

# Regulatory & Appeals Committee Minutes

Date: 17 October 2016

Time: 7.00 - 7.35 pm

**PRESENT:** Councillor J A Savage (in the Chair)

Councillors S Broadbent, R Gaffney, M Hussain JP, D Knights, I L McEnnis and  
Ms J D Wassell, A R Green

## **8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors: Mrs L M Clarke (OBE), M Clarke, A D Collingwood, C Etholen, M Hussain JP.

## **9 MINUTES**

**RESOLVED:** That the minutes of the meeting of the Regulatory & Appeals Committee held on 8 June 2016 be confirmed as a true record and signed by the Chairman.

## **10 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **11 DELEGATION FOR OFFICERS TO PRESENT (RIPA) CASES TO JUSTICES OF THE PEACE**

A report was submitted which requested approval of certain designated officers for the purpose of presenting RIPA cases to the Justices of the peace (JPs) as referred to in paragraph 4 of the report. This would then be referred to Full Council for the relevant amendments to be made to Standing Orders within the Constitution.

The report stated that the Regulation of Investigatory Powers Act 2000 (RIPA) was designated to regulate the use of investigatory powers to conduct authorised surveillance in connection with the conduct of criminal investigations and to satisfy the requirements of the European Convention on Human Rights.

RIPA was responsible for regulating a number of investigatory techniques which occasionally needed to be deployed by Local Authorities to fulfil their statutory functions.

The report stated that on 1 November 2012 two significant changes took place governing the way in which Local authorities used their powers under RIPA. Essentially Local Authority authorisations and notices under RIPA for the use of

investigatory techniques could only be effected once the notice had been granted by a JP. In addition the authorisations for the use of directed surveillance could only be granted where there was an investigation of criminal offences which attracted a minimum custodial sentence of 6 months, or that which related to the underage sale of alcohol or tobacco.

Members gave careful consideration to the report before them, which would require a recommendation to Full Council to request an amendment to Standing Orders within the constitution to designate the proposed officers for the purpose of presenting RIPA cases.

A Member enquired as to whether the delegations applied to the named officers or the post holder. Following clarification after the meeting it was confirmed that the delegations related to the named officer. This was unlikely to cause problems in the event of the officer leaving his/her post as there were far more named officers than were required.

**RECOMMENDED** That: the list of designated officers referred to in paragraph 4 of the report for the purpose of presenting RIPA cases to the Justices of the Peace be approved.

## **12 SEX ESTABLISHMENTS POLICY**

A report was submitted which requested that the current Sexual Entertainment Venue Policy be approved. It was reported that there was currently one sexual entertainment venue in the district which was licensed to carry out lap dancing.

The report stated that the Council had approved the policy in relation to sexual entertainment venues in April 2012 and then reconsidered it in 2013 during which time an extension to the terminal hour within the standard conditions was agreed.

Members were informed that although the policy itself was not a statutory requirement it was considered appropriate that it should be reviewed given that 3 years had elapsed since it was approved. However as there had been no changes in legislation since the last review and no comments or complaints had been received in respect of the current policy, it was proposed that the policy remain unchanged. As such it was also not considered to be necessary for the policy to be subjected to a consultation process.

A Member enquired regarding the legal status of theatres within the district which periodically held shows involving nudity. It was confirmed that there was provision for them to perform 12 shows per year without the need to be licensed for the events. The only requirement was for the Council to be notified of such performances in advance.

**RESOLVED:** That the current Sexual Entertainment Venue Policy be approved

### 13 VARIATIONS TO HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

A report was submitted which requested that the proposed amendments to the Hackney Carriage and Private Hire Policy and conditions be approved as detailed within the report for a 12 week consultation process with relevant parties.

The report stated that the current Policy had become effective in 2008 with minor amendments having been made since implementation. As a result of recent changes within the licensing regime and a review of its procedures it was now considered necessary to review both policy and licence conditions.

Members were informed that the majority of the proposed changes were intended to clarify or expand upon specific policy requirements. All the proposed changes were detailed individually within the body of the report. The proposed changes included amendments to criminal record checks, online applications, revocation of licences, vehicle age limits, vehicle signage, tinted windows and the enforcement policy. The presenting officer provided an explanation on each and invited any relevant questions.

Members considered the proposals in some detail. A Member praised the Licensing team in carrying out excellent work in often challenging situations, stating that he had every confidence in the suggested proposals within the Policy.

Another Member raised the question as to what could be done to increase and encourage the ethnic diversity within the trade. There was some agreement as to the problems encountered during events and festivals during which time services were limited or even terminated.

A Member expressed concern that refusal or revocation of licences within one district did not prevent a licence being granted in another. As such the individual could still operate within the district in which he was originally rejected. The presenting officer stated that the Council was working hard to implement a Bucks data base system which would contain the names of any such members of the trade who had been refused a licence or had a licence revoked.

Following careful consideration the proposed amendments to the policy were agreed as attached at Appendix A and that a 12 week consultation exercise with the relevant parties commence. Following this the policy would be resubmitted to Members for approval, taking account of comments received.

**RESOLVED:** That the proposed amendments to the Hackney Carriage and Private Hire Policy and Conditions be approved and a 12 week consultation exercise with relevant parties be undertaken.

### 14 ACTIONS TAKEN UNDER DELEGATED AUTHORITY

Actions taken under delegated authority were circulated at the meeting for information.

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Chairman

**The following officers were in attendance at the meeting:**

Kiran Khanna	- Principal Solicitor
Iram Malik	- Democratic Services Officer
Caroline Steven	- Licensing Team Leader
Alaka Thomlinson	- Solicitor