

LICENSING AND SAFETY COMMITTEE
31 JANUARY 2008
(7.30 - 9.40 pm)

Present: Councillors Brunel-Walker (Chairman), Mrs Ryder (Vice-Chairman), Beadsley, Blatchford, Brossard, Burrows, Finch, Leake, Osborne, Thompson and Virgo.

Also Present: Steve Loudoun, Chief Officer: Environment & Public Protection
Priya Patel, Democratic Services Officer
Rob Sexton, Head of Trading Standards & Services
David Steeds, Head of Environmental Health & Safety

Apologies for absence were received from:
Councillors Baily and Kendall.

23. Declarations of Interest

There were no declarations of interest made at the meeting.

24. Minutes

RESOLVED that the minutes of the meeting of the Licensing and Safety Committee on 4 October 2007 be approved as a correct record and signed by the Chairman with the addition of Councillor Leake's apologies.

25. Health and Safety Law Enforcement Plan 2008-09

The Committee were presented with a report that provided Members with an opportunity to comment on the draft Health and Safety Law Enforcement Plan 2008-09 prior to the final version being circulated in April. The Head of Environmental Health and Safety reported that Members would receive a full plan of actions for this Plan next year.

He informed Members that the Health and Safety Law Enforcement Plan 2007-08 had not been met in full and the reasons for this were set out in paragraph 4.4 of the report. A number of staff shortages had been experienced in the year and agency staff had been employed, however the main statutory requirements had been met.

He informed the Committee that in terms of visits to premises, those that were in the highest risk categories would receive visits from officers, ensuring that the most effective use of resources was made. Lower risk premises tend to receive letters or mail shots unless something had changed to indicate the need for a visit..

Officers agreed to look into the work that had been carried out a few years ago by a Member level working group on preventing falls to see whether there was any learning or relevance to the Plan.

The Committee asked that format of the report be altered slightly to make the targets more identifiable in the final Plan.

It was **RESOLVED** that;

- i) the Committee noted the timescales for the production of the final Health and safety Law Enforcement Plan 2008-2008 and
- ii) provided their comments on the draft Enforcement Plan as detailed above.

26. **Outsourcing of Taxi Testing**

The Committee were presented with a report that asked them to note the progress made to outsource the testing of taxis and to agree the recommendation contained in the report.

The Head of Trading Standards and Services reported that six businesses had expressed interest in this work. Each business varied in size and quality of equipment. Two of the six businesses were able to test long wheeled based vehicles. All six premises had been visited and officers had monitored their work. The businesses that were to be offered the work would need to become a member of Trading Standards and deliver a particular quality of service as well as a standard of customer service, which would be monitored by officers. The basis of the arrangement is such that it can be changed at any time should the need arise.

It was noted that a pricing framework for taxi testing had not been stipulated, this would be left to market forces, but the new arrangements represent a saving in time and money to the trade.

It was **RESOLVED** that;

- i) the Committee noted the progress to outsource the testing of taxis and
- ii) delegated authority to the Chairman to agree with officers those sites that would be appointed to deliver testing on behalf of the Council.

27. **Hackney Carriage Tariff Charges**

The Committee were presented with a report that asked them to review Hackney Carriage tariff charges. The Head of Trading Standards and Services reported that the current tariff for Bracknell Forest came into effect in October 2006. The tariff was last reviewed in July 2007, when the Committee decided not to implement any changes.

Due to the recent sharp increases in the cost of fuel, it was believed that the tariff should be reconsidered to ensure there was an appropriate balance of the interests of the taxi trade and users of the service. Any proposed changes would have to be advertised for a period of fourteen days, and if any objections were made, these would have to be considered by the Committee at its next meeting on 17 April 2008.

In response to Members' queries, the Head of Trading Standards and Services stated that it was likely that neighbouring local authorities would more than likely also be reviewing their tariff charges as a result of the increased price of fuel.

It was **RESOLVED** that;

- i) as from Thursday 21 February 2008 a change to the tariff as follows: for each subsequent 250 yards – 20 pence, be advertised,
- ii) it be noted that if no objections are made, the new tariff would come into effect on Monday 10 March 2008; or

- iii) consideration be given to any objection received, at the Committee's meeting on 17 April, in which case the new tariff would come into effect on 21 April.

28. **Review of Fees and Charges 2008/2009**

The Committee were presented with a report that asked them to note the proposals and agree the fees for the year commencing 1 April 2008. Each service area was required to review the fees and charges it levied on behalf of the Council as part of the budget review process.

The Chief Officer: Environment & Public Protection, reported that proposed fees and charges were based on enforcement and a range of other costs, and were representative of what was spent on each service area. He confirmed that the proposed fees and charges if agreed by the Committee, could still be lower than neighbouring local authorities, accordingly he agreed to undertake a more detailed review in time to inform next years fees.

The Chairman thanked the Head of Trading Standards and Services on behalf of the Committee for all the work he had done on this and stated that he looked forward to seeing the results of the review.

It was **RESOLVED** that;

- i) Except for the operator and vehicle license fees, the Committee recommends to the Executive that the new fees and charges detailed in Appendix A of the report be implemented from 1 April 2008,
- ii) the proposed charges in operator and vehicle license fees be:
 - a) advertised,
 - b) if no objections are received, that they be implemented from 1 April 2008 or,
 - c) if objections are received, they be reported to the Chair and Vice-Chair of the Committee who shall be delegated authority by the Committee to consider the objections and determine the fees.

29. **Guidance Notes and Conditions for Hackney Carriage and Private Hire Owners, Operators and Drivers**

The Committee were presented with a report that asked them to consider and approve the Guidance Notes, parts of which were also conditions attached to licenses.

The Committee asked that the following comments be forwarded to the Licensing Team Leader on the proposed changes to the Guidance Notes:

- i) Page 9, Section 13. Vehicle Inspection: The first paragraph was unclear where it referred to vehicles that undertake less than 8,000 miles per year and were involved in home/school transport. The Committee asked that officers clarify the inspection regime for vehicles that cover less than 8,000 miles and are involved in home/school transport.
- ii) Pages 61 & 65, refer to alcohol consumption whilst driving, officers to ascertain whether drugs should also be added to these references. The Committee noted that drugs offences covered a wide area and asked officers to ensure that they were appropriately covered in the Guidance Notes, including driving whilst under the influence of drugs.

- iii) Page 72, the Committee agreed that a 'failure to display badge' should carry a points value of 5. In addition, the Committee agreed that the use of mobile phones should be added to the table of contraventions and given a points value of 5. The Committee asked that officers ensure that this contravention was carefully drafted as taxi drivers could use their taxi hands-free radios without contravening Licensing legislation.

The Chairman thanked officers on behalf of the Committee for the hard work that had gone into preparing the report before them. The Chairman also asked that thanks be passed on to the Licensing Team Leader.

It was **RESOLVED** that the Committee;

- i) noted the changes made to the Guidance Notes,
- ii) provided comments on the proposed changes as detailed above and asked that the Licensing Team Leader implement the changes detailed in their comments above.
- iii) Agreed to provide any further comments to the Licensing Team Leader by 8 February 2008 and
- iv) Agreed that the Guidance Notes be issued following consultation with and agreement of the Chair of the Licensing and Safety Committee.

30. **Licensing Act 2003 - Minor Variations**

The Committee were presented with a report that asked them to note the Government's proposal to amend the Licensing Act 2003 to introduce a simplified process for minor variations. In addition the Department of Culture, Media and Sport (DCMS) had issued a consultation document and was seeking views from licensing authorities on the proposal.

It was **RESOLVED** that the Committee;

- i) noted the proposal to amend the Licensing Act 2003 to introduce a simplified process for minor variations, and
- ii) approved a response to the DCMS consultation to support the option proposed in 1.2(a) of the report.

31. **Special Treatment Registrations**

The Committee were presented with a report that asked them to approve the competency guidelines for special treatment registrations attached as Annex B of the report.

Members queried how regularly updated training was required under 'electrolysis' on page 98. Members also noted inconsistent wording of 'should not' and 'must not' on page 98. The Chief Officer: Environment & Public Protection suggested that in light of the comments that the report be withdrawn to allow the officers to look at the detail again so that the report can be brought back to the next meeting of the Committee.

It was **RESOLVED** that the item be withdrawn to allow the officers to undertake further work and that the matter come back to the next meeting of the Committee.

32. **Licensing Panel Hearings**

The Committee were presented with a report that asked them to agree the procedure for Licensing Panel Hearings as set out in paragraph 4.7 of the report.

It was noted that the proposed procedure was very tight in terms of timing and turnarounds, but it had proved to be achievable in a couple of examples in recent months. The aim of the procedure was to comply with legal requirements and to provide to members the option to dispense with a public hearing if they were satisfied that the suggested mediated conditions met the licensing objectives.

Members expressed concern that if one Member was unavailable, the procedure may break down and that perhaps a substitute Member should always be included in any correspondence. The Chairman agreed that this is a matter that should be kept under review.

It was **RESOLVED** that

- i) the procedure on Licensing Panel Hearings as set out in paragraph 4.7 of the report be agreed.

33. **Road Safety Act 2006**

The Committee were presented with an information report that informed them of the guidance that had been recently published by the Department for Transport in respect of the implementation of Section 53 of the Road Safety Act 2006.

Vehicles were previously exempt from the requirement to be licensed if they were only used for contracts lasting not less than seven days. This was known as “the contract exemption”. Neither the driver of the vehicle, the vehicle itself, nor the operator was required to be licensed.

Section 53 of the Act repealed this exemption from the requirement to be licensed, except in respect of vehicles used solely for weddings and funerals. This new provision came into force on 28 January 2008.

34. **Licensing Act 2003 - Statement of Licensing Policy**

The Committee were presented with an information item that advised the Committee on progress on the review and date of publication of the Borough’s Licensing Policy.

The Licensing Act 2003 requires that the Council review its Statement of Licensing Policy at least every three years. The Council’s existing policy was therefore required to be reviewed and published by 7 January 2008. If this process had not been completed, the Council would not have been able to carry out its functions in relation to applications made under the Act.

The Chief Officer: Environment & Public Protection, informed Members that he would circulate bound copies of the Licensing Policy to all Members.

CHAIRMAN