

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 23 OCTOBER 2014

PRESENT: Councillor P N Shepherd - Chairman

Councillors: G K Harris
P M Jones
D G Meacock
C H Spruytenburg
J F Warder

APOLOGIES FOR ABSENCE were received from Councillors M Vivis, N L Brown, Mrs J A Burton, M J Cunnane, D J Lacey, M Prince, J J Rush and A P Williams

21 MINUTES

The Minutes of the meeting held on 1 May 2014, copies of which had been previously circulated, were agreed by the Committee and signed by the Chairman as a correct record.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 STREET COLLECTION

At the Licensing and Regulation Committee on 1 May 2014 a report was requested by the Committee advising of the current policy and procedures for Street Collections. The Committee noted that a licence was required to collect money and to sell items on the street. The Council's policy stated that only one licence should be granted per area unless there were exceptional circumstances, such as national or international disaster appeals. Applications for Street Collecting permits have to be made to the Council at least a month prior to when the collections were planned to take place. A single permit can cover a period of up to 10 days within which collections can take place. A charity can use as many collectors as it likes within the area that the permit covered, but each collector would have to be at least 25 metres from another.

It was noted that the Council could not levy a charge for a permit, and therefore the process had been made as automated as possible. As no income can be generated, the Licensing Team were also not actively searching for collectors operating without a licence unless a complaint was submitted against them.

Members questioned whether the policies and procedures covered direct debit collectors, and were advised that they could not be controlled through

Street Collection permits. It was stated that if their behaviour was considered aggressive it could be considered to be a breach of the peace and it may be possible to control with new anti-social behaviour legislation.

It was asked whether the Council could control the frequency that an organisation was granted a permit, and it was noted that the only control available to the Council was that only one permit was granted per area. The report outlined a limited number of organisations with repeated permits. Permits were required on any land that was accessible or open to the public, including in shop doorways. It was noted that Tesco in Old Amersham often had collectors outside the shop, yet it did not appear as though many of these had applied for a licence. It was suggested that the Licensing Team write to Tesco to advise them of the necessity for the collectors to be licensed.

RESOLVED:

That the report be noted.

Note: Councillor J Warder entered the meeting at 6.40pm

24 MEDICAL REQUIREMENTS FOR TAXI AND PRIVATE HIRE DRIVERS

The Licensing and Regulation Committee had previously requested a report on the medical requirements for Taxi and Private Hire Drivers following the death of a Private Hire driver whilst on duty. It was noted that no other persons were in the vehicle at the time and that the vehicle was stationary at Chesham Train Station at the time. This highlighted the importance of medical checks as part of the Council's approach to monitoring the health of the drivers for the safety of the public.

Councillors were advised that drivers under 45 had to have a medical every 5 years. Drivers aged between 45 and 65 would have a medical every 3 years, and drivers aged over 65 would have to have annual medical checks. Drivers with insulin treated diabetes would be allowed to have a licence, but would have annual medical checks. The current policy states that the medical examinations would be carried out by the driver's GP. An alternative to this would be to ask that an independent doctor carry out the check, but they would have no access to background history. Currently, reminders were sent to drivers two months before the medical check was due to expire. A suspension notice would be given 28 days after the medical check had expired. It was also in the Council's power to request a medical check at any time.

Councillors raised concerns that the suspension notice if a valid medical check had not been carried out was not issued for 28 days, and questioned whether this was too lenient. If the driver's own GP was unavailable, it was suggested that they should find a doctor who was able to perform the check before the deadline. It was also questioned what affect driving without a valid health check would have on the driver's insurance should an incident occur.

It was stated that it would be possible for a suspension to be issued immediately if Members considered this to be a risk to public safety. It was noted that it was rare that a driver would not return a valid medical check by the deadline. Members suggested that unless there were exceptional circumstances, the licence should be suspended immediately. The Licensing Team would also increase the number of reminders sent to drivers. If the driver worked through an operator, it would also be possible for reminders to be sent to the company.

RESOLVED:

That the report be noted.

25 EXCLUSION OF THE PUBLIC

RESOLVED –

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Note: The relevant paragraph number from Part 1 of Schedule 12A is indicated at the end of the Minute heading.

26 LICENSING AND ENFORCEMENT UPDATE

Winkers Nightclub

Winkers Nightclub had previously been moving patrons into cars at the end of an evening, and in this manner had been acting as an operator for taxis. If this had continued the nightclub would require an operator's licence. It was noted that the nightclub now provided a phone for patrons to use to arrange taxis as well as a list of private hire companies.

The Licensing Team had been notified that Winkers had been holding evenings where lap dancing was provided, without currently holding a licence permitting this type of activity. Without a specific licence, Winkers would be able to hold no more than 11 events per year, with no more than one occurring in a month. The nightclub had been advised that it would need to apply for a licence to continue these activities, and had advised the Licensing Team that they were considering putting an application together.

Kings Chapel, Old Amersham

It was noted that this premises had recently been licensed and there had been noise complaints, which Environmental Health was investigating. There was a good relationship between the Council and the licence holder, who had been

inviting local residents to engage in discussions and had been measuring noise levels.

Shared Services

One comment that had arisen during the service reviews was that it may be beneficial for the Licensing Team to visit parts of the District in the evenings. Officers had visited Chesham and Amersham late in the evenings, and there would be no problems with that continuing in the future.

Newlands Manor

Newlands Manor was a licensed wedding venue. Complaints had been received regarding fireworks being set off by patrons on land near the licensed venue. Concerns were raised by local horse owners, but it was noted that the fireworks were not being set off on the licensed land. Environmental Health was leading on the investigation into the complaints.

RESOLVED:

That the report be noted.

Note: Councillor Harris left the meeting at 19.22

The meeting ended at 7.30 pm