines considered when determining a sex establishment licence

- 4.1 Any application for a sex establishment for either a sexual entertainment venue, sex shop or sex cinema will consider the definitions and issues identified above and the following guidelines.
- 4.2 Under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, an application must not be granted under the following mandatory grounds:
 - i. to a person under the age of 18;
 - ii. to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;

- iii. to a person, other than a body corporate, who is not resident in the United Kingdom or an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- iv. to a body corporate which is not incorporated in the United Kingdom or an EEA State; or
- v. to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

4.3 Relevant applications shall be considered following consultation with the relevant Parish/ Town Councils, Ward Members, responsible authorities, and the public via public notice.

4.4 Each application will be determined on its own merits having regard to relevant guidance and local criteria detailed under this policy. Where it is appropriate for MKCC to depart substantially from its Policy, clear reasons will be given for doing so.

4.5 Where an application does not receive any objection, or where such objections are received are resolved making the application effectively non-contested, authority is delegated to officers to grant the application.

4.6 Relevant objections will be considered by the Council when determining applications. Parish/Town and Community Councils, Ward Members, responsible authorities and any interested party (local resident or business) can make objections. Objections will be considered relevant where they follow the basis of paragraph 4.7 and 4.8 below. A decision on relevance will be made by an officer. In borderline cases the benefit of the doubt should be given to the person / body making the objection and a Committee can make a final judgement. Objections based on moral grounds are not considered relevant so will not be accepted. Objections based on equalities can be considered under section 6 below.

4.7 An application may be refused on the following discretionary grounds:

- i. the applicant is unsuitable to hold the licence by reason of (a)having been convicted of an offence or (b) for any other reason;
- ii. if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- iii. the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;

- iv. that the grant or renewal of the licence would be inappropriate, having regard—
 - a. to the character of the relevant locality; or
 - b. to the use to which any premises in the vicinity are put; or
 - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

4.8 When considering whether a licence would be inappropriate, the following **Guidelines** will be considered:

4.8.1 Only one sex shop and one other sexual entertainment venue in a particular 'locality' is ordinarily permitted.

4.8.2 A licensed sex establishment shall not normally be situated within 'inappropriate proximity' to:

- i. a place of religious worship / education;
- ii. a pre-school facility /school;
- iii. a higher education campus;
- iv. any residential accommodation (including hotels);
- v. an enclosed shopping mall, arcade or centre;
- vi. a market;
- vii. a building open to the general public;
- viii. a community meeting place;
- ix. a community leisure facility;
- x. a "Gateway" to an identifiable 'locality';
- xi. a location where children may be at risk but not previously referred to in (i)—(x) above; or
- xii. a conservation area within the meaning of the Town and Country Planning Acts.

Note: 'inappropriate proximity' is defined as the distance that, following assessment of the Regulatory Committee, taking into account evidence from objections.

4.8.3 The exterior advertisement/ decoration of the premises will be agreed with the Head of Regulatory Services, taking into consideration any advice from the Planning Service as required.

4.8.4 The window/door glazing adjacent to and visible from the public highway (including a footway) should be obscured, and no part of the interior should be visible when the entrance door is open.

- 4.9 The status or decision of a planning consent can be taken into consideration as to the grant or otherwise of a sex establishment licence.
- 4.10 The definition of 'locality' will be determined by the Regulatory Committee, or where relevant, officers, for each application on its merits.
- 4.11 Licences will be granted for a 12-month period except in exceptional circumstances.
- 4.12 All sex establishment licences will carry standard conditions as attached to this policy unless alternative provisions are made to render conditions unnecessary.
- 4.13 Additional special conditions can be applied to licences where the Council considers it necessary. These conditions may refer, but not be limited to opening hours, operational controls, protection of equalities etc.
- 4.14 Fees for applications and licence changes are available on request from the Council
- 4.15 Revocation of a licence:
- 4.15.1 The Council may revoke a licence on any mandatory ground, section 4.2 or on either of the discretionary grounds 4.7.
- 4.15.2 The Council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and being heard by the Regulatory Committee.

5 Licensing Act 2003

- 5.1 The provision of dancing and associated background live/ recorded music which is integral to the provision of relevant entertainment, such as lap dancing will not require authorisation under the Licensing Act 2003.
- 5.2 If the premises wishes to provide other licensable activities such as sale of alcohol, late night refreshment or the provision of music to allow members of the audience to dance, then a Premises Licence under the Licensing Act 2003 will be required.

6 Public Sector Equality Duty

- 6.1 Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Further guidance is available from Government Equalities Office and the Equality and Human Rights Commission.

- 6.2 If SEV licences were granted the Council would be able to attach conditions to licences as appropriate to promote this duty, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons using the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions.
- 6.3 Victims of modern day slavery, both foreign nationals and British citizens, can be at risk of exploitation by employers and customers in SEVs and trafficked around the country for sex work. Applicants and licence holders must implement training for SEV management and staff to help prevent and identify women who may be coerced into working in the industry or customers who may have been forced to attend the venue.

7 Immigration Act 2016

- 7.1 Under the Immigration Act, introduced in 2016, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. Licence holders and applicants are required to check the residency status and right to work of anyone who is employed. For more information on the Immigration Act, and the duties of employers to check the rights of their employees to work, please review the [Home Office guidance](#). Any licence holder found to allow an illegal worker to work as part of their activities is likely to have their licence reconsidered at renewal.

8 Scheme of delegation

Matters to be dealt with	Decision to be made by:		
	Full Committee	Sub-Committee	Officer
Application for grant, renewal, transfer		If contested and not resolved	If no relevant objection made
Application for transfer		If contested and not resolved	If no relevant objection made
Refusal of application		If contested and not resolved	Where Schedule 3 section 12 (1) of Misc Prov Act 1982 is met
Revocation of licence		In all cases	
Setting of fees	In all cases		
To make and amend policy	In all cases		
Enforcement			In all cases

Standard Conditions to be attached to all Sex Establishment Licences

General

- 1.0 The following conditions shall be attached to all sex establishment licenses issued by Milton Keynes City Council. The Council may decide to add or remove conditions depending on the relative merit of each application.
- 2.0 The grant of a licence for a Sex Establishment shall not be deemed to convey any approval or consent which may be required under any enactment by law order or regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Times of opening

- 3.0 *The Following hours and days have been agreed for the opening hours of the premises*
.....Hours
.....Days

Conduct and Management of Sex Establishments

- 4.0 Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change. Such written details as the Council may require in respect of any new director, secretary or manager are to be furnished within 14 days of a request in writing from the Council.
- 5.0 The name of the person(s) to be responsible for the daily management of the Sex Establishment shall be supplied to the Council in writing and shall be prominently displayed within the front reception of the Sex Establishment throughout the period during which they are responsible for its conduct.
- 6.0 The Licensee shall retain control over all portions of the premises and inform the Council at the earliest possible opportunity should any part of the premises be let, sold, transferred, or otherwise disposed of.
- 7.0 The Licensee shall maintain good order in the premises.
- 8.0 No person under the age of 18 shall be admitted to the premises or employed in the business of a Sex Establishment, and a notice to the former effect shall be displayed on all entrances to the premises so as to be visible from the outside.

- 9.0 All persons involved in admitting individuals into a Sex Establishment must receive full and appropriate training to enable them to identify individuals under 18 years of age. A record of the training each person has received shall be maintained and regular refresher training is also to be given and recorded. A record of this training may be either written or in electronic form and shall be provided to the Police, the Local Authority or the Licensing Authority on request.
- 10.0 If an individual attempting to enter the Sex Establishment appears to be less than 18 years of age then that individual shall be asked to produce identification such as a passport, HM Forces ID card, driving licence or national ID card bearing their photograph and date of birth with either:
(a) a holographic mark, or
(b) an ultraviolet feature
- 11.0 A refusal log will be kept to record all attempts to enter the premises by any underage persons. The refusal log may be either written or in electronic form and shall be provided to the Police, the Local Authority or the Licensing Authority on request
- 12.0 The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those parts which have been licensed by the Council.
- 13.0 Neither the Licensee, any employee or other person shall seek to obtain custom for the Sex Establishment by means of personal solicitation outside or in the vicinity of the premises.
- 14.0 The Licensee shall ensure that during the hours the Sex Establishment is open for business, every member of the management team wears a badge of a type to be approved by the Council indicating their name and that they are an employee.
- 15.0 A copy of the licence is to be displayed prominently at the premises at all times where it can be seen conveniently by customers.
1. No change is permitted from one type of sex establishment to another without the consent of the Council.

Goods available in Sex Establishments

1. Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging, sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Cinema or Sexual Entertainment Venue.

2. All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment.
3. No film or video film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

External Appearance

4. No display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter of thing (whether illuminated or not) shall be exhibited so as to be visible from outside the Premises except:
 - i) Any notice of a size and in a form approved by the Council which is required to be displayed so as to be visible from outside the Premises by law, or by any condition of a licence granted by the Council.
 - ii) Such display, advertisement, word, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any matter or thing (whether illuminated or not) as shall have been approved by the Council.
5. The interior of the premises shall not be visible from the entrance and windows.

State, condition and Layout of the Premises

6. The premises shall be maintained in good repair and condition.
7. The number, size and position of all doors or openings provided for the purposes of the ingress and egress by the public shall be approved by the Council and shall comply with the following requirements:-
 - i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "exit" or "fire exit" where appropriate.
 - ii) Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked "Private".
 - iii) Save in the case of emergency no access shall be permitted through the premises to any adjoining or adjacent unlicensed premises.

8. The external doors to the Sex Establishment shall be fitted with operating automatic door closures.
9. No fastenings of any description shall be fitted upon any booth or cubicle within the Sex Establishment
10. No more than one person (excluding any employee or contracted performer) shall be present in any such booth or cubicle at any time.
11. The Council must be notified of any changes to the layout or structure of the premises.

Safety

12. The Licensee shall take all reasonable precautions for the safety of the public, employees and contracted performers.

Standard Conditions specific to Sex Shops

1. A Sex Shop shall be used for the purpose of the sale of goods by retail.
2. All goods shall be clearly marked to show to persons who are inside the Sex Shop the respective prices being charged.

Standard Conditions specific to Sexual Entertainment Venues

1. Premises licensed as a Sexual Entertainment Venue under the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 shall be used only for the purpose of a Sexual Entertainment Venue as defined in paragraph 2A and shall not be used, wholly or in part, for any other purpose during the period the premises are licensed as a Sexual Entertainment Venue.
2. To the extent that striptease is permitted by law, it shall be deemed in these conditions to apply to all forms of striptease, or nudity by male or female performers.
3. Any performance shall be restricted to dancing, and the removal of clothes. There must be no other form of sexual activity or the use of sex articles as defined in the Local Government (Miscellaneous Provisions) Act 1982.
4. There shall be no physical participation by any member of the audience or any other performer except as detailed in condition 5.
5. The only form of physical contact allowed with a customer is when the performer introduces him/herself (handshake/kiss on the cheek) at the start of a performance and again at the conclusion of a performance; or where a tip is placed in the garter (females) or arm band (males). There shall be no other form of contact.
6. Should a customer touch a performer, the performer must issue a verbal warning. If this happens again the performer shall immediately withdraw, and report the matter to the Duty Manager, who shall take appropriate action.
7. No performer shall give or accept telephone numbers to or from members of the audience.
8. To ensure that no performer makes any arrangement to meet a customer the performer, will be obliged to leave the venue by a separate exit, and utilise safe transport that will be approved or arranged by the management of the premises.
9. No performer shall be allowed to work if, in the judgement of the management, they appear to be intoxicated, or under the influence of illegal substances.

10. No customer shall be admitted to the premises if, in the judgement of the management, they appear to be intoxicated, or under the influence of illegal substances.
11. If performers are invited to have a drink with a customer, the performer shall not be nude during this period.
12. Performers shall be provided with an appropriate room as a changing and rest area which shall be located so as to be separate and apart from the public facilities.
13. No person other than performers and authorised staff shall be permitted in the appropriate room referred to in paragraph 12.
14. There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held of the premises.
15. No person under the age of 18 shall be admitted to or allowed on the premises whilst licensable activities are taking place.
16. On arrival each customer shall be made aware of the "house rules".
17. No performers shall be under the age of 18.
18. Door supervisors registered in accordance with the Security Industry Authority shall be on duty at all times when licensable activities are taking place. Numbers to be agreed with Thames Valley Police.

(This condition should not be duplicated where a premises licence under Licensing Act 2003 is in place)
19. The licensee shall ensure that no gratuities are thrown at or to any performer.
20. On those days where "relevant entertainment" is provided only those dancers engaged by the licensee or their representative shall be permitted to perform.
21. All "relevant entertainment" shall be performed in the area of the premises as marked on the plans submitted to the Council.
22. All private booths shall be appropriately supervised to ensure safety of employees and contracted performers.
23. No "relevant entertainment" shall be visible from the exterior of the premises.
24. Any person inside the premises who can be observed from the outside the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in the area surrounding the premises.
25. During any lap dancing performance, performers may not:
 - a) Simulate sex acts
 - b) *(note. Special conditions may be attached or removed to consider specific actions)*
26. The premises shall have an adequate CCTV system installed and maintained to the satisfaction of the Police. All cameras will continuously record whilst the premises

are open. The recordings will be kept for a minimum of 28 days and be made available to the Council or Police on request.

27. Appropriate signage representative in respect of the use of CCTV at the premises shall be displayed in conspicuous positions.
28. Other than recordings made in accordance with the above CCTV conditions, no photographic, filming, recording or electronic transmission of performances shall take place without the prior consent of the Council.
29. Training shall be provided to all staff in respect of safeguarding children and adults in order to identify women who may be coerced or forced into working in the industry or customers who may have been forced to attend a sex establishment venue.
30. Performers must adhere to the Licensee 'Performers Code of Conduct' as detailed in the application.
31. The Licence Holder must comply with its 'Policy for Welfare of Performers'

Standard Conditions specific to Sex Cinema

1. The showing of films, videos or DVDs to persons under 18 is restricted in accordance with any recommendations made by the British Board of Film Classification (BBFC) where the film has been classified by that Board or by the Licensing Authority where no classification certificate has been granted by the BBFC.

Licensing

licensing@milton-keynes.gov.uk

01908 25 2800

[Licensing | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk)

Milton Keynes City Council | Civic, 1 Saxon Gate East | Milton
Keynes | MK9 3EJ

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Delegated Decisions report



15 August 2023

Children's Work Permits, Children's Performance Licensing and Chaperone Approvals Policy

Name of Cabinet Member	Councillor Paul Trendall (Cabinet member for Customer Services)
Report sponsor	Neil Allen Head of Regulatory Services
Report author	James Sloan Senior Licensing Officer james.sloan@milton-keynes.gov.uk 01908 252801

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

This report identifies potential changes to be made to the Children's Work Permits, Children's Performance Licensing & Chaperone Approvals Policy (to be referred to as the Children's Licensing Policy, hereafter). Although there have been no recent legislative changes, the policy should be reviewed regularly to take into account best working practices and improvements identified through working experiences.

On 13 June 2023, the Regulatory Committee approved the revised policy and recommended that it be adopted by the Executive.

The matter is considered appropriate to be dealt with via a Delegated Decision

1. Proposed Decision

- 1.1 That the Children's Work Permits, Children's Performance Licensing and Chaperone Approvals Policy, attached as an **Annex** to the report, be adopted.
- 1.2 That authority be delegated to the Director of Customer and Community Services to make minor typographical and consequential amendments to the policy.

2. Why is the Decision Needed?

- 2.1 Milton Keynes City Council (MKCC) aims to review its policies on a regular basis to promote best practice and compliance from those that are licensed by them. This policy considers child employment work permits, performance licensing and chaperone approvals.
- 2.2 The most notable changes proposed are:
- 2.2.1 Enhanced understanding for applicants.
 - 2.2.2 Confirm provision of training.
 - 2.2.3 DBS requirements.
 - 2.2.4 Use of standardised application forms.
 - 2.2.5 Creation of Annex F to describe prohibited employment types.
- 2.3 It is important to ensure the policy is fit for use and serves the purposes of operators, customers, employees and performers, regulators and citizens of Milton Keynes. A robust policy is good evidence of a fair and transparent process should decisions made by the Council be appealed.
- 2.4 A draft revised policy was consulted upon with key stakeholders prior to Regulatory Committee endorsement. There was limited response from the consultees despite a widespread direct consultation.

3. Implications of the Decision

Financial	N	Human rights, equalities, diversity	N
Legal	Y	Policies or Council Plan	Y
Communication	N	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

The financial implications to this review are primarily in staffing costs. Currently no fees are taken for Children Licensing, though applicants may have to pay some charges for Disclosure and Barring Service check (DBS) or chaperone training courses.

(b) Legal Implications

There is no legislative requirement to maintain a Childrens Licensing Policy, but a robust policy bridges the gap between legislation and guidance and some of this legislation is nearly 100 years old.

(c) Other Implications

Any part of our policy is open to challenge and needs to be seen to be reasonable and attributable. A policy that has been compiled in accordance with the legislation and guidance provides a robust document upon which the Council can rely on terms of the decisions that it makes.

4. Alternatives

4.1 The existing policy can remain although it was due to review in 2022.

5. Timetable for Implementation

5.1 The Policy will be classed as adopted once any call-in period has passed.

List of Annexes

Annex Children's Work Permits, Children's Performance Licensing and Chaperone Approvals Policy

List of Background Papers

Regulatory Committee endorsement and draft policy considerations

<https://milton-keynes.moderngov.co.uk/ieListDocuments.aspx?CId=155&MId=6900>

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Children's Work Permits, Children's Performance Licensing and Chaperone Approvals Policy 2023-2028



Date	Version	Author	Comments
June 2016	1.0	Ed Fisher	Draft for consultation
November 2016	1.1	Ed Fisher	Draft for committee endorsement
January 2017	1.2	Ed Fisher	Draft for adoption
March 2017	1.3	Ed Fisher	Adopted policy
April 2023	2.0	James Sloan	Draft for consultation
June 2023	2.1	James Sloan	Approved for adoption at Regulatory Committee
August 2023	2.2	James Sloan	Proposed to be adopted by Delegated Decision

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1. Purpose and scope of this policy

- 1.1. This policy contains information about legal requirements, published guidance; Council policy; procedures and conditions relevant to the licensing process that allows young persons to perform or work when a licence, permit or approval is required under legislation.
- 1.2. The policy also covers the grant of chaperone approvals to those adults supervising and caring for children taking part in performances.
- 1.3. Annex that form part of this policy may be updated from time to time.
- 1.4. The Authority processed more than 200 Performance licence application, 40 Body of Person Approval in 2022 and 70 chaperones are currently registered with Milton Keynes City Council.
- 1.5. The aim of the licensing process is to safeguard children and the Council considers that the welfare of a child must be of paramount importance. The Council will therefore seek to apply the legislation concerned consistently and where the law is unclear to interpret what is required by having clear policy requirements.
- 1.6. Relevant legislation and guidance includes:
 - The Children and Young Persons Act 1933
 - The Children and Young Persons Act 1963
 - The Children (Performances and Activities) (England) Regulations 2014
 - The NNCEE A Guide to Child Performance Licensing In England is considered relevant guidance for applicants and Local Authorities

2. Powers and Duties

- 2.1. The Council is required to process applications for persons and bodies' resident / operating in their administrative area for the following:
 - 2.1.1. For children taking part in performances requiring a licence as defined under the relevant legislation.
 - 2.1.2. For children engaged in activities of paid sport and/ or modelling.
 - 2.1.3. For chaperones who undertake supervision of children under the performance licensing framework.
 - 2.1.4. For children requiring a work permit as detailed under the relevant legislation.

- 2.2. The Council is also responsible for undertaking inspections and carrying out any appropriate enforcement action for the activities detailed at 4.1 that occur within its boundaries. The Council can also consider enforcement action against persons who have been granted a permission by the Council that applies to activities taking place outside of the borough.
- 2.3. Undertaking these duties will entail information sharing with relevant agencies including service areas of the Council itself; the Police and other Local Authorities.
- 2.4. In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document as well as any corporate policy statement on the safeguarding of children.
- 2.5. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is appropriate for the Council to depart substantially from its Policy, clear reasons will be given for doing so.
- 2.6. Nothing in this Policy prevents an applicant or permission holder from requesting that the Council considers the individual merits of their case and or to depart from its Policy. Such request may either be in writing to, or made orally before, a Regulatory Sub-Committee, or Officers of the Council as deemed appropriate in the circumstances of the case.
- 2.7. This Policy (and associated work procedures) will provide guidelines for applicants, employers, parents and to staff required to administer and enforce the licensing function with appropriate guidelines
- 2.8. This Policy shall be kept under review and revised as appropriate and in any event not more than every five years.
- 2.9. This Policy does not override legal requirements detailed in primary and secondary legislation.
- 2.10. Any enforcement action will have regard to the Council's adopted enforcement policy and national enforcement guidance (for example the Regulators code or equivalent).
- 2.11. The Council will have regard to relevant policy documents in respect of the discharge of its functions.
- 2.12. The Council will accept applications submitted electronically (for example by email). Confirmation of some original documents may be required in the case of for example: criminal record checks (DBS etc).

- 2.13. The Council consulted those organisations; businesses and individuals as listed at Annex A in respect of this policy. The list of consultees will be updated from time to time.
- 2.14. The Council reserves the right to charge an administration fee for replacement; lost or additional copy licenses or approvals where so doing is beyond the requirements specified in the legislation concerned.

3. Children's Performance and Activities Licensing

- 3.1. Legal requirements are set out in the Children's and Young Persons Acts 1933 and 1963 together with the Children (Performances and Activities [England] Regulations 2014. This policy does not reiterate the legal requirements but provides supplementary information on how the law will be applied where interpretation is appropriate.
- 3.2. Details on the Council's interpretation of specific legal requirements and its allied procedures and policies are outlined at Annex B.

4. Chaperone Approvals

- 4.1. Legal requirements are to be found in the Children's and Young Persons Act 1933 and 1963 together with the Children (Performances and Activities [England] Regulations 2014. This policy does not reiterate the legislation but provides supplementary information on how the laws will be applied where interpretation is appropriate.
- 4.2. Details on the Council's interpretation of specific legal requirements and its allied procedures and policies are outlined at Annex C.

5. Work Permits

- 5.1. Legal requirements are to be found in the Children's and Young Persons Act 1933 and 1963 together with the other regulations in respect of young people such as the Children (Protection at Work) Regulations 1998. This policy does not reiterate the legislation but provides supplementary information on how the law will be applied where interpretation is appropriate and also details the byelaws we have adopted in this area.
- 5.2. Details on the Council's interpretation of specific legal requirements and its allied procedures and policies are outlined at Annex D and E.

6. Enforcement

- 6.1. The Council will take appropriate action upon receipt of evidence that an offence has been committed in relation to the legislation concerned; a breach of policy; or other matter of importance. Details of the Milton Keynes City Council enforcement policy is available on the Council website or can be provided on request. Any action shall be proportional, reasonable, transparent and appropriately directed. Details on enforcement action taken will be shared with appropriate agencies and Council services.
- 6.2. Issues arising at Milton Keynes venues operating under permissions issued by other Authorities will normally be referred back to the issuing authority for consideration of appropriate legal proceedings and action, but Milton Keynes City Council may still gather evidence; undertake investigations, inspections and take action we consider necessary (including legal action) within our borough on issues arising.
- 6.3. The Council will aim to undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.
- 6.4. The Council will investigate complaints received in respect of permitted and unpermitted individuals, events or locations that required participants to hold a permission.
- 6.5. The Council will share information with other agencies in respect of applications potential illegal activities and safeguarding concerns and conduct joint enforcement activities when necessary. This will include providing information and using enforcement activity in respect of permission holders where agreements and necessary delegations are in place.
- 6.6. Failure to comply with the legal requirements laid down in the legislation can lead to criminal proceedings against any person (for example permission holders; chaperones and employers). A parent or guardian is also legally responsible where they have allowed a contravention to take place. Fines on conviction are set at standard Level 3 and / or imprisonment not exceeding three months.

7. Delegated Powers & Decision Making

- 7.1. The Council has delegated responsibility as per the table below for exercising functions under the legislation.
- 7.2. Officers of the Council are permitted to issue informal and formal written or otherwise as well as cautions and may instigate prosecutions where appropriate.

- 7.3. In general terms where an applicant is aggrieved by the Council's decision to refuse to grant a permission or by any conditions imposed or where a permission is revoked, the applicant or permission holder normally has a right of appeal to the Magistrates Court within 21 days of the applicant being notified of the Council's decision.

- 7.4. Prior to refusal a committee hearing may be held to determine any application which is contested or where there are questions as to the suitability of the applicant or where they wish to make oral representations against a proposed decision. A referral to committee is unlikely to be made where a respondent has not made representations to that effect.

8. Table of Delegation of Functions

Matter to be dealt with	Full Council	Executive (Cabinet)	Regulatory Committee	Regulatory sub-committee	Officers
Policy		All cases			
Applications for Work Permits including grant; refusal; variation and rescinding of such permits.				If referred by Officer	All cases unless referred
Applications for chaperone licence / approvals including the grant; refusal; withdrawal and amendment of such licenses.				If referred by Officer	All cases unless referred
Applications for children's performance and activities licensing including the grant; refusal; revocation or amendment of such licenses.				If referred by Officer	All cases unless referred
Applications for Body of Persons Approval including the grant; refusal; withdrawal or amendment of such approvals.				If referred by Officer	All cases unless referred
Adoption of byelaws applicable to work permits.	All cases				

Annex A

List of Consultees

Milton Keynes City Council

- Equalities
- Members
- Environmental Health
- Social Services
- Education Welfare
- Education schools
- MK Together Safeguarding Partnership
- MASH
- LADO

Thames Valley Police

- Licensing
- Thames Valley Police – CSE

National Network for Child Employment and Entertainment

Neighbouring Local Authorities

Performing Arts and Dance Schools in Milton Keynes

Existing holders of Body of Persons Approvals

Principal venues in Milton Keynes that host performances

Representative agents who submit applications

Representative permission holders and chaperones

Milton Keynes Ward Members

Town / Parish/ Community Councils

Annex B

Children's Performance licensing

- B1. Unless an exemption applies, a licence is required until a child reaches the compulsory school leaving age. This is defined as the last Friday in June of the school year (generally Y11) that they reach 16.
(Informative – a child who is 15 at the last Friday in June but who has a birthday in July or August that same year, does not need a licence or a work permit after the last Friday in June of that year)
- B2. The legislation allows that a Council may refuse an application if it is not submitted a minimum 21 days before a licence is required. The Council recognises that this time period is not always attainable for applicants to achieve and will generally accept complete applications up to 5 working days before the first day of a licensable activity. Incomplete applications, or those received less than 5 working days (not including the day of application) before a performance will normally be rejected and the Council retains the right to refuse applications received between 5 working days and the 21 days due to other pressures. Although the legislation and this policy specify the information that applicants need to provide when making an application, it is the expectation that the Standard Child Performance and Activities Licence Application Form (England) is used.
- B3. A complete application includes all documents and information provided and an application form satisfactorily completed as per the regulations and primary legislation. The council will accept a passport as equivalent to a birth certificate but expect applicants to obtain the necessary leave of absence from the school as part of the documentation accompanying an application together with either a medical certificate or a parent's statement of fitness for their child dated within the last six months.
- B4. Applications need to be made by the person who is responsible for the arrangements and operational decisions during the course of a performance for the purpose of protecting the child and ensuring their wellbeing. This would normally be the producer of the performance or activity. Applications signed by someone other than this will be returned.
- B5. In the event of a refusal, revocation or variation of a licence or application there is a right of appeal to the Magistrates Court. Clear reasons for the decision taken will be given in writing.
- B6. Where a child does not live in Great Britain applications can be made by applicants on their behalf if they live or have their place of business in Milton Keynes. When neither the child nor applicant resides in Great Britain the Council will accept

applications if the performance or first performance (if part of a tour) takes place within our administrative boundary.

- B7. The Council cannot grant licences for children residing here but with an intention of performing abroad. This is a Magistrates Court function.
- B8. Conditions will be applied to licences as considered appropriate to the welfare of the child / children. In addition, as the roles that child performers undertake can be varied there are occasions when they can be exposed to issues of physiological and physical concern (for example a part in a horror film; scenes of death; simulated drowning etc.). The Council may therefore require a suitable and sufficient risk assessment covering issues of concern and information as part of an application detailing the synopsis of a role including a script.
- B9. The Council will have regard to any relevant guidance (such as the NNCEE Guide to Child Performance Licensing and Department of Education) advice on interpretation of the legal requirements when considering applications.
- B10. The Council does not interpret the law as to allow the extension of a licence once it has expired. In such cases a new application would need to be made. Applications to vary (including to extend) a licence will be considered provided the licence concerned is still current or the permission concerned has not yet commenced.
- B11. The Council expects organisations working with children and young people to have child protection policies in place and for these to be provided with applications. Such policies should comply with good practice guidance and identify a safeguarding lead for the permission concerned and provide an awareness of safeguarding issues.
- B12. Council policy is that children taking part in performances or licensed rehearsals should have one break of at least an hour when present for four or more consecutive hours unless the chaperone present believes the minimum 45 minute break prescribed in legislation is appropriate. This is because although the Council recognises that Regulations stipulate performance breaks after certain periods of time, these are minimum requirements and the Council reserves the right to require additional breaks beyond these, dependant on the role concerned and the age of the child.
- B13. In respect of overnight breaks it is expected that most children should have a break of no less than 14 hours duration.
- B14. Where a licence holder is arranging education for a child through private tuition the council may require evidence of that teacher's suitability and also that the children are being tutored in appropriate surroundings.

- B15. Tutoring for children absent from school may only take place on days on which the child would normally be required to attend a Local Authority maintained school. Thus weekend and school holiday tutoring is not permitted. On days when tutoring is permitted it should not be provided after 5pm.
- B16. Children are not expected to be left to travel home or to their temporary living accommodation unless accompanied by a suitably competent adult. As part of its assessment of the suitability of accommodation the Council may also consider the distance from the performance; the method of travel to and from the place of performance; and availability of interconnecting rooms.
- B17. The Council recognises that there can be exemptions on certain performance licensing where a child performs on fewer than four days in a six month period. Certain caveats are listed in the legislation for the exemptions to apply. The six month period will be based on the six months immediately preceding the first date when a new licence may be required.
- B18. An exemption from a licence under this rule does not mean an exemption from regulations on the hours of performance etc.
- B19. The Council will issue an exemption notice on request where they are formally advised that a child is performing under the four day or other exemption rule so that this can be produced at the place of performance if required. Supply of an exemption notice will only take place if the person seeking the notice has provided sufficient information to the satisfaction of the Council.
- B20. The Council recognises the chaperone discretion in respect of performance hours for children as detailed at Regulation 29 of the Children (Performance and Activities) (England) Regulations 2014. In addition, as the chaperone is the main person responsible for a child's welfare during a performance the licence holder should have due regard to any concerns raised to them in respect of a child's health and kind treatment under the jurisdiction of a licence. Where such situations occur, the Council would expect to be notified by the chaperone concerned within 24hours in case further intervention by the Council was justified.
- B21. The Council may condition a performance licence in respect how a child's earnings are appropriated. This is more likely for those children receiving significant monies for performances and would be to ensure such earnings are not unjustly spent by those with parental responsibility. As a result, the Council may require a percentage of monies earned to be deposited in a bank account for the sole use of child. In considering a child's earnings (or payment) the Council may consider 'expenses' received if these are decided to be unreasonably high in the circumstances and considered to be in effect a 'disguised' payment.

- B22. The Council expects separate toilet facilities for children and adults to be available at places licensed for rehearsals and performances.
- B23. The Council respects the legal requirement that chaperones can supervise a maximum of 12 children but believes there may be occasions where a lower maximum number is justified. Factors that can be relevant include the nature of the production; the layout of the premises; the ratio of boys and girls; the ages of the children.

Body of Persons Approvals (BOPA)

- B24. A BOPA can reduce the requirement for obtaining performance licenses on certain organisations arranging performances in the area of Milton Keynes but there can be no compromise in safeguarding arrangements in deciding an application for an approval. The Council consider that performances under a BOPA should therefore be undertaken with the requisite number of approved chaperones unless equivalent safeguarding controls can be demonstrated, for example if children are being cared for by their parent or the teacher who would ordinarily provide the child's education it may be that approved chaperones are not required. Where they can demonstrate acceptable procedures are in place then the council may agree a mix of supervision options consisting of local authority chaperones, DBS checked adults, teachers and a child's own parent.

Where they cannot demonstrate acceptable procedures are in place, then only the use of local authority approved chaperones will enable the group to be considered for a body of persons approval.

- B25. Applicants for a BOPA should provide an up-to-date suitable Child Protection Policy. Such policies should comply with good practice guidance and identify a safeguarding lead provide an awareness of safeguarding issues.
- B26. Applications should be submitted a minimum of 21 days before the date of first performance. Applications issued with less than 10 working days notice may be refused.
- B27. The Council may issue a BOPA for a period not exceeding 12 months or a shorter timescale if deemed appropriate.
- B28. The Council may impose appropriate conditions on an approval to ensure the wellbeing of the children.
- B29. The Council reserves the right to withdraw (or revoke) or to amend or refuse a BOPA if it considers it appropriate to do so. Where such actions take place reasons will be provided in writing.

B30. There is no renewal procedure in the law for a BOPA so a new application will need to be made each year to retain an approval.

Annex C

Chaperone Approvals

- C1. The role of a chaperone is to safeguard, support and promote the wellbeing of a child/children as well as to have care and control of that child/children. They are the key person who protects; safeguards and supports a child under the licensing system. Chaperones are required for licensed and other approved events unless the child is being cared for by their parent or the teacher who would ordinarily provide the child's education. As an approved chaperone the Council expects such adults to safeguard children and to prevent and report any neglect or abuse as well as to raise concerns about the safety or welfare of a child and to act where they can.
- C2. The Council reserves the right to refuse; withdraw (or revoke) or to amend a chaperone approval if it considers it appropriate to do so.
- C3. The Council recognises the important role that the voluntary sector play in society but the tests in terms of suitability to grant an approval remain the same as a 'standard' chaperone. Any 'volunteer chaperone approval' will not allow the chaperone to undertake paid or employed chaperone work. Guidance on this matter will be available on request.
- C4. In considering if a person is suitable and competent to exercise proper control the Council will require applicants to attend relevant training and if required an interview on the role and duties of a chaperone before an approval is granted or renewed. Applicants and holders of an approval may also be interviewed on issues arising that cause concern to the Council. The Council will provide a suitable training course or direct applicants to alternative provision (such as another local authority provider) or the NSPCC Protecting children in entertainment training for chaperones.
- C5. The Council acknowledges that the NNCEE guidance promotes a face-to-face interview for chaperone applicants. However, the requirement for DBS, completion of a specific training programme and consultation with other departments circumvents the need for interview except under officer discretion.
- C6. The Council will consider an individual's criminal record and other information gained by enquiry when deciding if a person is suitable to be approved or remain as a chaperone.
- C7. Any person seeking to be approved as a chaperone is required to declare convictions; cautions; and ongoing Police or Court bail matters when they apply for an approval and if such matters occur during the term of their chaperone approval. Where such matters arise during the course of an approval or application, they need to be declared to the Licensing body within the Council without delay and in any event, no more than 7 days after they occur.

- C8. When considering an individual's application the Council will consider each case on its merits, but will take a particularly cautious view of any (i.e. not generally accept applications where) offences and or information involving violence; dishonesty; sexual related matters; substance abuse; offences or inappropriate behaviour in relation to young people or health issues that could cause concern in respect of the role of chaperone.
- C9. Where necessary individuals may be interviewed as part of the application process. Individuals with information recorded on their Barring Service certificate will be interviewed as part of the decision-making process unless the decision is to refuse the application.
- C10. Applicants are expected to ensure renewal applications are received by the Council at least two months in advance of their approval expiry date to ensure that their application can be decided in time. Responsibility for ensuring a renewal application is made rests with the permission holder. If an application is received late or is incomplete there may be insufficient time to process the application before the existing approval expires and the person concerned may therefore be unable to chaperone for a period of time.
- C11. An application must be made on the appropriate application form correctly completed in full by the applicant. Applicants should consider the time it takes to obtain an enhanced disclosure from the Disclosure Barring Service (DBS).
- C12. Chaperone approvals are granted for a maximum of three years but may be granted for a shorter period if considered appropriate, for example where their DBS is due to expire before the end of the three year period.
- C13. The Council will not grant an approval to someone residing outside the administrative area of the authority.
- C14. The applicant must provide the following to satisfy the Council that they are suitable to be issued an approval. These are detailed below:
- a. A satisfactory enhanced disclosure and barring service (DBS). The Council may process a DBS application or utilise a third party company to allow applicants to obtain a criminal record check. Details of which will be listed on the Milton Keynes City Council website.
 - b. In the event that the applicant has not resided within the UK for the last twenty years, an equivalent DBS check (for example a Certificate of Good Conduct from the relevant embassy or consulate for each country in which they have resided or where this cannot be obtained a statutory declaration or equivalent) is required covering their adult life after they attained the age of 18 until they reached the UK.

- c. Appropriate documentation from a list provided by the Council to confirm identity and address dated within the last three months.
- d. To demonstrate to the satisfaction of the Council an adequate knowledge of the law relating specifically to the legislation governing children's performance licensing and safeguarding issues. The Council will provide a suitable training course or direct applicants to alternative provision (such as another local authority provider or the NSPCC Protecting children in entertainment training for chaperones)
- e. A passport size photograph for each application made.
- f. Suitable references.

C15. Where a permission holder allows an approval to lapse or it is surrendered or revoked then a new application will need to be made to be licensed. The council does not class applications received after an approval has expired as a renewal. When the holder of an approval allows it to lapse, or it is surrendered then a new application will need to be made and granted for them to be approved again. The Council does not class applications received after an approval has expired as a renewal.

C16. A Disclosure and Barring Service enhanced certificate will be required as part of an application or renewal process. The certificate needs to be presented to the Licensing Office where a copy will be made with the certificate holders' consent. The Council will accept an existing enhanced DBS certificate from another body or from the online DBS updating service, but such certificates must refer to the correct role / occupation and need to be current. The DBS update service provides a way of making sure a certificate remains 'current' but certificates produced otherwise will be considered out of date if they are over three months old.

C17. The Council can refuse a renewal application (or rescind an approval) if it considers the suitability test has not been satisfied. For example:

- a. Where the applicant has been convicted of a criminal offence, since the grant of the permission.
- b. Any other reasons to do so, including but not restricted to breach of legal requirement and / or policy requirements, justified complaints, evidence of dishonesty or breach of trust, failure to act in the interests of a child.

C18. The Council may require another disclosure at any time if a further check is considered necessary.

C19. A serious view will be taken of any application that seeks to conceal any caution or conviction in order to aid the process of obtaining an approval.

Annex D

Work Permits

- D1. Unless an exemption applies, a work permit is required until a child reaches the compulsory school leaving age. This is defined as the last Friday in June of the school year (generally Y11) that they reach 16.
(Informative – a child who is 15 at the last Friday in June but who has a birthday in July or August that same year, does not need work permit after the last Friday in June of that year.
- D2. Work Permits are issued subject to Council byelaws (see Annex E). These cover the nature of work activity the Council considers potentially appropriate and are in addition to those restrictions laid down in the legislation.
- D3. A child undertaking work experience arranged by the local authority or by the governing body of a school acting on behalf of the local authority will not require a work permit. This relaxation of rules is contained in section 560 of the Education Act 1996. The work experience must be in the last two school years during which the child is of compulsory school age. This does not remove the need for any such employer etc. to undertake and comply with appropriate risk assessments under the Health and Safety at Work Act 1974 and its subordinate regulations.
- D4. As part of applications for a work permit the Council will require a suitable and sufficient (young persons) risk assessment covering the work involved as part of consideration that the work will not be harmful to the safety and health of the child. Advice is available on the Council website.
- D5. Applications need to be submitted on the correct and fully completed application form.
- D6. To ensure the proposed work activity will not be harmful to a child's attendance at school or their overall health and development applications for work permits will be notified to the child's school and any comments received will be taken into consideration as part of the decision-making process.
- D7. The legislation details the maximum number of hours a day / a week that a child can work.
- D8. Permits can only be granted for businesses based in Milton Keynes. A satellite office may also be considered if it is in Milton Keynes.
- D9. The council may rescind or vary a permit if it considers necessary or refuse to grant a permit.

- D10. The legislation applies to 'employment'. As well as employment in its normal meaning, a person who assists in a trade or occupation carried on for profit is considered as employed even though they may receive no payment. For example, children who help their parents in a shop without receiving any payment. Any occupation where the aim is to make a surplus would be considered as a trade or occupation carried on for profit therefore unpaid work at a charity shop would count as employment, but not, for example, unpaid work at a youth club.
- D11. As part of an application for a work permit the Council requires parental consent including contact details of the parent concerned.

Annex E

MILTON KEYNES COUNCIL BYELAWS

Made: 22 September 1998

Coming into force: 25th November 1998

Milton Keynes Council, in exercise of the powers conferred on it by sections 18(2) and 20(2) of the Children and Young Persons Act 1933, hereby makes the following Byelaws:

Citation and commencement

These Byelaws may be cited as the Milton Keynes Council Byelaws on the Employment of Children [1998] and shall come into force on 25th November 1998.

Interpretation and extent

2. In these Byelaws, unless the context otherwise requires:

“the authority” means Milton Keynes Council;

“Child” means a person who is not yet over compulsory school age as defined in section 8 of the Education Act 1996;

“employment” includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance;

“light work” means work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed:

- a) Is not likely to be harmful to the safety, health or development of children; and
- b) Is not such as to be harmful to their attendance at school, their participations in work experience in accordance with section 560 of the Education Act 1996, or their capacity to benefit from the instruction received or, as the case may be, the experienced gained;

“Parent” includes any person who has for the time being parental responsibility for a child within the meaning of section 3 of the Children Act 1989;

“public place” includes any public park, garden, sea beach or railway station and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe blacking and other like occupations carried on in any street or public place;

“year” except in expressions of age, means a period of twelve months beginning with 1 January.

Prohibited Employment

3. No child of any age may be employed:

- a) in a cinema, theatre, discotheque, dance hall or night club, except in connection with a performance given entirely by children;
- b) to sell or deliver alcohol, except in sealed containers;
- c) to deliver milk;
- d) to deliver fuel oils;
- e) in a commercial kitchen;
- f) to collect or sort refuse;
- g) in any work which is more than three metres above ground level or in the case of internal work, more than three metres above floor level;
- h) in employment involving harmful exposure to physical, biological or chemical agents;
- i) to collect money or to sell or canvass door to door;
- j) in work involving exposure to adult material or in situations which are for this reason otherwise unsuitable for children;
- k) in telephone sales;
- l) in any slaughterhouse or in that part of any butcher’s shop or other premises connected with the killing of livestock, butchery, or the preparation of carcasses or meat for sale;
- m) as an attendant or assistant in a fairground or amusement arcade or in any other premises used for the purpose of public amusement by means of automatic machines, games of chance or skill or similar devices;
- n) in the personal care of residents of any residential care home or nursing home.

Permitted employment of children aged 14 and over

4. A child aged 14 or over may be employed only in light work.

Permitted employment of children aged 13

5. A child aged 13 may not be employed except in light work in one or more of the following specified categories;
- a) agricultural or horticultural work;
 - b) delivery of newspaper, journals and other printed material;
 - c) shop work, including shelf stacking;
 - d) hairdressing salons;
 - e) office work;
 - f) car washing by hand in a private residential setting;
 - g) in a café or restaurant;
 - h) in riding stables; and
 - i) in domestic work in hotels and other establishments offering accommodation.

Employment before school

6. Subject to the other provisions of these byelaws, children may be employed for up to one hour before the commencement of school hours on any day on which they are required to attend school.

Additional condition(s)

7. No child may be employed in any work out of doors unless wearing suitable clothes and/or footwear.

Notification of Employment and employment permits

8. Within one week of employing a child, the employer must send to the authority written notification stating:
- a) his own name and address;
 - b) the name, address and date of birth of the child;
 - c) the hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and, if different from (a) above, the place of employment;
 - d) a statement of the child's fitness to work, and approval for the child to be employed completed by the child's parent;
 - e) details of the school at which the child is a registered pupil; and
 - f) a statement to the effect that an appropriate risk assessment has been carried out by the employer.

9. Where, on receipt of a notification, the local authority is satisfied that:

- a) The proposed employment is lawful;
- b) The child's health, welfare or ability to take full advantage of his education would not be jeopardised; and
- c) The child is fit to undertake the work for which they are to be employed;

It will issue the child with an employment permit.

10. Before issuing an employment permit a local authority may require a child to have a medical examination.

11. The employment permit will state:

- a) The name, address and date of birth of the child;
- b) The hours and days on which the child is to be employed, the occupation in which the child is to be employed, details of the task involved and the place of employment.

12. A child may be employed only in accordance with the details shown on his employment permit.

13. A local authority may amend a child's employment permit from time to time on the application of an employer.

14. The local authority may at any time revoke a child's employment permit if it has reasonable grounds to believe:

- a) That the child is being unlawfully employed, or
- b) That his health, welfare or ability to take advantage of his education is suffering or likely to suffer as a result of the employment.

15. A child must produce his employment permit for inspection when required to do so by an authorised officer of the authority or a police officer.

Revocation

16. The byelaws with respect to the employment of children made by Buckinghamshire County Council on the sixth day of October 1982 and confirmed by the Secretary of State on the 28th day of January 1983 are hereby revoked, insofar as they relate to Milton Keynes.

THE COMMON SEAL of Council was affixed to these Byelaws on 29 September 1998, in the presence of:

Signed: M. Jones
HEAD OF LEGAL AND PROPERTY SERVICES

These Byelaws are hereby confirmed by the Secretary of State for Health on 25th November 1998 and shall come into operation on 25 November 1998.

Signed N. F. Duncan, Senior Civil Servant, On behalf of the Secretary
Of State for Health

Explanatory Note

(This note is not part of the Byelaws)

These Byelaws regulate the types of occupation in which children under school leaving age may be employed (byelaws 3-5), and other conditions of their employment. They provide for checks on a child's fitness for employment (byelaws 10 and 11) and for the issue of employment permits, setting out the occupation in which a child may be employed and his hours of work (byelaws 9-16). Employers are obliged to notify local authorities of their child employees (byelaw 9).

These byelaws are not a comprehensive statement of the law relating to the employment of children and should be read in conjunction with other legislation relating to prohibited occupations, hours of work and street trading in particular.

By virtue of section 560 Education Act 1996, enactments relating to the prohibition or regulation of the employment of children do not apply to children undertaking work experience within the meaning of the Act "Enactment" for this purpose includes byelaws having effect under an enactment, so nothing in these Byelaws applies to a child's work experience.

Penalties

Section 21 of the Children and Young Persons' Act 1933, as amended provides, inter alia that:

If a person is employed in contravention of Section 18 of the Act, or the provisions of any Byelaws made thereunder, the employer and any other person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1,000).

If a person is employed in contravention of section 20 of the Act, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding level 3 on the Standard Scale (£1,000); a person under compulsory school age who engages in street trading in contravention of the provisions of section 20, or of any Byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding level 1 on the Standard Scale (£200).

PRODUCED BY: EDUCATION WELFARE SERVICE,
LEARNING AND DEVELOPMENT DIRECTORATE
MILTON KEYNES COUNCIL

Annex F Prohibited Employment and Definitions

Street Trading

A child of any age may not engage or be employed in street trading unless the child is aged 14 or over and employed by their parent who holds a permit.

Outside

A child of any age may not be employed outdoors unless the child is wearing suitable clothes and shoes.

Employment

Employment, includes assistance in any trade or occupation which is carried on for profit, whether or not payment is received for that assistance; Any occupation where the aim is to make a surplus would be considered as a trade or occupation carried on for profit.

Licensed Premises

Working behind the bar and the sale of alcohol

Please note that under the Licensing Act 2003 (LA 2003) it is an offence for an unaccompanied child under 16 to be present in premises solely or mainly involved in the sale of alcohol. The LA 2003 also restricts the unsupervised sale of alcohol by anyone under 18 except where it is sold or supplied for consumption with a table meal in a part of the premises used only for that purpose. The effect of this exemption is that, for example, a child under the school leaving age working as a waitress or waiter is, under the Act, able to serve alcohol lawfully in a restaurant.

However, the Milton Keynes City Council Child Employment Byelaws 1998 restrict the employment of children in the sale of alcohol except when the alcohol is in sealed containers.

For the avoidance of doubt, these byelaws override the LA 2003 and it will be an offence under that byelaw to employ a child in the sale of alcohol in a restaurant (unless it is in a sealed container) even though the Licensing Act permits the unsupervised sale of alcohol by children in these circumstances.

If the child is working alongside a contractor doing maintenance and repair or painting and decorating on a licensed premises provided that they were always supervised by an adult (over 18 years of age) and that the work is not prohibited by other factors they could work within the premises.

Industrial undertakings

The employment of children under the school leaving age in industrial undertakings is forbidden.

'Industrial undertakings' includes:

- a) mines and quarries;
- b) any manufacturing;
- c) construction or repair of buildings, roads etc; and
- d) transport of passengers or goods, including handling goods in a warehouse.

The relevant Act forbids employment in industrial undertakings rather than forbidding any particular type of employment. Employment in, for example, the office of a road haulage firm would be forbidden because the road haulage firm would be an industrial undertaking. There is however an exception for family undertakings. A child can be employed in an industrial undertaking if it is an undertaking where only members of the same family are employed, although if a child is employed in such an undertaking the child must, only be employed to do light work.

Commercial Kitchen

Employment in a commercial kitchen is not permitted, but this would not prevent for example:

- a) serving at the counter of a fish and chip shop provided this does not involve getting fish or chips out of a deep fryer or working in an area where fish or chips are prepared;
- b) washing up in an area separate from where food is prepared;
- c) making sandwiches at the counter of a sandwich bar; and
- d) collecting meals from a kitchen or returning empty plates to a kitchen.

Butchers

Working in a butchers or slaughterhouse is not permitted, but simply weighing meat in a butcher's shop or putting it into a packet would be permitted.

Licensing

licensing@milton-keynes.gov.uk

01908 25 2800

[Licensing | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk)

Milton Keynes City Council | Civic, 1 Saxon Gate East | Milton
Keynes | MK9 3EJ

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Delegated Decisions report



15 August 2023

APPROVAL TO TENDER FOR A YOUNG PARENTS SUPPORTED ACCOMMODATION SERVICE

Name of Cabinet Member	Councillor Emily Darlington (Cabinet member for Adults, Housing and Health Communities)
Report sponsor	Hannah Soetendal Head of Commissioning
Report author	Tracey Chapman Lead Commissioner, Housing Tracey.chapman@milton-keynes.gov.uk

Exempt / confidential / not for publication	No
Council Plan reference	Supporting vulnerable people / Excellent services for children and young people
Wards affected	All wards

Executive Summary

This report seeks permission to tender a contract for support services at Springfield House, Milton Keynes, which provides supported accommodation to young parents and babies. A contract of three plus two years is proposed.

1. Proposed Decisions

- 1.1 That the commencement of a tender exercise for support services at Springfield House for a three year contract, with the option of extending for a further two years, be approved.

2. Why is the Decision Needed?

- 2.1 Springfield House meets the needs of young parents who need accommodation with additional support. It provides a safe, stable environment where young people learn independent living skills alongside parenting skills to enable a successful move on to independence.

- 2.2 The service provides 16 places to young mothers (young fathers can also be accommodated if required) with a baby aged under one year at point of admission as well as pregnant young women due to give birth. Partners are allowed to stay for at least part of the week where safe and appropriate.
- 2.3 There is consistent demand for the service - 42 referrals were received during 2022/23 of which 30 were assessed as suitable (needing support as well as accommodation) and 12 were accepted. Occupancy was at 96% for the year. One of the KPIs for the service is Preparedness for Living Independently for which the service achieved 100% in Q4 2022/23.
- 2.4 Following competitive tender, the contract for support at Springfield House was awarded to the Salvation Army in January 2017. The contract was for five years with the option to extend for a further two years, which was agreed by Delegated Decisions in September 2021. The contract is due to end on 31 January 2024 with no further scope for extension.
- 2.5 The property owner for Springfield House is Orbit Housing Association, and the Salvation Army provides housing management on their behalf. This arrangement will continue with the successful bidder for the new contract.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	Y
Legal	Y	Policies or Council Plan	
Communication		Procurement	Y
Energy Efficiency		Workforce	

(a) Financial Implications

An annual budget of £0.231m has been agreed of which £0.210m will be funded from the Supporting People commissioning budget and £0.021m from Children’s Services. The total budget for the duration of the contract is £1.155m (three years plus two years)

(b) Legal Implications

The support services are discretionary services that the Council provides. The Council has general powers of competence under section 1 of the Localism Act 2011 to provide these services.

The services fall under light touch regime. The value of the proposed contract exceeds the threshold for publication in the FTS. Approval to commence tender is required in accordance with the Council’s Contract Procedure Rules. The procurement will be required to comply with the Public Contracts Regulations 2015 and the Council’s Contract Procedure Rules.

(c) Procurement Implications

The procurement will be undertaken in line with the Council's Contract Procedure Rules (CPRs) and Regulations 74 to 77 of the Public Contracts Regulations (PCRs) 2015 (Light Touch Regime).

(d) Human Rights, Equalities and Diversity Implications

Residents of Springfield House have a need for support as well as accommodation to help develop independent living skills as well as how to be a good parent. The service promotes independence, prevents homelessness, and supports the health and wellbeing of both parent and child.

4. Alternatives

4.1 Do Nothing

Allowing the contract to expire without alternative provision in place would conflict with the Council's commitments to support children and young people and vulnerable adults at risk of homelessness.

5. Timetable for Implementation

5.1 If the recommendation is approved a tender process will commence to enable a new contract to be in place by 1 February 2024.

List of Annexes and Background Papers - None

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Delegated Decisions report



15 August 2023

PARKING SURPLUS REPORT 2022/23

Name of Cabinet Member	Councillor Lauren Townsend (Cabinet member for Public Realm)
Report sponsor	Graham Cox Head of Highways
Report author	Paul Harrison Network and Enforcement Manager Paul.harrison@milton-keynes.gov.uk Tel: 01908 254604

Exempt / confidential / not for publication	No
Council Plan reference	Not in Council Plan
Wards affected	All wards

Executive Summary

That the surplus from on street parking in 2022/23, as shown in **Annex A** to the report, be noted; and to seek approval from the delegated decision maker to approve the use of the parking surplus 2022/23, as shown in **Annex B**.

1. Proposed Decision

1.1 That the use of the surplus, as shown in **Annex B** to the report, be approved.

2. Why is the Decision Needed?

2.1 Parking income from car parking spaces in and around CMK was **£9.976m** in 2022/23 and is used to notionally offset other spending within the council as dictated by section 55 (s.55) of the Road Traffic Regulation Act 1984 (the 1984 Act).

2.2 The income levels generated in Milton Keynes is generally higher than other councils, since there are more car parking spaces. Whilst there are circa 21,000 spaces in CMK, neighbouring councils have significantly less:

- 4,900 in Northampton.
- 5,842 in Bedford; and
- 2,361 in Luton

In additional, other larger cities such as Birmingham and Reading have far less spaces - with reports of 4,731 and 8,622 respectively.

- 2.3 The parking account is ring fenced as detailed in section 55 (s.55) of the Road Traffic Regulation Act 1984 (the 1984 Act) which means expenditure from it must be made within the following guidelines.
- 2.4 The 1984 Act states that the income from the parking account should be used as follows:

s.55 (1) a local authority shall keep an account of their income and expenditure in respect of parking places for which they are the local authority, and which are:

- (a) in the case of the council of a London borough and the Common Council of the City of London, parking places on the highway; and*
- (b) in the case of any other authority, designated parking places.*

s.55 (2) at the end of each financial any deficit in the parking account shall be made good out of the general fund and (subject to subsection (3) any surplus shall be applied for all any purposes specified in subsection (4) and, in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.

s.55 (3) if the local authority so determines any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under subsection (1) above to the next financial.

s.55 (4) the purposes referred to in subsection (2) are the following, that is to say:

- (a) the making good to the general fund of any amount charged to the general fund as referred to above, in the four years immediately preceding the financial year in question.*
- (b) meeting all or any part of the cost of the provision and maintenance by the local authority of off-street parking accommodation, whether in the open or under cover.*
- (c) the making to other local authorities, or to other persons of contributions towards the cost of the provision and maintenance by them, in the area of the local authority or elsewhere, of off-street parking accommodation, whether in the open or under cover.*

- (d) *if it appears to the local authority that the provision in their area of further off-street parking accommodation is unnecessary or undesirable, the following purposes:*
- i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;*
 - ii) the purposes of a highway or road improvement project in the local authority's area;*
 - iii) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them;*
 - iv) the purposes of environmental improvement in the local authority's area; and*
 - v) in the case of such local authorities as may be prescribed, any other purposes for which the authority may lawfully incur expenditure.*

2.5 To summarise, this means that once the Council has firstly made good any deficit to the account; any surplus in the parking account can legally be spent on off-street parking, public transport, highway, road and environmental improvements within the area.

3. Implications of the Decision

Financial	Y	Human rights, equalities, diversity	N
Legal	N	Policies or Council Plan	Y
Communication	Y	Procurement	N
Energy Efficiency	N	Workforce	N

(a) Financial Implications

Financial implications are detailed at **Annexes A and B**.

The amounts shown in both Annexes are based on the final 2022/23 out-turn.

Annex A reports the 2022/23 on-street parking surplus.

Annex B shows the proposed application of the remainder of the 2022/23 on-street parking surplus. This has been allocated in line with the budget. The additional surplus over the budget has been used to cover costs incurred in the year and the authority considers all listed items of expenditure in **Annexes A and B** to comply with the requirements of s.55 of the 1984 Act and thus there is no risk involved in using surplus parking income to meet these costs.

(b) Legal Implications

There is a requirement for the Council to undertake an annual review of surplus parking income before taking a decision whether the surplus should be used for additional off-street parking provision. This paper meets that legal requirement.

As set out above, the proposed expenditure for the surplus account is in accordance with s.55 of the 1984 Act.

(c) Other Implications

Using surplus parking income to subsidise passenger transport and reduce car journeys supports sustainability policies.

This paper is transparent in demonstrating to stakeholders what surplus parking income is used to fund and that this is compliant with the legislation.

Management of a parking scheme can reduce crime and disorder, vehicle crime, due to the visibility of patrolling parking attendants or ANPR vehicles.

4. Alternatives

4.1 There are no alternatives to allocating the car parking income as per the regulations prescribed in Article 2.4 to this report.

5. Timetable for Implementation

5.1 This report is essentially reporting on the income generated in the last financial year (2022/23). Therefore, following this decision, no further matters are to be undertaken relating to the report after that.

List of Annexes

Annex A Expected Parking Surplus from On-Street Parking 2022/23

Annex B The Use of Parking Surplus for Year 2022/23

Annex C Description of Expenditure Costs

List of Background Papers

None

Surplus from On Street Parking 2022/23

	2022/23 (£'000)
Expenditure	
Contractors Management Fee	1,365
RingGo Text and Data Costs	220
Staffing Cost	164
Supplies and Services	11
Support Costs	52
Decriminalised Costs	10
Signing and Maintenance Costs	10
Depreciation	152
Total Expenditure	1,984
Income	
Penalty Charge Notices	(1,230)
Permits	(1,692)
Suspensions	(187)
Pay and Display	(6,867)
Total Income	(9,976)
Surplus achieved in year	(7,992)
Transfer to Special Parking Reserve	350
Surplus for the year	(7,642)
Special Parking Reserve	
Opening Balance as at 01/04/2022	(101)
Surplus generated in year	(7,992)
	(8,093)
Allocated in Annex B of this report	7,642
Funding to alleviate parking issues at Brooklands Pavilion	15
Closing Balance as at 31/3/2023	(436)

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Use of the Parking Surplus 2022/23

Expenditure (Actuals funded by Surplus)	2022/23 (£000)
<u>Parking</u>	
Theatre Car Park	53
Other Off-Street Car Parks	1,547
Maintenance and Energy	195
Winter Gritting	76
Cleansing	880
Landscaping	43
Total	2,794
<u>Traffic Staffing & Management</u>	
Traffic Management	282
Road Safety	35
Total	317
<u>Passenger Transport</u>	
Passenger Transport Team	440
Concessionary Fares	3,533
Community Transport	267
Passenger Transport Subsidies	223
Direct Responsive Transport	396
Total	4,859
<u>Publicity</u>	
Publicity	19
Total	19
<u>Other Passenger Transport Projects</u>	
Novus	21
Studies/Project Development	14
Real Time Passenger Transport Information	79
MK Coachway	47
Bus Infrastructure	137
Total	298
	(73)

Infrastructure Investment funding

Funding of capital investment in Highways 4,794

Total 4,794**Environmental Improvements**

Improving land by roads and open spaces/recreational facilities FOC to the public 845

Total 845**Total Expenditure 13,926**

MKC Funded Expenditure 6,284

Parking Surplus Funded Expenditure 7,642

Total Funding (13,926)

Parking Surplus 2022/23

Categories of Expenditure Shown in Annex A

Contractors Management Fee

Saba enforcement contract and EGIS systems contract to manage income collection and enforcement of the on street parking.

RingGo Text and Data Costs

The costs of managing non-cash parking income processing

Staffing Cost

Staff costs to manage the on-street parking

Supplies and Services

Traffic enforcement registration costs

Support Costs

MKCC internal recharges to on street parking for IT, HR, Finance, accommodation, insurance etc

Decriminalised Costs

Parking and Traffic Regulations PCN costs

Signing and Maintenance Costs

General improvements to signing and lining in CMK

Depreciation

Parking machine depreciation

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