

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 20 JANUARY 2011

PRESENT: Councillor D G Meacock - Vice Chairman

Councillors: Mrs J A Burton
Mrs V G Head
L A Hodgkinson
P M Jones
S A Patel
Mrs E P Stacey
C J Wertheim
P N Shepherd

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

20 MINUTES

The Minutes of the meeting held on 2 December 2010 were agreed by the Committee and signed by the Chairman as a correct record.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

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

At the meeting on 2 December 2010, the Committee had agreed an update to the Hackney Carriage and Private Hire requirements and conditions following a request from Thames Valley Police. Amendments to the wording had subsequently been suggested at the Council meeting on 14 December (Minute 102 refers). In light of this, the Head of Health and Housing discussed the matter with the Committee Chairman who was happy that the Minute reflected the views of the Licensing and Regulation Committee.

However, in light of a further conversation with the Vice-Chairman – who while entirely supportive of the aim questioned whether the wording actually achieved what was intended – the Head of Health and Housing agreed to contact Thames Valley Police to ascertain if other authorities had sought to vary the condition and whether the wording of the condition should be changed to better communicate the intention. The Head of Health and Housing advised that the condition did not add to controls and might not even be required as it may already be covered by recent legislation; a further report would be presented to the Licensing and Regulation Committee to keep the Committee fully informed.

Regarding licensed vehicles, it was noted that once a vehicle was licensed, it was required to comply with the conditions of that licence at all times. As such, when carrying passengers – regardless of whether they were fee-paying passengers – the vehicle was required to have a roof sign. The Licensing Authority would enforce when this was not the case. It was noted that this was one of the reasons that the licensing authority favoured fixed roof signs. Other conditions included the need for a driver to have their driver's badge on their person, and the vehicle licence number displayed in the vehicle. It was also noted that there may be insurance implications for any passengers travelling in a vehicle that did not comply with the licence conditions.

23 SEX ESTABLISHMENTS POLICY STATEMENT

The Draft Sex Establishments Policy Statement had been presented to the Committee at the meeting on 2 December when it had been agreed for consultation with local businesses and other relevant bodies. The Committee proceeded to go through the consultation responses and the amended Statement of Licensing Policy. A version of the amended Policy showing the 'tracked changes' was circulated at the meeting.

A number of minor errors and formatting issues were noted in the Policy by Members. The main points made by the Committee were as follows:

Section 2 – Waivers:

- It was agreed that the decision to grant a waiver should be delegated to a Licensing Sub Committee only when it was for a temporary period; such as a temporary relocation due to damaged premises. Applications for a permanent waiver should be referred to the full Licensing and Regulation Committee.

Section 3 – Application Process:

- Appendix A, page 5, comments regarding Paragraph 3.5 should read "should **exclude** other means of providing contact information".
- Regarding the size of newspaper public notices, the Committee agreed that the font size of lettering should be specified in order to ensure uniformity and that the notices were clearly legible. Authority was delegated to the Head of Health and Housing to determine appropriate font sizes.
- Regarding paragraph 3.9 the Committee expressed concern regarding a sex establishment licence continuing after the expiry date provided that an application had been made prior to the expiry date. However, it was noted that this was allowed in legislation. The Head of Health and Housing advised that reminders would be sent out 28 days before the expiry date. Further concern was raised regarding the transfer of licences. It was suggested that both the new licence holder and the previous one be required to inform the licensing authority of the change, and that the new licence holder be required to go through the application process. There was some confusion as to whether this was already stipulated in the legislation. As such it was agreed that if already in the legislation this would be included in advisory information only; if it was not in the legislation authority was delegated to the Head

of Health and Housing to determine the appropriate wording and to include it in the policy.

- Paragraph 3.3 to require as part of the application or renewal process that an Enhanced Criminal Records Bureau check be undertaken annually.

Section 6 – Relevant Locality

- It was confirmed that the relevant local Town / Parish Council would be consulted regarding applications within their area.
- It was suggested that the licensing authority should stipulate where such premises should be located. However, it was agreed that this was inappropriate and each application should be assessed on its own merits.

Appendix 5 – Licence Conditions

- To ensure consistency, Condition 35 was to be amended to reflect the font sizes specified for newspaper public notices; with authority delegated to the Head of Health and Housing.
- Authority was delegated to the Head of Health and Housing to re-word Condition 51 to ensure the inclusion of toilets.

RECOMMENDED –

That the Sex Establishments Policy, as amended by the Licensing and Regulation Committee (final wording delegated to the Head of Health and Housing) be approved to come into effect on 1 March 2011.

24 EXTENSION OF LICENSING HOURS FOR THE ROYAL WEDDING ON 29 APRIL 2011

The Chairman agreed to take this as an urgent item due to the short timescale allowed for the consultation response.

The Royal Wedding of Prince William and Kate Middleton would take place on 29 April 2011, which the government had declared a public holiday.

The Royal Wedding was considered a time of national celebration and the government were keen that everyone was able to participate. As such, the government were considering temporarily extending the opening hours of licensed premises in England and Wales to 1am on Friday 29 April and Saturday 30 April. A short consultation period for the proposal was being held between 12 and 26 January.

In response to a question, the Licensing Officer listed the three premises whose bank holiday hours had been determined by Licensing Sub Committees to terminate earlier than the 1am extension proposed for 29 August. It was suggested that it would have been more logical to have had the 29 and 30 April reflect the normal Bank Holiday hours specified in each individual licence. However, it was agreed that the Licensing and Regulation had no objection in principle to the 1am extension.

RESOLVED –

That no objection be raised to the extension of licensing hours to 1am on 29 and 30 April 2011.

The meeting ended at 7.47 pm