

CHILTERN DISTRICT COUNCIL

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Licensing & Regulation Committee

Thursday, 25th March, 2010 at 6.30 pm

Large & Small Committee Room, Council Offices, King George V Road,
Amersham

A G E N D A

- 1 Evacuation Procedures
- 2 Minutes (*Pages 1 - 4*)
To sign the Minutes of the meeting held on 4 February 2010
- 3 Apologies for Absence
- 4 Declarations of Interest
- 5 Minutes of the Licensing Sub Committee
To sign the Minutes of the meeting of the Licensing Sub Committee held on 3 February 2010 (previously circulated)
- 6 Minutes of the Taxi & Private Hire Licensing Sub Committee
To note the Minutes of the meeting of the Taxi & Private Hire Licensing Sub Committee held on 15 December 2009 (previously circulated)
- 7 Open Report of the Officers
 - 7.1 Local Government (Miscellaneous Provisions) Act 1976 - Hackney Carriage and Private Hire Amendment - Additional Hackney Carriage Vehicle Condition (*Pages 5 - 6*)
Appendix A (Pages 7 - 8)

7.2 Local Government (Miscellaneous Provisions) Act 1976 -
Hackney Carriage and Private Hire Training L&R Committee
Members (Pages 9 - 10)

8 Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

9 Private Reports (if any)

Note: All Reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Licensing & Regulation Committee

Councillors: G P Peters (Chairman)
Mrs I A Darby (Vice-Chairman)
Miss P A Appleby
Mrs E L Bamford
Mrs J A Burton
Mrs V G Head
L A Hodgkinson
P M Jones
M J King
D J Lacey
D G Meacock
S A Patel
J S Ryman
G E Sussum
Mrs E P Stacey

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CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the
LICENSING AND REGULATION COMMITTEE
 held on **4 FEBRUARY 2010**

PRESENT:	Councillor	G P Peters	- Chairman
	"	Mrs I A Darby	- Vice-Chairman
	Councillor	Miss P A Appleby	
	"	Mrs E L Bamford	
	"	Mrs V Head	
	"	P M Jones	
	"	M J King	
	"	D J Lacey	
	"	D G Meacock	
	"	J S Ryman	
	"	Mrs E P Stacey	
	"	G E Sussum	

APOLOGIES FOR ABSENCE were received from Councillors Mrs J A Burton.

14. MINUTES

The Minutes of the meeting held on 3 December 2009 were agreed by the Committee and signed by the Chairman as a correct record.

15. DECLARATION OF INTERESTS

There were no declarations of interest.

16. LICENSING AND REGULATION COMMITTEE – CHANGE TO MEMBERSHIP

The Committee noted that at the Council meeting on 8 December 2009 it had been agreed that Councillor Mrs E P Stacey would replace Councillor D Schofield. Councillor Mrs Stacey was welcomed back to the Committee.

17. TAXI AND PRIVATE HIRE LICENSING SUB-COMMITTEE – CHANGE TO MEMBERSHIP

At the Council meeting on 8 December 2009 it had been agreed to recommend to the Licensing and Regulation Committee that Councillor R Burns-Green would replace Councillor D C Schofield on the Taxi and Private Hire Licensing Sub Committee.

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RESOLVED –

That Councillor R Burns-Green replace Councillor D C Schofield on the Taxi & Private Hire Licensing Sub Committee.

18. **EU SERVICES DIRECTIVE AND THE IMPLICATIONS FOR STREET CHARITY COLLECTIONS**

The European Union Services Directive aimed to open up the European internal market to cross-border trade in services by making it easier for service providers to set up businesses and offer their services in other EU countries. The legislation conferred a legal requirement on local authorities and service providers to implement the Directive.

It was hoped that the Directive would reduce the administrative burden on Local Authorities, while enabling consumers in the UK to benefit from a greater choice of service providers / lower prices. Businesses from other EU countries should be able to trade more easily in the UK, and UK businesses should find it easier to enter and expand into EU markets.

The report before the Committee detailed the impact that the Directive had for Local Authorities, which were divided into four areas:

- The screening and possible adjustment of the existing legislation and the authorisation schemes in them that were related to the relevant services;
- The electronic completion of procedures;
- Administrative Cooperation; and,
- Regulations in connection with the rights of recipients of services.

The Environmental Health Manager advised that following feedback from Members, and discussion with the Legal Advisor, the recommendation in the report had been changed. It was now recommended that the wording of regulations 3, 4 and 5 be amended as follows:

- Regulation 3 – the words ‘in writing’ to be replaced with ‘made on the prescribed form’. This would allow forms to be submitted either by hand or electronically.
- Regulation 4 – to read ‘No collection shall be made except in accordance with the terms of the permit’.
- Regulation 5 – the following words to be added at the end, ‘provided that there is an overriding reason of public interest for so doing’.

The Environmental Health Manager confirmed that guidance would be issued; charities would be advised when another charity was already collecting on the date requested. However, it was noted that the

Council could not limit the number of collections unless there was an overriding public interest. Where possible, charities would be put in contact with each other to resolve such issues; it was noted that it was in the interests of charities to co-operate with each other since there were limits to public generosity.

Concern was raised about the restrictions of movement on those people collecting, particularly in inclement weather.

RESOLVED -

That the report on the European Union Services Directive be noted.

AND RECOMMENDED -

That the amendments to Regulations 3, 4, and 5 – as detailed above – with regard to Street Collections 1981, be approved by Full Council.

19. **REGULATION OF COSMETIC PIERCING AND SKIN-COLOURING BUSINESSES**

In response to growing demand, the Department of Health had produced a new consolidated set of model byelaws that could be used for one, several, or all types of skin piercing / skin colouring currently regulated. The Department of Health had also updated specific provisions to reflect current infection control advice and industry practice.

As a result, it was recommended that all existing byelaws in relation to semi-permanent skin colouring and cosmetic piercing, acupuncture, ear-piercing, electrolysis and tattooing were revoked and replaced by the consolidated set of byelaws.

The Environmental Health Manager confirmed that inspections were undertaken, without notice, approximately once a year – however this was dependent on the risk rating assigned to the business.

The Committee were advised that there were approximately 20-30 businesses in the district that undertook activities such as acupuncture, ear-piercing and electrolysis. There were 1-2 businesses that did cosmetic piercing and semi-permanent skin colouring.

The Committee agreed that the recommendation should be amended to add that the consolidated byelaws originated from the Department of Health.

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RECOMMENDED -

That the new Department of Health consolidated byelaws for cosmetic piercing, semi-permanent skin-colouring, acupuncture, ear-piercing, electrolysis and tattooing, are made in accordance with the necessary procedures, and to apply to the Secretary of State for confirmation of such byelaws and once confirmed, that the existing set of related byelaws are revoked; be approved by Full Council.

20. MEMBERSHIP QUALIFICATIONS FOR LICENSING SUB COMMITTEE AND TAXI AND PRIVATE HIRE LICENSING SUB COMMITTEE

The Committee had reviewed the membership of the Taxi and Private Hire Licensing Sub Committee at the meeting on 6 October 2009. The issue had also been discussed at the Constitution Review Committee on 22 October and at Council on 27 October. It had been agreed that membership should be limited to members of the parent Licensing and Regulation Committee, with appointments made in the same way as those for the Licensing Sub Committee. These changes would take effect from Annual Council in May 2010.

There had also been discussion as to whether members of the Licensing Sub Committee and Taxi and Private Hire Licensing Sub Committee should be required to undergo training before they could sit on those Committees. The Committee now considered a report to that end.

Members considered it important that training was undertaken by Members due to the importance of the issues under consideration. There was some discussion of requiring Members to also pass an assessment following training. However, it was acknowledged that there was no such recognised qualification. In addition, Members' decision-making and discretion was guided by legislation and adopted Policies; professional legal advice was also available to Members.

It was agreed that training should be undertaken on an annual Basis, as soon as possible after Annual Council.

RECOMMENDED -

That the Terms of Reference of the Licensing Sub Committee and Taxi and Private Hire Licensing Sub Committee be amended to make the undertaking of the required annual training a pre-requisite to membership / participation on these Sub Committees.

The meeting closed at 7.19pm

CHILTERN DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE – 25TH MARCH 2010

Background Papers, if any, are specified at the end of the Report

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE AMENDMENT – ADDITIONAL HACKNEY CARRIAGE VEHICLE CONDITION

Contact Officer: Ben Coakley 01494 732060 & Stuart Broome 01494 732140

Background Papers, if any, are specified at the end of the Report

RECOMMENDATION

That Members agree to amend the current Hackney Carriage vehicle licence conditions to introduce a new condition for each vehicle to display Chiltern District Council & Thames Valley Police branded door stickers on each licensed vehicle.

1 Matter for Consideration

To consider the addition of an additional Hackney Carriage vehicle condition to require vehicles to display Chiltern District Council & Thames Valley Police (TVP) partnership branded door stickers. The stickers also include the vehicle licence number with the option for the name and telephone of the taxi company. An example of the sticker will be presented at the Committee Meeting.

2 Background

Private Hire vehicles and Hackney Carriages, their drivers and operators/ proprietors are regulated by this Authority under the Local Government (Miscellaneous Provisions) Act (1976), the Town Police Clauses Act 1847 and by historical bylaws. This collection of legislation allows the Authority to adopt requirements and conditions for the purposes of licensing.

3 It is already an existing requirement (Licensing and Regulation Committee, July 2008) for private hire vehicles to display a private hire- pre booking door sticker when directed by the Council. It is proposed that this is extended to Hackney Carriage vehicles to ensure improved visibility at distance of the fact that the particular vehicle is licensed by the Council and that we are working with the police to reduce the potential for antisocial behaviour.

4 ‘Operation Confidence’ is a concerted effort to address crime and disorder, and highlight what Thames Valley Police, the Council and local residents are doing to make communities safer. The jointly branded door signs will contribute towards reassuring residents, dissuading potentially disruptive passengers by visibly signifying a link with the police and demonstrate partnership working between taxi drivers, the Council and TVP in a highly

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visible manner. The specific logo branding element has already been agreed, and used in other sections of the Council for highly visible campaigns such as joint enforcement and working directly with the community.

- 5 This matter of introducing 'partnership' door stickers has been consulted on at a meeting with the taxi & private hire association which took place on the 4th March 2010 where an example door sign was presented for views, acceptability and comments. Minutes from the meeting are attached as *Appendix A*. The meeting concluded with generally positive comments on the concept and introduction of such a sticker, under the proviso that the template be amended to include the company name and telephone number on the sticker.
- 6 It is proposed that the new condition would be applied to those seeking a new vehicle licence and all other vehicles from their appropriate renewal date.

Decision To Be Made:

- 7 Members are asked to agree or disagree to the insertion of the following condition in the Hackney Carriage vehicle conditions:

HACKNEY CARRIAGE DOOR SIGNS

As directed by the Council, the operator shall cause to be fixed and maintained to the exterior of the vehicle a prescribed sign bearing the words "Hackney Carriage Vehicle" with the "CDC/TVP Partnership logo" on the front driver and passenger doors. The sign may also include the company's trading name, phone number and/or the vehicle plate number.

CHILTERN DISTRICT COUNCIL

MINUTES of the meeting between
the Licensing Department and the Chiltern District Drivers Association
(CDDA) on 4th March 2010

PRESENT: Mr Stewart Broome – Licensing, CDC
Miss Caroline Murray – Community Safety, CDC
Mr Chris Dell – CDDA
Mr Chris Gilbert – CDDA
Mr Jim Tilbury – CDDA

**INTRODUCTION OF DOOR STICKERS TO HACKNEY CARRIAGE, AND
PRIVATE HIRE VEHICLES**

Mr Stewart Broome welcomed everyone, and introduced all parties to each other. He then explained that the reason the meeting had been called was to discuss the new joint partnership initiative between Chiltern District Council and Thames Valley Police called “Operation Confidence”. Stewart explained this initiative is aimed at improving public confidence with regards to how crime and anti-social behaviour is dealt with by Thames Valley Police and the Council, and that part of raising this awareness is being achieved by the use of a corporate logo which will be used on various media by both parties.

Stewart explained that the working group had considered the use of the licensed trade to spread the message via the use of door stickers. He added that they felt it would not only raise awareness of the initiative, it could also improve the image of the trade, and the safety of drivers, as it would appear that the licensed trade was working jointly with Thames Valley Police and Chiltern District Council.

Stewart explained that funding for door stickers had been provided, and that although we have the right within our policy to place signs on Private Hire vehicles, we wished to consult with the CDDA with regards to door stickers on Hackney Carriage vehicles, and permit the CDDA to have some say over the content of the signs.

Chris Gilbert suggested that the layout of the sign would require another sign of their own design to be placed on the rear doors of the vehicle, which would not result in a more professional image of the trade. He also remarked on the size of the logo. Stewart explained that the logo size, shape, and wording was not changeable, but the layout of the rest of the sign could be amended.

Chris Dell also made comment on the logo size, but was happy with Stewart’s answer.

Stewart then made a suggestion, which would permit an area the size of a standard plate to the left of the sign to be filled with either the companies’ details such as name, phone number, website details, or if they did not want to advertise this area could be used to display the vehicle plate number. He added that the information to be placed on the labels could be set up for each specific company to ensure uniformity.

Appendix A

Chris Dell, Chris Gilbert and Jim Tilbury said that this approach would be acceptable to them.

Ongoing funding was the next item mentioned by Chris Gilbert. Stewart explained that change of vehicles would require new signs and this would be covered by CDC. He added that a change of details due to a driver moving from one employer to another would require a change of signs which would need to be paid by the licence holder, and finally, a change of the sign label template at the request of the company would require new signs to be placed on the vehicles at the cost of the licence holder or company. The CDDA expressed that they were in agreement with this approach.

Stewart then asked Jim to confirm that if the amendments to the layout of the sign for Hackney Carriages were made, would he be in support of this initiative, and he said he would be, although he was not overly enthused by the idea.

Finally, Stewart asked Chris Dell and Chris Gilbert to confirm that if the amendments to the layout of the sign for Private Hire vehicles were made they would be in support of this initiative. They both said that they would be, but they added that they would like both types of signs to be made compulsory at the same time to reduce conflict within the trade.

Stewart agreed that this would make sense. Stewart confirmed that the sign template would be amended as agreed and that he would forward a copy of the design to the CDDA as soon as it was made available.

The meeting was closed by Stewart after the CDDA thanked him for giving them the opportunity to contribute to the process.

The meeting closed at 12.50pm.

CHILTERN DISTRICT COUNCIL

LICENSING AND REGULATION COMMITTEE – 25TH MARCH 2010

Background Papers, if any, are specified at the end of the Report

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -
HACKNEY CARRIAGE AND PRIVATE HIRE TRAINING L&R COMMITTEE
MEMBERS**

Contact Officer: Stuart Broome 01494 732140 Ben Coakley 01494 732060

Following the request by the Licensing and Regulation Committee, Member training is being provided to Members of the Licensing and Regulation Committee on the Hackney Carriage and Private Hire, policy and conditions and legislation.

Handouts will be provided at the time.

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