

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 2 DECEMBER 2010

PRESENT: Councillor G P Peters - Chairman

Councillors: Mrs V G Head
P M Jones
S A Patel
C J Wertheim
P N Shepherd

APOLOGIES FOR ABSENCE were received from Councillors D G Meacock, Miss P A Appleby, Mrs E L Bamford, L A Hodgkinson, M J King, D J Lacey, J S Ryman and Mrs E P Stacey.

Note: The Chairman delayed the start of the meeting in order to allow those Committee Members delayed by the inclement weather to arrive.

13 MINUTES

The Minutes of the meeting held on 9 September 2010 were agreed by the Committee and signed by the Chairman as a correct record.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

Note: Councillor P N Shepherd entered the meeting at 6.39pm.

15 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING AMENDMENT - UPDATED CONDITION

The Committee considered an update to the Hackney Carriage and Private Hire requirements and conditions following a request and discussions with Thames Valley Police. It was noted that this request had already been agreed at Aylesbury Vale and Wycombe District Councils, in addition to other authorities across the Thames Valley region.

It was intended that enforcement will be a partnership approach, with Thames Valley Police leading any subsequent investigation following our current enforcement procedures. The new condition will be highlighted to all existing drivers and operators through the next enforcement newsletter.

The Environmental Health Manager reported the comments of Councillor Meacock, who was unable to attend the meeting.

After noting the addition of the word 'Licensed' at the start of the wording of the condition, the Committee

RESOLVED –

That the following condition be added to the current Hackney Carriage requirements and Private Hire requirements and conditions on all new applications and renewals from 25 December 2010:

Licensed drivers may not initiate any dialogue of a “sexual” nature with a passenger. Licensed drivers are not permitted to become involved “sexually”, or have sexual contact, even with consent, whilst in a licensed vehicle.

16 LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1976 - HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE AMENDMENT TO MEDICAL REQUIREMENTS

The existing Taxi and Private Hire Licensing policy stated that the licensing authority would follow the DVLA 'Group 2' requirements when assessing if an applicant should be considered fit to drive a licensed vehicle.

Updated guidance from the Department of Transport still advocated the use of Group standards to assess the fitness of such applicants, but recommended that 'C1 arrangements' should be used in respect of applicants who had insulin-dependent diabetes.

In light of the updated guidance the Committee were asked to consider updating the Taxi and Private Hire Policy and associated medical checklist in accordance with the C1 standards. After noting that a robust system was in place to assess the fitness of drivers, the Committee

RESOLVED –

That the Taxi and Private Hire Licensing Policy be amended from 3 December 2010 to reflect the guidance published by the Department of Transport in relation to diabetes.

17 LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982 - STREET TRADING APPLICATION TO TRADE FROM PENNYFIELDS, LITTLE CHALFONT

The Chairman advised that the application had been withdrawn by the applicant.

18 SEX ESTABLISHMENTS POLICY STATEMENT

The Policing and Crime Act 2009 provided for the stricter regulation of sexual entertainment venues and relevant entertainment under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The Council had resolved to adopt the provisions of the Act on 28 September 2010.

The report before the Committee detailed the Draft Policy and the proposed consultation period. It was noted that Home Office Guidance allowed the adoption of policies in relation to appropriate / inappropriate areas for such establishments, and the appropriate number of such establishments within a locality.

After considering the draft statement of policy, the Committee

RESOLVED –

- 1. That the Sex Establishment Statement of Policy be submitted to a 7-week consultation period with local businesses and other relevant bodies.**
- 2. That representations received during the consultation period be considered and that a further report be submitted to the Licensing and Regulation Committee for approval of the final policy, to come into effect by 1 March 2011.**

19 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

The Draft Statement of Licensing Policy had been presented to the Committee on 29 July 2010, and a formal consultation had since taken place.

At the meeting on 29 July, Members had requested a review of whether the Greyhound Inn should be included within the cumulative impact area of Chalfont St Peter. No representations had been received to this effect. The Committee considered that the exclusion of the Greyhound Inn created a disparity with those nearby premises within the cumulative impact area.

Paragraph 8.94 of the Policy allowed for licensing authorities to notify residents living in the vicinity of premises when the premises made a licensing application. The Committee broadly favoured this approach, but requested a further report detailing the process and resource applications.

RESOLVED –

- 1. That a report be presented to a future meeting of the Licensing and Regulation Committee regarding the process and resource implications of notifying residents living in the vicinity of premises when the premises made a licensing application.**

2. That the Greyhound Inn, High Street, Chalfont St Peter be included within the cumulative impact area of Chalfont St Peter.

AND RECOMMENDED –	
2.	That the Statement of Licensing Policy, as amended, be approved.

The meeting ended at 7.20 pm