

## CHILTERN DISTRICT COUNCIL

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

|                 |            |                  |                 |
|-----------------|------------|------------------|-----------------|
| <b>PRESENT:</b> | 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.

## **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.

**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**