

## CHILTERN DISTRICT COUNCIL

### MINUTES of the Meeting of the LICENSING & REGULATION COMMITTEE held on 28 JUNE 2016

**PRESENT:** Councillor J J Rush - Chairman  
" C J Jackson - Vice Chairman

Councillors: M Flys  
G K Harris  
M J Harrold  
D J Lacey  
C J Rouse  
N I Varley

**APOLOGIES FOR ABSENCE** were received from Councillors E A Walsh, E A Culverhouse, P M Jones, C M Jones, R J Jones, P N Shepherd and F S Wilson

#### 3 MINUTES

The Minutes of the meetings of the Licensing & Regulation Committee held on 26 November 2015 and 17 May 2016, copies of which were circulated at the meeting, were agreed by the Committee and signed by the Chairman as a correct record.

#### 4 DECLARATIONS OF INTEREST

Councillor D Lacey, a Chesham Town Councillor, confirmed that he had not had any personal involvement in Chesham Town Council's decision to object to the street trading consent application (item 10) and could therefore take part in discussions and vote on this item at this meeting.

Councillor N Varley, a Chesham Town Councillor, confirmed that he objected to and had voted against the street trading consent application when it was considered by Chesham Town Council, and as such would not take part in any discussions on item 10 and would not vote, but could remain in the room as an observer.

#### 5 MINUTES OF THE LICENSING SUB COMMITTEE HELD ON 08 OCTOBER 2015

The Minutes of the Licensing Sub Committee meeting held on 8 October 2015 were agreed as a correct record.

#### 6 MINUTES OF THE LICENSING SUB COMMITTEE HELD ON 02 MARCH 2016

The Minutes of the Licensing Sub Committee meeting held on 2 March 2016 were agreed as a correct record.

## 7 REPORT FOR FILM CLASSIFICATION POLICY

The British Board of Film Classification (BBFC) determines the classification of films nationally, but the Council is also the classification body for the public exhibition of films shown within its administrative area. If a film has not been classified by the BBFC it must not be shown at a premise without first having been classified by the Council (unless an exemption applied under the Licensing Act 2003). A film distributor, for example, may also appeal to the Council against a decision of the BBFC and request that the Council reclassify a film. As such, the Committee were asked to approve the proposed policy and procedure for determining film classifications.

It was noted that a film would only need to be classified if it would be shown publically. A number of exemptions from regulation were also in place under the 2003 Act. This included, for example, films intended for information or educational purposes.

In response to a question regarding why the policy had not been put in place before now, it was noted that although the Council had a responsibility to determine film classifications, no requests had been made to the Council to make their own decision on a film classification since the introduction of the Licensing Act 2003, and only one had been received prior to that in 2002.

The Council, when setting a fee for film classifications, was required to take into account the costs to the Council, and fees set by other local authorities could not be taken into account.

### **RESOLVED –**

- 1. That the draft policy for dealing with the classification of films be adopted with immediate effect.**
- 2. That the guidance issued by the BBFC to assist in the classification and re-classification of films be adopted.**

### **AND RECOMMENDED TO COUNCIL –**

- 3. That the Head of Healthy Communities be authorised to determine the classification and re-classification of films including appeals under the licensing legislation in accordance with the Policy.**
- 4. That all cases not determined by the Head of Healthy Communities under delegated authority be dealt with by the Licensing Sub-Committee.**
- 5. That the level of fee for the classification of films be set at £47, plus £1 per minute of the full length of the submitted film, plus any costs associated with the hire of any associated venue or equipment costs.**

## 8 HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY

The Council was reviewing its hackney carriage and private hire licensing policy in light of changes to legislation, case law and the way in which the Council delivered licensing services. As such, Members were asked to consider the draft policy prior to a 12 week consultation. During the discussion the following key points were made:

Concern was raised regarding the proposed change to the vehicle age policy. Whilst recognising that this policy was designed to protect the public from harm it could potentially affect a large number of drivers. Figures on the number of vehicles that would be affected by the proposed change were requested, and would be provided at the meeting when the consultation responses would be considered by the Committee. Following a discussion it was agreed that the proposed policy change be highlighted to drivers and operators in the consultation letter that would be sent to them so that they could assess the effect to them and respond to the consultation accordingly.

It was suggested that the executive plate should be retained because it provided greater reassurance to residents. They were also used by the police to identify licensed vehicles. It was suggested however that the dispensation could be expanded to widen the type of work that this would apply to, for example, to include vintage vehicles. It was also suggested that drivers who were hired continuously by the same client could be included in this. Requiring a driver to request a separate dispensation for each client, even if they were from the same company, was considered excessive.

In response to a question it was clarified that the proposed disclosure and barring service (DBS) update service requirement was an enhancement to the current full DBS checks. This would mean that criminal record checks did not go out of date and avoided delays.

One Member requested a demonstration of the knowledge test that was required to be undertaken by drivers.

### **RESOLVED –**

- 1) That the draft hackney carriage and private hire licensing policy be approved for consultation subject to the inclusion of a note on the consultation letter, to be sent to all drivers and operators, highlighting the proposed change to the vehicle age policy which may affect them.**
- 2) That the consultation be carried out over a 12 week period to enable all interested parties to submit comments to the Council.**
- 3) That the results of the consultation be reported back to the Licensing and Regulation Committee for further consideration prior to a recommendation from the Committee to Full Council.**

## 9 REVIEW OF HACKNEY CARRIAGE FARES

The Council had received a request from the hackney carriage trade to increase the fares relating to the “Flag” rate that may be charged. As such, the Committee were requested to consider the request along with the information in the report. After noting the request that had been received by the trade, and following a discussion, it was

### **RESOLVED –**

**That the hackney carriage trade be requested to provide further information and specific reasons to support their request to increase the fares relating to the “Flag” rate that may be charged, to enable Members to make a decision on the request.**

## 10 STREET TRADING CONSENT APPLICATION

The Council had received an application for Street Trading Consent to sell Indian foods from a catering trailer situated on Chesham High Street. In accordance with the Council’s Street Trading Policy a number of organisations had been consulted. One objection to the application had been received from Chesham Town Council and in accordance with the adopted Policy the application must then be determined by the Licensing & Regulation Committee.

Members considered the application and the objection received from Chesham Town Council. The objection referred to the proposed location, including it being within a conservation area, and impact on similar businesses nearby. It was noted that the Council’s Street Trading Policy did not provide for a public consultation.

### **RESOLVED –**

**That the application for Street Trading Consent be refused due to the loss of amenity, visual appearance, the impact on the conservation area and the risk of food odour that could not be mitigated in a sensitive environment.**

*Note: Councillor N Varley took no part in the discussions and did not vote on the above application.*

**The meeting ended at 7.38 pm**